NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 11, 2011

11:15 a.m.

REGULAR SESSION

SENATOR JOSEPH E. ROBACH, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT ROBACH: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT ROBACH: The reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

ACTING PRESIDENT ROBACH: Substitution ordered.

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

ACTING PRESIDENT ROBACH: Substitution ordered.

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

ACTING PRESIDENT ROBACH: Substitution ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

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

ACTING PRESIDENT ROBACH: The amendments are received and adopted.

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

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

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

ACTING PRESIDENT ROBACH: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

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

the desk.

ACTING PRESIDENT ROBACH: The Secretary will read.

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

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

ACTING PRESIDENT ROBACH: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

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

ACTING PRESIDENT ROBACH: The amendments are received and adopted.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Breslin.

Senator Libous.

SENATOR LIBOUS: Mr. President, thank you.

Mr. President, at this time I

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

ACTING PRESIDENT ROBACH: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

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

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

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

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

ACTING PRESIDENT ROBACH: Thank you, Senator Breslin.

Senator Farley on the resolution.

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

(Laughter.)

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

Capital District.

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

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Those opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

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

(Applause.)

ACTING PRESIDENT ROBACH: Senator LaValle.

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

ACTING PRESIDENT ROBACH: The

Secretary will read.

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

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator LaValle.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

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

SENATOR SERRANO: Lay it aside

for the day, please.

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

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

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

Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The

bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

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

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT ROBACH: The bill is passed.

Senator LaValle.

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

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

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

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

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

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

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

ACTING PRESIDENT ROBACH: The amendments are received and adopted.

Senator LaValle.

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

ACTING PRESIDENT ROBACH: There is none, Senator LaValle.

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

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

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