

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 1, 2012

11 11:09 a.m.

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13
14 REGULAR SESSION

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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 recited
8 the Pledge of Allegiance to the Flag.)

9 ACTING PRESIDENT GRIFFO: As we
10 await the presence of clergy, we will ask that
11 everyone bow their heads for a moment of silent
12 reflection.

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

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

17 THE SECRETARY: In Senate,
18 Wednesday, February 29th, the Senate met pursuant
19 to adjournment. The Journal of Tuesday,
20 February 28th, was read and approved. On motion,
21 Senate adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

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

6 Motions and resolutions.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President,
9 at this time may we adopt the Resolution
10 Calendar, with the exception of Resolutions
11 3270, 3305, 3367, 3368, 3384 and 3457.

12 ACTING PRESIDENT GRIFFO: All
13 those in favor of adopting the Resolution
14 Calendar, with the exception of those resolutions
15 designated as Senator Libous has specified,
16 please signify by 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 Libous.

24 SENATOR LIBOUS: Thank you,
25 Mr. President.

1 I believe there's a resolution at
2 the desk by Senator Skelos, Number 3384. Could
3 we please have it read in its entirety and call
4 on Senator Skelos before its adoption.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 Resolution Number 3384, by Senators Skelos,
9 Espaillat, and Golden, honoring the Archbishop of
10 New York, Timothy M. Dolan, upon the occasion of
11 his elevation to the dignity of Cardinal by the
12 Vatican on February 18, 2012.

13 "WHEREAS, It is the custom of this
14 Legislative Body to applaud the just recognition
15 of men of the cloth who distinguish themselves
16 and the ministry through their unremitting
17 commitment and long-standing preeminence of
18 service; and

19 "WHEREAS, Attendant to such
20 concern, this Legislative Body is proud to honor
21 and recognize Timothy Cardinal Dolan upon the
22 occasion of his elevation to the dignity of
23 Cardinal by the Vatican on Saturday, February 18,
24 2012, becoming the eighth cardinal-archbishop of
25 New York; and

1 "WHEREAS, Timothy Michael Dolan was
2 named Archbishop of New York by Pope Benedict XVI
3 on February 23, 2009. He was installed as
4 Archbishop of New York on April 15, 2009; and

5 "WHEREAS, This distinguished man of
6 God had served as Archbishop of Milwaukee since
7 he was named by Pope John Paul II on June 25,
8 2002. He was installed as Milwaukee's 10th
9 Archbishop on August 28, 2002, at the Cathedral
10 of St. John the Evangelist; and

11 "WHEREAS, Cardinal Dolan was born
12 in Missouri on February 6, 1950, the first of
13 five children, to Shirley Radcliffe Dolan and the
14 late Robert Dolan; and

15 "WHEREAS, In 1964, he began his
16 high school seminary education at St. Louis
17 Preparatory Seminary South in Shrewsbury,
18 Missouri. His seminary foundation continued at
19 Cardinal Glennon College, where he earned a
20 bachelor of arts degree in philosophy; and

21 "WHEREAS, He then completed his
22 priestly formation at the Pontifical North
23 American College in Rome, Italy, where he
24 earned a License in Sacred Theology at the
25 Pontifical University of St. Thomas; and

1 "WHEREAS, Cardinal Dolan was
2 ordained to the priesthood on June 19, 1976. He
3 then served as associate pastor at Immacolata
4 Parish in Richmond Heights, Missouri, until 1979,
5 when he began studies for a doctorate in American
6 Church history at the Catholic University, which
7 he earned in 1985; and

8 "WHEREAS, Before completing the
9 doctorate, he spent a year researching the late
10 Archbishop Edwin O'Hara, a founder of the
11 Catholic Biblical Association. Archbishop
12 O'Hara's life and ministry was the subject of the
13 Archbishop's doctoral dissertation; and

14 "WHEREAS, Upon his return to
15 St. Louis, Cardinal Dolan served in parish
16 ministry from 1983-1987, during which time he was
17 also liaison for the late Archbishop John L. May
18 in the restructuring of the college and theology
19 programs of the archdiocesan seminary system; and

20 "WHEREAS, In 1987, Cardinal Dolan
21 was appointed to a five-year term as Secretary to
22 the Apostolic Nunciature in Washington, D.C.; and

23 "WHEREAS, When he returned to
24 St. Louis in 1992, he was appointed vice rector
25 of Kenrick-Glennon Seminary, serving also as

