

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 May 3, 2011

11 3:18 p.m.

12  
13  
14 REGULAR SESSION

15  
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18 SENATOR JOSEPH E. ROBACH, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please  
5 join me in the Pledge of Allegiance.

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

8 ACTING PRESIDENT ROBACH: Our  
9 invocation today will be given by Pastor  
10 Anthony L. Usher, of the Seventh-Day Adventist  
11 Church in Brooklyn, New York.

12 Pastor Anthony.

13 PASTOR USHER: Thank you. Let us  
14 pray.

15 Eternal heavenly Father,  
16 recognizing that unless the Lord builds the  
17 house, they labor in vain that build it, is  
18 why once more a group of elected officials  
19 pause to pray in the Capitol of the great  
20 State of New York.

21 We thank You for the strong  
22 leadership they have given to our state. And  
23 in the time that they represent their various  
24 constituencies, they play their parts  
25 exceedingly well.

1                   We seize this opportunity to invoke  
2           Your blessing on our beloved President Barack  
3           Obama, that he may continue conducting the  
4           affairs of national government with wisdom,  
5           bravery, and true justice. With mixed  
6           feelings, we are grateful that under his able  
7           leadership the saga of bin Laden has finally  
8           found closure.

9                   We pray for our newly elected  
10          Governor Andrew Cuomo and rejoice today for  
11          our bipartisan balanced budget.

12                  We pray for the members of the  
13          Congress, that they may truly represent the  
14          needs of the people and work in harmony for  
15          the advancement of all men, women and  
16          children.

17                  We pray for the judges that rule  
18          the courts of our land, that they may balance  
19          justice with mercy, civil law with divine  
20          mandate.

21                  And last but by no means least, we  
22          pray for the Senate assembly that is about to  
23          convene.

24                  We pray, O heavenly Father, that  
25          You will turpentine their imagination with

1 fresh ideas and new vision for their  
2 respective constituencies. And recognizing  
3 that You set up kings and remove them, may  
4 they always lead ever-conscious of this  
5 unmovable truth, that in the days of these  
6 kings shall the God of heaven set up His  
7 kingdom in which justice will roll down like a  
8 mighty stream and righteousness like a mighty  
9 river.

10 Then hasten that day when the last  
11 day of earth's history will become the first  
12 of eternity. Then shall come to pass the  
13 saying: One nation under God, under the  
14 bloodstained banner of Prince Emmanuel,  
15 indivisible, with liberty and justice for all.

16 For we ask this in the name that is  
17 above all other names. In the name of Jesus  
18 we pray. Amen.

19 ACTING PRESIDENT ROBACH: The  
20 reading of the Journal.

21 THE SECRETARY: In Senate,  
22 Monday, May 2nd, the Senate met pursuant to  
23 adjournment. The Journal of Sunday, May 1st,  
24 was read and approved. On motion, Senate  
25 adjourned.

1                   ACTING PRESIDENT ROBACH:     Without  
2     objection, the Journal stands approved as  
3     read.

4                   Presentation of petitions.

5                   Messages from the Assembly.

6                   The Secretary will read.

7                   THE SECRETARY:     On page 25,  
8     Senator Grisanti moves to discharge, from the  
9     Committee on Environmental Conservation,  
10    Assembly Bill Number 668 and substitute it for  
11    the identical Senate Bill Number 3888, Third  
12    Reading Calendar 345.

13                  ACTING PRESIDENT ROBACH:  
14     Substitution ordered.

15                  Messages from the Governor.

16                  Reports of standing committees.

17                  Reports of select committees.

18                  Communications and reports from  
19     state officers.

20                  Motions and resolutions.

21                  Senator Libous.

22                  SENATOR LIBOUS:     Thank you,  
23     Mr. President.

24                  On behalf of Senator Seward, on  
25     page 21 I offer the following amendments to

1 Calendar Number 269, Senate Print 2382, and  
2 ask that said bill retain its place on the  
3 Third Reading Calendar.

4 ACTING PRESIDENT ROBACH: The  
5 amendments are received and adopted, and the  
6 bill will retain its place on the Third  
7 Reading Calendar.

8 SENATOR LIBOUS: Mr. President,  
9 on behalf of Senator Libous, on page 27 I  
10 offer the following amendments to Calendar  
11 Number 367, Senate Print 3964A, and ask that  
12 said bill retain its place on the Third  
13 Reading Calendar.

14 ACTING PRESIDENT ROBACH: The  
15 amendments are received and adopted, and the  
16 bill will retain its place on the Third  
17 Reading Calendar.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President, I  
20 believe we will adopt the Resolution Calendar  
21 at this time, with the exception of Resolution  
22 Numbers 1423, 1437, 1438, 1536, 1537, 1550,  
23 and 1523.

24 ACTING PRESIDENT ROBACH: All in  
25 favor of adopting the Resolution Calendar,

1 with the exceptions noted, signify by saying  
2 aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT ROBACH: All  
5 those opposed, nay.

6 (No response.)

7 ACTING PRESIDENT ROBACH: The  
8 Resolution Calendar is adopted.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President, I  
11 believe that Senator Martins has a resolution  
12 at the desk. May we have it read in its  
13 entirety and move for its immediate adoption.

14 ACTING PRESIDENT ROBACH: The  
15 Secretary will read.

16 THE SECRETARY: Legislative  
17 Resolution Number 1516, by Senator Martins,  
18 congratulating Elmont Memorial High School  
19 pitcher Danny Aguilo upon making Long Island  
20 baseball history by pitching a no-hitter and  
21 striking out 21 batters.

22 "WHEREAS, Athletic competition  
23 enhances the moral and physical development of  
24 the young people of this state, preparing them  
25 for the future by instilling in them the value

1 of teamwork, encouraging a standard of healthy  
2 living, imparting a desire for success, and  
3 developing a sense of fair play and  
4 competition; and

5 "WHEREAS, It is the sense of this  
6 Legislative Body to recognize and pay tribute  
7 to those young people within the State of  
8 New York who, by achieving outstanding success  
9 in athletic competition, have inspired and  
10 brought pride to their school and community;  
11 and

12 "WHEREAS, This Legislative Body is  
13 justly proud to congratulate Elmont Memorial  
14 High School pitcher Danny Aguilo upon making  
15 Long Island baseball history by pitching a  
16 no-hitter and striking out 21 batters; and

17 "WHEREAS, Using an overpowering  
18 fastball and effective off-speed pitch,  
19 sophomore Danny Aguilo struck out 21 batters  
20 as Elmont Memorial defeated Hempstead 21-0 in  
21 a seven-inning baseball game on April 20,  
22 2011. With this exceptional performance, he  
23 ties the state record for a seven-inning game  
24 and did not allow a ball to be hit into play;  
25 and



1                   "WHEREAS, Only a walk in the fifth  
2                   and seventh inning kept Danny Aguilo from true  
3                   perfection. Also a talented defensive  
4                   shortstop, he never had struck out more than  
5                   13 batters previously in his career; and

6                   "WHEREAS, Danny Aguilo's overall  
7                   record is outstanding. He was loyally and  
8                   enthusiastically supported by family, fans,  
9                   friends and the community at large; and

10                  "WHEREAS, Sports competition  
11                  instills the values of teamwork, pride and  
12                  accomplishment, and Danny Aguilo has clearly  
13                  made a contribution to the spirit of  
14                  excellence which is a tradition of his school;  
15                  now, therefore, be it

16                  "RESOLVED, That this Legislative  
17                  Body pause in its deliberations to  
18                  congratulate Elmont Memorial High School  
19                  pitcher Danny Aguilo upon making Long Island  
20                  baseball history by pitching a no-hitter and  
21                  striking out 21 batters; and be it further

22                  "RESOLVED, That a copy of this  
23                  resolution, suitably engrossed, be transmitted  
24                  to Danny Aguilo."

