

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 March 3, 2010

11 11:47 a.m.

12
13
14 REGULAR SESSION

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16
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18 SENATOR DAVID J. VALESKY, Acting President

19 ANGELO J. APONTE, Secretary

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

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

4 I ask everyone present to please
5 rise and recite with me the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT VALESKY: In the
10 absence of clergy, may we bow our heads in a
11 moment of silence.

12 (Whereupon, the assemblage
13 respected a moment of silence.)

14 ACTING PRESIDENT VALESKY: The
15 reading of the Journal.

16 The Secretary will read.

17 THE SECRETARY: In Senate,
18 Tuesday, March 2, the Senate met pursuant to
19 adjournment. The Journal of Monday, March 1,
20 was read and approved. On motion, Senate
21 adjourned.

22 ACTING PRESIDENT VALESKY:
23 Without objection, the Journal stands approved
24 as read.

25 Presentation of petitions.

1 Messages from the Assembly.
2 Messages from the Governor.
3 Reports of standing committees.
4 Reports of select committees.
5 Communications and reports from
6 state officers.

7 Motions and resolutions.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President, on
10 behalf of Senator Adams, I wish to call up
11 Senate Bill 6352A, recalled from the Assembly,
12 which is now at the desk.

13 ACTING PRESIDENT VALESKY: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 80, by Senator Adams, Senate Print 6352A, an
17 act to amend the Racing, Pari-Mutuel Wagering
18 and Breeding Law.

19 ACTING PRESIDENT VALESKY:
20 Senator Klein.

21 SENATOR KLEIN: Mr. President, I
22 now move to reconsider the vote by which the
23 bill was passed and ask that the bill be
24 restored to the order of third reading.

25 ACTING PRESIDENT VALESKY: The

1 Secretary will call the roll on
2 reconsideration.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 56.

5 ACTING PRESIDENT VALESKY:

6 Senator Klein.

7 SENATOR KLEIN: Mr. President, I
8 now move to discharge, from the Committee on
9 Finance, Assembly Print Number 9954 and
10 substitute it for the identical bill.

11 The Senate bill on first passage
12 was voted unanimously. I now move that the
13 substituted Assembly bill have its third
14 reading at this time.

15 ACTING PRESIDENT VALESKY: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 80, substituted earlier by Member of the
19 Assembly Pretlow, Assembly Print Number 9954,
20 an act to amend the Racing, Pari-Mutuel
21 Wagering and Breeding Law, in relation to
22 equine drug testing.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 56.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 Senator Klein.

9 SENATOR KLEIN: Mr. President,
10 are there any substitutions at the desk?

11 ACTING PRESIDENT VALESKY: Yes,
12 Senator, there are substitutions.

13 The Secretary will read.

14 THE SECRETARY: On page 11,
15 Senator Volker moves to discharge, from the
16 Committee on Civil Service and Pensions,
17 Assembly Bill Number 9925 and substitute it
18 for the identical Senate Bill Number 3038A,
19 Third Reading Calendar 61.

20 On page 12, Senator Thompson moves
21 to discharge, from the committee on
22 Environmental Conservation, Assembly Bill
23 Number 5765 and substitute it for the
24 identical Senate Bill Number 3777, Third
25 Reading Calendar 82.

1 On page 13, Senator Foley moves to
2 discharge, from the Committee on Banks,
3 Assembly Bill Number 9872 and substitute it
4 for the identical Senate Bill Number 6698,
5 Third Reading Calendar 110.

6 On page 17, Senator Addabbo moves
7 to discharge, from the Committee on Codes,
8 Assembly Bill Number 602 and substitute it for
9 the identical Senate Bill Number 6724, Third
10 Reading Calendar 156.

11 And on page 17, Senator Fuschillo
12 moves to discharge, from the Committee on
13 Health, Assembly Bill Number 5320A and
14 substitute it for the identical Senate Bill
15 Number 629A, Third Reading Calendar 164.

