NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 17, 2011

3:18 p.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 all present to please rise and 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: In Senate, Monday, May 16th, the Senate met pursuant to adjournment. The Journal of Sunday, May 15th, 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 28, Senator Gallivan moves to discharge, from the Committee

on Children and Families, Assembly Bill Number 55A and substitute it for the identical Senate Bill Number 2551A, Third Reading Calendar 403.

On page 44, Senator Ranzenhofer moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 3798 and substitute it for the identical Senate Bill Number 4485, Third Reading Calendar Number 587.

ACTING PRESIDENT ROBACH: Substitutions 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. At this time could we please adopt the Resolution Calendar, with the exception of Resolution Numbers 1797, 1813, and 1874.

ACTING PRESIDENT ROBACH: All in favor of adopting the Resolution Calendar, with the exceptions of Resolutions 1797, 1813, and 1874, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Any opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time Senator Griffo has Resolution Number 1076, which was previously adopted. Could we please have it read in its entirety and then if you could please call on Senator Griffo.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 1076, by Senator Griffo, congratulating the 2010-2011 New York Mills High School Boys' Varsity Basketball Team upon the occasion of capturing the New York State Public High School Athletic Association Class D Championship.

"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, On Saturday, March 19, 2011, the Marauders of New York Mills High School captured the New York State Public High School Athletic Association Class D Boys' Basketball Championship by defeating Coleman Catholic of Section IX 47-42 at the Glens Falls Civic Center to win their second state championship in school history; and

"WHEREAS, The New York Mills Marauders advanced to the finals of the New York State Basketball Championship with a 59-55 win over Chateaugay of Section X in the state semifinals; and

"WHEREAS, One of the most successful

basketball programs in Central New York, the New York Mills Marauders compiled an outstanding 24-0 record during the 2010-2011 season. In addition to winning the New York State title, the Marauders won their third consecutive Center State Conference Championship and third consecutive Section III Class D championship; and

"WHEREAS, Leading into the championship game, the Marauders had won 55 of their last 57 games. Their only losses during this amazing streak were to the 2009 and 2010 state champions; and

"WHEREAS, During the season, Senior Co-Captain Fred Russ scored his 1,000th point and Coach Adey recorded his 450th career coaching victory. In his 13 seasons as New York Mills' head coach, his record is an outstanding 238-59, and over his 30-year coaching career his record is 462-156; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the efforts of Head Coach Mike Adey and his talented assistant coaches, Brian Adey, Charlie Ferguson, Mike Keating and John Stevener, skilled and inspirational mentors respected for their

ability to develop potential into excellence; and

"WHEREAS, The 2010-2011 New York Mills High School Boys' Basketball Team's overall record is outstanding, and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

"WHEREAS, The hallmarks of the 2010-2011 New York Mills High School Boys' Basketball Team, from the opening game of the season to its participation in league play and in the New York State Public High School Athletic Association championship tournaments, 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 team members have proven themselves to be an unbeatable combination of talents reflecting favorably on their school and community; and

"WHEREAS, Sports competition instills the values of teamwork, pride and accomplishment, Head Coach Mike Adey, his coaching staff, and the 2010-2011 New York Mills

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 New York Mills High School Boys' Basketball Team, its members -- Jonathan Ross, Shane Joswick, James Fellone, Nicholas Etienne, Addison Wolanin, Jacob Kehrli, Richard Matrassi, Cody Mariotti, Justin Stevener, Matthew Welch, Co-Captain Jeffrey Albright and Co-Captain Fred Russ -- as well as Head Manager Cameron Jennings, Assistant Managers George Albert, Nathan Hartman, Casey Rice, and Joe Topa, Head Coach Mike Adey, and Assistant Coaches Brian Adey, Charlie Ferguson, Mike Keating and John Stevener, on their New York State Public High School Athletic Association Class D Boys' Basketball Championship, their League and Section III championships, and their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members and coaching staff of the 2010-2011

New York Mills High School Boys' Basketball Team."

ACTING PRESIDENT ROBACH: Senator Griffo on the resolution.

SENATOR GRIFFO: Thank you, Mr. President.

I think the resolution really gave all the statistics, and they are quite impressive statistics. And I want to thank all of the young men and the family members who have joined them today -- Superintendent Houghton and the athletic director, I think Andrea is up there too -- for being here in the chamber here today.

