

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 4, 2010

11 11:23 a.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
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 Wednesday, March 3, the Senate met pursuant to  
19 adjournment. The Journal of Tuesday, March 2,  
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 Squadron, on page 16 I offer  
11 the following amendments to Calendar Number  
12 174, Senate Print Number 5577, and ask that  
13 said bill retain its place on Third Reading  
14 Calendar.

15 ACTING PRESIDENT VALESKY: So  
16 ordered.

17 Senator Klein.

18 SENATOR KLEIN: Mr. President,  
19 can you please recognize Senator Libous.

20 ACTING PRESIDENT VALESKY:  
21 Certainly.

22 Senator Libous.

23 SENATOR LIBOUS: Mr. President,  
24 do you recognize me?

25 ACTING PRESIDENT VALESKY: I

1           certainly do.

2                   SENATOR LIBOUS:       Thank you,  
3           Mr. President.

4                   On behalf of Senator Volker, I move  
5           that the following bill be discharged from its  
6           respective committee and be recommitted with  
7           instructions to strike the enacting clause.  
8           And that would be Senate Print 6142,  
9           Mr. President.

10                   ACTING PRESIDENT VALESKY:       So  
11           ordered.

12                   SENATOR LIBOUS:       Thank you.

13                   ACTING PRESIDENT VALESKY:  
14           Senator Klein.

15                   SENATOR KLEIN:       Mr. President, I  
16           believe there's some substitutions at the  
17           desk.

18                   ACTING PRESIDENT VALESKY:       There  
19           are.

20                   The Secretary will read.

21                   THE SECRETARY:       On page 13,  
22           Senator L. Krueger moves to discharge, from  
23           the Committee on Judiciary, Assembly Bill  
24           Number 5985A and substitute it for the  
25           identical Senate Bill Number 3070A, Third

1 Reading Calendar 124.

2 ACTING PRESIDENT VALESKY:

3 Substitution ordered.

4 Senator Klein.

5 SENATOR KLEIN: Mr. President, I  
6 believe Senator Smith has a resolution at the  
7 desk. I ask that the title of the resolution  
8 be read and move for its immediate adoption  
9 and allow Senator Smith to speak on his said  
10 resolution.

11 ACTING PRESIDENT VALESKY:

12 Senator Klein, has this resolution been deemed  
13 privileged and submitted by the office of the  
14 Temporary President?

15 SENATOR KLEIN: Yes,  
16 Mr. President.

17 ACTING PRESIDENT VALESKY: I  
18 assumed it was.

19 The Secretary will read.

20 THE SECRETARY: By Senator Smith,  
21 legislative resolution commemorating the 35th  
22 annual Queens County St. Patrick's Day Parade,  
23 to be held on Saturday, March 6, 2010.

24 ACTING PRESIDENT VALESKY:  
25 Senator Smith, on the resolution.

1                   SENATOR SMITH:     Thank you very  
2                   much, Mr. President.

3                   My colleagues, I rise today -- as  
4                   you know, in the last couple of weeks we've  
5                   been honoring different groups throughout our  
6                   state. We did the Dominican group, we've done  
7                   Koreans. And today, Mr. President, I rise to  
8                   talk about a proud group of immigrants that  
9                   have come to this country who have done this  
10                  country proud, and that is the Irish  
11                  community.

12                 They have crossed the shores with  
13                 hope, like so many other different ethnic  
14                 groups in our state. The Irish community,  
15                 Irish-Americans are one of the oldest,  
16                 accomplished groups in the State of New York.  
17                 And as many other people know, that they have  
18                 done tremendous to advance the cause of the  
19                 State of New York.

20                 On March 6th, this Saturday, there  
21                 will be the 35th anniversary of the Queens  
22                 St. Patrick's Day Parade. It kicks off the  
23                 Irish season in the State of New York. We'll  
24                 be honoring Patrick McGowan, who is the grand  
25                 marshal of the parade, along with Aine

1 Sheridan, another grand marshal.

2 And I'm also very proud that one of  
3 our esteemed colleagues is one of the grand  
4 marshals who will in be that parade, and I  
5 look forward to sharing time with him, and  
6 that is Senator Marty Golden. Senator Marty  
7 Golden will be a grand marshal in that parade,  
8 and I will make sure that he gets the  
9 hospitality that Queens is known for.

