NEW YORK STATE SENATE

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11:13 a.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.

Would you all please rise and repeat with me the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT MARCELLINO: The invocation today will be given by the Reverend Peter G. Young, of the Mother Teresa Community Church in Albany.

REVEREND YOUNG: Thank you, Senator. Let us pray.

Today we celebrate the 150th anniversary of the beginning of the Civil War. In those battlefields, more than 2 percent of the entire population of our country at that time died on the kind of field that tried to offer them care for their debilitating wounds.

The medical care of that time now can be compared to the agenda today when we consider the bill for organ transplant. May we again pray for the good work here of those that are progressing in medical care.

And, God, grant by Your love that You made a world where we have become neighbors to each other, therefore concerned about each other's health. Send down Your blessing on the Senators who generously devote themselves to helping our New York State citizens.

Amen.

ACTING PRESIDENT MARCELLINO: May we have the reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 12th, the Senate met pursuant to adjournment. The Journal of Monday, April 11th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MARCELLINO: Without objection, the Journal stands approved as read.

We have the 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 Maziarz.

SENATOR MAZIARZ: Thank you very --

ACTING PRESIDENT MARCELLINO: Hold on one second, Senator.

If we could have some order in the chamber, please. Take your conversations out of the room so we can get the business done.

Senator Maziarz.

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

May we please adopt the Resolution Calendar, with the exception of Resolutions Number 1375 and 1376, please.

ACTING PRESIDENT MARCELLINO: All in favor of adopting the Resolution Calendar, with the exception of 1375 and 1376, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed?

(No response.)

ACTING PRESIDENT MARCELLINO: The

Resolution Calendar is accepted.

Senator Maziarz.

SENATOR MAZIARZ: May we please take up Resolution Number 1375, by Senator Ranzenhofer.

ACTING PRESIDENT MARCELLINO: The Secretary will read the title.

THE SECRETARY: Legislative Resolution 1375, by Senators Ranzenhofer and Grisanti, mourning the untimely death of Staff Sergeant Michael Lammerts, of Tonawanda, New York, and paying tribute to his courageous actions as a member of the United States Army.

ACTING PRESIDENT MARCELLINO: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

I rise today as we mourn the untimely and very sad death of Staff Sergeant Michael Lammerts, of Tonawanda, who died as a member of the United States Army in Afghanistan several days ago, nine days ago.

It's very sad when you have to rise in this chamber and really honor the bravery and the courage of young men and women who are

killed in action, and that is exactly what Michael Lammerts was doing as he was serving his country. This was his third tour of duty. He had served two previous tours in Iraq. And he leaves behind a wife and two young children.

And, you know, but for his actions and others like his, we would not enjoy the freedoms that we enjoy today, whether it's expressing our rights of democracy in this chamber or just living our everyday lives.

So again, I know that there are some other speakers, but at the end I'd like to pause and have a moment of silence for him after the other speakers have spoken.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Grisanti.

SENATOR GRISANTI: Thank you, Mr. President.

It is a sad day today. And it puts things in perspective and in reality. I mean, what can you say about an individual that has given his life for our country? You know, words are never enough. My heart goes out to

his wife, Missy, his children Savannah and Michael Jr., and to all his family and friends.

For Staff Sergeant Michael Lammerts, may God bless you and your loved ones and all those that have gone before you, and those brave men and women that are still serving.

We must never forget the sacrifices that our brave men and women of all branches of service make each day to ensure that we have the freedoms that we enjoy not only in this chamber but across our nation.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

I am humbled to stand here today in memory of Army Staff Sergeant Michael Lammerts, killed in action in Afghanistan, leaving behind his wife, Missy, their three-year-old daughter Savannah, and a one-year-old son Michael Jr. It was a tragic

death fighting on behalf of this country in his third tour of duty, two of which were served overseas in Iraq.

And I would again, as Senator Ranzenhofer and Senator Grisanti, call for a moment of silence in honor of Army Sergeant Michael Lammerts.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Mr. President. I too want to rise.

Mike Lammerts grew up and lives in the city of Tonawanda, a neighbor to the city of North Tonawanda where I was born and raised. It's probably the saddest of occasions that we have here in the State Senate, and all too often when we have to honor the service and ultimate sacrifice by those young men and women who are out fighting the war on terror.

I very much appreciate this resolution. I'm sure that his family will too. And I join my colleagues in offering an expression of sympathy and gratitude to his

wife, to his children, to his family.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Are there any other Senators wishing to be heard?

Seeing none, the question is 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 adopted.

If we would all rise for a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT MARCELLINO: Senators Ranzenhofer and Grisanti would like to open this resolution for cosponsorship. Anyone not wishing to be a sponsor please notify the desk.

Senator Maziarz.

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

There's a resolution at the desk from Senator Klein, Number 1376. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 1376, by Senator Klein, commemorating the 120th Anniversary of the New York Botanical Garden.

ACTING PRESIDENT MARCELLINO: The question is 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 adopted.

And at the request of the sponsor, the resolution is open for cosponsorship. Again, anyone not wishing to be a sponsor please notify the desk and your wish will be

accommodated.

Senator Maziarz.

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

May we please have the noncontroversial reading of the calendar.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 318, by Senator Carlucci, Senate Print 3885, 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 120th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

First I want to thank every member of this Senate, of this chamber, and Majority Leader Senator Skelos, for taking the first

step in a dramatic increase in lifesaving organ donation in New York State.

