

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 February 2, 2010

11 3:45 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR NEIL D. BRESLIN, Acting President

19 ANGELO J. APONTE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BRESLIN: The  
3 Senate will please come to order.

4 I ask all to rise and repeat with  
5 me the Pledge of Allegiance.

6 (Whereupon, the assemblage recited  
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT BRESLIN: The  
9 invocation will be given by the Reverend Peter  
10 G. Young, of Mother Theresa Community in  
11 Albany, New York.

12 Father Young.

13 REVEREND YOUNG: Let us pray.

14 We're reminded in February of the  
15 cupid shooting arrows of love. May we be  
16 motivated to prioritize our love to one  
17 another and to all of our constituents on this  
18 Groundhog Day.

19 Doing the people's business with  
20 love is what God has commanded. The bill of  
21 God's love is on our calendar; now it is  
22 asking for your vote of approval. God is  
23 asking for your acceptance for the motion  
24 direct to the Third Reading Calendar for

1 immediate passage.

2 Amen.

3 (Laughter.)

4 ACTING PRESIDENT BRESLIN: Thank  
5 you, Father Young.

6 The reading of the Journal.

7 The Secretary will read.

8 THE SECRETARY: In Senate,  
9 Monday, February 1, the Senate met pursuant to  
10 adjournment. The Journal of Friday,  
11 January 29, was read and approved. On motion,  
12 Senate adjourned.

13 ACTING PRESIDENT BRESLIN:  
14 Without objection, the Journal stands approved  
15 as read.

16 Presentation of petitions.

17 Messages from the Assembly.

18 Messages from the Governor.

19 Reports of standing committees.

20 Senator Klein.

21 SENATOR KLEIN: Mr. President, I  
22 believe there's a report of the Finance  
23 Committee at the desk.

24 ACTING PRESIDENT BRESLIN: The

1 Secretary will read.

2 THE SECRETARY: Senator Kruger,  
3 from the Committee on Finance, reports the  
4 following nominations.

5 As a member of the Board of  
6 Trustees of the State University of New York,  
7 Eunice A. Lewin, of Buffalo.

8 ACTING PRESIDENT BRESLIN:  
9 Senator Kruger.

10 SENATOR CARL KRUGER: Please move  
11 the nomination.

12 ACTING PRESIDENT BRESLIN: Are  
13 there any Senators wishing to be heard on the  
14 nomination?

15 Senator Stachowski.

16 SENATOR STACHOWSKI: Yes,  
17 Mr. President, I stand to second the  
18 nomination of Eunice Lewin. I think she's  
19 going to be a great addition to the Board of  
20 Trustees of the State University.

21 She is very involved in our  
22 community. There's practically no charity  
23 event you can go to that she's not there.  
24 She's very, very committed to the University

1 of Buffalo. She also sees the value of having  
2 Buff State in the City of Buffalo.

3 So I think with her love of higher  
4 education, and particularly those institutions  
5 that are right near us, that will give her a  
6 great sense of purpose as being a new member  
7 of the SUNY Board of Trustees.

8 And I might add that while she was  
9 waiting, I kept telling her do we think they  
10 sent her nomination to the Orient and it  
11 finally got back here and that's why we're  
12 confirming her today.

13 So it's my pleasure to second her  
14 nomination.

15 ACTING PRESIDENT BRESLIN: Thank  
16 you, Senator Stachowski.

17 Senator Maziarz.

18 SENATOR MAZIARZ: I'll defer to  
19 Senator Volker, Mr. President.

20 ACTING PRESIDENT BRESLIN:  
21 Senator Maziarz will defer to Senator Volker.

22 SENATOR VOLKER: Mr. President, I  
23 just want to say that this nominee is a  
24 long-time friend of mine. Her family, they

1       are distinguished citizens of the community in  
2       the Buffalo area, fine contributors to the  
3       cultural well-being of our city and our  
4       county.