This is quite an accomplishment. In fact, Senator Little, who represents the Glens Falls area, had an opportunity to see you. I didn't get that same opportunity because I didn't get to a game this year and Coach Adey is superstitious. So I made sure that we listened.

(Laughter.)

SENATOR GRIFFO: And what an impressive run they had, as you saw what took place throughout the season, as you read and heard the statistics of what this team accomplished. Twenty-four and 0 is quite

impressive. And to be at this particular place at Glens Falls two years in a row, for a small school, shows the great athletic talent that they have assembled there.

But more importantly, I think -- or equally as important, I should say, is the way these young men handled themselves throughout this season. I think that they really have been able to achieve great things that they will remember throughout their entire lives. Great lessons have been learned. There will be fond memories of this championship season and the time that they have spent at New York Mills.

But it's the type of learning environment that has been nurtured by their coaches and by the administration in that school that has enabled them not only to be excellent athletes who can compete and compete so successfully, but also that they are going to be positioned to do extraordinary things in their life. So the lessons they have learned -- the character, the determination, the competitive spirit, the resolve to do good things -- will stay with them throughout their lives.

And I want to specifically thank

Coach Adey, Coach Mike Adey, who I've known for a long time. In fact, he had black hair when I first met him, I think. And he is such an extraordinary individual. And you heard some of the things in the resolution today also talk about his history. This is a Hall of Fame coach.

But he is just a remarkable influence on these young men. He is an individual of integrity and character, a great instructor, also an educator. And he has really done so much to mold this team, to bring them together to be a team. And I think a lot of the success is attributed to him.

And as proud as he is of all of you, I know he's equally as proud of all his coaches, but particularly one coach who is his son, Brian Adey, who is also my director of operations, a fellow Senate employee of all of ours. And he does a great job each and every day for me, and I know he did an extraordinary job in helping to contribute to the championship season that you all were able to celebrate this year.

And to beat Coleman Catholic -- I'll tell you, that is a great thing. Because the

Secretary of the Senate here, Frank Patience, he is an alumni of Coleman Catholic. Is that true? I believe he is. So they beat them on St. Joseph's Day, Frank; I want you to know that too.

So it was a great day in the school's history, but I think it's an important day in the lives of each and every one of these young men.

So I want to thank the administration, the coaches, the parents for what they gave to these young men in their rearing, because that is so important that you built young men of character and integrity who will do great things.

And to all of you, congratulations on a great accomplishment, as I said, that I believe that you will take with you throughout your entire life. But equally as important, everything that you associated with, everything that developed during this time period you will carry with you to make you a great success in your future. So we look to hear many great things from all of you.

So congratulations. And I sincerely

appreciate you being here today. And we're proud to recognize you.

I present to you the New York State championship team, New York Mills Marauders.

You want to stand, please?

(Standing ovation.)

SENATOR GRIFFO: Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Griffo.

Senator Libous on the resolution.

SENATOR LIBOUS: Thank you, Mr. President.

I want to join my colleague Senator Griffo in congratulating this outstanding team. And certainly their accomplishments speak for themselves. I mean, just what you heard in the resolution is pretty remarkable. And my hat is off certainly to the players and to the coaches and to the school district for this outstanding achievement.

But I also want to stand to recognize someone who I happen to know on the team, and that's my nephew, Richie Matrassi. So, Senator Griffo, make sure that they all get in --

Richie, there you go, buddy. All right. He's not shy, by the way. It runs in the family; we're not shy.

But anyway, to the entire team, seriously, your accomplishments are incredible. What you've done on the athletic field and I'm sure what you do in the classroom is something that everybody in this chamber is very proud of.

So Senator Griffo, thank you for bringing these champions here. I'm only jealous that they're not from Broome County -- but maybe next time.

ACTING PRESIDENT ROBACH: Thank you, Senator Libous.

Senator Seward on the resolution.

SENATOR SEWARD: Yes, thank you, Mr. President. Very briefly.

I do not have any relative on the team --

(Laughter.)

SENATOR SEWARD: -- but in representing a neighboring Senate district and an avid watcher of Channel 2 Utica and, what is it, Sports Express every weekend, I followed the victorious season of this New York Mills

Marauders team this past winter.

And I just wanted to stand and say it's an honor and pleasure to have you in the chamber today. You're true champions both on and off the court. I'm delighted to join your Senator, Senator Griffo, in congratulating you. And I'm very, very pleased to support this resolution.

