

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 13, 2011

11 11:13 a.m.

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13
14 REGULAR SESSION

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18 SENATOR CARL L. MARCELLINO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

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

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

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

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

8 Amen.

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

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

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

19 We have the presentation of
20 petitions.

21 Messages from the Assembly.

22 Messages from the Governor.

23 Reports of standing committees.

24 Reports of select committees.

25 Communications and reports from

1 state officers.

2 Motions and resolutions.

3 Senator Maziarz.

4 SENATOR MAZIARZ: Thank you

5 very --

6 ACTING PRESIDENT MARCELLINO:

7 Hold on one second, Senator.

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

11 Senator Maziarz.

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

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

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

21 (Response of "Aye.")

22 ACTING PRESIDENT MARCELLINO:

23 Opposed?

24 (No response.)

25 ACTING PRESIDENT MARCELLINO: The

1 Resolution Calendar is accepted.

2 Senator Maziarz.

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

6 ACTING PRESIDENT MARCELLINO: The
7 Secretary will read the title.

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

14 ACTING PRESIDENT MARCELLINO:
15 Senator Ranzenhofer.

16 SENATOR RANZENHOFER: Thank you,
17 Mr. President.

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

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

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

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

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

16 Thank you, Mr. President.

17 ACTING PRESIDENT MARCELLINO:

18 Senator Grisanti.

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

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

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

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

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

14 Thank you, Mr. President.

15 ACTING PRESIDENT MARCELLINO:

16 Thank you, Senator.

17 Senator Kennedy.

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

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

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

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

8 ACTING PRESIDENT MARCELLINO:
9 Thank you, Senator.

10 Senator Maziarz.

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

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

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

1 wife, to his children, to his family.

2 Thank you, Mr. President.

3 ACTING PRESIDENT MARCELLINO:

4 Thank you, Senator.

5 Are there any other Senators
6 wishing to be heard?

7 Seeing none, the question is on the
8 resolution. All in favor signify by saying
9 aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT MARCELLINO:

12 Opposed, nay.

13 (No response.)

14 ACTING PRESIDENT MARCELLINO: The
15 resolution is adopted.

16 If we would all rise for a moment
17 of silence.

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

20 ACTING PRESIDENT MARCELLINO:

21 Senators Ranzenhofer and Grisanti would like
22 to open this resolution for cosponsorship.
23 Anyone not wishing to be a sponsor please
24 notify the desk.

25 Senator Maziarz.

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

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

7 ACTING PRESIDENT MARCELLINO: The
8 Secretary will read.

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

13 ACTING PRESIDENT MARCELLINO: The
14 question is on the resolution. All in favor
15 signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT MARCELLINO:
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT MARCELLINO: The
21 resolution is adopted.

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

1 accommodated.

2 Senator Maziarz.

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

5 May we please have the
6 noncontroversial reading of the calendar.

7 ACTING PRESIDENT MARCELLINO: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 318, by Senator Carlucci, Senate Print 3885,
11 an act to amend the Vehicle and Traffic Law.

12 ACTING PRESIDENT MARCELLINO:
13 Read the last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect on the 120th day.

16 ACTING PRESIDENT MARCELLINO:
17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT MARCELLINO:
20 Senator Carlucci to explain his vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 Senator Robach to explain his vote.

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

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

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

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

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

1 organ.

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

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

9 Senator Skelos.

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

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

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

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

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

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

10 (Laughter.)

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

14 (Laughter.)

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

17 ACTING PRESIDENT MARCELLINO:
18 Senator Kennedy.

19 SENATOR KENNEDY: Thank you very
20 much.

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

23 (Laughter.)

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

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

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

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

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

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

1 Seeing none, announce the results.

2 THE SECRETARY: Ayes, 56.

3 ACTING PRESIDENT MARCELLINO: The
4 bill is passed.

5 (Extended applause.)

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

11 (Laughter.)

12 ACTING PRESIDENT MARCELLINO:
13 Senator Maziarz.

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

16 Is there any further business at
17 the desk?

18 ACTING PRESIDENT MARCELLINO: The
19 desk is clear, sir.

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

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

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

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

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