25                  ACTING PRESIDENT ROBACH:       If we

1       could just get a little order in the chamber,  
2       please.

3                   Senator Martins on the resolution.

4                   SENATOR MARTINS:     Thank you,  
5       Mr. President.

6                   You know, I am honored to stand  
7       here with you today to recognize two young  
8       men, two young men who each pitched a  
9       no-hitter, back to back. I'll talk about  
10      Danny Aguilo first.

11                  Danny's here with us today. He's a  
12      sophomore at Elmont Memorial High School. In  
13      a seven-inning game, he struck out 21 batters.  
14      Let's think about that for a second. It's not  
15      only a Long Island record, it's a New York  
16      State record, it's a U.S. record. Not a  
17      single ball was placed in play. All 21  
18      batters were struck out. Two walks. For a  
19      sophomore in high school, an incredible  
20      achievement. And I thank him for being here  
21      to allow us to recognize him.

22                  Also with us today are Danny's  
23      parents, Hector and Iris, who are with us here  
24      in the gallery. Thank you so much for joining  
25      with us today and allowing us the opportunity

1 to recognize this truly historic and singular  
2 event.

3 I don't believe that there's an  
4 achievement in sport that can rival 21  
5 strike-outs. And the statistical  
6 probabilities of getting 21 strike-outs in a  
7 seven-inning game are so astronomical that it  
8 is that important that we take moment from our  
9 deliberations to recognize Danny and to wish  
10 you a wonderful, wonderful career ahead of us.

11 In addition to his athletic  
12 achievement, he is also a gifted academic, not  
13 only excelling academically in high school but  
14 also as a community leader and a leader in the  
15 high school. And for that, we salute you and  
16 we salute your parents. Thank you.

17 Coincidentally, and only  
18 coincidentally, the very next day after we had  
19 a no-hitter and 21 batters were struck out,  
20 Elmont High School Spartans, in their pitcher  
21 Enrique Sanchez, who's also with us today,  
22 pitched another no-hitter.

23 So we had back-to-back no-hitters.  
24 And although we didn't strike out 21 batters  
25 on that second night, we struck out 13

1       batters. But again, an incredible  
2       achievement.

3               And I want to take the opportunity  
4       to recognize both of these fine young men,  
5       both of these community leaders for that  
6       achievement, and recognize Elmont High School  
7       once again, its principal, John Capozzi, and  
8       the entire Elmont community for this wonderful  
9       achievement.

10              With us also today is our Team  
11       Captain Tommy Caraballo, who joins us. He's  
12       the spirit of the team. And for my  
13       colleagues, I'd ask you to join me also in  
14       recognizing, purely by coincidence, it's  
15       Tommy's birthday today. Tommy, happy birthday  
16       to you.

17              To the entire Elmont community,  
18       congratulations on a spectacular two days of  
19       baseball on Long Island. And to Danny's  
20       parents, thanks for being here with us today.

21              Thank you, Mr. President.

22              ACTING PRESIDENT ROBACH:     On  
23       behalf of Senator Martins and all of us,  
24       congratulations, Danny, Tommy, Enrique, on  
25       your great accomplishment. And we welcome you

1       and extend to you all the courtesies of the  
2       floor, and to your families as well.

3               Let's give these fine young men a  
4       nice round of applause.

5               (Applause.)

6               ACTING PRESIDENT ROBACH:     Though  
7       this may be a little pro forma, the motion is  
8       on the resolution. All those in favor signify  
9       by saying aye.

10              (Response of "Aye.")

11              ACTING PRESIDENT ROBACH:     Any  
12       opposed, nay.

13              (No response.)

14              ACTING PRESIDENT ROBACH:     The  
15       resolution is adopted.

16              Again, congratulations.

17              Senator Libous.

18              SENATOR LIBOUS:     Mr. President,  
19       there's another privileged resolution at the  
20       desk by Senator Martins.

21              ACTING PRESIDENT ROBACH:     The  
22       Secretary will read.

23              THE SECRETARY:     Legislative  
24       Resolution Number 1544, by Senator Martins,  
25       congratulating Elmont Memorial High School

1 pitcher Enrique Sanchez for pitching his first  
2 career no-hitter and striking out 11 batters.

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

11 "WHEREAS, It is the sense of this  
12 Legislative Body to recognize and pay tribute  
13 to those young people within the State of  
14 New York who, by achieving outstanding success  
15 in athletic competition, have inspired and  
16 brought pride to their school and community;  
17 and

18 "WHEREAS, This Legislative Body is  
19 justly proud to congratulate Elmont Memorial  
20 High School pitcher Enrique Sanchez for  
21 pitching his first career no-hitter, striking  
22 out 11 batters; and

23 "WHEREAS, On the day after his  
24 teammate Danny Aguilo made state history by  
25 pitching a no-hitter against Hempstead,

1 Enrique Sanchez followed suit with an  
2 outstanding no-hit pitching performance,  
3 defeating Hempstead 14-0; and

4 "WHEREAS, A junior, Enrique Sanchez  
5 pitched the full seven innings by striking out  
6 11 batters in his shutout victory; and

7 "WHEREAS, Enrique Sanchez's overall  
8 record is outstanding. He was loyally and  
9 enthusiastically supported by family, fans,  
10 friends and the community at large; and

11 "WHEREAS, Sports competition  
12 instills the values of teamwork, pride and  
13 accomplishment, and Enrique Sanchez has  
14 clearly made a contribution to the spirit of  
15 excellence which is a tradition of his school;  
16 now, therefore, be it

17 "RESOLVED, That this Legislative  
18 Body pause in its deliberations to  
19 congratulate Elmont Memorial High School  
20 pitcher Enrique Sanchez for pitching his first  
21 career no-hitter, striking out 11 batters; and  
22 be it further

23 "RESOLVED, That a copy of this  
24 resolution, suitably engrossed, be transmitted  
25 to Enrique Sanchez."

1                   ACTING PRESIDENT ROBACH:     The  
2                   question is on the resolution. All those in  
3                   favor signify by saying aye.

4                   (Response of "Aye.")

