

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 May 12, 2010

11 11:30 a.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR DAVID J. VALESKY, Acting President

19 ANGELO J. APONTE, Secretary

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

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

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

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

9 ACTING PRESIDENT VALESKY:
10 Today's invocation will be provided by Rabbi
11 Yaakov Kellman, from the Jewish Educational
12 Resources of New York, here in Albany.

13 Rabbi.

14 RABBI KELLMAN: Jerusalem,
15 reunited as a holy city for people of all
16 faiths, 43 years ago today. Jerusalem: The
17 city of peace, the city of wholeness, the city
18 of respect -- for three faiths.

19 We bless you, we pray for you, we
20 ask God's beneficence to this convening body,
21 that the peace of Jerusalem shine upon each
22 one of you now and forever.

23 Amen.

24 ACTING PRESIDENT VALESKY: The
25 reading of the Journal.

1 The Secretary will read.

2 THE SECRETARY: In Senate,
3 Tuesday, May 11, 2010, the Senate met pursuant
4 to adjournment. The Journal of Monday,
5 May 10, 2010, was read and approved. On
6 motion, Senate adjourned.

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

10 Presentation of petitions.
11 Messages from the Assembly.
12 Messages from the Governor.
13 Reports of standing committees.
14 Reports of select committees.
15 Communications and reports from
16 state officers.

17 Motions and resolutions.

18 Senator Klein.

19 SENATOR KLEIN: Mr. President, on
20 behalf of Senator Sampson, I move that the
21 following bills be discharged from their
22 respective committees and be recommitted with
23 instructions to strike the enacting clause:
24 Senate Number 144, 1632, 2352, 3404, and 7504.

25 ACTING PRESIDENT VALESKY: So

1 ordered.

2 Senator Klein.

3 SENATOR KLEIN: Mr. President, I
4 believe there are substitutions at the desk.
5 I ask that we make the substitutions at this
6 time.

7 ACTING PRESIDENT VALESKY: The
8 Secretary will take up the substitutions.

9 THE SECRETARY: Page 27, Senator
10 Schneiderman moves to discharge, from the
11 Committee on Education, Assembly Bill Number
12 6453A and substitute it for the identical
13 Senate Bill Number 6196A, Third Reading
14 Calendar 461.

15 Page number 30, Senator C. Johnson
16 moves to discharge, from the Committee on
17 Local Government, Assembly Bill Number 6249B
18 and substitute it for the identical Senate
19 Bill Number 2269A, Third Reading Calendar
20 Number 504.

21 Page number 30, Senator Squadron
22 moves to discharge, from the Committee on
23 Corporations, Authorities and Commissions,
24 Assembly Bill Number 10147 and substitute it
25 for the identical Senate Bill Number 7365,

1 Third Reading Calendar 506.

2 ACTING PRESIDENT VALESKY:

3 Substitutions ordered.

4 Senator Klein.

5 SENATOR KLEIN: Mr. President, I
6 believe there's a resolution at the desk by
7 Senator Perkins. I ask that the resolution be
8 read in its entirety and move for its
9 immediate adoption.

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

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

16 ACTING PRESIDENT VALESKY: The
17 Secretary will read.

18 THE SECRETARY: By Senator
19 Perkins, Senate Legislative Resolution
20 mourning the death of legendary singer,
21 dancer, actress and civil rights activist Lena
22 Mary Calhoun Horne.

23 "WHEREAS, It is the sense of this
24 Legislative Body to pay tribute to the lives
25 of those esteemed individuals of world renown

1 who distinguished themselves through their
2 life's work; and

3 "WHEREAS, Born in Brooklyn,
4 New York, Lena Horne was the first black
5 performer to be signed to a long-term contract
6 by a major Hollywood studio and went on to
7 achieve international fame as a singer. She
8 died at the age of 92 on Sunday, May 9, 2010;
9 and

10 "WHEREAS, Lena Horne's timeless
11 legacy will forever be celebrated as part of
12 the fabric of American popular music. Her
13 striking beauty often overshadowed her talent
14 and artistry; and

