

1 NEW YORK STATE SENATE

2  
3  
4 THE STENOGRAPHIC RECORD

5  
6  
7  
8 ALBANY, NEW YORK

9  
10 January 24, 2012

11 11:03 a.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
18 SENATOR JOSEPH A. GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

10 ACTING PRESIDENT GRIFFO: In  
11 the absence of clergy, I ask all to bow our  
12 heads in a moment of silent reflection.

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

15 ACTING PRESIDENT GRIFFO: The  
16 reading of the Journal.

17 THE SECRETARY: In Senate,  
18 Monday, January 23rd, the Senate met pursuant  
19 to adjournment. The Journal of Sunday,  
20 January 22nd, was read and approved. On  
21 motion, Senate adjourned.

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

25 Presentation of petitions.

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

7 Motions and resolutions.

8 Senator LaValle.

9 SENATOR LaVALLE: Mr. President,  
10 at this time may we please adopt the Resolution  
11 Calendar in its entirety, with the exception of  
12 Resolution 3055.

13 ACTING PRESIDENT GRIFFO: All in  
14 favor of adopting the Resolution Calendar, with  
15 the exception of Resolution 3055, signify by  
16 saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT GRIFFO:  
19 Opposed?

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The  
22 Resolution Calendar is adopted.

23 Senator LaValle.

24 SENATOR LaVALLE: Mr. President,  
25 there is a resolution at the desk, 3055, by

1 Senator Gallivan. May we have the title read  
2 and move for its immediate adoption.

3 ACTING PRESIDENT GRIFFO: The  
4 Secretary will read.

5 THE SECRETARY: Legislative  
6 Resolution Number 3055, by Senator Gallivan,  
7 honoring Jeremy M. Jacobs for his  
8 accomplishments as the owner of the National  
9 Hockey League's Boston Bruins, and as a  
10 business owner and philanthropist.

11 ACTING PRESIDENT GRIFFO: Senator  
12 Gallivan.

13 SENATOR GALLIVAN: Thank you,  
14 Mr. President.

15 Joining all of us today in the  
16 Capitol is a good friend of mine, a great  
17 friend of western New York. And it's not the  
18 Stanley Cup --

19 (Laughter.)

20 SENATOR GALLIVAN: -- but he owns  
21 the team that won the Stanley Cup.

22 Jeremy Jacobs is a resident of the  
23 59th Senate District, lives in East Aurora,  
24 New York -- which is in my district, of  
25 course -- and is the chairman and CEO of the

1 Delaware North Companies and the owner of the  
2 2011 Stanley Cup champion Boston Bruins.

3 Mr. Jacobs and the Bruins were  
4 received at the White House yesterday and  
5 formally congratulated by President Obama.

6 Delaware North and the Jacobs  
7 family have been staples of the Western  
8 New York business, civic, and philanthropic  
9 communities since Jeremy's father and uncles  
10 began selling peanuts and popcorn at Buffalo's  
11 old Offermann Stadium in 1915.

12 From those humble beginnings on  
13 the City of Buffalo's old East Side in Senator  
14 Grisanti's district, Delaware North has emerged  
15 as a global leader in food service and  
16 hospitality, expanding to become one of the  
17 largest privately held companies in the world,  
18 with 200 locations operating across three  
19 continents, employing 50,000 people who have  
20 served nearly half a billion customers.

21 While Delaware North continues to  
22 be a leader and innovator on a global scale,  
23 at home Jeremy Jacobs is known for his personal  
24 generosity and unwavering commitment to the  
25 residents, institutions and fabric of Western

1 New York. His charitable gifts to Roswell Park  
2 Cancer Institute and the University of  
3 Buffalo's Jacobs Institute have enabled both  
4 institutions to become nationally recognized  
5 leaders in both cancer research and the  
6 treatment of heart and vascular disease.

7                   Jeremy Jacobs and his philanthropy  
8 have also been specifically recognized by the  
9 United Way and the Jeremiah Milbank Society.  
10 He has served as chairman of the UB Foundation,  
11 is the current chairman of the National Hockey  
12 League Board of Governors, and in 2006 was  
13 inducted into the Western New York Sports Hall  
14 of Fame.

15                   On behalf of my colleagues, I  
16 welcome and thank Mr. Jeremy Jacobs for joining  
17 us today, for bringing his Stanley Cup, and for  
18 all he does for Western New York and our  
19 community.

