

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 27, 2010

11 3:49 p.m.

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13
14 REGULAR SESSION

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18 SENATOR ANDREA STEWART-COUSINS, Acting President

19 ANGELO J. APONTE, Secretary

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

2 ACTING PRESIDENT STEWART-COUSINS:

3 The Senate will please come to order.

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

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

9 ACTING PRESIDENT STEWART-COUSINS:

10 In the absence of clergy, may all we bow our
11 heads in a moment of silence.

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

14 ACTING PRESIDENT STEWART-COUSINS:

15 And while we are in this moment of silence,
16 this is the one-year anniversary of the late
17 Senator Marchi's death.

18 (Whereupon, the assemblage
19 continued to respect a moment of silence.)

20 ACTING PRESIDENT STEWART-COUSINS:

21 The reading of the Journal.

22 The Secretary will read.

23 THE SECRETARY: In Senate,
24 Monday, April 26, the Senate met pursuant to
25 adjournment. The Journal of Sunday, April 25,

1 was read and approved. On motion, Senate
2 adjourned.

3 ACTING PRESIDENT STEWART-COUSINS:
4 Without objection, the Journal stands approved
5 as read.

6 Presentation of petitions.

7 Messages from the Assembly.

8 Messages from the Governor.

9 Reports of standing committees.

10 Senator Klein.

11 SENATOR KLEIN: Madam President,
12 I believe there's a report of the Finance
13 Committee at the desk. I ask that it be read
14 at this time.

15 ACTING PRESIDENT STEWART-COUSINS:
16 There is a report of the Finance Committee at
17 the desk.

18 The Secretary will read.

19 THE SECRETARY: Senator C. Kruger
20 reports, from the Committee on Finance, the
21 following nominations.

22 As chair of the State Athletic
23 Commission, Melvina Lathan, of Ardsley.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Kruger.

1 SENATOR CARL KRUGER: Yes, thank
2 you, Madam President. Will you please move
3 the nomination.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Are there any other Senators who wish to be
6 heard on the nominee?

7 The question is on the motion to
8 confirm the nomination of Melvina Lathan, of
9 Ardsley, as the chair of the State Athletic
10 Commission. All those in favor please signify
11 by saying aye.

12 (Response of "Aye.")

13 ACTING PRESIDENT STEWART-COUSINS:
14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT STEWART-COUSINS:
17 The motion carries. The nomination is
18 confirmed.

19 Congratulations.

20 (Applause.)

21 ACTING PRESIDENT STEWART-COUSINS:
22 The Secretary will continue to read.

23 THE SECRETARY: As a commissioner
24 of the State Athletic Commission, Tommaso
25 Santino, of Douglaston.

1 ACTING PRESIDENT STEWART-COUSINS:
2 Senator Kruger.

3 SENATOR CARL KRUGER: Thank you,
4 Madam President. Will we please move that
5 nomination.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Are there any other Senators who wish to be
8 heard on the nominee?

9 Senator DeFrancisco.

10 SENATOR DeFRANCISCO: Yes, I
11 would like to simply state that the two
12 nominees by Governor Paterson to the State
13 Athletic Commission are extremely well
14 qualified. They were well equipped to answer
15 questions that were taken before the
16 committee.

17 And as the ranking member on the
18 Finance Committee they also, especially
19 Melvina Lathan, answered some very difficult
20 questions, gave her honest opinions and
21 indicated strongly where she stood on various
22 issues, and I think that was extremely
23 important to be so forthright before the
24 committee.

25 Great appointments. I'm very happy

1 to vote yes on both of them. Thank you.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Thank you, Senator DeFrancisco.

4 Senator Padavan.

5 SENATOR PADAVAN: Thank you very
6 much, Madam President.

7 I stand, along with others, to
8 endorse the confirmation of Mr. Santino, whose
9 service to the City of New York and the
10 New York City Police Department has been
11 exemplary, his leadership in the community,
12 his service to everyone who is concerned about
13 the quality of life in the city we live in.
14 He's an outstanding citizen.

15 And if you look at his resume, you
16 will also see that he has experience in the
17 boxing world that makes him even more
18 qualified to be in this position.

19 He also has the benefit of being
20 married to an outstanding woman, an anchor,
21 Mary McNally, and they have a wonderful young
22 man as a son who will soon be entering high
23 school.

24 So I stand here with all of you and
25 strongly recommend that this individual, this

1 fine outstanding citizen, be confirmed.

2 Thank you.

3 ACTING PRESIDENT STEWART-COUSINS:

4 Thank you, Senator.

5 Senator Squadron.

6 SENATOR SQUADRON: Thank you very
7 much, Madam President.

8 In the last few days there hasn't
9 been a great deal of agreement on both sides
10 of the aisle. There is today. I want to join
11 Senators DeFrancisco and Padavan in thanking
12 the Governor for the appointment of Tommaso
13 Santino and congratulate Mr. Santino.

14 His career has shown an incredible
15 ability to balance athletics, dedication to
16 the community, and extraordinary public
17 service in 20 years in the New York City
18 Police Department. It's an extraordinary
19 legacy that he's already built, and I'm sure
20 that the state will be better off with his
21 service.

22 I had the pleasure early on in my
23 not-too-long career to work with him side by
24 side, day on day, hour on hour. And I can
25 tell you from up close, there is no one who I

1 would rather have in this position or doing
2 the service of the state.

3 So to Mr. Santino and to his
4 family, congratulations. To the Governor to
5 the Governor, thank you for an extraordinary
6 appointment.

7 Thank you, Madam President.

8 ACTING PRESIDENT STEWART-COUSINS:
9 Thank you.

10 Senator Duane.

11 SENATOR DUANE: Thank you very
12 much, Madam President.

13 I too just want to thank the
14 Governor for making this outstanding
15 appointment. And I am enthusiastically going
16 to vote in the affirmative. And I am
17 confident that everyone here will.

18 And for a whole host of reasons,
19 this is just a really a terrific appointment.
20 So I'm going to be proudly and happily voting
21 in the affirmative, Madam President.

22 ACTING PRESIDENT STEWART-COUSINS:
23 Thank you, Senator.

24 Are there any other Senators who
25 wish to be heard on the nomination?

1 Hearing none, the question is on
2 the motion to confirm the nomination of
3 Tommaso Santino as commissioner of the State
4 Athletic Commission. All those in favor
5 please signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT STEWART-COUSINS:
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT STEWART-COUSINS:
11 The motion carries. The nomination is
12 confirmed.

13 Congratulations, Mr. Santino.

14 (Applause.)

15 ACTING PRESIDENT STEWART-COUSINS:
16 The Secretary will continue to read.

17 THE SECRETARY: As trustee of the
18 Power Authority of the State of New York, Mark
19 O'Luck, of New York City.

20 As chair of the Dormitory
21 Authority, Alfonso Linwood Carney, Jr., of
22 New York City.

23 As a member of the Correction
24 Medical Review Board, Scott S. Coyne, M.D., of
25 Huntington.

1 As chairman of the State Board for
2 Historic Preservation, Robert MacKay, of Cold
3 Springs Harbor.

4 And as a member of the
5 Saratoga-Capital District State Park,
6 Recreation and Historic Preservation
7 Commission, Barbara Linell Glaser, of Saratoga
8 Springs.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Kruger.

11 SENATOR CARL KRUGER: Thank you,
12 Madam President. Can we please move those
13 nominations.

14 SENATOR LIBOUS: Excuse me, Madam
15 President.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Yes, Senator.

18 SENATOR LIBOUS: Is there a
19 reason why we're doing them en masse and we're
20 not doing them one at a time when we have
21 people appearing?

22 I believe Mr. O'Luck is here, no?

23 ACTING PRESIDENT STEWART-COUSINS:
24 Senator Libous, Mr. O'Luck is not appearing.
25 He is not appearing, no.

1 SENATOR LIBOUS: All right.

2 Madam President, I believe that on these
3 nominations, then, I'd like to ask for a show
4 of hands. If you choose to do them as a mass,
5 then we'll do them as a mass. But I think
6 people have individual feelings about each
7 nomination, and they want to express those
8 feelings. And doing them all together is
9 really not fair.

10 ACTING PRESIDENT STEWART-COUSINS:
11 Senator Libous, is there a particular nominee
12 that you'd like to set aside?

13 SENATOR LIBOUS: Yes. We'd like
14 to set Mr. O'Luck aside, please.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Under those circumstances, then, the question
17 is then on the notion to confirm Mark O'Luck
18 as trustee of the Power Authority.

19 SENATOR LIBOUS: We are on that
20 motion?

21 ACTING PRESIDENT STEWART-COUSINS:
22 We are on that motion, and the other three
23 will be taken collectively.

24 SENATOR LIBOUS: Thank you very
25 much, Madam President.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Senator DeFrancisco, why do you rise?

3 SENATOR DeFRANCISCO: I'd like to
4 speak on the nomination before there's a vote,
5 if I could.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Please.

8 SENATOR DeFRANCISCO: I'm not
9 going to repeat the discussion in the Finance
10 Committee. I'm only going to explain my vote
11 why I don't believe Mark O'Luck should be
12 confirmed and why I'm voting no.

13 I think one of the points in any
14 confirmation is not only the background of an
15 individual but also, in my mind, the
16 credibility and the trustworthiness of an
17 individual who you're going to confirm. I
18 think we've got to be able to have faith in
19 the individual that's going to be appointed,
20 especially to such an important authority as
21 the Power Authority.

22 I just felt that Mr. O'Luck did not
23 give straightforward answers. He couldn't
24 answer whether or not he wrote a response to a
25 an editorial, the contents of which weren't

1 nearly as important as whether or not he would
2 admit that he wrote it. And I believe he
3 danced around the issue and not to my
4 satisfaction, anyway, did not convince me that
5 he was being totally forthright.

6 And as a result, I don't have the
7 trust in this nominee, and I would vote no
8 today at this session. Thank you.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Thank you, Senator DeFrancisco.

11 Senator Smith.

12 SENATOR SMITH: Yes, Madam
13 President, just very briefly.

14 I have known Mr. O'Luck for close
15 to 15 years. And he has always been a
16 forthright individual who, even when times
17 were such that he had to take a position that
18 was contrary to his beliefs, he would justify
19 it by virtue of defining his reasoning and his
20 rationale for it.

21 He has been a stellar
22 businessperson, someone who I know, I know the
23 Governor knows, many of my colleagues here
24 know as well, and has always represented his
25 interests, especially in the minority business

1 community, which is so important to the state
2 in terms of diversification of the people in
3 this state.

4 So I just stand to appreciate my
5 colleague's description of what he thought
6 Mr. O'Luck might have been like. But as
7 someone who has known him for quite some time,
8 I just wanted to correct the record.

9 Thank you, Madam President.

10 ACTING PRESIDENT STEWART-COUSINS:

11 Thank you, Senator.

12 Senator Parker.

13 SENATOR PARKER: On the
14 nomination, Madam Chair.

15 I've known -- I'm here to speak in
16 favor and ask my colleagues to vote for
17 Mr. O'Luck to be a member of the Power
18 Authority board.

