NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 11, 2011

3:14 p.m.

REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

All rise, please. That's in the gallery too. Join me in the Pledge of Allegiance to our nation.

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

ACTING PRESIDENT MARCELLINO: The invocation will be given today by Reverend Carol Warner-Ligons, president of the National Association of Women of the Church of God.

REVEREND WARNER-LIGONS: Good afternoon. Let us pray.

Father, in the name of Jesus, we are here today by Divine Providence. We invite Your awesome, majestic presence into this chamber, the New York State Senate.

I pray, Holy Spirit, that You will take full control of every heart and mind and give divine direction, supernatural insight, and make known the mystery of God's will so that every decision will be in the best interest of the people of New York State, putting aside hidden agendas and ulterior

motives.

Rebind the spirit of discord, strife and division, and release in its place peace and unity of God. For where there is no vision, the people perish and cast off restraint, resulting in chaos, anarchy, and lawlessness.

So I ask You to reveal the knowledge of Your immutable will and plant Your sovereign vision into their hearts so that the New York State Senate will become an instrument in the hand of God that will model justice, fairness, and equity for all people that other states across this nation will emulate.

For many are the plans of a man's heart, but it is the purposes and plans of God that will prevail. Thy will be done on earth as it is in heaven. In the name of the Father, the Son, and the Holy Spirit, this I declare and this I decree in the name of Jesus.

Amen.

ACTING PRESIDENT MARCELLINO: Thank you, Reverend Ligons.

For those of you that might have picked up a resemblance, the good reverend is the sister of our colleague Ruth Hassell-Thompson.

Can we have the reading of the Journal, please.

THE SECRETARY: In Senate, Sunday, April 10, the Senate met pursuant to adjournment. The Journal of Saturday, April 9, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MARCELLINO: All in favor of accepting the Journal signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The Journal is accepted.

We have 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 Breslin.

SENATOR BRESLIN: Thank you, Mr. President. On behalf of Senator Adams --

ACTING PRESIDENT MARCELLINO: Excuse me, Senator Breslin.

(Gaveling.) Can we have some order in the house, please.

Senator Breslin.

SENATOR BRESLIN: On behalf of Senator Adams, I move the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Number 3982.

ACTING PRESIDENT MARCELLINO: So ordered.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, I have amendments to offer up to third reading on the following calendar bills.

One by Senator Fuschillo would be

Senate Print 526, it's on page 8, Calendar Number 20.

One by Senator Lanza, on page 13, Calendar Number 133, Senate Print Number 2938.

One by Senator Bonacic, page 21, Calendar Number 253, Senate Print Number 3099.

One by Senator Golden, page number 22, Calendar Print 265, Senate Print 1407.

One by Senator Griffo, page 22, Calendar Number 266, Senate Print 2488.

One by Senator Fuschillo, page 8, Calendar Number 22, Senate Print 600.

And, Mr. President, I now move that these bills retain their place on the order of third reading.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Libous. The amendments are accepted, and the bills will retain their place on the Third Reading Calendar.

Senator Libous.

SENATOR LIBOUS: Mr. President, I would like to call up Senate Print 3900, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: So

ordered. The Secretary will read.

THE SECRETARY: Calendar Number 205, by Senator Griffo, Senate Print 3900, an act to amend the Military Law.

SENATOR LIBOUS: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MARCELLINO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

SENATOR LIBOUS: Mr. President, I now offer up the following amendments.

ACTING PRESIDENT MARCELLINO: The amendments are accepted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a privileged resolution at the desk by Senator Breslin. He would like it please read in its entirety, and then call on Senator Breslin before its adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read the resolution in its entirety.