5                   ACTING PRESIDENT ROBACH:     Those  
6                   opposed, nay.

7                   (No response.)

8                   ACTING PRESIDENT ROBACH:     The  
9                   resolution is adopted.

10                  Senator Libous.

11                  SENATOR LIBOUS:     Mr. President, I  
12                  believe Senator Rivera has a resolution,  
13                  Number 1523, at the desk. If we could have  
14                  its title read and call on Senator Rivera.

15                  ACTING PRESIDENT ROBACH:     The  
16                  Secretary will read.

17                  THE SECRETARY:     Legislative  
18                  Resolution Number 1523, by Senator Rivera,  
19                  congratulating the Monroe College Women's  
20                  Basketball Team and Coach Seth Goodman upon  
21                  the occasion of capturing the 2011 NJCAA  
22                  Division II National Championship.

23                  ACTING PRESIDENT ROBACH:     Senator  
24                  Rivera.

25                  SENATOR RIVERA:     Thank you,



1 Mr. President.

2 I stand today as this definitely  
3 has been the basketball week, so I figure that  
4 we must continue on that. And today I stand  
5 to congratulate the Lady Mustangs and their  
6 coach, Seth Goodman, for their national  
7 championship victory in the NJCAA Division II  
8 Championship.

9 And I wanted to point out that like  
10 in the rest of the state -- certainly in  
11 Senator Nozzolio's district, as he was  
12 celebrating the victory of a local team --  
13 there are champions everywhere. There's  
14 champions in Senator Nozzolio's district,  
15 there are champions in the Bronx, there are  
16 semi-champions in Senator Libous's district --  
17 and he didn't hear it, but I'm still going to  
18 say it.

19 This team, they finished with a  
20 season record of 29-5. They have -- I want to  
21 definitely praise their success as college  
22 athletes, their hard work and determination.

23 And for the record, the players  
24 that won: April Williams, Bianca Lewis,  
25 Ramona Miles, Rahquana Dickerson, Simone

1 Victor, Victoria Story, Ja'taeilah Forde,  
2 Samantha Gilman, Alisha Steele, Kristal  
3 Edwards, Quamisha Lyles, Alexis Paige  
4 Sprewell, Jasmine Strong, Jessica Previlon,  
5 and Shanee Williams. I read their names into  
6 the record since they could not join us this  
7 afternoon.

8 This is, again, the team from  
9 Monroe College, which was founded in 1933 in  
10 the Bronx. And it is only one of two colleges  
11 in any division at any level that have had  
12 both their men's and their women's basketball  
13 teams in the Final Four.

14 So I extend my congratulations to  
15 the men's team, which much like Senator  
16 Libous's -- the team in Senator Libous's  
17 district, the men's team, they came in third.  
18 The women's team came in first. So I'll just  
19 say the women's team is like Senator  
20 Nozzolio's team, and the men's team is kind of  
21 like the folks that came from your district.

22 But again, I stand to both honor  
23 their hard work and determination and their  
24 success, and hopefully we will have many more  
25 championships coming to the Bronx from this

1 great team.

2 Thank you, Mr. President.

3 ACTING PRESIDENT ROBACH: Thank  
4 you, Senator Rivera.

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

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

10 (Response of "Aye.")

11 ACTING PRESIDENT ROBACH: Any  
12 opposed?

13 (No response.)

14 ACTING PRESIDENT ROBACH: The  
15 resolution is adopted.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President, I  
18 believe we have a resolution at the desk,  
19 1423, by Senator Hannon. Could we please have  
20 the title read and move for its immediate  
21 adoption.

22 ACTING PRESIDENT ROBACH: The  
23 Secretary will read.

24 THE SECRETARY: Legislative  
25 Resolution Number 1423, by Senator Hannon,

1       congratulating the Garden City Girls' Winter  
2       Track Team upon the occasion of their  
3       outstanding 2010-2011 season.

4                ACTING PRESIDENT ROBACH:       On the  
5       resolution, all those in favor signify by  
6       saying aye.

7                (Response of "Aye.")

8                ACTING PRESIDENT ROBACH:  
9       Opposed, nay.

10               (No response.)

11               ACTING PRESIDENT ROBACH:       The  
12       resolution is adopted.

13               Senator Libous.

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

16               I believe that Resolution 1437, by  
17       Senator Peralta, is at the desk. Could we  
18       have the title read and I believe call on  
19       Senator Peralta.

20               ACTING PRESIDENT GRIFFO:       The  
21       Secretary will read.

22               THE SECRETARY:       Legislative  
23       Resolution Number 1437, by Senator Peralta,  
24       commemorating the celebration of Cinco de  
25       Mayo, May 5, 2011.

1                   ACTING PRESIDENT GRIFFO:     Senator  
2           Peralta.

3                   SENATOR PERALTA:     Thank you,  
4           Mr. President.

5                   Cinco de Mayo, in commemoration of  
6           the Battle of Puebla, transcends the victory  
7           of the greatly outnumbered Mexican army over  
8           the French forces. Cinco de Mayo has evolved  
9           into an American celebration of Mexican and  
10          Hispanic culture and heritage in this country.

11                  Cinco de Mayo is about the spirit  
12          and determination of our Mexican and Chicano  
13          brethren, about unity and patriotism, about  
14          strength and will and perseverance. It is a  
15          celebration of liberty and freedom and of the  
16          long-standing friendship between the United  
17          States and Mexico.

18                  From the arts and culture to  
19          politics and the economy, Mexico and  
20          Mexican-Americans have made indelible  
21          contributions. Mexican heritage and folklore  
22          are intertwined in American fabric and  
23          Mexican-American experience. In every borough  
24          and every county of our great state,  
25          Mexican-Americans enrich our communities. In

1 celebrating Cinco de Mayo, we recognize the  
2 myriad contributions and strengthen the  
3 innumerable ties that bind us.

4 Today let's remember that the  
5 United States and Mexico are not simply  
6 neighbors bound by geography and history,  
7 we're two societies that are woven together by  
8 millions of families and friends, by common  
9 interests and a shared future. And although  
10 today is el tercero de Mayo, or the third of  
11 May, I want to wish everyone a happy Cinco de  
12 Mayo.

13 So thank you very much,  
14 Mr. President.

15 ACTING PRESIDENT GRIFFO: Thank  
16 you, Senator Peralta.

17 The question is on the resolution.  
18 All in favor signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO:  
21 Opposed?

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The  
24 resolution is adopted.

25 Senator Libous.

1                   SENATOR LIBOUS:     Mr. President, I  
2     believe that Senator Peralta has another  
3     resolution at the desk. May we have the title  
4     read and move for its immediate adoption.

5                   ACTING PRESIDENT GRIFFO:     The  
6     Secretary will read.

7                   THE SECRETARY:     Legislative  
8     Resolution Number 1438, by Senator Peralta,  
9     commemorating the 200th Anniversary of the  
10    Independence of the Republic of Paraguay.

11                  ACTING PRESIDENT GRIFFO:     The  
12    question is on the resolution. All in favor  
13    signify by saying aye.