5               And there's no question in my mind  
6       that Eunice will become a wonderful addition  
7       to the SUNY Board of Trustees. And I  
8       certainly congratulate her.

9               ACTING PRESIDENT BRESLIN:       Thank  
10      you, Senator Volker.

11              Senator Maziarz.

12              SENATOR MAZIARZ:       Thank you very  
13      much, Mr. President.

14              I too rise with my colleagues from  
15      Western New York to second this excellent  
16      nomination by Governor Paterson. I said in  
17      the Higher Ed Committee that it's great to see  
18      somebody, somebody from Western New York get  
19      appointed to something.

20              And this is a great nomination. It  
21      will be a great appointment. Eunice has  
22      done -- as Senator Volker pointed out, and  
23      Senator Stachowski -- a great deal, has been  
24      very active in the community.

1 I've worked with Eunice as a member  
2 of the Niagara Frontier Transportation  
3 Authority. And even though she lives in  
4 Buffalo and in Erie County, when it came to  
5 Niagara County, she was always at the  
6 forefront of helping us in Niagara County  
7 establish a new transportation center for our  
8 buses. And our new airport in Niagara Falls I  
9 can say would not have happened without the  
10 help and support of Eunice Lewin on the  
11 Niagara Frontier Transportation Authority.

12 This is an excellent appointment by  
13 the Governor, and she's going to do a great  
14 job for the citizens of all of New York State.

15 ACTING PRESIDENT BRESLIN: Thank  
16 you, Senator Maziarz.

17 Senator Thompson.

18 SENATOR THOMPSON: Good  
19 afternoon. Mr. President, I want to just  
20 thank you for the opportunity to say a few  
21 brief remarks on behalf of this new appointee.

22 I am very humbled by the fact that  
23 the Governor has supported this candidacy, her  
24 candidacy. Ms. Lewin has given a lot in

1 public service and community service. I was  
2 proud to support, when asked, her candidacy to  
3 the Governor. And I know that she's going to  
4 do a great job for Western New York and all of  
5 New York State.

6 We wish you well, and let's make  
7 sure that we take care of all of SUNY,  
8 especially those in Western New York as well.  
9 Thank you. We wish you well. And I'm proud  
10 that she does live in my district, right by  
11 the park that I run in all the time. And  
12 hopefully I run enough that you'll see me out  
13 there running from some of those dogs in the  
14 park sometime.

15 Thank you. I wish you well. God  
16 bless you.

17 ACTING PRESIDENT BRESLIN: Thank  
18 you, Senator Thompson.

19 Are there any other Senators  
20 wishing to be heard?

21 The question is then on the  
22 nomination. All those in favor please signify  
23 by saying aye.

24 (Response of "Aye.")



1                   ACTING PRESIDENT BRESLIN:

2       Opposed, nay.

3                   (No response.)

4                   ACTING PRESIDENT BRESLIN:       The  
5       motion carries. The nomination is confirmed.

6                   Ms. Lewin, congratulations.

7                   (Applause.)

8                   ACTING PRESIDENT BRESLIN:       The  
9       Secretary will continue to read.

10                  THE SECRETARY:       As a member of  
11       the Board of Trustees of Cornell University,  
12       Sheryl WuDunn, of Scarsdale.

13                  ACTING PRESIDENT BRESLIN:  
14       Senator Kruger.

15                  SENATOR CARL KRUGER:       Please move  
16       the nomination.

17                  ACTING PRESIDENT BRESLIN:  
18       Senator Kruger moves the nomination.

19                  Are there any Senators wishing to  
20       be heard?

21                  The question is then on the  
22       nomination. All those in favor please signify  
23       by saying aye.

24                  (Response of "Aye.")

1                   ACTING PRESIDENT BRESLIN:

2       Opposed, nay.

3                   (No response.)

4                   ACTING PRESIDENT BRESLIN:       The  
5       motion carries. The nomination is confirmed.

6                   Congratulations.

7                   (Applause.)