And I heard so much about you and watched you on television, and it's a great honor to see you personally. Congratulations.

ACTING PRESIDENT ROBACH: Thank you, Senator Seward.

Is there any other Senator wishing to be heard?

This resolution was previously adopted on March 29th.

But on behalf of all the Senators, let us applaud you on your victory, welcome you here to the chamber, and extend to you the courtesies of the house. Job well done.

(Applause.)

ACTING PRESIDENT ROBACH: Senator Libous.

SENATOR LIBOUS: Thank you,

Mr. President.

At this time I believe Senator Savino has Resolution Number 1813 at the desk. May we please have it read in its entirety, and could you please call on Senator Savino.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 1813, by Senator Savino, welcoming the Staten Island Girl Scouts upon the occasion of their visit to Albany, New York, on Tuesday, May 17, 2011.

"WHEREAS, It is the sense of this Legislative Body to act in accord with its long-standing traditions, honoring the youth of today, and leaders of tomorrow, whose character and achievements exemplify the ideals and values cherished by this great state and nation; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to welcome the Staten Island Girl Scouts upon the occasion of their visit to Albany, New York, on Tuesday, May 17, 2011; and

"WHEREAS, This auspicious visit is

part of their biannual trip to the Capitol of this great Empire State and will include a visit to the State Museum, a meet-and-greet with members of the Legislature from Staten Island, a pizza party, and a grand tour of the Capitol; and

"WHEREAS, The Staten Island Girl Scouts visiting this year are Alexa Ruberti, Alyssa LaRocca, Amanda Casella, Andrea LaPointe, Autumn Montanez, Brianna Benjamin, Brianna Valente, Brigid Fegeley, Caitlin Derbyshire, Christina Ramos, Christina Tenteromano, Christine Moog, Danielle Crespo, Danielle Struthers, Deanna Assad, Elain Minew, Francesa Lamberti, Jennifer Orlando, Julia Dalessio, Kaycee Barris, Laine Cialdella, Milena Battaglia, Olivia DeVoti, Rachel Cook, Rebecca Holzer, Rebecca Renzetti, Samantha Bergen, Samantha Brandt, Samantha Ciprut, Shruti Sharma, Stephanie Bergen, Stephanie Campitiello, Taylor Burgio, Theresa Figueroa, Toniann Lehmann, Tyler Ramos, and Victoria Gonzalez. The chaperones include Christine Battaglia, Aimee Bergen, Connie Dalessio, Joann Paradiso, Michele Lamberti, Susan Hogan, and Joann Ventriglia; and

"WHEREAS, Girl Scouting in the

United States of America, which will celebrate its 100th anniversary next year, began on March 12, 1912, when Juliette 'Daisy' Gordon Low organized the first Girl Scout troop meeting of 18 girls in Savannah, Georgia. Since then, it has grown to 3.7 million members worldwide; and

"WHEREAS, Girl Scouting has cultivated in our nation's young people the goals of building solid values of sisterhood and the importance of working with others, stimulating both mind and body, instilling pride, and encouraging community service and success; and

"WHEREAS, Girl Scouting has expanded the horizons of the countless hundreds of thousands who have participated in scouting programs which have made scouting an American and international institution; and

"WHEREAS, This Legislative Body is pleased to recognize the Staten Island Girl Scouts and to wish them a future of purposeful success and well-being; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to welcome the Staten Island Girl Scouts upon the occasion of their visit to Albany, New York, on Tuesday,

May 17, 2011; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Staten Island Girl Scouts."

ACTING PRESIDENT ROBACH: Before we go to Senator Savino, could we just ask colleagues to take the conversations outside and get a little order in the chamber. Thank you.

Senator Savino on the resolution.

SENATOR SAVINO: Thank you, Mr. President.

It is my distinct pleasure to once again host the Staten Island Girl Scouts Troop here in Albany. This is the third time that I've had the opportunity to do that, along with the Staten Island delegation -- Senator Lanza, who I'm sure will be here any moment, and the Assembly delegation. We have a new member this year, Assemblywoman Nicole Malliotakis, along with Assemblyman Matthew Titone, Assemblyman Lou Tobacco, and Assemblyman Michael Cusick.