10 There are others who are honored:  
11 Deputy Grand Marshals Judge Ingram, Martin  
12 Dunne, William Glynn, Joe Lynch, Ed Valentine,  
13 Patrick Sullivan, Maureen O'Malley, and Kathy  
14 Clarke.

15 We know throughout our history that  
16 the Irish-Americans have done quite a bit in  
17 the arts and sciences, major roles in our  
18 police department as well as our fire  
19 department. We know that there have been  
20 difficult times faced by many. St. Patrick  
21 faced many of those tough challenges, as we do  
22 today, but because of his unrelenting faith  
23 and commitment he was able to achieve quite a  
24 bit.

25 Mr. President, I am proud today to

1 stand up here to honor the Irish-Americans of  
2 the State of New York, their contribution to  
3 the state, and again proud to be in the  
4 borough that will kick off the Irish-American  
5 community celebration of St. Patrick's Day on  
6 this Saturday in Queens County.

7 Thank you.

8 ACTING PRESIDENT VALESKY: Thank  
9 you, Senator Smith.

10 Are there any other Senators who  
11 wish to be heard?

12 Seeing none, the question is on the  
13 resolution. All in favor signify by saying  
14 aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT VALESKY:  
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT VALESKY: The  
20 resolution is adopted.

21 Senator Smith has asked that the  
22 resolution be open for cosponsorship. Any  
23 Senator wishing not to cosponsor the  
24 resolution please notify the desk.

25 Senator Klein.



1                   SENATOR KLEIN:     Mr. President, I  
2     believe Senator DeFrancisco has four  
3     resolutions at the desk. I ask that the  
4     titles of the resolutions be read and move for  
5     their immediate adoption.

6                   ACTING PRESIDENT VALESKY:  
7     Senator Klein, have these resolutions been  
8     deemed privileged and submitted by the office  
9     of the Temporary President?

10                  SENATOR KLEIN:     Yes, they have,  
11     Mr. President.

12                  ACTING PRESIDENT VALESKY:     The  
13     Secretary will read the titles of the four  
14     resolutions.

15                  THE SECRETARY:     By Senator  
16     DeFrancisco, legislative resolution  
17     congratulating the Baldwinsville Football Team  
18     and Coach Carl Sanfilippo upon the occasion of  
19     capturing the 2009 Section III Class AA  
20     Championship.

21                  By Senator DeFrancisco, legislative  
22     resolution congratulating the Baldwinsville  
23     Girls Volleyball Team and Coach Mary Jo Cerqua  
24     upon the occasion of capturing the 2009  
25     Section III Class AA Championship and the 2009

1 Class AA Regional Title.

2 By Senator DeFrancisco, legislative  
3 resolution congratulating the Baldwinsville  
4 Boys Volleyball Team and Coach Dan Hyland upon  
5 the occasion of capturing the 2009 Section III  
6 Class AA Title.

7 And by Senator DeFrancisco,  
8 legislative resolution congratulating the  
9 Baldwinsville Boys Soccer Team and Coach Tim  
10 Scheemaker upon the occasion of capturing the  
11 2009 Section III Class AA Championship.

12 ACTING PRESIDENT VALESKY:  
13 Senator DeFrancisco, on the resolutions.

14 SENATOR DeFRANCISCO: Thank you  
15 very much.

16 Before we came out on the floor  
17 today, I had a conversation with Senator  
18 Maziarz from Niagara Falls, who's to my  
19 immediate left, and I apologized to him  
20 because he has one championship team come  
21 every 15 years and we keep coming back from  
22 Central New York with championship teams after  
23 championship teams.

24 But this is a first, even for the  
25 great people and athletes of Central

1 New York -- namely, having four championship  
2 teams out of one school, out of one Senate  
3 district. And they're all here in the  
4 gallery.