1 director of spiritual formation and professor of
2 church history. In addition, he was an adjunct
3 professor of theology at St. Louis University;
4 and

5 "WHEREAS, In 1994, Cardinal Dolan
6 was appointed rector of the Pontifical North
7 American College in Rome, where he served until
8 June of 2001. While in Rome, he also served as a
9 visiting professor of church history at the
10 Pontifical Gregorian University and as a faculty
11 member in the Department of Ecumenical Theology
12 at the Pontifical University of St. Thomas
13 Aquinas; and

14 "WHEREAS, The work of the Cardinal
15 in the area of seminary education has influenced
16 the life and ministry of a great number of
17 priests of the new millennium; and

18 "WHEREAS, On June 19, 2001, the
19 25th anniversary of his ordination to the
20 priesthood, then Fr. Dolan was named the
21 Auxiliary Bishop of St. Louis by Pope John Paul
22 II. The new Bishop Timothy M. Dolan chose for
23 his Episcopal motto the profession of faith of
24 St. Peter: Ad Quem Ibimus, 'Lord, to whom shall
25 we go?'; and

1 "WHEREAS, Cardinal Dolan served as
2 chairman of Catholic Relief Services from
3 January of 2009 until November of 2010.
4 Currently, he is a member of the board of
5 trustees of The Catholic University of America,
6 as well as the Pontifical Council for Promoting
7 New Evangelization and the Pontifical Council for
8 Social Communications; and

9 "WHEREAS, On June 29, 2009,
10 Cardinal Dolan received the pallium, a symbol of
11 his office as an archbishop, from His Holiness,
12 Pope Benedict XVI, at St. Peter's Basilica; and

13 "WHEREAS, On November 16, 2010,
14 Timothy Cardinal Dolan was elected president of
15 the United States Conference of Catholic Bishops,
16 succeeding Cardinal Francis George of Chicago;
17 and

18 "WHEREAS, It is the sense of this
19 Legislative Body that when a person of such noble
20 aims and accomplishments is brought to our
21 attention, it is appropriate to publicly and
22 jubilantly proclaim and commend that individual
23 for the edification of others; now, therefore, be
24 it

25 "RESOLVED, That this Legislative

1 Body pause in its deliberations to congratulate
2 and commend Timothy Cardinal Dolan upon the
3 occasion of his elevation to the dignity of
4 Cardinal on February 18, 2012, noting his
5 unremitting and compassionate faith and his
6 exemplary service to God, man, and his community,
7 and extending to him the heartfelt best wishes of
8 this Legislative Body for a future of continued
9 purposeful success and well-being; and be it
10 further

11 "RESOLVED, That a copy of this
12 Resolution, suitably engrossed, be transmitted to
13 Timothy Cardinal Dolan."

14 ACTING PRESIDENT GRIFFO: I'm
15 going to ask members if they would please take
16 conversations and staff outside. We're getting a
17 little noisy here. And I would like to call upon
18 Senator Skelos.

19 Senator Skelos.

20 SENATOR SKELOS: Thank you very
21 much, Mr. President.

22 I believe the resolution -- and
23 certainly I'm sponsoring it, Senator Espaillat
24 and Senator Golden. And we would open up the
25 resolution to all members of the Senate if they

1 wish to sponsor it. If they care not to, they
2 should notify the desk.

3 The resolution reads of the
4 cardinal's many accomplishments throughout his
5 career. But also there's another side of the
6 cardinal that many of us who have had the
7 opportunity to meet with him -- there's a genuine
8 nice guy part of him.

9 And I go back to when I was sworn
10 in as leader. And the then archbishop, the
11 cardinal, was standing in the corner with my
12 father. And I'm going through the ceremony of
13 the selection of the leader, and I'm looking
14 over. My father is just chatting away with him.

15 And I said afterwards, "Dad, your
16 son is being sworn in as the majority leader and
17 you're spending most of your time discussing
18 things with the archbishop." I said, "What were
19 you doing?" He said, "Well, we were discussing
20 religion. And we were trying to resolve the
21 small differences that exist between the Catholic
22 Church and the Greek Orthodox Church."

23 And I said, "Well, have you
24 succeeded? Because I know this has been going on
25 for generation upon generation, century upon

1 century." And he said, "But we're getting
2 close."

3 (Laughter.)

4 SENATOR SKELOS: But again, the
5 cardinal was most gracious the way he spent the
6 time with my family, my father. And he's just a
7 very, very special person.