Everybody has wonderful Girl Scouts in their communities, but we like to think that our Girl Scouts from Staten Island are particularly impressive, and we're always happy

to have them here with us. And their troop leaders: Christine Battaglia, who is really a tremendous mentor and a role model to these young girls, along with the other chaperones who have been mentioned -- Aimee Bergen, Connie Dalessio, Joann Paradiso, Michele Lamberti, Susan Hogan, and Joan Ventriglia.

This is the third time the Girl Scouts have come to visit us from Staten Island, and it's particularly important this year as the Girl Scouts International begins to celebrate their hundredth anniversary. One hundred years ago in March, Juliette Gordon Low organized the first Girl Scouts troop, in March 1912, in Savannah, Georgia.

Many of the women in this Legislature that have served have been Girl Scouts. I am not one of them, I've shared that with them, although they did make me an honorary Girl Scout.

These young ladies truly reflect the Girl Scout mission and motto, which is that Girl Scouting builds girls of courage, confidence, and character who make the world a better place. And like some of the most famous Girl Scouts that

have come before them, I know they're going to accomplish great things. Like Geraldine Ferraro, like Hillary Clinton, like Sandra Day O'Connor, like astronauts Christa McAuliffe and Sally Ride, like Madeleine Albright, like Barbara Walters. And also some pretty hip ones, like Mariah Carey and Sheryl Crow and Natalie Merchant and Venus Williams.

These young ladies here will be able to accomplish anything they want, and a lot of it will be built on the foundation of the Girl Scouts.

So welcome to Albany. Again, congratulations for everything you've accomplished and what you're going to do going forward. And I know that everyone here wishes you nothing but success in your future endeavors.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you, Senator Savino.

Are there any other Senators wishing to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Any opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Young ladies, it's great to have you here. We hope you enjoy your visit. And thank you for all the good things you're doing in Scouts.

(Applause.)

ACTING PRESIDENT ROBACH: Senator Libous.

SENATOR LIBOUS: Mr. President, at this time could I have unanimous consent from the body for Senator Oppenheimer to make a brief statement.

ACTING PRESIDENT ROBACH: Without objection.

SENATOR LIBOUS: Thank you, Mr. President. Would you call on Senator Oppenheimer.

ACTING PRESIDENT ROBACH: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you.

And thank you, Senator Libous.

This was an unexpected surprise, but I am very, very delighted and honored to be able to introduce two very wonderful young ladies. They're sitting in that corner. Come on, girls, stand up. Okay. As you can see, they're gorgeous.

We have Miss Westchester, that's Christina DeLeon, and she's a student teacher in Yonkers. She's going to graduate, would you believe summa cum laude, from SUNY Old Westbury in just a few weeks, and then she's going on to get her master's in special education at Mercy College this fall. Here is a woman who is going to make I think waves. We are going to see a lot, we expect a lot from Tina. That's what she calls herself.

Tina, we congratulate you on your great plans for the future, and good luck in the process you're in right now.

And right next to her is Samantha Gold, otherwise known as Sam, who is Miss Westchester Teen. And Sam is a senior at Byram Hills High School, and she's preparing to do an internship with the Westchester County Police

Academy. And she plans to study criminal justice when she gets to college.

And these young women, they represent all that is good about Westchester's youth and about the youth of our state. They are not only gorgeous, as we can see, but they are intelligent and articulate and compassionate and they're just charming and a whole lot of fun to be with.

And I thank you so much, girls, for coming up and joining us today in the Senate.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Thank you. Thank you, Senator Oppenheimer.

We welcome these extraordinary young women to the chamber. Hope you enjoy your day here in Albany, and keep up the great work. Thanks.

(Applause.)

ACTING PRESIDENT ROBACH: Senator Libous.

SENATOR LIBOUS: Mr. President, at this time there will be an immediate meeting of the Finance Committee in Room 332. That's an immediate meeting of the Finance Committee in

Room 332. The Senate will temporarily stand at ease.

ACTING PRESIDENT ROBACH: Immediate meeting of the Finance Committee in Room 332, and the Senate will stand at ease temporarily.

(Whereupon, the Senate stood at ease at 3:42 p.m.)

(Whereupon, the Senate reconvened at 4:08 p.m.)

ACTING PRESIDENT ROBACH: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we return to reports of standing committees.

ACTING PRESIDENT ROBACH: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator DeFrancisco, from the Committee on Finance, offers the following nomination.

