NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 10, 2012

10:12 a.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: In the absence of clergy, I ask everyone to bow their heads for a moment of silent reflection.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Monday, January 9th, the Senate met pursuant to adjournment. The Journal of Sunday, January 8th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

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: Mr. President, on behalf of Senator Saland, on page 6 I offer the following amendments to Calendar Number 14, Senate Print 6116, and ask that said bill retain its place on the Third Reading Calendar, please.

ACTING PRESIDENT GRIFFO: So ordered.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time could we please adopt the Resolution Calendar, with the exception of Resolution Numbers 2801, 2883, 2884 and 2902.

ACTING PRESIDENT GRIFFO: At

this time I would ask that all in favor of adopting the Resolution Calendar, with the exceptions of Resolution 2801, 2883, 2884, and 2902, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there is a resolution at the desk by Senator Golden. I would ask that it be read in its entirety and then we move for its adoption, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2884, by Senator Golden, mourning the death of Christopher J. Mega, highly respected politician, distinguished citizen and devoted member of his community.

"WHEREAS, It is the custom of this Legislative Body to pay tribute to

public servants of the State of New York whose lifework and civic endeavor served to enhance the quality of life in their communities and this great Empire State; and

"WHEREAS, Christopher J. Mega, a former New York State Senator, Assemblyman and State Judge who was well-known for his prolific career, work ethic, and omnipresence at community events, died on Sunday, October 30, 2011, at his home in Saratoga Springs, New York, at the age of 80; and

"WHEREAS, A graduate of Fort Hamilton High School, Christopher J. Mega continued his education and studied at St. Francis College before attending Brooklyn Law School; and

"WHEREAS, His first job was as an attorney at a Fifth Avenue law firm, where he was a partner. In 1973, he ran for an open seat in the 50th New York State Assembly District during a special election, a seat he held until 1978. He then ran and won his first New York State Senate seat, representing Bay Ridge, Dyker Heights, and Sunset Park, from 1979 to 1982 and then from

1985 to 1993, when he became a judge; and

"WHEREAS, He served as chairman of the State Senate's Crime and Correction Committee during efforts to ban the sale of serial killer trading cards being sold in stores; and

"WHEREAS, He also became chairman of the Senate Judiciary Committee, where in the early 1990s he worked to expand state prisons to accommodate the huge influx of inmates convicted on crack-related charges. Furthermore, he was an advocate for tougher sentences for convicted sex offenders; and

"WHEREAS, Senator Christopher J. Mega helped bring pre-kindergarten programs to his district and sponsored the bill that required restaurants to display posters showing Heimlich maneuver instructions in their eateries; and

"WHEREAS, In 1993, Christopher J. Mega attained his ultimate career goal; he was appointed to the New York Court of Claims. And in 1995 he was elevated to Chief Judge of the State Court of Claims, a panel

that hears lawsuits filed against the State of New York. He served in this capacity until stepping down in 1998. He was then appointed to the New York Supreme Court, serving until his retirement in 2006; and

"WHEREAS, With a strong belief in his community, Christopher J. Mega donated his time and energies to numerous civic and charitable organizations, such as the Dyker Heights Civic Association and the Bay Ridge Lions Club; and

"WHEREAS, Christopher J. Mega is survived by his loving wife, Madelyn; twin sons, Christopher and Jeffrey; and two daughters, Valerie and Jacqueline, as well as his grandchildren; and

"WHEREAS, The legacy of Christopher J. Mega will long serve as a model of integrity and devotion to public service, and it is now the intent of this Legislative Body to inscribe upon its records this somber and grateful tribute to his memory, hopeful that future generations may understand and appreciate the benevolence of the man, the merit of his causes, and the

caliber of his service to all the citizens of the State of New York; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to mourn the death of Christopher J. Mega, highly respected politician, distinguished citizen, and devoted member of his community, and to express its deepest condolences to his family; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Christopher J. Mega."

ACTING PRESIDENT GRIFFO: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I rise today to introduce this resolution and to remember the life of one who served the New York State Senate, to posthumously honor the late Christopher J. Mega, a man who I was so privileged to have known and worked with for so many years.

