NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 25, 2011

11:16 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 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 now 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, Tuesday, May 24th, the Senate met pursuant to adjournment. The Journal of Monday, May 23rd, 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 12, Senator Valesky moves to discharge, from the Committee on

Environmental Conservation, Assembly Bill Number 4263A and substitute it for the identical Senate Bill Number 656A, Third Reading Calendar 11.

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.

On behalf of Senator Fuschillo, on page 26 I offer the following amendments to Calendar Number 375, Senate Print Number 3768A, 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: Thank you, Mr. President.

Again, on behalf of Senator Fuschillo, on page 27 I offer the following amendments to Calendar Number 387, Senate Print Number 3461B, 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: And, Mr. President, on behalf of Senator Gallivan, I move to recommit Senate Print Number 3454, Calendar Number 815 on the order of first report, to the Committee on Transportation.

ACTING PRESIDENT ROBACH: So ordered.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, at this time I believe there's a privileged resolution at the desk by Senator Bonacic. 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 Bonacic, commending the Valedictorians, Salutatorians, and Honored Students of the 42nd Senate District, in recognition of their outstanding accomplishments, at a celebration to be held at the State Capitol on June 2, 2011.

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 resolution is adopted.

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

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Legislative resolution by Senator Montgomery, congratulating the 2010-2011 Boys & Girls High School Boys Basketball Team upon winning the 2011 Public

Schools Athletic League Boys Basketball AA Championship.

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 Libous.

SENATOR LIBOUS: Mr. President, at this time could I ask the body for unanimous consent for Senator Ruth Hassell-Thompson to acknowledge some visitors.

ACTING PRESIDENT ROBACH: Without objection.

Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. My children are just filing in.

I am very pleased that I've been given the privilege to announce and introduce my students from the Lincoln Elementary School in

the City of Mount Vernon. I know that this is one of many classrooms that I've had here this year, and I really appreciate your indulgence because of that.

But I believe that social studies and the art of government is very, very important, and too few of our young people have the opportunity to see their government at work.

And so what we have done is to send to each of the schools who have asked to visit a questionnaire for them to fill out to determine what bill, if they were in government, would they like to see passed. And so that each of the schools has wrestled with an issue and a problem that many of us wrestle with right here in these chambers.

One of the issues that came up from the students this time was to stop the sag. They think that it's inappropriate. They think that it's just outrageous that everybody has to see our young men's underwear. And so that they want us to put a stop to it, and they wanted us to consider that as a bill.

As they debated it this morning, it was very interesting that one of our young ladies

voted in favor of saying that it was about choice and that students should have a right to choose how they wanted to dress and what style they chose to use.

Well, we went very deep into the subject, and one of the students pointed out that it was a jailhouse behavior, and that that's how it was learned. And if that's how children wanted to be perceived, that's what their future potentially could become.

And so we used the opportunity this morning to educate our young people as to why and how people see young people who adopt the sag as their style of fashion.

I want to just name some of the teachers that are with us from Lincoln School today: Mr. LeRay, Ms. Joffe, Mrs. Mullins, Mrs. Radow, Ms. Green, and Mrs. Ferreira.

And I want to thank Ms. Rebecca Jones, who is the interim principal, who was not able to come with her students today, but she can know that they comported themselves so very well.

And so I thank you again, Mr. President, for allowing me the opportunity to

acknowledge my students from the Lincoln School and let you know that we have some future government people up there in that audience. And I think our world is in good shape.

Thank you, Mr. President.

ACTING PRESIDENT ROBACH: On behalf of Senator Hassell-Thompson and all of us here in the Senate, we welcome you students and teachers from Lincoln and hope you have a productive and enjoyable day here in the Capitol.

And I'm with you: No sagging.

(Laughter; applause.)

ACTING PRESIDENT ROBACH: Senator Libous.

SENATOR LIBOUS: At this time, Mr. President, can we take up the reading of the noncontroversial calendar.

ACTING PRESIDENT ROBACH: The Secretary will read.

