

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 4, 2011

11 11:29 a.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
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 I ask everyone present to please  
5 rise and recite with me the Pledge of  
6 Allegiance to our country.

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

9 ACTING PRESIDENT MARCELLINO: In  
10 the absence of clergy, may we bow our heads in  
11 a moment of silence.

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

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

16 THE SECRETARY: In Senate,  
17 Tuesday, May 3, the Senate met pursuant to  
18 adjournment. The Journal of Monday, May 2,  
19 was read and approved. On motion, Senate  
20 adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1                   The Secretary will read.

2                   THE SECRETARY:     On page 36,  
3     Senator Gallivan moves to discharge, from the  
4     Committee on Investigations and Government  
5     Operations, Assembly Bill Number 5150 and  
6     substitute it for the identical Senate Bill  
7     Number 3241, Third Reading Calendar 360.

8                   ACTING PRESIDENT MARCELLINO:  
9     Substitution is ordered.

10                  If we could have some silence in  
11     the chamber, this would of assistance to the  
12     stenographer, who has to take the record.

13                  Messages from the Governor.  
14                  Reports of standing committees.  
15                  Reports of select committees.  
16                  Communications and reports from  
17     state officers.

18                  Motions and resolutions.

19                  Senator Breslin.

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

22                  On behalf of Senator Peralta, I  
23     move that the following bills be discharged  
24     from their respective committees and be  
25     recommitted with instructions to strike the

1       enacting clause: Bills 1019 and 606.

2                   ACTING PRESIDENT MARCELLINO:       So  
3       ordered.

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

6                   ACTING PRESIDENT MARCELLINO:  
7       Senator Libous.

8                   SENATOR LIBOUS:       Thank you,  
9       Mr. President.

10                   On behalf of Senator Fuschillo, on  
11       page 39 I offer the following amendments to  
12       Calendar Number 387, Senate Print 3461A, and  
13       ask that said bill retain its place on the  
14       Third Reading Calendar.

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

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

21                   On behalf of Senator Martins, on  
22       page 37 I offer the following amendments to  
23       Calendar Number 369, Senate Print Number 4434,  
24       and ask that said bill retain its place on the  
25       Third Reading Calendar.

1                   ACTING PRESIDENT MARCELLINO:       The  
2       bill will retain its place on the Third  
3       Reading Calendar, and the amendments are  
4       accepted.

5                   SENATOR LIBOUS:       On behalf of  
6       Senator Alesi, on page 30 I offer the  
7       following amendments to Calendar Number 264,  
8       Senate Print 3736, and ask that said bill  
9       retain its place on the Third Reading  
10      Calendar.

11                  ACTING PRESIDENT MARCELLINO:       The  
12      bill will retain its place on the Third  
13      Reading Calendar, and the amendments are  
14      accepted.

15                  SENATOR LIBOUS:       And,  
16      Mr. President, on behalf of myself, Senator  
17      Libous, on page 35 I offer the following  
18      amendments to Calendar Number 343, Senate  
19      Print 3137, and ask that said bill retain its  
20      place on the Third Reading Calendar.

21                  ACTING PRESIDENT MARCELLINO:       The  
22      bill will retain its place on the Third  
23      Reading Calendar, and the amendments are  
24      accepted.

25                               Senator Libous.

1                   SENATOR LIBOUS:       Mr. President,  
2       there are three privileged resolutions at the  
3       desk by Senator Golden. May we please have  
4       the titles read and move for their immediate  
5       adoption, please.

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

8                   THE SECRETARY:       Legislative  
9       resolution by Senator Golden, honoring Anthony  
10      L. DiMango, D.D.S., upon the occasion of his  
11      designation as recipient of the Physician  
12      Award by Lutheran HealthCare.

13                  ACTING PRESIDENT MARCELLINO:  
14      Read the next one.

15                  THE SECRETARY:       Legislative  
16      resolution by Senator Golden, honoring  
17      President Wendy Z. Goldstein upon the occasion  
18      of her designation for special recognition by  
19      Lutheran HealthCare.

20                  And legislative resolution by  
21      Senator Golden, commending Frenkel & Company  
22      upon the occasion of its designation as  
23      recipient of the Corporate Award by Lutheran  
24      HealthCare.

25                  ACTING PRESIDENT MARCELLINO:       All

1 in favor of approving the resolutions as read  
2 signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT MARCELLINO:  
5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT MARCELLINO: The  
8 resolutions are approved.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President,  
11 at this time I believe that Senator Sampson  
12 has several privileged resolutions at the  
13 desk. At this time could we read the titles  
14 of the resolutions and move for their  
15 immediate adoption.

16 ACTING PRESIDENT MARCELLINO: The  
17 Secretary will read all the titles.

18 THE SECRETARY: Legislative  
19 resolution by Senator Sampson, honoring Melba  
20 P. Brown upon the occasion of her designation  
21 for special recognition at the Fourth Annual  
22 Salute to Women of Valor on May 12, 2011.

23 Legislative resolution by Senator  
24 Sampson, honoring Lucinda Clarke upon the  
25 occasion of her designation for special

1 recognition at the Fourth Annual Salute to  
2 Women of Valor on May 12, 2011.

3 Legislative resolution by Senator  
4 Sampson, honoring Maria Garrett upon the  
5 occasion of her designation for special  
6 recognition at the Fourth Annual Salute to  
7 Women of Valor on May 12, 2011.

8 Legislative resolution by Senator  
9 Sampson, honoring Florence Hirsh upon the  
10 occasion of her designation for special  
11 recognition at the Fourth Annual Salute to  
12 Women of Valor on May 12, 2011.