Chris Mega, a former New York State Senator, Assemblyman, State Judge, died

this past fall. With his death, the state lost a giant, a true public servant, a man who, like no other, served the people of Brooklyn, New York City, and the Empire State with dignity and goodwill.

Chris is survived by his wife, Madelyn, of 59 years. Their twin sons, Chris and Jeffrey, and their daughter Jacqueline could not be here today, but we're joined by their daughter Valerie and their granddaughter Victoria. And that was so much to Chris Mega, was that granddaughter and the grandchildren.

And to the Mega family, I say welcome back to the New York State Senate.

Today I proudly offer this tribute to remember the good works and the extraordinary record in public service of the one and only Chris Mega.

Chris Mega was a man who did so much for the community that he lived in and represented, and for two of the three branches of state government, the judiciary and the legislative.

The people who were represented

by Chris Mega were very lucky. They had one of the best legislators I have ever known, a man who truly gave it his all. If you called upon Chris to help you, he tried everything possible to make sure you got the assistance that was necessary. And when Chris Mega sat on the bench, he was an honest jurist and truly believed in the Constitution and dedicated himself to the practice of the good of the law.

Personally, I will never forget Chris Mega. He taught me an awful lot. He said to me: "People want to see you, to be part of you, and to know that you're going respond to their needs." I have never forgotten those words, and I continue to live by those words today.

Nobody ever had a bad word to say about Chris Mega. But I tell you, when he walked down that avenue, on Fifth Avenue or Third Avenue or Thirteenth Avenue in the Bay Ridge and Dyker Heights area, they knew Chris Mega was on that street. He had a smile from ear to ear. And when the people would walk up, they'd say, "Senator, Senator

Chris Mega, how are you today?" And he'd throw his hand out there and he'd shake their hands.

He stayed in great shape, too. I don't know who sat next to him, but the guy used to do like 50 pushups every morning and at night. And he'd love to give you a little shot in the arm or a shot in the chest just to let you know that he was there.

He was truly a great leader. He brought a lot to our community. He did a lot for our community besides pre-K and all the other good things that were discussed here in the resolution.

That was the real tough years in the City and the State of New York. In 1991, 1992, 1993, we were having homicides at over 2,000 a year. And it was Chris Mega that said and came up with the policy we've got to come in with some money, we've got to get the police, we have to get more overtime, we have to get that police department working and give them those resources to bring that crime down.

And he, along with the good

mayor and the good police commissioner, were able to put a policy together that was able to bring down at that point -- just as Rudy Giuliani started as the mayor of the City of New York, the new SOP, standard operating procedure, for bringing down crime not only in the city and the state but around the nation and the world.

Upon his death he was described in the local media and reports by former colleagues in government by phrases such as "very decent guy," "forthright, honest and industrious," "the perfect elected politician," "a gentleman's gentleman." The definition of integrity was Chris Mega.

For all that Chris Mega did for the people of Brooklyn and for the people of the State of New York, I urge the passage of this resolution. He was truly a giant, truly a great man, and truly accomplished an awful lot in his life, not just for his family and for his community but for the city and the state as well.

Today we remember a statesman who answered the call to public service, and

for that we are all better off.

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise to speak about a Senator and a friend of mine that our careers crossed the same time.

And he was a dear friend of mine and actually a roommate and a very dear friend of the late Senator Charlie Cook. They lived together, both coming from different backgrounds, but -- and I used to go out to dinner with them a lot, particularly when we had all these late-night sessions and so forth, and we went to the finest diners and truck stops in the area. Chris was not a man of pretensions.

And his wife Madelyn told me I should tell this story. He wasn't much of a connoisseur of jewelry, but there was a jewelry store that was going out of business down here in downtown Albany. And it was just before Christmas, and Charlie Cook and I were waiting for him at Jack's.

And he went into I think it was Adels-Lobe and said, "Do you take credit cards?" And they said yes. He says, "I'd like to see some pearls and some diamond earrings." Well, they pull out the pearls, he says "How much are those?" They said "Eight-fifty." He says, "Could I see something a little better?" And they pulled out another one. "How much are those?" "Nineteen-ninety-five."