8 And all of us in the metropolitan
9 area, no matter what our religion is, we are all
10 blessed to have him as a leader. He is a person
11 that absorbs you, that loves you, that listens to
12 you. And he will be a great spiritual leader,
13 not just for the Catholic Church but all churches
14 and of all faiths within the metropolitan area.

15 So I'm very delighted to sponsor
16 this resolution. And again, as I said, if
17 anybody wishes not to cosponsor it, they should
18 notify the desk.

19 Thank you.

20 ACTING PRESIDENT GRIFFO: As
21 Senator Skelos has specified, the resolution is
22 open for cosponsorship. If you choose not to,
23 please notify the desk.

24 Senator Golden.

25 SENATOR GOLDEN: Thank you,

1 Mr. President.

2 I thank our leader Senator Skelos
3 for putting and accepting this resolution for the
4 floor today. I think it's very, very important
5 that a man of the prestige of the Prince of the
6 City, this cardinal, that has been named to the
7 City of New York.

8 I've got to tell you, we were at
9 his services on Saturday and he was remarkable.
10 He took his hat off and he actually went through
11 what the -- where to place that hat, on -- this
12 is part of the great Statue of Liberty, I can put
13 it right on top of the Statue of Liberty because
14 it's for the people of this great city and this
15 great state.

16 You can put this on top of the
17 Yankee Stadium, you can put this over at the
18 Knicks, you can put this on the Empire State
19 Building -- oh, I meant the World Trade Building,
20 because the Empire State Building had denied
21 putting up his color, the color red -- not that
22 he requested it. Somebody else had requested
23 that the Empire State building had been placed in
24 red.

25 But I want to thank the governor of

1 the State of New York, the governor of
2 New Jersey, and Pat Foye, because they decorated
3 the World Trade Center in red in honor of that
4 cardinal.

5 And that cardinal will work, as in
6 that church that day out of the presence of all
7 walks of lives, all different faiths, all
8 different colors and religions that came together
9 and he will work with over his leadership here in
10 this great city. Obviously it being a Saturday,
11 he could not work with the Jewish community but
12 was on his way to meet with the Jewish community
13 on that Monday.

14 I think Mr. Dolan, our new
15 cardinal, Cardinal Dolan, is going to be a great
16 addition to our city as the cardinal and has been
17 a great archbishop over the past couple of
18 years.

19 And I believe we're looking forward
20 to working with him and helping those that need
21 the most help, those that fall between the
22 cracks, those that are in Catholic charities,
23 those that need help with their children, those
24 seniors that need help and the different families
25 that need help across the spectrum, whether it be

1 in the hospital system, the healthcare system,
2 our nursing homes, our assisted living
3 facilities, our adoption facilities. We're
4 looking forward to working with this Prince of
5 the City.

6 And I thank you, Senator Skelos,
7 for putting this on today, and I thank our
8 conference for putting it on as well.

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Senator Golden.

11 Senator Espaillat.

12 SENATOR ESPAILLAT: Thank you,
13 Mr. President.

14 I read the papers when Cardinal
15 Dolan came back from his ascension to be cardinal
16 from Italy, and the paper said that he wants to
17 be a saint. But what he really wanted was for
18 all of us to aspire to do better spiritually and
19 for all of us to be saints. That's a tall order,
20 Mr. President, right here at the Senate.

21 But, you know, we could certainly
22 look towards his guidance. And he has been one
23 that -- a spiritual leader that has embraced the
24 Catholic congregations across the archdiocese.

25 And I have met with him several

1 times. Every year he holds a special mass for
2 Our Lady of Altagracia, which is the patron
3 saint, the protector saint of the Dominican
4 Republic, where thousands of followers go to
5 St. Patrick's Cathedral for this service. And he
6 does this with each and every one of the
7 communities across the City of New York, across
8 the archdiocese.

9 And he's certainly a great
10 spiritual leader for our city, our state, and the
11 country. And I look forward to having
12 conversations with him as we move forward.

13 And I thank the leader for this
14 resolution, and all the sponsors as well.

15 Thank you.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Espaillat.

18 Senator Bonacic.

19 SENATOR BONACIC: Thank you.

20 I just want to share a little story
21 with you. We are fortunate to have a cardinal
22 that is there for all the people. But there was
23 a priest that served in the eastern part of
24 Orange County, in Senator Larkin's district, a
25 priest by the name of Father Valastro. Just

1 about four days ago Father Valastro was very ill,
2 he was on his deathbed. And Cardinal Dolan came
3 to Orange County to spend some time with that
4 priest before he passed away.