8                   ACTING PRESIDENT BRESLIN:       The  
9       Secretary will continue to read.

10                  THE SECRETARY:       As a trustee of  
11       the State University Construction Fund, David  
12       E. Ourlicht, of New York City.

13                  ACTING PRESIDENT BRESLIN:  
14       Senator Kruger.

15                  SENATOR CARL KRUGER:       Please move  
16       that nomination as well.

17                  ACTING PRESIDENT BRESLIN:       Any  
18       other Senators wishing to be heard on the  
19       nomination?

20                  Senator Stavisky.

21                  SENATOR STAVISKY:       Yes. Thank  
22       you, Mr. President.

23                  We have three outstanding nominees  
24       before the Senate today, and each brings a

1 different dimension to service in the higher  
2 education system.

3 Eunice Lewin has been confirmed as  
4 a SUNY trustee. She has two master's degrees  
5 from SUNY Buffalo, and she has spent 30 years  
6 working for the Buffalo Board of Education.

7 Sheryl WuDunn brings a different  
8 perspective. She's a journalist, a foreign  
9 correspondent, the coauthor of three books,  
10 the most recent one, Half the Sky, which talks  
11 about women in developing nations. She is a  
12 former foreign correspondent for the New York  
13 Times, and in fact has won the Pulitzer Prize,  
14 the Polk, and the Overseas Press Club Awards.  
15 And she brings a background in business as  
16 well as reporting to Cornell's Board of  
17 Trustees.

18 And David Ourlicht, for the SUNY  
19 Construction Fund, is an investment banker.  
20 He's senior vice president of Amalgamated  
21 Bank. As I told him earlier, Amalgamated  
22 Bank, the labor bank, many people,  
23 particularly, in New York City used  
24 Amalgamated Bank to purchase their cars and

1       their homes. It's an outstanding institution.  
2       And I know that he will bring a financial  
3       background as well to the Construction Fund.

4               So I'm delighted with these  
5       nominations. I congratulate each individual.  
6       They all came before the Higher Education  
7       Committee this morning. And I think that  
8       their service is going to be an exciting  
9       experience not for them but for the people of  
10      our state.

11             Thank you, Mr. President.

12             ACTING PRESIDENT BRESLIN:     The  
13      question is on the nomination of David E.  
14      Ourlicht, of New York City, as trustee of the  
15      State University Construction Fund.

16             All those in favor please signify  
17      by saying aye.

18             (Response of "Aye.")

19             ACTING PRESIDENT BRESLIN:  
20      Opposed, nay.

21             (No response.)

22             ACTING PRESIDENT BRESLIN:     The  
23      motion carries. The nomination is confirmed.

24             And Mr. Ourlicht is joined today in

1 the chamber by his wife, Marybeth, and sons  
2 David and Bart.

3 Congratulations.

4 (Applause.)

5 ACTING PRESIDENT BRESLIN: The  
6 Secretary will read.

7 THE SECRETARY: As a member of  
8 the Board of Trustees of the State University  
9 of New York, Philip A. Berry, of New York  
10 City.

11 As a member of the Board of  
12 Trustees of the State University of New York  
13 College of Environmental Science and Forestry,  
14 Matthew J. Marko, of Syracuse.

15 As members of the Board of Visitors  
16 of the New York State Home for Veterans and  
17 Their Dependents at Montrose, Charlotte  
18 Craven, of Poughkeepsie; Daniel Griffin, of  
19 White Plains; and William T. Mahan, of  
20 New City.

21 As a member of the Board of  
22 Visitors of the New York State Home for  
23 Veterans and Their Dependents at Oxford, John  
24 DePersis, of Johnson City.

1                   And as a member of the Board of  
2                   Visitors of the New York State Home for  
3                   Veterans and Their Dependents at St. Albans,  
4                   Marjorie Smith, of South Ozone Park.