He says, "I'd like to see some diamond earrings." And they showed him these diamonds. "How much are those diamond earrings?" They said "$800." He says, "Well, I'll skip the diamond earrings." And he says, "I'll just take the pearls." And he pulled out a $20 bill.

(Laughter.)

SENATOR FARLEY: Needless to say, he said, "I had to schlep out of the place."

But Chris also had a great sense of humor. And his bride of almost six decades, I'll tell you, what a remarkable woman. And, you know, for anybody that's in

public service -- and he served it all -- you have to give credit to the family. And they were so proud of him, and he was so proud of his family.

They live now -- Madelyn and he in his last few years lived up in Wilton, in my district, where Roy McDonald came from originally. And we're just delighted to be able to pay tribute to not only a great Assemblyman and a great Senator and a great judge, but, more important, a great human being. That was Chris Mega.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator LaValle.

SENATOR LaVALLE: Thank you, Mr. President.

Senator Golden said Chris Mega was a giant, and indeed he was. He left an imprint here in the Senate. He was an institutional guy. The Senate meant a lot to him, and how the Senate performed was very critically important. As a matter of fact, he headed the Senate Club for a number of years.

His demeanor, quiet but effective. He was honest, he was -- I think Senator Golden just laid out all the adjectives. And he was all of those things.

He started rooming with Charlie Cook, and they became a famous odd couple, upstate-downstate. And, well, maybe that doesn't mean a lot to people. It does, because it shows that people from various parts of the state can get along, can be effective, can do good government and still be friends.

So I remember when the opportunity came for Chris to go to the bench, he was very conflicted, because being in the Senate, being a Senator meant a lot to him. He carried on on the bench in the same effective way that he did here in this chamber.

So, Senator Golden, your remarks for history portray Senator Chris Mega very accurately, and I'm sure the family in perpetuity will be able to see those remarks defining a real giant in our state.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO:

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I rise with my colleagues to honor a great public servant in Chris Mega. When I got elected in 1988, I was 33 years old. I came to this chamber and Chris right away called me "kid," "Libous kid."

And he had a quiet but very forceful way about him. When he wanted to get something done, you knew he was in the room. Otherwise, he would listen. He'd sit on this floor in the chamber, he'd listen. He'd be very respectful to each colleague that was here.

And I learned something from that. I learned from Chris Mega that when your colleagues were speaking or debating that you keep your mouth shut and your ears open. And although you may disagree with them, you have to be respectful to them. And that's -- probably "respectful" is the word that I can think of the most.

I can tell you that my left arm

in conference could get sore because I'd get that punch that -- I think Mrs. Mega just smiled and could understand. Because he always would do that, he'd come up to me and say, "Hey, Libous kid, how are you?" And he'd give me that rap on the shoulder and I'd kind of just smile and walk away like it didn't hurt, but it hurt. He was a tough guy.

He was a giant among us, and he will be missed. And he left an impression on my life that I will always be grateful for.

ACTING PRESIDENT GRIFFO: Senator Larkin.

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

You know, if you met Chris, you'd never forget him. If you met him today and didn't see him for 10 years, you'd know him.

Of course I was always under the impression that he and Charlie Cook were brothers, because wherever you saw one, you saw the other.

And one day we were talking here

about armed services. And he said, "How long have you served?" I said, "23 and a half years, and retired as a colonel." He said, "Gee, pretty soon you'll be as important as my son. He's a Marine pilot." And I was just like, wow, 23 years and he's going to kick me like that.

Chris had so much respect for this chamber and for the armed forces. One day he said to me, "How often do you go by West Point?" I said, "It's in my district. Quite a lot, because I'm retired." He said, "You know, we're going home someday, I want to stop and I want to go to this cemetery." And I said, "You know, you're going to use a couple of hours. He said, "For what they gave?"

We stopped, we went in the little, little chapel at the cemetery and we walked around someplace. And we were finished, and he was crying. He said, "Do you know, Bill, the names there, many people don't know anything about them. But the soldiers, both officers and enlisted, that walk through here, remember some of these men

as the great leaders."

If you think about Chris -- I remember when he was going to the bench. I don't really think he wanted to go to the bench, because this was his home. Anybody who didn't respect Chris Mega had their hat on the wrong way. Chris was a gentleman, he was a leader, respected. And I think his love and respect for the armed forces was second to none.

