

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 April 4, 2011

11 3:15 p.m.

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13  
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 to join me in the  
5 Pledge of Allegiance.

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

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

12 REVEREND YOUNG: Thank you,  
13 Senator.

14 Let us pray.

15 As Senators on this day of the  
16 session, we heard the bell that calls us to  
17 hear one another for the benefit of our  
18 New York State constituents. The invocation  
19 calls us to be true, to be best at what we  
20 might become as a legislative leader.

21 We need to heed the call of our own  
22 hearts, and with compassion and equity, as on  
23 this day in memory, especially with this  
24 thought of the murder of Martin Luther King in  
25 1968 on this day. Too often we forget our

1        leaders that have sacrificed their lives for  
2        what we enjoy today. May we have that  
3        attitude of gratitude for what they have done  
4        for us.

5                    Amen.

6                    ACTING PRESIDENT O'MARA:        Reading  
7        of the Journal.

8                    THE SECRETARY:        In Senate,  
9        Sunday, April 3rd, the Senate met pursuant to  
10       adjournment. The Journal of Saturday,  
11       April 2nd, was read and approved. On motion,  
12       Senate adjourned.

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

16                   Presentation of petitions.

17                   Messages from the Assembly.

18                   Messages from the Governor.

19                   Reports of standing committees.

20                   Reports of select committees.

21                   Communications and reports from  
22       state officers.

23                   Motions and resolutions.

24                   Senator Klein.

25                   SENATOR KLEIN:        Mr. President, on

1 page number 8 I offer the following amendments  
2 to Calendar Number 86, Senate Print number  
3 1031A, and ask that said bill retain its place  
4 on Third Reading Calendar.

5 ACTING PRESIDENT O'MARA: The  
6 amendments are received and adopted, and the  
7 bill retain its position on the Third Reading  
8 Calendar.

9 Senator Libous.

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

12 On behalf of Senator Fuschillo, on  
13 page 19 -- it looks like a 4 or a 9. I'll  
14 guess 19 and see how close I am -- I offer the  
15 following amendments to Calendar Number 247,  
16 Senate Print Number 547 -- or 597. We need to  
17 close the loops on our 9s -- and ask that said  
18 bill retain its place on the Third Reading  
19 Calendar.

20 ACTING PRESIDENT O'MARA: The  
21 amendments are received and adopted, and the  
22 bill will retain its place on the Third  
23 Reading Calendar.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President,

1 on behalf of Senator Grisanti, on page 17 I  
2 offer the following amendments to Calendar  
3 Number 234, Senate Print 1737, and ask that  
4 said bill retain its place on the Third  
5 Reading Calendar.

6 ACTING PRESIDENT O'MARA: The  
7 amendments are received and adopted. The bill  
8 will retain its place on the Third Reading  
9 Calendar.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President,  
12 on behalf of Senator Ranzenhofer, I believe  
13 there's a privileged resolution at the desk.  
14 May we please have it read in its entirety and  
15 call on Senator Ranzenhofer before we move for  
16 its adoption.

17 ACTING PRESIDENT O'MARA: The  
18 Secretary will read.

19 THE SECRETARY: By Senator  
20 Ranzenhofer, Legislative Resolution Number  
21 1149, congratulating the 2010 Williamsville  
22 North High School Girls Field Hockey Team upon  
23 the occasion of capturing the New York State  
24 Class A Championship.

25 "WHEREAS, Excellence and success in

1 competitive sports can be achieved only  
2 through strenuous practice, team play and team  
3 spirit, nurtured by dedicated coaching and  
4 strategic planning; and

5 "WHEREAS, Athletic competition  
6 enhances the moral and physical development of  
7 the young people of this state, preparing them  
8 for the future by instilling in them the value  
9 of teamwork, encouraging a standard of healthy  
10 living, imparting a desire for success, and  
11 developing a sense of fair play and  
12 competition; and

13 "WHEREAS, On November 20, 2010, the  
14 Lady Spartans Williamsville North High School  
15 captured the Class A Girls Field Hockey  
16 Championship with a 1-0 victory over  
17 Mamaroneck. It was their second New York  
18 State title in four years, previously winning  
19 the championship in 2007; and

