NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 8, 2011

2:11 p.m.

REGULAR SESSION

SENATOR JOHN J. FLANAGAN, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FLANAGAN: The Senate will come to order.

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

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

ACTING PRESIDENT FLANAGAN: In the absence of clergy, I would ask that everyone bow their heads in a moment of silence.

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

ACTING PRESIDENT FLANAGAN: The reading of the Journal.

THE SECRETARY: In Senate, Monday, February 7, the Senate met pursuant to adjournment. The Journal of Sunday, February 6, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

May we please adopt the Resolution Calendar, with the exception of Resolution Number 452 and 398, please.

ACTING PRESIDENT FLANAGAN: All in favor of adopting the Resolution Calendar, with the exceptions of Resolutions 452 and 398, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FLANAGAN: Opposed, nay.

(No response.)

ACTING PRESIDENT FLANAGAN: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe that Senator Sampson has Resolution

452 at the desk. He would like it read in its entirety and move for its immediate adoption, please.

ACTING PRESIDENT FLANAGAN: The Secretary will read.

THE SECRETARY: By Senator Sampson, Legislative Resolution Number 452, paying tribute to the life and accomplishments of Dr. Daniel Hale Williams, surgical pioneer of open heart surgery and its sterilization procedures.

"WHEREAS, With February being Black History Month, it is a time to reflect on the struggles and victories of African-Americans throughout our country's history and to recognize their numerous valuable contributions to society; and

"WHEREAS, Daniel Hale Williams was born on January 18, 1856, in Hollidaysburg, Pennsylvania. He was the fifth of seven children born to Daniel and Sarah Williams; and

"WHEREAS, Daniel Hale Williams' father was a barber and moved the family to Annapolis, Maryland, but died shortly

thereafter of tuberculosis. Daniel's mother realized she could not manage the entire family and sent some of the children to live with relatives. Daniel was apprenticed to a shoemaker in Baltimore, but soon moved away to join his mother, who had relocated in Rockford, Illinois; and

"WHEREAS, Daniel Hale Williams later moved to Edgerton, Wisconsin, where he joined his sister and opened his own barber shop. After moving to nearby Janesville, he became fascinated with a local physician and decided to follow his path; and

"WHEREAS, After following the example of his older brother studying law for a short time, Daniel Hale Williams began working as an apprentice to the physician, Dr. Henry Palmer, for two years, and in 1880 entered what is now known as Northwestern University Medical School. After graduation from Northwestern in 1883, he opened his own medical office in Chicago, Illinois; and

"WHEREAS, Because of primitive social and medical circumstances existing in that era, much of Dr. Williams' early medical

practice called for him to treat patients in their homes, including conducting occasional surgeries on kitchen tables. In doing so, he utilized many of the emerging antiseptic and sterilization procedures of the day and thereby gained a reputation for professionalism. He was soon appointed as a surgeon on the staff of the South Side Dispensary, and then a clinical instructor in anatomy at Northwestern University; and

"WHEREAS, January 23, 1891, Dr. Daniel Hale Williams established the Provident Hospital and Training School Association, a three-story building which held 12 beds and served members of the community as a whole. The school also served to train African-American nurses and utilized doctors of all races. Within its first year, 189 patients were treated at Provident Hospital, and of those, 141 saw a complete recovery, 23 had recovered significantly, three had seen changes in their condition, and 22 had died; and

"WHEREAS, For a brand-new hospital, at that time, to see an 87 percent success

rate was phenomenal, considering the financial and health conditions of the plaintiff, along with the primitive conditions of most hospitals. Much can be attributed to Dr. Williams' insistence on the highest standards concerning procedures and sanitary conditions. In 1889, he was appointed to the Illinois State Board of Health and one year later set forth to create an interracial hospital; and

"WHEREAS, Two and a half years later, on July 9, 1893, a young African-American man named James Cornish was injured in a bar fight, stabbed in the chest with a knife. Upon being transported to Provident Hospital, he was coming closer to death, having lost a great deal of blood and having already gone into shock; and

"WHEREAS, Dr. Williams was faced with the choice of opening the man's chest and possibly operating internally when that was almost unheard of in that particular day and age. Internal operations were unheard of because any entrance into the chest or abdomen of a patient would almost surely bring with it

resulting infection and therefore death. Dr. Williams then made the decision to operate and opened the man's chest; and

"WHEREAS, Dr. Williams saw the damage to the man's pericardium (the sac surrounding the heart) and sutured it, and then applied antiseptic procedures before closing his chest. Fifty-one days later, James Cornish walked out of Provident Hospital completely recovered and would go on to live for another fifty years; and

"WHEREAS, Unfortunately, Dr. Williams was so busy with other matters, he did not bother to document the event and others made claims to have first achieved the feat of performing open heart surgery. Fortunately, local newspapers of that day did spread the news, and Dr. Williams achieved the acclaim he deserved; and

"WHEREAS, It should be noted, however, that while Dr. Williams is known as the first person to perform an open heart surgery, it is actually more noteworthy that he was the first surgeon to open the chest cavity successfully without the patient dying

of infection. His procedures would therefore be used as standards for future internal surgeries; and