19 As both the former chair of the
20 Energy and Telecommunications Committee and
21 somebody who's known Mr. O'Luck in a business
22 capacity -- not quite as long as Malcolm, but
23 for a very long time -- he has a unique gift
24 of seeing both the specifics of projects and
25 things that need to be done, but also

1 understanding how those specific things go
2 into a larger context.

3 And especially something as
4 important as the power industry, as we look to
5 the future and look at some of the economic
6 problems the state is having, look at the jobs
7 crisis, if you look at where the opportunities
8 for us to grow our economy are going to exist,
9 they're going to exist in the energy industry.

10 And certainly as we change not just
11 from an energy industry but an alternative
12 energy industry, Mark O'Luck is the kind of
13 person that we need on the Power Authority
14 board to help bring an understanding of those
15 things. And not just in terms of serving
16 customers, which I think he will understand,
17 but, more importantly, how do we in fact grow
18 the industry and create jobs and at the same
19 time provide for customers in a way that's
20 both a low-cost and reliable service. And so
21 I stand here in favor of his nomination.

22 But then I know there are
23 questions, and I know there are some concerns.
24 But what people should do is be honest about
25 why there are concerns. And I'm not clear

1 about what everybody's motives are. But let
2 me say that this was a man that when there
3 were questions amongst people in -- members of
4 the Senate in the Energy Committee, he called
5 every single member and met with the chair and
6 called the chair several times to have
7 conversation and dialogue, and so he could
8 start to understand that perspective.

9 When even when Senator DeFrancisco
10 insisted that he come up and be available at
11 the Finance Committee, he appeared, came up a
12 day early, met with Senator DeFrancisco, you
13 know, for some period of time, discussed all
14 of the issues, was upfront, forthright, and
15 outreached to people.

16 This is at least what you ask from
17 people. That we don't always agree, we don't
18 always have the same perspective, but at
19 minimum what you're looking for are people who
20 are willing to work with you, who are willing
21 to partner with you, who are willing to share
22 your perspective and understand it and
23 incorporate it in their decision-making.

24 That's the kind of person and the
25 kind of character that Mark O'Luck has, and

1 which is why I'm supporting him in his
2 nomination and I'm asking my colleagues to do
3 as well.

4 ACTING PRESIDENT STEWART-COUSINS:

5 Thank you, Senator.

6 Senator Hassell-Thompson.

7 SENATOR HASSELL-THOMPSON: Thank
8 you, Madam Chair.

9 I also stand in support of this
10 nominee, as someone who over the last 10 years
11 that I had the opportunity to work with very
12 closely in terms of how do we articulate the
13 language of MWBEs for the State of New York
14 and how to ensure that we get maximum
15 participation.

16 I am deeply concerned at some of
17 the questions that may be raised about
18 positions that Mr. O'Luck has chosen to take
19 in his life. But I do not believe that any of
20 those should have any bearing on his
21 eligibility and his ability to do the job that
22 we're going to ask him to do.

23 So therefore, I'm asking my
24 colleagues to support me in this nomination
25 for an authority as a person who will be a

1 tremendous asset to that board.

2 Thank you, Madam President.

3 ACTING PRESIDENT STEWART-COUSINS:

4 Thank you, Senator.

5 Senator Huntley.

6 SENATOR HUNTLEY: Yes, Madam
7 President. I would just like to stand to
8 basically support what my colleague just said
9 in terms of Mark O'Luck. I've known him for a
10 number of years, even though he doesn't live
11 in my area, but he's about and around a lot of
12 communities. He's done a lot of positive
13 things.

14 And he's just a fine gentleman. I
15 can't seem to understand what he's done, why
16 we're going through all this. Normally we
17 never do. But that's a whole other story.

18 But I just want you to know I
19 support him and I think he should be
20 appointed. Thank you.

21 ACTING PRESIDENT STEWART-COUSINS:

22 Thank you, Senator.

23 Senator Adams.

24 SENATOR ADAMS: Thank you, Madam
25 Chair.

1 One of my pet peeves that I have
2 when individuals come through my committee for
3 nomination is that they have the audacity to
4 be nominated but they don't want to show up.
5 They don't want to be questioned. They don't
6 want to interact.

7 And I think at the minimum we can
8 disagree without being disagreeable. But when
9 people show a lack of respect and disdain for
10 this body that they can't come before the
11 committees and interact or to call and speak
12 with the members or the committee or the chair
13 of the committee, I believe that, if anything,
14 those individuals should not be permitted to
15 be put in any position of authority.

16 That didn't happen here. As
17 Senator Parker just stated, Mark O'Luck -- who
18 I know personally -- he actually came before
19 the committee and was willing to answer
20 questions from the committee. And then I just
21 learned from Senator Parker that he spoke with
22 members of the committee to find out what are
23 their concerns. That is what we expect of
24 individuals we nominate.

25 I've seen this body vote in favor

1 of nominees who have refused to answer
2 questions in front of this body. So to now
3 have selective amnesia and don't realize that
4 if we're going to set a standard, that
5 standard should be, at a minimum, individuals
6 who expect to sit on boards or positions of
7 authority in this state should at a minimum
8 come before us. You don't have to agree with
9 our questions, you don't believe to believe
10 our questions are right, but you should be
11 willing to be asked the question and you
12 should be expected to answer the question.
13 And I believe that's Mr. O'Luck did.

14 Lastly, we are a failure on MWBEs
15 in the State of New York. We are a failure.
16 For whatever reason, when it comes down to
17 finding creativity of preventing people of
18 color and women and other minority groups of
19 seeking the countless number of opportunities
20 in this state, New York State fails.

21 Mr. O'Luck is bringing a history of
22 knowing how to not only open doors but to
23 provide opportunities for men, women and other
24 minority groups so they can participate in the
25 prosperity of this state and the millions and

1 billions of dollars of opportunities. That is
2 what he brings to the table.

3 So to deny that type of diversity,
4 to deny that type of ability is the wrong
5 thing to do. If anything, we need to look at
6 the countless number of boards throughout this
7 state that are all one type, one mindset and
8 one philosophy, and it should be diversified.
9 This is a diversified state, and the bodies
10 that make the decisions in this state should
11 be diversified. And Mr. O'Luck clearly is a
12 signal of that.

13 I stand in support of this nominee,
14 and I'm asking my colleagues to do the same.

15 ACTING PRESIDENT STEWART-COUSINS:
16 Thank you, Senator.

17 Senator Montgomery.

18 SENATOR MONTGOMERY: Thank you,
19 Madam President.

20 Certainly I was in the meeting this
21 morning when the committee voted for the
22 nominee, Mr. O'Luck. And it was the first
23 time that I'd had a full opportunity to hear
24 him. He made a fairly extensive statement
25 about his experiences, his concerns, what he

1 thought he could bring to this appointment.

2 And as a person who has had the
3 experience himself, very personally -- he
4 himself is an African-American man, but he
5 also has been a businessperson, understands
6 the difficulties on both of those angles, both
7 as an African-American person as well as a
8 small businessperson as well as a minority
9 businessperson.

10 He has an in-depth understanding
11 and sensitivity and expressed to us this
12 morning that he indeed intends to draw upon
13 all of his experiences, in every way that he
14 has had them, to bring a new perspective to
15 the work that he intends to do as a member of
16 that authority.

17 So I'm very happy that he will be
18 there. I believe this is the first person of
19 color, to my knowledge, that we've had an
20 opportunity to vote on for his position.

21 And he also said something
22 extremely important, and that was that he is
23 going to focus on ways in which that authority
24 can be translated, its mission can be
25 translated to the benefit of young people in

1 urban centers around the state. I've never
2 heard any commissioner express that interest,
3 that concern, and that intent.

4 So it is really -- this is an
5 opportunity for us to do something that is
6 going to be of great benefit both to the
7 authority as well as to the communities across
8 the state that will depend upon the work of
9 that particular authority to bring both energy
10 as well as employment, jobs and economic
11 development.

12 So I applaud the Governor for this
13 appointment, and I certainly support him and
14 think that this is really an opportunity for
15 us today to bring diversity and quality and a
16 new perspective to the authority.

17 Thank you, Madam President. I vote
18 yes.

19 ACTING PRESIDENT STEWART-COUSINS:
20 Senator Thompson.

21 SENATOR THOMPSON: Thank you,
22 Madam President, for recognizing me.

23 First let me just say that I'm
24 happy to support the candidacy and nomination
25 of Mark O'Luck today. I think he's a very

1 respectable gentleman, a very professional
2 gentleman. And I do agree that he brings some
3 unique talents and skill sets to the board.

4 But I also know that it was -- not
5 only do I support his candidacy and
6 nomination, but I was also concerned that his
7 nomination moved before one of my -- some of
8 the folks in Niagara County. We have been
9 working to address that issue. And I think we
10 move his nomination today and hopefully the
11 next nomination will be someone from Niagara
12 Falls and Niagara County.

13 As many of you know, I represent
14 the City of Niagara Falls, and we're very
15 concerned. And if I didn't believe that
16 Mr. O'Luck was going to do a good job, I would
17 not be supporting his nomination.

18 I think the next step is we move
19 forward with finally getting someone from the
20 City of Niagara Falls or someone from Niagara
21 County where so much of the Power Authority's
22 resources come from. So I think that's our
23 next challenge.

24 I know that Senator Maziarz and
25 Senator Aubertine and Senator Stachowski and

1 Senator Valesky have heard my pleas about this
2 particular issue. We need to make sure that
3 the next nomination is someone that comes from
4 the City of Niagara Falls or someone that
5 comes from Niagara County.

6 But Mark O'Luck is a great guy.
7 I'm sure he'll bring great leadership and
8 great vision to this board and to this
9 authority.

10 Thank you.

11 ACTING PRESIDENT STEWART-COUSINS:

12 Thank you, Senator.

13 Senator Duane.

14 SENATOR DUANE: Thank you, Madam
15 President.

16 I regret that I was not present
17 when Mr. O'Luck appeared before the committee,
18 as I was preparing for a Health Committee
19 meeting. However, there have been a couple of
20 different issues that have been raised that I
21 think are important to put out there.

22 The first is that Mr. O'Luck has
23 obviously been vetted across a whole
24 cross-section, a continuum of different
25 places, and his nomination has moved forward.

1 And so his qualifications, it would seem, are
2 fine.

3 And I have been here for a while,
4 and I've actually seen nominations that
5 probably did not equal that in past years.
6 And from what I can tell from the vetting of
7 Mr. O'Luck, excellent candidate.

8 I also think that --

9 ACTING PRESIDENT STEWART-COUSINS:
10 Excuse me, Senator Duane.

11 Can I ask for order in the chamber,
12 please.

13 SENATOR DUANE: -- that one of
14 the things that we've discovered is that there
15 are many similarities between the needs across
16 many spectrums of urban dwellers and
17 businesspeople and rural dwellers and
18 businesspeople, that they share many of the
19 same concerns.