Unfortunately, right now in New York State there's over 9,000 people that are currently waiting for a lifesaving organ transplant.

I had the good fortune of meeting a young lady named Lauren Shields, and her family, who's here today in the gallery. Lauren Shields is the recipient of a live-saving organ transplant. Just a little over two years ago she received that live-saving organ transplant and today is a healthy, vibrant young woman.

And she's someone who not only talks the talk but walks the walk. And I met her when she was advocating for and telling about her story and her experience about lifesaving organ transplants.

Unfortunately, in New York State we lag far behind most states when it comes to participation in the Organ Donor Registry.

This legislation today that we're doing, that we're passing here in the Senate, you're all to be commended for, because we're

taking a giant leap forward in increasing lifesaving organ donation by making it a question. When people go to the Department of Motor Vehicles, they are asked the question "Would you like to be a organ donor, yes or not at this time?"

We found that other states that do this have a significant increase in the amount of people who enroll in the Organ Donor Registry.

So with that, I want to thank the Senate. And I look forward to working with all of you to make sure that we can provide a healthy life to people like Lauren Shields and so many other people -- men, women and children -- in New York State, to make sure that they have the gift of life.

Mr. President, I'll be voting in the affirmative. Thank you.

ACTING PRESIDENT MARCELLINO: Senator Carlucci will be counted in the affirmative.

Senator Robach to explain his vote.

SENATOR ROBACH: Yes, Mr. President, let me too.

I am happy to rise to support this bill. I could not concur more with Senator Carlucci's comments. You know, this provision of these organs can restore sight, give people air, can literally save their life, as he highlighted Lauren's situation.

And I know from in my district, whether people are waiting for a kidney -- I've seen people that have been waiting for a great amount of time with all the hope in the world that their proverbial ship will come in that will change their life in the most dramatic fashion.

And when you talk to people -- they will still have the option, but most people say, "Boy, if there was a way I could help, I would do it," but yet they don't, under current conditions, check this off.

This bill will go a long way for making people focus on this and, as has happened in other states, increase dramatically the amount of people on this list that we know will convert to other people getting their very important medical wish, oftentimes lifesaving wish, of receiving that

organ.

And I think this is a good day for all those people who are on those lists and waiting. I'm happy to cast my vote in the affirmative.

ACTING PRESIDENT MARCELLINO: Senator Robach will be counted in the affirmative.

Senator Skelos.

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

Lauren, welcome back. You know, I've never seen a bill move so fast in the Legislature as it is today. And I think that's because of your strength, your bravery, the fact that Senator Carlucci has been working very hard on the legislation to help you.

You've made compelling stories for all of us when you came up a week or so ago to talk about the legislation. And we're happy on a bipartisan basis to be passing Lauren's Law.

But what's also special about today is that we're passing it on your 11th

birthday. So from all of the members of the Senate, we thank you for helping us pass this legislation, and we wish you a happy birthday. And we know you're going to have many, many more years in front of you doing the right thing.

And Senator Carlucci mentioned to me that in about 20 years, he's worried about a primary.

(Laughter.)

SENATOR SKELOS: So -- but what I said to Senator Carlucci is you won't primary him because you'll be running as a Republican.

(Laughter.)

SENATOR SKELOS: So we thank you for being here, honey.

ACTING PRESIDENT MARCELLINO: Senator Kennedy.

SENATOR KENNEDY: Thank you very much.

I think Senator Skelos summed it up best. But we all know that's not true; right?

(Laughter.)

SENATOR KENNEDY: Lauren Shields, congratulations. Happy birthday. What a

tremendous honor it is to be here on this floor passing this bill on your behalf and on behalf of so many others like you that have been given the gift of life.

And we're promoting the gift of organ donation, and we're promoting the gift of life moving forward. I just wanted to stand here, cast my vote in the affirmative, and just say how impressed I am of you, how impressed I was of you when you were out here.

And I know that I may be new to the Senate chambers, but I've gotten an opportunity to meet a lot of lobbyists that have been here for many, many years, some of whom have been here for longer than I've been alive. But I've got to tell you that you, by far, at least that I've met, have been the most powerful and influential one-person lobbyist in Albany thus far.

So congratulations to you. And thank you to Senator Carlucci and others for pushing and advancing this bill to passage today. Congratulations.

ACTING PRESIDENT MARCELLINO: Is there any other Senator wishing to be heard?

Seeing none, announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MARCELLINO: The bill is passed.

(Extended applause.)

ACTING PRESIDENT MARCELLINO: Lauren, the Senate gives you this bill as our present, our birthday present to you. We just offer you one little bit of advice: Always listen to your mom and dad.

(Laughter.)

ACTING PRESIDENT MARCELLINO: Senator Maziarz.

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

Is there any further business at the desk?

ACTING PRESIDENT MARCELLINO: The desk is clear, sir.

SENATOR MAZIARZ: Okay. Mr. President, there will be a meeting of the Civil Service and Pensions Committee in Room 332 immediately following session, a Civil Service and Pensions meeting immediately following session.

And there being no further business to come before the Senate, I move that we adjourn until Monday, May 2nd, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT MARCELLINO: Immediately following session there will be a meeting of the Civil Service and Pensions Committee in Room 322.

On motion, the Senate stands adjourned until Monday, May 2nd, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:29 a.m., the Senate adjourned.)