

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 11, 2010

11 11:32 a.m.

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13
14 REGULAR SESSION

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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 Wednesday, March 10, the Senate met pursuant
19 to adjournment. The Journal of Tuesday,
20 March 9, was read and approved. On motion,
21 Senate 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, I
10 believe Senator Maziarz has a resolution at
11 the desk. I ask that the title of the
12 resolution be read and move for its immediate
13 adoption.

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

18 SENATOR KLEIN: Yes,
19 Mr. President.

20 ACTING PRESIDENT VALESKY: The
21 Secretary will read.

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

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

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

6 (Response of "Aye.")

7 ACTING PRESIDENT VALESKY:
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT VALESKY: The
11 resolution is adopted.

12 Senator Klein.

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

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

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

24 ACTING PRESIDENT VALESKY: The
25 Secretary will read.

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

9 ACTING PRESIDENT VALESKY: The
10 question is on the resolution.

11 The Secretary will call the roll.

12 (The Secretary called the roll.)

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

16 ACTING PRESIDENT VALESKY: The
17 resolution is adopted.

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

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

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

1 ACTING PRESIDENT VALESKY: Excuse
2 me, Senator Maziarz.

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

8 Senator Maziarz.

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

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

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

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

6 Thank you, Mr. President.

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

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

13 Senator Klein.

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

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

20 THE SECRETARY: Calendar Number
21 64, by Senator C. Johnson, Senate Print 2753A,
22 an act to amend the General Business Law and
23 the Civil Practice Law and Rules, in relation
24 to prohibiting.

25 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

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 99, by Senator Breslin --

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
17 115, by Senator Leibell, Senate Print 4714, an
18 act to amend the Executive Law, in relation to
19 reporting.

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, 56.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 170, by Senator Aubertine --

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

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

11 THE SECRETARY: Calendar Number
12 181, by Senator Espada, Senate Print 6753, an
13 act to amend Chapter 449 of the Laws of 1986
14 amending the Private Housing Finance Law.

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, 56.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 191, by Member of the Assembly --

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

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

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

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

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

25 (Whereupon, the Senate stood at

1 ease at 11:40 a.m.)

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

4 ACTING PRESIDENT VALESKY:
5 Senator Klein.

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

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

12 ACTING PRESIDENT VALESKY:
13 Reports of standing committees.

14 The Secretary will read the report
15 of the Rules Committee.

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

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

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

24 Both bills ordered direct to third
25 reading.

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

4 (Response of "Aye.")

5 ACTING PRESIDENT VALESKY:
6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT VALESKY: The
9 report of the Rules Committee is adopted.
10 Senator Klein.

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

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

17 THE SECRETARY: Calendar Number
18 251, by Senator O. Johnson, Senate Print 1283,
19 an act to authorize the Commissioner of
20 Transportation to alienate and convey certain
21 land.

22 ACTING PRESIDENT VALESKY: Read
23 the last section.

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

1 ACTING PRESIDENT VALESKY: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 56.

5 ACTING PRESIDENT VALESKY: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 252, by Senator Marcellino, Senate Print 6705,
9 an act to amend the Highway Law, in relation
10 to the designation.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

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

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

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

25 SENATOR KLEIN: Mr. President, is

1 there any further business at the desk?

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

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

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

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

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