THE SECRETARY: Legislative resolution by Senator Breslin, congratulating the Shaker High School Girls Basketball Team and Coach Emily Caschera upon the occasion of capturing the Section II Class AA Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

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

"WHEREAS, The Shaker High School Girls Basketball Team are the Section II Class AA champions. On Saturday, March 5, 2011, at Hudson Valley Community College, the Lady Bison defeated Colonie by a score of 59 to 52, giving Shaker its first sectional title since

the 1981-1982 season; and

"WHEREAS, In addition, the Shaker High School Girls Basketball Team was honored by its school's athletic department as one of eight winter sports teams which qualified for the New York State Scholar Athlete Team Award. The Lady Bison received an honorary pin from the New York State Public High School Athletic Association for acquiring an academic team average of 91.549; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Coach Emily Caschera, a skilled and inspirational tutor respected for her ability to develop potential into excellence; and

"WHEREAS, The team's overall record of 20-3 is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the Shaker High School Girls Basketball Team, from the opening game of the season to participation in the championship, were a

sisterhood of athletic ability, of good sportsmanship, of honor, and of scholarship, demonstrating that these team players are second to none; and

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

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, and Coach Emily Caschera and the outstanding athletes on the Shaker High School Girls Basketball Team have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Shaker High School Girls Basketball Team and Coach Emily Caschera on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted

to the Shaker High School Girls Basketball Team and to Coach Emily Caschera."

ACTING PRESIDENT MARCELLINO: Senator Breslin on the resolution.

SENATOR BRESLIN: Thank you, Mr. President.

I'm honored to rise and speak on behalf of the Shaker Girls Basketball Team that, for the first time in 30 years, won the Section II AA Championship. More importantly, as read in the resolution, having a team academic average of 91.5, one of the top academic teams in the State of New York.

And to Emily Caschera, Times Union Coach of the Year, congratulations.

And to some of the lead players: Madison Rowland, who averaged 18 points, made the Class AA Tournament Team MVP and Times Union 1st Team All-Area.

And Adrianne Devine, the team co-captain, made the All Tournament Team, averaged 13 points, and prior to the season was a McDonald's All-American candidate.

And Lauren Woods, who will be back next year, and has already challenged me to a

one-on-one competition, who averaged 12 points and made Second Team All-Area.

And to others who are up there -- Christine Alley, who's a junior and co-captain of the team. Erica Vallecorsa, Mallorey Dickson, Madison's two sisters, MacKenzie and Merrick, and Emily Mion, a big congratulations for a terrific season.

Many of your parents are here to celebrate your successes. And with that team average, both points per game and academic average, we look forward to you being successful for many, many years to come. Congratulations.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Breslin.

Senator Sampson.

SENATOR SAMPSON: Thank you very much, Mr. President.

I just too want to rise and congratulate the Shaker Girls Basketball Team for their championship. But what's most attracting to me is your success on the court translates to success in the classroom.

So it's so important, especially a

young man like myself, when I was growing up, athletics was a way for me to get that discipline that I needed to utilize in the classroom.

So I want to congratulate your coach on a phenomenal job, but most of all congratulate all your parents for your commitment and your dedication. Because basketball is just a segue into the successes that they can have, especially into life.

And especially I would like to shout out to the Rowland sisters, all three of you, you have done a phenomenal job.

Congratulations.

ACTING PRESIDENT MARCELLINO: Anybody else on the resolution who would like to be heard?

Seeing none, on the resolution, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is carried.

Senator Libous.

SENATOR LIBOUS: We want to extend our congratulations to all of you for a job well done.

(Applause.)

ACTING PRESIDENT MARCELLINO: Come on, girls, stand up. Stand up, girls.

(Applause.)

ACTING PRESIDENT MARCELLINO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe, Mr. President, that Senator McDonald has Resolution Number 713 at the desk. Could you read its title only and then call on Senator McDonald.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 713, by Senator McDonald, memorializing Governor Andrew M. Cuomo to proclaim April 2011 as Autism Spectrum Disorders Awareness Month in the State of New York.

ACTING PRESIDENT MARCELLINO:

Senator McDonald.

SENATOR McDONALD: Thank you, Mr. President.

This is an annual recognition that becomes more significant every year, and that's to recognize and understand what's happening in our disabilities community as a new illness or situation develops in our family of New York. It's autism and the various forms of it that have now plagued not only our state but the entire country.

It's going to be a difficult year for those people, and it could be difficult years as that population becomes bigger and starts aging. We will be prepared for it. We have a lot of good people. Especially today, we have two good people that we're going to be voting on to confirm their new positions. And we already have a lot of good people in the various state agencies that deal with it.

But we can do better. And that's what we're going to do, with the help of everybody in this room. Because this is an issue that does not recognize boundaries -- race, religion, ethnic group, geography,

anything. This is what America is about, helping people who need help.