"WHEREAS, In February of 1894, Dr. Daniel Hale Williams was appointed as chief surgeon at the Freedmen's Hospital in Washington, D.C., and reorganized the hospital, creating seven medical and surgical departments, setting up pathological and bacteriological units, establishing a biracial staff of highly qualified doctors and nurses, and establishing an internship program. Recognition of his efforts and their success came when doctors from all over the country traveled to Washington to view the hospital and to sit in on surgery performed there; and

"WHEREAS, Upon his retirement, Dr. Daniel Hale Williams had bestowed upon him numerous honors and awards. He received honorary degrees from Howard and Wilberforce Universities, was named a charter member of the American College of Surgeons, and was a member of the Chicago Surgical Society. Dr. Williams died on August 4, 1931, having set standards and examples for surgeons, both

black and white, for many years to come; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to pay tribute to the life and accomplishments of Dr. Daniel Hale Williams, surgical pioneer of open heart surgery and its sterilization procedures."

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

(Response of "Aye.")

ACTING PRESIDENT FLANAGAN: Opposed, nay.

(No response.)

ACTING PRESIDENT FLANAGAN: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

And as we do as a custom in the house, Senator Sampson would like to open it up for cosponsorship for all members. If there's a member who wishes not to be on the resolution, let the desk know.

ACTING PRESIDENT FLANAGAN: The

resolution is open for cosponsorship. If you would not like to be a cosponsor, please notify the desk.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe Senator Squadron has privileged Resolution 398 at the desk. I'd ask that the title be read and call on Senator Squadron, please.

ACTING PRESIDENT FLANAGAN: The Secretary will read.

THE SECRETARY: By Senator Squadron, Legislative Resolution Number 398, honoring Lawrence Bosch, exemplary police officer and true public servant, and recognizing the significance of his service to his community and the people of the State of New York.

ACTING PRESIDENT FLANAGAN: Senator Squadron on the resolution.

SENATOR SQUADRON: Thank you, Mr. President. I rise today to speak on this resolution honoring Police Officer Lawrence Bosch as the 84th Precinct Cop of the Year.

Police Officer Bosch is not just an exemplary cop in the 84th, he's also a constituent and a neighbor in Carroll Gardens, Brooklyn. He works the beat just like cops have for generations in downtown Brooklyn, and last year really earned his stripes as the Cop of the Year, making 54 arrests in the growing commercial zone of the Fulton Street Corridor, which is a significant one locally in the community but also citywide and statewide.

It's a significant and growing commercial zone, and the work of Police Officer Bosch is a big part of making it safer, making it more popular. In fact, he is so good at his job, he has literally earned the nickname "Book 'Em Bosch." And certainly it's a well-deserved one.

His honor as 84th Precinct Cop of the Year is one that we're very proud of in the 25th Senate District, across Brooklyn.

Congratulations to Police Officer Bosch and to his family. And I thank this body for taking a moment to recognize him.

Thank you, Mr. President.

ACTING PRESIDENT FLANAGAN: Thank you, Senator Squadron.

Is there any other Senator wishing to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT FLANAGAN: Opposed, nay.

(No response.)

ACTING PRESIDENT FLANAGAN: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT FLANAGAN: The Secretary will read.

THE SECRETARY: By Senator Smith, Legislative Resolution Number 473, honoring David Franklin Bluford upon the occasion of

his designation for special recognition by the Alpha Phi Alpha Senior Citizens Center, Inc.

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

(Response of "Aye.")

ACTING PRESIDENT FLANAGAN: Opposed, nay.

(No response.)

ACTING PRESIDENT FLANAGAN: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we take up the noncontroversial calendar, please.

ACTING PRESIDENT FLANAGAN: The Secretary will read.

THE SECRETARY: Calendar Number 29, by Senator Saland, Senate Print 1433, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of the calendar month next succeeding the 30th day.

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 30, by Senator Sampson, Senate Print 1620, an act to amend the Penal Law, in relation to creating a hazard.

ACTING PRESIDENT FLANAGAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 32, by Senator Golden, Senate Print 1746, an act to amend the Civil Rights Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 33, by Senator Griffo, Senate Print 1882, an act to amend the Penal Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT FLANAGAN: The bill is passed.

THE SECRETARY: Calendar Number 34, by Senator Saland, Senate Print 2194, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT FLANAGAN: Read the last section.

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

ACTING PRESIDENT FLANAGAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT FLANAGAN: The bill is passed.

Senator Libous, that completes the noncontroversial reading of the calendar.

SENATOR LIBOUS: Mr. President, is there any further business at the desk?

ACTING PRESIDENT FLANAGAN: No other further business, Senator.

SENATOR LIBOUS: Thank you, Mr. President.

There being no further business to come before the Senate today, I move that we adjourn until Monday, February 14th, at 3:00 p.m., intervening days being legislative

days.

ACTING PRESIDENT FLANAGAN: On motion, the Senate stands adjourned until Monday, February 14th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 2:23 p.m., the Senate adjourned.)