13 Legislative resolution by Senator  
14 Sampson, honoring Juanita Holmes upon the  
15 occasion of her designation for special  
16 recognition at the Fourth Annual Salute to  
17 Women of Valor on May 12, 2011.

18 Legislative resolution by Senator  
19 Sampson, honoring Tina Johnson upon the  
20 occasion of her designation for special  
21 recognition at the Fourth Annual Salute to  
22 Women of Valor on May 12, 2011.

23 Legislative resolution by Senator  
24 Sampson, honoring Doreen McIntosh upon the  
25 occasion of her designation for special



1 recognition at the Fourth Annual Salute to  
2 Women of Valor on May 12, 2011.

3 Legislative resolution by Senator  
4 Sampson, honoring Maria Ortega upon the  
5 occasion of her designation for special  
6 recognition at the Fourth Annual Salute to  
7 Women of Valor on May 12, 2011.

8 Legislative resolution by Senator  
9 Sampson, honoring Sue Rock upon the occasion  
10 of her designation for special recognition at  
11 the Fourth Annual Salute to Women of Valor on  
12 May 12, 2011.

13 Legislative resolution by Senator  
14 Sampson, honoring Tiffany Tucker upon the  
15 occasion of her designation for special  
16 recognition at the Fourth Annual Salute to  
17 Women of Valor on May 12, 2011.

18 Legislative resolution by Senator  
19 Sampson, honoring Latrice Walker upon the  
20 occasion of her designation for special  
21 recognition at the Fourth Annual Salute to  
22 Women of Valor on May 12, 2011.

23 And legislative resolution by  
24 Senator Sampson, honoring Mary Wilson upon the  
25 occasion of her designation for special

1 recognition at the Fourth Annual Salute to  
2 Women of Valor on May 12, 2011.

3 ACTING PRESIDENT MARCELLINO: All  
4 in favor of the resolutions as read signify by  
5 saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT MARCELLINO: All  
8 opposed, nay.

9 (No response.)

10 ACTING PRESIDENT MARCELLINO: The  
11 ayes have it. The resolutions are approved.

12 Senator Libous.

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

15 ACTING PRESIDENT MARCELLINO: You  
16 are welcome.

17 SENATOR LIBOUS: Mr. President,  
18 there is a privileged resolution at the desk  
19 by Senators Griffo, Hannon and Little. May we  
20 please have the resolution read in its  
21 entirety and I believe we will call on Senator  
22 Griffo.

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

1                   THE SECRETARY:     Legislative  
2     Resolution Number 767, by Senators Griffo,  
3     Hannon and Little, memorializing Governor  
4     Andrew M. Cuomo to proclaim May 2011 as Lupus  
5     Awareness Month in the State of New York.

6                   "WHEREAS, Each year the Lupus  
7     Agencies of New York State designate May as  
8     Lupus Awareness Month to show support for the  
9     105,400 New Yorkers, 1.5 million Americans and  
10    5 million people worldwide who suffer from the  
11    often debilitating effects of lupus, a chronic  
12    autoimmune disease that can cause severe  
13    damage to the tissues and organs in the body,  
14    and in some cases death; and

15                  "WHEREAS, Each year thousands of  
16    people are newly diagnosed with lupus, a great  
17    majority of whom are young people in the prime  
18    of their lives, and 90 percent of whom are  
19    women; and

20                  "WHEREAS, Lupus is the most  
21    prevalent among African-Americans, Hispanics,  
22    Native Americans, Asians. And tragically,  
23    thousands of people die from lupus each year  
24    because a cure remains elusive; and

25                  "WHEREAS, Many healthcare

1 professionals are unaware of symptoms and  
2 health effects of lupus, causing people with  
3 lupus to suffer for many years before they  
4 obtain a correct diagnosis and medical  
5 treatment, demonstrating the need for  
6 increased public and professional awareness of  
7 lupus; and

8 "WHEREAS, Medical research efforts  
9 into lupus and the discovery of safer, more  
10 effective treatment for lupus patients are  
11 underfunded in comparison with diseases of  
12 comparable magnitude and severity; and

13 "WHEREAS, Increasing community  
14 awareness and focusing public attention on  
15 lupus and its devastating impact on patients'  
16 lives will provide hope for a better future  
17 for those affected; and

18 "WHEREAS, The Lupus Agencies of  
19 New York State are dedicated to 'improving the  
20 quality of life for individuals with lupus and  
21 their loved ones by providing education,  
22 support and outreach services and promoting  
23 programs of awareness, advocacy and research';  
24 and

25 "WHEREAS, This Legislative Body

1 recognizes the needs of those chronically ill  
2 people who are living with lupus and urges all  
3 citizens to support the search for a cure and  
4 assist those individuals and families who deal  
5 with this devastating disease on a daily  
6 basis; now, therefore, be it

7 "RESOLVED, That this Legislative  
8 Body pause in its deliberations to memorialize  
9 Governor Andrew M. Cuomo to proclaim May 2011  
10 as Lupus Awareness Month in the State of  
11 New York; and be it further

12 "RESOLVED, That copies of this  
13 resolution, suitably engrossed, be transmitted  
14 to the Honorable Andrew M. Cuomo, Governor of  
15 the State of New York, and the Lupus Agencies  
16 of New York State."

17 ACTING PRESIDENT MARCELLINO: To  
18 be heard on the resolution, Senator Griffo.

19 SENATOR GRIFFO: Thank you,  
20 Mr. President. I want to thank the members  
21 for taking up this resolution today.

22 I want to thank those who are in  
23 attendance here in the gallery today for being  
24 so vigilant and so engaged in this -- Kathleen  
25 Arntsen and many people are here from across

1 New York State to continue to make members of  
2 the Legislature and leaders across this state  
3 informed and aware of this debilitating  
4 disease.