20 "WHEREAS, The 2010 Williamsville  
21 North High School Girls Field Hockey Team  
22 finished the season undefeated with an  
23 outstanding 21-0. The team amassed an  
24 extraordinary 18 shutouts during the season;  
25 and

1                   "WHEREAS, In addition to winning  
2           two New York State championships in the past  
3           four years, the Williamsville North High  
4           School Girls Field Hockey Team has achieved a  
5           tradition of excellence over many years. It  
6           has vied for the state title six times in the  
7           last eight years. They have won eight section  
8           titles, nine division titles, and nine league  
9           titles since 1999 (eight since 2002), and 31  
10          of its players have earned All-State status  
11          and 10 players have reached All-American  
12          status; and

13                   "WHEREAS, The Williamsville North  
14          High School Girls Field Hockey Team has also  
15          been ranked number one on a weekly basis in  
16          the All-Western New York Coaches Poll since  
17          the 2003 season. Its record since 2002 is an  
18          outstanding 162-16-6, and it has compiled an  
19          exceptional 130-11-5 record since its first  
20          State Tournament team in 2003; and

21                   "WHEREAS, The athletic talent  
22          displayed by this team is due in great part to  
23          the efforts of Coach Kristine LaPaglia and  
24          Assistant Coach Dalton Beaver, skilled and  
25          inspirational mentors respected for their

1 ability to develop potential into excellence;  
2 and

3 "WHEREAS, Coach Kristine LaPaglia  
4 has been coaching for 14 years and reached a  
5 career milestone this past season by securing  
6 her 200th career win in October. Her overall  
7 record as a coach is 207 wins, 48 losses and  
8 13 ties; and

9 "WHEREAS, In 2008 and again in  
10 2009, Coach LaPaglia was named the North  
11 Region Coach of the Year by the National Field  
12 Hockey Coaches Association; and

13 "WHEREAS, The team's overall record  
14 is outstanding, and the team members were  
15 loyally and enthusiastically supported by  
16 family, fans, friends and the community at  
17 large; and

18 "WHEREAS, The hallmarks of the 2010  
19 Williamsville North High School Girls Field  
20 Hockey Team, from the opening game of the  
21 season to capturing the Class A Championship,  
22 were a sisterhood of athletic ability, of good  
23 sportsmanship, of honor and of scholarship,  
24 demonstrating that these team players are  
25 second to none; and



1                   "WHEREAS, Athletically and  
2           academically, the team members have proven  
3           themselves to be an unbeatable combination of  
4           talents, reflecting favorably on their school  
5           and community; and

6                   "WHEREAS, Coach Kristine LaPaglia  
7           and Assistant Coach Dalton Beaver have done a  
8           superb job in guiding, molding and inspiring  
9           the team members toward their goals; and

10                   "WHEREAS, Sports competition  
11           instills the values of teamwork, pride and  
12           accomplishment, and Coach Kristine LaPaglia,  
13           Assistant Coach Dalton Beaver, and the 2010  
14           Williamsville North High School Girls Field  
15           Hockey Team's outstanding athletes have  
16           clearly made a contribution to the spirit of  
17           excellence which is a tradition of their  
18           school; now, therefore, be it

19                   "RESOLVED, That this Legislative  
20           Body pause in its deliberations to  
21           congratulate the 2010 Williamsville High  
22           School Girls Field Hockey Team, its members --  
23           Juliet Holme, Michelle Gambacorta, Petrina  
24           Sciandra, Ashley Favata, Emily Woods, Tiffany  
25           Cioppi, Alayna Wageman, Christine Murphy,

1 Elise Kellner, Caitlin Dwyer, Elena Hingston,  
2 Emily Koestler, Lainey Materise, Sara  
3 Gambacorta, Michelle Rowekamp, Rachel Attea,  
4 Nikki Atkins, Ashley Fillmore, Jess Wess, and  
5 Allie Ahern -- and Coach Kristine LaPaglia and  
6 Assistant Coach Dalton Beaver on their  
7 outstanding season, overall team record, and  
8 Class A New York State Championship; and be it  
9 further

10 "RESOLVED, That a copy of this  
11 resolution, suitably engrossed, be transmitted  
12 to the members of the 2010 Williamsville North  
13 High School Girls Field Hockey Team, and to  
14 Coach Kristine LaPaglia and Assistant Coach  
15 Dalton Beaver."