15 "WHEREAS, Lena Horne was largely
16 raised by her grandparents as her mother, Edna
17 Horne, who pursued a career in show business,
18 and father, Teddy Horne, separated. Lena
19 dropped out of high school at age 16 and
20 joined the chorus line at the Cotton Club, the
21 fabled Harlem night spot where the
22 entertainers were black and the clientele
23 white. She left the club in 1935 to tour with
24 Noble Sissle's orchestra, billed as Helena
25 Horne; and

1 "WHEREAS, The talented Lena Horne
2 once said, 'I was unique in that I was a kind
3 of black that white people could accept ... I
4 was their daydream. I had the worst kind of
5 acceptance because it was never for how great
6 I was or what I contributed. It was because
7 of the way I looked.'; and

8 "WHEREAS, Actress Liza Minelli's
9 father, director Vincente Minelli, brought
10 Lena Horne to Hollywood to star in 'Cabin in
11 the Sky,' in 1943. In the 1940s, Lena Horne
12 was one of the first black performers hired to
13 sing with a major white band, to play the
14 Copacabana nightclub in New York City. And
15 when she signed with MGM, she was among a few
16 black actors to have a contract with a major
17 Hollywood studio; and

18 "WHEREAS, In 1943, MGM Studios
19 temporarily transferred her to 20th Century
20 Fox to play the role of Selina Rogers in the
21 all-black movie musical 'Stormy Weather.' Her
22 rendition of the title song became a major hit
23 and her most famous tune; and

24 "WHEREAS, In her first big Broadway
25 success, as the star of 'Jamaica' in 1957,

1 reviewer Richard Watts, Jr., called her 'one
2 of the incomparable performers of our time.'
3 Songwriter Buddy de Sylva dubbed her 'the best
4 female singer of songs'; and

5 "WHEREAS, Ms. Horne's voice was not
6 particularly powerful, but it was extremely
7 expressive. She reached her listeners
8 emotionally by acting as well as singing the
9 romantic standards like 'The Man I Love' and
10 'Moon River' that dominated her repertory.

11 The person she always credited as her main
12 influence was not another singer but a pianist
13 and composer, Duke Ellington's longtime
14 associate Billy Strayhorn; and

15 "WHEREAS, Lena Horne had married
16 MGM music director Lennie Hayton, a white man,
17 in Paris in 1947 after her first overseas
18 engagements in France and England. An earlier
19 marriage to Louis J. Jones had ended in
20 divorce in 1944 after producing her daughter,
21 Gail, and her son, Teddy. Lena's father, her
22 son, and Hayton all died in 1970 and 1971; and

23 "WHEREAS, While at MGM, Lena Horne
24 starred in the all-black 'Cabin in the Sky,'
25 but in most movies, she appeared only in

1 musical numbers that could be cut when shown
2 in the South, and she was denied major roles
3 and speaking parts. She had appeared in the
4 role of Julie in a 'Show Boat' scene in a 1946
5 movie about Jerome Kern, and was deemed a
6 logical choice for the 1951 movie, but the
7 part went to a white actress, Ava Gardner, who
8 did not sing; and

9 "WHEREAS, Lena Horne was only two
10 when her grandmother, a prominent member of
11 the Urban League and the National Association
12 for the Advancement of Colored People,
13 enrolled her in the NAACP. However, Lena
14 avoided activism until 1945, when she was
15 entertaining at an Army base and saw German
16 prisoners of war sitting up front while black
17 American soldiers were consigned to the rear.
18 That pivotal moment channeled her anger into
19 something useful; and

20 "WHEREAS, Roger Edens, the composer
21 and musical arranger who had been Judy
22 Garland's chief protector at MGM, had heard
23 the elegant Lena Horne sing at Cafe Society
24 and also went to hear her at the Little Troc.
25 He then insisted that Arthur Freed, the

1 producer of MGM's lavish musicals, listen to
2 Ms. Horne sing. Mr. Freed insisted that Louis
3 B. Mayer, who ran the studio, hear her too,
4 and when he did, she had soon signed a
5 seven-year contract with MGM; and

6 "WHEREAS, With Lena Horne being the
7 trailblazer, the NAACP celebrated that
8 particular contract as a weapon in its war to
9 get better movie roles for black performers;
10 and