14                  (Response of "Aye.")

15                  ACTING PRESIDENT GRIFFO:  
16    Opposed?

17                  (No response.)

18                  ACTING PRESIDENT GRIFFO:     The  
19    resolution is adopted.

20                  Senator Libous.

21                  SENATOR LIBOUS:     Mr. President, I  
22    believe that there's a resolution at the desk  
23    by Senator Perkins, Number 1536. May we  
24    please have the title read and call on Senator  
25    Perkins.

1                   ACTING PRESIDENT GRIFFO:     The  
2     Secretary will read.

3                   THE SECRETARY:     Legislative  
4     Resolution Number 1536, by Senator Perkins,  
5     mourning the death of Grete Waitz, an  
6     outstanding athlete and marathon icon, and  
7     recognizing the significance of her life  
8     accomplishments.

9                   ACTING PRESIDENT GRIFFO:     Senator  
10    Perkins.

11                  SENATOR PERKINS:     Thank you very  
12    much. I just want to briefly make some  
13    remarks.

14                  Grete Waitz was an exceptional  
15    athlete and marathon icon who distinguished  
16    herself through her outstanding achievements  
17    in worldwide athletic competitions. Some of  
18    you may know that I have occasionally run  
19    marathons myself, and she was someone that was  
20    very influential with me in terms of the  
21    efforts that I've made to do that.

22                  She continually excelled in her  
23    sport throughout her career. At the age of  
24    17, she won the national junior titles in  
25    Norway for 400 and 800-meter races. She set



1 the European junior record for the 1500-meters  
2 race with a time of 4:17. She won a Bronze  
3 Medal at the European Championship in 1974.  
4 She set a new record in '75 in the 3000-meters  
5 race in Oslo, Norway, with a time of 8:46:6,  
6 eight hours, 46 minutes, 6 seconds. She won a  
7 Gold Medal in 1977 for the 3000-meters race at  
8 the IAAF World Cup in Dusseldorf, Germany.  
9 She began running in the New York City  
10 marathon in 1978, when she went on to win nine  
11 races. I started in 1979.

12 Grete is widely acknowledged for  
13 helping to promote marathon and long-distance  
14 running for women. In Norway, she is a  
15 sporting legend, having an annual race named  
16 in her honor. And the New York Road Runners  
17 Club annually sponsors "Grete's Great Gallop,"  
18 a half-marathon dedicated in her honor.

19 After being diagnosed with cancer  
20 in 2005, Grete established the cancer care  
21 foundation called "Active Against Cancer" in  
22 2007.

23 Grete Waitz leaves behind a legacy  
24 which will long endure the passage of time and  
25 will remain as a comforting memory to all who

1       knew her or have been affected by her work.  
2       She was one that I believe single-handedly  
3       opened up long-distance running, especially  
4       marathon running, for women not only in this  
5       state but throughout the world. She has  
6       recently passed, but she has left behind a  
7       great, great legacy, a great tribute not just  
8       to the sport but to the role that women can  
9       play as athletes and what you can give back to  
10      the community.

11                   Thank you very much.

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

15                   (Response of "Aye.")

16                   ACTING PRESIDENT GRIFFO:  
17      Opposed?

18                   (No response.)

19                   ACTING PRESIDENT GRIFFO:       The  
20      resolution is adopted.

21                   Senator Libous.

22                   SENATOR LIBOUS:       Thank you,  
23      Mr. President.

24                   Mr. President, I believe that there  
25      is another resolution at the desk by Senator

1 Perkins. And if we could read it in its  
2 entirety and then call on Senator Perkins.

3 ACTING PRESIDENT GRIFFO: The  
4 Secretary will read.

5 THE SECRETARY: Legislative  
6 Resolution Number 1537, by Senator Perkins,  
7 commemorating the 112th birthday of Edward  
8 Kennedy "Duke" Ellington and his tremendous  
9 contributions to music of the 20th century,  
10 specifically jazz, blues and gospel.

11 "WHEREAS, It is the sense of this  
12 Legislative Body to recognize and commend  
13 those musical geniuses who brought  
14 entertainment and cultural enrichment to the  
15 citizens of the great Empire State; and

16 "WHEREAS, Edward Kennedy Ellington  
17 was born on April 29, 1899, to James Edward  
18 Ellington and Daisy Kennedy Ellington. Daisy  
19 and James Edward were both pianists; and

20 "WHEREAS, At the age of seven,  
21 Edward Kennedy Ellington began taking piano  
22 lessons. His mother surrounded him with  
23 dignified women to reinforce his manners and  
24 taught him to live elegantly; and

25 "WHEREAS, Edward Kennedy

1 Ellington's childhood friends noticed that  
2 'his casual, offhand manner, easy grace, and  
3 his dapper dress gave him the bearing of a  
4 young nobleman.' They began calling him  
5 'Duke.' Duke credited his 'chum' Edgar  
6 McEntree for the nickname; and

7 "WHEREAS, Duke Ellington once  
8 stated, 'I think he felt that in order for me  
9 to be eligible for his constant companionship,  
10 I should have a title. So he called me Duke';  
11 and

12 "WHEREAS, A prominent figure in the  
13 history of jazz, Duke Ellington's music  
14 stretched into various other genres, including  
15 blues, gospel, film scores, popular, and  
16 classical. His career spanned more than  
17 50 years and included leading his orchestra,  
18 composing an inexhaustible songbook, attaining  
19 credits for movies, and composing stage  
20 musicals and world tours; and

21 "WHEREAS, Duke Ellington's work has  
22 come to be recognized as a cornerstone of  
23 American culture and heritage. He is widely  
24 regarded as the most important composer in  
25 jazz, and was also a galvanizing bandleader

1       who inspired many of his musicians to produce  
2       their best work, whilst himself being a  
3       significant exponent of jazz piano; and

4               "WHEREAS, When asked what inspired  
5       him to write, Duke Ellington had replied, 'My  
6       men and my race are the inspiration of my  
7       work. I try to catch the character and mood  
8       and feeling of my people'; and

9               "WHEREAS, Thanks to his inventive  
10       use of the orchestra, or big band, and thanks  
11       to his eloquence and extraordinary charisma,  
12       Duke Ellington is generally considered to have  
13       elevated the perception of jazz to an art form  
14       on a par with other traditional genres of  
15       music; and

16              "WHEREAS, Duke Ellington influenced  
17       millions of people both at home and around the  
18       world. He gave American music its own sound  
19       for the first time. Throughout his 50-year  
20       career, he played over 20,000 performances in  
21       Europe, Latin America, the Middle East as well  
22       as Asia; and

23              "WHEREAS, Duke Ellington was  
24       awarded the Grammy Lifetime Achievement Award  
25       in 1966. He was later awarded several other

1 prizes, the U.S. Presidential Medal of Freedom  
2 in 1969, and the Legion of Honor by France in  
3 1973, the highest civilian honors in each  
4 country; and