20 And so I think it's actually an
21 enrichment to bring a point of view that might
22 be, shall we say, out of the box. One might
23 say that we could use more of that here, one
24 might say. Might someone? It shouldn't
25 always be me.

1 And the other thing is that I think
2 that maybe even I fall into this trap
3 sometimes, that we think that the wealth of
4 experience or the amount of -- or wealth is a
5 limited amount. But in fact we enrich our
6 society by bringing different voices and
7 expertises across the spectrum, voices that
8 may not have been heard in the usual places
9 and thoughts that are not put on the table
10 from the usual places.

11 And so I would say whether it's
12 from the urban/rural connection or -- one of
13 the reasons I stood up is because people
14 mentioned MWBE. And I think it makes the pie
15 bigger and stronger and more enriched. It's
16 not a limited amount. And we should do
17 everything we can to expand it.

18 And there are so many things in our
19 state which I -- you probably have heard me
20 say this, Madam Chair, where I say, when
21 someone is saying "This is the way it's always
22 been done, and so this is the way we're doing
23 it," and I always say: "And how's that
24 working?" And we need only look at the
25 experiences of the past year. How is that

1 working?

2 Let's everybody really celebrate
3 that there are different voices that have been
4 brought to the table in a more powerful way
5 here, and maybe a little less, you know,
6 what -- my mother would say, "Tom, you're
7 being obstreperous." My recently deceased
8 mother would say, "Tom, you're" -- a little
9 bit less being obstreperous and a little bit
10 more on opening up to new ideas and new
11 thoughts on how to do things, we might be
12 better off.

13 And I think that maybe Mr. O'Luck
14 would fit right into that category. So I am
15 definitely voting yes, Madam President.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Thank you, Senator.

18 Senator DeFrancisco.

19 SENATOR DeFRANCISCO: I just
20 wanted to comment there seemed to be a lot of
21 discussion in the debate here about diversity,
22 different points of view, minority and women
23 business organizations, and we have to be
24 inclusive and all that.

25 I did meet with Mr. O'Luck

1 yesterday. He did not originally appear
2 before the committee; I asked for him to
3 appear. So he wasn't going to appear until I
4 asked him to appear, asked that he appear.

5 Number two, I asked him yesterday
6 about an article, a response that had "Mark
7 O'Luck" as the writer of the response. I
8 asked him, "Did you write this?" "I don't
9 know."

10 Did you -- "Do people normally
11 write your name?" "Well, it might have been
12 somebody from my company." "Well, let me show
13 it to you. Do you remember this?" "I don't
14 remember this." "Well, did you write it?"
15 "Well, I believe in those things. I don't
16 know if I wrote it."

17 I asked him -- I gave him those
18 questions yesterday. He either wrote it or he
19 didn't, he recognized it or he didn't.

20 So at the committee, since he
21 didn't answer the question yesterday, I asked
22 him again. And he went into a whole
23 discussion concerning women and minority
24 businesses, et cetera, et cetera, and how he
25 felt.

1 I said, "All I wanted to know, did
2 you write it?" "Well, I can't deny that I
3 didn't" -- or "I can't deny that I did."

4 Now, that has nothing to do with
5 diversity. It has nothing to do with the
6 color of somebody's skin or whether they're
7 for one program or not. It's just
8 incomprehensible to me that if an article came
9 out and there was a response by someone with
10 your name, an unusual name, that you wouldn't
11 recognize it or indicate that you signed that
12 letter or that was your position.

13 To me, it boils down to simply
14 that. That is simply something that I don't
15 believe was forthright, and that's not the
16 type of person I would want on the Power
17 Authority board. That's the reason. That's
18 the simple reason. And all of these other
19 comments really have no bearing on my reason
20 for voting no.

21 Thank you, Madam President.

22 ACTING PRESIDENT STEWART-COUSINS:

23 Thank you, Senator.

24 Are there any other Senators
25 wishing to be heard on the nominee?

1 Hearing none, the question is on
2 the motion to confirm Mark O'Luck, of New York
3 City, as a trustee of the New York State Power
4 Authority. All those in favor signify by
5 saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT STEWART-COUSINS:
8 Opposed, nay.

9 (Response of "Nay.")

10 ACTING PRESIDENT STEWART-COUSINS:
11 The nomination is confirmed.

12 (Applause.)

13 ACTING PRESIDENT STEWART-COUSINS:
14 We will return to the other nominees.

15 As chair of the Dormitory
16 Authority, Alfonso Linwood Carney, Jr., of
17 New York City.

18 As a member of the Correction
19 Medical Review Board, Scott S. Coyne, M.D., of
20 Huntington.

21 As chairman of the State Board for
22 Historic Preservation, Robert MacKay, of Cold
23 Springs Harbor.

24 And as a member of the
25 Saratoga-Capital District State Park,

1 Recreation and Historic Preservation
2 Commission, Barbara Linell Glaser, of Saratoga
3 Springs.

4 Are there any Senators wishing to
5 speak on these nominees?

6 Hearing none, the question is on
7 the motion to confirm the nominations. All
8 those in favor please signify by saying aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT STEWART-COUSINS:
11 Opposed, nay.

12 (No response.)

13 ACTING PRESIDENT STEWART-COUSINS:
14 The motion carries. The nominees are
15 confirmed.

16 Senator McDonald.

17 SENATOR McDONALD: Yes, I would
18 just like to congratulate Barbara Glaser, a
19 wonderful outstanding citizen from my
20 community in Saratoga, to be appointed to the
21 Capital District-Saratoga State Park System
22 board.

23 She's got a long history of caring
24 a great deal about our community, and I think
25 she'll be a wonderful board member.

1 Thank you.

2 ACTING PRESIDENT STEWART-COUSINS:

3 Thank you, Senator.

4 The motion carries, and the
5 nominations are confirmed.

6 Returning to the order of business,
7 reports of select committees.

8 Communications and reports from
9 state officers.

10 Motions and resolutions.

11 Senator Klein.

12 SENATOR KLEIN: Madam President,
13 I believe there are substitutions at the desk.
14 I ask that we make the substitutions at this
15 time.

16 ACTING PRESIDENT STEWART-COUSINS:
17 The Secretary will read.

18 THE SECRETARY: On page 22,
19 Senator Valesky moves to discharge, from the
20 Committee on Higher Education, Assembly Bill
21 Number 9562 and substitute it for the
22 identical Senate Bill Number 6461, Third
23 Reading Calendar 394.

24 ACTING PRESIDENT STEWART-COUSINS:
25 Substitution ordered.

1 Senator Klein.

2 SENATOR KLEIN: Madam President,
3 I believe there's a resolution at the desk by
4 Senator Serrano. I ask that the resolution be
5 read in its entirety and move for its
6 immediate adoption.

7 ACTING PRESIDENT STEWART-COUSINS:
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 Madam President.

13 ACTING PRESIDENT STEWART-COUSINS:
14 The Secretary will read.

15 THE SECRETARY: By Senator
16 Serrano, legislative resolution honoring
17 American novelist Harper Lee upon the occasion
18 of her designation for special recognition to
19 be celebrated April 28, 2010.

20 "WHEREAS, It is the sense of this
21 Legislative Body to recognize and pay tribute
22 to those exceptional journalists of this great
23 Empire State who have distinguished themselves
24 in their profession by entertaining us and
25 enriching our lives with their creative

1 talents; and

2 "WHEREAS, Attendant to such
3 concerns, and in full accord with its
4 long-standing traditions, this Legislative
5 Body is justly proud to honor American
6 novelist Nelle Harper Lee upon the occasion of
7 her designation for special recognition, and
8 to wish her to a very happy 84th birthday on
9 April 28, 2010; and

10 "WHEREAS, Born April 28, 1926, in
11 Monroeville, Alabama, Nelle Harper Lee was the
12 youngest of four children of Frances
13 Cunningham Finch and Amasa Coleman Lee, a
14 lawyer who served in the Alabama State
15 Legislature for 12 years. Both of her parents
16 played important roles in the creation of
17 Harper Lee's American classic To Kill A
18 Mockingbird; and

19 "WHEREAS, After attending the
20 University of Alabama, Harper Lee moved to
21 New York City in 1950 and worked as a
22 reservations clerk with Eastern Airlines and
23 BOAC. After writing several long stories,
24 Harper located an agent; and

25 "WHEREAS, For Christmas in 1956,

1 Harper Lee's friends gave her the gift of a
2 year's wages to take leave from her job,
3 allowing her to write full-time. Within a
4 year, she had the first draft of To Kill A
5 Mockingbird. Subsequently, it was completed
6 by the summer of 1959, and published in 1960;
7 and

8 "WHEREAS, To Kill A Mockingbird was
9 an immediate bestseller, and today there are
10 more than 30 million copies in print. In
11 1961, Harper Lee received the Pulitzer Prize
12 for Fiction. And in 1999, the Library Journal
13 voted To Kill A Mockingbird as the 'Best Novel
14 of the Century.' Harper Lee did not continue
15 her career as a writer; and

16 "WHEREAS, After completing To Kill
17 A Mockingbird, Harper Lee accompanied her
18 friend Truman Capote to Kansas, assisting him
19 in what became another classic, In Cold Blood.
20 Harper Lee continues to split her time between
21 New York City and her sister's home in
22 Alabama; and

23 "WHEREAS, in 1962, the screen
24 adaptation of To Kill A Mockingbird, starring
25 Gregory Peck as Atticus Finch, won an Academy

1 Award. In 1966, Harper Lee was named by
2 then-President Lyndon B. Johnson, to the
3 National Council on the Arts. In 2007, she
4 was presented with the Presidential Medal of
5 Freedom, the country's highest civilian award.
6 She has also received many honorary degrees;
7 and

8 "WHEREAS, It is with due cause and
9 proper resolve that this Legislative Body,
10 representing the people of the State of
11 New York, pays just tribute to
12 Pulitzer-Prize-winning novelist Harper Lee;
13 now, therefore, be it

14 "RESOLVED, That this Legislative
15 Body pause in its deliberations to honor
16 Harper Lee upon the occasion of her
17 designation for special recognition, lauding
18 her contribution to American literature, and
19 to express its heartfelt wishes for a very
20 happy 84th birthday; and be it further

21 "RESOLVED, That a copy of this
22 resolution, suitably engrossed, be transmitted
23 to Harper Lee."

24 ACTING PRESIDENT STEWART-COUSINS:
25 Senator Serrano.

1 SENATOR SERRANO: Thank you,
2 Madam President.

3 Very briefly, it's with great honor
4 that I, as chair of the Committee on Cultural
5 Affairs, speak about the life and legacy in
6 honoring a great novelist from New York,
7 Harper Lee. We all know her book To Kill A
8 Mockingbird. We all read it in grammar
9 school. And it's really no mystery why it is
10 considered to be the greatest novel of the
11 20th century.