As commissioner of the New York State Department of Motor Vehicles, Barbara Fiala.

ACTING PRESIDENT ROBACH: Senator DeFrancisco on the nomination.

SENATOR DEFRANCISCO: I would move the nomination of Barbara Fiala as the commissioner of the New York State Department of Motor Vehicles, and request that you recognize Senator Libous to second the nomination.

ACTING PRESIDENT ROBACH: Senator Libous to second the nomination.

SENATOR LIBOUS: Thank you, Mr. President. Thank you, Senator DeFrancisco.

Mr. President and my colleagues, it is indeed an honor for me to stand before you today and talk about the nominee who's before us. The Governor, Governor Cuomo, has done an outstanding job in picking someone who will be a great commissioner of the office of DMV, who understands the issues as an employee of that office, as the director of that office, and then one who went on in her career to be a very successful county executive in the County of Broome.

As I mentioned in the Finance Committee, Barbara, I'm going to miss you as county executive. As a matter of fact, I got

along better with you than I did with Republican county executives, and we got a lot done together.

And certainly that's the kind of cooperation that Barbara will show with all of us and certainly the people of New York State. She has an outstanding career. I think she said that this is your 31st year? -- 30th year of public service. And that goes back, as I said, to the office of Department of Motor Vehicles.

As far as her dedication, her commitment, her passion, as head of the department of Motor Vehicles and certainly as the county clerk and certainly as our county executive, she has the passion for the job and she gets what's important. And what's important is serving the people of New York State.

And unfortunately, not all of the commissioners or those who have served over the years as commissioners understood that when they got the job. I know you understand that, because I've seen you perform, I've seen you in action.

And, Mr. President, this is a good day. The people of Broome County are very, very proud of her accomplishments and what she has

done. I know that she has family members and friends here today that are extremely proud of her, as I am.

So, Mr. President, it is a pleasure and honor to second the nomination of Barbara Fiala as the commissioner of DMV.

ACTING PRESIDENT ROBACH: Thank you, Senator Libous.

Senator Fuschillo.

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

I follow on the heels of my colleague Senator Tom Libous, who even before Barbara Fiala came to the Transportation Committee, Barbara, I felt like I knew you because Tom Libous didn't stop talking about you, in a very positive way.

And I think in the Finance Committee you said tomorrow is your 30th anniversary when you became the supervisor of DMV in your hometown.

Mr. President, this is -- as Tom Libous said in the Finance Committee, we've complimented the Governor on previous nominations, but this one is outstanding. Her

record of public and community service is second to none.

And I know, based on her comments in the Transportation Committee, where she was approved unanimously to come and serve as the commissioner of DMV and get to this point, she will do an outstanding job.

DMV has come a long way. And I remember as a kid going to Privado Road where it used to be in Westbury and packing my lunch and sitting there waiting to just get a renewal of a driver's license. But it still needs to come further. And public and community service really is the basis of getting individuals in and out.

And I know that Commissioner Fiala will serve the residents of State of New York with great distinction and pride. I proudly second the nomination.

ACTING PRESIDENT ROBACH: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

Barbara, as a fellow upstater, I commend the Governor for just an outstanding choice. When you talk to people across the

upstate area, you hear words like "professional," "honest," "decent," "bright," "consummate person to work together." That's Barbara Fiala.

And I've talked to my much older brother Michael, who's a fellow county executive, and he echoes those comments, that when you want something done you pick Barbara Fiala. And the Governor has done it with Motor Vehicles.

I commend him, and I commend you for taking on those responsibilities. You'll do a wonderful job. Congratulations.

ACTING PRESIDENT ROBACH: Thank you, Senator Breslin.

Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President. I also want to congratulate the Governor on a very excellent choice.

As a former county executive, I had an opportunity to work with Barbara when she was county executive of Broome and I was county executive of Oneida. She had great respect across the state from other county executives, and she did an extraordinary job during that tenure.

Just getting along with Senator

Libous had to be huge. So that is a significant accomplishment.

(Laughter.)

SENATOR GRIFFO: But many in the counties during that time always looked to Barbara for her creative ideas and solutions. And I know she talked today about customer service and the importance of serving the people of this state and the people of the community that she has had the opportunity to represent throughout her tenure.

So today I just want to add my voice to congratulating her. I think it's an excellent choice. I know that she'll do an extraordinary job.