11 "WHEREAS, Perpetually frustrated
12 with racism, Lena Horne got involved in
13 various social and political organizations,
14 and, partly because of her friendship with
15 singer-actor-activist Paul Robeson, was
16 blacklisted during the Red-hunting McCarthy
17 era. By the 1960s, she was one of the most
18 visible celebrities in the civil rights
19 movement, once throwing a lamp at a customer
20 who made a racial slur in a Beverly Hills
21 restaurant, and, in 1963, joining 250,000
22 others in the March on Washington for Jobs and
23 Freedom when Martin Luther King, Jr., gave his
24 'I Have a Dream' speech. She also spoke at a
25 rally that year with another civil rights

1 leader, Medgar Evers, just days before his
2 assassination; and

3 "WHEREAS, Lena Horne's 1981
4 one-woman Broadway show, 'Lena Horne: The
5 Lady and Her Music,' won a special Tony Award
6 and two Grammy Awards. In it, the 64-year-old
7 singer used two renditions, one straight and
8 the other gut-wrenching, of 'Stormy Weather'
9 to give audiences a glimpse of the spiritual
10 odyssey of her five-decade career; and

11 "WHEREAS, A true asset to society,
12 Lena Horne's life and works will endure as an
13 inspiration and legacy to all who had the
14 privilege and honor of knowing her. She is
15 survived by her daughter, journalist Gail
16 Buckley; now, therefore, be it

17 "RESOLVED, That this Legislative
18 Body pause in its deliberations to mourn the
19 death of legendary singer, dancer, actress and
20 civil rights activist Lena Mary Calhoun Horne;
21 and be it further

22 "RESOLVED, That a copy of this
23 resolution, suitably engrossed, be transmitted
24 to Gail Buckley."

25 ACTING PRESIDENT VALESKY:

1 Senator Perkins, on the resolution.

2 SENATOR PERKINS: Thank you,
3 Mr. President. I'll just make a brief few
4 observations.

5 First, you know, in the resolution
6 there is a quote from Lena Horne that I just
7 want to emphasize because it is kind of tragic
8 that she herself had to acknowledge that it
9 was not her talent but her race that seemed to
10 be so much a part of her acknowledgment by the
11 public. Even though she was, you know, a
12 beautiful woman, but she was not just accepted
13 for her talent.

14 And I think that she reminds me and
15 so many of us that unfortunately there have
16 been so many other actors and actresses and
17 scientists and doctors and writers and others
18 who have had to experience that kind of
19 tokenism or racism.

20 And I just would like to say that
21 hopefully that past will be left in the past
22 and that we will be able to move forward and
23 begin to recognize each other for what we
24 really represent and that our talents will
25 really be that which we focus on.

1 And so I'm honored to have had the
2 opportunity to experience her. I want to
3 thank her for that which she contributed even
4 in the civil rights movement. And I would
5 hope that my colleagues would join me in
6 supporting this resolution.

7 Thank you.

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

10 Senator Montgomery, on the
11 resolution.

12 SENATOR MONTGOMERY: Yes,
13 Mr. President, I rise to thank my colleague
14 Senator Perkins for introducing this
15 resolution.

16 And as we all know, anyone who had
17 ever laid eyes on Lena Horne knows that she
18 was one of the most beautiful women in the
19 world. But she was not only physically
20 attractive, but she was also a beautiful human
21 being.

22 She started her life in Brooklyn,
23 in my own district, and so she's probably one
24 of the most outstanding people in theater from
25 the community, the village of

1 Bedford-Stuyvesant.

2 And I appreciate the fact that she
3 was not simply an actress who was looking to
4 be the most famous actress. She had
5 tremendous talent, but she also utilized that
6 talent to benefit her community and her people
7 in a very significant way. So she lived her
8 life both in terms of her profession but also
9 in terms of her significant place in society
10 to make a statement on behalf of her people.

11 So I commend her and I celebrate
12 her life. And again, I thank my colleague for
13 introducing this in commemorating the life and
14 death of Lena Horne.