12 And it was a very telling novel
13 that spoke about the very real harshness of
14 racial inequality in the South at that time.
15 And I think it was something that the country
16 appreciated and needed to read.

17 But I am also very excited about
18 future generations of novelists who will be
19 inspired by the work of Harper Lee that will
20 bring forth the next wave of artists and
21 novelists who, through their work, raise
22 social awareness, raise the collective social
23 conscience.

24 And we should feel very proud here
25 in the State of New York to have such a wealth

1 of talent, such a wealth of artistic talent.
2 And that's why, as chair of Cultural Affairs
3 and as a lover of the arts, I feel it's very
4 important that all of us promote and protect
5 the cultural venues, the cultural institutions
6 and organizations, art in education, so that
7 we can continue to foster and allow to thrive
8 the imaginative minds of our future artists
9 and novelists.

10 Thank you, Madam President.

11 ACTING PRESIDENT STEWART-COUSINS:

12 Thank you, Senator.

13 Are there any other Senators
14 wishing to be heard on the resolution?

15 Senator Oppenheimer.

16 SENATOR OPPENHEIMER: Yes, I just
17 wanted to make one correction on my esteemed
18 colleague's statement. And Senator Serrano
19 said that we read it in elementary school.
20 And I can say, interestingly enough, I have
21 reread it for the fifth time about a month and
22 a half ago.

23 So I think it's something that
24 continues to inspire and certainly has
25 inspired me in the direction, the thinking

1 that was privy to her at that time.

2 And my only regret is that she
3 never went on to write another novel, because
4 she had such brilliance. But maybe she summed
5 it all up in that one novel. And I would just
6 tell everybody listening that it is something
7 that will inspire you even at age whatever.

8 Thank you.

9 ACTING PRESIDENT STEWART-COUSINS:

10 Thank you, Senator.

11 Are there any other Senators
12 wishing to be heard on the resolution?

13 The question is on the resolution.
14 All those in favor please signify by saying
15 aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT STEWART-COUSINS:

18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT STEWART-COUSINS:

21 The resolution is adopted.

22 Senator Serrano has indicated that
23 he'd like to open up the resolution for
24 cosponsorship by the entire house. Any
25 Senator not wishing to be on the resolution

1 please notify the desk.

2 Senator Klein.

3 SENATOR KLEIN: Madam President,
4 I believe there's a resolution at the desk by
5 Senator Ruth Hassell-Thompson. I ask that the
6 resolution be read in its entirety, move for
7 its immediate adoption, and would you please
8 call on Senator Hassell-Thompson.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Klein, has this resolution been deemed
11 privileged and submitted by the office of the
12 Temporary President?

13 SENATOR KLEIN: Yes, it has,
14 Madam President.

15 ACTING PRESIDENT STEWART-COUSINS:
16 The Secretary will read.

17 THE SECRETARY: By Senator
18 Hassell-Thompson, legislative resolution
19 mourning the death of Dorothy Irene Height, a
20 leader of the African-American and women's
21 civil rights movements.

22 "WHEREAS, On Tuesday, April 20,
23 2010, Dorothy Irene Height, a champion of
24 women and minorities and president emerita of
25 the National Council of Negro women, died at

1 the age of 98; and

2 "WHEREAS, Ms. Height had a career
3 in civil rights that spanned nearly 80 years,
4 from anti-lynching protests in the early 1930s
5 to being an honored witness at the
6 inauguration of President Barack Obama in
7 2009. He called her 'the godmother of the
8 civil rights movement and hero to so many
9 Americans'; and

10 "WHEREAS, Ms. Height regularly
11 worked on projects of national significance
12 alongside the 'Big Six' male civil rights
13 leaders. In 1963, she sat next to Dr. Martin
14 Luther King, Jr., during his epochal 'I Have A
15 Dream' speech at the March on Washington. A
16 prize-winning orator and one of the march's
17 chief organizers, Ms. Height was not asked to
18 speak that day, although many other leaders --
19 all men -- addressed that day's crowd; and

20 "WHEREAS, A star scholar, Dorothy
21 Height was accepted at Barnard College in
22 1929, only to be told by the dean that she
23 could not enroll that year because the quota
24 for Negro students had already been met. She
25 earned a bachelor's degree in education and a

1 master's in psychology from New York
2 University. Seventy-five years after being
3 turned away from Barnard, the college awarded
4 Ms. Height its highest honor, the Barnard
5 Medal of Distinction; and

6 "WHEREAS, After serving as a
7 caseworker with the New York City Welfare
8 Department, Dorothy Height became assistant
9 executive director of the Harlem YWCA in the
10 late 1930s, catching the attention of the
11 international news media by speaking out
12 against the 'slave markets' exploiting black
13 women working as domestic day workers; and

14 "WHEREAS, At the age of 25,
15 Ms. Height became a member of the National
16 Council of Negro Women and served as its
17 president from 1957 to 1997, overseeing
18 programs ranging from voting rights to poverty
19 and AIDS; and

20 "WHEREAS, In 1946, Dorothy Height
21 oversaw the desegregation of the YWCA
22 nationwide. In 1965, she founded the Y's
23 Center for Racial Justice, which she led until
24 1977; and

25 "WHEREAS, From 1946 to 1957,

1 Ms. Height was the president of Delta Sigma
2 Theta sorority, an international sorority of
3 black women. And, along with Gloria Steinem,
4 Shirley Chisholm, Betty Friedan and others,
5 Ms. Height founded the National Women's
6 Political Caucus in 1971; and

7 "WHEREAS, In 1994, President Bill
8 Clinton awarded Dorothy Height the
9 Presidential Medal of Freedom. In 2004, she
10 was presented with the Congressional Gold
11 Medal by President George W. Bush; and

12 "WHEREAS, Armed with a humanistic
13 spirit, imbued with a sense of compassion, and
14 comforted by a loving family, Dorothy Height
15 leaves behind a legacy which will long endure
16 the passage of time and will remain as a
17 comforting memory to all she served and
18 befriended; now, therefore, be it

19 "RESOLVED, That this Legislative
20 Body pause in its deliberations to remember
21 Dorothy Height as past president of the
22 National Council of Negro Women, a founder of
23 the National Women's Political Caucus, civil
24 rights grande dame, presidential advisor and
25 champion of the rights of women; and be it

1 further

2 "RESOLVED, That copies of this
3 resolution, suitably engrossed, be transmitted
4 to the National Council of Negro Women and to
5 Dorothy Irene Height's sister, Anthanette
6 Aldridge of New York City."

7 ACTING PRESIDENT STEWART-COUSINS:
8 Senator Hassell-Thompson.

9 SENATOR HASSELL-THOMPSON: Thank
10 you, Madam President. I appreciate the
11 opportunity to speak on this resolution to
12 Dorothy Height, who for all 98 years of her
13 life was a leader.

14 Last September, at the Black
15 Congressional Caucus, during that weekend she
16 was celebrated by some of the top leaders
17 across this country for her many years of
18 service.

19 Besides the forty years that she
20 served as president of the National Council of
21 Negro Women, her years as founder and first
22 leadership in the political process for women
23 was outstanding. She believed that there was
24 nothing that women could not do. And through
25 her life's work, she demonstrated that fact.

1 But also, not only did she lead by example,
2 but she opened doors and continued to ensure
3 that whatever it was that women wanted to do,
4 they could do.

5 You've heard in this resolution how
6 she sat at the side of Dr. King during his
7 speech and was a part of the planning
8 committee that made that speech possible in
9 Washington, D.C. But also, I remember when
10 she was able to acquire a facility in
11 Washington, D.C., for the National Council of
12 Negro Women, making it one of the first
13 permanent residences for an organization, a
14 civic organization of its type.

15 Her leadership will go down in not
16 only the history of this chamber, but across
17 this country women will be remembering the
18 kind of stature that she represented. And she
19 had such an indomitable spirit, because at
20 age 97 she sat in her wheelchair as straight
21 as her body would allow. And her mind was
22 still -- even though her body was weak and
23 failed her, her mind continued to function and
24 her mind continued to be in the process of
25 what is the next step that we must do.

1 And so she carried a lot of us on
2 her shoulders. And I am so pleased that we
3 have paused today in this assemblage to give
4 honor to a woman who gave so much of her life
5 to others and to thank her for opening the
6 doors for women like me and others who choose
7 to dare.

8 Thank you, Madam President.

9 ACTING PRESIDENT STEWART-COUSINS:

10 Thank you, Senator.

11 Senator Parker.

12 SENATOR PARKER: Thank you, Madam
13 President. On the resolution.

14 I really am just rising to add my
15 voice to those who are remembering the life
16 and legacy of Dorothy Irene Height. There's
17 really not, you know, enough time to really
18 eulogize her in the way that she really ought
19 to be.

20 Referred to oftentimes as the
21 "godmother of the civil rights movement," to
22 give 98 years of your life to other people is
23 really a remarkable thing. And particularly
24 with the National Council of Negro Women,
25 which was kind of the organization that she's

1 really most known for. And even though she
2 didn't found it, she really was the person who
3 steered it for the vast majority of its
4 existence.

5 I don't think many of us sitting in
6 this chamber right now have an understanding
7 of what it really meant, in the time that she
8 was fighting not just for the rights of people
9 of African descent but for women, to be doing
10 that kind of work.

11 We stand here and very
12 cavalierly -- and I look up at the
13 African-American woman who is the Temporary
14 President of the Senate, and knowing that that
15 work and your presence is made possible by the
16 work of people like Ms. Height. And at a time
17 when people were not really even talking about
18 women's rights as much, let alone, you know,
19 the rights of African-Americans. And for her
20 to bring black women to the fore the way that
21 she did really has been a testament for the
22 entire society.

23 Her work also, particularly with
24 Delta Sigma Theta Sorority, where she was the
25 president for a time -- also very critical,

1 because that was an organization that really
2 provided a training ground for future
3 generations of African-Americans, in
4 particular women.

5 And I say African-Americans in
6 general, because African women have always
7 been the backbone and the stabilizing force in
8 black families. And so, you know, they say
9 that, you know, an African proverb that the
10 hand that rocks the cradle rules the nation.
11 And in that way, her work with Delta Sigma
12 Theta and training those hands that were
13 rocking cradles was really critical for all of
14 us.

15 Her work was around anti-lynching,
16 around labor market discrimination, around
17 anti-racism, around anti-misogyny,
18 anti-sexism. And again, I stand here, as I
19 said last week, when we remembered the life of
20 Benjamin Hooks, that all you can do is
21 remember what they've done and rededicate your
22 life to the kind of work, continue to pass the
23 baton to the kind of work that they've done to
24 make my presence here possible.

25 That so much we don't recognize all

1 of the things that are going on in terms of
2 providing for our communities. And so when we
3 talk about here in the state a \$136 billion
4 budget, and you talk about upwards of
5 \$30 billion that is contracted out annually by
6 the State of New York, and when you look at
7 less than 2 percent of all of that money that
8 is contracted out -- everything from toilet
9 paper to lost construction projects in this
10 state -- less than 2 percent goes to
11 minorities and women, there's a lot of work
12 that still needs to be done.