5 Over 1.5 million Americans are  
6 affected by this disease. And we heard how  
7 females and African-American women are  
8 disproportionately affected, particularly  
9 between the ages of 15 and 44. So it is so  
10 important, as we try to deal with chronic  
11 illness and diseases such as the lupus issue,  
12 that we continue to make people aware of the  
13 need and the importance of research and  
14 putting together the resources financially  
15 that are necessary to try to help find a cure.

16 One example of that is the FDA has  
17 just recently approved a drug called Benlysta.  
18 It's a new form of therapy which is now being  
19 used as a result of clinical trials that they  
20 have now authorized. And I think this is why  
21 we want to make sure that when we look at  
22 pieces of legislation, when we look at  
23 clinical studies and the need for resources  
24 and funding in order to undertake these kind  
25 of studies, that we can find opportunities to

1 try to treat this disease.

2 But also, ultimately, what we're  
3 trying to accomplish is a life without lupus.  
4 I heard that today from Assemblywoman Gibson,  
5 and I think it says it all.

6 So it is so imperative -- and I  
7 want to thank you -- that we call attention to  
8 this, but it's equally important that we  
9 continue to be engaged and involved in trying  
10 to call attention to this and to ensure that  
11 we are diverting and developing policies and  
12 resources that will help in trying to create  
13 that life without lupus.

14 So I want to thank all of you who  
15 are here today for your efforts. I appreciate  
16 that. I'm proud to be a sponsor of this  
17 resolution and will continue to work with you  
18 to do what we can to combat this unfortunate  
19 disease. Thank you.

20 ACTING PRESIDENT MARCELLINO:  
21 Senator Hannon.

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

24 ACTING PRESIDENT MARCELLINO:  
25 Excuse me, Senator.

1                   Can we have some quiet in the  
2                   chamber, please.

3                   Senator Hannon.

4                   SENATOR HANNON:     I just want to  
5                   commend Senator Griffo for sponsoring this  
6                   resolution and make two points.

7                   One is this lupus, it is necessary  
8                   to call attention to a disease like lupus  
9                   because even in our modern society where we  
10                  think we have healthcare that can treat all,  
11                  there are these intractable diseases,  
12                  especially those of the autoimmune system,  
13                  that still bedevil people throughout the  
14                  state, throughout the nation, and need to be  
15                  addressed, need to have research, need to have  
16                  treatment.

17                  And the second is for those of you  
18                  who have any familiarity with lupus or the  
19                  other related illnesses -- fibromyalgia,  
20                  Lyme's disease -- it's a whole family of the  
21                  autoimmune diseases -- there's a display in  
22                  the Well of the LOB today with lots of  
23                  information, people have come from around the  
24                  state. And I would urge that you stop by and  
25                  say hello and get some of the material and



1 information that's being displayed.

2 Thank you, Mr. President.

3 ACTING PRESIDENT MARCELLINO:

4 Thank you, Senator Hannon.

5 Senator Little.

6 SENATOR LITTLE: Thank you,  
7 Mr. President.

8 I'd like to join my colleagues in  
9 welcoming the women who are here today to show  
10 all of us a little bit more about lupus. And  
11 many of them are victims of lupus or know  
12 someone who is.

13 And I think one of the biggest  
14 problems that is involved with having lupus is  
15 getting that diagnosis, because it takes a  
16 long time and people go through a lot of tests  
17 and everything before they can actually  
18 determine what is the problem and what is  
19 causing the health issues that that person is  
20 having. It also becomes a disease that you  
21 have to learn to live with as we go forward.

22 So recognition of it, awareness of  
23 it is very important. And that's what a  
24 resolution like this does, and that's what  
25 their presence here today does for all of us.

1                   So thank you for being here. Thank  
2                   you for improving the awareness and  
3                   recognition of this disease.

4                   Thank you.

5                   ACTING PRESIDENT MARCELLINO:

6                   Thank you, Senator Little.

7                   Senator Savino on the resolution.

8                   SENATOR SAVINO:       Thank you,  
9                   Mr. President.

10                  I want to thank Senator Griffo for  
11                  bringing this resolution. Earlier today I  
12                  attended the Lupus Awareness Day event in the  
13                  Well with Senator Griffo and Assemblywoman  
14                  Vanessa Gibson and Assemblywoman Ellen Jaffee.

15                  Assemblywoman Gibson and I sponsor  
16                  three pieces of legislation which would bring  
17                  public awareness about lupus to a greater  
18                  number of New Yorkers by directing the  
19                  Department of Health to establish a lupus  
20                  awareness and education program.

21                  Imagine, if we really thought about  
22                  this, if we were to look at the statistics, we  
23                  know that there are 100,000 women in the State  
24                  of New York who have been diagnosed with  
25                  lupus. There are 100,000 women in the State

1 of New York who doctors have been able to  
2 determine that the debilitating disease that  
3 they have been suffering from is lupus.

4 How many more women are walking  
5 around and don't know it? How many more women  
6 are going to their doctors for some of the  
7 symptoms, as Senator Hannon talked about, and  
8 being treated or misdiagnosed? How many women  
9 are suffering? Far too many. If 100,000 have  
10 been diagnosed, we know that the likelihood is  
11 there's about a million who are suffering and  
12 not receiving the appropriate treatment. We  
13 can do something about that by raising  
14 awareness about lupus through the Department  
15 of Health, through education.