5                   ACTING PRESIDENT BRESLIN:  
6                   Senator Kruger.

7                   SENATOR CARL KRUGER:       Please move  
8                   those nominations.

9                   ACTING PRESIDENT BRESLIN:     Are  
10                  there any Senators wishing to be heard?  
11                  Senator Golden.

12                  SENATOR GOLDEN:       Thank you,  
13                  Mr. President.

14                  I rise for all of these trustees  
15                  that have been named today and all of the  
16                  members of the New York State Home for  
17                  Veterans and Their Dependents at Montrose,  
18                  those for the New York State Home for Veterans  
19                  and Their Dependents at Oxford, and of course  
20                  the New York State Home for Veterans and Their  
21                  Dependents at St. Albans.

22                  But most of all, for the trustees  
23                  here that have been named to our colleges --  
24                  Philip Berry for his reappointment and David

1 Ourlicht for his new appointment as a trustee  
2 to the State University Construction Fund.

3 In our audience today we have young  
4 men up here from Xaverian High School who will  
5 be graduating shortly and going on to many of  
6 these schools that we have mentioned here  
7 today. And it is our job to make sure that we  
8 trust and put good trustees into these schools  
9 so that these young men, these young leaders  
10 of the future, get the education that they so  
11 justly deserve.

12 So I commend all of our  
13 appointments today, those particularly to the  
14 City of New York and those from the University  
15 of Buffalo, Cornell University, and the State  
16 College of Environmental Science and Forestry.  
17 Congratulations to them, to their families.

18 And thank you, Xaverian, for being  
19 here and witnessing this good day.

20 Thank you.

21 ACTING PRESIDENT BRESLIN: The  
22 question is on the nominations. All those in  
23 favor please signify by saying aye.

24 (Response of "Aye.")

1                   ACTING PRESIDENT BRESLIN:

2           Opposed, nay.

3                   (No response.)

4                   ACTING PRESIDENT BRESLIN:       The  
5           motion carries. The nominations are  
6           confirmed.

7                   Congratulations.

8                   Senator Klein.

9                   SENATOR KLEIN:       Mr. President, at  
10          this time can we move to a reading of the  
11          calendar.

12                   ACTING PRESIDENT BRESLIN:       The  
13          Secretary will read.

14                   THE SECRETARY:       Calendar Number  
15          8, by Senator Morahan, Senate Print 5323A, an  
16          act to amend the Executive Law, in relation to  
17          the designation of a "Thurgood Marshall Day"  
18          as a day of commemoration.

19                   ACTING PRESIDENT BRESLIN:       Read  
20          the last section.

21                   THE SECRETARY:       Section 2. This  
22          act shall take effect immediately.

23                   ACTING PRESIDENT BRESLIN:       Call  
24          the roll.



1 (The Secretary called the roll.)

2 ACTING PRESIDENT BRESLIN:

3 Announce the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT BRESLIN: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 13, by Senator Schneiderman, Senate Print  
9 4667 --

10 SENATOR KLEIN: Lay the bill  
11 aside for the day.

12 ACTING PRESIDENT BRESLIN: The  
13 bill is laid aside for the day.

14 The Secretary will continue to  
15 read.

16 THE SECRETARY: Calendar Number  
17 23, by Senator Aubertine, Senate Print 5426,  
18 an act to amend the Highway Law, in relation  
19 to authorizing county highway superintendents.

20 ACTING PRESIDENT BRESLIN: Read  
21 the last section.

22 THE SECRETARY: Section 5. This  
23 act shall take effect immediately.

24 ACTING PRESIDENT BRESLIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BRESLIN:

4 Announce the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT BRESLIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 25, by Senator Aubertine, Senate Print --

10 SENATOR KLEIN: Laid the bill  
11 aside for the day.

12 ACTING PRESIDENT BRESLIN: The  
13 bill is laid aside for the day.

14 THE SECRETARY: Calendar Number  
15 26, by Senator Foley, Senate Print 6346, an  
16 act to amend the Executive Law, in relation to  
17 including.