Congratulations and good luck.

ACTING PRESIDENT ROBACH: Thank you, Senator Griffo.

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Mr. President.

I've always said to this governor and to previous governors, when you're choosing a commissioner of Motor Vehicles, choose a county clerk. There is nobody who knows more -- and I

think my colleague Senator Ritchie would agree -- knows more about the operations of the Department of Motor Vehicles than a county clerk.

And, Barbara, I know it's a proud moment for you and your family. You started out in the Department of Motor Vehicles and, you know, seeing people that Senator Fuschillo talked about coming in there, usually with a whole bunch of problems, and you took care of them and worked your way up to become the county clerk of Broome County. And later on you accepted a demotion to county executive from county clerk. I can't believe that.

(Laughter.)

SENATOR MAZIARZ: But as a former county clerk, I want to congratulate my colleague and friend Barbara Fiala. She's going to do a great job as the DMV commissioner.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: Senator DeFrancisco.

SENATOR DEFRANCISCO: You know, we've all had this experience one time or another that you meet someone and you think you've known her or him your whole life. And that's the way

it felt for me when I first met this nominee last week and we had a nice chat. And we had so many things in common, it was just amazing.

In fact, her parish priest is coming to our parish in Syracuse to replace the parish priest. And I just asked her to please tell him to keep his sermons short before he came to Syracuse, because that's the clear sign of a good parish priest.

(Laughter.)

SENATOR DEFRANCISCO: Also, and much, much more importantly, it's obvious that she worked hard to get where she is today. Often in this day and age in our society people jump over other people for many reasons, not necessarily by ability and by hard work.

You're a great example of someone who started in the trenches and worked your way through various positions. And you got the next position because you deserved it. And you definitely deserve this position, and we look forward to meeting and working with you during the course of your tenure.

Congratulations.

ACTING PRESIDENT ROBACH: Thank

you, Senator DeFrancisco.

Is there any other Senator wishing to be heard?

Senator Ritchie.

SENATOR RITCHIE: I would also like to commend the Governor for such an excellent pick.

Barbara, we served together as county clerks and as members of the New York State Association of County Clerks. You always put your county first. You always worked hard to make sure that the revenue stayed locally so that the offices could operate and we could provide the services that were necessary for our constituents.

So once again, I congratulate you. I look forward to working with you. And I'm sure you're going to be an excellent commissioner.

ACTING PRESIDENT ROBACH: Thank you, Senator Ritchie.

If there are no other Senators to speak, the question is on the nomination of Barbara Fiala as the commissioner of the New York State Department of Motor Vehicles. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Any opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The nomination is confirmed.

Congratulations, Barbara.

(Applause.)

ACTING PRESIDENT ROBACH: We not only want to congratulate you, but also welcome your family. We know you have your husband Tony with you, your son Tony, your son James and his wife Mary Lou, their two sons, Nicholas and Nathan, and also your brother Anthony and his wife Marge as well as your brother Nick and his wife Joanne, and Betty, your sister-in-law.

We wish you all the best in your new position and welcome you and your family to the chamber. God bless.

(Applause.)

ACTING PRESIDENT ROBACH: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. Now you know how she won her elections.

(Laughter.)

SENATOR LIBOUS: Mr. President, could we at this time return to motions and resolutions, please.

ACTING PRESIDENT ROBACH: Motions and resolutions.

SENATOR LIBOUS: I believe there's a resolution at the desk by Senator Perkins, Number 1797. Could we have please have the resolution title read and then move for its adoption.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 1797, by Senator Perkins, celebrating the 86th Birthday of Malcolm X, the human rights activist and one of the most influential African-American leaders in history.

ACTING PRESIDENT ROBACH: Senator Perkins.

SENATOR PERKINS: Thank you very much, Mr. President. I just want to be brief and express my appreciation for the opportunity to put forward this resolution.

As you pointed out, May 19th marks

the 86th birthday of Malcolm X, a prominent figure in African-American and American history, for that matter, and one of the most outspoken activists on behalf of the civil rights and human rights movement. I'm honored to sponsor this resolution that pays tribute to his life and accomplishments.

Malcolm X was well-known for his ability to move an audience with a passion and veracity. He would often say "If you don't stand for something, you will fall for anything." He embodied this doctrine, he lived true to this doctrine. It was his progressive and forthright advocacy for civil rights and human rights that unfortunately led to his assassination.

