

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