5 "WHEREAS, Duke Ellington died on  
6 May 24, 1974, a month after his 75th birthday,  
7 and is buried in the Bronx, New York City. At  
8 his funeral, attended by over 12,000 people at  
9 the Cathedral of St. John the Divine, located  
10 in Harlem, New York, Ella Fitzgerald summed up  
11 the occasion by stating, It's a very sad  
12 day ... A genius has passed'; and

13 "WHEREAS, Formerly named 'Frawley  
14 Circle,' the traffic circle located at  
15 5th Avenue and 110th Street in Harlem,  
16 New York, was renamed 'Duke Ellington Circle'  
17 in 1995. In 1997, a 25-foot tall statue by  
18 sculptor Robert Graham of Duke Ellington was  
19 erected in the middle of the amphitheater  
20 composing the circle; and

21 "WHEREAS, In 1986, a dramatic  
22 stamp-image portrayal of the beloved American  
23 composer and bandleader Duke Ellington was  
24 designed by Texas-born artist James Sharpe,  
25 and its April 1986 release not only

1 represented the first U.S. Postal Service  
2 issue of a jazz-themed image, but the  
3 introduction of its design also served as only  
4 the second U.S. stamp-image to feature an  
5 African-American from the field of musical  
6 arts; and

7 "WHEREAS, In 2008, the honor was  
8 bestowed on Duke Ellington once again with the  
9 issuance of another U.S. postage stamp titled  
10 'Black Cinema USA 42' for his film 'Black and  
11 Tan'; and

12 "WHEREAS, On February 24, 2009, the  
13 United States Mint launched a new coin  
14 featuring Duke Ellington, making him the first  
15 African-American to appear alone on a  
16 circulating United States coin; now,  
17 therefore, be it

18 "RESOLVED, That this Legislative  
19 Body pause in its deliberations to commemorate  
20 the 112th birthday of Edward Kennedy 'Duke'  
21 Ellington, a legendary musician and one of the  
22 most influential African-Americans in the  
23 history of this state, this country, and the  
24 world; and be it further

25 "RESOLVED, That a copy of this

1 resolution, suitably engrossed, be transmitted  
2 to the family of Edward Kennedy 'Duke'  
3 Ellington."

4 ACTING PRESIDENT GRIFFO: Senator  
5 Perkins.

6 SENATOR PERKINS: Thank you  
7 again, Mr. President. I'll be brief.

8 I just wanted to, from a very  
9 personal family point of view, recognize how  
10 pervasive Duke Ellington's presence was in our  
11 home and in our community. And when we think  
12 of jazz, we cannot but think of Duke  
13 Ellington. He is a legendary musician and one  
14 of the most influential African-Americans in  
15 the history this state, this country and the  
16 world.

17 And I would invite all my  
18 colleagues to please join me in signing onto  
19 supporting the resolution. Thank you.

20 ACTING PRESIDENT GRIFFO: The  
21 question is on the resolution. All in favor  
22 signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT GRIFFO:  
25 Opposed?



1 (No response.)

2 ACTING PRESIDENT GRIFFO: The  
3 resolution is adopted.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President, I  
6 believe that Senator Larkin has Resolution  
7 Number 1550 at the desk. Could we have its  
8 title read and ask Senator Larkin for  
9 comments.

10 ACTING PRESIDENT GRIFFO: The  
11 Secretary will read.

12 THE SECRETARY: Legislative  
13 Resolution Number 1550, by Senator Larkin,  
14 expressing appreciation to the U.S. Postal  
15 Service upon the occasion of its announcement  
16 of the classification of the Purple Heart  
17 postage stamp as a Forever Stamp.

18 ACTING PRESIDENT GRIFFO: Senator  
19 Larkin.

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

22 You know, I stand here with a lot  
23 of pride today and a heartfelt thanks to a lot  
24 of people across America and across this  
25 planet.

1                   In January 2000 I asked about  
2                   25 people to join me at the Orange County  
3                   legislature, and our purpose was to discuss a  
4                   team to put together of how do we go about  
5                   getting a stamp to honor the American men and  
6                   women who have been wounded or killed in  
7                   combat.

8                   In January 2000, ladies and  
9                   gentlemen, we weren't at war. A lot of people  
10                  wanted everything to settle down. I had a few  
11                  people say, Forget it, you know, my father is  
12                  dead and my brother is sick and this here.  
13                  But we decided that this was the appropriate  
14                  time.

15                  The Postal Department told us that  
16                  we could wait for you-know-who to freeze over,  
17                  Michael. And what happened? We started a  
18                  campaign.

19                  The United States Military  
20                  Academy -- we had the cadets up here last  
21                  week -- in the first month, January through  
22                  February, West Point produced 2500 letters in  
23                  support of it. The Postal Service doesn't  
24                  take petitions, so consequently you couldn't  
25                  have it done in a quick way of saying how many

1 people supported a Purple Heart stamp.

2 We worked feverishly to get this  
3 stamp approved. And before I go any further,  
4 I want to especially mention one person who  
5 worked harder than most people you'd ever  
6 imagine.

7 In February 2001, after being  
8 elected to the United States Senate, Senator  
9 Hillary Clinton came to Orange County to a  
10 meeting we had. She saw everybody wearing the  
11 badge that said "Purple Heart Stamp," "Purple  
12 Heart Stamp." She grabbed me and she said,  
13 "What is this all about?" I told her, and she  
14 said to her aide, "Find us a room." We  
15 briefed her on where we were at, what was our  
16 goal, how were we going to get it.

17 I'm gonna tell you, at 3 o'clock  
18 that afternoon I had a call from the Postal  
19 Department that said "Did you know that  
20 Senator Clinton, former First Lady, is now a  
21 member of your task force?" I said "Yes, and  
22 I'm very proud."

23 She did a lot of work. She didn't  
24 like her name in the paper about it all the  
25 time, but she did it.

1                   But this was something that you  
2                   were thinking about if you've ever been in  
3                   combat and you saw somebody killed or wounded.  
4                   I've experienced that. And you experience it  
5                   writing to the families to tell them about it.

6                   As of the first of April, we have  
7                   1.9 million Americans since the start of  
8                   World War II that are recipients of the Purple  
9                   Heart for being wounded or killed in combat.

10                  This is [noise from door] -- I'm  
11                  going to shut that in a minute and make  
12                  somebody really pissed off.

13                  This is a serious matter. Eleven  
14                  and a half years it took us to convince the  
15                  Postal Department to honor men and women of  
16                  our armed forces who shed blood for this great  
17                  country of ours. And now, ten days ago, the  
18                  Postal Department called, and it was like a  
19                  quarter to 10 at night. And I said to my  
20                  wife, "That's some joke somebody's playing."  
21                  She said, "It's Mr. McDonald."

22                  So I picked it up, and he said:  
23                  "Lark, I've got good news and bad news for  
24                  you. The good news is the vote today was  
25                  unanimous for the Purple Heart to be a Forever

1 Stamp. The bad news is you can't do it until  
2 after the fifth of May."

3 The fifth of May is two days from  
4 now. And on an aircraft carrier out in  
5 San Diego, they will open up the stamp in  
6 honor of Lieutenant Murphy, from Long Island,  
7 who just received last year the Congressional  
8 Medal of Honor.