5 And let me just start very briefly  
6 saying a few brief words on each one.

7 The football team had an 11 and 1  
8 record in their championship season as  
9 Section III champions, and an 11 and 1 record  
10 in an extremely competitive, the most  
11 competitive league of all leagues, the  
12 toughest league. And they did an incredible  
13 job, an 11 and 1 record.

14 Coach Carl Sanfilippo I know is  
15 quite a taskmaster. His reputation precedes  
16 him. But in order to follow the directions of  
17 a good coach, you need good solid kids, good  
18 people that know the importance of working  
19 together.

20 And working together is something  
21 that you will find will help you all during  
22 life. If we could only work together in this  
23 chamber as well as you work together on the  
24 football field, we'd have a much better  
25 legislative body.

1           That team also had seven All-League  
2       First Team players, which is truly, truly  
3       remarkable. And we congratulate you.

4           In addition to the football team,  
5       we have a resolution for the boys volleyball  
6       team -- a 19 and 1 record, five All-League  
7       First Team members, a team that obviously ran  
8       over its opposition to its title.

9           Same thing -- all of you, in each  
10      of the teams, so I don't repeat myself, I  
11      played baseball in high school -- oh, by the  
12      way, they beat my team, my CBA team, twice  
13      this year. Despite that, we're honoring them  
14      today.

15          But while I played baseball at CBA  
16      and then in college at Syracuse University,  
17      I'll tell you one thing. Look to your left  
18      and your right. You will be friends with  
19      these people your entire life. You'll think  
20      back about these championship days and how  
21      great it was to be part of what you've been a  
22      part of.

23          So you're extremely fortunate. Me,  
24      at my age, a very old age -- but still very  
25      much in shape --

1 (Laughter.)

2 SENATOR DeFRANCISCO: -- I still  
3 am best friends with every single person that  
4 we played ball with over the many years. And  
5 here this team had five All-League players.

6 Now, I hope I don't get out of  
7 order here, but we also have the championship  
8 from the girls volleyball team. They had five  
9 All-League players. That was the 19 and 1  
10 team -- I may have misspoke before -- the  
11 girl's volleyball team.

12 The boys volleyball team, also they  
13 had an 18 and 1 record, three All-League  
14 players. Same things goes to them, how  
15 wonderful they've done.

16 And then the soccer team, what was  
17 your record? Pardon me?

18 GALLERY MEMBER: Fourteen, five,  
19 and zero.

20 SENATOR DeFRANCISCO: Okay, you  
21 didn't remember? But you won the sectional  
22 title. You might want to study a little more  
23 so you do a little bit better in quizzes in  
24 open public.

25 (Laughter.)

1                   SENATOR DeFRANCISCO:     But the  
2                   message is very clear. We have a special  
3                   school with special coaches and special young  
4                   people that are going to be the leaders of  
5                   tomorrow.

6                   We congratulate you. We wish you  
7                   the best of luck in all your future endeavors.  
8                   And we hope you enjoy your day here in Albany  
9                   being honored by the New York State Senate.

10                  Thank you very much.

11                  ACTING PRESIDENT VALESKY:     Thank  
12                  you, Senator DeFrancisco.

13                  Senator Maziarz, on the  
14                  resolutions.

15                  SENATOR MAZIARZ:     Thank you very  
16                  much. Thank you very much, Mr. President.

17                  I am the aforementioned Senator  
18                  Maziarz, and I represent the City of  
19                  North Tonawanda, the North Tonawanda  
20                  Lumberjacks that were the Class A State  
21                  Champion this year.

22                  And Senator DeFrancisco is  
23                  absolutely right. It only happens in North  
24                  Tonawanda about once every 15 years. But in  
25                  North Tonawanda, it is 85 degrees 365 days a

1       year, and you can't say that about  
2       Baldwinsville, can you?

3                       (Laughter.)

4                       SENATOR MAZIARZ:       Thank you very  
5       much, Mr. President.

6                       ACTING PRESIDENT VALESKY:       Thank  
7       you, Senator Maziarz.

8                       Are there any other Senators who  
9       wish to be heard?

10                      Seeing none, the question is on the  
11       resolutions. All in favor signify by saying  
12       aye.