16 We've had some good news in the  
17 last year since the last Lupus Awareness Day  
18 here in Albany. As Senator Griffo said, the  
19 FDA had not approved a new drug for use in  
20 treatment of this debilitating disease in over  
21 50 years. Last March they did. They approved  
22 the use of a drug called Benlysta. And while  
23 it has not provided full relief for all the  
24 women, it is providing a significant amount of  
25 relief for some.

1                   But we need to do more. But the  
2                   first thing we need to do is to educate  
3                   doctors, to educate women, and to let people  
4                   know that those symptoms that they're feeling  
5                   could be lupus. Don't just assume it's  
6                   fatigue or that you're overworked or that  
7                   you're just under the weather. It could be a  
8                   disease that will affect the rest of your  
9                   life.

10                  So I want to thank Senator Griffo  
11                  for bringing the resolution. And I hope all  
12                  of you will take the time to stop in the Well  
13                  and pick up the information about lupus and  
14                  take it back to your district offices and let  
15                  people know that this is a disease that, if it  
16                  is diagnosed early, can be treated better.  
17                  One hundred thousand women that we know -- how  
18                  many more don't we know about?

19                  Thank you, Mr. President.

20                  ACTING PRESIDENT MARCELLINO:

21                  Thank you, Senator Savino.

22                  Anyone else wishing to be heard on  
23                  this resolution?

24                  Seeing none, the motion is on the  
25                  resolution. All in favor signify by saying

1       aye.

2                       (Response of "Aye.")

3                       ACTING PRESIDENT MARCELLINO:

4       Opposed, nay.

5                       (No response.)

6                       ACTING PRESIDENT MARCELLINO:       The  
7       resolution is approved.

8                       Senator Libous.

9                       SENATOR LIBOUS:       Mr. President, I  
10       believe there are a couple of resolutions at  
11       the desk by Senator Squadron. One resolution  
12       by Senator Squadron.

13                      ACTING PRESIDENT MARCELLINO:  
14       There is a resolution by Senator Squadron,  
15       sir.

16                      SENATOR LIBOUS:       Can we have its  
17       title read and call on Senator Squadron.

18                      ACTING PRESIDENT MARCELLINO:       The  
19       Secretary will read.

20                      SENATOR LIBOUS:       Mr. President, I  
21       was correct, there are two resolutions by  
22       Senator Squadron. He wishes to speak on one;  
23       could the titles of both be read.

24                      ACTING PRESIDENT MARCELLINO:       The  
25       Secretary will read the resolutions title

1       only.

2                   THE SECRETARY:       Legislative  
3       resolution by Senator Squadron, honoring Brook  
4       Peters upon the occasion of the selection of  
5       his film, "The Second Day," for screening at  
6       the Tribeca Film Festival on April 30, 2011.

7                   And legislative resolution by  
8       Senator Squadron, commending the Gowanus Canal  
9       Community Development Corporation upon the  
10      occasion of its 33rd anniversary, to be  
11      celebrated at its Annual Gala on May 5, 2011.

12                  ACTING PRESIDENT MARCELLINO:       On  
13      the resolutions, Senator Squadron.

14                  SENATOR SQUADRON:       Thank you,  
15      Mr. President, on the resolution honoring  
16      Brook Peters.

17                  On this week in which the whole  
18      world has turned its attention again to the  
19      attacks of September 11, 2001, in which one  
20      chapter that came out of that day and a result  
21      of that day has been closed, with Osama bin  
22      Laden being brought to justice, I thought it  
23      was appropriate to also highlight what's  
24      happening locally and what's happening on the  
25      personal level in the wake of September 11th.

1                   Brook Peters was 4 years old on  
2                   September 11, 2001. He lived in the Lower  
3                   Manhattan neighborhood. Just a few years  
4                   later, when he was 11 years old, he started  
5                   making a film in which he talked to hundreds  
6                   of classmates who had lived in the community,  
7                   who were right there, who were directly  
8                   affected by the attacks of September 11, 2001.

9                   And what he found was that for many  
10                  of them, they hadn't talked about it with  
11                  their parents, their feelings on it were  
12                  conflicted, they were still dealing with it.  
13                  Much as all of us are, much as the entire  
14                  nation and the entire world are still dealing  
15                  with it.

16                 And Brook Peters, who's now in  
17                 eighth grade, then submitted his film to the  
18                 Tribeca Film Festival, one of the great film  
19                 festivals of the world and also an event that  
20                 exists in part to help Lower Manhattan,  
21                 New York City and New York State to rebuild  
22                 from the attacks. And they accepted the film,  
23                 and it was well received at the Tribeca Film  
24                 Festival Family Day on Saturday.

25                 So as all of us approach the tenth

1 anniversary of those attacks, as we think this  
2 week both about the fact that we have brought  
3 bin Laden to justice and the fact that  
4 together -- as a city, as a state, as a  
5 nation -- we are continuing to learn from and  
6 rise above those attacks, I think that Brook  
7 Peters' success, his sensitivity, the way that  
8 he has addressed and approached this issue  
9 really should be commended and highlighted.

10 And I wanted to take a moment on  
11 the floor of the State Senate to commend and  
12 thank Brook for reminding us all of the many  
13 different ways that September 11th still  
14 affects us and the many different ways that we  
15 are all as a community continuing to rise  
16 above it.

17 Thank you, Mr. President.

18 ACTING PRESIDENT MARCELLINO:

19 Thank you, Senator Squadron.

20 All in favor of the resolutions as  
21 read signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT MARCELLINO:

24 Opposed, nay.

25 (No response.)