16 ACTING PRESIDENT VALESKY:
17 Substitutions ordered.

18 Senator Klein.

19 SENATOR KLEIN: Mr. President, at
20 this time I would like to recall Senate
21 Resolution Number 3331, which was previously
22 adopted on January 12th.

23 I ask that the resolution be read
24 in its entirety and give Senator Andrea
25 Stewart-Cousins the opportunity to speak on

1 her resolution.

2 ACTING PRESIDENT VALESKY: The
3 Secretary will read.

4 THE SECRETARY: By Senator
5 Stewart-Cousins, Legislative Resolution
6 Number 3331, mourning the death of Yonkers
7 Fire Department Firefighter Patrick Joyce, Jr.

8 "WHEREAS, A great state is only as
9 great as those individuals and their
10 organizations who perform exemplary service on
11 behalf of their community, and it is the
12 custom of this Legislative Body to pay tribute
13 to that outstanding service; and

14 "WHEREAS, Patrick Joyce, Jr., was
15 born in the Riverdale neighborhood of the
16 Bronx, New York, to a family that loved him
17 dearly, and in that tradition he built a life
18 and family in Eastchester, New York, with his
19 loving wife, Tara, and their daughters,
20 Isabella and Charlotte; and

21 "WHEREAS, A veteran firefighter of
22 16 years, Patrick Joyce, Jr., exhibited a
23 tremendous passion for his work and a love for
24 the community he served. He is remembered by
25 all for his kindness, professionalism, and

1 humor. And in addition to his duties as a
2 Yonkers firefighter, assigned to Rescue 1, he
3 was also an entrepreneur, the proprietor of
4 the Dunwoody Golf Course, and a visionary who
5 believed in a promising future for the City of
6 Yonkers and its waterfront; and

7 "WHEREAS, City of Yonkers
8 firefighter Patrick Joyce, Jr., heroically
9 gave his life in the line of duty while
10 fighting a fire on October 2, 2009; and

11 "WHEREAS, A loving and devoted
12 husband, father, son, brother, friend and
13 fellow firefighter, Patrick Joyce, Jr., is
14 survived by his parents, Patrick and Kathleen;
15 his wife, Tara; his daughters, Isabella and
16 Charlotte; his brother Martin and twin brother
17 Peter, sisters Deborah, Julianne, and Katie,
18 and many loving family members and dear
19 friends; and

20 "WHEREAS, Throughout his life,
21 Firefighter Patrick Joyce, Jr., touched so
22 many through his kindness and commitment to
23 public service. And in this time of such
24 loss, the entire community joins together to
25 memorialize his remarkable life and the

1 immense impact he had on everyone with whom he
2 came in contact; and

3 "WHEREAS, This Legislative Body
4 pauses to pay tribute to the immense sacrifice
5 that City of Yonkers Firefighter Patrick
6 Joyce, Jr., has made, and to honor this
7 sacrifice and offer comfort and prayers to his
8 family and many friends; and

9 "WHEREAS, The countless lives that
10 have been influenced by this remarkable man
11 will ensure his lasting legacy, and his
12 sacrifice will not be forgotten. Firefighter
13 Patrick Joyce, Jr., will prefer be honored and
14 his memory will always be cherished; now,
15 therefore, be it

16 "RESOLVED, That this Legislative
17 Body pause in its deliberations to mourn the
18 death of Yonkers Fire Department Firefighter
19 Patrick Joyce, Jr., whose memory will remain
20 in the hearts of all those who had the honor
21 of serving with him; and be it further

22 "RESOLVED, That copies of this
23 resolution, suitably engrossed, be transmitted
24 to the family of Firefighter Patrick Joyce,
25 Jr., and the Yonkers Fire Department."

1 ACTING PRESIDENT VALESKY:

2 Senator Stewart-Cousins, on the resolution.

3 SENATOR STEWART-COUSINS: Thank
4 you, Mr. President.

5 I look up and look at the family,
6 and we heard the very, very tragic story of
7 how Patrick Joyce, in the line of duty,
8 sacrificed his life for others.