13                      (Response of "Aye.")

14                      ACTING PRESIDENT VALESKY:  
15       Opposed, nay.

16                      (No response.)

17                      ACTING PRESIDENT VALESKY:       The  
18       resolutions are adopted.

19                      Senator DeFrancisco has indicated  
20       he'd like to open up all four resolutions to  
21       cosponsorship. Any Senator wishing not to  
22       cosponsor should notify the desk.

23                      Congratulations to the Boys and  
24       Girls Volleyball Teams, the Boys Soccer Team,  
25       and the Football Team from Baldwinsville.

1 (Applause.)

2 ACTING PRESIDENT VALESKY:

3 Senator Klein.

4 SENATOR KLEIN: Mr. President, at  
5 this time can we please move to a reading of  
6 the calendar.

7 ACTING PRESIDENT VALESKY: The  
8 Secretary will proceed with the reading of the  
9 active bills on Senate Calendar Number 16.

10 THE SECRETARY: Calendar Number  
11 33, by Senator L. Krueger, 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 43, by Senator Stachowski, Senate Print  
18 1716A --

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

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

23 THE SECRETARY: Calendar Number  
24 107, by Member of the Assembly Weinstein,  
25 Assembly Print Number 2575, an act to amend



1 the General Municipal Law, in relation to  
2 establishing criteria.

3 ACTING PRESIDENT VALESKY: Read  
4 the last section.

5 THE SECRETARY: Section 3. This  
6 act shall take effect on the 180th day.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT VALESKY: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 55.

12 ACTING PRESIDENT VALESKY: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 108, by Senator Maziarz, Senate Print 1055B,  
16 an act to amend the Banking Law, in relation  
17 to preauthorized electronic --

18 SENATOR LIBOUS: Lay it aside for  
19 the day, please.

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

22 THE SECRETARY: Calendar Number  
23 118, by Senator Bonacic, Senate Print 6276, an  
24 act to amend Section 3 of Part NN of  
25 Chapter 57 of the Laws of 2008.

1                   ACTING PRESIDENT VALESKY:     Read  
2     the last section.

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

5                   ACTING PRESIDENT VALESKY:     Call  
6     the roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:     Ayes, 55.

9                   ACTING PRESIDENT VALESKY:     The  
10    bill is passed.

11                  THE SECRETARY:     Calendar Number  
12    121, by Senator LaValle, Senate Print 1075A,  
13    an act to amend the Real Property Law, in  
14    relation to including.

15                  ACTING PRESIDENT VALESKY:     Read  
16    the last section.

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

19                  ACTING PRESIDENT VALESKY:     Call  
20    the roll.

21                  (The Secretary called the roll.)

22                  THE SECRETARY:     Ayes, 55.

23                  ACTING PRESIDENT VALESKY:     The  
24    bill is passed.

25                  THE SECRETARY:     Calendar Number

1 124 --

2 SENATOR KLEIN: Lay the bill  
3 aside for the day, please.

4 ACTING PRESIDENT VALESKY: The  
5 bill is laid aside for the day.

6 THE SECRETARY: Calendar Number  
7 131, by Senator Schneiderman, Senate Print  
8 4256, an act to amend the Civil Practice Law  
9 and Rules, in relation to disclosure.

10 ACTING PRESIDENT VALESKY: Read  
11 the last section.

12 THE SECRETARY: Section 4. This  
13 act shall take effect on the first of January  
14 next succeeding.

15 ACTING PRESIDENT VALESKY: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: In relation to  
19 Calendar Number 131: Ayes, 55. Nays, 0.

20 ACTING PRESIDENT VALESKY: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 134, by Senator Fuschillo, Senate Print 46A,  
24 an act to amend the Vehicle and Traffic Law,  
25 in relation to persons authorized.

1                   ACTING PRESIDENT VALESKY:     Read  
2     the last section.

3                   THE SECRETARY:     Section 2.   This  
4     act shall take effect on the first of  
5     November.

6                   ACTING PRESIDENT VALESKY:     Call  
7     the roll.

8                   (The Secretary called the roll.)