16 ACTING PRESIDENT O'MARA: Senator  
17 Ranzenhofer on the resolution.

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

20 It gives me a great deal of  
21 pleasure to welcome the athletic director, Bob  
22 Rosen, and also Coach Kristine LaPaglia and  
23 Assistant Coach Dalton Beaver, and the young  
24 women who make up the 2010 Williamsville North  
25 High School Girls Field Hockey Team.

1                   They got up early this morning and  
2                   traveled nearly 300 miles to be here today.  
3                   And I think what we see here today are a very  
4                   dedicated, talented, energetic group of young  
5                   women who not only excel on the field, as was  
6                   indicated when the resolution was read, but  
7                   also excel in the classroom.

8                   I believe that their dedication,  
9                   their teamwork, their hard work -- and we met  
10                  a little bit earlier today. I told them that  
11                  the relationships and the bonds that they  
12                  formed with their teammates are ones that will  
13                  really last with them forever. It's not just  
14                  winning the state championship, but it's  
15                  really what went into having the ability to  
16                  get there -- the dedication, getting up early  
17                  in the morning, supportive parents, talented  
18                  coaches and assistant coaches -- to put them  
19                  in a position where they are today.

20                  So again, I would like to welcome  
21                  them to the chamber and congratulate them not  
22                  only on this year's success but continued  
23                  success into the future.

24                  Thank you very much, Mr. President.

25                  ACTING PRESIDENT O'MARA:       Thank

1       you, Senator Ranzenhofer.

2               And girls, congratulations on your  
3       success for the State Championship. Thank you  
4       for joining us here in Albany today, and I  
5       hope you enjoy your stay with us.

6               On the resolution. All in favor  
7       signify by saying aye.

8               (Response of "Aye.")

9               ACTING PRESIDENT O'MARA:  
10      Opposed, nay.

11              (No response.)

12              ACTING PRESIDENT O'MARA:       The  
13      resolution is adopted.

14              (Applause.)

15              ACTING PRESIDENT O'MARA:       Senator  
16      DeFrancisco.

17              SENATOR DeFRANCISCO:       May I speak  
18      on the resolution a moment?

19              ACTING PRESIDENT O'MARA:       Without  
20      objection.

21              SENATOR DeFRANCISCO:       Without  
22      objection.

23              I just want to congratulate the  
24      team here. I'm from Syracuse, New York, and  
25      we bring in champions all the time.

1 (Laughter.)

2 SENATOR DeFRANCISCO: And it's  
3 really nice that you would win the  
4 championship so Senator Ranzenhofer would  
5 finally get up and be able to stand up and  
6 speak on a resolution like that. So thank you  
7 very, very much.

8 (Laughter.)

9 ACTING PRESIDENT O'MARA:  
10 Objection sustained.

11 (Laughter.)

12 ACTING PRESIDENT O'MARA: Senator  
13 LaValle.

14 SENATOR LaVALLE: May we please  
15 have the noncontroversial reading of the  
16 calendar, Mr. President.

17 ACTING PRESIDENT O'MARA: The  
18 Secretary will read.

19 THE SECRETARY: Calendar Number  
20 68, by Senator LaValle, Senate Print 2581, an  
21 act to amend the Public Service Law.

22 ACTING PRESIDENT O'MARA: Read  
23 the last section.

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

1                   ACTING PRESIDENT O'MARA:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Ayes, 56.

5                   ACTING PRESIDENT O'MARA:     Senator  
6     LaValle, why do you rise?

7                   SENATOR LaVALLE:     To explain my  
8     vote.

9                   ACTING PRESIDENT O'MARA:     Yes, to  
10    explain your vote.

11                  SENATOR LaVALLE:     Mr. President,  
12    this is very critical and important  
13    legislation for Long Island because it would  
14    provide an oversight of rates by the PSC to  
15    ensure that rates are just, reasonable and  
16    transparent.