15 Thank you.

16 ACTING PRESIDENT VALESKY: Thank
17 you, Senator Montgomery.

18 Are there any other Senators who
19 wish to be heard?

20 Seeing none, the question is on the
21 resolution. All in favor signify by saying
22 aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT VALESKY:
25 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT VALESKY: The
3 resolution is adopted.

4 Senator Perkins has indicated he
5 would like to open this resolution up to the
6 entire body for cosponsorship. Any Senator
7 wishing not cosponsor the resolution please
8 inform the desk.

9 Senator Klein.

10 SENATOR KLEIN: Mr. President, I
11 believe there's a resolution at the desk by
12 Senator Breslin. I ask that the title of the
13 resolution be read and move for its immediate
14 adoption.

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

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

21 ACTING PRESIDENT VALESKY: The
22 Secretary will read.

23 THE SECRETARY: By Senators
24 Breslin and Parker, Senate Legislative
25 Resolution commemorating the observance of

1 Yom Yerushalayim, Jerusalem Day, on May 12,
2 2010.

3 ACTING PRESIDENT VALESKY:
4 Senator Breslin, on the resolution.

5 SENATOR BRESLIN: Thank you very
6 much, Mr. President.

7 I rise because today is the
8 celebration of Jerusalem Day and Jerusalem
9 Day, in particular, the first time we have
10 celebrated in the Capital District, this area.

11 And it celebrates the anniversary
12 of the unification of Jerusalem, which took
13 place 43 years ago, 43 years ago after the
14 culmination of the Six-Day War in Israel.

15 And tonight, at Temple Israel,
16 we'll bring together a number of different
17 groups, twenty in all, from different
18 religious backgrounds, from different faiths,
19 to commemorate the peaceful transition in
20 Jerusalem.

21 And tonight at Temple Israel we'll
22 be honoring several individuals, including
23 Bill Adams, the deputy director of the Bridges
24 for Peace in the United States; Dr. Stephen
25 Berk, a professor of history at Union College;

1 Dr. Arthur Brenner, a professor of Judaic
2 studies at the University of Albany; and my
3 dear friend Michael McNulty, the former
4 Congressman for this area -- all four of whom
5 have been instrumental in the peaceful process
6 that's taken place in Jerusalem.

7 And I ask all to think of this day
8 as a commemoration of the peaceful unification
9 of the wonderful city of Jerusalem.

10 Thank you, Mr. President.

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

13 Senator Parker, on the resolution.

14 SENATOR PARKER: Mr. President,
15 on the resolution.

16 Yom Yerushalayim, or Jerusalem Day,
17 is a recent addition to the Hebrew calendar.
18 It commemorates the reunification of Jerusalem
19 after the Six-Day War in 1967.

20 As you know, I represent the 21st
21 Senatorial District in Brooklyn, which is
22 Flatbush and East Flatbush, Midwood, Ditmas
23 Park, Kensington and Boro Park, and as such I
24 represent probably the largest population of
25 Jews by anybody who's not Jewish in the State

1 of New York. So this day is a really
2 important day for people in my district, and
3 it's important for me, especially having
4 visited Jerusalem two years ago and seeing the
5 kind of history and culture that exists in the
6 City of Jerusalem.

7 Jerusalem is a city today that is
8 sacred to not just Jews but also Christians
9 and Muslims, and all live there in relative
10 peace, for the most part.

11 Today, May 12th, Temple Israel in
12 Albany, as Senator Breslin has indicated, is
13 going to have the Christian Zionist community
14 celebrating the 43rd anniversary of the
15 Jerusalem reunification. And so we want to
16 congratulate them and really just be
17 respectful of the history of Jerusalem and so
18 much that that history has given not just to
19 the people of my community but the people of
20 New York and the people of the world.

21 Thank you.

22 ACTING PRESIDENT VALESKY: Thank
23 you, Senator Parker.

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

1 Seeing none, the question is on the
2 resolution. All in favor signify by saying
3 aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT VALESKY:
6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT VALESKY: The
9 resolution is adopted.

10 Senator Breslin has asked that the
11 resolution be opened for cosponsorship. Any
12 member wishing not to be a cosponsor should
13 notify the desk.