9                   ACTING PRESIDENT VALESKY:  
10    Senator Little, to explain her vote.

11                   SENATOR LITTLE:     Thank you,  
12    Mr. President.

13                   I would really like to thank  
14    Senator Fuschillo for putting forth this bill.  
15    This has been passed in the Senate before, and  
16    I am pleased that it's reached the floor and  
17    will be passed today.

18                   The genesis of this bill came from  
19    an incident that happened in Lake Placid,  
20    New York, in 2002.   Jack Shea, who was  
21    commonly referred to as "Mr. Lake Placid," was  
22    an Olympic Gold Medalist winner in the 1932  
23    Olympics.   Born and raised in Lake Placid, the  
24    '32 Olympics took place in Lake Placid, and  
25    Jack Shea won the first Gold Medal for speed

1 skating in that event.

2 In January of 2002, Jack Shea, at  
3 the age of 91, at 4 o'clock in the afternoon  
4 was driving his car just through the village  
5 and was anticipating his grandson competing in  
6 the 2002 Winter Olympics in the skeleton.  
7 Jack Shea's life was cut short. He was hit  
8 when a driver came across, hit him head-on.

9 The driver was intoxicated or  
10 believed to be intoxicated. The police  
11 ordered blood work. The blood work showed  
12 above a .08 content. But because there was no  
13 physician supervising at that clinic -- which  
14 is the Adirondack Medical Center -- in their  
15 clinic at that particular time, the results of  
16 that test were thrown out and there was never  
17 any prosecution in the case.

18 Jack Shea's grandson went on and  
19 won the Gold Medal and had a card, his  
20 grandfather's Olympic card, attached inside  
21 his helmet. It was a very emotional time. It  
22 was a very sad time to think that Jack Shea  
23 didn't -- needlessly, didn't live through this  
24 exciting time in the life of the Shea family.

25 So thank you for passing this bill.

1 I look forward to seeing it passed in the  
2 Assembly and being signed into law.

3 Thank you.

4 ACTING PRESIDENT VALESKY:

5 Senator Little to be recorded in the  
6 affirmative.

7 Senator Fuschillo.

8 SENATOR FUSCHILLO: Mr.

9 President, quickly, I just want to thank my  
10 colleagues for their support and Senator  
11 Little for her comments.

12 What this bill does is it removes  
13 an unnecessary restriction that is allowing  
14 drunk drivers, even those that kill innocent  
15 victims, to escape prosecution. We've heard  
16 the case here, and it's happening throughout  
17 the state.

18 We have to continue our fight to  
19 rid our streets of drunk drivers. This is  
20 just another step in the battle.

21 Thank you very much, Mr. President.

22 ACTING PRESIDENT VALESKY:

23 Senator Fuschillo to be recorded in the  
24 affirmative.

25 Announce the results.

1 THE SECRETARY: Ayes, 55. Nays,  
2 0.

3 ACTING PRESIDENT VALESKY: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 144, by Senator Young, Senate Print 2434, an  
7 act to amend the Agriculture and Markets Law,  
8 in relation to game bird breeding.

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, 55.

17 ACTING PRESIDENT VALESKY: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 149, by Senator Klein --

21 SENATOR KLEIN: Lay the bill  
22 aside for the day.

23 ACTING PRESIDENT VALESKY: The  
24 bill is laid aside for the day.

25 THE SECRETARY: Calendar Number

1       151, by Senator Breslin, Senate Print 2088A,  
2       an act to amend the Insurance Law and the  
3       Civil Practice Law and Rules, in relation to  
4       standard fire insurance policies.

5                ACTING PRESIDENT VALESKY:     Read  
6       the last section.

7                THE SECRETARY:     Section 4.   This  
8       act shall take effect immediately.

9                ACTING PRESIDENT VALESKY:     Call  
10      the roll.

11               (The Secretary called the roll.)