5 And today at 11 o'clock, in the
6 city of Middletown in Orange County, they're
7 having a mass for that priest, of which he is
8 there doing the mass.

9 Now, I say that to you to show the
10 depth and the character of the man as well as the
11 cardinal. We expect great things from him, he
12 will give us great things, and I hope someday he
13 becomes the pope.

14 Thank you, Mr. President.

15 ACTING PRESIDENT GRIFFO: Thank
16 you, Senator Bonacic.

17 The question is on the resolution.
18 All in favor signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT GRIFFO:
21 Opposed?

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The
24 resolution is adopted.

25 Senator Libous.

1 SENATOR LIBOUS: Mr. President,
2 thank you. As Senator Skelos requested, the
3 resolution is open for everyone. If someone
4 wishes not to be on it, check in with the desk.

5 ACTING PRESIDENT GRIFFO: So
6 noted.

7 SENATOR LIBOUS: And at this time,
8 Mr. President, there's a resolution, I believe by
9 Senator Rivera, at the desk. Could we read it in
10 its entirety, and I believe Senator Rivera would
11 like to make some comments before it's adopted.

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will read.

14 THE SECRETARY: Legislative
15 Resolution Number 3305, by Senator Rivera,
16 mourning the death of Police Officer Anthony V.
17 Digiovanna.

18 "WHEREAS, A great state is only as
19 great as those individuals who perform exemplary
20 service on behalf of their community, whether
21 through unique achievement in professional or
22 other endeavors, or simply through a lifetime of
23 good citizenship; and

24 "WHEREAS, It is the sense of this
25 Legislative Body to mourn the death of Police

1 Officer Anthony V. Digiovanna; and

2 "WHEREAS, Police Officer Anthony
3 V. Digiovanna was sworn into the New York City
4 Police Department on February 28, 1994, and began
5 his career as a full-time officer with the
6 48th Precinct in the Bronx. During that time, he
7 familiarized himself with the streets of the
8 Bronx by walking every block of his precinct,
9 learning about the community he was representing
10 and protecting; and

11 "WHEREAS, In 1997, Police Officer
12 Anthony V. Digiovanna, along with his partner,
13 John Muskus, was assigned to monitor the
14 condition of prostitution in the West Farms area
15 of the Bronx. Together, they made approximately
16 400 arrests, bringing such a noted improvement to
17 the quality of life to the West Farm community
18 that they were recognized and awarded plaques of
19 honor; and

20 "WHEREAS, During the years from
21 July of 2000 until September of 2004, Police
22 Officer Anthony V. Digiovanna was assigned to the
23 Community Policing Unit. Through his faithful
24 work ethic and dedication, he further bonded with
25 his community, consistently attending community

1 events while addressing the important concerns of
2 the residents of the Bronx community; and

3 "WHEREAS, On September 11, 2001,
4 Police Officer Anthony V. Digiovanna volunteered
5 to be one of the first responders to the World
6 Trade Center site, spending the first 20 hours of
7 the attack at Ground Zero, and then spending the
8 next four months participating in recovery
9 efforts. Unfortunately, like many others who
10 served at Ground Zero, Police Officer Digiovanna
11 was diagnosed with respiratory difficulties and a
12 rare form of cancer in 2002; and

13 "WHEREAS, Police Officer Anthony V.
14 Digiovanna fought for his life, underwent
15 aggressive chemotherapy and a stem cell
16 transplant, and was very happy when he was able
17 to return to the 48th Precinct of the Bronx and
18 continue to serve the people of his city; and

19 "WHEREAS, His superiors recognized
20 Officer Digiovanna's strong bond with the
21 community and realized he would be a natural for
22 the position of community affairs officer; and

23 "WHEREAS, Subsequently, Police
24 Officer Anthony V. Digiovanna was assigned to the
25 esteemed position of community affairs officer

1 for the 48th Precinct in September 2004; and

2 "WHEREAS, Police Officer Anthony V.
3 Digiovanna referred to the Bronx community and
4 its leaders as his 'second family.' It was
5 fitting that whenever his community needed help,
6 he was there to assist them. Whether on or off
7 duty, he could be reached any time, responding
8 promptly and efficiently and ready to execute the
9 duties of his position; and