14 Senator Klein.

15 SENATOR KLEIN: Mr. President, I
16 believe Senator Breslin has another resolution
17 at the desk. I ask that the title of the
18 resolution be read and move for its immediate
19 adoption.

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

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

1 ACTING PRESIDENT VALESKY: The
2 Secretary will read.

3 THE SECRETARY: By Senators
4 Breslin and Parker, Senate Legislative
5 Resolution commending the first Capital
6 District community commemoration of Yom
7 Yerushalayim, Jerusalem Day, on May 12, 2010.

8 ACTING PRESIDENT VALESKY:
9 Senator Breslin, on the resolution.

10 SENATOR BRESLIN: Thank you very
11 much, Mr. President.

12 Again, I would be repeating much of
13 what I said in my explanation of the prior
14 resolution. Again, it's commemorating in a
15 very peaceful way the unification of Jerusalem
16 43 years ago after the Six-Day War.

17 And Temple Israel, in the Capital
18 District, is bringing together a peaceful
19 group, twenty in all, of organizations that
20 will celebrate it tonight at Temple Israel.
21 And I know I've been invited, and I'll be
22 there. And I hope many of the people who are
23 listening to this will also be there. And
24 again, Temple Israel, 6 o'clock.

25 Thank you very much, Mr. President.

1 ACTING PRESIDENT VALESKY: Thank
2 you, Senator Breslin.

3 Are there any other Senators who
4 wish to be heard?

5 Seeing none, the question is on the
6 resolution. All in favor signify by saying
7 aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT VALESKY:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT VALESKY: The
13 resolution is adopted.

14 Senator Breslin has also asked that
15 this resolution be open to cosponsorship. Any
16 Senator wishing not to cosponsor the
17 resolution should notify the desk.

18 And at this point, with unanimous
19 consent, I'd like to welcome Joel Lion, the
20 consul for media affairs to the Consulate
21 General of Israel, to please come forward and
22 make a few statements.

23 CONSUL LION: Senators, as the
24 official representative of the State of Israel
25 now here in the Capital City of Albany, it is

1 an honor to thank you, all of you, for your
2 solidarity to the State of Israel, for your
3 solidarity with our capital, Jerusalem, and,
4 as it was said in the resolution, we hope that
5 also we will find a way to have peace, peace
6 in our region. It's not easy. But I hope
7 that we are now on a good way to have it.

8 Thank you very, very much for
9 everything.

10 (Applause.)

11 ACTING PRESIDENT VALESKY:

12 Senator Klein.

13 SENATOR KLEIN: Mr. President, I
14 believe that there are four resolutions at the
15 desk by Senator Ruth Hassell-Thompson. I ask
16 that the title of each resolution be read and
17 move for its immediate adoption.

18 ACTING PRESIDENT VALESKY:

19 Senator Klein, have these resolutions been
20 deemed privileged and submitted by the office
21 of the Temporary President?

22 SENATOR KLEIN: Yes, they have,
23 Mr. President.

24 ACTING PRESIDENT VALESKY: The
25 Secretary will proceed with reading the titles

1 of all four resolutions.

2 THE SECRETARY: By Senator
3 Hassell-Thompson, legislative resolution
4 commending Deacon Myrtle Elaine Mitchell upon
5 the occasion of her designation for special
6 recognition by the Women's Ministry of Grace
7 Baptist Church at its Women's Convocation
8 Weekend, May 14-16, 2010.

9 By Senator Hassell-Thompson,
10 legislative resolution commending Deacon Wanda
11 Michael Peters upon the occasion of her
12 designation for special recognition by the
13 Women's Ministry of Grace Baptist Church at
14 its Women's Convocation Weekend, May 14-16,
15 2010.

16 By Senator Hassell-Thompson,
17 legislative resolution commending Deacon
18 Gwendolyn Youngs upon the occasion of her
19 designation for special recognition by the
20 Women's Ministry of Grace Baptist Church at
21 its Women's Convocation Weekend, May 14-16,
22 2010.

23 And by Senator Hassell-Thompson,
24 legislative resolution commending Rita E.
25 Strayhorn upon the occasion of her designation

1 for special recognition by the Women's
2 Ministry of Grace Baptist Church at its
3 Women's Convocation Weekend, May 14-16, 2010.