9 And the resolution makes us all
10 very, very sad because we understand what a
11 tremendous loss such as this one means -- not
12 only to the family, but to the entire
13 community. We know that when we send people
14 out to protect us, there's always that
15 possibility that they may not return. But
16 most of us never really think of it until a
17 day like this, like the one we experienced on
18 October 2, 2009.

19 When this 39-year-old firefighter
20 plunged to his death when he tried to rescue
21 people he thought were in a house, the whole
22 community stopped and the whole community
23 embraced the family that you see up above us.

24 And while we mourned, the only
25 thing we heard were the stories of "the Irish

1 Prince," Patrick Joyce. And as much as we
2 were sorrowful when we heard how every moment
3 of his life -- not only on the job, but every
4 moment of his life -- was dedicated to the
5 support of his beautiful wife, Tara, and the
6 children, Isabella and Charlotte, and his mom
7 and dad, who are with us, Patrick and
8 Kathleen, and all of his brothers and sisters,
9 sister-in-laws, nieces, everyone.

10 And then it extended even beyond
11 that. He was an entrepreneur. He was a man
12 who was making lives better on every level.
13 And any time anybody needed something fixed in
14 the family, it was Patrick who would come to
15 do that. There was never a moment that he
16 wasn't giving.

17 And when that fateful day happened,
18 there was no end to what the outpouring of an
19 entire community gave back to that family.
20 And so from Riverdale, where he was born, all
21 the way through Westchester County, thousands
22 of people came to embrace the Joyces because
23 of the legacy of Patrick.

24 And although we were not in session
25 during that tragic period, in January this

1 body passed a resolution. But we didn't want
2 to pass it without inviting you to be part of
3 it -- and in a time where, yes, we can
4 celebrate his life and give respect to the
5 fact that there was a loss, but also let you
6 know that the family extends far beyond the
7 boundaries you could ever imagine. That the
8 family is a New York State family, and that
9 his legacy, represented by you, is something
10 that we all cherish. And that what he did is
11 representative of so many who every day go out
12 and we all hope return safely but know they're
13 there to do a job for us.

14 So as we give you this tribute and
15 this resolution, it is also not just a
16 mourning but a celebration of his life, and
17 gratitude for all that you've given to us in
18 your strength, your dignity, in your joy in
19 spite of it all, and your willingness to be
20 here to show us that we do go on, we do move
21 on, and we celebrate even new life in the
22 person of Leila, who's there with us who's
23 only one week old.

24 Thank you so much. God bless you.
25 Thank you.

1 ACTING PRESIDENT VALESKY: Thank
2 you, Senator Stewart-Cousins.

3 SENATOR STEWART-COUSINS: And of
4 course I would open the resolution to the
5 entire body.

6 ACTING PRESIDENT VALESKY: Thank
7 you, Senator Stewart-Cousins.

8 Senator Klein, on the resolution.

9 SENATOR KLEIN: Thank you,
10 Mr. President.

11 I want to thank my colleague
12 Senator Andrea Stewart-Cousins for bringing
13 this resolution before us today.

14 It's unfortunate that the only
15 time, in many cases, we celebrate the life of
16 a brave firefighter like Patrick Joyce is upon
17 his death. And I know this is a man who
18 dedicated his life to the Yonkers Fire
19 Department for 16 years, dedicated his life to
20 his family and his community. And it's
21 unfortunate that we're only talking about it
22 now.

23 But at the same time, I think it is
24 worth mentioning that he's someone who touched
25 many, many lives, not only his job in the

1 Yonkers Fire Department, but his family and
2 friends.

3 He grew up in the Riverdale section
4 of the Bronx, he lived his life with his
5 wonderful family in the Town of Eastchester,
6 in Westchester County, which I represent.

