NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 11, 2010

11:32 a.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

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

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

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

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

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

ACTING PRESIDENT VALESKY: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Wednesday, March 10, the Senate met pursuant to adjournment. The Journal of Tuesday, March 9, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Klein.

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

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

SENATOR KLEIN: Yes, Mr. President.

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Maziarz, legislative resolution mourning the untimely death of Specialist Alan N. Dikcis of Wheatfield, New York, and paying tribute to

his courageous actions as a member of the United States Army.

ACTING PRESIDENT VALESKY: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Klein.

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

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

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

ACTING PRESIDENT VALESKY: The Secretary will read.

THE SECRETARY: By Senator Sampson, Senate resolution establishing a plan setting forth an itemized list of grantees for the New York State Economic Development Assistance Program established pursuant to an appropriation in the 2008-2009 state fiscal year and in Part QQ of Chapter 57 of the Laws of 2008.

ACTING PRESIDENT VALESKY: The question is on the resolution.

The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 1. Senator Ranzenhofer recorded in the negative.

ACTING PRESIDENT VALESKY: The resolution is adopted.

Senator Maziarz is recognized to speak on the resolution that was previously adopted.

SENATOR MAZIARZ: Thank you very much, Mr. President and my colleagues.

I just want to rise to remember Specialist Alan Dikcis of the town of Wheatfield.

ACTING PRESIDENT VALESKY: Excuse me, Senator Maziarz.

If we could have some quiet in the chamber and attention to Senator Maziarz's comments in regard to a resolution memorializing an individual who lost his life in combat.

Senator Maziarz.

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

Again, I rise to recognize the service and sacrifice of Specialist Alan N. Dikcis of the town of Wheatfield, New York. Just last week, at the age of 21 years, Specialist Dikcis was killed in Afghanistan while serving his country.

I spoke yesterday to his dad and to his brother. And clearly, we have seen all too often in this chamber, we have memorialized the service and sacrifice of young men and women like Alan Dikcis -- good soldiers, good Americans, great citizens of New York who have gone, when their country has called, over to places of war representing this great country and this great state.

Mr. President, I ask all my colleagues to join me in this resolution memorializing this very special New Yorker, this very special son, this very special brother, Alan Dikcis.

Thank you, Mr. President.

ACTING PRESIDENT VALESKY: Thank you, Senator Maziarz.

Per Senator Maziarz's request, all Senators are invited to cosponsor the resolution. Anyone wishing not to be a cosponsor should notify the desk.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will proceed with a reading of the active bills on Senate Calendar Number 20.

THE SECRETARY: Calendar Number 64, by Senator C. Johnson, Senate Print 2753A, an act to amend the General Business Law and the Civil Practice Law and Rules, in relation to prohibiting.

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 99, by Senator Breslin --

SENATOR KLEIN: Lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 115, by Senator Leibell, Senate Print 4714, an act to amend the Executive Law, in relation to reporting.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 170, by Senator Aubertine --

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

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

THE SECRETARY: Calendar Number 181, by Senator Espada, Senate Print 6753, an act to amend Chapter 449 of the Laws of 1986 amending the Private Housing Finance Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

191, by Member of the Assembly --

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

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

Senator Klein, that completes the reading of the active bills on Senate Calendar Number 20.

SENATOR KLEIN: Mr. President, I just want to announce we'll have an immediate meeting of the Veterans, Homeland Security and Military Affairs Committee in Room 332, followed by an immediate meeting of the Rules Committee.

Pending the return of the Rules Committee, may we please stand at ease.

ACTING PRESIDENT VALESKY: An immediate meeting of the Senate Veterans Affairs Committee in Room 332. Immediately following that, a meeting of the Senate Rules Committee.

Pending the return of the report of the Rules Committee, the Senate stands at ease.

(Whereupon, the Senate stood at

ease at 11:40 a.m.)

(Whereupon, the Senate reconvened at 11:59 a.m.)

ACTING PRESIDENT VALESKY: Senator Klein.

SENATOR KLEIN: Mr. President, can we please return to the order of reports of standing committees.

I believe there's a report of the Rules Committee at the desk, and I move that we adopt the report at this time.

ACTING PRESIDENT VALESKY: Reports of standing committees.

The Secretary will read the report of the Rules Committee.

THE SECRETARY: Senator Smith, from the Committee on Rules, reports the following bills:

Senate Print 1283, by Senator O. Johnson, an act to authorize the Commissioner of Transportation;

And Senate Print 6705, by Senator Marcellino, an act to amend the Highway Law.

Both bills ordered direct to third reading.

ACTING PRESIDENT VALESKY: All those in favor of adopting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT VALESKY: Opposed, nay.

(No response.)

ACTING PRESIDENT VALESKY: The report of the Rules Committee is adopted.

Senator Klein.

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

ACTING PRESIDENT VALESKY: The Secretary will proceed with a reading of Senate Supplemental Calendar 20A.

THE SECRETARY: Calendar Number 251, by Senator O. Johnson, Senate Print 1283, an act to authorize the Commissioner of Transportation to alienate and convey certain land.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 252, by Senator Marcellino, Senate Print 6705, an act to amend the Highway Law, in relation to the designation.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 252: Ayes, 55. Nays, 1. Senator Dilan recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

Senator Klein, that completes the reading of Senate Supplemental Calendar 20A.

SENATOR KLEIN: Mr. President, is

there any further business at the desk?

ACTING PRESIDENT VALESKY: No, Senator, the desk is clear.

SENATOR KLEIN: There being none, Mr. President, I move that we adjourn until Monday, March 15th, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT VALESKY: There being no further business to come before the Senate, on motion, the Senate stands adjourned until Monday, March 15th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:01 p.m., the Senate adjourned.)