4 ACTING PRESIDENT VALESKY:

5 Senator Hassell-Thompson, on the resolutions.

6 SENATOR HASSELL-THOMPSON: Thank
7 you, Mr. President.

8 I rise to ask this body to
9 celebrate with me the lives of these four
10 women who are members of my church, which is
11 Grace Baptist. And also, because she is a
12 staffer, we're not allowed to do resolutions,
13 but also I'd like to include the name of Lisa
14 A. Copeland, who is also being honored as one
15 of the five women.

16 The five women represent the five
17 women who began the Church of Grace. And many
18 years ago, the pastor began to create awards
19 for those members who showed leadership beyond
20 their contributions to the church but for the
21 their work in the community at large.

22 In the names of these five women,
23 in the persons of Lisa Copeland, of Deacon
24 Gwendolyn Youngs, Rita Strayhorn, Deacon Wanda
25 Michael Peters, and Deacon Myrtle Elaine

1 Mitchell -- the fact that these women are
2 called deacons, as opposed to deaconesses,
3 also talks about the progressiveness of the
4 church that looks at women's ability to serve
5 in any role within the ministerial life of the
6 church.

7 And so to these four deacons and to
8 Lisa Copeland, I give honor and praise for the
9 work that they do and would ask that those who
10 would wish would sign onto this resolution.

11 Thank you, Mr. President.

12 ACTING PRESIDENT VALESKY: Thank
13 you, Senator Hassell-Thompson.

14 Are there any other Senators who
15 wish to be heard?

16 Seeing none, the question is on the
17 resolutions. All in favor of adopting the
18 resolutions signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT VALESKY:
21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT VALESKY: The
24 resolutions are adopted.

25 Senator Hassell-Thompson has

1 offered cosponsorship on all four of these.
2 Anyone wishing not to be a cosponsor should
3 notify the desk.

4 Senator Klein.

5 SENATOR KLEIN: Mr. President, at
6 this time I move to adopt the Resolution
7 Calendar in its entirety, with the exception
8 of Senate Resolution 5182.

9 ACTING PRESIDENT VALESKY: All in
10 favor of adopting the Senate Resolution
11 Calendar, with the exception of Resolution
12 Number 5182, signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT VALESKY:
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT VALESKY: The
18 Resolution Calendar is adopted.

19 Senator Klein.

20 SENATOR KLEIN: Mr. President, I
21 move that we take up Senate Resolution 5182,
22 by Senator Savino. I ask that the title of
23 the resolution be read and move for its
24 immediate adoption.

25 ACTING PRESIDENT VALESKY: The

1 Secretary will read.

2 THE SECRETARY: By Senator
3 Savino, Legislative Resolution Number 5182,
4 memorializing Governor David A. Paterson to
5 proclaim May 15th through June 15th, 2010 as
6 Tourette Syndrome Awareness Month in the State
7 of New York.

8 ACTING PRESIDENT VALESKY: All in
9 favor of adopting the resolution please
10 signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT VALESKY:
13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT VALESKY: The
16 resolution is adopted.

17 Senator Savino has offered
18 cosponsorship to all Senators. Anyone wishing
19 not to be a cosponsor of 5182 please notify
20 the desk.

21 Senator Klein.

22 SENATOR KLEIN: Mr. President, I
23 have two motions.

24 The first, on behalf of Senator
25 Thompson, on page number 26 I offer the

1 following amendments to Calendar Number 456,
2 Senate Print Number 3560.

3 ACTING PRESIDENT VALESKY:
4 Amendments received.

5 SENATOR KLEIN: Mr. President, on
6 behalf of Senator Huntley, on page number 18 I
7 offer the following amendments to Calendar
8 Number 329, Senate Print Number 3119A, and ask
9 that said bill retain its place on Third
10 Reading Calendar.

11 ACTING PRESIDENT VALESKY: So
12 ordered.

13 Senator Klein.

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

17 ACTING PRESIDENT VALESKY: The
18 Secretary will proceed with the reading of the
19 active bills on Senate Calendar Number 47.

