

1 NEW YORK STATE SENATE

2  
3  
4 THE STENOGRAPHIC RECORD

5  
6  
7  
8  
9 ALBANY, NEW YORK

10 April 11, 2011

11 3:14 p.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
18 SENATOR CARL L. MARCELLINO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

1  
2           ACTING PRESIDENT MARCELLINO:     The  
3       Senate will come to order.

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

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

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

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

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

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

1 motives.

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

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

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

23 Amen.

24 ACTING PRESIDENT MARCELLINO:

25 Thank you, Reverend Ligons.

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

5                   Can we have the reading of the  
6                   Journal, please.

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

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

15                  (Response of "Aye.")

16                  ACTING PRESIDENT MARCELLINO:  
17                  Opposed, nay.

18                  (No response.)

19                  ACTING PRESIDENT MARCELLINO:     The  
20                  Journal is accepted.

21                  We have presentation of petitions.

22                  Messages from the Assembly.

23                  Messages from the Governor.

24                  Reports of standing committees.

25                  Reports of select committees.

1                   Communications and reports from  
2                   state officers.

3                   Motions and resolutions.

4                   Senator Breslin.

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

7                   ACTING PRESIDENT MARCELLINO:  
8                   Excuse me, Senator Breslin.

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

11                  Senator Breslin.

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

17                  ACTING PRESIDENT MARCELLINO:     So  
18                  ordered.

19                  Senator Libous.

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

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

25                  One by Senator Fuschillo would be

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

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

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

7 One by Senator Golden, page number  
8 22, Calendar Print 265, Senate Print 1407.

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

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

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

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

20 Senator Libous.

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

25 ACTING PRESIDENT MARCELLINO: So

1       ordered. The Secretary will read.

2               THE SECRETARY:       Calendar Number  
3       205, by Senator Griffo, Senate Print 3900, an  
4       act to amend the Military Law.

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

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

11               (The Secretary called the roll.)

12               THE SECRETARY:       Ayes, 55.

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

15               ACTING PRESIDENT MARCELLINO:       The  
16       amendments are accepted.

17               Senator Libous.

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

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

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

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

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

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



1 the 1981-1982 season; and

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

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

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

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

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

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

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

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

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

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

3 ACTING PRESIDENT MARCELLINO:  
4 Senator Breslin on the resolution.

5 SENATOR BRESLIN: Thank you,  
6 Mr. President.

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

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

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

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

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

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

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

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

15 ACTING PRESIDENT MARCELLINO:  
16 Thank you, Senator Breslin.

17 Senator Sampson.

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

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

25 So it's so important, especially a

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

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

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

14 Congratulations.

15 ACTING PRESIDENT MARCELLINO:

16 Anybody else on the resolution who would like  
17 to be heard?

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

20 (Response of "Aye.")

21 ACTING PRESIDENT MARCELLINO:

22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT MARCELLINO: The  
25 resolution is carried.

1 Senator Libous.

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

5 (Applause.)

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

8 (Applause.)

9 ACTING PRESIDENT MARCELLINO:  
10 Senator Libous.

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

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

17 ACTING PRESIDENT MARCELLINO: The  
18 Secretary will read.

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

25 ACTING PRESIDENT MARCELLINO:

1 Senator McDonald.

2 SENATOR McDONALD: Thank you,  
3 Mr. President.

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

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

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

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

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

11 Thank you.

12 ACTING PRESIDENT MARCELLINO:

13 Thank you, Senator McDonald.

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

17 Is there anyone else wishing to be  
18 heard?

19 Senator Fuschillo.

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

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

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



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

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

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

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

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

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

8 ACTING PRESIDENT MARCELLINO:

9 Thank you, Senator Fuschillo.

10 Senator Libous.

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

13 ACTING PRESIDENT MARCELLINO:

14 Yes, it was, Senator.

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

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

25 And for the moment the Senate will

1 stand at ease.

2 ACTING PRESIDENT MARCELLINO:

3 There will be a meeting of the Finance  
4 Committee immediately in Room 332.

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

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

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

11 ACTING PRESIDENT MARCELLINO: The  
12 house will come to order.

13 Senator Libous.

14 SENATOR LIBOUS: Thank you,  
15 Mr. President.

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

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

22 And the Secretary will read.

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

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

5                   ACTING PRESIDENT MARCELLINO:  
6                   Senator DeFrancisco.

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

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

16                  (Laughter.)

