

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 March 24, 2011

11 11:12 a.m.

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14 REGULAR SESSION

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18 SENATOR PAT GALLIVAN, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

12 REVEREND YOUNG: Thank you,
13 Senator.

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

23 As citizens of the Empire State, we
24 have been the leader with our constitution
25 12 years before the federal Constitution. As

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

5 Amen.

6 ACTING PRESIDENT GALLIVAN: Thank
7 you, Father.

8 The reading of the Journal.

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

14 ACTING PRESIDENT GALLIVAN:
15 Without objection, the Journal stands approved
16 as read.

17 Presentation of petitions.

18 Messages from the Assembly.

19 Messages from the Governor.

20 Reports of standing committees.

21 Reports of select committees.

22 Communications and reports from
23 state officers.

24 Motions and resolutions.

25 Senator Libous.

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

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

7 ACTING PRESIDENT GALLIVAN: The
8 Secretary will read.

9 THE SECRETARY: By Senator
10 Sampson, legislative resolution commending the
11 Hispanic Federation upon the occasion of
12 hosting its Annual Gala on Thursday, April 21,
13 2011.

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

17 (Response of "Aye.")

18 ACTING PRESIDENT GALLIVAN:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT GALLIVAN: The
22 resolution is adopted.

23 Senator Libous.

24 SENATOR LIBOUS: Thank you,
25 Mr. President.

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

5 ACTING PRESIDENT GALLIVAN: The
6 Secretary will read.

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

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

15 (Response of "Aye.")

16 ACTING PRESIDENT GALLIVAN:
17 Opposed, nay.

18 (No response.)

19 ACTING PRESIDENT GALLIVAN: The
20 resolution is adopted.

21 Senator Libous.

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

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

1 ACTING PRESIDENT GALLIVAN: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number
4 167, by Senator LaValle, Senate Print 2933, an
5 act to amend Chapter 112 of the Laws of 2007.

6 ACTING PRESIDENT GALLIVAN: Read
7 the last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the same date and in
10 the same manner as Chapter 112 of the Laws of
11 2007.

12 ACTING PRESIDENT GALLIVAN: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 48.

16 ACTING PRESIDENT GALLIVAN: The
17 bill is passed.

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

20 THE SECRETARY: Calendar Number
21 224, by Senator Klein, Senate Print 578, an
22 act to amend the Penal Law.

23 ACTING PRESIDENT GALLIVAN: Read
24 the last section.

25 Senator DeFrancisco, why do you

1 rise?

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

6 I'm just kidding.

7 (Laughter.)

8 ACTING PRESIDENT GALLIVAN: There
9 is no Rule 24.

10 (Laughter.)

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

14 (Laughter.)

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

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

19 (Laughter.)

20 ACTING PRESIDENT GALLIVAN: We
21 are on Calendar Number 224.

22 The Secretary will read the last
23 section.

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

1 November.

2 ACTING PRESIDENT GALLIVAN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GALLIVAN:
6 Senator Klein to explain his vote.

7 SENATOR KLEIN: Thank you,
8 Mr. President.

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

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

21 I vote yes, Mr. President.

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

24 (No response.)

25 ACTING PRESIDENT GALLIVAN:

1 Announce the results.

2 THE SECRETARY: Ayes, 51.

3 ACTING PRESIDENT GALLIVAN: The
4 bill is passed.

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

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

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

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

17 And, Mr. President, there being no
18 further business, I move that the Senate
19 adjourn until Monday, March 28th, at
20 3:00 p.m., intervening days being legislative
21 days.

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

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