17                  We pay some of the highest rates in  
18    the entire nation. And this legislation would  
19    bring the Long Island Power Authority under  
20    the same scrutiny that all other energy  
21    providers would have, and that is a review by  
22    the PSC.

23                  And it's consistent with the  
24    resolution that was passed in 1997 that had  
25    Long Island Power Authority by the PACB in

1       that document in '97 that any rate over  
2       2.5 percent would be reviewable by the PSC.  
3       This legislation is consistent with that  
4       resolution that was passed in 1997.

5               I vote yes, Mr. President.

6               ACTING PRESIDENT O'MARA:     Senator  
7       LaValle will be recorded in the affirmative.

8               Senator Fuschillo to explain his  
9       vote.

10              SENATOR FUSCHILLO:     Thank you  
11       very much, Mr. President.   Just briefly.

12              Let me thank Senator LaValle for  
13       his leadership on this issue for not just  
14       today but for a number of years.

15              Many years ago, LIPA was created to  
16       be the ratepayers' protector when we took over  
17       LILCO. I think they've failed at their  
18       responsibility. And this legislation is  
19       critically important for transparency, greater  
20       accountability of the LIPA board of trustees  
21       and the administration there as well.

22              This legislation had passed a  
23       number of years ago in both houses, and the  
24       governor -- one of the former governors had  
25       vetoed it. I hope it doesn't go onto the same

1 path. I urge the Assembly to do it, to follow  
2 Senator LaValle's lead, and for Governor Cuomo  
3 to sign it into law.

4 Thank you very much, Mr. President.

5 ACTING PRESIDENT O'MARA: Senator  
6 Fuschillo will be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: Ayes, 56.

9 ACTING PRESIDENT O'MARA: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 76, by Senator Marcellino, Senate Print 559,  
13 an act authorizing the County of Nassau.

14 ACTING PRESIDENT O'MARA: A  
15 home-rule message is at the desk.

16 Read the last section.

17 THE SECRETARY: Section 6. This  
18 act shall take effect immediately.

19 ACTING PRESIDENT O'MARA: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 56.

23 ACTING PRESIDENT O'MARA: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number



1       90, by Senator Young, Senate Print 769, an act  
2       to amend the Agriculture and Markets Law.

3                ACTING PRESIDENT O'MARA:     Read  
4       the last section.

5                THE SECRETARY:     Section 2.   This  
6       act shall take effect immediately.

7                ACTING PRESIDENT O'MARA:     Call  
8       the roll.

9                (The Secretary called the roll.)

10              THE SECRETARY:     Ayes, 56.

11              ACTING PRESIDENT O'MARA:     The  
12       bill is passed.

13              THE SECRETARY:     Calendar Number  
14       128, by Senator Maziarz, Senate Print 164C, an  
15       act to amend Vehicle and Traffic Law.

16              ACTING PRESIDENT O'MARA:     Read  
17       the last section.

18              THE SECRETARY:     Section 3.   This  
19       act shall take effect on the 90th day.

20              ACTING PRESIDENT O'MARA:     Call  
21       the roll.

22              (The Secretary called the roll.)

23              ACTING PRESIDENT O'MARA:     Senator  
24       Rivera to explain his vote.

25              SENATOR RIVERA:     Thank you,

1 Mr. President. To explain my vote.

2 I will be voting in the negative on  
3 this bill. The only reason I am doing that, I  
4 want it to be clear, it seems that certain  
5 aspects of this bill might create certain  
6 situations that would actually -- if in a  
7 situation, for example, where there's a  
8 designated driver who is a permitted driver  
9 while there is a driver who has been -- who is  
10 the supervising driver who is intoxicated, and  
11 yet the permitted driver is not, it seems that  
12 this bill would put that person in a situation  
13 where they might be liable for a Class E  
14 felony.