9 So I thank everybody. There's a  
10 lot of people, I don't want to miss names, but  
11 there was a lot of people here that helped us,  
12 both sides of the aisle, because they knew it  
13 was the right thing to do. But in a couple of  
14 days you'll be able to go downstairs to the  
15 post office and get those stamps. There'll  
16 also be a special medal for you to wear.

17 But most important, by the purchase  
18 of this stamp or the medal, you will be saying  
19 to America and its armed services, dead and  
20 alive: Thank you for your commitment to our  
21 country.

22 May God bless America.

23 ACTING PRESIDENT GRIFFO: Thank  
24 you, Senator Larkin, for your efforts and your  
25 leadership.

1                   The question is on the resolution.

2           All in favor signify by saying aye.

3                   (Response of "Aye.")

4                   ACTING PRESIDENT GRIFFO:

5           Opposed?

6                   (No response.)

7                   ACTING PRESIDENT GRIFFO:       The  
8           resolution is adopted.

9                   Senator Libous.

10                  SENATOR LIBOUS:       Mr. President,  
11           there's a privileged resolution at the desk by  
12           Senator Adams. Could we have the title read  
13           and move for its immediate adoption.

14                  ACTING PRESIDENT GRIFFO:       The  
15           Secretary will read.

16                  THE SECRETARY:       Legislative  
17           resolution by Senator Adams, honoring the  
18           Business Outreach Center Network upon the  
19           occasion of its 2011 Celebrating  
20           Entrepreneurship Luncheon commemorating  
21           15 years of helping low and moderate income  
22           entrepreneurs.

23                  ACTING PRESIDENT GRIFFO:       The  
24           question is on the resolution. All in favor  
25           signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO:

3 Opposed?

4 (No response.)

5 ACTING PRESIDENT GRIFFO: The  
6 resolution is adopted.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President,  
9 could we now take up the reading of the  
10 noncontroversial calendar.

11 ACTING PRESIDENT GRIFFO: The  
12 Secretary will read.

13 THE SECRETARY: Calendar Number  
14 8, by Senator Golden, Senate Print 638, an act  
15 to amend the Real Property Tax Law.

16 ACTING PRESIDENT GRIFFO: Read  
17 the last section.

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

20 ACTING PRESIDENT GRIFFO: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT GRIFFO: The  
25 bill is passed.

1                   THE SECRETARY:     Calendar Number  
2                   20, by Senator Fuschillo, Senate Print 526A,  
3                   an act to amend the Vehicle and Traffic Law.

4                   ACTING PRESIDENT GRIFFO:     Read  
5                   the last section.

6                   THE SECRETARY:     Section 2. This  
7                   act shall take effect one year after it shall  
8                   have become law.

9                   ACTING PRESIDENT GRIFFO:     Call  
10                  the roll.

11                  (The Secretary called the roll.)

12                  THE SECRETARY:     Ayes, 60.

13                  ACTING PRESIDENT GRIFFO:     The  
14                  bill is passed.

15                  THE SECRETARY:     Calendar Number  
16                  22, by Senator Fuschillo, Senate Print 600A,  
17                  an act to amend the Vehicle and Traffic Law.

18                  ACTING PRESIDENT GRIFFO:     Read  
19                  the last section.

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

23                  ACTING PRESIDENT GRIFFO:     Call  
24                  the roll.

25                  (The Secretary called the roll.)



1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT GRIFFO: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 27, by Senator Johnson, Senate Print 1208, an  
6 act to amend the Vehicle and Traffic Law.

7 ACTING PRESIDENT GRIFFO: Read  
8 the last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect on the first of  
11 November.

12 ACTING PRESIDENT GRIFFO: Call  
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 59. Nays,  
16 1. Senator Duane recorded in the negative.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 50, by Senator Marcellino, Senate Print 939,  
21 an act to amend the Vehicle and Traffic Law.

22 ACTING PRESIDENT GRIFFO: Read  
23 the last section.

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

1 November.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59. Nays,  
6 1. Senator Parker recorded in the negative.

7 ACTING PRESIDENT GRIFFO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 117, by Senator Young, Senate Print 767, an  
11 act to amend the Labor Law.

12 ACTING PRESIDENT GRIFFO: Read  
13 the last section.

14 THE SECRETARY: Section 4. This  
15 act shall take effect immediately.

16 ACTING PRESIDENT GRIFFO: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 54. Nays,  
20 6. Senators Avella, Duane, Montgomery,  
21 Peralta, Rivera and Savino recorded in the  
22 negative.

23 ACTING PRESIDENT GRIFFO: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1       129, by Senator Marcellino, Senate Print 998B,  
2       an act to amend the Vehicle and Traffic Law.

3               ACTING PRESIDENT GRIFFO:     Read  
4       the last section.

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

7               ACTING PRESIDENT GRIFFO:     Call  
8       the roll.

9               (The Secretary called the roll.)

10              ACTING PRESIDENT GRIFFO:     Senator  
11       Marcellino to explain his vote.

12              SENATOR MARCELLINO:     Thank you,  
13       Mr. President. I rise to explain my vote on  
14       this bill.

15              This is an important --

16              ACTING PRESIDENT GRIFFO:     Senator  
17       Marcellino, one second, please.

18              Can we have some order in the  
19       chamber, please. Thank you.

20              Senator Marcellino.

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

23              The bill that we are passing today  
24       making texting while driving a primary offense  
25       would seem to be a no-brainer, but in fact it

1 is not. Too many people are dying, too many  
2 people are being maimed or injured on our  
3 roads, nationwide and in our state.

4 Everyone can speak to an occasion  
5 where they know of someone who was either  
6 injured or hurt by someone who was texting  
7 while driving or talking on a cellphone while  
8 driving. These are dangerous things and  
9 should not be done.

10 This law will make it easier for  
11 law enforcement to enforce existing law and to  
12 save lives. That is the motivation of this  
13 bill, that is its primary function, to save  
14 lives.

15 The lives we save with this bill  
16 are primarily young people under the age of 20  
17 who are engaging in the activity of texting,  
18 which has become a phenomenon of recent years  
19 and did not exist, frankly, when we did the  
20 cellphone ban. So we're bringing our laws up  
21 to meet with technology and hopefully we will,  
22 in so doing, save as many lives as possible,  
23 to bring the word forward.

24 We've got a same-as sponsor in the  
25 Assembly, Harvey Weisenberg. Assemblyman

1 Weisenberg is carrying it in the Assembly. He  
2 tells me he can pass it over there. We are  
3 looking forward to the Governor signing this  
4 bill into law and the saving of many, many  
5 lives of our constituents and our residents in  
6 this great State of New York.

