NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 24, 2011

11:12 a.m.

REGULAR SESSION

SENATOR PAT GALLIVAN, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GALLIVAN: The Senate will come to order.

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

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

ACTING PRESIDENT GALLIVAN: The invocation today will be given by the Reverend Peter G. Young, Mother Teresa Community, Albany.

REVEREND YOUNG: Thank you, Senator.

As we share the prayer today, may we take a glance at the beautiful stained glass behind the podium. It's the state seal that has the motto "Excelsior," "ever upward," and it replaced the crown, the place of the crown in 1777. Lady Liberty with peasant cap, representing the democracy rule, has her left foot stepping on the crown, representing the rejection of royalty.

As citizens of the Empire State, we have been the leader with our constitution 12 years before the federal Constitution. As

a national leader, we have given these Senators a great power and responsibility. We pray that they will always work in Your image and honor for all New Yorkers.

Amen.

ACTING PRESIDENT GALLIVAN: Thank you, Father.

The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, March 23rd, the Senate met pursuant to adjournment. The Journal of Tuesday, March 22rd, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GALLIVAN: 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.

Mr. President, I believe there's a privileged resolution at the desk by Senator Sampson. May we please have its title read and move for its immediate adoption.

ACTING PRESIDENT GALLIVAN: The Secretary will read.

THE SECRETARY: By Senator Sampson, legislative resolution commending the Hispanic Federation upon the occasion of hosting its Annual Gala on Thursday, April 21, 2011.

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

(Response of "Aye.")

ACTING PRESIDENT GALLIVAN: Opposed, nay.

(No response.)

ACTING PRESIDENT GALLIVAN: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT GALLIVAN: The Secretary will read.

THE SECRETARY: By Senator Sampson, legislative resolution honoring Job Mashariki upon the occasion of his retirement after 31 years of distinguished service to the Black Veterans for Social Justice, Inc.

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

(Response of "Aye.")

ACTING PRESIDENT GALLIVAN: Opposed, nay.

(No response.)

ACTING PRESIDENT GALLIVAN: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Could we now have the reading of the noncontroversial calendar, please.

ACTING PRESIDENT GALLIVAN: The Secretary will read.

THE SECRETARY: Calendar Number 167, by Senator LaValle, Senate Print 2933, an act to amend Chapter 112 of the Laws of 2007.

ACTING PRESIDENT GALLIVAN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 112 of the Laws of 2007.

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT GALLIVAN: The bill is passed.

Would the Secretary read the next piece of legislation, please.

THE SECRETARY: Calendar Number 224, by Senator Klein, Senate Print 578, an act to amend the Penal Law.

ACTING PRESIDENT GALLIVAN: Read the last section.

Senator DeFrancisco, why do you

rise?

SENATOR DeFRANCISCO: Yes, Mr. President, I had a point of order. I have a question of you on Rule 24 of the rules of the Senate.

I'm just kidding.

(Laughter.)

ACTING PRESIDENT GALLIVAN: There is no Rule 24.

(Laughter.)

ACTING PRESIDENT GALLIVAN: Senator DeFrancisco, you're out of order. There is no such rule.

(Laughter.)

ACTING PRESIDENT GALLIVAN: Senator Breslin, why do you rise?

SENATOR BRESLIN: I would appeal the ruling of the chair.

(Laughter.)

ACTING PRESIDENT GALLIVAN: We are on Calendar Number 224.

The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of

November.

ACTING PRESIDENT GALLIVAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GALLIVAN: Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

This legislation expands the definition of the crime of forgery in the second degree to include insurance documents.

One of the problems we've been seeing that continues to grow is the proliferation of insurance fraud. This legislation will provide an additional tool to our law enforcement officers to combat auto insurance fraud, which of course hurts honest people who do pay their insurance and do have insurance as required in New York State to register your motor vehicle.

I vote yes, Mr. President.

ACTING PRESIDENT GALLIVAN: Are there any other Senators who wish to be heard?

(No response.)

ACTING PRESIDENT GALLIVAN:

Announce the results.

THE SECRETARY: Ayes, 51.

ACTING PRESIDENT GALLIVAN: 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 GALLIVAN: There is no further business at the desk.

SENATOR LIBOUS: Okay, Mr. President. I just want to remind the members of the Republican conference that there will be a conference shortly in the conference room as soon as the leaders' meeting is complete or over or whatever.

And, Mr. President, there being no further business, I move that the Senate adjourn until Monday, March 28th, at 3:00 p.m., intervening days being legislative days.

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

(Whereupon, at 11:20 a.m., the Senate adjourned.)