20                   Thank you, Mr. President.

21                   ACTING PRESIDENT GRIFFO:   Thank  
22 you, Senator Gallivan.

23                   Is there any other member wishing  
24 to be heard?

25                   (No response.)

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

4                   (Response of "Aye.")

5                   ACTING PRESIDENT GRIFFO:  
6   Opposed?

7                   (No response.)

8                   ACTING PRESIDENT GRIFFO:    The  
9   resolution is adopted.

10                  We want to welcome and extend  
11   our congratulations to Jeremy Jacobs.

12                  (Applause.)

13                  ACTING PRESIDENT GRIFFO:    Senator  
14   LaValle.

15                  SENATOR LaVALLE:    Mr. President,  
16   may we please have the noncontroversial reading  
17   of the calendar.

18                  ACTING PRESIDENT GRIFFO:    The  
19   Secretary will read.

20                  THE SECRETARY:    Calendar Number  
21   31, by Senator Fuschillo, Senate Print 5318, an  
22   act to amend Chapter 203 of the Laws of 1999.

23                  ACTING PRESIDENT GRIFFO:    Read  
24   the last section.

25                  THE SECRETARY:    Section 2.  This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 50.

6 ACTING PRESIDENT GRIFFO: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 45, by Senator Klein, Senate Print 1523, an act  
10 to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT GRIFFO: Read  
12 the last section.

13 THE SECRETARY: Section 2. This  
14 act shall take effect on the 90th day.

15 ACTING PRESIDENT GRIFFO: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 50.

19 ACTING PRESIDENT GRIFFO: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 50, by Senator Fuschillo, Senate Print 3768B,  
23 an act to amend the Vehicle and Traffic Law.

24 ACTING PRESIDENT GRIFFO: Read  
25 the last section.



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

3           ACTING PRESIDENT GRIFFO:   Call  
4   the roll.

5           (The Secretary called the roll.)

6           THE SECRETARY:   Ayes, 50.

7           ACTING PRESIDENT GRIFFO:   The  
8   bill is passed.

9           THE SECRETARY:   Calendar Number  
10   52, by Senator Fuschillo, Senate Print 4177, an  
11   act to amend the Vehicle and Traffic Law.

12          ACTING PRESIDENT GRIFFO:   Read  
13   the last section.

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

16          ACTING PRESIDENT GRIFFO:   Call  
17   the roll.

18          (The Secretary called the roll.)

19          THE SECRETARY:   Ayes, 50.

20          ACTING PRESIDENT GRIFFO:   The  
21   bill is passed.

22          THE SECRETARY:   Calendar Number  
23   57, by Senator Saland, Senate Print 1417B, an  
24   act to amend the Penal Law.

25          ACTING PRESIDENT GRIFFO:   Read

1 the last section.

2 THE SECRETARY: Section 12. This  
3 act shall take effect on the first of November.

4 ACTING PRESIDENT GRIFFO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 50.

8 ACTING PRESIDENT GRIFFO: The  
9 bill is passed.

10 The Secretary will continue to  
11 read.

12 THE SECRETARY: Calendar Number  
13 68, by Senator Flanagan, Senate Print 1833A, an  
14 act to amend the General Business Law.

15 ACTING PRESIDENT GRIFFO: Read  
16 the last section.

17 THE SECRETARY: Section 2. This  
18 act shall take effect on the 60th day.

19 ACTING PRESIDENT GRIFFO: Call  
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Senator  
23 Hassell-Thompson to explain her vote.

24 SENATOR HASSELL-THOMPSON: Thank  
25 you, Mr. President.

1                   In the past I have voted in the  
2 affirmative on this particular issue, but today  
3 I will be voting no.

4                   And just very briefly, banning the  
5 sale of salvia will create a whole underground  
6 black market that will undermine the state's  
7 ability to prevent minors from obtaining this  
8 substance.

9                   And also, I'm suggesting that more  
10 effective regulation and control by prohibiting  
11 sales to minors and taxing the adult sales will  
12 make a greater impact.

13                  Also, there is ongoing medical  
14 research into the potential therapeutic  
15 benefits of salvia, and banning it would hinder  
16 this research. If you look at the laws that  
17 have been in place in both California and  
18 Maine, you will see that they have employed  
19 very effective regulations and controls that  
20 would keep this drug from being the kind of  
21 problem that the media has created a sensation  
22 about and not because of any true results.