7 Thank you and God bless, and I  
8 thank my colleagues for supporting this  
9 legislation.

10 ACTING PRESIDENT GRIFFO: Senator  
11 Marcellino to be recorded in the affirmative.

12 Senator Fuschillo.

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

15 I want to compliment my colleague  
16 Senator Marcellino for this, and for his  
17 leadership in banning the use of cellphones in  
18 cars. This is just another measure to protect  
19 individuals.

20 Every single day when we drive on  
21 our roads, especially my colleagues here in  
22 the Senate, when we drive home, whether any  
23 particular part of the state, when we see a  
24 car in the left lane all of a sudden going  
25 down to 50 miles an hour or 45 miles an hour,

1 we know that they've picked up a cellphone or  
2 they're texting.

3 The federal government has ruled  
4 that texting is almost as dangerous as drunk  
5 driving. And what Senator Marcellino is doing  
6 here today in making the offense of texting a  
7 primary offense is critically important to aid  
8 law enforcement to properly punish the  
9 violators that are putting individuals' lives  
10 at risk.

11 I compliment my colleague on his  
12 leadership on this issue for many years, and  
13 I'll be voting in the affirmative.

14 ACTING PRESIDENT GRIFFO: Senator  
15 Fuschillo to be recorded in the affirmative.

16 Senator Libous. Senator Alesi;  
17 Senator Libous yields.

18 SENATOR ALESI: Thank you. Thank  
19 you, Senator Libous.

20 We learn by experience. And the  
21 experience that people in my community went  
22 through a couple of years ago when five  
23 beautiful young women were killed in a fiery  
24 crash that they speculate was caused by  
25 texting, should teach us, teach us as we look

1       around the country that over and over and over  
2       again we see the dangers of texting while  
3       driving and how they affect our families and  
4       motorists in New York State.

5               We have an obligation here as  
6       members of the Senate to do what we can to  
7       protect the public. And this is one of those  
8       times when we look back at the seat belt bill  
9       that most people were opposed to in the  
10      beginning. We realize now how important that  
11      legislation was in saving lives.

12             The bill that Senator Marcellino  
13      has taken such a strong leadership position on  
14      also includes a component for educating young  
15      people. In fact, it requires the DMV, in the  
16      application for license, to provide  
17      educational materials on the dangers of  
18      texting. It requires DMV to even include a  
19      question on the final licensing exam.

20             So that we're not only looking to  
21      deter people by giving law enforcement a  
22      primary objective when they pull people over,  
23      we're looking not only to deter people from  
24      texting by giving them a \$150 fine, but we're  
25      taking a positive, proactive measure by

1       educating young people who are now applying  
2       for licenses to make it clear to them how  
3       dangerous this is.

4               This will now be an amendment to  
5       the Vehicle and Traffic Law, just as the  
6       drinking and driving and just as seat belts,  
7       all of those things that are meant to help  
8       people.

9               And I know that people will be  
10       opposed to this, some of them will. But as I  
11       said, we learn by our experience, and our  
12       experience tells us that this is vitally  
13       necessary to pass this bill.

14              And I applaud Senator Marcellino  
15       for his leadership. I encourage my colleagues  
16       to join in voting yes on this bill.

17              ACTING PRESIDENT GRIFFO:     Senator  
18       Marcellino to be recorded in the affirmative.

19              Senator Little to explain her  
20       vote -- Senator Little passes.

21              Senator Libous to explain his vote.

22              SENATOR LIBOUS:     Thank you,  
23       Mr. President. I too want to congratulate  
24       Senator Marcellino.

25              You know, when the original bill



1        was passed on this floor, I voted against it,  
2        the talking on the phone in the car. And I  
3        kind of regret that I've done that, because I  
4        have seen a number of traffic fatalities  
5        because of it. I have seen people, as Senator  
6        Fuschillo said, even now, traveling to Albany  
7        this week, as I'm moving along doing the speed  
8        limit, the car in front of me all of a sudden  
9        slows down and veers off to the right, comes  
10       back in. As I pass the car, the young lady  
11       was talking on her cellphone.

12                That's just talking on your  
13       cellphone. We're talking about texting. This  
14       is a good bill. People should not be doing  
15       other things while they're driving a car.  
16       They should be paying attention to the road.  
17       They should be paying attention to what  
18       they're doing inside of their vehicle. They  
19       should not be texting. They should not be  
20       holding a phone to their ear -- obviously,  
21       it's legal if it's hands-free. They should  
22       not be doing those things.

23                Senator Marcellino, you're on  
24       point, as Senator Alesi said. We have lost  
25       lives tragically because of those individuals

1       who feel that it's necessary to send a friend  
2       a text message while they're driving in a car.

3               I support this bill wholeheartedly  
4       and would urge my colleagues to think very  
5       seriously and vote yes for this.

6               ACTING PRESIDENT GRIFFO:       Senator  
7       Libous to be recorded in the affirmative.

8               Senator Kennedy to explain his  
9       vote.

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

12              First of all, let me thank Senator  
13       Marcellino for his leadership on this  
14       extremely important issue.

15              I want to also thank Senator  
16       Fuschillo, the chair of the Transportation  
17       Committee. It was actually on my first day  
18       here at the Senate, I hadn't yet met Senator  
19       Fuschillo, and I approached him about this  
20       issue. This issue is extraordinarily  
21       important for public safety in Western  
22       New York and across New York State.

23              And Senator Fuschillo said to me,  
24       "We're going to pass a bill, and it's going to  
25       be Senator Marcellino's bill." Because

1       there's so many different bills that are out  
2       there, we as a Senate, Democrat and  
3       Republican, need to come to a conclusion on  
4       what's the strongest bill that makes the most  
5       sense that is going to help to cure the  
6       epidemic that has become texting and driving.

7               And it has become an epidemic,  
8       across New York State and across the United  
9       States. The statistics are staggering.  
10       Thousands of individuals have lost their lives  
11       due to texting and driving and distracted  
12       driving across the nation and across this  
13       state.

14              As Senator Alesi has already  
15       mentioned in his district, it hit home in his  
16       district. It hit home in my district. A  
17       young man, 21 years old, his name is A.J.  
18       Larson, lost his life tragically texting and  
19       driving -- rolling a stop sign, hit by an  
20       oncoming vehicle. His mother, Kelly Cline,  
21       has made it her life's work since that moment  
22       to create an environment on the state level,  
23       on the national level, and unfortunately on a  
24       local level because in the past the state has  
25       failed to act.

1                   And we cannot fail to act once  
2                   again today. And it is our opportunity today  
3                   to embrace this legislation, to embrace public  
4                   safety, to create an environment that's going  
5                   to be safer -- for individuals of all ages,  
6                   but especially the youth of this state.

7                   If you look at the statistics, the  
8                   statistics actually double when you change the  
9                   age level to which you acquire the  
10                  information. So the amount of injuries and  
11                  accidents that are caused by texting while  
12                  driving doubles when you change the age factor  
13                  from 18 to 60 years old to 18 to 35 years old.

