

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 January 25, 2011

11 3:18 p.m.

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13
14 REGULAR SESSION

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18 SENATOR JOHN J. FLANAGAN, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

8 ACTING PRESIDENT FLANAGAN:
9 Today's invocation will be offered by the
10 Reverend Peter Young, from Mother Teresa
11 Community, Albany.

12 REVEREND YOUNG: Thank you,
13 Senator.

14 Let us pray.

15 We can remember instances when we
16 needed a little mercy. Maybe we needed an
17 extension on a project. Maybe we needed a
18 loan or, often the case, we needed forgiveness
19 from someone we had hurt. Remember the sigh
20 of relief when mercy was granted and grief and
21 disappointment when it was denied.

22 All-merciful God, You give us what
23 we need in this chamber today, and constantly
24 forgive us. Grant us that we will be generous
25 in our mercy toward all of our New York State

1 citizens. May we be known as Senators of
2 mercy and of forgiveness.

3 Amen.

4 ACTING PRESIDENT FLANAGAN: The
5 reading of the Journal.

6 The Secretary will read.

7 THE SECRETARY: In Senate,
8 Monday, January 24, the Senate met pursuant to
9 adjournment. The Journal of Sunday,
10 January 23, was read and approved. On motion,
11 Senate adjourned.

12 ACTING PRESIDENT FLANAGAN:
13 Without objection, the Journal stands approved
14 as read.

15 Presentation of petitions.

16 Messages from the Assembly.

17 The Secretary will read.

18 THE SECRETARY: On page 6,
19 Senator Flanagan moves to discharge, from the
20 Committee on Finance, Assembly Bill Number
21 2289 and substitute it for the identical
22 Senate Bill Number 2026, Third Reading
23 Calendar 9.

24 ACTING PRESIDENT FLANAGAN: So
25 ordered.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President,
9 could you call on Senator Breslin, please, for
10 a motion.

11 ACTING PRESIDENT FLANAGAN:
12 Senator Breslin on a motion.

13 SENATOR BRESLIN: Mr. President,
14 on behalf of Senator Stavisky, I move that the
15 following bill be discharged from the
16 Committee on Transportation and be recommitted
17 with instructions to strike the enacting
18 clause: Senate Print 1219.

19 ACTING PRESIDENT FLANAGAN: So
20 ordered.

21 Senator Libous.

22 SENATOR LIBOUS: Thank you,
23 Mr. President.

24 Can we adopt the Resolution
25 Calendar, with the exception of Resolution

1 Number 292, please.

2 ACTING PRESIDENT FLANAGAN: All
3 in favor of adopting the Resolution Calendar,
4 with the exception of Resolution 292, signify
5 by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT FLANAGAN:
8 Opposed, nay.

9 (Response of "Nay.")

10 ACTING PRESIDENT FLANAGAN: The
11 Resolution Calendar is adopted.

12 Senator Libous.

13 SENATOR LIBOUS: Mr. President,
14 thank you.

15 I believe there's a privileged
16 resolution at the desk by Senator Smith. May
17 we please have the title read and move for its
18 immediate adoption.

19 ACTING PRESIDENT FLANAGAN: The
20 Secretary will read.

21 THE SECRETARY: By Senator Smith,
22 legislative resolution commending Bishop
23 Joseph Mattera upon the occasion of his
24 30-year Anniversary, to be celebrated on
25 January 29, 2011.

1 ACTING PRESIDENT FLANAGAN: Is
2 there any Senator wishing to be heard on the
3 resolution?

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

7 (Response of "Aye.")

8 ACTING PRESIDENT FLANAGAN:
9 Opposed, nay.

10 (No response.)

11 ACTING PRESIDENT FLANAGAN: The
12 resolution is adopted.

13 Senator Libous.

14 SENATOR LIBOUS: Thank you,
15 Mr. President.

16 I believe there's a resolution at
17 the desk, Number 292, by Senator Peralta. May
18 we please have the title read and move for its
19 immediate adoption.

20 ACTING PRESIDENT FLANAGAN: The
21 Secretary will read.

22 THE SECRETARY: By Senator
23 Peralta, Legislative Resolution Number 292,
24 commemorating the 167th Anniversary of the
25 Dominican Republic Independence, to be

1 celebrated on February 27, 2011.

2 ACTING PRESIDENT FLANAGAN: The
3 question is on the resolution. All those in
4 favor signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT FLANAGAN:
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT FLANAGAN: The
10 resolution is adopted.

11 Senator Libous.

12 SENATOR LIBOUS: Thank you,
13 Mr. President.

14 I believe that Senator Peralta
15 would like to open up his resolution for
16 cosponsorship. As we have always put before
17 the house, if there's a member who wishes not
18 to be on, to let the desk know, please.

19 ACTING PRESIDENT FLANAGAN: This
20 resolution is open for cosponsorship. Should
21 anyone not wish to be a cosponsor, please
22 notify the desk.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President,
25 there will be an immediate meeting of the

1 Rules Committee in Room 332, and I ask that
2 the Senate --

3 ACTING PRESIDENT FLANAGAN:
4 Senator Sampson.

5 SENATOR SAMPSON: Point of
6 personal privilege, Senator.

7 SENATOR LIBOUS: Absolutely,
8 Mr. President.

9 ACTING PRESIDENT FLANAGAN:
10 State your point of personal privilege,
11 Senator Sampson.

12 SENATOR SAMPSON: Mr. President,
13 about two hours ago our conference received
14 rules reform, a resolution dealing with rules
15 and governing the Senate chamber for the next
16 two years.