As a society we were taught many lessons from Malcolm X, lessons that will endure long after his words were spoken. One particular message echoes in my mind every time I enter this chamber or I stand ready and willing to defend the rights of my constituents: "Power in defense of freedom is greater than power on behalf of tyranny and oppression, because real power comes from our conviction, which produces action, uncompromising action." As legislators, as

citizens, and as human beings, we must never forget these words.

Thank you very much. And I ask my colleagues to join me in supporting this resolution.

ACTING PRESIDENT ROBACH: Thank you, Senator Perkins.

Is there any other Senator wishing to be heard?

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Any opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolution is adopted.

Senator LaValle.

SENATOR LaVALLE: Yes, Mr. President. May we please take up Resolution 1874, by Senator Smith, and may we have the title read and move for its immediate adoption.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative

Resolution Number 1874, by Senator Smith, honoring Southeast Queens, New York, Actor-Director Arthur French upon the occasion of his designation as recipient of the Lifetime Achievement Award by the Coalition of Theatres of Color.

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, I understand we have two privileged resolutions by Senator Young. Would you read the titles, please.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Young, honoring Jackson Watson upon the occasion of competing in the

8-to-9-year-old boys division of the 39th Annual National Elks Hoop Shoot Finals.

And legislative resolution by Senator Young, commemorating the 50th Anniversary of Olean Business Institute.

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

(Response of "Aye.")

ACTING PRESIDENT ROBACH: Opposed, nay.

(No response.)

ACTING PRESIDENT ROBACH: The resolutions are adopted.

Senator LaValle.

SENATOR LaVALLE: Can we return to motions, Mr. President.

ACTING PRESIDENT ROBACH: Motions and resolutions.

SENATOR LaVALLE: On page 28, I offer the following amendments to Calendar Number 405, Senate Print Number 3306A, and ask that said bill retain its place on 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 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 264, by Senator Alesi, Senate Print 3736A, an act to amend the Economic Development Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 344, by Senator Bonacic, Senate Print 3764A, an act to amend the Environmental Conservation 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, 61.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 393, by Senator Young, Senate Print 3499, an act to amend the Town 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, 61.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 395, by Senator Maziarz, Senate Print 510, an act to amend the Labor Law.

SENATOR LaVALLE: Will you lay that

aside for the day, please.

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

THE SECRETARY: Calendar Number 403, substituted earlier today by Member of the Assembly Aubry, Assembly Print Number 55A, an act to amend the Legislative Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 421, by Senator Griffo, Senate Print 3880A, an act to amend the Education Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1, 2013.

ACTING PRESIDENT ROBACH: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 583, by Senator Griffo, Senate Print 3645C, an act to amend the Correction Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Griffo to explain your vote.

SENATOR GRIFFO: Thank you, Mr. President.

This is an important piece of legislation. It's another step in trying to protect our people that we all serve.

We heard today -- we had a family up here from Senator Nozzolio's district, because a lot of times we look at statistics but today we

had a story behind the statistics. And it's so important that we understand what can happen when violent crime is perpetrated upon the communities that we serve.

So today this is another effort to keep our communities and families safe. It's another opportunity and tool that will become invaluable to law enforcement. So I appreciate the support we've received in the chamber today. I appreciate Senator Nozzolio's cosponsorship and for bringing forward a story that is so poignant and so important and what we all try to do in making a difference in trying to protect people.

So I vote aye.

ACTING PRESIDENT ROBACH: Thank you, Senator Griffo.

Senator Nozzolio to explain his vote.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, can you just imagine on one afternoon the anguish of Dale Driscoll in receiving the information that she lost both her daughter and her granddaughter. John Edward Brown, with a history

of violence, convicted of very violent acts, was, unbeknownst to Helen Buchel, brought into their family. And those violent tendencies were such that he murdered Helen Buchel and Brittany Passalacqua.

This law, known as Brittany's Law in Brittany Passalacqua's memory, is to provide notice to those who have brought someone into their home -- a new employee into their business, a blind date for their daughter -- a type of information, and allowing the information age to help prevent crime.

That's why this measure is important. I want to thank Senator Griffo for his leadership in pushing this legislation and seeing it through to this point. With bipartisan support in the Assembly, we're very hopeful that it will be passed so that Brittany's life will not be in vain and her death will have protections for others so that the Brittany Passalacquas of the future will not have to happen.

