NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:29 a.m.

REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

I ask everyone present to please rise and recite with me the Pledge of Allegiance to our country.

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

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

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

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

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

ACTING PRESIDENT MARCELLINO: Substitution is ordered.

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

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

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

enacting clause: Bills 1019 and 606.

ACTING PRESIDENT MARCELLINO: So ordered.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

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

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

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

Senator Libous.

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

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

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

ACTING PRESIDENT MARCELLINO: Read the next one.

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

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

ACTING PRESIDENT MARCELLINO: All

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolutions are approved.

Senator Libous.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: All opposed, nay.

(No response.)

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: You are welcome.

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

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

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

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

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

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

"WHEREAS, Many healthcare

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

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

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

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

"WHEREAS, This Legislative Body

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

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

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

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

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

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

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

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

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

try to treat this disease.

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

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

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

ACTING PRESIDENT MARCELLINO: Senator Hannon.

SENATOR HANNON: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Excuse me, Senator.

Can we have some quiet in the chamber, please.

Senator Hannon.

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

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

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

information that's being displayed.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Hannon.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

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

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

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

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

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Little.

Senator Savino on the resolution.

SENATOR SAVINO: Thank you, Mr. President.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Savino.

Anyone else wishing to be heard on this resolution?

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

aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolution is approved.

Senator Libous.

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

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

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

ACTING PRESIDENT MARCELLINO: The Secretary will read.

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

ACTING PRESIDENT MARCELLINO: The Secretary will read the resolutions title

only.

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

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

ACTING PRESIDENT MARCELLINO: On the resolutions, Senator Squadron.

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

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

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

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

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

So as all of us approach the tenth

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

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

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Squadron.

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: Opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolutions are adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT MARCELLINO: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

"WHEREAS, The coaches and staff of

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

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

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

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

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

ACTING PRESIDENT MARCELLINO: Senator Hassell-Thompson.

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

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

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

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

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

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

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

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

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

Congratulations.

ACTING PRESIDENT MARCELLINO:

Thank you, Senator.

Anyone else wishing to be heard?

Senator Montgomery.

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

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

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

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

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

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

Thank you, Senator Hassell-Thompson.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Stewart-Cousins.

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

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

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: All opposed, nay.

(No response.)

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

Senator Gallivan.

SENATOR GALLIVAN: Thank you, Mr. President.

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

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

ACTING PRESIDENT MARCELLINO: The Secretary will read titles only.

We're getting a request for spontaneous applause.

(Laughter; applause.)

ACTING PRESIDENT MARCELLINO: The Secretary will read. Spontaneously.

(Laughter.)

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

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

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

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

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

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

ACTING PRESIDENT MARCELLINO: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

All in favor of these resolutions signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MARCELLINO: All opposed, nay.

(No response.)

ACTING PRESIDENT MARCELLINO: The resolutions are adopted.

Now we can have another round of spontaneous applause.

(Applause.)

ACTING PRESIDENT MARCELLINO: Senator Gallivan.

SENATOR GALLIVAN: Thank you, Mr. President.

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

ACTING PRESIDENT MARCELLINO: The Secretary will read.

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

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The

bill is passed.

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

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61. Nays,

1. Senator Duane recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator DeFrancisco.

Announce the results.

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Libous, that completes the calendar.

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

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

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT MARCELLINO: Senator Hassell-Thompson.

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

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

Thank you.

SENATOR LIBOUS: Thank you, Senator.

ACTING PRESIDENT MARCELLINO: Senator Libous.

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

ACTING PRESIDENT MARCELLINO: The desk is clear.

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

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

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