15 Also, the possibility that if  
16 there's no infraction, let's say that there is  
17 a checkpoint and the person goes through the  
18 checkpoint, is pulled over for no reason  
19 except that they went through the  
20 checkpoint -- and again, the permitted driver  
21 is totally sober, but some of the other folks  
22 in the vehicle or the driver to the side might  
23 be intoxicated, that might create a situation  
24 where they might be held liable for a Class E  
25 felony.

1                   For those reasons, although I  
2                   certainly believe that it is important to  
3                   protect us, all of us, from drunk driving, in  
4                   this case, in this bill, I'm going to have to  
5                   vote in the negative.

6                   Thank you, Mr. President.

7                   ACTING PRESIDENT O'MARA:     Thank  
8                   you, Senator Rivera.

9                   Call the roll.

10                  (The Secretary called the roll.)

11                  ACTING PRESIDENT O'MARA:     Senator  
12                  Rivera will be recorded in the negative.

13                  Senator Maziarz to explain his  
14                  vote.

15                  SENATOR MAZIARZ:     Thank you very  
16                  much, Mr. President. To explain my vote.

17                  Mr. President, this legislation  
18                  would provide for additional criminal  
19                  penalties for an individual, a supervising  
20                  driver -- that is, someone who is supervising  
21                  an individual who has a learner's permit and  
22                  who is under the influence of drugs or  
23                  alcohol.

24                  This legislation came about because  
25                  of a very tragic incident in Orleans County on

1       September 4, 2009, where Corey Buzard, who had  
2       been drinking all day at a family party, and  
3       was way to too drunk to drive but he convinced  
4       a 17-year-old cousin to drive him to a  
5       convenience store to get additional alcohol.  
6       And he put his 8-year-old daughter Abigail in  
7       the back seat of car.

8                 It was a dark night, it was a rainy  
9       night, Orleans County is an extremely rural  
10      county, and this young 17-year-old driver  
11      drove off the road into a gully, and little  
12      Abigail was killed. A beautiful little  
13      red-haired girl; her mother said her eyes were  
14      blue like the sky. And she died a horrible  
15      death which I won't describe here today.

16                And her father did absolutely  
17      nothing, nothing to try to save his daughter's  
18      live. He didn't because he was too drunk to  
19      even to attempt to save his 8-year-old  
20      daughter.

21                This legislation hopefully will get  
22      voted on here in this house today, and, along  
23      with my colleagues in the Assembly, we can  
24      hopefully provide that this tragic accident  
25      that happened to little Abigail will not

1       happen again.

2                   I vote in the affirmative. Thank  
3       you, Mr. President.

4                   ACTING PRESIDENT O'MARA:       Senator  
5       Maziarz to be recorded in the affirmative.

6                   Senator Adams to explain his vote.

7                   SENATOR ADAMS:       I understand my  
8       colleague's concern about the bill, but I have  
9       to commend Senator Maziarz on this bill.

10                   Because the point of a supervisor,  
11       a driver or person in the vehicle, you know,  
12       that is the reason why we put in place these  
13       procedures. Because you expect the person  
14       who's the intelligent one in the vehicle is to  
15       actually ensure that no one is on the road  
16       that's driving while either under the  
17       influence of alcohol or drugs.

18                   And I thinking this sends a strong  
19       message that we have to really concern  
20       ourselves about, you know, who's on the road.  
21       Not only does it impact the individuals in the  
22       vehicle, but it impacts others who are on the  
23       road.

24                   So I'll be voting aye for this  
25       bill. I think this is a good bill. And I

1 think it covers a very important aspect. I  
2 understand my colleague's concern over it, but  
3 I think the bill in itself is a good bill.  
4 I'll be voting aye.

5 ACTING PRESIDENT O'MARA: Senator  
6 Adams to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: In relation to  
9 Calendar Number 128, recorded in the negative:  
10 Senator Rivera.