THE SECRETARY: Calendar Number 11, substituted earlier today by Member of the Assembly Magee, Assembly Print 4263A, 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, 52.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 339, by Senator DeFrancisco, Senate Print 3760, an act to amend the Navigation Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 404, by Senator Ranzenhofer, Senate Print 3228, an act to amend the Domestic Relations 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, 52.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 426, by Senator Klein, Senate Print 585, an act to amend the Penal Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of November.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 569, by Senator Maziarz, Senate Print 193, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Section 3 of Chapter 507 of the Laws of 2010.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 579, by Senator Little, Senate Print 824, an act to amend the Executive Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of January.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 1. Senator Stewart-Cousins recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 615, by Senator Ball, Senate Print 4569, an act to amend Section 3 of Part C of Chapter 152 of the Laws of 2001.

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, 52.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 661, by Senator McDonald, Senate Print 2497, an act requiring the creation of a list of suitable documentation.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT ROBACH: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT ROBACH: Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. President.

I wanted to stand today and congratulate Senator Roy McDonald for putting up this excellent bill. And it certainly is important for us to provide as much opportunity for our veterans to have housing. And anything we can do to make it easier for vets, I'm certainly supportive of.

But at the same time that we need to do things for vets to make sure they have good housing, we need to make sure that the hundreds of millions {sic} of people who are going to be affected by the expiring rent regulations on June 15th have that same opportunity to have housing.

And so I'm standing up to take this opportunity that as we in fact are taking care of our vets, let's take care of the other New Yorkers who won't be able to afford to live in their houses if we in fact allow our rent

regulation laws to expire in the State of New York.

So I'm calling on my colleagues to bring something to the floor as soon as possible that strengthens the rent regulations law in the State of New York, and make sure that we provide housing, the most important thing that we can for the people of our citizenry, you know, as soon as possible.

Thank you.

ACTING PRESIDENT ROBACH: Is there any other Senator wishing to be heard?

If none, announce the results.

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 666, by Senator Ranzenhofer, Senate Print 3222, 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, 52.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 674, by Senator O'Mara, Senate Print 4267 --

SENATOR LIBOUS: Mr. President, please lay that bill aside for the day.

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

THE SECRETARY: Calendar Number 734, by Senator Flanagan, Senate Print 5315, an act relating to validating actions taken by the Smithtown Central School District.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number

738, by Senator Ranzenhofer, Senate Print 3192, an act to amend the Domestic Relations Law.

ACTING PRESIDENT ROBACH: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 756, by Senator Adams, Senate Print 3684, an act to amend the Military 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, 52.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 762, by Senator DeFrancisco, Senate Print 5337, an act to amend the Military Law.

ACTING PRESIDENT ROBACH: Read the last section.

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

ACTING PRESIDENT ROBACH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT ROBACH: The bill is passed.

THE SECRETARY: Calendar Number 766, by Senator DeFrancisco, Senate Print 3250A, an act to amend the Public Authorities Law.

ACTING PRESIDENT ROBACH: A home-rule message is at the desk.

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, 53.

ACTING PRESIDENT ROBACH: The bill is passed.

Senator Libous, that completes the noncontroversial calendar.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, before we adjourn, if my colleagues would just indulge me for a second, Monday is Memorial Day. We passed today a number of pieces of legislation that will be helpful to those veterans who have come home and defended our country.

Many of us will be going to ceremonies. Many of us will be doing not just one but maybe a series of parades, because of the constituents we represent who have served this great country for generations.

At this time, Mr. President, I would ask if my colleagues would stand and join me in a moment of silence for the men and women who did not come home, the men and women who gave the ultimate sacrifice, the men and women who fought for our freedom but gave their lives.

ACTING PRESIDENT ROBACH: Thank

you, Senator Libous.

If we could all take a moment to stand in honor of all our men and women in the military in honor of this weekend's Memorial Day observance.

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

ACTING PRESIDENT ROBACH: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Is there any further business at this time at the desk?

ACTING PRESIDENT ROBACH: There is none, Senator Libous.

SENATOR LIBOUS: There being no further business, I move that the Senate adjourn until Wednesday, June 1st, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT ROBACH: On motion, the Senate stands adjourned until Wednesday, June 1st, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:32 a.m., the Senate adjourned.)