NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 15, 2011

11:40 a.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and recite the Pledge of Allegiance with me.

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, I ask all to bow their heads for a moment of silence.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Monday, February 14, the Senate met pursuant to adjournment. The Journal of Sunday, February 13, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: 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.

On behalf of Senator Maziarz, Mr. President, on page 8 I offer the following amendments to Calendar Number 10, Senate Print Number 177, and I ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill will retain its place on Third Reading Calendar.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time I'd like to adopt the Resolution Calendar, with the exception of Resolutions 492, 532, 534 and 537.

ACTING PRESIDENT GRIFFO: The

motion is to adopt the Resolution Calendar, with the exception of Resolutions 532, 534, 537 and 492. All in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, if any.

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, Senator Breslin has a resolution, Number 534, at the desk. Could we please have the title read and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Breslin, Legislative Resolution Number 534, commending John McLoughlin upon the occasion of his more than 35 years of distinguished journalistic service to WTEN-News 10, Albany, New York.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I rise in support of the resolution honoring John McLoughlin, who is now retiring. And I know that a lot of members of this body as well as in the Assembly take a big sigh of relief knowing they will no longer be asked questions by John McLoughlin.

And when elected officials stand up to microphones, they frequently in their minds say, I know the ten questions I want to answer; there's one I don't. And John McLoughlin would invariably ask that question. But he'd always do it with a twinkle in his eye, with the penetration of the elected official being the victim.

John McLoughlin was the consummate journalist, TV journalist, spending 35 years at Channel 10. And he's a native of the area. He's a graduate of La Salle Institute in Troy and, for some of the older members, graduated in the same high school class with Mike Hoblock. And I happen to have graduated the same year from a competitive high school, Vincentian Institute.

But over the years the respect that I have for John McLoughlin has grown and grown and grown. From a writer with local newspapers, some background at Siena College and the Columbia School of Journalism, John was an excellent writer. He then went to Channel 10, where he really blossomed, becoming some years ago the managing editor.

But he is truly, truly the master of his craft. We will miss him, although I somehow feel that we will see him in the not-too-distant future coming back on at least a part-time basis to again ask all of us those probative questions that allow his viewers to have insight into what we do here in the Legislature.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

Senator Farley, on the resolution.

SENATOR FARLEY: Thank you.

I rise to pay tribute to John McLoughlin, a noble Trojan -- as is noble counsel up there, Jack Casey.

John McLoughlin was one of a kind,

to say the least. He would always approach you in a mischievous way, many times. And I can recall one instance with Senator Bruno at a press conference, he was going over the budget, and he asked some sort of a pointed question that Senator Bruno didn't care for. And he says, "Here's the whole budget, you read it for yourself." He threw the whole budget at him, which was that high -- and McLoughlin caught it.

But he was really somebody that made a difference. He made watching the news entertaining, I think more than almost any reporter that I know. He had the Irish wit. And he was a very, very courageous newsman who really asked the hard questions.

And truly I think of all the people that I've known in this media business, John McLoughlin stands out as one of the most outstanding that has ever served this Capitol. He knew where every body was buried, and he tried to look them up too.

And John will be missed, but I'm sure that we're going to see more of him. And I rise to pay tribute to him.

ACTING PRESIDENT GRIFFO: Thank you, Senator Farley.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I want to add also, with my colleagues, I too will miss John McLoughlin. John was always that one reporter that you tried to get away from -- Senator Breslin, you're right -- because you knew he was going to ask you the very tough question.

And he always did it in his own way. He waited until -- you'd be in the hallway, there would be a swarm of reporters around you, and then this arm would come out and he'd kind of grab you by the arm, and he'd go, "Senator, can you stay for a minute so I can talk to you?" And I'd be like, Darn, he caught me.

But he certainly was the dean of the news media. He was a great guy. And even when he asked you the very, very tough questions, as Senator Farley said, he did it in a very nice way. And when you got done, he'd always say "Thank you." And then you'd

walk away scratching your head and wondering, Oh, boy, what did I say.

So I want to join my colleagues in saying farewell, obviously, to a real giant in the news service business here in Albany, and someone that I've enjoyed working with and having him be a part of this Capitol and a small part of my life over the past few years.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

Any other Senator wishing to be heard on the resolution?