7 And I wish there was something more
8 that we can do in this legislative session. I
9 wish there was a way we can do more for his
10 family, his lovely wife, his mother and
11 father, his children. But unfortunately, we
12 can't. But what we can do is recognize his
13 memory, recognize all he did for his community
14 and his country.

15 And I know he's looking down at us
16 today with a smile, not only because he's
17 being recognized -- which I don't think he
18 would care about that, because he got up every
19 day and he did a job because he had to do that
20 job -- but I think he would smile because his
21 family is all here today. And I know it's a
22 family he loved very, very much.

23 So thank you, Andrea
24 Stewart-Cousins, for recognizing a very brave
25 firefighter, Patrick Joyce.

1 ACTING PRESIDENT VALESKY: Thank
2 you, Senator Klein.

3 Are there any other Senators who
4 wish to be heard on the resolution?

5 At this time I would ask all
6 Senators in the chamber and guests, staff and
7 guests, to please rise and offer a moment of
8 silence to honor the memory of Yonkers
9 Firefighter Patrick Joyce, Jr.

10 (Whereupon, the assemblage
11 respected a moment of silence.)

12 ACTING PRESIDENT VALESKY: As
13 Senator Stewart-Cousins has indicated, the
14 resolution is open for cosponsorship. Anyone
15 wishing not to be a sponsor of the resolution
16 should notify the desk.

17 And the resolution was unanimously
18 adopted on January 12th.

19 Senator Klein.

20 SENATOR KLEIN: Mr. President, at
21 this time can we please move to a reading of
22 the calendar.

23 ACTING PRESIDENT VALESKY: The
24 Secretary will proceed with a reading of the
25 active-list bills on Senate Calendar Number

1 15.

2 THE SECRETARY: Calendar Number
3 28, by Senator Perkins, Senate Print 1145C, an
4 act to amend the Environmental Conservation
5 Law, in relation to --

6 SENATOR KLEIN: Lay the bill
7 aside for the day.

8 ACTING PRESIDENT VALESKY: The
9 bill is laid aside for the day.

10 THE SECRETARY: Calendar Number
11 83, by Senator Thompson, Senate Print --

12 SENATOR KLEIN: Lay the bill
13 aside for the day.

14 ACTING PRESIDENT VALESKY: The
15 bill is laid aside for the day.

16 THE SECRETARY: Calendar Number
17 100, by Senator Breslin, Senate Print 4116, an
18 act to amend the Insurance Law, in relation to
19 investments.

20 ACTING PRESIDENT VALESKY: Read
21 the last section.

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

24 ACTING PRESIDENT VALESKY: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 105, by Senator Aubertine, Senate Print 6318,
7 an act requiring the State Fire Prevention and
8 Building Code Council to implement.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect immediately.

13 ACTING PRESIDENT VALESKY: Call
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 114, by Senator Adams, Senate Print 3815, an
21 act to amend the Military Law, in relation to
22 authorizing additional paid leave.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT VALESKY: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 126, by Senator Sampson, Senate Print 3528A,
10 an act to amend the Estates, Powers and Trusts
11 Law, the General Obligations Law, and the
12 Mental Hygiene Law.

13 ACTING PRESIDENT VALESKY: Read
14 the last section.

15 THE SECRETARY: Section 4. This
16 act shall take effect on the first of January
17 next succeeding.

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 136, by Senator Dilan, Senate Print 3625, an

1 act to amend the Vehicle and Traffic Law, in
2 relation to retention.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect on the 90th day.

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT VALESKY: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 138, by Senator Foley, Senate Print 6459, an
15 act to amend the Highway Law, in relation to
16 designating.

17 ACTING PRESIDENT VALESKY: Read
18 the last section.

19 THE SECRETARY: Section 4. This
20 act shall take effect on the 30th day.

21 ACTING PRESIDENT VALESKY: Call
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 58.

25 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 142, by Senator --

4 SENATOR KLEIN: Lay the bill
5 aside for the day, please.

6 ACTING PRESIDENT VALESKY: The
7 bill is laid aside for the day.

8 THE SECRETARY: Calendar Number
9 143, by Senator Stavisky, Senate Print 5857,
10 an act to amend the Workers' Compensation Law,
11 in relation to rule-making.