So at this time I want to thank this body for all their support and their continuous support, along with the people in the Assembly, and our Governor, our new Governor. And I'm especially waiting in a little while to announce some new appointments by our Governor giving us an opportunity to vote on two outstanding individuals.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator McDonald.

This resolution has been previously adopted, so there's no reason to take a further vote.

Is there anyone else wishing to be heard?

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you very much, Mr. President.

And let me thank my colleagues for putting forth this resolution.

Autism in families throughout this state and throughout the nation is becoming

such a prevalent issue that it's incumbent upon the people of the State of New York and us here as legislators in this house and the Assembly to do something.

And we did something last year when Governor -- it passed this house I believe unanimously, and it passed the Assembly unanimously, and Governor Paterson, to his fault -- and it's probably one of the only times I'm going to criticize the former Governor -- vetoed the bill. And what the bill would have done is provide insurance coverage to families for diagnosis and treatment for those who have children or young adults with autism.

It was the right thing to do. When we look at families throughout New York State that are mortgaging their houses to provide the proper care of their children, it's something they have to do. If they have to give blood, sweat and tears, they'll do it for their children. But it's wrong that the State of New York is not doing the right thing.

Today the Insurance Committee, under the leadership of Chairman Jim Seward,

put out a bill that I've sponsored, and it has a same-as bill in the Assembly by Assemblyman Morelle, to just do that and revisit this issue. And I hope the Senate takes it up on the floor.

I'll be voting in favor of the resolution. Thank you very much.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Fuschillo.

Senator Libous.

SENATOR LIBOUS: Mr. President, this was previously adopted; is that right?

ACTING PRESIDENT MARCELLINO: Yes, it was, Senator.

SENATOR LIBOUS: We'd like to open this for cosponsorship. And as our normal policy, if there are any members in the chamber who wish not to be on it, to please notify the desk. Otherwise you will all be on as cosponsors.

Mr. President, at this time there will be an immediate meeting of the Finance Committee in Room 332, an immediate meeting of the Finance Committee in Room 332.

And for the moment the Senate will

stand at ease.

ACTING PRESIDENT MARCELLINO: There will be a meeting of the Finance Committee immediately in Room 332.

The Senate will stand at ease pending a report of the Finance Committee.

(Whereupon, the Senate stood at ease at 3:31 p.m.)

(Whereupon, the Senate reconvened at 4:16 p.m.)

ACTING PRESIDENT MARCELLINO: The house will come to order.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Can we return to the reports of standing committees. I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT MARCELLINO: There is a report of the Finance Committee at the desk.

And the Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Finance, reports the following nominations.

As a member and chair of the State Commission on Quality of Care and Advocacy for Persons With Disabilities, Roger A. Bearden, of New York City.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I'm very pleased to move the nomination of Roger A. Bearden for the position of member and chair of the State Commission on Quality of Care and Advocacy for Persons With Disabilities.

Mr. Bearden has an incredible record for such a young man. In fact, I believe my suit may be older than he is.

(Laughter.)

SENATOR DeFRANCISCO: But he's done more things in that short period of time than many of us would even attempt to do. And it's an incredible record.

And just speaking with him briefly at my office earlier, and also from seeing him working for Senator Duane last year on some important issues, he definitely has the qualification for this job. And even more

importantly, I believe he has the fire in his belly to do the right thing, being an advocate for people with disabilities for many years now.

So the Governor made another topnotch appointment here. And I would move his nomination and urge the complete Senate to vote for Mr. Roger A. Bearden, of New York City, for this position.

Thank you.

ACTING PRESIDENT MARCELLINO: Is there anyone else wishing to be heard on this nomination?

Senator Breslin, I believe.

SENATOR BRESLIN: Thank you, Mr. President.

I applaud Senator DeFrancisco and will second his comments about Roger Bearden, who was a resident of my district and I'm sure he will be again.

But he's focused his professional career on people with disabilities and has a unique understanding of people with disabilities. He's a Brown graduate, a Harvard Law graduate. And again, as we see

day after day and time after time, a wonderful choice by this Governor. And I applaud this choice particularly.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Breslin.

Is it my understanding you do not hold the fact that the gentleman worked for Senator Duane against him?