17 What I'm asking the Majority is
18 although we did ask you to give us these rules
19 changes before next week, we didn't expect to
20 receive them two hours before we were going
21 into session today.

22 These rules are too important,
23 especially when we're dealing with governing
24 this chamber and the way we conduct our
25 business for the next two years, particularly

1 not only dealing with possibly close to
2 upwards of a \$11 billion budget deficit this
3 year but also next year.

4 We believe that this course of
5 conduct, when we're talking about restoring
6 decorum and respect back to the chamber and
7 working in a bipartisan fashion to deal with
8 the economic impact that is truly going to
9 destroy a lot of things that we believe in
10 throughout this state and also this economy --
11 we believe that more time is needed,
12 especially when we're dealing with these
13 rules.

14 When we took over the majority in
15 2009, we had public hearings dealing with
16 these rule reforms. Certain changes were
17 made. We're just asking at this point in
18 time, to receive these changes two hours
19 before we went into session today, we feel
20 that this disenfranchises the people who have
21 sent us to Albany to represent them.

22 In November, people wanted change
23 and they got change. And they wanted
24 government to do things differently. But we
25 are going backwards. When I remember, my

1 colleagues on the other side of the aisle
2 vehemently talked about the process, talked
3 about how you weren't involved, talked about
4 how you're getting these documents an hour or
5 two hours before we engaged into vital, vital
6 debate on certain issues.

7 This is all about establishing
8 decorum but, most of all, respecting the
9 voters who have sent us to Albany to represent
10 them here in this State Capitol.

11 That is my point of personal
12 privilege, meaning that a document of such
13 importance, we should put the consideration of
14 the rules until next week, Mr. President.

15 Thank you very much, Mr. President.

16 ACTING PRESIDENT FLANAGAN:

17 Senator Sampson, I appreciate your point of
18 personal privilege, but we are at a point now
19 where the Rules Committee is going to be
20 meeting in Room 332. The Senate will be
21 standing at ease.

22 The points you raise, while they
23 may be well-taken in a different context, are
24 out of order now because, frankly, we don't
25 have these reforms before the house right now.

1 We have to go to committee. Your
2 comments presuppose action that has not been
3 taken by the committee. Therefore, the Rules
4 Committee should meet in Room 332.

5 Senator Libous.

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

8 ACTING PRESIDENT FLANAGAN: The
9 Senate will stand at ease.

10 (Whereupon, the Senate stood at
11 ease at 3:26 p.m.)

12 (Whereupon, the Senate reconvened
13 at 5:12 p.m.)

14 ACTING PRESIDENT FLANAGAN: The
15 Senate will come to order.

16 Senator Libous.

17 SENATOR LIBOUS: Thank you,
18 Mr. President.

19 If we could go to the
20 noncontroversial reading of the calendar,
21 please.

22 ACTING PRESIDENT FLANAGAN: Clerk
23 will read.

24 THE SECRETARY: Calendar Number
25 9, substituted earlier today by Member of the

1 Assembly Nolan, Assembly Print Number 2289, an
2 act to amend the Education Law.

3 ACTING PRESIDENT FLANAGAN: Read
4 the last section.

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

7 ACTING PRESIDENT FLANAGAN: Call
8 the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 58. Nays,
11 2. Senators Perkins and Sampson recorded in
12 the negative.

13 ACTING PRESIDENT FLANAGAN: The
14 bill is passed.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President,
17 can you just hang for a second.

18 (Pause.)

19 SENATOR LIBOUS: Mr. President.

20 ACTING PRESIDENT FLANAGAN:
21 Senator Libous.

22 SENATOR LIBOUS: Business for the
23 day is concluded. I would ask, in
24 consultation with Senator Sampson, that we
25 stand at ease pending the discussion between

1 the Majority and the Minority in handing up
2 some assignments.

3 So the Senate will stand at ease,
4 but there will be no other business taken up
5 today.

6 ACTING PRESIDENT FLANAGAN: The
7 Senate will stand at ease.

8 (Whereupon, the Senate stood at
9 ease at 5:15 p.m.)

10 (Whereupon, the Senate reconvened
11 at 5:30 p.m.)

12 ACTING PRESIDENT MAZIARZ:
13 Senator Libous.

14 SENATOR LIBOUS: Thank you,
15 Senator Maziarz.

16 In consultation with the Minority,
17 I believe that Senator Sampson and Senator
18 Skelos are handing up the following changes in
19 leadership assignments. I would ask that they
20 be accepted at the desk and filed.

21 ACTING PRESIDENT MAZIARZ: The
22 leadership assignments as presented are
23 accepted at the desk.

24 Any further business, Senator
25 Libous?

1 SENATOR LIBOUS: Thank you,
2 Mr. President.

3 There being no further business, I
4 move that we adjourn until Monday,
5 January 31st, at 3:00 p.m., intervening days
6 being legislative days.

7 ACTING PRESIDENT MAZIARZ: The
8 Senate stands adjourned until Monday,
9 January 31st, at 3:00 p.m., intervening days
10 being legislative days.

11 (Whereupon, at 5:31 p.m., the
12 Senate adjourned.)