12 ACTING PRESIDENT VALESKY: Read
13 the last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect immediately.

16 ACTING PRESIDENT VALESKY: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT VALESKY: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 145, by Senator Valesky, Senate Print 6268, an
24 act to repeal the closing paragraph of
25 Section 173 of the Agriculture and Markets

1 Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect immediately.

6 ACTING PRESIDENT VALESKY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 58.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 155, by Senator Duane --

14 SENATOR KLEIN: Lay the bill
15 aside for the day, please.

16 ACTING PRESIDENT VALESKY: The
17 bill is laid aside for the day.

18 THE SECRETARY: Calendar Number
19 159, by Senator Aubertine, Senate Print 4844,
20 an act to amend the State Finance Law, in
21 relation to reducing.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

24 THE SECRETARY: Section 5. This
25 act shall take effect on the 30th day.

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 162, by Senator Klein, Senate Print 5841A, an
9 act authorizing the Commissioner of General
10 Services to sell certain land.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

13 THE SECRETARY: Section 5. This
14 act shall take effect immediately.

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 169, by Senator Valesky, Senate Print 5722, an
23 act to amend the Vehicle and Traffic Law, in
24 relation to excluding.

25 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 172, by Senator --

12 SENATOR KLEIN: Lay the bill
13 aside for the day.

14 ACTING PRESIDENT VALESKY: The
15 bill is laid aside for the day.

16 THE SECRETARY: Calendar Number
17 174, by Senator Squadron, Senate Print 5577 --

18 SENATOR KLEIN: Lay the bill
19 aside for the day, please.

20 ACTING PRESIDENT VALESKY: The
21 bill is laid aside for the day.

22 Senator Klein, that completes the
23 noncontroversial reading of the bills on
24 today's active list.

25 SENATOR KLEIN: Mr. President,

1 can you please recognize Senator Foley
2 regarding a previously passed bill, Senate
3 Bill Number 6459.

4 ACTING PRESIDENT VALESKY:
5 Senator Foley, to explain his vote.

6 SENATOR FOLEY: Thank you,
7 Mr. President.

8 It's indeed an honor today to
9 sponsor this legislation that renames a
10 portion of the state highway system as
11 "Corporal Paulo Marko Pacificador Memorial
12 Bridge."

13 Corporal Pacificador Memorial
14 Bridge is located on the William Floyd Parkway
15 passing over Route 127 in Shirley. It will be
16 an homage to Corporal Pacificador, who served
17 our country with great courage and bravery.

18 On August 13, 2007, Corporal
19 Pacificador was killed in hostilities in Iraq.
20 He was just 24 years of age. Posthumously, he
21 was awarded the Bronze Star and the Purple
22 Heart for his valor and sacrifice to our
23 country.

24 He is survived by his fine parents
25 Mr. and Mrs. Jose Pacificador, of Shirley.

1 While I was supervisor, I had the distinct
2 honor to visit their home to speak with them
3 about their loss.

4 Nothing, obviously, that we do
5 today will bring Corporal Pacificador back in
6 our lives, and no tribute will ever come close
7 to repaying the great debt that our nation
8 owes to Corporal Pacificador and all those who
9 have paid the ultimate sacrifice to protect
10 the United States. However, memorializing
11 this bridge is one way that we can express our
12 appreciation for his service and a promise
13 that we'll never, never forget that the
14 service of Corporal Pacificador will always be
15 remembered by all of our constituents and
16 residents of New York State.

17 We're grateful for his service. We
18 thank him for his years of service to our
19 country and to his family. And again, this
20 memorial bridge is one way that we can say
21 thank you to his family. And they'll have a
22 small token of relief in the fact that we in
23 New York State are highlighting his great
24 sacrifice and that every time we cross that
25 very busy bridge, it's to remember a very fine

1 citizen and son of our state.