10 "WHEREAS, Police Officer Anthony V.
11 Digiovanna was seen as a liaison and communicator
12 between the Police Department and the people of
13 the Bronx. He was honored with awards, special
14 recognition, and citations for his hard work and
15 dedication to the Bronx; and

16 "WHEREAS, It is the practice of
17 this Legislative Body that those who enhanced the
18 quality of life in their community and
19 demonstrated a long and sustained commitment to
20 the maintenance of high standards in their
21 profession certainly have earned the recognition
22 and applause of all the citizens of this great
23 Empire State; now, therefore, be it

24 "RESOLVED, That this Legislative
25 Body pause in its deliberations to mourn the

1 death of Police Officer Anthony V. Digiovanna;
2 and be it further

3 "RESOLVED, That a copy of this
4 resolution, suitably engrossed, be transmitted to
5 the family of Police Officer Anthony V.
6 Digiovanna."

7 ACTING PRESIDENT GRIFFO: Senator
8 Rivera.

9 SENATOR RIVERA: Thank you,
10 Mr. President.

11 It is a tradition of our body to
12 take a second and recognize when we have folks
13 that are New Yorkers that have done great service
14 for our state and for our communities. And so it
15 is now that I take the time to pause for a second
16 and talk a little bit about our friend Tony. And
17 when I say "our friend," I mean our friend in the
18 Bronx.

19 I've only been serving for over a
20 year. And that part of the Bronx, the East
21 Tremont and West Farms part of the Bronx, is not
22 one that I'm very familiar with. And my staff
23 was somewhat familiar with it. And in reaching
24 out to the local community, we reached out to the
25 local precincts. And one of the people who

1 responded was Tony.

2 When he responded to us, he was
3 nothing but a help. Every time that we needed
4 something from that precinct, he called us.
5 Every time that there were some issues in that
6 precinct, he called us. And he was always an
7 immense help to us.

8 I remember -- and one thing is that
9 I did not know about some of the challenges that
10 Tony had faced when I met him. I didn't know
11 that he had faced cancer, I didn't know that he
12 had won against cancer, and I didn't know that he
13 had come back to work after that. All that I
14 knew was this happy guy who was always being
15 helpful to my staff.

16 And one time in particular, last
17 year I did a health initiative in which I -- I've
18 lost like 27 pounds since then, but I remember
19 the first community weigh-in that we had in which
20 I had just weighed in at 299 pounds. And Tony
21 was actually there as a member of the community
22 affairs team for the 48th Precinct, and he was
23 serving hot dogs. And he actually came up to me,
24 and he said, "You know, if you want to lose
25 weight, you should have a hot dog, because every

1 food group is represented in one of these."

2 (Laughter.)

3 SENATOR RIVERA: And that was the
4 kind of guy that he was.

5 I take this time to not only
6 recognize his great work and his great
7 partnership with my office and with the rest of
8 the community, but also to recognize his family,
9 who is here. Through all this bad weather they
10 came up because they wanted to make sure that
11 they were here when we recognized Tony's life and
12 Tony's work.

13 His wife Joanna is up there, joined
14 by his four daughters -- and I want to make sure
15 I get the names right -- Jessica, Melissa,
16 Rebecca, and Sabrina. If you could all stand for
17 a moment, I would thank you.

18 This is his family.

19 (Applause.)

20 SENATOR RIVERA: These are the
21 folks he leaves behind. He leaves behind four
22 young daughters, one of which is going to be a
23 doctor -- yes, you are -- one of which is going
24 to be a lawyer. The other one is going to be a
25 photographer, and I think the other one is going

1 to be a Senator, because she was just sitting in
2 this chair just a little bit earlier.

3 (Laughter.)

4 SENATOR RIVERA: But I thank them
5 for coming, but I wanted to make sure that I just
6 said to them thank you for lending us Tony for as
7 much as you did in the community.

8 And I know that he's watching down
9 right now, and he's going to make sure that the
10 doctor, the attorney, the photographer, and the
11 Senator all get to be productive members of
12 society and great help to the community just like
13 he was.

14 I want to thank my colleagues for
15 giving me this second to just thank them for
16 their service. The rest of the family is also
17 here.

18 I would also like to mention his
19 partner, Melanie Kujawinski, and a fellow
20 community affairs officer, Richard Marina, who
21 also miss him.

22 We miss him every day. And we know
23 that he's here watching us, and I know that his
24 four daughters will continue to make him proud.