(No response.)

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I

believe Senator Breslin would like members to -- if all members would go on the resolution.

And as we normally do in our custom and policy, if you do not want to be on the resolution, the Senator has opened it up, let the desk know; otherwise, we will all be on the resolution.

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. If you choose not to be a cosponsor, please notify the desk.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I believe Senator Kennedy has Resolution 492 at the desk. Could I ask for its title to be read, and would you call on Senator Kennedy, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Kennedy, Legislative Resolution Number 492, honoring Marjorie S. Ryan upon the occasion of her designation as recipient of the Tom Sands Community Service Award by Bishop Timon

St. Jude High School.

ACTING PRESIDENT GRIFFO: Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you, Mr. President. I'd also like to thank Senator Libous for his accommodation today.

I rise today to recognize Marjorie S. Ryan, whom all in South Buffalo know simply as "Marge." This Saturday, Marge will be awarded the Tom Sands Community Service Award by Bishop Timon St. Jude High School.

Marge is a lifelong resident of South Buffalo. She's been a stalwart advocate for volunteerism and community service, two attributes which she has exemplified in her unending dedication to the beautification and betterment of our community.

As the president of South Buffalo Alive, a nonprofit organization dedicated to improving the quality of life in South Buffalo, Marge has worked diligently to complete a variety of beautification projects throughout the neighborhood. One major example of Marge's work: The reconstruction and restoration of McClellan and McKinley

Circles on McKinley Parkway, originally designed by Frederick Law Olmstead. The project has added color and beauty to the central parkway while remaining true to the design and vision by the nationally acclaimed landscape architect.

Other projects spearheaded by Marge include the restoration of Morgan Park, the annual Christmas tree lighting on Potters and Abbott Road, the Bricks in the Bowl Initiative in Cazenovia Park, the Tim Russert Children's Garden on South Park Avenue, the stone flowerpots on South Park Avenue, the Annual South Buffalo Garden Walk, and many others.

Marge and many other volunteers and members of South Buffalo Alive put in countless hours maintaining the open green spaces in South Buffalo, keeping the neighborhood welcoming and beautiful for all to come and visit.

In addition to her beautification efforts, Marge has played a crucial role in advising policymakers and project designers as to what the needs of all South Buffalonians are, whether it is the Outer Harbor Parkway or

the South Park Avenue Revitalization Project or many other projects.

When you need to know what will work best for South Buffalo, you go to Marge Ryan. Marge's voice is an important aspect of every restoration and beautification project within South Buffalo.

As an advocate, a preservationist, a volunteer and a friend, Marge has always been a leader within our community, the South Buffalo community, and the greater Western New York community. It is with great pride that the New York State Senate congratulates Marge Ryan, her husband, Tom, her children and grandchildren on this great honor recognizing her commitment to community service.

Again, I thank Senator Libous for this opportunity to speak on behalf of Marge Ryan, who is not with us physically today but is watching on the Internet from Western New York.

Thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Kennedy.

Is there any other Senator wishing

to be heard on the resolution?

(No response.)

ACTING PRESIDENT GRIFFO: There being none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there is a resolution at the desk by Senator Hassell-Thompson. May we please have its title read and call on Senator Hassell-Thompson, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Hassell-Thompson, Legislative Resolution Number 532, commemorating the 50th anniversary of the historical New Rochelle schools desegregation suit, the "Little Rock of the North."

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

Just very briefly, I would like to thank the President for allowing this resolution to go forward.

This is the fiftieth anniversary of the historical New Rochelle desegregation case, known as the "Little Rock of the North." During Black History Month and throughout the year, I believe it is important to reflect on the struggles and victories of African-Americans throughout our country's history and to recognize their numerous valuable contributions to society.

We would like to believe that in 2011 that cases of desegregation are gone forever. Not so. Therefore, it is important for us to recall the importance of cases like Brown versus the Board of Education in Topeka, Kansas, of 1954, where the United States ruled that separate but equal schools are inherently unequal, and therefore the New Rochelle school case, which happened seven years later.

Thank you again, Mr. President. And those who would be like to sign onto this resolution, I will accept their doing so and would be pleased if they would support this resolution.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Hassell-Thompson.