2 Thank you, Mr. President.

3 ACTING PRESIDENT VALESKY:

4 Senator Foley to be recorded in the
5 affirmative.

6 Senator Klein.

7 SENATOR KLEIN: Mr. President,
8 can we return to order of motions and
9 resolutions.

10 I believe Senator Sampson has a
11 resolution at the desk. I ask that the title
12 of the resolution be read and move for its
13 immediate adoption.

14 ACTING PRESIDENT VALESKY:
15 Senator Klein.

16 SENATOR KLEIN: Mr. President,
17 can we please stand at ease.

18 ACTING PRESIDENT VALESKY: The
19 Senate will stand at ease.

20 (Whereupon, the Senate stood at
21 ease at 12:10 p.m.)

22 (Whereupon, the Senate reconvened
23 at 12:12 p.m.)

24 ACTING PRESIDENT VALESKY:
25 Senator Klein.

1 SENATOR KLEIN: Mr. President,
2 can we return to the order of motions and
3 resolutions. I believe Senator Sampson has a
4 resolution at the desk. I ask that the title
5 of the resolution be read and move for its
6 immediate adoption.

7 ACTING PRESIDENT VALESKY:
8 Senator Klein, has this resolution been deemed
9 privileged and submitted by the office of the
10 Temporary President?

11 SENATOR KLEIN: Yes, it has,
12 Mr. President.

13 ACTING PRESIDENT VALESKY: The
14 Secretary will read.

15 THE SECRETARY: By Senator
16 Sampson, concurrent resolution establishing a
17 plan setting forth an itemized list of
18 grantees for a certain appropriation for the
19 2009-2010 state fiscal year for grants that
20 are incurred by local government agencies
21 and/or not-for-profit providers or their
22 employees providing civil or criminal legal
23 services; for grants in aid for drug, violence
24 and crime control and prevention programs; and
25 for grants that prevent domestic violence or

1 aid victims of domestic violence, as required
2 by subdivision 5 of Section 24 of the State
3 Finance Law.

4 ACTING PRESIDENT VALESKY:
5 Senator Bonacic, on the resolution.

6 SENATOR BONACIC: Thank you,
7 Mr. President.

8 I'm going to stand in opposition to
9 this resolution for two reasons.

10 I believe in the fall of last year
11 this resolution was addressed, and a majority
12 of the members here supported the resolution,
13 including myself. But things have changed
14 from the fall of last year to now, in terms of
15 our fiscal crisis, in terms of how we've got
16 to prioritize state spending. And I do
17 believe that there are more important things
18 that we can spend this money on than those
19 itemized in this resolution.

20 The second reason I stand and
21 oppose this resolution is because, according
22 to our new rules, which we adopted in January,
23 we said that state resources were going to be
24 distributed more fairly and equally to all of
25 the members throughout the State of New York.

1 And I think when you look at this resolution,
2 if we're going to spend the money, it's keyed
3 only to a handful. And that is contrary to
4 the spirit of the new rules that we adopted in
5 January of 2010.

6 For those two reasons, I'm going to
7 vote no. Thank you, Mr. President. And not
8 only on this bill -- this is the Byrne money,
9 and I understand the second resolution is on
10 bullet aid. And for the same reasons, I'm
11 going to vote no.

12 Thank you.

13 ACTING PRESIDENT VALESKY: Thank
14 you, Senator Bonacic.

15 Senator DeFrancisco, on the
16 resolution.

17 SENATOR DeFRANCISCO: Yes. It's
18 now March 3rd; it's been almost a month since
19 the Governor has presented us with his budget.
20 And to today there's been absolutely no
21 activity towards trying to resolve that budget
22 situation.

23 Even more concerning to me is that
24 there is a legislative law that says 10 days
25 after the budget is presented to us, there has

1 to be a determination, an announcement of
2 conference committees to openly discuss the
3 budget between the Assembly and the Senate and
4 also the composition of those committees and a
5 schedule for that activity, the open
6 discussions of budget components by members,
7 rank-and-file members.

