

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 February 15, 2011

11 11:40 a.m.

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13  
14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT GRIFFO: The  
14 reading of the Journal.

15 The Secretary will read.

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

21 ACTING PRESIDENT GRIFFO: Without  
22 objection, the Journal stands approved as  
23 read.

24 Presentation of petitions.

25 Messages from the Assembly.

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: Thank you,  
9 Mr. President.

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

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

18 Senator Libous.

19 SENATOR LIBOUS: Thank you,  
20 Mr. President.

21 Mr. President, at this time I'd  
22 like to adopt the Resolution Calendar, with  
23 the exception of Resolutions 492, 532, 534 and  
24 537.

25 ACTING PRESIDENT GRIFFO: The

1 motion is to adopt the Resolution Calendar,  
2 with the exception of Resolutions 532, 534,  
3 537 and 492. All in favor please signify by  
4 saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT GRIFFO:

7 Opposed, if any.

8 (No response.)

9 ACTING PRESIDENT GRIFFO: The  
10 Resolution Calendar is adopted.

11 Senator Libous.

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

16 ACTING PRESIDENT GRIFFO: The  
17 Secretary will read.

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

24 ACTING PRESIDENT GRIFFO: Senator  
25 Breslin.

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

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

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

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

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

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

17                   Thank you, Mr. President.

18                   ACTING PRESIDENT GRIFFO:     Thank  
19          you, Senator Breslin.

20                   Senator Farley, on the resolution.

21                   SENATOR FARLEY:     Thank you.

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

25                   John McLoughlin was one of a kind,

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

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

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

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

1                   ACTING PRESIDENT GRIFFO:     Thank  
2     you, Senator Farley.

3                   Senator Libous.

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

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

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

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



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

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

9 Thank you.

10 ACTING PRESIDENT GRIFFO: Thank  
11 you, Senator Libous.

12 Any other Senator wishing to be  
13 heard on the resolution?

14 (No response.)

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

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO:  
20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT GRIFFO: The  
23 resolution is adopted.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President, I

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

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

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

13 Senator Libous.

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

19 ACTING PRESIDENT GRIFFO: The  
20 Secretary will read.

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

1 St. Jude High School.

2 ACTING PRESIDENT GRIFFO: Senator  
3 Kennedy on the resolution.

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

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

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

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

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

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

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

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

1 the South Park Avenue Revitalization Project  
2 or many other projects.

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

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

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

22 Thank you very much, Mr. President.

23 ACTING PRESIDENT GRIFFO: Thank  
24 you, Senator Kennedy.

25 Is there any other Senator wishing

1 to be heard on the resolution?

2 (No response.)

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

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO:  
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT GRIFFO: The  
11 resolution is adopted.

12 Senator Libous.

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

18 ACTING PRESIDENT GRIFFO: The  
19 Secretary will read.

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

1                   ACTING PRESIDENT GRIFFO:       Senator  
2       Hassell-Thompson.

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

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

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

17                  We would like to believe that in  
18      2011 that cases of desegregation are gone  
19      forever. Not so. Therefore, it is important  
20      for us to recall the importance of cases like  
21      Brown versus the Board of Education in Topeka,  
22      Kansas, of 1954, where the United States ruled  
23      that separate but equal schools are inherently  
24      unequal, and therefore the New Rochelle school  
25      case, which happened seven years later.

1                   Thank you again, Mr. President.

2           And those who would be like to sign onto this  
3           resolution, I will accept their doing so and  
4           would be pleased if they would support this  
5           resolution.

6                   Thank you, Mr. President.

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

9                   Any other Senator wishing to be  
10          heard on the resolution?

11                   (No response.)

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

15                   (Response of "Aye.")

16                   ACTING PRESIDENT GRIFFO:  
17          Opposed, nay.

18                   (No response.)

19                   ACTING PRESIDENT GRIFFO:       The  
20          resolution is adopted.

21                   Senator Libous.

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

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



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

3                ACTING PRESIDENT GRIFFO:       The  
4       Secretary will read.

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

10               ACTING PRESIDENT GRIFFO:       Senator  
11       Carlucci on the resolution.

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

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

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

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

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

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

14 Thank you, Mr. President.

15 ACTING PRESIDENT GRIFFO: Thank  
16 you, Senator Carlucci.

17 Senator Larkin.

18 SENATOR LARKIN: Thank you,  
19 Mr. President.

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

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

1       was there.

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

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

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

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

25                  Thank you, Mr. President.

1 Thank you, Senator Carlucci.

2 ACTING PRESIDENT GRIFFO: Thank  
3 you, Senator Larkin.

4 Is there any other Senator wishing  
5 to be heard?

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

8 (Response of "Aye.")

9 ACTING PRESIDENT GRIFFO:  
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT GRIFFO: The  
13 resolution is adopted.

14 Senator Libous.

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

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

23 Thank you, Senator.

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

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

3 Thank you, Senator Libous.

4 Senator Libous.

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

9 ACTING PRESIDENT GRIFFO: The  
10 Secretary will read.

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

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

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO:  
21 Opposed?

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The  
24 resolution is adopted.

25 The Secretary will read.

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

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

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO:  
11 Opposed?

12 (No response.)

13 ACTING PRESIDENT GRIFFO: The  
14 resolution is adopted.

15 The Secretary will read.

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

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

25 (Response of "Aye.")

1                   ACTING PRESIDENT GRIFFO:

2           Opposed?

3                   (No response.)

4                   ACTING PRESIDENT GRIFFO:       The  
5           resolution is adopted.

6                   Senator Libous.

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

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

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

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

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

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

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

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

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

9 SENATOR LIBOUS: Thank you,  
10 Mr. President.

11 There being no further business to  
12 come before the Senate today, I move that we  
13 adjourn until Monday, February 28th, at  
14 3:00 p.m., intervening days being legislative  
15 days.

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

20 (Whereupon, at 12:00 p.m., the  
21 Senate adjourned.)  
22  
23  
24  
25