12               THE SECRETARY:     Ayes, 55.

13               ACTING PRESIDENT VALESKY:     The  
14      bill is passed.

15               THE SECRETARY:     Calendar Number  
16      156, by Member of the Assembly Cahill,  
17      Assembly Print Number 602, an act to amend the  
18      Criminal Procedure Law, in relation to  
19      execution of bench warrants.

20               ACTING PRESIDENT VALESKY:     Read  
21      the last section.

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

24               ACTING PRESIDENT VALESKY:     Call  
25      the roll.



1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 55.

3 ACTING PRESIDENT VALESKY: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 161, by Senator Stewart-Cousins, Senate Print  
7 5600B, an act to amend the General Municipal  
8 Law and the Education Law, in relation to  
9 information technology.

10 ACTING PRESIDENT VALESKY: Read  
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call  
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 55.

18 ACTING PRESIDENT VALESKY: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 165, by Senator Hannon, Senate Print 1990, an  
22 act to amend the Public Health Law, in  
23 relation to witnesses to a health care proxy.

24 ACTING PRESIDENT VALESKY: Read  
25 the last section.

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

3 ACTING PRESIDENT VALESKY: Call  
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT VALESKY:  
7 Senator DeFrancisco, to explain his vote.

8 SENATOR DeFRANCISCO: This bill  
9 would reduce the number of witnesses to a  
10 healthcare proxy from one two to one.

11 I just think the importance of a  
12 healthcare proxy, especially to people who may  
13 become later incapacitated and not make the  
14 decision -- that's the purpose for the  
15 proxy -- that we've got to be very careful  
16 that that's the person's signature and that's  
17 the person's desire.

18 I'm hesitant to reduce the number  
19 of witnesses from two to one; that's why I'm  
20 voting no.

21 ACTING PRESIDENT VALESKY:  
22 Senator DeFrancisco to be recorded in the  
23 negative.

24 Announce the results.

25 THE SECRETARY: Those recorded in

1 the negative on Calendar Number 165 are  
2 Senators Adams, DeFrancisco and  
3 Hassell-Thompson.

4 Ayes, 52. Nays, 3.

5 ACTING PRESIDENT VALESKY: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 168, by Senator Klein, Senate Print 4903, an  
9 act to amend the Vehicle and Traffic Law, in  
10 relation to non-divisible load permits.

11 ACTING PRESIDENT VALESKY: Read  
12 the last section.

13 THE SECRETARY: Section 2. This  
14 act shall take effect on the 90th day.

15 ACTING PRESIDENT VALESKY: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 55.

19 ACTING PRESIDENT VALESKY: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 171, by Senator Savino, Senate Print 3511A, an  
23 act to amend the Retirement and Social  
24 Security Law, in relation to increasing.

25 ACTING PRESIDENT VALESKY: Read

1 the last section.

2 THE SECRETARY: Section 3. This  
3 act shall take effect June 30, 2010.

4 ACTING PRESIDENT VALESKY: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 55.

8 ACTING PRESIDENT VALESKY: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 179, by Senator Leibell, Senate Print 6108B,  
12 an act in relation to the alienation of  
13 certain parklands.

14 ACTING PRESIDENT VALESKY: There  
15 is a home-rule message at the desk.

16 Read the last section.

17 THE SECRETARY: Section 7. This  
18 act shall take effect immediately.

19 ACTING PRESIDENT VALESKY: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 55.

23 ACTING PRESIDENT VALESKY: The  
24 bill is passed.

25 Senator Klein, that completes the

1 reading of the active bills on Senate Calendar  
2 Number 16.

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

5 ACTING PRESIDENT VALESKY: The  
6 desk is clear.

7 SENATOR KLEIN: There being none,  
8 Mr. President, I move that we adjourn until  
9 Monday, March 8th, at 3:00 p.m., intervening  
10 days to be legislative days.

11 ACTING PRESIDENT VALESKY: On  
12 motion, the Senate stands adjourned until  
13 Monday, March 8th, at 3:00 p.m., intervening  
14 days being legislative days.

15 (Whereupon, at 11:46 a.m., the  
16 Senate adjourned.)  
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