14                 This is technology that has  
15                 advanced. Today's legislation is catching up  
16                 with technology, creating a safer environment  
17                 for all individuals of all ages that are on  
18                 the road every single day.

19                 I want to thank Kelly Cline for her  
20                 advocacy on this important issue. Recently  
21                 she spearheaded a group called Families  
22                 Against Texting While Driving. I urge my  
23                 fellow Senators and I urge the public to join  
24                 Families Against Texting While Driving to  
25                 further advance this important issue into the

1 New York State Assembly, where Assemblymember  
2 Weisenberg is carrying this mirroring bill  
3 that will allow us eventually to get the  
4 signing legislation this session.

5 Thank you very much.

6 ACTING PRESIDENT GRIFFO: Senator  
7 Kennedy to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: Ayes, 57. Nays,  
10 3. Senators Montgomery, Parker and Savino  
11 recorded in the negative.

12 ACTING PRESIDENT GRIFFO: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 214, by Senator LaValle, Senate Print 3576, an  
16 act to amend the Real Property Tax Law.

17 ACTING PRESIDENT GRIFFO: Read  
18 the last section.

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

21 ACTING PRESIDENT GRIFFO: Call  
22 the roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT GRIFFO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 216, by Senator Krueger, Senate Print 888, an  
4 act to amend the Criminal Procedure Law.

5 ACTING PRESIDENT GRIFFO: Read  
6 the last section.

7 THE SECRETARY: Section 3. This  
8 act shall take effect on the 30th day.

9 ACTING PRESIDENT GRIFFO: Call  
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT GRIFFO: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 253, by Senator Bonacic, Senate Print 3099A,  
17 an act to amend the Vehicle and Traffic Law.

18 ACTING PRESIDENT GRIFFO: Read  
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call  
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59. Nays,

1           1. Senator Parker recorded in the negative.

2                    ACTING PRESIDENT GRIFFO:     The  
3 bill is passed.

4                    THE SECRETARY:     Calendar Number  
5 306, by Senator Skelos, Senate Print 1543, an  
6 act to amend the Penal Law.

7                    ACTING PRESIDENT GRIFFO:     Read  
8 the last section.

9                    THE SECRETARY:     Section 4. This  
10 act shall take effect on the first of  
11 November.

12                   ACTING PRESIDENT GRIFFO:     Call  
13 the roll.

14                           (The Secretary called the roll.)

15                   THE SECRETARY:     Ayes, 59. Nays,  
16 1. Senator Parker recorded in the negative.

17                   ACTING PRESIDENT GRIFFO:     The  
18 bill is passed.

19                   THE SECRETARY:     Calendar Number  
20 337, by Senator Martins, Senate Print 3060, an  
21 act to authorize the Town of North Hempstead.

22                   ACTING PRESIDENT GRIFFO:     Read  
23 the last section.

24                   THE SECRETARY:     Section 5. This  
25 act shall take effect immediately.

1                   ACTING PRESIDENT GRIFFO:     There  
2     is a home-rule message at the desk.

3                   Call the roll.

4                   (The Secretary called the roll.)

5                   THE SECRETARY:     Ayes, 60.

6                   ACTING PRESIDENT GRIFFO:     The  
7     bill is passed.

8                   THE SECRETARY:     Calendar Number  
9     338, by Senator Nozzolio, Senate Print 3488,  
10    an act authorizing the Town of Webster.

11                  ACTING PRESIDENT GRIFFO:     There  
12    is a home-rule message at the desk.

13                  Read the last section.

14                  THE SECRETARY:     Section 7. This  
15    act shall take effect immediately.

16                  ACTING PRESIDENT GRIFFO:     Call  
17    the roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY:     Ayes, 60.

20                  ACTING PRESIDENT GRIFFO:     The  
21    bill is passed.

22                  THE SECRETARY:     Calendar Number  
23    345, substituted earlier today by Member of  
24    the Assembly Jaffee, Assembly Print Number  
25    668, an act to amend the Environmental



1 Conservation Law.

2 ACTING PRESIDENT GRIFFO: Read  
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT GRIFFO: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 365, by Senator Grisanti, Senate Print 2478,  
14 an act to amend the Education Law.

15 ACTING PRESIDENT GRIFFO: Read  
16 the last section.

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

19 ACTING PRESIDENT GRIFFO: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT GRIFFO: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1       373, by Senator Huntley, Senate Print 3022, an  
2       act to amend the Vehicle and Traffic Law.

3                ACTING PRESIDENT GRIFFO:     Read  
4       the last section.

5                THE SECRETARY:     Section 2. This  
6       act shall take effect on the first of  
7       November.

8                ACTING PRESIDENT GRIFFO:     Call  
9       the roll.

10               (The Secretary called the roll.)

11               THE SECRETARY:     Ayes, 60.

12               ACTING PRESIDENT GRIFFO:     The  
13       bill is passed.

14               THE SECRETARY:     Calendar Number  
15       381, by Senator Golden, Senate Print 2923, an  
16       act to amend the Education Law.

17               ACTING PRESIDENT GRIFFO:     Read  
18       the last section.

19               THE SECRETARY:     Section 2. This  
20       act shall take effect January 1, 2012.

21               ACTING PRESIDENT GRIFFO:     Call  
22       the roll.

23               (The Secretary called the roll.)

24               THE SECRETARY:     Ayes, 58. Nays,  
25       2. Senators Little and Ritchie recorded in

1 the negative.

2 ACTING PRESIDENT GRIFFO: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 388, by Senator Ranzenhofer, Senate Print  
6 4124, an act to amend the Public Health Law.

7 ACTING PRESIDENT GRIFFO: Read  
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call  
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59. Nays,  
15 1. Senator Duane recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The  
17 bill is passed.

18 Senator Libous, that completes the  
19 noncontroversial reading of the calendar.

20 SENATOR LIBOUS: Mr. President,  
21 is there any other business at the desk?

22 ACTING PRESIDENT GRIFFO: There  
23 is none.

24 SENATOR LIBOUS: Mr. President, I  
25 have an announcement.

1                   Tomorrow, on May 4th, we will have  
2                   our Senate picture taken. We would ask that  
3                   members be here 10 minutes early, if they  
4                   could, because it will take 20 minutes for us  
5                   to get organized and get the picture taken.

6                   So tomorrow will be our annual  
7                   Senate picture. I would ask everybody to be  
8                   here 10 minutes early, if they can.

9                   And, Mr. President, there being no  
10                  further business at the desk, I move that we  
11                  adjourn until tomorrow, May 4th, at  
12                  11:00 a.m., and Senate picture at 10:50.

13                  ACTING PRESIDENT GRIFFO:     The  
14                  announcement is to be noted that there will be  
15                  a Senate picture and all members should be  
16                  present at 10:50 a.m.

17                  And on motion, the Senate stands  
18                  adjourned until Wednesday, May 4th, at  
19                  11:00 a.m. Senate adjourned.

20                  (Whereupon, at 4:13 p.m., the  
21                  Senate adjourned.)  
22  
23  
24  
25