

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 21, 2011

11 3:17 p.m.

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14 REGULAR SESSION

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18 SENATOR THOMAS F. O'MARA, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

13 REVEREND YOUNG: Thank you,  
14 Senator.

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

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

1 themselves to helping our New York State  
2 citizens.

3 Amen.

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

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

11 ACTING PRESIDENT O'MARA: Without  
12 objection, the Journal stands approved as  
13 read.

14 Presentation of petitions.

15 Messages from the Assembly.

16 Messages from the Governor.

17 Reports of standing committees.

18 Reports of select committees.

19 Communications and reports from  
20 state officers.

21 Motions and resolutions.

22 Senator Libous.

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

25 Mr. President, on behalf of Senator

1       Zeldin, I move to commit Senate Print Number  
2       3638, Calendar Number 169 on the order of  
3       third reading, and commit it to the Committee  
4       on Finance, please.

5                ACTING PRESIDENT O'MARA:       So  
6       ordered.

7                Senator Libous.

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

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

15               ACTING PRESIDENT O'MARA:       The  
16       Secretary will read.

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

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

25               "WHEREAS, It is estimated that in

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

4 "WHEREAS, In the year 2011 the  
5 disease is expected to kill an estimated  
6 49,920 individuals in this country; and

7 "WHEREAS, An estimated 9,970  
8 individuals in the State of New York were  
9 diagnosed with colorectal cancer in the year  
10 2009; and

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

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

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

25 "WHEREAS, Regular screenings, which

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

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

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

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

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

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

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

3 "RESOLVED, That will copies of this  
4 resolution, suitably engrossed, be transmitted  
5 to The Honorable Andrew M. Cuomo, Governor of  
6 the State of New York; The Colon Cancer  
7 Alliance, Inc., 1025 Vermont Avenue, N.W.,  
8 Suite 1066, Washington, D.C. 20005; Dan  
9 Foster, 8 Dictum Court, Brooklyn, New York  
10 11229; Dahlia Rizk, D.O., Director,  
11 Hospitalist Program, Beth Israel Medical  
12 Center, First Avenue at 16th Street, New York,  
13 New York 10003; Jianjun Li, M.D., Maimonides  
14 Medical Center, Director, Division of  
15 Gastroenterology, 4721 Fort Hamilton Parkway,  
16 Brooklyn, New York 11219; and the Ralph Lauren  
17 Center for Cancer Care and Prevention, 1919  
18 Madison Avenue, New York, New York 10035."

19 ACTING PRESIDENT O'MARA: Senator  
20 Perkins.

21 SENATOR PERKINS: Thank you very  
22 much.

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

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

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

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



1 deal with it.

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

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

7 Any other Senator wishing to be  
8 heard on the resolution?

9 (No response.)

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

13 (Response of "Aye.")

14 ACTING PRESIDENT O'MARA:  
15 Opposed, nay.

16 (No response.)

17 ACTING PRESIDENT O'MARA: The  
18 resolution is adopted.

19 Senator Libous.

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

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

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

3 May we please have the  
4 noncontroversial reading of the calendar.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 81, by Senator Flanagan, Senate Print 1833, an  
8 act to amend the General Business Law.

9 ACTING PRESIDENT O'MARA: Read  
10 the last section.

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

13 ACTING PRESIDENT O'MARA: Call  
14 the roll.

15 (The Secretary called the roll.)

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

19 ACTING PRESIDENT O'MARA: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 171, by Senator Valesky, Senate Print 657, an  
23 act to amend the Penal Law and the Public  
24 Health Law.

25 ACTING PRESIDENT O'MARA: Read

1 the last section.

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

4 ACTING PRESIDENT O'MARA: Call  
5 the roll.

6 (The Secretary called the roll.)

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

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

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

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

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

1                   Announce the results.

2                   THE SECRETARY:     Ayes, 60.

3                   ACTING PRESIDENT O'MARA:     The  
4 bill is passed.

5                   THE SECRETARY:     Calendar Number  
6 191, by Member of the Assembly Sayward,  
7 Assembly Print Number 1635, an act to  
8 authorize certain healthcare professionals.

9                   ACTING PRESIDENT O'MARA:     Read  
10 the last section.

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

13                  ACTING PRESIDENT O'MARA:     Call  
14 the roll.

15                  (The Secretary called the roll.)

16                  THE SECRETARY:     Ayes, 60.

17                  ACTING PRESIDENT O'MARA:     The  
18 bill is passed.

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

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

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

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

4                   Senator Libous.

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

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

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

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

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