NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 14, 2012

3:13 p.m.

REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

ACTING PRESIDENT MARCELLINO: Today we're going to have our prayer done by Reverend Peter G. Young, of Mother Teresa Community Church in Albany.

REVEREND YOUNG: Let us pray.

In New York City, at George Washington's inauguration as president, he placed his hand on the Bible in 1789 to serve with integrity his nation.

Our Senators are called to leadership as Your elected and dedicated public servants. We bless them with love on this St. Valentine's Day so that they can carry out their most important work to all of our citizens in the state that we call the Empire State that we all love.

Amen.

ACTING PRESIDENT MARCELLINO: Thank you, Reverend.

May we have the reading of the Journal.

THE SECRETARY: In Senate, Monday, February 13th, the Senate met pursuant to adjournment. The Journal of Friday, February 10th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MARCELLINO: 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: Thank you, Mr. President.

Mr. President, on behalf of

Senator Ball, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause. I have a series here. It's 3817, 4063, 4149, 4764, 4956, 4958, 4959, 4962, 4963, 4994, 9495, 4997, 4998, 5033, 5265, 5268. And we have some more: 5298, 5300, 5301, and 5303.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: So ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, could we have the noncontroversial reading of the calendar, please.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 36, by Senator Klein, Senate Print 575, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 180th day.

ACTING PRESIDENT MARCELLINO:

call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Announce the results.

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 37, by Senator Grisanti, Senate Print 5829, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Please announce the results.

THE SECRETARY: Ayes, 51. Nays, 2. Senators Krueger and Diaz recorded in the negative.

ACTING PRESIDENT MARCELLINO:

The bill is passed.

THE SECRETARY: Calendar Number 44, by Senator Nozzolio, Senate Print --

SENATOR LIBOUS: Lay the bill aside for the day, please.

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

THE SECRETARY: Calendar Number 89, by Senator McDonald, Senate Print 4525B, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

THE SECRETARY: Section 12. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 111, by Senator Addabbo --

SENATOR BRESLIN: Lay the bill aside for the day.

ACTING PRESIDENT MARCELLINO: The

bill is laid aside for the day.

THE SECRETARY: Calendar Number 116, by Senator Marcellino, Senate Print 4272B, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 120th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 144, by Senator Young, Senate Print 770, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 146, by Senator Little, Senate Print 2485, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Little, why do you rise?

SENATOR LITTLE: Thank you, Mr. President. If I could explain my vote, please.

ACTING PRESIDENT MARCELLINO: Senator Little to explain her vote.

SENATOR LITTLE: Thank you.

I'd like to explain that this bill does not apply to the State Forest

Preserve lands that are held within the Adirondack Park and the Catskill Park because you cannot timber land on the Forest Preserve.

What this applies to is the Forest Preserve lands, the state lands that are timbered, so that they no longer have to go through an approval process with the Comptroller, but only through the DEC, who has oversight over the timbering of those state lands which are managed and timbered. And it streamlines the process so that you do not have to have the approval of the Comptroller until you get to that price level of $50,000.

The price has not been changed since 1999, and the value of timber has increased since 1999. So while it may be the same amount of timber, you are way over the $10,000 mark, you then have to have the approval of the DEC and the Comptroller. This would eliminate the Comptroller from approval until you get to $50,000.

So last year the vote on this bill was 62 to zero. And I thank all those who voted for it last year, and I hope you

would do so again this year.

But thank you. I vote aye.

ACTING PRESIDENT MARCELLINO: You will be recorded in the affirmative, Senator Little.

Announce the results.

THE SECRETARY: In relation to Calendar Number 146, those recorded in the negative are Senators Addabbo, Avella, Breslin, Diaz, Espaillat, Gianaris, Hassell-Thompson, Huntley, Kennedy, Krueger, Montgomery, Parker, Peralta, Perkins, Rivera, Sampson, Savino, Serrano, Squadron, Stavisky, and Stewart-Cousins.

Ayes, 33. Nays, 21.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 164, by Senator Perkins, Senate Print 6153, an act to amend Chapter 192 of the Laws of 2011.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 165, by Senator Little, Senate Print 6192, an act to authorize certain healthcare professionals.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 18, 2012.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 168, by Senator Gallivan, Senate Print 5557 --

SENATOR LIBOUS: Lay it aside for the day.

ACTING PRESIDENT MARCELLINO: Lay that bill aside for the day, please.

THE SECRETARY: Calendar Number 170, by Senator Marcellino, Senate Print 939, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 173, by Senator DeFrancisco, Senate Print 2860A, an act to amend the Navigation Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO:

Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

SENATOR LIBOUS: Mr. President, is there any further business at the desk on this Valentine's Day?

ACTING PRESIDENT MARCELLINO: The desk is squeaky clean, sir.

SENATOR LIBOUS: Mr. President, there being no further business, I move that we adjourn until Wednesday, February 15th, at 10:00 a.m.

ACTING PRESIDENT MARCELLINO: On motion, the Senate stands adjourned until Wednesday, February the 15th, at 10:00 a.m.

(Whereupon, at 3:24 p.m., the Senate adjourned.)