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

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

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

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

10              Thank you.

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

14              Senator Breslin, I believe.

15              SENATOR BRESLIN:     Thank you,  
16       Mr. President.

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

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

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

4 Thank you, Mr. President.

5 ACTING PRESIDENT MARCELLINO:

6 Thank you, Senator Breslin.

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

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

13 (Laughter.)

14 ACTING PRESIDENT MARCELLINO: I  
15 understand your reticence, sir.

16 Senator McDonald, please.

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

1 disabilities, he's ready to help us out.

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

10 Thank you.

11 ACTING PRESIDENT MARCELLINO:

12 Thank you, Senator McDonald.

13 Senator Huntley.

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

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

24 So congratulations to Mr. Bearden.

25 ACTING PRESIDENT MARCELLINO:

1 Senator Duane.

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

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

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



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

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

22                 Thank you, Mr. President.

23                 ACTING PRESIDENT MARCELLINO:

24                 Thank you, Senator Duane.

25                 Senator Carlucci.

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

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

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

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

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

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

3                   Thank you, Mr. President.

4                   ACTING PRESIDENT MARCELLINO:

5 Thank you, Senator Carlucci.

6                   Senator Farley.

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

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

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

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

20                  (Laughter.)

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

24                  Seeing none, the nomination is  
25 closed.

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

6                   (Response of "Aye.")

7                   ACTING PRESIDENT MARCELLINO: All  
8                   opposed, nay.

9                   (No response.)

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

15                  Congratulations, Mr. Bearden.

16                  (Applause.)

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

23                  Take care, good luck, and Godspeed.

24                  Senator Libous.

25                  SENATOR LIBOUS: I think we can

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

3                ACTING PRESIDENT MARCELLINO:       The  
4       Secretary will continue to read.

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

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

12               (Laughter.)

13               SENATOR LIBOUS:       His suit is  
14       older than I am.

15               (Laughter.)

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

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

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

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

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

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

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

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

5               So I move the nomination of  
6       Courtney Burke.

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

9               Senator McDonald.

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

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

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

25              She doesn't do it by herself; she

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

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

9               (Laughter.)

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

15              Thank you.

16              ACTING PRESIDENT MARCELLINO:  
17       Thank you, Senator McDonald.

18              Senator Breslin on the nomination.

19              SENATOR BRESLIN: Thank you,  
20       Mr. President.

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



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

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

9 Thank you, Mr. President.

10 ACTING PRESIDENT MARCELLINO:

11 Thank you, Senator Breslin.

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

17 Senator Huntley on the nomination.

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

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

25 And again, I would like to

1           congratulate her and her family.

2                    ACTING PRESIDENT MARCELLINO:

3           Thank you, Senator.

4                    Senator Kennedy on the nomination.

5                    SENATOR KENNEDY:       Thank you,  
6           Mr. President.

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

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

25                   I look forward to working with you

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

5 Thank you.

6 ACTING PRESIDENT MARCELLINO:

7 Thank you, Senator.

8 Senator Carlucci.

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

11 Again, I'd like to commend Governor  
12 Andrew Cuomo for this appointment.

13 Commissioner Burke, in the short time as the  
14 acting commissioner, has really hit the ground  
15 running, already putting forth measures to  
16 protect our most vulnerable population. With  
17 her proactiveness, I'm confident that New York  
18 will be able to provide services to protect  
19 the safety and the welfare of people living  
20 with developmental disabilities.

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

1                   Thank you, Mr. President.

2                   ACTING PRESIDENT MARCELLINO:

3                   Thank you, Senator.

4                   Senator Libous.

5                   SENATOR LIBOUS:       Thank you,  
6                   Mr. President.

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

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

1       care about people with disabilities in this  
2       state.

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

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

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

20                   (Response of "Aye.")

21                   ACTING PRESIDENT MARCELLINO:     All  
22      those opposed, nay.

23                   (No response.)

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

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

4 Congratulations, Ms. Burke.

5 (Standing ovation.)

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

11 Senator Libous.

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

16 ACTING PRESIDENT MARCELLINO: The  
17 Secretary will read.

18 THE SECRETARY: Calendar Number  
19 51, by Senator Marcellino, Senate Print 945,  
20 an act to amend the Vehicle and Traffic Law.

