

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 11, 2011

11 11:15 a.m.

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13  
14 REGULAR SESSION

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18 SENATOR JOSEPH E. ROBACH, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT ROBACH: The  
14 reading of the Journal.

15 The Secretary will read.

16 THE SECRETARY: In Senate,  
17 Tuesday, May 10th, the Senate met pursuant to  
18 adjournment. The Journal of Monday, May 9th,  
19 was read and approved. On motion, Senate  
20 adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1                   The Secretary will read.

2                   THE SECRETARY:     On page 38,  
3           Senator Marcellino moves to discharge, from  
4           the Committee on Investigations and Government  
5           Operations, Assembly Bill Number 6856A and  
6           substitute it for the identical Senate Bill  
7           Number 4493, Third Reading Calendar 493.

8                   ACTING PRESIDENT ROBACH:  
9           Substitution ordered.

10                  THE SECRETARY:     On page 43,  
11           Senator Martins moves to discharge, from the  
12           Committee on Local Government, Assembly Bill  
13           Number 6461B and substitute it for the  
14           identical Senate Bill Number 4647A, Third  
15           Reading Calendar 542.

16                  ACTING PRESIDENT ROBACH:  
17           Substitution ordered.

18                  THE SECRETARY:     And on page 44,  
19           Senator McDonald moves to discharge, from the  
20           Committee on Mental Health and Developmental  
21           Disabilities, Assembly Bill Number 6840 and  
22           substitute it for the identical Senate Bill  
23           Number 4467, Third Reading Calendar 549.

24                  ACTING PRESIDENT ROBACH:  
25           Substitution ordered.

1 Messages from the Governor.  
2 Reports of standing committees.  
3 Reports of select committees.  
4 Communications and reports from  
5 state officers.

6 Motions and resolutions.

7 Senator Libous.

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

10 Mr. President, on behalf of Senator  
11 Saland, I wish to call up his bill, Print  
12 Number 4244, recalled from the Assembly, which  
13 is now at the desk, please.

14 ACTING PRESIDENT ROBACH: The  
15 Secretary will read.

16 THE SECRETARY: Calendar Number  
17 292, by Senator Saland, Senate Print 4244, an  
18 act to amend the Criminal Procedure Law.

19 SENATOR LIBOUS: Mr. President, I  
20 now move to reconsider the vote by which this  
21 bill was passed.

22 ACTING PRESIDENT ROBACH: The  
23 Secretary will call the roll on  
24 reconsideration.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 51.

2 SENATOR LIBOUS: Mr. President, I  
3 now offer up the following amendments.

4 ACTING PRESIDENT ROBACH: The  
5 amendments are received and adopted.

6 SENATOR LIBOUS: Mr. President,  
7 on behalf of Senator Bonacic, on page 16 I  
8 offer the following amendments to Calendar  
9 Number 166, Senate Print 3759, and ask that  
10 said bill retain its place on the Third  
11 Reading Calendar.

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

16 SENATOR LIBOUS: Mr. President, I  
17 believe at this time you should call on  
18 Senator Breslin.

19 ACTING PRESIDENT ROBACH: Senator  
20 Breslin.

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

23 On behalf of Senator Espaillat, I  
24 wish to call up Senate Print Number 3114,  
25 recalled from the Assembly, which is now at

1 the desk.

2 ACTING PRESIDENT ROBACH: The  
3 Secretary will read.

4 THE SECRETARY: Calendar Number  
5 195, by Senator Espaillat, Senate Print 3114,  
6 an act to amend the Public Housing Law.

7 SENATOR BRESLIN: Mr. President,  
8 I now move to reconsider the vote by which  
9 this bill was passed.

10 ACTING PRESIDENT ROBACH: Call  
11 the roll on reconsideration.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 51.

14 SENATOR BRESLIN: Mr. President,  
15 I now offer the following amendments.

16 ACTING PRESIDENT ROBACH: The  
17 amendments are received and adopted.

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

20 ACTING PRESIDENT ROBACH: Thank  
21 you, Senator Breslin.

22 Senator Libous.

23 SENATOR LIBOUS: Mr. President,  
24 thank you.

25 Mr. President, at this time I

1 believe there's a privileged resolution at the  
2 desk by Senator Breslin. Could you read the  
3 title and then call on Senator Breslin.