SENATOR BRESLIN: I quite frankly did not mention that, Mr. President. Senator Duane will be here to explain himself.

(Laughter.)

ACTING PRESIDENT MARCELLINO: I understand your reticence, sir.

Senator McDonald, please.

SENATOR McDONALD: Yes. Real briefly, my committee as well myself had an opportunity to meet with our new chairman. And as it was said earlier, not only is he is a bright, dedicated individual, he's got a good way about himself and a very strong family person -- his wife, Erin; his children Sarah, Myles and Eli. And he's ready, in a very trying time in this particular area,

disabilities, he's ready to help us out.

You know, we're grateful that the Governor appointed him. And it should be realized that what we'll be going into this year, with the various abuses that have occurred and been reported, it's going to be a tough year. And we're going to need people like this young man and the future commissioner to help us get through this year.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator McDonald.

Senator Huntley.

SENATOR HUNTLEY: Yes, Mr. President. I would just like to again congratulate Mr. Bearden.

I met with him earlier this morning in my office and then, again, Senator McDonald and I met with him in committee. And I wish him well, and I know he's going to do a fantastic job. And I look forward for working with him on mental health, which is very important to me and also to the Senator.

So congratulations to Mr. Bearden.

ACTING PRESIDENT MARCELLINO:

Senator Duane.

SENATOR DUANE: Thank you very much, Mr. President.

I'm honored to speak on behalf of Roger Bearden. He was the chief Health counsel the same year that I became the chair of the Health Committee. And he was incredibly impressive in his knowledge and also in his teaching abilities and to explain very complicated policy questions in a way that made it possible for not only me but other people in my office and other people who he worked with to understand the importance of various policy initiatives that he was so instrumental in moving forward.

You know, Roger could have chosen a completely different career path. He has an incredibly impressive academic background. He probably could be making a tremendous amount of money. But instead, he's making a tremendous difference in the lives of people who don't have that many advocates and really need to have a strong voice fighting for them and protecting them and making sure that their voices are being heard.

If his work, his upcoming work is anything like his negotiations on the Family Health Care Decisions Act, then we are in really great shape by having him. It's a very, very challenging time. The area in which he's working is extremely challenging and very much in the public eye right now. And I firmly and strongly believe that Roger Bearden is going to do an excellent job. He will make the Governor proud, and I am very pleased that the Governor has made this appointment.

And I consider him not just a colleague but in many ways a mentor on issues that I care about but which he knew so much about, and a friend. And I'm optimistic that his nomination is going to go through today, and I certainly will be working as closely as I can with him. And I would encourage everyone else to, because it will be a great experience.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Duane.

Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

I rise to support this nomination and to commend Governor Andrew Cuomo on this fine recommendation and this fine appointment.

Mr. Bearden has really spent his life and his career towards serving our most vulnerable population. Particularly in this year where we have all these budget cuts, I think it's extremely important that we do everything we can to make sure that people living with developmental disabilities don't fall through the cracks.

And I'm confident, in seeing the resume and hearing about the great work that Mr. Bearden has done, that he'll institute policies that will really bring forth and make sure that safeguards are in place to make sure that our most vulnerable population does not fall through the cracks.

So with that, I look forward to working with you. And I'm confident that this population will be in good hands and all of us will work together to make sure that that's done.

So again, I congratulate the Governor and look forward to working with you.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Carlucci.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

Let me congratulate the Governor on this outstanding appointment of a very, very capable young man who's going to do a great job.

And let me be the first to welcome you to downtown Schenectady, where you'll be located. It's a facility that I helped bring there, and we're delighted to have you there.

And if there's anything wrong with the facilities, just get in touch with me and we'll take care of you.

(Laughter.)

ACTING PRESIDENT MARCELLINO: Are there any other members wishing to be heard on the nomination?

Seeing none, the nomination is closed.

The question is on the nomination of Roger A. Bearden as a member and chair of the State Commission on Quality of Care and Advocacy for Persons With Disabilities. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: All opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: Roger A. Bearden is hereby confirmed as a member and chair of the State Commission on Quality of Care and Advocacy for Persons with Disabilities.

Congratulations, Mr. Bearden.

(Applause.)