13 And so that we remember Dorothy
14 Height not because of everything that she's
15 done, but all the things that we must do to
16 start to live up to her life and her legacy.
17 That when we look at how hard it is just to
18 get an African-American for the first time on
19 the Power Authority board, we know that
20 there's a lot of work to do.

21 But we know that even as people
22 make excuses for justifiable reasons why, you
23 know, we're holding up nominations, that we
24 understand why it's happening. Because
25 there's billions of dollars in the Power

1 Authority, and we operate off of a context in
2 which we think there's a fixed pie. But the
3 reality is there's more than enough, both in
4 America and in the State of New York -- even
5 in a recession -- for everyone.

6 And so everybody, as Dorothy Height
7 would say, should be a part of that table.
8 And I'm here to remember her legacy and to
9 make sure that we have a place setting for
10 everyone.

11 Thank you, Madam President.

12 ACTING PRESIDENT STEWART-COUSINS:

13 Thank you, Senator Parker.

14 Senator Montgomery.

15 SENATOR MONTGOMERY: Yes, Madam
16 President. I just rise to, one, thank my
17 colleague Senator Hassell-Thompson for
18 introducing this resolution in honor of
19 Ms. Dorothy Height.

20 And I think we would be remiss not
21 to recognize the two great organizations of
22 women that have carried on her legacy, and
23 that is the National Council of Negro Women in
24 America and Delta Sigma Theta in America. And
25 I name those two organizations because it

1 means that Dorothy Height's spirit and what
2 she represented to people in America will
3 never die.

4 And just as recently as two
5 weekends ago, I celebrated, with the Brooklyn
6 Chapter of the National Council of Negro
7 Women, their celebration of Harambee. And it
8 is an annual, for the last 25 years an annual
9 event where they come together, put their
10 funding, their funds together and honor,
11 celebrate a group of young people and provide
12 scholarships to help them with their
13 education. This is the tradition that she has
14 left in Brooklyn and in cities across the
15 country.

16 And so on behalf of all of those
17 women and to all of those women, we join you
18 in celebrating the spirit and the life and
19 legacy of Dorothy Height. And certainly I'm a
20 member of the NCNW, the Brooklyn chapter,
21 proudly. I'm not a member of Delta Sigma
22 Theta, but I have friends who are. And I know
23 that these are women who also carry out what
24 Dorothy Height would want us to do, and that
25 is to be responsible for the ongoing success

1 and progress of young people, especially young
2 people of color, in America.

3 So I honor her, and I wish all of
4 us an opportunity to get to know more about
5 her and to also assume the responsibility that
6 she left for us.

7 Thank you, Madam President.

8 ACTING PRESIDENT STEWART-COUSINS:

9 Thank you, Senator Montgomery.

10 Are there any other Senators
11 wishing to speak on the resolution?

12 The question is on the resolution.
13 All those in favor please signify by saying
14 aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT STEWART-COUSINS:

17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT STEWART-COUSINS:

20 The resolution is adopted.

21 Senator Hassell-Thompson has
22 indicated that she would like to open up the
23 resolution to cosponsorship by the entire
24 house. Any Senator not wishing to be on the
25 resolution please notify the desk.

1 Senator Klein.

2 SENATOR KLEIN: Madam President,
3 I believe there's a resolution at the desk by
4 Senator Libous. I ask that the title of the
5 resolution be read and move for its immediate
6 adoption.

7 ACTING PRESIDENT STEWART-COUSINS:
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 Madam President.

13 ACTING PRESIDENT STEWART-COUSINS:
14 The Secretary will read.

15 THE SECRETARY: By Senator
16 Libous, legislative resolution commending
17 Frank Berrish upon the occasion of his
18 designation as recipient of the 2010
19 Baden-Powell Council Boy Scouts of America
20 Distinguished Citizen of the Year Award.

21 ACTING PRESIDENT STEWART-COUSINS:
22 The question is on the resolution. All those
23 in favor please signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT STEWART-COUSINS:

1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT STEWART-COUSINS:

4 The resolution is adopted.

5 Senator Klein.

6 SENATOR KLEIN: Madam President,
7 I believe there's a resolution at the desk by
8 Senator Alesi. I ask that the title of the
9 resolution be read and move for its immediate
10 adoption.

11 ACTING PRESIDENT STEWART-COUSINS:

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

15 SENATOR KLEIN: Yes, it has,
16 Madam President.

17 ACTING PRESIDENT STEWART-COUSINS:

18 The Secretary will read.

19 THE SECRETARY: By Senator Alesi,
20 legislative resolution commending Murph
21 Shapiro upon the occasion of his retirement
22 after 41 years of distinguished service as
23 Athletic Director, Head Coach and educator at
24 Monroe Community College.

25 ACTING PRESIDENT STEWART-COUSINS:

1 The question is on the resolution. All those
2 in favor please signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT STEWART-COUSINS:
5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT STEWART-COUSINS:
8 The resolution is adopted.

9 Senator Klein.

10 SENATOR KLEIN: Madam President,
11 at this time I move to adopt the Resolution
12 Calendar in its entirety, with the exception
13 of Senate Resolutions 4813, 4834, and 4906.

14 ACTING PRESIDENT STEWART-COUSINS:
15 All those in favor of adopting the Resolution
16 Calendar in its entirety, with the exception
17 of Senate Resolutions 4813, 4834, and 4906,
18 please signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT STEWART-COUSINS:
21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT STEWART-COUSINS:
24 The Resolution Calendar is adopted.

25 Senator Klein.

1 SENATOR KLEIN: Madam President,
2 at this time I move to take up Senate
3 Resolution Number 4813, by Senator Parker. I
4 ask that the resolution be read in its
5 entirety and move for its immediate adoption.

6 ACTING PRESIDENT STEWART-COUSINS:
7 The Secretary will read.

8 THE SECRETARY: By Senator
9 Parker, Legislative Resolution Number 4813,
10 memorializing Governor David A. Paterson to
11 proclaim May 2010 as Celiac Disease Awareness
12 Month in the State of New York.

13 "WHEREAS, It is the sense of this
14 Legislative Body to memorialize Governor David
15 A. Paterson to proclaim May 2010 as Celiac
16 Disease Awareness Month in the State of
17 New York; and

18 "WHEREAS, Celiac disease affects
19 approximately one in every 130 people in the
20 United States, for a total of 3 million
21 people, including nearly 130,000 in New York
22 State. The majority of people with celiac
23 disease have yet to be diagnosed; and

24 "WHEREAS, Celiac disease is an
25 inherited autoimmune disease in which the

1 lining of the small intestine is damaged from
2 eating gluten and other proteins found in
3 wheat, barley, rye and possibly oats. This
4 particular condition results in overall
5 malnutrition; and

6 "WHEREAS, Celiac disease is
7 co-morbid with many autoimmune disorders,
8 including thyroid disease, systemic lupus
9 erythematosus, Type 1 diabetes, liver disease,
10 collagen vascular disease, rheumatoid
11 arthritis, and Sjogren's syndrome; and

12 "WHEREAS, The exact cause of celiac
13 disease is unknown. The intestines contain
14 projections called villi which absorb
15 nutrients, and in undiagnosed or untreated
16 cases these villi become flattened, which
17 affects the ability to absorb nutrients
18 properly. The disease can develop at any
19 point in life, from infancy to late adulthood;
20 and

21 "WHEREAS, For treatment, a lifelong
22 gluten-free diet must be attained. Foods,
23 beverages, and medications that contain wheat,
24 barley, rye and possibly oats must be
25 eliminated in order for the intestinal villi

1 to heal; and

2 "WHEREAS, When untreated, celiac
3 disease can cause life-threatening
4 complications. Ninety-seven percent of cases
5 remain undiagnosed, and the average cost of an
6 undiagnosed case is between \$5,000 and \$12,000
7 per person. Based on these estimates,
8 undiagnosed celiac disease is conservatively
9 costing New York State residents more than
10 \$725 million annually in unnecessary medical
11 bills; and

12 "WHEREAS, delaying diagnosis or not
13 following the diet puts one at risk for
14 related conditions such as autoimmune
15 disorders, certain types of intestinal cancer,
16 fractures, infertility, miscarriage and
17 osteoporosis; and

18 "WHEREAS, Through public awareness,
19 this Legislative Body seeks to minimize the
20 devastating affects of celiac disease among
21 all the citizens of the State of New York;
22 now, therefore, be it

23 "RESOLVED, That this Legislative
24 Body pause in its deliberations to memorialize
25 Governor David A. Paterson to proclaim

1 May 2010 as Celiac Disease Awareness Month in
2 the State of New York; and be it further

3 "RESOLVED, That copies of this
4 resolution, suitably engrossed, be transmitted
5 to the Honorable David A. Paterson, Governor
6 of the State of New York, the Greater New York
7 City Celiac Support Group, NYCeliac, the
8 New York Restaurant Association, the Celiac
9 Disease Center at Columbia University, Sherry
10 Lynn's Gluten Free Restaurant, Wheatfield's
11 Restaurant, and the Celiac Disease
12 Foundation."

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Parker.

15 SENATOR PARKER: Thank you, Madam
16 President.

17 This resolution shall declare
18 May 2010 as Celiac Disease Awareness Month in
19 the State of New York. And really what I'm
20 trying to do is seek to raise awareness around
21 the devastating effects of celiac's disease.
22 Celiac's disease is an autoimmune disease that
23 affects those genetically predisposed of all
24 ages, from infancy onward. In the United
25 States, one out of 130 people are affected by

1 this disease.

2 In New York State, there are nearly
3 130,000 diagnosed cases of celiac's disease,
4 yet many cases continue to go undiagnosed.
5 According to NYCeliac, for people with
6 celiac's disease, the immune system behaves
7 abnormally when gluten is eaten. Celiac's
8 disease will cause nutritional deficiencies
9 unless all gluten is eliminated from the diet
10 and the digestive process damage is restored.

11 The indigestion of gluten can cause
12 irreversible damage to the intestinal tract.
13 Ninety-seven percent of the cases continue,
14 again, to remain undiagnosed.

15 The average cost of the undiagnosed
16 case is between \$5,000 and \$12,000 per case.
17 So for the State of New York, celiac's disease
18 is conservatively costing us approximately
19 \$725 million annually in medical expenses. So
20 there's really an economic impact,
21 particularly now, on us not being aware of the
22 disease.

23 I want to take a moment to read
24 from a New York Times article dated August 15,
25 2009, by Lesley Alderman. And it's called

1 "The Expense of Eating with Celiac Disease."

2 "You would think that after Kelly
3 Oram broke more than 10 bones and experienced
4 chronic stomach problems for most of his life,
5 someone might have wondered (a nurse? a
6 doctor?) if something fundamental was wrong
7 with his health. But it wasn't until Mr. Oram
8 was in his early 40s that a doctor who was
9 treating him for a neck injury became
10 suspicious and ordered tests, including a bone
11 scan.