1                   ACTING PRESIDENT MARCELLINO:     The  
2       resolutions are adopted.

3                   Senator Libous.

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

6                   Senator Hassell-Thompson has a  
7       resolution at the desk. She would like it  
8       please read in its entirety, and I believe she  
9       would like to be called on.

10                  ACTING PRESIDENT MARCELLINO:     The  
11       Secretary will read.

12                  THE SECRETARY:     Legislative  
13       resolution by Senator Hassell-Thompson,  
14       congratulating the 2010-2011 Mount Vernon High  
15       School Boys Basketball Team upon the occasion  
16       of its outstanding season and capturing three  
17       championships.

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

23                  "WHEREAS, Athletic competition  
24       enhances the moral and physical development of  
25       the young people of this state preparing them

1       for the future by instilling in them the value  
2       of teamwork, encouraging a standard of healthy  
3       living, imparting a desire for success, and  
4       developing a sense of fair play and  
5       competition; and

6                "WHEREAS, The 2010-2011 Mount  
7       Vernon High School Boys Basketball Team  
8       compiled an outstanding championship season,  
9       capturing three major New York high school  
10      basketball titles; and

11              "WHEREAS, Emerging victorious as  
12      the 2011 champions of Section I, the 2010-2011  
13      Mount Vernon High School Boys Basketball Team  
14      also triumphed as 2011 New York State Public  
15      High School Athletic Association champions, as  
16      well as the 2011 New York State Federation  
17      champions; and

18              "WHEREAS, The athletic talent  
19      displayed by the 2010-2011 Mount Vernon High  
20      School Boys Basketball Team is due in great  
21      part to the efforts of Head Coach Robert  
22      Cimmino, Assistant Head Coach Brian Pritchett,  
23      and Assistant Coaches Dwayne Murray, Paul  
24      Roland, Patrick Theodule, Yaccov Williams, and  
25      Anthony Pavlacka, skilled and inspirational

1       tutors respected for their ability to develop  
2       potential into excellence; and

3               "WHEREAS, The overall record of the  
4       2010-2011 Mount Vernon High School Boys  
5       Basketball Team was outstanding, and the team  
6       players were loyally and enthusiastically  
7       supported by family, fans, friends and the  
8       community at large; and

9               "WHEREAS, The hallmarks of the  
10       2010-2011 Mount Vernon High School Boys  
11       Basketball Team, from the opening game of the  
12       season to capturing the Section I New York  
13       State Public High School Athletic Association  
14       and New York State Federation championships,  
15       were a brotherhood of athletic ability, of  
16       good sportsmanship, of honor and of  
17       scholarship, demonstrating that these team  
18       players are second to none; and

19              "WHEREAS, Athletically and  
20       academically, the 2010-2011 Mount Vernon High  
21       School Boys Basketball Team members have  
22       proven themselves to be an unbeatable  
23       combination of talents, reflecting favorably  
24       on their school and their community; and

25              "WHEREAS, The coaches and staff of

1 the 2010-2011 Mount Vernon High School Boys  
2 Basketball Team have done a superb job in  
3 guiding, molding, and inspiring the team  
4 members toward their goals; and

5 "WHEREAS, Sports competition  
6 instills the values of teamwork, pride and  
7 accomplishment. The 2010-2011 Mount Vernon  
8 High School Boys Basketball Team's outstanding  
9 athletes have clearly made a contribution to  
10 the spirit of excellence which is a tradition  
11 of their school; now, therefore, be it

12 "RESOLVED, That this Legislative  
13 Body pause in its deliberations to  
14 congratulate the 2010-2011 Mount Vernon High  
15 School Boys Basketball Team, its members --  
16 Isaiah Cousins, Quadere Lovell, Khalid  
17 Samuels, Damani Ashton, Horace Copeland,  
18 Joshua Doughty, Givvion Jones, William  
19 Robinson, Randy Stephens, Jamall Walker, Kenny  
20 Ellis, Adam Malheur, Jamel Knott, Jarrel  
21 Marshall, Yhanni Bartley, Jabarie Hinds -- as  
22 well as Head Coach Robert Cimmino, Assistant  
23 Head Coach Brian Pritchett, Assistant Coaches  
24 Dwayne Murray, Paul Roland, Patrick Theodule,  
25 Yaccov Williams and Anthony Pavlacka, Athletic

1 Trainers Peter Montpellier and Brian Gardener,  
2 Statisticians John Nannariello and Don Munroe,  
3 and Managers Akime Nicholas, Shanika Benjamin,  
4 and Rich Hollis, on their outstanding season  
5 and overall team record and capturing the  
6 Section I New York Public High School Athletic  
7 Association and the New York State Federation  
8 championships; and be it further

9 "RESOLVED, That copies of this  
10 resolution, suitably engrossed, be transmitted  
11 to the members, coaches, and staff of the  
12 2010-2011 Mount Vernon High School Boys  
13 Basketball Team."

14 ACTING PRESIDENT MARCELLINO:  
15 Senator Hassell-Thompson.

16 SENATOR HASSELL-THOMPSON: Thank  
17 you, Mr. President.

18 I rise with pleasure to  
19 congratulate the Mount Vernon Boys Basketball  
20 Team who captured this year's Section I  
21 New York State Public High School Athletic  
22 Association and the New York State federation  
23 championships. I can't that say often enough.