4 ACTING PRESIDENT ROBACH: The  
5 Secretary will read.

6 THE SECRETARY: Legislative  
7 resolution by Senator Breslin, honoring the  
8 College of St. Rose Women's Soccer Team upon  
9 the occasion of its outstanding 2010 season.

10 ACTING PRESIDENT ROBACH: Senator  
11 Breslin.

12 SENATOR BRESLIN: Thank you,  
13 Mr. President.

14 It's now becoming a habit to single  
15 out the St. Rose Division II Soccer Team, who  
16 were ranked last year Number 3 in the country.  
17 They finished the season with a 23-1-1 record  
18 with 17 shutouts. And they have now 10  
19 consecutive years, as a team, of being  
20 Academic All-Americans. And last year they  
21 were also undefeated during their regular  
22 season.

23 And we're honored to have with us  
24 today the athletic director of St. Rose, Cathy  
25 Haker; the Assistant Coach, Kailey Egbert; and

1        players Aoife Herbert, Molly Harpster, Kim  
2        Morton and Brittany Godin.

3                So it's such an honor to have you  
4        here. You've begun a tradition that will  
5        continue on and continue on and continue on.  
6        And this Capital District community is very,  
7        very proud of St. Rose and in particular this  
8        women's soccer team. Congratulations.

9                ACTING PRESIDENT ROBACH:     Thank  
10       you, Senator Breslin.

11                Senator Farley on the resolution.

12                SENATOR FARLEY:     I also rise to  
13       support this. St. Rose is a magnificent  
14       college. My wife a graduate of it, and my  
15       daughter is also a graduate of St. Rose, a  
16       college that I not only support but am very,  
17       very close to, having gotten my wife from  
18       there.

19                (Laughter.)

20                SENATOR FARLEY:     But you know, I  
21       do congratulate, I do congratulate the  
22       outstanding accomplishments of the women's  
23       athletics, particularly at St. Rose -- and the  
24       men's athletics -- because the college has  
25       grown so much and been such a part of the



1 Capital District.

2 We're very, very proud of you and  
3 very proud of all that you've accomplished.  
4 Best wishes.

5 ACTING PRESIDENT ROBACH: The  
6 question is on the resolution. All those in  
7 favor signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT ROBACH: Those  
10 opposed, nay.

11 (No response.)

12 ACTING PRESIDENT ROBACH: The  
13 resolution is adopted.

14 And let me, on behalf of everyone,  
15 congratulate these great young student  
16 athletes from St. Rose on all their  
17 accomplishments.

18 (Applause.)

19 ACTING PRESIDENT ROBACH: Senator  
20 LaValle.

21 SENATOR LaVALLE: Mr. President,  
22 there's a privileged resolution at the desk by  
23 Senator Saland. May we please have the title  
24 read and move for its immediate adoption.

25 ACTING PRESIDENT ROBACH: The

1 Secretary will read.

2 THE SECRETARY: Legislative  
3 resolution by Senator Saland, honoring Denise  
4 VanBuren upon the occasion of her designation  
5 as recipient of the Meritorious Award by the  
6 Exchange Club of Southern Dutchess.

7 ACTING PRESIDENT ROBACH: The  
8 question is on the resolution. All those in  
9 favor signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT ROBACH:  
12 Opposed, nay.

13 (No response.)

14 ACTING PRESIDENT ROBACH: The  
15 resolution is adopted.

16 Senator LaValle.

17 SENATOR LaVALLE: Mr. President,  
18 may we please take up the noncontroversial  
19 reading of the calendar.

20 ACTING PRESIDENT ROBACH: The  
21 Secretary will read.

22 THE SECRETARY: Calendar Number  
23 475, by Senator Oppenheimer, Senate Print  
24 3796, an act to amend the Tax Law.

25 SENATOR SERRANO: Lay it aside

1       for the day, please.

2                ACTING PRESIDENT ROBACH:       The  
3       bill is laid aside for the day.

4                THE SECRETARY:       Calendar Number  
5       493, substituted earlier today by Member of  
6       the Assembly Englebright, Assembly Print  
7       Number 6856A, an act to amend Chapter 704 of  
8       the Laws of 1991.

9                ACTING PRESIDENT ROBACH:       Read  
10       the last section.

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

13               ACTING PRESIDENT ROBACH:       Call  
14       the roll.

15                (The Secretary called the roll.)

16               THE SECRETARY:       Ayes, 57.

17               ACTING PRESIDENT ROBACH:       The  
18       bill is passed.

19               THE SECRETARY:       Calendar Number  
20       537, by Senator Grisanti, Senate Print 3916,  
21       an act to amend Chapter 492 of the Laws of  
22       1993.