12 "It turned out that Mr. Oram, a
13 music teacher who lives in White Plains, had
14 celiac disease, an undiagnosed immune disorder
15 set off by eating foods containing gluten, a
16 protein found in wheat, rye and barley.

17 "Celiac disease damages the lining
18 of the small intestine, making it difficult
19 for the body to absorb nutrients. Victims may
20 suffer from mild to serious malnutrition and a
21 host of health problems, including anemia, low
22 bone density and infertility. ...

23 "Seven years after receiving his
24 diagnosis, Mr. Oram, who is married and has
25 one daughter, is symptom-free, but the cost of

1 staying that way is high ... The treatment is
2 to avoid eating products containing gluten.
3 And gluten-free versions of products like
4 bread, pizza and crackers are nearly three
5 time as expensive as regular products,
6 according to a study conducted by the Celiac
7 Disease Center at Columbia University.

8 "Unfortunately for celiac patients,
9 the extra cost of a special diet is not
10 reimbursed by health care plans. Nor do most
11 policies pay for trips to a dieticians to
12 receive nutritional guidance. ...

13 "Some doctors blame drug makers, in
14 part, for the lack of awareness and the lack
15 of support. ... 'And since drug makers are
16 responsible for so much of the education that
17 doctors receive, the medical community is
18 largely unaware of the disease.'"

19 Managing the disease is a hassle,
20 but untreated celiac's disease can wreak havoc
21 with your health. A study published in the
22 July issue of the Journal of Gastroenterology
23 found that subjects who had undiagnosed celiac
24 disease were nearly four times as likely to
25 have died over a 45-year period than subjects

1 who were celiac-free.

2 So in conclusion, I really just
3 want to make the point to my colleagues that
4 we have an obligation to raise the public
5 awareness around celiac's disease. The
6 effects of this devastating diagnosis often go
7 undiagnosed, and we must work together to
8 ensure that sufficient attention is paid to
9 render support to those afflicted by this
10 condition.

11 We can work collectively to improve
12 the lives of those affected by celiac's
13 disease not just here in the State of New
14 York, but globally. And I want to suggest
15 that I'd like members of this body to become
16 cosponsors of two pieces of legislation I
17 have, one of which would require all of the
18 cafeterias that are part of the State of
19 New York to offer gluten-free menus, such
20 that, you know, members of our staffs and
21 people who work for the state who have
22 celiac's disease wouldn't continue to be
23 burdened.

24 The second would be a larger bill
25 that would provide information to medical

1 schools and others around celiac's disease to,
2 again, make sure that we're aware, and, more
3 importantly, to make sure that people aren't
4 going undiagnosed from this debilitating
5 disease.

6 Thank you very much.

7 ACTING PRESIDENT STEWART-COUSINS:

8 Thank you, Senator Parker.

9 Senator Breslin.

10 SENATOR BRESLIN: Thank you,
11 Madam President.

12 I commend Senator Parker for
13 raising the awareness of celiac disease.

14 And I'd also like to just point out
15 that with us today in the gallery is Sherry
16 Lynn Birch, her husband, Howie, and their
17 three children, Jordan, Dallas, and Dylan, who
18 run Sherry Lynn's Gluten Free Bakery in
19 Latham, New York.

20 So they've gotten the message.
21 They're helping out in the fight against
22 celiac disease. And I hope many more realize
23 the importance of fighting celiac disease in
24 the future.

25 Thank you.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Thank you, Senator Breslin.

3 The question is on the adoption of
4 the resolution. All those in favor signify by
5 saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT STEWART-COUSINS:

8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT STEWART-COUSINS:

11 The resolution is adopted.

12 Senator Parker has indicated that
13 he would like to open the resolution up for
14 cosponsorship by the entire house. Any
15 Senator wishing not to be on the resolution
16 should please come to the desk.

17 Senator Klein.

18 SENATOR KLEIN: Madam President,
19 at this time can we take up Senate Resolution
20 Number 4834, by Senator Owen Johnson. I ask
21 that the resolution be read in its entirety
22 and move for its immediate adoption and allow
23 Senator Johnson to speak on his resolution.

24 ACTING PRESIDENT STEWART-COUSINS:

25 The Secretary will read.

1 THE SECRETARY: By Senator O.
2 Johnson, Legislative Resolution Number 4834,
3 commemorating the formation of the Cuban
4 Giants, the first professional black baseball
5 team, on April 18, 2010.

6 "WHEREAS, It is with noble
7 admiration and pride that this Legislative
8 Body joyfully pays just recognition to those
9 respected athletes whose bravery, skill and
10 quiescent dignity brought extraordinary
11 humanity to both the game of baseball and
12 society, contributing to the integration of
13 that sport; and

14 "WHEREAS, Attendant to such
15 concern, and in full accord with its
16 long-standing traditions, this Legislative
17 Body is justly proud to commemorate the
18 formation of the Cuban Giants, the first
19 professional black baseball team in the
20 nation, which called Babylon Village, New
21 York, its home; and

22 "WHEREAS, On Sunday, April 18,
23 2010, the Babylon Village Historical and
24 Preservation Society is holding a ceremony to
25 recognize the Cuban Giants, one of the most

1 important and significant baseball teams in
2 history. A plaque will be placed in their
3 honor on the grounds where the team first
4 played at the Argyle Hotel in 1885; and

5 "WHEREAS, The Argyle Hotel once
6 stood at the northwest corner of Argyle Lake,
7 Babylon, and it was here that Frank P.
8 Thompson worked as headwaiter and realized the
9 interest local folks and resort-goers had in
10 baseball; and

11 "WHEREAS, Assisted with financial
12 backers, Frank P. Thompson recruited players
13 from amateur teams based on their talent and
14 ability and organized the first professional
15 black baseball team, the Cuban Giants; and

16 "WHEREAS, By the fall of 1885, the
17 club roster was filled, games were scheduled,
18 and, just as Frank P. Thompson hoped, the
19 Cuban Giants quickly established themselves by
20 winning almost all of their reported games,
21 mainly against either all-black or mixed-race
22 clubs; and

23 "WHEREAS, In the fall, the Cuban
24 Giants embarked on a road trip in the
25 Northeast, peppering their schedule with games

1 against white major leaguers when they took on
2 the New York Metropolitans and the
3 Philadelphia Athletics of the American
4 Association. They lost both games in close
5 battles, and the American Association was
6 considered a stronger league than the newly
7 formed National League; and

8 "WHEREAS, Undeterred, the Cuban
9 Giants ended their tour victorious over the
10 white Bridgeport club, a team that would win
11 the Eastern League Championship that year.
12 That winter they headed south to a warmer
13 climate, playing baseball along the way; and

14 "WHEREAS, In 1886, Frank P.
15 Thompson sold the team to Walter I. Cook, a
16 successful businessman. Under his esteemed
17 leadership, the team enjoyed great achievement
18 not only on the field but also off the field
19 with an owner who elevated the dignity of the
20 black athlete with not only decent salaries
21 but benefits for those who suffered an illness
22 or injury, something that was unheard of at
23 that time; and

24 "WHEREAS, In 1887, the team was
25 purchased by J.M. Bright, and it joined the

1 Middle States League in 1889. Six years
2 later, the Cuban Giants were purchased by E.B.
3 Lamar, Jr., who renamed them the Cuban-X
4 Giants. For the next decade, they were one of
5 the top black baseball teams in the country;
6 and

7 "WHEREAS, It is the sense of this
8 Legislative Body to commend those events and
9 individuals of historical significance who
10 have contributed to the richness and ethnic
11 diversity of the history of New York State and
12 our nation; now, therefore, be it

13 "RESOLVED, That this Legislative
14 Body pause in its deliberations to commemorate
15 the formation of the Cuban Giants, the first
16 professional black baseball team; and be it
17 further

18 "RESOLVED, That a copy of this
19 resolution, suitably engrossed, be transmitted
20 to the Babylon Village Historical and
21 Preservation Society."

22 ACTING PRESIDENT STEWART-COUSINS:
23 Senator Johnson.

24 SENATOR OWEN JOHNSON: Thank you,
25 Madam President.

1 In 1997, I introduced a resolution
2 referring to Jackie Robinson as being the
3 first black baseball player in the major
4 leagues. And I thought that was the beginning
5 of the black baseball players, until the
6 Babylon Village Historical Society dug up some
7 references from 125 years ago where we had a
8 black, all-black baseball team in the town of
9 Babylon, in the village of Babylon.

10 In those years, Babylon was a
11 resort for rich city people, and there were
12 large hotels along the lakefront of Argyle
13 Lake. And many of the people working there
14 used to go play ball in the local fields. And
15 some entrepreneur said, "Hey, these guys are
16 good. You know, we put them together, we'll
17 have a team."

18 They weren't Cuban, but the first
19 game they played was in Cuba, so they referred
20 to them as the Cuban Giants. They were all
21 black Americans. And they went all around the
22 country playing ball and kicking a lot of butt
23 along the way and making a great record for
24 themselves.

25 Well, I just thought it was

1 appropriate, since the Village of Babylon
2 Historical Society decided to put a monument
3 up for them about 10 days ago, on the site of
4 the original hotel where they played, and we
5 had a big ceremony in the village
6 commemorating that occasion, I thought I'd
7 like to let the rest of the people in the
8 State of New York know about it.

9 So I'm very proud and happy to
10 introduce this resolution.

11 Thank you.

12 ACTING PRESIDENT STEWART-COUSINS:

13 Thank you, Senator Johnson.

14 Are there any other Senators that
15 wish to be heard on the resolution?

16 The question is on the resolution.
17 All those in favor please signify by saying
18 aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT STEWART-COUSINS:

21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT STEWART-COUSINS:

24 The resolution is adopted.

25 Senator Johnson has indicated that

1 he would like to open the resolution up for
2 cosponsorship by the entire house. Any
3 Senator wishing to not be on the resolution
4 please notify the desk.

5 Senator Klein.

6 SENATOR KLEIN: Madam President,
7 we're going to continue with the Resolution
8 Calendar while the Minority conferences.

9 Can you please recognize Senator
10 Libous.

11 ACTING PRESIDENT STEWART-COUSINS:
12 Senator Libous.

13 SENATOR LIBOUS: Thank you, Madam
14 President.

15 There will be an immediate
16 Republican conference, an immediate Republican
17 conference.

18 ACTING PRESIDENT STEWART-COUSINS:
19 There will be an immediate Republican
20 conference.

21 SENATOR LIBOUS: Thank you.

22 ACTING PRESIDENT STEWART-COUSINS:
23 Senator Klein.

24 SENATOR KLEIN: Madam President,
25 at this time I move to take up Senate

1 Resolution 4906, by Senator Nozzolio. I ask
2 that the title of the resolution be read and
3 move for its immediate adoption.