You had a great husband.

ACTING PRESIDENT GRIFFO: I want to acknowledge today the presence of the Mega family. Senator Mega's wife Madelyn is with us, his daughter Valerie Racchuia, his son-in-law Joe Racchuia and granddaughter Victoria Racchuia.

I now will call the question on the resolution. All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The

resolution is adopted.

I would ask all to please rise and pay a moment of silent tribute to the late Senator Christopher Mega.

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

(Sustained applause.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Mr. President, before we go on to the next resolution, I believe there was a resolution that passed on the calendar that Senator Stavisky would like to make a comment on. Could you please call on her, please?

ACTING PRESIDENT GRIFFO: Yes. Senator Stavisky to speak on Resolution 2844.

SENATOR STAVISKY: Yes, thank you, Mr. President. And thank you, Senator Libous, for your courtesies.

Let me just say that I am proud to represent more than 100,000 Asian-Americans who live in the 16th Senate District. And together as a community, we're

going to be celebrating the Year of the Dragon this year. And the Year of the Dragon, it's the year 4017, I believe.

The Year of the Dragon symbolizes a great many things to the Asian-American community, and particularly -- it's 4710. And that's a long tradition representing an amazing culture. And yet even today we come together and celebrate with all sorts of ceremonies. And particularly in Flushing we have a large, large Lunar New Year Parade, as I believe they do in Lower Manhattan as well.

But last year we celebrated the Year of the Rabbit. Which is interesting because the rabbit symbolized calm and tranquility, caution -- and the Year of the Dragon is just the opposite. It's excitement, it's exhilaration, it's unpredictability. The Year of the Dragon represents excitement and enthusiasm.

And interestingly, people born in the Year of the Dragon -- and if you go to the websites, they describe the professions of people born in the Year of the Dragon.

And it's very interesting, because the website says they make excellent salespeople, publicists, political campaigners, lawyers, real estate brokers and politicians.

So I think we have a special connection here with the Asian-American community as we celebrate together in New York State the Year of the Dragon.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stavisky. The Year of the Dragon sounds like a day in the Senate.

(Laughter.)

ACTING PRESIDENT GRIFFO: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

I too rise because of the number of new immigrants that have entered into our great country and into the ports of New York City. And we see so many new Asian-Americans in our communities across this great country. And today you see, especially in the City of New York, close to 1 million Asians, many of them being

Chinese-Americans.

It was my honor to be able to introduce it into the City Council when I was a City Councilman back in 1988 and 1989 to commemorate the Asian Lunar New Year, and then again here in the State Senate having the privilege of doing that here again, introducing it into the state so that we could represent and have this holiday and have it commemorated for the Asian-American community.

The Year of the Dragon is great, a great year, a lot of fun. We will be out there marching in many parades and going to many events. It is one of the better times of our year.

And I say congratulations to the Asian community as we celebrate the Lunar New Year 4710.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: Thank you.

And I want to thank Senator Golden for introducing the resolution and add my voice to the chorus welcoming the Year of

the Dragon. It promises to be a year full of prosperity and good fortune and a year in which both the Chinese-American community and the entire New York State community will hopefully take some important steps forward.

As Senator Golden said, I look forward to seeing all of my colleagues in the Chinatown area and also in Flushing and Sunset Park many, many, many times over the next weeks as we celebrate with all of the different civic organizations that come together.

One of the great things about the Chinese-American community in New York is just what a community it is and the extent to which members of the Legislature, the Senate and the Assembly, the City Council, really are now fully engaged with the community, which empowers the community itself.

So it's looking forward to the Year of the Dragon. I thank Senator Golden again for his leadership, Senator Stavisky, and I look forward to the celebrations.

ACTING PRESIDENT GRIFFO: Thank you, Senator Squadron.