11 Ayes, 56. Nays, 1.

12 ACTING PRESIDENT O'MARA: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 161, by Senator LaValle, Senate Print 2978 --

16 SENATOR LaVALLE: Lay the bill  
17 aside for the day, please.

18 ACTING PRESIDENT O'MARA: The  
19 bill is laid aside for the day.

20 THE SECRETARY: Calendar Number  
21 175, by Senator Golden, Senate Print 2168, an  
22 act to amend the Penal Law.

23 ACTING PRESIDENT O'MARA: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of  
2 November.

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

5 (The Secretary called the roll.)

6 THE SECRETARY: In relation to  
7 Calendar Number 175, those recorded in the  
8 negative are Senators Duane, Montgomery and  
9 Perkins.

10 Ayes, 54. Nays, 3.

11 ACTING PRESIDENT O'MARA: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 258, by Senator Young, Senate Print 771 --

15 SENATOR LIZ KRUEGER: Lay it  
16 aside.

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

19 THE SECRETARY: Calendar Number  
20 261, by Senator Ritchie, Senate Print 4080, an  
21 act to amend the Agriculture and Markets Law.

22 ACTING PRESIDENT O'MARA: Read  
23 the last section.

24 THE SECRETARY: Section 2. This  
25 act shall take effect on the 30th day.

1                   ACTING PRESIDENT O'MARA:     Call  
2     the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Ayes, 57.

5                   ACTING PRESIDENT O'MARA:     The  
6     bill is passed.

7                   Senator LaValle, that completes the  
8     noncontroversial reading of the calendar.

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

11                  Now may we have the controversial  
12    reading of the calendar, please.

13                  ACTING PRESIDENT O'MARA:     The  
14    Secretary will ring the bells.

15                  The Secretary will read.

16                  THE SECRETARY:     Calendar Number  
17    258, by Senator Young, Senate Print 771, an  
18    act to amend the Agriculture and Markets Law.

19                  SENATOR LIZ KRUEGER:  
20    Explanation, please.

21                  ACTING PRESIDENT O'MARA:     Senator  
22    Young, an explanation has been requested.

23                  SENATOR YOUNG:     Certainly.

24                  This legislation requires that  
25    information collected and maintained by the



1 Department of Agriculture and Markets relating  
2 to the registration and identification of  
3 premises and animals shall be held  
4 confidential.

5 ACTING PRESIDENT O'MARA: Senator  
6 Krueger.

7 SENATOR LIZ KRUEGER: Thank you,  
8 Mr. President. If the sponsor would please  
9 yield to a question.

10 ACTING PRESIDENT O'MARA: Senator  
11 Young, will you yield for a question?

12 SENATOR YOUNG: Yes.

13 SENATOR LIZ KRUEGER: Thank you.

14 So if this bill became the law, my  
15 understanding is you could no longer, through  
16 Freedom of Information, find out records of  
17 health problems on specific farms. So let's  
18 say a specific farm had an outbreak of  
19 documented mad cow disease; there would be no  
20 way for the public to find out that  
21 information.

22 SENATOR YOUNG: Through you,  
23 Mr. President. Actually, the Department of Ag  
24 & Markets may disclose such confidential data  
25 provided that the department determines that

1 disclosure is needed for the protection of the  
2 public or animal health and safety.

3 So if there were, you know, an  
4 outbreak of mad cow disease, for example, that  
5 information could be disclosed by the  
6 department if they deem it to be the right  
7 course to take.

8 SENATOR LIZ KRUEGER: Thank you,  
9 Mr. President.

10 On the bill.

11 ACTING PRESIDENT O'MARA: On the  
12 bill.

13 SENATOR LIZ KRUEGER: Thank you.  
14 I appreciate the sponsor's answer to my  
15 question.

16 I have to say I think that when it  
17 comes to public health, the public's right to  
18 find out information -- such as has there been  
19 a disease outbreak potentially having a risk  
20 to the public if they were to in fact digest  
21 that food -- has a greater public good to make  
22 sure that that information can be made  
23 available.