23               ACTING PRESIDENT ROBACH:       Read  
24       the last section.

25               THE SECRETARY:       Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT ROBACH: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT ROBACH: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 538, by Senator Ranzenhofer, Senate Print  
10 4120, an act to amend Chapter 629 of the Laws  
11 of 2005.

12 ACTING PRESIDENT ROBACH: Read  
13 the last section.

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

16 ACTING PRESIDENT ROBACH: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT ROBACH: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 542, substituted earlier today by Member of  
24 the Assembly Weisenberg, Assembly Print Number  
25 6461B, an act to amend the Real Property Tax

1 Law.

2 ACTING PRESIDENT ROBACH: Read  
3 the last section.

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

6 ACTING PRESIDENT ROBACH: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57.

10 ACTING PRESIDENT ROBACH: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 543, by Senator Lanza, Senate Print 4807, an  
14 act to amend Chapter 759 of the Laws of 1973.

15 ACTING PRESIDENT ROBACH: Read  
16 the last section.

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

19 ACTING PRESIDENT ROBACH: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT ROBACH: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1       545, by Senator LaValle, Senate Print 3907, an  
2       act to amend Chapter 84 of the Laws of 2002.

3                ACTING PRESIDENT ROBACH:     Read  
4       the last section.

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

7                ACTING PRESIDENT ROBACH:     Call  
8       the roll.

9                (The Secretary called the roll.)

10               THE SECRETARY:     Ayes, 57.

11               ACTING PRESIDENT ROBACH:     The  
12       bill is passed.

13               THE SECRETARY:     Calendar Number  
14       546, by Senator DeFrancisco, Senate Print  
15       4308, an act to amend the Business Corporation  
16       Law.

17               ACTING PRESIDENT ROBACH:     Read  
18       the last section.

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

21               ACTING PRESIDENT ROBACH:     Call  
22       the roll.

23               (The Secretary called the roll.)

24               THE SECRETARY:     Ayes, 57.

25               ACTING PRESIDENT ROBACH:     The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 548, by Senator Nozzolio, Senate Print 4544,  
4 an act to amend the Not-for-Profit Corporation  
5 Law.

6 ACTING PRESIDENT ROBACH: Read  
7 the last section.

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

10 ACTING PRESIDENT ROBACH: Call  
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT ROBACH: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 549, substituted earlier today by Member of  
18 the Assembly Rodriguez, Assembly Print Number  
19 6840, an act to amend the Mental Hygiene Law.

20 ACTING PRESIDENT ROBACH: Read  
21 the last section.

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

24 ACTING PRESIDENT ROBACH: Call  
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT ROBACH: The  
4 bill is passed.

5 Senator LaValle.

6 SENATOR LaVALLE: Mr. President,  
7 I think we're waiting for something to come to  
8 the desk, and we'll just take a brief moment.

9 ACTING PRESIDENT ROBACH: The  
10 Senate will momentarily stand at ease.

11 (Whereupon, the Senate stood at  
12 ease at 11:26 a.m.)

13 (Whereupon, the Senate reconvened  
14 at 11:27 a.m.)

15 ACTING PRESIDENT ROBACH: Senator  
16 LaValle, we have a motion at the desk. Can we  
17 return to motions.

18 SENATOR LaVALLE: We have  
19 returned to motions. Thank you,  
20 Mr. President.

21 On page 34 I offer the following  
22 amendments to Calendar Number 456, Senate  
23 Print Number 3803, and ask that said bill  
24 retain its place on the Third Reading  
25 Calendar.



1                   ACTING PRESIDENT ROBACH:     The  
2       amendments are received and adopted.

3                   Senator LaValle.

4                   SENATOR LaVALLE:     Mr. President,  
5       is there any other business at the desk?

6                   ACTING PRESIDENT ROBACH:     There  
7       is none, Senator LaValle.

8                   SENATOR LaVALLE:     There being no  
9       further business before the Senate, I move  
10      that we adjourn until Monday, May 16th, at  
11      3:00 p.m., intervening days being legislative  
12      days.

13                  ACTING PRESIDENT ROBACH:     On  
14      motion, the Senate stands adjourned until  
15      Monday, May 16th, at 3:00 p.m., intervening  
16      days being legislative days.

17                  (Whereupon, at 11:28 a.m., the  
18      Senate adjourned.)

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