21 ACTING PRESIDENT MARCELLINO:  
22 Read the last section.

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

1                   ACTING PRESIDENT MARCELLINO:

2           Call the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:     Ayes, 56.

5                   ACTING PRESIDENT MARCELLINO:     The  
6           bill is passed.

7                   THE SECRETARY:     Calendar Number  
8           56, by Senator LaValle, Senate Print 816, an  
9           act to amend the Social Services Law.

10                  ACTING PRESIDENT MARCELLINO:  
11           Read the last section.

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

14                  ACTING PRESIDENT MARCELLINO:  
15           Call the roll.

16                  (The Secretary called the roll.)

17                  THE SECRETARY:     Ayes, 56.

18                  ACTING PRESIDENT MARCELLINO:     The  
19           bill is passed.

20                  THE SECRETARY:     Calendar Number  
21           86, by Senator Klein, Senate Print 1031B, an  
22           act to amend the Insurance Law.

23                  ACTING PRESIDENT MARCELLINO:  
24           Read the last section.

25                  THE SECRETARY:     Section 2.   This

1 act shall take effect on the first of January.

2 ACTING PRESIDENT MARCELLINO:

3 Call the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 56.

6 ACTING PRESIDENT MARCELLINO: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 108, by Senator Grisanti, Senate Print 2648,  
10 an act to amend the Environmental Conservation  
11 Law.

12 ACTING PRESIDENT MARCELLINO:  
13 Read the last section.

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

16 ACTING PRESIDENT MARCELLINO:  
17 Call the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: In relation to  
20 Calendar Number 108, those recorded in the  
21 negative are Senators Duane, Espallat,  
22 Perkins, and Serrano.

23 Ayes, 52. Nays, 4.

24 ACTING PRESIDENT MARCELLINO: The  
25 bill is passed.



1 THE SECRETARY: Calendar Number  
2 111, by Senator Breslin, Senate Print --

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

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

7 THE SECRETARY: Calendar Number  
8 183, by Senator Fuschillo, Senate Print 2728B,  
9 an act to amend the Tax Law.

10 ACTING PRESIDENT MARCELLINO:  
11 Read the last section.

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

14 ACTING PRESIDENT MARCELLINO:  
15 Call the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 56.

18 ACTING PRESIDENT MARCELLINO: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 192, by Senator Perkins, Senate Print 3252A,  
22 an act to authorize certain healthcare  
23 professionals.

24 ACTING PRESIDENT MARCELLINO:  
25 Read the last section, please.

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

3 ACTING PRESIDENT MARCELLINO:  
4 Call the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 56.

7 ACTING PRESIDENT MARCELLINO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 247, by Senator Fuschillo, Senate Print 597A,  
11 an act to amend the Executive Law.

12 ACTING PRESIDENT MARCELLINO:  
13 Read the last section, please.

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

16 ACTING PRESIDENT MARCELLINO:  
17 Call the roll.

18 (The Secretary called the roll.)

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

23 Ayes, 53. Nays, 3.

24 ACTING PRESIDENT MARCELLINO: The  
25 bill is passed.

1 THE SECRETARY: Calendar Number  
2 299, by Senator Martins, Senate Print 3777A,  
3 an act to amend the Social Services Law.

4 ACTING PRESIDENT MARCELLINO:  
5 Read the last section, please.

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

8 ACTING PRESIDENT MARCELLINO:  
9 Call the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 56.

12 ACTING PRESIDENT MARCELLINO: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 301, by Senator Savino, Senate Print 4090, an  
16 act to amend the Domestic Relations Law.

17 ACTING PRESIDENT MARCELLINO:  
18 Read the last section, please.

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

21 ACTING PRESIDENT MARCELLINO:  
22 Call the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 56.

25 ACTING PRESIDENT MARCELLINO: The

1 bill is passed.

2 Senator Libous, that completes the  
3 calendar.

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

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

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

11 ACTING PRESIDENT MARCELLINO: So  
12 ordered.

13 SENATOR LIBOUS: Mr. President,  
14 there being no further business to come before  
15 the Senate this afternoon, I move that we  
16 adjourn until Tuesday, April 12th, at  
17 3:00 p.m.

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

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

23

24

25