23                  Thank you, Mr. President. I will  
24 be voting no.

25                  ACTING PRESIDENT GRIFFO:     Senator

1 Hassell-Thompson to be recorded in the  
2 negative.

3 Senator Perkins to explain his  
4 vote.

5 SENATOR PERKINS: Thank you very  
6 much.

7 I want to associate myself with  
8 the comments of my colleague Senator  
9 Hassell-Thompson, and also respect Senator  
10 Flanagan's intention in terms of what I believe  
11 he rightfully is trying to do in protecting the  
12 public from what might be a very dangerous  
13 drug.

14 However, my experience, as was to  
15 some extent articulated by Senator  
16 Hassell-Thompson, is that this will increase  
17 the sale of the drug, it will bring it  
18 underground, it will make it even more  
19 dangerous for us to actually accomplish that  
20 which I believe this bill is well intended on  
21 accomplishing.

22 So recognizing that we've seen  
23 this criminalization approach backfire on us in  
24 the past, I just want to make sure that we give  
25 more thought to it before we begin to perhaps

1 open a door that will be very, very difficult  
2 to close.

3 So in that regard, I vote in the  
4 negative.

5 ACTING PRESIDENT GRIFFO: Senator  
6 Perkins to be recorded in the negative.

7 Is there any other Senator wishing  
8 to explain their vote?

9 (No response.)

10 ACTING PRESIDENT GRIFFO:  
11 Announce the results.

12 THE SECRETARY: Ayes, 50. Nays,  
13 2. Senators Hassell-Thompson and Perkins  
14 recorded in the negative.

15 ACTING PRESIDENT GRIFFO: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 71, by Senator LaValle, Senate Print 4925, an  
19 act to amend the General Business Law.

20 ACTING PRESIDENT GRIFFO: Read  
21 the last section.

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

24 ACTING PRESIDENT GRIFFO: Call  
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 52.

3 ACTING PRESIDENT GRIFFO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 74, by Senator Grisanti, Senate Print 5594, an  
7 act to amend the New York State Urban  
8 Development Corporation Act.

9 ACTING PRESIDENT GRIFFO: Read  
10 the last section.

11 THE SECRETARY: Section 2. This  
12 act shall take effect on the 120th day.

13 ACTING PRESIDENT GRIFFO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 52.

17 ACTING PRESIDENT GRIFFO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 77, by Senator Young, Senate Print 4358, an act  
21 to amend the General City Law.

22 ACTING PRESIDENT GRIFFO: Read  
23 the last section.

24 THE SECRETARY: Section 10. This  
25 act shall take effect on the first of July.

1                   ACTING PRESIDENT GRIFFO:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 52.

5                   ACTING PRESIDENT GRIFFO:    The  
6   bill is passed.

7                   Senator LaValle, that completes  
8   the noncontroversial reading of the calendar.

9                   SENATOR LaVALLE:    Is there any  
10  other business at the desk, Mr. President?

11                  ACTING PRESIDENT GRIFFO:    There  
12  is no further business before the desk.

13                  SENATOR LaVALLE:    Mr. President,  
14  I'd like to recognize Senator O'Mara for a  
15  brief announcement.

16                  ACTING PRESIDENT GRIFFO:    Senator  
17  O'Mara.

18                  SENATOR O'MARA:    Thank you,  
19  Mr. President.

20                  There will be a meeting of the  
21  Senate Government Efficiency Task Force at  
22  noon in Room 813 of the LOB, at noon in  
23  Room 813.   Thank you.

24                  ACTING PRESIDENT GRIFFO:    Room  
25  813 in the LOB at noon, a meeting of the Senate

1 Government Efficiency Task Force.

2 Any other announcements?

3 Senator LaValle.

4 SENATOR LaVALLE: Mr. President,  
5 there being no further business, I move we  
6 adjourn until Monday, January 30th, at  
7 3:00 p.m., intervening days to be legislative  
8 days.

9 ACTING PRESIDENT GRIFFO: On  
10 motion, the Senate stands adjourned until  
11 Monday, January 30th, at 3:00 p.m., intervening  
12 days being legislative days.

13 Senate adjourned.

14 (Whereupon, at 11:14 a.m., the  
15 Senate adjourned.)

16

17

18

19

20

21

22

23

24

25