24 This winning team was coached by  
25 head coach, as you heard, Robert Cimmino, who

1 is one of the most highly respected and  
2 successful high school basketball coaches in  
3 the nation. Coach Robert Cimmino was selected  
4 as the head coach of the East Team in the  
5 highly prestigious McDonald's Annual Games,  
6 which features many of the top senior high  
7 school basketball players in the country.  
8 Since 2000, as head coach of the Mount Vernon  
9 High School Basketball Team, Robert Cimmino  
10 has guided his team to 11 Section I  
11 championships, five New York Public High  
12 School Athletic Association championships, and  
13 four New York State Federation Tournament of  
14 Champion titles.

15 I would also like to recognize the  
16 two co-captains of the team, Jabarie Hinds and  
17 Khalid Samuels, the athletic trainers, Peter  
18 Montpellier and Brian Gardener, statisticians  
19 John Nannariello and Don Munroe, and the  
20 managers, Akime Nicholas, Shanika Benjamin and  
21 Rich Hollis.

22 Jabarie Hinds was the recipient of  
23 the prestigious title of "Mr. Basketball for  
24 the State of New York" for the 2010-2011 high  
25 school basketball season. He was also

1       selected as the Most Valuable Player of the  
2       2011 New York State Public High School  
3       Athletic Association Championship Basketball  
4       Tournament. Jabarie Hinds will continue his  
5       education in the fall of 2011 at West Virginia  
6       University, where he is recipient of a  
7       basketball scholarship.

8               Khalid Samuels was selected to the  
9       New York State Public High School Athletic  
10      Association All-Star Team during the 2011  
11      championship. He was also named to the  
12      New York State Federation Tournament of  
13      Champions All-Star Team during the tournament.

14             I'm also pleased to congratulate  
15      the Mount Vernon Boys 800-meter relay team of  
16      Michael Blake, Steven Gayle, Christopher  
17      Winslow and Darien Burnside, and alternates  
18      Kareem Campbell and Darian Livingston, who won  
19      the League, Westchester County, Section I, New  
20      York State and Federation, Eastern States and  
21      National titles. Its 1600-meter relay team  
22      also won League, Westchester County, and  
23      Section I championships.

24             Congratulations.

25             ACTING PRESIDENT MARCELLINO:

1 Thank you, Senator.

2 Anyone else wishing to be heard?

3 Senator Montgomery.

4 SENATOR MONTGOMERY: Yes, thank  
5 you, Mr. President.

6 I rise to congratulate the young  
7 people, and I want to thank my colleague. I  
8 know that she claims them. They certainly are  
9 from her district. And we have someone else  
10 who's sneaked in to also claim these young  
11 people as well, Assemblyman Gary Pretlow.

12 But I also want to say that you  
13 belong to all of us. Whatever your  
14 accomplishments are and will be from now on,  
15 we will claim them as well. We claim you.

16 And I want to say that athletics is  
17 the foundation of all of the success in life.  
18 So you have begun to be successful. The  
19 skills that you have acquired will go with you  
20 throughout your lives. And certainly many of  
21 the people sitting in this room have been  
22 successful athletes starting out as young  
23 people like yourselves.

24 So I applaud you and I wish you the  
25 very, very best. And certainly one day I



1       assume some of you will move from up there  
2       where you are to down here on this floor.  
3       Congratulations.

4               Thank you, Senator  
5       Hassell-Thompson.

6               ACTING PRESIDENT MARCELLINO:  
7       Thank you, Senator.

8               Senator Stewart-Cousins.

9               SENATOR STEWART-COUSINS:     Thank  
10      you, Mr. President.

11              And I just wanted to thank Senator  
12      Hassell-Thompson for not only bringing the  
13      resolution forth but also making sure that you  
14      got here. Because we're hoping that as you  
15      inspire us, we will inspire you.

16              And I certainly couldn't let  
17      Senator Montgomery get away with claiming you,  
18      because -- although it's true, you belong to  
19      all of us. But I represent Yonkers and  
20      Westchester County, and certainly your success  
21      is motivating to your next-door neighbors to  
22      the west.

23              And so again, much congratulations.  
24      Thank you for being excellent. Thank you for  
25      persevering. Thank you for displaying

1 teamwork. Thank you for leading the way again  
2 and again. You are all to be congratulated.

3 ACTING PRESIDENT MARCELLINO:

4 Gentleman and ladies, on behalf of the State  
5 Senate I would just like to congratulate you.  
6 Too often these days we hear about young  
7 people doing the wrong things, going in the  
8 wrong direction. It's a pleasure to hear  
9 about young people who are doing the right  
10 thing -- celebrating their family, celebrating  
11 their community, and making everybody proud.  
12 Keep up the good work.

13 On the resolution, all in favor  
14 signify by saying aye.

15 (Response of "Aye.")

16 ACTING PRESIDENT MARCELLINO: All  
17 opposed, nay.

18 (No response.)

19 ACTING PRESIDENT MARCELLINO: The  
20 ayes have it. The resolution is adopted.

21 Senator Gallivan.

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

24 I believe Senator Hassell-Thompson  
25 has a number of other privileged resolutions

1 at the desk. May we please have their titles  
2 read and move for their immediate adoption.

3 ACTING PRESIDENT MARCELLINO: The  
4 Secretary will read titles only.

5 We're getting a request for  
6 spontaneous applause.

7 (Laughter; applause.)

8 ACTING PRESIDENT MARCELLINO: The  
9 Secretary will read. Spontaneously.

10 (Laughter.)

11 THE SECRETARY: Legislative  
12 resolution by Senator Hassell-Thompson,  
13 congratulating Robert Cimmino, as the Head  
14 Coach of the 2010-2011 Mount Vernon High  
15 School Boys Basketball Team, upon the occasion  
16 of capturing three major New York State  
17 championships.

