NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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January 24, 2012

11:03 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 all to bow our heads in 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 23rd, the Senate met pursuant to adjournment. The Journal of Sunday, January 22nd, 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 LaValle.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator LaValle.

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

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator Gallivan.

SENATOR GALLIVAN: Thank you, Mr. President.

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

(Laughter.)

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Gallivan.

Is there any other member wishing to be heard?

(No response.)

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.

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

(Applause.)

ACTING PRESIDENT GRIFFO: Senator LaValle.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read

the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

The Secretary will continue to read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator

Hassell-Thompson to be recorded in the negative.

Senator Perkins to explain his vote.

SENATOR PERKINS: Thank you very much.

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

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

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

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

So in that regard, I vote in the negative.

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

Is there any other Senator wishing to explain their vote?

(No response.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator O'Mara.

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

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

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

Government Efficiency Task Force.

Any other announcements?

Senator LaValle.

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

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

Senate adjourned.

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