NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 21, 2011

3:17 p.m.

REGULAR SESSION

SENATOR THOMAS F. O'MARA, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT O'MARA: The Senate will come to order.

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

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

ACTING PRESIDENT O'MARA: We have the Reverend Peter G. Young, of Mother Teresa Community here in Albany, to lead us in a prayer.

REVEREND YOUNG: Thank you, Senator.

Dear God, on this beautiful first day of spring with the snowflakes, You've made a world where we have become our neighbor and to each other we are enabled, therefore, to love one another. Grant that we too may use the Senate to strive toward a way of life in keeping with Your plan.

You, O God, have given us a marvelous example of charity in the call to us to love one another. Send down Your blessing on these Senators who generously devote

themselves to helping our New York State citizens.

Amen.

ACTING PRESIDENT O'MARA: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 20th, the Senate met pursuant to adjournment. The Journal of Saturday, March 19th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT O'MARA: 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, on behalf of Senator

Zeldin, I move to commit Senate Print Number 3638, Calendar Number 169 on the order of third reading, and commit it to the Committee on Finance, please.

ACTING PRESIDENT O'MARA: So ordered.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, there's a privileged resolution at the desk by Senator Perkins. May we please have it read in its entirety, and I believe Senator Perkins would like to be called on before it's adopted.

ACTING PRESIDENT O'MARA: The Secretary will read.

THE SECRETARY: By Senator Perkins, Legislative Resolution Number 994, memorializing Governor Andrew M. Cuomo to proclaim March 2011 as Colorectal Cancer Awareness Month in the State of New York.

"WHEREAS, Colorectal cancer is the second leading cause of cancer deaths in men and women combined in the United States; and

"WHEREAS, It is estimated that in

the year 2011 over 146,970 new cases of colorectal cancer will be diagnosed in the United States; and

"WHEREAS, In the year 2011 the disease is expected to kill an estimated 49,920 individuals in this country; and

"WHEREAS, An estimated 9,970 individuals in the State of New York were diagnosed with colorectal cancer in the year 2009; and

"WHEREAS, In November of 1999 the United States Senate passed legislation declaring March 2000 as the first ever National Colorectal Cancer Awareness Month; and

"WHEREAS, The Colon Cancer Alliance, Inc., will continue working with Congress for coverage, education, and awareness so that colorectal cancer is detected early and lives are saved; and

"WHEREAS, Screening for colorectal cancer is underutilized. Less than 50 percent of individuals above age 50 receive annual screenings for colorectal cancer; and

"WHEREAS, Regular screenings, which

can detect polyps that lead to colorectal cancer, can save lives; and

"WHEREAS, Education can help inform the public about methods of prevention, and about symptoms, to aid in early detection; and

"WHEREAS, Adopting a healthy diet at a young age can significantly reduce the risk of developing colorectal cancer; and

"WHEREAS, The Ralph Lauren Center for Cancer Care and Prevention is offering colon cancer evaluations for men and women age 50 and over, and prostate evaluations for men age 40 and over, to be held at the Adam Clayton Powell Jr. State Office Building in New York on Wednesday, March 23, 2011, in conjunction with Colorectal Cancer Awareness Month in the State of New York; and

"WHEREAS, The State of New York should help inform the public about colorectal cancer prevention and screening; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim March 2011 as Colorectal Cancer Awareness

Month in the State of New York; and be it further

"RESOLVED, That will copies of this resolution, suitably engrossed, be transmitted to The Honorable Andrew M. Cuomo, Governor of the State of New York; The Colon Cancer Alliance, Inc., 1025 Vermont Avenue, N.W., Suite 1066, Washington, D.C. 20005; Dan Foster, 8 Dictum Court, Brooklyn, New York 11229; Dahlia Rizk, D.O., Director, Hospitalist Program, Beth Israel Medical Center, First Avenue at 16th Street, New York, New York 10003; Jianjun Li, M.D., Maimonides Medical Center, Director, Division of Gastroenterology, 4721 Fort Hamilton Parkway, Brooklyn, New York 11219; and the Ralph Lauren Center for Cancer Care and Prevention, 1919 Madison Avenue, New York, New York 10035."

ACTING PRESIDENT O'MARA: Senator Perkins.

SENATOR PERKINS: Thank you very much.

I'm going to be brief because I think that the resolution speaks well for what it is that we're trying to acknowledge.

I'm speaking today as a survivor of colorectal cancer, and I know all too well that early detection is essential. However, less than 50 percent of at-risk individuals have regular screenings. Colorectal cancer is highly treatable with early detection, and if everyone at risk received screenings regularly, the number of deaths could be reduced by 60 percent.

And I know especially African-American men and men of color are often victims of colorectal cancer to the fatal extent. And we've launched a campaign to alert our neighbors and our friends to get these prescreenings in order to prevent the mortality that would result without them. As a matter of fact, as was pointed out, we are doing some screenings as we speak at the Adam Clayton Powell State Office Building.

And I want to acknowledge again the Ralph Lauren Center for Cancer Care and Prevention for the extraordinary work that they've been doing in alerting our communities about this colorectal cancer problem and getting the community united and organized to

deal with it.

So thank you very much, and I would ask my colleagues to join me in signing onto the resolution.

ACTING PRESIDENT O'MARA: Thank you, Senator Perkins.

Any other Senator wishing to be heard on the resolution?

(No response.)

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

(Response of "Aye.")

ACTING PRESIDENT O'MARA: Opposed, nay.

(No response.)

ACTING PRESIDENT O'MARA: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe we are on the reading of the noncontroversial calendar, please.

ACTING PRESIDENT O'MARA: Senator Libous, Senator Perkins indicated a willingness to leave the resolution open for

cosponsorship. Anyone not wishing to be on the resolution please notify the desk.

May we please have the noncontroversial reading of the calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 81, by Senator Flanagan, Senate Print 1833, an act to amend the General Business Law.

ACTING PRESIDENT O'MARA: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senator Duane and Senator Perkins recorded in the negative.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number 171, by Senator Valesky, Senate Print 657, an act to amend the Penal Law and the Public Health Law.

ACTING PRESIDENT O'MARA: Read

the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote aye on this bill.

Earlier today I explained the bill to -- that this bill would be on the calendar to people from the Living Word Academy in Syracuse, New York, and I was surprised to learn that one of the teachers was aware of why we need this bill. And she didn't tell me why she knew why this bill was important, but I was very impressed about that. And I was impressed with the students coming here and learning about government.

And for those reasons, I'm going to vote aye on this bill.

ACTING PRESIDENT O'MARA: Senator DeFrancisco will be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number 191, by Member of the Assembly Sayward, Assembly Print Number 1635, an act to authorize certain healthcare professionals.

ACTING PRESIDENT O'MARA: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 20, 2011.

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT O'MARA: The bill is passed.

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

SENATOR LIBOUS: Thank you, Mr. President.

At this time I'd like to hand up the following committee assignments and ask that the assignments be filed in the Journal.

ACTING PRESIDENT O'MARA: So ordered. The assignments will be filed in the Journal.

Senator Libous.

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

ACTING PRESIDENT O'MARA: No, there is no further business at the desk.

SENATOR LIBOUS: Mr. President, there being no further business to come before the Senate today, I move that we adjourn until Tuesday, March 22nd, at 3:00 p.m.

ACTING PRESIDENT O'MARA: On motion, the Senate stands adjourned until Tuesday, March 22nd, at 3:00 p.m.

(Whereupon, at 3:28 p.m., the Senate adjourned.)