ACTING PRESIDENT MARCELLINO: Joining Mr. Bearden today is his wife, Erin, and their three children, Sarah, Myles, and Eli. I hope they know they're not going to be seeing as much of you in the future because you're going to be very busy.

Take care, good luck, and Godspeed.

Senator Libous.

SENATOR LIBOUS: I think we can

continue reading the report of the Finance Committee, Mr. President.

ACTING PRESIDENT MARCELLINO: The Secretary will continue to read.

THE SECRETARY: For commissioner of the New York State Office for People with Developmental Disabilities, Courtney E. Burke, of Albany.

ACTING PRESIDENT MARCELLINO: Senator Libous -- Senator DeFrancisco. You look so much alike.

(Laughter.)

SENATOR LIBOUS: His suit is older than I am.

(Laughter.)

SENATOR DeFRANCISCO: Thank you, Mr. President. I appreciate you got around to the right call here.

I'm proud to move the nomination of Courtney Burke as the commissioner of the New York State Office for People With Developmental Disabilities.

I also met with Ms. Burke earlier today in my office. We talked a little bit about some of my ideas, and I reviewed her

resume and saw that she had a heck of a lot more ideas than I could come up with.

And she has many writings on very, very important issues that are facing the state today. And there's not often that an individual could be a member of a think tank and analyze with such scrutiny the way the state is being run now in specific areas and come up with recommendations as to how it could run better, and then have the opportunity to be appointed to a position where she can do something about the deficiencies that she wrote about, that she thought about, and that she had advocated to correct.

She's an extremely bright individual, well accomplished, and just perfect for this job. And I want to commend Governor Cuomo again. I seem like a broken record, but his appointments this year have just been outstanding, and these two appointments today are a perfect example.

And I'm looking forward to working with Ms. Burke and sharing her ideas as we go through the next budget process as to how we

can do things not only more efficiently and more cost-effectively, but better for the recipients that receive these services from the State of New York.

So I move the nomination of Courtney Burke.

ACTING PRESIDENT MARCELLINO: The nomination is moved by Senator DeFrancisco.

Senator McDonald.

SENATOR McDONALD: Thank you, Mr. President.

As the chairman of Mental Health, Mental Hygiene and Developmental Disabilities, along with Senator Huntley, the ranker, we had an opportunity to talk at length with this wonderful individual.

Like the first person, Roger, Commissioner Burke is outstanding, with a great deal of experience and also a great deal of compassion for a very important position. And this position, as I mentioned earlier, is going to get more important as the year progresses, and we have to deal with some very serious problems.

She doesn't do it by herself; she

has her husband, Christopher, and her children, Ian and Caroline, with her.

And I think she will quickly point out that she went to the University of Connecticut and she's a big University of Connecticut basketball fan. And as a Siena fan, I can't say too much about that. But next year.

(Laughter.)

SENATOR McDONALD: But certainly, as the chairman of Finance pointed out, the Governor has presented us with two outstanding candidates today. And I'm prepared and really happy to support these folks.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator McDonald.

Senator Breslin on the nomination.

SENATOR BRESLIN: Thank you, Mr. President.

Again, echoing the remarks of Senator McDonald and Senator DeFrancisco, Courtney Burke is perfect for the job. Her educational background in healthcare, her work with people with disabilities, and her

extensive writing while at the Rockefeller, it just -- it's such a perfect, perfect choice to become the new commissioner.

Again, I applaud the Governor. Courtney and her family live in my district and she works in my district and is a friend and I think will just do an exceptional job as commissioner.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Breslin.

May I advise members that we do not use electronic equipment, cellphones in the chambers. Members on cellphones, please take your conversation out of the chamber. That is our rule.

Senator Huntley on the nomination.

SENATOR HUNTLEY: Thank you, Mr. President.

Again, I would like to commend the Governor for his choice. I met with Courtney Burke in my office and also in committee, and Senator McDonald and I agree she was a great choice. And we will support her efforts.

And again, I would like to

congratulate her and her family.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Kennedy on the nomination.

SENATOR KENNEDY: Thank you, Mr. President.

I just want to rise and first and foremost commend the Governor on a tremendous selection of Courtney Burke as the commissioner of New York State Office for People with Developmental Disabilities. I want to congratulate the commissioner-to-be on the nomination and this confirmation.