4 ACTING PRESIDENT STEWART-COUSINS:

5 The Secretary will read.

6 THE SECRETARY: By Senator

7 Nozzolio, Legislative Resolution Number 4906,
8 honoring former United States Congressman and
9 New York State Assemblyman Gary A. Lee upon
10 the occasion of his designation as recipient
11 of the prestigious Soaring Eagle Award on
12 May 11, 2010.

13 ACTING PRESIDENT STEWART-COUSINS:

14 Are there any Senators that wish to be heard
15 on the resolution?

16 The question is on the resolution.

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

19 (Response of "Aye.")

20 ACTING PRESIDENT STEWART-COUSINS:

21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT STEWART-COUSINS:

24 The resolution is adopted.

25 Senator Nozzolio has indicated that

1 he would like to open the resolution up for
2 cosponsorship by the entire house. Any
3 Senator wishing to not be on the resolution
4 please notify the desk.

5 Senator Klein.

6 SENATOR KLEIN: Madam President,
7 at this time I move to recall Senate
8 Resolution Number 4680, by Senator Valesky,
9 which was unanimously adopted by this house on
10 April 20th. I ask that the resolution be read
11 in its entirety and allow Senator Valesky to
12 the opportunity to speak on his resolution.

13 ACTING PRESIDENT STEWART-COUSINS:
14 The Secretary will read.

15 THE SECRETARY: By Senator
16 Valesky, Legislative Resolution 4680, mourning
17 the death of IBEW Local 43 Business Manager
18 William C. Towsley of Syracuse, New York.

19 "WHEREAS, It is the custom this
20 Legislative Body to pay tribute to citizens of
21 the State of New York who distinguished
22 themselves in service to the cause of working
23 men and women; and

24 "WHEREAS, International Brotherhood
25 of Electrical Workers Local 43 Business

1 Manager William C. 'Bill' Towsley of Syracuse,
2 who died on Wednesday, March 10, 2010, at age
3 66, was such a man; and

4 "WHEREAS, William C. Towsley was
5 born in Syracuse, the son of Kenneth and Mary
6 Towsley. He was a graduate of Most Holy
7 Rosary School and served in the U.S. Navy from
8 1964 to 1968; and

9 "WHEREAS, The son of a pipefitter
10 who worked on the Geddes Reservoir, William C.
11 Towsley came to the labor movement naturally.
12 He was an electrician and a member of the IBEW
13 for 41 years; and

14 "WHEREAS, He had also served many
15 years as president of the Central and Northern
16 New York Building and Construction Trades
17 Council, which currently represents 16,000
18 workers and retirees; and

19 "WHEREAS, A passionate Central
20 New York labor leader, William C. Towsley was
21 a man of vision who had a genuine concern for
22 workers and the Central New York community.
23 He fought for minimum wage increases, for
24 low-income housing stock in the area, and for
25 many other things which might not directly

1 affect his membership but which he knew were
2 good for the community; and

3 "WHEREAS, Known and admired as a
4 man of integrity and dignity, William C.
5 Towsley understood the needs of employers as
6 well and worked effectively with business
7 owners and leaders, earning their respect as
8 well as that of his union members; and

9 "WHEREAS, William C. Towsley, in
10 addition, worked tirelessly, generously
11 sharing his time and vast expertise and
12 experience on behalf of numerous community and
13 charitable organizations. He was a valued
14 member of several boards, including those of
15 the Hospice Foundation of Central New York,
16 the Onondaga County Industrial Development
17 Agency, the Central New York Building Trades
18 Association, Onondaga Community College, and
19 the Community General Hospital Foundation; and

20 "WHEREAS, William C. Towsley was
21 predeceased by his wife, Noreen (Mullen)
22 Towsley, and his two brothers, John and Thomas
23 Towsley. He is survived by his sons, Kenneth
24 (Jennifer) and William of Syracuse; his
25 daughters, Tracy (Nathaniel) Walker of

1 Syracuse and Jennifer (Jeremy) Mettler of
2 Rochester; his grandchildren, Donovan, Colin,
3 Patrick, Bella, and Andrew; several nieces and
4 nephews, and a legion of friends; and

5 "WHEREAS, William C. Towsley
6 contributed greatly to the cause of working
7 men and women in Syracuse, Central New York,
8 and throughout New York State, and leaves an
9 inspiring legacy for others to follow; now,
10 therefore, be it

11 "RESOLVED, That this Legislative
12 Body pause in its deliberations to celebrate
13 the life and accomplishments of William C.
14 Towsley, recognizing his distinguished service
15 to his profession and his community and
16 expressing its deepest condolences to his
17 family; and be it further

18 "RESOLVED, That copies of this
19 resolution, suitably engrossed, be transmitted
20 to the family of William C. Towsley."

21 ACTING PRESIDENT STEWART-COUSINS:
22 Senator Valesky.

23 SENATOR VALESKY: Thank you,
24 Madam President.

25 Madam President, each of us in our

1 lives and duties as elected officials have an
2 opportunity to work very closely with many
3 members of our communities and our district.
4 And as part of that experience, we have the
5 opportunity to work sometimes with some
6 extraordinary men and women who really go
7 above and beyond the call of duty, who truly
8 make a difference in the lives of so many
9 individuals.

10 I have had the chance over the last
11 several years to work with one such
12 individual. Bill Towsley, who Syracuse and
13 Central New York lost on March 10, 2010, was
14 truly an extraordinary individual.

15 We are joined today in the gallery
16 by four of his children -- his daughters,
17 Tracy and Jennifer, his sons, Ken and Bill --
18 and also by many members and friends of the
19 International Brotherhood of Electrical
20 Workers. And each and every one of them know
21 in their own personal way what a special
22 person Bill Towsley was.

23 You heard in the resolution that
24 was read that Bill dedicated some 41 years of
25 his professional career to advancing the

1 causes and concerns and issues important to
2 working men and women in Central New York,
3 where he served as the business manager and
4 later the president of the Central and
5 Northern New York Building and Construction
6 Trades Council.

7 We also heard of his selfless and
8 tireless service on so many boards that did so
9 much in Syracuse and Central New York, from
10 the Hospice Foundation to the Onondaga County
11 Industrial Development Agency to Onondaga
12 Community College to the Community General
13 Hospital Foundation. And he gave of his
14 himself and of his time and of his talents in
15 so many other ways and through so many other
16 organizations.

17 He was always one who stood for
18 what he believed, stood up for what he
19 believed in, and fought each and every day for
20 the values that he held so dear and for which
21 he taught you, I'm sure.

22 Sometimes we also learn an awful
23 lot about a person in how they handle various
24 struggles in their life. And there are those
25 who are called upon to go through a great

1 degree of struggle in their end of life. Bill
2 was asked to do that. And Bill, each and
3 every time I had the opportunity to see him or
4 speak with him, showed the courage with which
5 he carried himself through a very, very
6 difficult period in his life.

7 I can remember one of the last
8 times I saw him, in his office, he was telling
9 me how he was in his office at 5:30 in the
10 morning that morning, despite all of the
11 treatments and everything else that he was
12 enduring.

13 He was always someone who kept an
14 incredible spirit about him through those
15 challenges that he was asked to bear. And we,
16 each and every one of us, are a better person
17 for having known and having worked with Bill
18 Towsley.

19 Last week this Senate unanimously
20 approved a resolution on behalf of the
21 19.5 million New Yorkers that we represent,
22 the 62 Senators here represent, expressing our
23 sincere condolences on the loss of an
24 extraordinary individual. And today, please
25 allow me to extend my personal condolences to

1 each and every one of you -- his sons, his
2 daughters, his friends, his colleagues -- and
3 know that your dad's life was one that touched
4 so many individuals.

5 Thank you, Madam President.

6 ACTING PRESIDENT STEWART-COUSINS:

7 Thank you, Senator.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: First, I
10 want to thank Senator Valesky for bringing to
11 the floor this resolution last week.

12 I've known Bill for many, many
13 years, through my political career. And Dave
14 Valesky is right; you meet few people that
15 really are genuine people, people who are
16 dedicated to a cause, dedicated to his or her
17 family, and do what's right throughout their
18 life.

19 In the resolution, it was mentioned
20 that Bill was a person of integrity and
21 dignity. And that truly, truly sums up the
22 type of man Bill was.

23 Another trademark that I
24 particularly liked about Bill is that he said
25 it like it was. You rarely left a discussion

1 with Bill by wondering where he stood on an
2 issue.

3 Sometimes we went head to head. I
4 remember one time there was this major
5 construction project that was started about
6 eight or nine years ago -- it's still going
7 on -- that he chided me about my opposition
8 and my concerns about that project.

9 Over the many years, we got closer
10 on that issue. And we, at the end of that
11 issue -- well, it's never-ending -- but we saw
12 eye to eye. Always a person with an open
13 mind, tell it like it is.

14 And, you know, I want to tell
15 especially his children -- and I know his
16 brothers in labor are here -- that the highest
17 compliment I can give to a person is that he
18 was a good man. And that is truly the case
19 with Bill Towsley. And I was very honored to
20 be able to work with him during the many years
21 that he served the public.

22 And I extend my condolences as
23 well. He was a great man. And I'm sure each
24 of you are going to follow in his footprints
25 with those same qualities that he gave

1 throughout his life.

2 Thank you.

3 ACTING PRESIDENT STEWART-COUSINS:

4 Thank you, Senator.

5 Are there any other Senators who
6 wish to be heard on this resolution?

7 The resolution was previously
8 adopted, but we certainly extend our heartfelt
9 condolences to this very, very great man and
10 his family.

11 Thank you. Could we rise for a
12 moment -- we will rise for a moment of silence
13 in memory of Mr. William Towsley.

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

16 ACTING PRESIDENT STEWART-COUSINS:

17 Thank you.

18 Senator Klein.

19 SENATOR KLEIN: Madam President,
20 while we await the return of the Minority, can
21 we please stand at ease. But please, only
22 10 minutes, so everyone stay near the chamber.

23 ACTING PRESIDENT STEWART-COUSINS:

24 The Senate will stand at ease for 10 minutes.

25 (Whereupon, the Senate stood at

1 ease at 5:18 p.m.)

2 (Whereupon, the Senate reconvened
3 at 5:30 p.m.)

4 ACTING PRESIDENT STEWART-COUSINS:
5 Senator Klein.

6 SENATOR KLEIN: Madam President,
7 at this time can we please go to a reading of
8 the calendar.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Thank you, Senator Klein.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 78, by Assemblymember Glick, Assembly Bill
14 Number 2565, an act to amend the Social
15 Services Law.

16 ACTING PRESIDENT STEWART-COUSINS:
17 Read the last section.

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

20 ACTING PRESIDENT STEWART-COUSINS:
21 Call the roll.

22 SENATOR PADAVAN: Madam
23 President, what calendar number is this?

24 ACTING PRESIDENT STEWART-COUSINS:
25 This is Calendar Number 78.

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT STEWART-COUSINS:

4 Announce the results.

5 THE SECRETARY: Those recorded in
6 the negative are Senators DeFrancisco,
7 Flanagan, Golden, Griffio, Larkin, Leibell,
8 Libous, Little, Nozzolio, Padavan,
9 Ranzenhofer, Seward, Skelos, Volker, Young.
10 Also Senator Hannon. Also Senator Saland.
11 Also Senator Winner. Also Senator Bonacic.