8 You know, last year that was
9 totally ignored. Despite the promise that we
10 were going to have a new and improved reform
11 system, it was ignored. A budget came out out
12 of a private meeting between the three leaders
13 from New York City, and we had a yea or nay
14 vote on it.

15 This year I want to make it very
16 clear that at least the people on this side of
17 the aisle aren't going to tolerate that. And
18 this is an opportunity to vote no on this
19 particular part of a spending plan when we
20 haven't even started the procedure for an
21 open, honest debate about the various
22 components of what the budget should be like.

23 So we're starting today -- and I'm
24 sure you're going to hear this again -- we
25 need the conference committee law abided by.

1 We're not looking for reform, we're not
2 looking for change. We're looking for abiding
3 by the law as it exists that many of us in
4 this house on both sides of the aisle -- I
5 think everybody on both sides of the aisle
6 that were there when it was passed -- voted
7 for.

8 So I'm going to vote no on this
9 because it's a spending plan that's a segment
10 of our spending. And we shouldn't be spending
11 anything until we start the conference
12 committee meetings and see where the money has
13 to be cut and where we can restore various
14 things depending upon the revenues that are
15 available.

16 So I'm going to vote no on this
17 resolution. Thank you.

18 ACTING PRESIDENT VALESKY: Thank
19 you, Senator DeFrancisco.

20 The question is on the concurrent
21 resolution. The Secretary will call the roll.

22 (The Secretary called the roll.)

23 SENATOR MARCELLINO:
24 Mr. President, to explain my vote.

25 ACTING PRESIDENT VALESKY:

1 Senator Marcellino, to explain his vote.

2 SENATOR MARCELLINO: Yes,
3 Mr. President, I will be supporting these
4 resolutions.

5 But I would also like to add my
6 voice to what Senator DeFrancisco said
7 relative to the process of the conferences.
8 Today is the 10th [sic]; by law, revenues
9 should have been established, we should have a
10 number to deal with so that we know what we're
11 talking about relative to the budget.
12 Conference committees should be set up. I'm
13 looking forward to them, willing to
14 participate. And I'm hoping that the process
15 will be different this year than it was last
16 year so that we can have a truly bipartisan
17 budget and one that we can all get behind and
18 vote for.

19 I don't see the process occurring.
20 I think it's a mistake if we go forward and do
21 the same mistake and make the same mistake we
22 made last year. This is a time we could do
23 something different. We should be focused on
24 this budget. We're not, apparently; other
25 things are getting in the way.

1 I urge that we get down to business
2 and the business of the people, and that is
3 doing a budget on time.

4 Thank you, Mr. President. Again,
5 aye on the resolution.

6 ACTING PRESIDENT VALESKY:
7 Senator Marcellino to be recorded in the
8 affirmative.

9 Senator Krueger, to explain her
10 vote.

11 SENATOR LIZ KRUEGER: Thank you.
12 I rise to support this bill.

13 I don't disagree with my colleagues
14 who are raising concerns about process and
15 budget. I have any number of recommendations
16 I'm hoping that this house will support for
17 change in the process of the budget.

18 But the fact is we have debt
19 obligations, that we need to make sure the
20 state is on time with completing its
21 obligations to make sure that government
22 continues, that we continue to show to the
23 state, to the voters, and to the people who we
24 have borrowed money from in the past that we
25 are fully capable, prepared, and on time in

1 completing our obligations.

2 So I recommend a yes vote by all.

3 Thank you.

4 ACTING PRESIDENT VALESKY:

5 Senator Krueger to be recorded in the
6 affirmative.

7 The Secretary will announce the
8 results.

9 THE SECRETARY: Those recorded in
10 the negative are Senators Bonacic,
11 DeFrancisco, Farley, O. Johnson, Lanza,
12 Ranzenhofer, Robach, Saland and Winner. Also
13 Senator Libous.