18 ACTING PRESIDENT BRESLIN: Read  
19 the last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT BRESLIN: Call  
23 the roll.

24 (The Secretary called the roll.)

1                   ACTING PRESIDENT BRESLIN:

2           Senator Foley, to explain his vote.

3                   SENATOR FOLEY:       Thank you,  
4           Mr. President.

5                   This particular initiative will  
6           enable Lake Ronkonkoma, which is the largest  
7           freshwater lake on Long Island, to be part of  
8           the inland waterways, which will enable that  
9           particular area to access crucial dollars in  
10          order to revitalize that particular lakefront.

11                  There's a great and long history to  
12          this particular lake. It dates back,  
13          obviously, to precolonial days and has been  
14          one of the major geographic points on Long  
15          Island, dating back to the time when three  
16          different Indian tribes took claim to  
17          different portions of the shoreline.

18                  In recent years this area has been  
19          somewhat in need of revitalization, and by  
20          this designation it will make this particular  
21          waterway eligible for crucial funds that will  
22          enable this lake to return to its former  
23          grandeur.

24                  So this is very important. It has

1 received bipartisan support from the county  
2 legislature, and I would hope that we do the  
3 same here in the State Legislature.

4 Thank you.

5 ACTING PRESIDENT BRESLIN: Thank  
6 you, Senator Foley.

7 Announce the results.

8 THE SECRETARY: Ayes, 61. Nays,  
9 0.

10 ACTING PRESIDENT BRESLIN: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 27, by Senator Thompson, Senate Print 4917, an  
14 act to amend the Public Authorities Law, in  
15 relation to creating.

16 ACTING PRESIDENT BRESLIN: Read  
17 the last section.

18 THE SECRETARY: Section 3. This  
19 act shall take effect immediately.

20 ACTING PRESIDENT BRESLIN: Call  
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BRESLIN:  
24 Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT BRESLIN: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 35, by Senator DeFrancisco, Senate Print 764,  
6 an act to amend the Insurance Law, in relation  
7 to authorizing.

8 ACTING PRESIDENT BRESLIN: Read  
9 the last section.

10 THE SECRETARY: Section 2. This  
11 act shall take effect on the first of January.

12 ACTING PRESIDENT BRESLIN: Call  
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BRESLIN:  
16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT BRESLIN: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 37, by Senator Breslin, Senate Print 4767A, an  
22 act to amend the Insurance Law, in relation to  
23 approval.

24 ACTING PRESIDENT BRESLIN: Read

1 the last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the 60th day.

4 ACTING PRESIDENT BRESLIN: Call  
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BRESLIN:  
8 Announce the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT BRESLIN: The  
11 bill is passed.

12 Senator Klein.

13 SENATOR KLEIN: Mr. President, I  
14 want to announce that there's going to be a  
15 meeting of the Commerce, Economic Development  
16 and Small Business Committee in Room 123  
17 immediately following session.

18 ACTING PRESIDENT BRESLIN: There  
19 will be an immediate meeting after session of  
20 the Commerce, Economic Development and Small  
21 Business Committee in Room 123 of the Capitol.

22 Senator Klein.

23 SENATOR KLEIN: Mr. President, is  
24 there any further business at the desk?

1                   ACTING PRESIDENT BRESLIN:     There  
2                   is no further business at the desk.

3                   SENATOR KLEIN:        There being none,  
4                   Mr. President, I move that we adjourn until  
5                   Monday, February 8th, at 3:00 p.m.,  
6                   intervening days to be legislative days.

7                   ACTING PRESIDENT BRESLIN:     There  
8                   being no further business to come before the  
9                   Senate, on motion, the Senate stands adjourned  
10                  until Monday, February 8th, at 3:00 p.m.,  
11                  intervening days being legislative days.

12                  (Whereupon, at 4:02 p.m., the  
13                  Senate adjourned.)

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