24 It's not that I don't trust our  
25 Department of Ag & Markets. We've

1 historically had wonderful people leading the  
2 department. I hope to have a new commissioner  
3 there who I'll be very confident in.

4           Nonetheless, I think that the  
5 public's overriding right to be able to find  
6 out information about the health conditions of  
7 farm animals and whether there is any kind of  
8 outbreak of disease and whether there is any  
9 kind of risk to those of us in the public who  
10 count on making sure that our food supply is  
11 healthy and does not cause disease is an  
12 overriding right of the public, particularly  
13 at a time where we know that unfortunately at  
14 the federal level they've decreased the amount  
15 of supervision and inspections that take  
16 place.

17           We've seen growing, year after  
18 year, an increased rate of disease associated  
19 with our food supply not being carefully  
20 evaluated before it comes to market. We have  
21 a growth in salmonella, we have a growth of  
22 food-poisoning cases that track back to our  
23 food supply.

24           And given the fact that government  
25 is not always as diligent as we all hope it

1       would be, particularly in times of limited  
2       resources, I cannot vote for a bill that would  
3       decrease the public's right to find out  
4       information that is known by a government  
5       agency on something as important as our  
6       health, the public's health and our food  
7       supply.

8                       So I'll be voting no,  
9       Mr. President. Thank you.

10                    ACTING PRESIDENT O'MARA:     Thank  
11       you, Senator Krueger.

12                    Senator Young on the bill.

13                    SENATOR YOUNG:     On the bill,  
14       Mr. President.

15                    Actually, this legislation is  
16       strongly supported by the New York State Farm  
17       Bureau.

18                    And some of the information that  
19       could be given out there could work to the  
20       disadvantage of the farmers, because  
21       competitors can use this information against  
22       them as far as having a competitive -- putting  
23       them at a competitive disadvantage.

24                    I share my colleague Senator  
25       Krueger's support for public health issues.

1 And actually, this legislation protects public  
2 health. Because one of the emerging trends  
3 that we're concerned about has to do with  
4 terrorism and biosecurity and bioterrorism.  
5 By protecting this information, we actually  
6 can avoid some of the security risks that are  
7 out there.

8 So I would encourage my colleagues  
9 to vote yes.

10 Thank you.

11 ACTING PRESIDENT O'MARA: Any  
12 other Senators wishing to be heard?

13 The Secretary will ring the bell.

14 Read the last section.

15 THE SECRETARY: Section 2. This  
16 act shall take effect immediately.

17 ACTING PRESIDENT O'MARA: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT O'MARA:  
21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar Number 258, those recorded in the  
24 negative are Senators Adams, Avella,  
25 L. Krueger, Montgomery, Oppenheimer, Rivera,

1           Serrano, Stavisky and Stewart-Cousins.

2                   Absent from voting:   Senator Smith.

3                   Ayes, 48.   Nays, 9.

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

6                   Senator Libous, that completes the  
7 controversial reading of the calendar.

8                   SENATOR LIBOUS:       Mr. President,  
9 can we return to motions and resolutions,  
10 please.

11                   ACTING PRESIDENT O'MARA:       Motions  
12 and resolutions.

13                   SENATOR LIBOUS:       On behalf of  
14 Senator Fuschillo, on page 14 I offer the  
15 following amendments to Calendar Number 183,  
16 Senate Print 2728A, and ask that the said bill  
17 retain its place on the Third Reading  
18 Calendar.

19                   ACTING PRESIDENT O'MARA:       The  
20 amendments are received and adopted, and the  
21 bill will retain its place on the Third  
22 Reading Calendar.

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

25                   ACTING PRESIDENT O'MARA:       No

1 further business.

2 SENATOR LIBOUS: There being no  
3 further business at the desk, Mr. President, I  
4 move that the Senate will adjourn until  
5 Tuesday, April 5th, at 3:00 p.m.

6 ACTING PRESIDENT O'MARA: On  
7 motion, the Senate stands adjourned until  
8 Tuesday, April 5th, at 3:00 p.m.

9 (Whereupon, at 3:47 p.m., the  
10 Senate adjourned.)

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