18 Legislative resolution by Senator  
19 Hassell-Thompson, congratulating Jabarie Hinds  
20 of the 2010-2011 Mount Vernon High School Boys  
21 Basketball Team upon the occasion of his  
22 outstanding athletic accomplishments.

23 Legislative resolution by Senator  
24 Hassell-Thompson, congratulating Khalid  
25 Samuels of the 2010-2011 Mount Vernon High

1 School Boys Basketball Team upon the occasion  
2 of his outstanding athletic accomplishments.

3 Legislative resolution by Senator  
4 Hassell-Thompson, congratulating the Mount  
5 Vernon High School Girls Track Team upon the  
6 occasion of its outstanding 2010-2011 indoor  
7 season.

8 And legislative resolution by  
9 Senator Hassell-Thompson, congratulating the  
10 Mount Vernon High School Boys Track Team upon  
11 the occasion of its outstanding 2010-2011  
12 indoor and outdoor seasons.

13 ACTING PRESIDENT MARCELLINO:  
14 Senator Hassell-Thompson.

15 SENATOR HASSELL-THOMPSON: Thank  
16 you.

17 I had begun to go into my speech on  
18 the Boys Track Team, but I want to double back  
19 and make sure that they have their separate  
20 recognition, as well as our Girls Track Team.

21 And let me just repeat that the  
22 Mount Vernon High School Boys Track Team has  
23 received and achieved success and excellence  
24 in the classroom with 91 percent of its  
25 seniors continuing on with their education.

1       The athletic talent displayed by the 2010-2011  
2       Mount Vernon Boys High School Track Team is  
3       due to the efforts of its head coach, Marcus  
4       Green, a skilled and inspirational mentor  
5       respected for his ability to develop potential  
6       into excellence.

7               The Mount Vernon High School Girls  
8       Track Team captured the Westchester County  
9       Championship. Tanaya Yarde dominated the  
10      300-meter to become the New York State and  
11      Federation champion.

12             In the 2010-2011 indoor season, the  
13      4x200 relay team of Robbi Rogers, Lexus  
14      Harney, Amber Lacey and Tanaya Yarde defended  
15      their 2010 New York State Public High School  
16      Championship and won again in 2011. During  
17      the 2010 indoor season, the Mount Vernon High  
18      School Girls Track Team was the Federation  
19      champion in the 4x100 meter race.

20             The athletic talent displayed by  
21      the 2010-2011 Mount Vernon High School Girls  
22      Track Team is due in part to their head coach,  
23      Walter Hall.

24             Here today are members of the Mount  
25      Vernon Basketball Team and their coaches,

1       mentors, and family members. And from the  
2       Boys and Girls Track Teams, we have Shantay  
3       Beccan, Lexus Harney, Amber Lacey, Robbi  
4       Rogers, Tanaya Yarde, Michael Blake, Darien  
5       Burnside, Kareem Campbell, Steven Gayle,  
6       Darian Livingston, Avery Taylor, Christopher  
7       Winslow, and Coaches Adrian Rosario and  
8       Danielle Giusti.

9                Congratulations also should go to  
10       our new high school principal, Mr. Gonzalez,  
11       who is with us today. And it didn't leave  
12       very many people at home, because everybody  
13       from Mount Vernon wanted to be here today to  
14       be a part of this triumph and to share with  
15       our young people.

16               I see you, Sue, one of our women's  
17       track advisors and tremendous champion, we  
18       have to give her sedation at the games because  
19       she gets so excited. And she's worse than a  
20       mommy when it comes to her support of her team  
21       and her young people.

22               But this is a community feeling  
23       that has been generated tremendously by this  
24       basketball team. And while we talked about  
25       the 91 percent of those who are going to

1 graduate and continue their education, let me  
2 say to you that no one can play on the  
3 basketball team unless they have at least a  
4 3.2 average, and they must keep that average.  
5 So that we are not only building athletes, but  
6 we're also building academic leaders.

7 So I thank all of you for indulging  
8 me today and allowing me the opportunity to  
9 brag on my team, to brag on my coaches. Brian  
10 Pritchett, one of our deputy coaches, just  
11 came back from China with a group of young  
12 men.

13 So we are building leaders in our  
14 community. And I thank you all, as parents  
15 and community people, who came to support our  
16 young men and women today.

17 Thank you, Mr. President.

18 ACTING PRESIDENT MARCELLINO:

19 Thank you, Senator.

20 All in favor of these resolutions  
21 signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT MARCELLINO: All  
24 opposed, nay.

25 (No response.)

1                   ACTING PRESIDENT MARCELLINO:     The  
2       resolutions are adopted.

3                   Now we can have another round of  
4       spontaneous applause.

5                   (Applause.)

6                   ACTING PRESIDENT MARCELLINO:  
7       Senator Gallivan.

8                   SENATOR GALLIVAN:     Thank you,  
9       Mr. President.

10                  May we please take up the  
11       noncontroversial reading of the calendar.

12                  ACTING PRESIDENT MARCELLINO:     The  
13       Secretary will read.

14                  THE SECRETARY:     Calendar Number  
15       12, by Senator Young, Senate Print 783, an act  
16       to amend the Environmental Conservation Law.

17                  ACTING PRESIDENT MARCELLINO:  
18       Read the last section.

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

21                  ACTING PRESIDENT MARCELLINO:  
22       Call the roll.

23                  (The Secretary called the roll.)

24                  THE SECRETARY:     Ayes, 62.

25                  ACTING PRESIDENT MARCELLINO:     The



1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 315, by Senator Lanza, Senate Print 4377, an  
4 act to amend the General City Law.