The previously adopted resolution for honoring Senator Chris Mega will include all members of the Senate as cosponsors.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a resolution by Senator Ranzenhofer at the desk. Could its title be read and we move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2801, by Senator Ranzenhofer, mourning the death of Dr. Herbert A. Hauptman, Nobel Prize winner, distinguished citizen and devoted member of his community.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The

resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's a resolution at the desk by Senator Serrano. Could we have its title read and move for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 2902, by Senator Serrano, commemorating the 35th Annual Parade of Three Kings Day.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

And the resolution is available for cosponsorship. If you choose not to be

on it, please notify the desk.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a resolution by Senator Skelos at the desk. Could I ask that it be read in its entirety and then call on Senator Farley before we move for its adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Senate Resolution Number 2883, by Senator Skelos, providing for a Senate Select Committee on Libraries.

"WHEREAS, New York State currently has over 7,000 libraries, which serve as the treasure trove of our state's knowledge, maintaining nearly 250 million volumes and circulating over 160 million items per year; and

"WHEREAS, New York State's libraries serve all of the people of New York, from childhood to senior citizenship, and provide universal access to books, periodicals, public records, electronic documents, presentations, movies

and other educational materials, in addition to answering over 27 million customer reference questions each year; and

"WHEREAS, New York State's libraries provide access to over 13,500 computers across the state, permitting customers to gain access to the Internet and perform job searches and personal inquiries to advance themselves and their communities; and

"WHEREAS, It is recognized that an open forum is needed to properly ascertain the future needs of our state's libraries and library systems in order to enhance learning, improve quality of life, and provide equal opportunity for all New Yorkers; and

"RESOLVED, That a Select Committee on Libraries is hereby established, to conduct meetings, conferences, examinations and public hearings to gather information and make legislative proposals and recommendations, and to provide outreach to and interaction with private organizations that assist libraries, and to make recommendations on library-related

legislative proposals and resolutions before the State Legislature; and be it further

"RESOLVED, That the Select Committee shall consist of nineteen Senators, to be appointed by the Temporary President of the Senate. Of the Senators appointed, no more than ten Senators shall be enrolled in the same political party. The chairperson of such committee shall be designated by the Temporary President of the Senate; and be it further

"RESOLVED, That such committee shall have the same authority as committees constituted under Article 4 of the Legislative Law and Senate Rule VII."

ACTING PRESIDENT GRIFFO: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

You know, one of the thrills of my Senate career has been working on behalf of libraries since the very first day that I came in here in 1977. And I'm very pleased that the Senate Select Committee on Libraries is being established, and I'd like to thank

Senate Majority Leader Dean Skelos for his leadership and for his understanding of the importance of libraries and making libraries a priority here in the Senate. Because if there's any house that has stood for libraries, it's been the New York State Senate.

The Select Committee on Libraries will be a new 19-member bipartisan body -- incidentally, one of the largest committees in the Senate. It will supplement and assist the Education Committee on its efforts.

The purpose of this select committee is to gather information and to make legislative proposals and recommendations. Through this committee, we will work to address the needs of our libraries.

I've been a lifelong advocate of libraries. They're the cathedrals of learning, in my judgment, and very much part of the education process of our state and nation. They are a valuable asset and they provide important services to their

communities.

I'd also like to acknowledge Michael Borges, executive director of the New York State Library Association. And Mike has been a tireless advocate for libraries. And I know that this committee will look forward to working with him.

I'm very, very excited about this new challenge. And we'll work together, all of us, to improve the libraries of our state because they are a major priority in our education system.

Thank you very much, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you,

Mr. President.

Mr. President, there will be a meeting of the Education Committee immediately following session in Room 332. That's the Education Committee.

There will be a meeting of the Health Committee as scheduled at noon in Room 124. That's the Health Committee as scheduled at noon in Room 124.

The Higher Education Committee will meet immediately, immediately following session in Room 807 in the LOB.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Education Committee in Room 332 of the Capitol. The Health Committee will meet as scheduled at 12 noon in Room 124 of the Capitol. And the Higher Education Committee will meet immediately following session in Room 807 of the Legislative Office Building.

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

ACTING PRESIDENT GRIFFO: There is no further business before the desk, Senator Libous.

SENATOR LIBOUS: There being no further business, I move that we adjourn until Wednesday, January 18th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, January 18th, at 3:00 p.m., intervening days being legislative days.

Senate adjourned.

(Whereupon, at 10:45 a.m., the Senate adjourned.)