20 THE SECRETARY: Calendar Number
21 246, by Senator Thompson, Senate Bill 4954B,
22 an act to amend the General Municipal Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY:

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: Are we
5 going on the regular calendar right now?

6 ACTING PRESIDENT VALESKY: This
7 is the bill taken from the supplemental active
8 list.

9 SENATOR DeFRANCISCO: Okay, thank
10 you.

11 ACTING PRESIDENT VALESKY: Read
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 SENATOR LIBOUS: Excuse me,
19 Mr. President.

20 ACTING PRESIDENT VALESKY:
21 Senator Libous.

22 SENATOR LIBOUS: Mr. President,
23 could you again repeat what we're on? Because
24 there seems to be some confusion; people are
25 looking at the calendar. If you could just --

1 ACTING PRESIDENT VALESKY: Yes.

2 Calendar Number 246, which is the
3 bill that comprises the supplemental active
4 list, is currently before the house.

5 SENATOR LIBOUS: Thank you,
6 Mr. President.

7 ACTING PRESIDENT VALESKY: The
8 Secretary will announce the results.

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 262, by Senator Morahan, Senate Bill 1823B, an
14 act to amend the Labor Law.

15 ACTING PRESIDENT VALESKY: Read
16 the last section.

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

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT VALESKY:
23 Announce the results.

24 THE SECRETARY: Those recorded in
25 the negative: Senators Bonacic, DeFrancisco,

1 Flanagan, Golden, Griffo, Lanza, Libous,
2 Ranzenhofer, Saland, Seward and Winner. Also
3 Senator Leibell. Also Senator Little. Also
4 Senator Nozzolio. Also Senator O. Johnson.
5 Also Senator Young.

6 ACTING PRESIDENT VALESKY: The
7 Secretary will announce the final vote.

8 THE SECRETARY: Ayes, 46. Nays,
9 16.

10 ACTING PRESIDENT VALESKY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 311, by Assemblywoman Hooper, Assembly Bill
14 Number 9010, an act to amend the General
15 Municipal Law.

16 ACTING PRESIDENT VALESKY: Read
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT VALESKY: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 381, by Senator Perkins, Senate Bill 6066A, an
3 act to amend the Alcoholic Beverage Control
4 Law.

5 ACTING PRESIDENT VALESKY: Read
6 the last section.

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

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT VALESKY:
13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar Number 381, those recorded in the
16 negative: Senators Bonacic, DeFrancisco,
17 Flanagan, Fuschillo, Golden, Hannon, Larkin,
18 LaValle, Nozzolio, Padavan, Skelos, Volker and
19 Young.

20 Ayes, 48. Nays, 13.

21 ACTING PRESIDENT VALESKY: The
22 bill is passed.

23 The Secretary will continue to
24 read.

25 THE SECRETARY: Calendar Number

1 388, by Senator McDonald, Senate Bill 5873, an
2 act in relation to authorizing the Town of
3 Malta.

4 ACTING PRESIDENT VALESKY: There
5 is a home-rule message at the desk.

6 Read the last section.

7 THE SECRETARY: Section 6. This
8 act shall take effect immediately.

9 ACTING PRESIDENT VALESKY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT VALESKY: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 412, by Senator Griffo, Senate Print 7188, an
17 act to amend the State Finance Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

20 THE SECRETARY: Section 4. This
21 act shall take effect immediately.

22 ACTING PRESIDENT VALESKY: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT VALESKY: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 427, by Senator Padavan, Senate Bill 7327A, an
5 act to amend the General City Law and the
6 Administrative Code of the City of New York.

7 ACTING PRESIDENT VALESKY: Read
8 the last section.

9 THE SECRETARY: Section 12. This
10 act shall take effect immediately.

11 ACTING PRESIDENT VALESKY: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT VALESKY:
15 Announce the results.

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT VALESKY: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 433, by Assemblyman Scarborough, Assembly
21 Print Number 8524, an act to amend the Family
22 Court Act and the Social Services Law.

23 ACTING PRESIDENT VALESKY: Read
24 the last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect on the 90th day after it
2 shall have become law.

3 ACTING PRESIDENT VALESKY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT VALESKY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 444, by Senator Savino --

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

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

15 THE SECRETARY: Calendar Number
16 447, by Assemblyperson Gottfried, Assembly
17 Bill 6020, an act to amend the Executive Law.