Any other Senator wishing to be heard on the resolution?

(No response.)

ACTING PRESIDENT GRIFFO: There being none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

There is another resolution at the desk by Senator Carlucci, Number 537. Could

you please have its title read and call on Senator Carlucci, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Carlucci, Legislative Resolution Number 537, mourning the death of Craig Miller, a decorated Vietnam veteran, distinguished citizen and devoted member of his community.

ACTING PRESIDENT GRIFFO: Senator Carlucci on the resolution.

SENATOR CARLUCCI: Thank you, Mr. President.

I wanted to take this time to honor Craig Miller, who, as said in the title, is a decorated Vietnam veteran, distinguished citizen, and devoted and dedicated member of his community. Unfortunately, Craig Miller passed away on Thursday, January 27th, of this year.

Craig Miller was a hometown hero serving as a member of the 173rd United States Army Airborne Brigade during Vietnam. After the death of his fellow soldier Nicholas Lesando, Jr., Craig Miller accompanied the

body of his friend when it was brought home to the United States right in Warwick, New York.

He then volunteered to go back to Vietnam, where he was seriously wounded and spent months at a hospital in Japan. He then returned to the United States and earned the Purple Heart for his valiant military service.

I would ask that this legislative body pause in its deliberations to mourn the death of Craig Miller, a decorated Vietnam veteran, a distinguished citizen, and a dedicated and committed member of his community.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Carlucci.

Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

And thank you, Senator Carlucci, for allowing me to join you.

I knew the Miller family when I was a member of the Assembly. Craig always gave the impression that he had total respect for his fellow man. He didn't care who it was, he

was there.

When he went away in the service somebody said, "My God, he's so dangerous he may get killed." He didn't. Some of his friends did. But he sacrificed himself being wounded by going out and getting somebody back.

He had a total commitment. The community mourned, his death was a shock because everybody thought of Craig as an individual that was needed by the community.

Those of us who are associated with the Purple Heart Hall of Honor are very saddened because we were trying to get Craig in to work with us so that a lot of young people who have received the Purple Hearts would come down and be part of the system. He didn't want the glory, but he did help us a lot. More importantly, he showed our country and the world what good, solid, hardworking, dedicated, committed Americans are about.

He will be a loss as the community mourns the sad passing of a dedicated individual.

Thank you, Mr. President.

Thank you, Senator Carlucci.

ACTING PRESIDENT GRIFFO: Thank you, Senator Larkin.

Is there any other Senator wishing to be heard?

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, if we could go back to Senator Hassell-Thompson's resolution, she would like to open that up for sponsorship.

So as we do with our policy, if someone does not wish to be on the resolution, please let the desk know. Otherwise, we will all be on it for sponsorship.

Thank you, Senator.

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. If you

choose not to be a cosponsor, please notify the desk.

Thank you, Senator Libous.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe that Senator Sampson has three privileged resolutions at the desk. If we could have the titles read and adopt them.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: By Senator Sampson, legislative resolution commending Reverend Sharon E. Codner-Walker upon the occasion of her designation for special recognition by the United Christian Church.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

The Secretary will read.

THE SECRETARY: By Senator Sampson, legislative resolution commending the Asian-American Bar Association of New York upon the occasion of hosting its 22nd Annual Banquet.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

The Secretary will read.

THE SECRETARY: By Senator Sampson, legislative resolution commending First Presbyterian Church of Brooklyn upon the occasion of hosting the 17th Annual Police Appreciation Day Service on Sunday, February 27, 2011.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO:

Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, before I ask if there's any further business at the desk, I believe there will be a Veterans and Homeland Security Committee meeting immediately following session in Room 124.

And then if you could please call on Senator Hassell-Thompson, we will then do our housekeeping.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson, for an announcement.

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

There will be an immediate meeting of the Democratic Conference in the Democratic Conference Room following session.

ACTING PRESIDENT GRIFFO: There will be a meeting of the Democratic Conference in the Democratic Conference Room, and there

will be a meeting of the Veterans and Homeland Security Committee in Room 124 following session.

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

ACTING PRESIDENT GRIFFO: There is no other business before the desk, Senator Libous.

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 28th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Monday, February 28th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:00 p.m., the Senate adjourned.)