5 ACTING PRESIDENT MARCELLINO:  
6 Read the last section.

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

9 ACTING PRESIDENT MARCELLINO:  
10 Call the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT MARCELLINO: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 321, by Senator Fuschillo, Senate Print 4071,  
17 an act to amend subdivision 19 of Section 246.

18 ACTING PRESIDENT MARCELLINO:  
19 Read the last section.

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

22 ACTING PRESIDENT MARCELLINO:  
23 Call the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 61. Nays,

1           1. Senator Duane recorded in the negative.

2                    ACTING PRESIDENT MARCELLINO:       The  
3 bill is passed.

4                    THE SECRETARY:       Calendar Number  
5 328, by Senator Gallivan, Senate Print 2787,  
6 an act to amend the Local Finance Law.

7                    ACTING PRESIDENT MARCELLINO:  
8 There is a home-rule message at the desk.

9                    Read the last section.

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

12                    ACTING PRESIDENT MARCELLINO:  
13 Call the roll.

14                    (The Secretary called the roll.)

15                    THE SECRETARY:       Ayes, 62.

16                    ACTING PRESIDENT MARCELLINO:       The  
17 bill is passed.

18                    THE SECRETARY:       Calendar Number  
19 329, by Senator Stewart-Cousins, Senate Print  
20 2982, an act to amend the Local Finance Law.

21                    ACTING PRESIDENT MARCELLINO:  
22 Again, there is a home-rule message at the  
23 desk.

24                    Read the last section.

25                    THE SECRETARY:       Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MARCELLINO:

3 Call the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT MARCELLINO: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 333, by Senator Seward, Senate Print 4426, an  
10 act to amend the Insurance Law.

11 ACTING PRESIDENT MARCELLINO:  
12 Read the last section.

13 THE SECRETARY: Section 8. This  
14 act shall take effect immediately.

15 ACTING PRESIDENT MARCELLINO:  
16 Call the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 59. Nays,  
19 3. Senators Dilan, Duane and Hassell-Thompson  
20 recorded in the negative.

21 ACTING PRESIDENT MARCELLINO: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 360, substituted earlier today by Member of  
25 the Assembly Kolb, Assembly Print Number 5150,

1 an act to amend the Alcoholic Beverage Control  
2 Law.

3 ACTING PRESIDENT MARCELLINO:  
4 Read the last section.

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

7 ACTING PRESIDENT MARCELLINO:  
8 Call the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT MARCELLINO: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 377, by Senator Johnson, Senate Print 4197, an  
15 act to amend the Vehicle and Traffic Law.

16 ACTING PRESIDENT MARCELLINO:  
17 There is a home-rule message at the desk.

18 Read the last section.

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

21 ACTING PRESIDENT MARCELLINO:  
22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MARCELLINO: To  
25 explain his vote, Senator DeFrancisco.

1                   SENATOR DeFRANCISCO:     Yes, I'm  
2     going to vote no.

3                   I remember in high school I read a  
4     book, 1984, by George Orwell. And many of  
5     these bills that have passed so far, I  
6     think -- unless I was absent -- I voted  
7     against every single one of them.

8                   This is just for a hundred  
9     intersections. Pretty soon we'll have cameras  
10    throughout the State of New York, and I'm not  
11    so sure that the law enforcement benefits  
12    outweigh the personal privacy and personal  
13    freedoms issues.

14                  And secondly, I just wanted my high  
15    school teacher to know that I do remember the  
16    book and I remember the principles behind it.

17                  Thank you.

18                  ACTING PRESIDENT MARCELLINO:  
19    Thank you, Senator DeFrancisco.

20                  Announce the results.

21                  THE SECRETARY:     Ayes, 58. Nays,  
22    4. Senators DeFrancisco, LaValle, Ranzenhofer  
23    and Zeldin recorded in the negative.

24                  ACTING PRESIDENT MARCELLINO:     The  
25    bill is passed.

1                   Senator Libous, that completes the  
2     calendar.

3                   SENATOR LIBOUS:       Mr. President, I  
4     believe Senator Breslin has a handup from  
5     Senator Sampson, in consultation with Senator  
6     Skelos.

7                   ACTING PRESIDENT MARCELLINO:       The  
8     handup will be accepted and filed in the  
9     Journal.

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

12                  And I believe Senator  
13     Hassell-Thompson would like to make an  
14     announcement.

15                  ACTING PRESIDENT MARCELLINO:  
16     Senator Hassell-Thompson.

17                  SENATOR HASSELL-THOMPSON:       Thank  
18     you, Mr. President.

19                  There's going to be a reception for  
20     the teams in Room 711. And anyone who would  
21     like to join us is welcome, and certainly to  
22     take photos. And I'd appreciate it.

23                  Thank you.

24                  SENATOR LIBOUS:       Thank you,  
25     Senator.

1                   ACTING PRESIDENT MARCELLINO:

2       Senator Libous.

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

5                   ACTING PRESIDENT MARCELLINO:       The  
6       desk is clear.

7                   SENATOR LIBOUS:       If the desk is  
8       clear at this time, there being no further  
9       business, I move that the Senate adjourn until  
10      Monday, May 9th, at 3:00 p.m., intervening  
11      days being legislative days.

12                  ACTING PRESIDENT MARCELLINO:       On  
13      motion, the Senate will be adjourned until  
14      Monday, May 9th, 3:00 p.m., intervening days  
15      to be legislative days.

16                  (Whereupon, at 12:13 p.m., the  
17      Senate adjourned.)

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