18 ACTING PRESIDENT VALESKY: Read
19 the last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the first day of the
22 first month beginning 180 days or more after
23 it shall have become law.

24 ACTING PRESIDENT VALESKY: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT VALESKY: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 450, by Senator Savino, Senate Bill 5533A, an
7 act to amend the Retirement and Social
8 Security Law.

9 ACTING PRESIDENT VALESKY: Read
10 the last section.

11 THE SECRETARY: Section 11. This
12 act shall take effect immediately and shall be
13 deemed to have been in full force and effect
14 on and after October 16, 1992.

15 ACTING PRESIDENT VALESKY: Call
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 451, by Assemblymember Destito, Assembly Bill
23 Number 8531A, an act to amend the Public
24 Officers Law.

25 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 453, by Senator C. Johnson, Senate Bill 7332,
12 an act to amend the Alcoholic Beverage Control
13 Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

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

18 ACTING PRESIDENT VALESKY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT VALESKY: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 458, by Senator Aubertine, Senate Bill 4277,

1 an act to amend the Vehicle and Traffic Law.

2 ACTING PRESIDENT VALESKY: Read
3 the last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect on the 30th day after it
6 shall have become law.

7 ACTING PRESIDENT VALESKY: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT VALESKY:
11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar Number 458, those recorded in the
14 negative: Senators Duane, Hannon,
15 Hassell-Thompson, L. Krueger, LaValle,
16 Marcellino, Montgomery, Oppenheimer, Perkins,
17 Schneiderman and Serrano.

18 Ayes, 50. Nays, 11.

19 ACTING PRESIDENT VALESKY: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 462, by Senator Valesky, Senate Bill 7232, an
23 act to amend Chapter 698 of the Laws of 1996
24 amending the Education Law.

25 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT VALESKY: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 474, by Member of the Assembly McEneny,
12 Assembly Print Number 7885A, an act to amend
13 the Education Law.

14 ACTING PRESIDENT VALESKY: Read
15 the last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the 180th day after
18 it shall have become law.

19 ACTING PRESIDENT VALESKY: Call
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT VALESKY: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 493, by Senator Klein, Senate Bill 1909C, an
2 act to amend the Penal Law.

3 ACTING PRESIDENT VALESKY: Read
4 the last section.

5 THE SECRETARY: Section 4. This
6 act shall take effect on the first of November
7 next succeeding.

8 ACTING PRESIDENT VALESKY: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT VALESKY:
12 Senator Klein, to explain his vote.

13 SENATOR KLEIN: Thank you,
14 Mr. President.

15 Unfortunately, over the last couple
16 of years we've seen an increase in the number
17 of times vandalism takes place outside a house
18 of worship. Presently we have enhanced
19 penalties for theft or vandalism that occurs
20 within a religious house of worship, but
21 unfortunately it's not covered for statues or
22 menorahs or things that are outside.

23 So I think this is a very tough and
24 common-sense approach to have a Class E felony
25 for vandalism of all types of property outside

1 a house of worship. My hope is that we'll no
2 longer consider this just a prank by young
3 people, but take it seriously. And hopefully
4 this legislation will have a chilling effect
5 to make sure that religious articles outside
6 of a house of worship are kept safe and
7 secure.

8 So of course I vote yes,
9 Mr. President.

10 ACTING PRESIDENT VALESKY:
11 Senator Klein to be recorded in the
12 affirmative.

13 Announce the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT VALESKY: The
16 bill is passed.

17 THE SECRETARY: Senator Klein,
18 that completes the reading of the calendar.

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

21 ACTING PRESIDENT VALESKY: The
22 desk is clear.

23 SENATOR KLEIN: There being no
24 further business, Mr. President, I move that
25 we adjourn at the call of the Temporary

1 President, intervening days to be legislative
2 days.

3 ACTING PRESIDENT VALESKY: On
4 motion, the Senate stands adjourned at the
5 call of the Temporary President, intervening
6 days being legislative days.

7 (Whereupon, at 12:12 p.m., the
8 Senate adjourned.)
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25