I support this measure, Mr. President, and I urge my colleagues to do likewise. Thank you very much.

ACTING PRESIDENT ROBACH: Thank you, Senator Nozzolio.

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you very much, Mr. President.

First of all, I want to commend Senator Griffo for bringing this important piece of legislation to the floor today.

Brittany's Law is important to be passed in a bipartisan fashion, and I think we're seeing that today.

Government and law enforcement must remain vigilant in our efforts to keep New Yorkers safe. And as such, we rely on state and local police agencies to protect our neighborhoods and maintain the safety of our roads. But those police agencies also rely on us here in the State Legislature to empower them with the tools that they need to defend our families and crack down on violence and illegal behavior.

By creating this registry of violent felony offenders, this legislation will provide law enforcement with an important tool in the fight against violent crime. It will help

prevent innocent New Yorkers from becoming the victims of repeat offenders, and it will absolutely improve public safety.

New Yorkers want to live, work, and raise their families in safe neighborhoods. By passing this legislation today, we are taking another step toward making New York State safer. We are helping prevent tragedies caused by violent crime. Thank you.

ACTING PRESIDENT ROBACH: Thank you, Senator Kennedy.

Announce the results.

THE SECRETARY: In relation to Calendar Number 583, those recorded in the negative are Senators Duane, Parker, Perkins and Serrano.

Ayes, 57. Nays, 4.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 584, by Senator Maziarz, Senate Print 3915, an act to amend Chapter 410 of the Laws of 2009.

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, 59. Nays, 2. Senators Hassell-Thompson and Parker recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 587, substituted earlier today by Member of the Assembly Spano, Assembly Print Number 3798, an act to amend the General Business 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, 61.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 590, by Senator Ranzenhofer, Senate Print 3188,

an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of January.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 605, by Senator Zeldin, Senate Print 4385A, an act to amend the Highway 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.)

ACTING PRESIDENT ROBACH: Senator Zeldin to explain his vote.

SENATOR ZELDIN: Thank you,

Mr. President. And I want to thank all my colleagues for supporting this piece of legislation today.

I'm joined in the chamber by Assemblyman Dean Murray, who is carrying this legislation over in the State Assembly with Assemblyman Al Graf. And it was Assemblyman Murray that came to me and told me about Grace's story.

Two years ago today, on May 17, 2009, 7-year-old Grace Catherine Peshkur passed away from an illness called epidermolysis bullosa, or EB for short.

EB is sometimes known as the butterfly disease, due to the fragility of the skin. Any abrasion or friction causes the skin to blister and slough off. Sufferers resemble burn victims with bodies wrapped in bandages. The disease also affects internal organs and makes sufferers more liable to sepsis and other infections.

EB is one of the so-called orphan diseases. When Grace was born, there were no standards of care for newborns with this illness. Now, due to the awareness that she

helped create, there are now protocols in place for how to care for these children immediately after birth.

The whole community came together in a wonderful effort to give Grace the love and quality of life all children should enjoy. A first-grader at Chippewa School in Holtsville, the fellow children in the class treated her just like every other student. Her perseverance and fortitude during her short life are an inspiration to many.

On the second anniversary of her death, our thoughts and prayers go out to Grace's parents, Michael and Karen Peshkur, and her little sister Emma Gray, who was born two days after Grace passed away.

Naming this bridge is a small gesture that will ensure that Grace's memory is a permanent part of the fabric of our community. Thank you, everyone, for your support.

ACTING PRESIDENT ROBACH: Thank you, Senator Zeldin.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT ROBACH: The bill

is passed.

THE SECRETARY: Calendar Number 614, by Senator Golden, Senate Print 4778, an act to amend Chapter 890 of the Laws of 1982.

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, 61.

ACTING PRESIDENT ROBACH: The bill is passed.

Senator LaValle.

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

ACTING PRESIDENT ROBACH: There is none.

SENATOR LaVALLE: There being no further business before the Senate, Mr. President, I move we adjourn until Wednesday, May 18th, at 11:00 a.m.

ACTING PRESIDENT ROBACH: On motion, the Senate stands adjourned until

tomorrow, Wednesday, May 18th, at 11:00 a.m.

(Whereupon, at 4:34 p.m., the Senate adjourned.)