12 ACTING PRESIDENT STEWART-COUSINS:

13 Announce the results.

14 THE SECRETARY: Ayes, 42. Nays,
15 19.

16 ACTING PRESIDENT STEWART-COUSINS:

17 The bill is passed.

18 (Applause from the gallery.)

19 ACTING PRESIDENT STEWART-COUSINS:

20 The Secretary will continue to read.

21 THE SECRETARY: Calendar Number
22 173, by Senator Squadron, Senate Print 5992,
23 an act to amend the Administrative Code of the
24 City of New York.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Read the last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect on the 120th day after
4 it shall have become law.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Call the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT STEWART-COUSINS:
9 Announce the results.

10 THE SECRETARY: Those recorded in
11 the negative are Senators DeFrancisco, Farley,
12 Flanagan, Golden, Griffio, Hannon, Lanza,
13 Larkin, LaValle, Little, Maziarz, Nozzolio,
14 Ranzenhofer, Seward, Skelos, Winner and Young.
15 Also Senator Bonacic. Also Senator Libous.
16 Also Senator Saland. Also Senator Leibell.
17 Also Senator O. Johnson.

18 ACTING PRESIDENT STEWART-COUSINS:
19 Announce the results.

20 THE SECRETARY: Ayes, 39. Nays,
21 22.

22 ACTING PRESIDENT STEWART-COUSINS:
23 The bill is passed.

24 The Secretary will continue to
25 read.

1 THE SECRETARY: Calendar Number
2 308, by Senator Thompson, Senate Print 3782A,
3 an act to amend the Environmental Conservation
4 Law.

5 ACTING PRESIDENT STEWART-COUSINS:
6 Read the last section.

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

9 ACTING PRESIDENT STEWART-COUSINS:
10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT STEWART-COUSINS:
13 Announce the results.

14 THE SECRETARY: Those recorded in
15 the negative: Senator Lanza.

16 Ayes, 60. Nays, 1.

17 ACTING PRESIDENT STEWART-COUSINS:
18 The bill is passed.

19 The Secretary will continue to
20 read.

21 THE SECRETARY: Calendar Number
22 333, by Member of the Assembly Peralta,
23 Assembly Bill Number 8613, an act to amend the
24 Correction Law.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Read the last section.

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

4 ACTING PRESIDENT STEWART-COUSINS:
5 Call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT STEWART-COUSINS:
8 Announce the results.

9 THE SECRETARY: To be recorded in
10 the negative: Senator DeFrancisco.

11 Ayes, 60. Nays, 1.

12 ACTING PRESIDENT STEWART-COUSINS:
13 The bill is passed.

14 The Secretary will continue to
15 read.

16 THE SECRETARY: Calendar Number
17 359, by Senator C. Johnson, Senate Print
18 6231C, an act to amend the Alcoholic Beverage
19 Control Law.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Read the last section.

22 THE SECRETARY: Section 5. This
23 act shall take effect on the 60th day after it
24 shall have become a law.

25 ACTING PRESIDENT STEWART-COUSINS:

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT STEWART-COUSINS:

4 Senator Johnson, to explain his vote.

5 SENATOR CRAIG JOHNSON: Thank you
6 very much, Madam President. To explain my
7 vote, very quickly.

8 This bill will finally create a
9 temporary retail permit when it comes to
10 liquor licenses. It really will help promote
11 economic growth in New York State. For far
12 too long, the SLA has been dealing with a
13 backlog. And while there has been
14 improvement, at the same time it just takes
15 way too long for a lot of entrepreneurs who
16 are looking to start a restaurant or a bar or
17 any type of industry where liquor is involved,
18 to get the necessary permit.

19 This will create a temporary permit
20 that will allow them to get into business
21 while working on the long-term licensing
22 process.

23 First I want to thank the co-prime
24 sponsors of this bill, Senator Betty Little
25 and Senator Dave Valesky, the three of us

1 working together in a bipartisan way to make
2 sure that this bill gets passed.

3 Senator Little has been working on
4 this issue for a long time, and I thank you,
5 Senator Little, for your guidance in this
6 effort.

7 It's a good piece of legislation.
8 It will really help small businesses all
9 across New York State. I'll be voting yes.

10 Thank you very much, Madam
11 President.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Thank you.

14 Senator Little.

15 SENATOR LITTLE: Thank you, Madam
16 President.

17 And thank you, Senator Johnson,
18 although I do have to say that I still think
19 it would have been better as a Little-Johnson,
20 but it's Johnson-Little, so -- and
21 Johnson-Little-Valesky.

22 And this is something that I've
23 worked on for a long time. And this actual
24 bill, its genesis was a meeting that we had
25 the new commissioner, the new chairman of the

1 State Alcohol Board, Dennis Rosen, who has
2 made a substantial difference in the licensing
3 process that takes place.

4 We all know how important small
5 business is to us, to our areas, to New York
6 State. And these restaurants and bars,
7 taverns, facilities, delis, whatever, they are
8 small business. And by giving them this
9 opportunity to apply for a temporary license
10 while their license is under review is going
11 to be very important and allows them to get
12 into business a lot faster than they had been.

13 Although Chairman Rosen has done a
14 great job in reducing the backlog, this will
15 make it part of the State Liquor Authority law
16 so that we will never have that kind of a
17 backlog, we will always be able to help these
18 small businesses get in operation much, much
19 faster than they were able to in the past.

20 So thank you for your efforts on
21 this, and thank you to everyone for your
22 support of this bill.

23 And this bill does not affect
24 New York City. It's outside of New York City.

25 Thank you.

1 ACTING PRESIDENT STEWART-COUSINS:

2 Senator Robach.

3 SENATOR ROBACH: Yes, very
4 quickly to explain my vote.

5 I would applaud everyone that
6 worked on this historically.

7 The amount of frustration that I've
8 had working on behalf constituents with the
9 Liquor Authority has been monumental. It's
10 the only place I know left in New York where
11 you're guilty till proven innocent. I've had
12 people waiting up to a year to get a liquor
13 license, and the reason was because they
14 didn't have any experience in the field.

15 To me, being able to get a
16 temporary license -- or I would even go one
17 step further and say, let's give them a
18 license unless they have three violations or
19 anything major and take it away -- makes all
20 the sense in the world. And this will impact
21 in a positive way economic development. It is
22 very much needed.

23 Oftentimes in my city, Rochester,
24 people buy the property because they have to,
25 for timing, or take the business from another

1 individual and then have to wait for the
2 Liquor Authority. So you can imagine if you
3 are paying rent on a building for upwards of
4 seven, eight months with no income coming in.
5 Pretty devastating.

6 So this is a good thing. It will
7 help businesses. And we should keep going in
8 that regard. Happy to vote yes.

9 ACTING PRESIDENT STEWART-COUSINS:
10 Senator Farley.

11 SENATOR FARLEY: Yeah, I rise to
12 support this bill.

13 I thank Senator Little, Senator
14 Johnson for bringing this forward,
15 particularly those of us that have an area
16 that is in a resort area that has a short
17 window.

18 These people buy an establishment,
19 desperately hoping for a license. They've
20 invested all of their money. They can't do
21 any business. And it really makes it possible
22 for them to be able to survive.

23 And again, it's so very, very
24 important. And I know that I've had scores of
25 occasions since I've been a Senator where

1 people have been frustrated by not being able
2 to get a temporary license. This is a good
3 piece of legislation.

4 ACTING PRESIDENT STEWART-COUSINS:
5 Are there any other Senators wishing to
6 explain their vote?

7 Announce the results.

8 THE SECRETARY: To be recorded in
9 the negative: Senators Diaz, Duane, and
10 Padavan.

11 Ayes, 58. Nays, 3.

12 ACTING PRESIDENT STEWART-COUSINS:
13 The bill is passed.

14 The Secretary will continue to
15 read.

16 THE SECRETARY: Calendar Number
17 363, by Senator C. Johnson, Senate Print 7314,
18 an act to amend the Alcoholic Beverage Control
19 Law.

20 ACTING PRESIDENT STEWART-COUSINS:
21 Read the last section.

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

24 ACTING PRESIDENT STEWART-COUSINS:
25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT STEWART-COUSINS:

3 Announce the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT STEWART-COUSINS:

6 The bill is passed.

7 The Secretary will continue to
8 read.

9 THE SECRETARY: Calendar Number
10 385, by Senator Savino, Senate Print 7075, an
11 act to amend the Civil Service Law.

12 ACTING PRESIDENT STEWART-COUSINS:
13 Read the last section.

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

16 ACTING PRESIDENT STEWART-COUSINS:
17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT STEWART-COUSINS:

20 Announce the results.

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT STEWART-COUSINS:

23 The bill is passed.

24 The Secretary will continue to
25 read.

1 THE SECRETARY: Calendar Number
2 394, substituted earlier --

3 SENATOR KLEIN: Lay the bill
4 aside for the day.

5 ACTING PRESIDENT STEWART-COUSINS:
6 The bill is laid aside for the day.

7 Senator Klein, that completes the
8 reading of the noncontroversial calendar.

9 Senator Klein.

10 SENATOR KLEIN: Madam President,
11 can you please recognize Senator Ruth
12 Hassell-Thompson for a brief announcement.

13 ACTING PRESIDENT STEWART-COUSINS:
14 Senator Hassell-Thompson.

15 SENATOR HASSELL-THOMPSON: Thank
16 you, Madam President.

17 Immediately following session there
18 will be a meeting of the Senate Majority in
19 Room 332.

20 ACTING PRESIDENT STEWART-COUSINS:
21 There will an immediate meeting of the Senate
22 Majority in Room 332 following session.

23 Senator Klein.

24 SENATOR KLEIN: Madam President,
25 I would like to remind my colleagues that

1 tomorrow is our annual celebration of West
2 Point Day, and that in order to accommodate a
3 very full and tight schedule, we'll begin
4 tomorrow's session promptly at 11:00 a.m.
5 Thank you.

6 ACTING PRESIDENT STEWART-COUSINS:
7 Tomorrow is West Point Day, and we will be
8 proceeding promptly at 11:00 a.m.

9 Senator Klein.

10 SENATOR KLEIN: Madam President,
11 is there any further business at the desk?

12 ACTING PRESIDENT STEWART-COUSINS:
13 Senator Klein, the desk is clear.

14 SENATOR KLEIN: There being no
15 further business, Madam President, I move that
16 we adjourn until Wednesday, April 28th, at
17 11:00 a.m.

18 ACTING PRESIDENT STEWART-COUSINS:
19 On motion, the Senate stands adjourned until
20 Wednesday, April 28th, at 11:00 a.m.

21 (Whereupon, at 5:47 p.m., the
22 Senate adjourned.)
23
24
25