14 Ayes, 49. Nays, 10.

15 ACTING PRESIDENT VALESKY: The
16 resolution is adopted.

17 Senator Klein.

18 SENATOR KLEIN: Mr. President, I
19 believe Senator Smith has a resolution at the
20 desk. I ask that the title of the resolution
21 be read and move for its immediate adoption.

22 ACTING PRESIDENT VALESKY:

23 Senator Klein, has this resolution been deemed
24 privileged and submitted by the office of the
25 Temporary President?

1 SENATOR KLEIN: Yes, it has,
2 Mr. President.

3 ACTING PRESIDENT VALESKY: The
4 Secretary will read.

5 THE SECRETARY: By Senator Smith,
6 concurrent resolution establishing a plan
7 setting forth an itemized list of grantees for
8 certain appropriations for the 2009-2010 state
9 fiscal year, as required by subdivision 5 of
10 Section 24 of the State Finance Law.

11 ACTING PRESIDENT VALESKY:
12 Senator DeFrancisco, on the resolution.

13 SENATOR DeFRANCISCO: Yes, I'm
14 going to vote no for the same reasons that I
15 stated in the last resolution.

16 But there's one other thing I'd
17 like to add in response to what Senator
18 Krueger mentioned, that she has many, many
19 different ideas on how to reform the system.

20 You know, we've been using that
21 term "reform" so very loosely, and it's almost
22 a cure-all, the end-all and the cure-all for
23 everything. The fact of the matter is the
24 budget system process was reformed. A bill
25 was passed requiring open committees to be

1 announced and scheduled 10 days after the
2 Governor provided us his Executive Budget.

3 We haven't done that. And we can't
4 complain that it's the Governor fault because
5 he's got all kinds of trouble and we've been
6 distracted in some way. It's the
7 Legislature's responsibility to do this.

8 So we can ask for all the reform we
9 want, but we reformed the system, it wasn't
10 followed, the law was violated last year.
11 Before we spend any more money, we've got to
12 get the process going the way it should be
13 going so a budget can be done in an open and
14 fair manner.

15 I'm going to vote no on this.

16 ACTING PRESIDENT VALESKY: Thank
17 you, Senator DeFrancisco.

18 The question is on the concurrent
19 resolution. The Secretary will call the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT VALESKY:
22 Announce the results.

23 THE SECRETARY: Those recorded in
24 the negative are Senators Bonacic,
25 DeFrancisco, Farley, O. Johnson, Lanza,

1 Libous, Little, Ranzenhofer, Robach, Saland
2 and Winner.

3 Ayes, 48. Nays, 11.

4 ACTING PRESIDENT VALESKY: The
5 resolution is adopted.

6 Senator Klein.

7 SENATOR KLEIN: Mr. President, on
8 behalf of Senator Hassell-Thompson, there will
9 be an immediate conference of the Senate
10 Majority in the Majority Conference Room.

11 Would you please recognize Senator
12 Libous for his announcement.

13 ACTING PRESIDENT VALESKY:
14 Senator Libous.

15 SENATOR LIBOUS: Thank you,
16 Mr. President.

17 On behalf of Senator Skelos, we
18 hand up the following committee appointment to
19 be filed.

20 And there will be an immediate
21 Republican conference following session.

22 ACTING PRESIDENT VALESKY:
23 Immediate conferences of the Majority and the
24 Minority immediately following session.

25 Senator Klein.

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

3 ACTING PRESIDENT VALESKY: The
4 desk is clear.

5 SENATOR KLEIN: There being none,
6 Mr. President, I move that we adjourn until
7 Thursday, March 4th, at 11:00 a.m.

8 ACTING PRESIDENT VALESKY: On
9 motion, the Senate stands adjourned until
10 Thursday, March 4th, at 11:00 a.m.

11 (Whereupon, at 12:24 p.m., the
12 Senate adjourned.)

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