As an occupational therapist, I have worked with hundreds of families who have been impacted by having an individual with a developmental disability. And the work that happens in Albany and spreads across the state ripples across this state is extremely important to ensure that those individuals and the families of the individuals with developmental disabilities get the services that they deserve, that they desire, and that make their lives as independent as possible.

I look forward to working with you

personally, with my office, and it's an honor and a privilege to be able to stand here at your confirmation, and I vote in the affirmative.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

Again, I'd like to commend Governor Andrew Cuomo for this appointment. Commissioner Burke, in the short time as the acting commissioner, has really hit the ground running, already putting forth measures to protect our most vulnerable population. With her proactiveness, I'm confident that New York will be able to provide services to protect the safety and the welfare of people living with developmental disabilities.

So with that, Courtney Burke, I look forward to working with you. And again, I want to commend the Governor. And I think this is a great appointment, and I think we're in good hands with Commissioner Burke.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I too want to join my colleagues in congratulating the Governor in choosing Courtney Burke to this very, very important position. And I know that years ago when I chaired the Committee on Mental Health and Developmental Disabilities and Ms. Burke worked for the Office of the Advocate, I'm quite familiar with her work, and back then it was outstanding.

And we have a great opportunity here with her background and knowledge. You know, this state -- and I don't have to tell my colleagues this, but I like to say it -- has been ahead of every other state when it comes to dealing with people with disabilities. And certainly as the sponsor of the New York Cares program back a number of years ago, the leading program, cutting-edge program that basically told the nation that we

care about people with disabilities in this state.

And I think that Courtney Burke will be an outstanding commissioner. I look forward to working with you. We certainly have many challenges as we move forward. But you are the right person, you have the background, you have the passion for the job. And I think the Governor today has made a great decision, and I stand to second your nomination.

ACTING PRESIDENT MARCELLINO: Are there any other Senators wishing to be heard on this nomination?

Seeing none, the question is on the nomination of Courtney E. Burke as commissioner of the New York State Office for People with Developmental Disabilities. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: All those opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The ayes have it. Courtney E. Burke is hereby

confirmed as commissioner of the New York State Office for People with Developmental Disabilities.

Congratulations, Ms. Burke.

(Standing ovation.)

ACTING PRESIDENT MARCELLINO: And Commissioner Burke is joined by her husband, Christopher, her children, Ian and Caroline, and her many, many, many friends and family. Congratulations once again.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time I believe we could have the reading of the noncontroversial calendar, please.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 51, by Senator Marcellino, Senate Print 945, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 56, by Senator LaValle, Senate Print 816, an act to amend the Social Services Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 86, by Senator Klein, Senate Print 1031B, an act to amend the Insurance Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of January.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 108, by Senator Grisanti, Senate Print 2648, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 108, those recorded in the negative are Senators Duane, Espaillat, Perkins, and Serrano.

Ayes, 52. Nays, 4.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 111, by Senator Breslin, Senate Print --

SENATOR BRESLIN: Lay the bill aside for the day, please.

ACTING PRESIDENT MARCELLINO: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 183, by Senator Fuschillo, Senate Print 2728B, an act to amend the Tax Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 192, by Senator Perkins, Senate Print 3252A, an act to authorize certain healthcare professionals.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 247, by Senator Fuschillo, Senate Print 597A, an act to amend the Executive Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 247, those recorded in the negative are Senators Duane, Montgomery and Perkins.

Ayes, 53. Nays, 3.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 299, by Senator Martins, Senate Print 3777A, an act to amend the Social Services Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 301, by Senator Savino, Senate Print 4090, an act to amend the Domestic Relations Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MARCELLINO: The

bill is passed.

Senator Libous, that completes the calendar.

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

ACTING PRESIDENT MARCELLINO: No, sir, the desk is clear.

SENATOR LIBOUS: Mr. President, I now hand up the following notice to have it put into the Journal, please.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR LIBOUS: Mr. President, there being no further business to come before the Senate this afternoon, I move that we adjourn until Tuesday, April 12th, at 3:00 p.m.

ACTING PRESIDENT MARCELLINO: On motion, the Senate will be adjourned until Tuesday, April 12th, at 3:00 p.m.

(Whereupon, at 4:39 p.m., the Senate adjourned.)