25 Thank you so much, Mr. President

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Senator Rivera.

3 Senator Hassell-Thompson.

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

6 As someone who also represents the
7 Bronx, I would like to add my celebration of the
8 life of Tony here in the chambers. And I want to
9 thank my colleague Senator Rivera for bringing
10 this resolution.

11 Too seldom, unless you make the
12 front page of the paper, do you get the
13 recognition that you so amply deserve. But in
14 this officer I just -- you know, I don't usually
15 read texts while I'm in session, but I was glad I
16 did, because my staff said, "We only have a tiny
17 part of the 48th, but he's in our district.
18 You've got to say something." And so -- but I
19 had already been given the privilege of doing
20 so.

21 And so I, along with Senator Rivera
22 and this body, while we mourn with you, we
23 celebrate with you a tremendous individual and
24 know that the community at large is there for you
25 and supports you.

1 And thank you, Senator Rivera.

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Senator Hassell-Thompson.

4 We'd like to again acknowledge the
5 Digiovanna family. We want to extend our
6 appreciation for Anthony's service to his city
7 and our state. We also want to express our
8 condolences to you on your loss.

9 And I would ask all members to now
10 please rise in a moment of silent tribute.

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

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

16 (Response of "Aye.")

17 ACTING PRESIDENT GRIFFO:
18 Opposed?

19 (No response.)

20 ACTING PRESIDENT GRIFFO: The
21 resolution is adopted.

22 Senator Gallivan.

23 SENATOR GALLIVAN: Senator Rivera
24 would like to open this resolution for
25 cosponsorship. Can we please place everyone on

1 as a cosponsor. If someone does not wish to be a
2 cosponsor, they should notify the desk.

3 ACTING PRESIDENT GRIFFO: At the
4 invitation of Senator Rivera, the resolution is
5 open for cosponsorship. If you choose not to,
6 please notify the desk.

7 Senator Gallivan.

8 SENATOR GALLIVAN: Mr. President,
9 I believe there's a resolution by Senator
10 Marcellino, Number 3457, at the desk. I ask that
11 the title be read and ask for its immediate
12 adoption.

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read.

15 THE SECRETARY: Legislative
16 Resolution Number 3457, by Senator Marcellino,
17 celebrating the life and accomplishments of famed
18 veteran foreign war correspondent Marie Catherine
19 Colvin.

20 ACTING PRESIDENT GRIFFO: Senator
21 Marcellino.

22 SENATOR MARCELLINO: Thank you,
23 Mr. President.

24 Mr. President, in the movie A Few
25 Good Men, Jack Nicholson at the time issued a

1 phrase that's been oft-quoted. That phrase was
2 "The truth? You can't handle the truth."

3 Well, apparently the government of
4 Syria couldn't handle the truth that famed
5 reporter Marie Colvin was reporting from the city
6 of Homs, which the Syrian government has been
7 mercilessly attacking and killing and
8 slaughtering innocent civilians simply because
9 they disagree with the dictator Assad's position
10 and tyrannical leadership of that nation.

11 In order to suppress the truth from
12 being reported, the Assad government singled out
13 the location where Marie and other journalists
14 were reporting from and had that site purposely
15 targeted and attacked. The end result was
16 killing Marie Colvin, who was a resident of the
17 town of Oyster Bay, that I represent.

18 Graduated from Oyster Bay High
19 School, went to Yale University, and for 25 years
20 an award-winning journalist for the British
21 Sunday Times. She lost an eye through a shrapnel
22 wound in Sri Lanka in 2001.

23 This lady believed in the truth and
24 the reporting of the truth. A free nation like
25 ours depends on a free press, a press that is

1 fearless, a press that will go out and report the
2 truth under all circumstances, under all
3 conditions.

4 Marie had that courage and Marie
5 was dedicated to reporting the truth.

6 Unfortunately, the Syrian government was
7 successful in silencing her. On the 22nd of
8 February, she was killed in that attack.

9 We should never forget her
10 service. We commend her family, who still reside
11 in the town of Oyster Bay. We commend Marie's
12 life as a model to journalists and people who are
13 studying journalism who want to go into that
14 field, that reporting the truth can sometimes be
15 a risky business. Some people don't like the
16 truth. Some people, as the man said, can't
17 handle the truth.

18 We as a free nation must always
19 defend the truth and those who report it. The
20 Assad government is despicable. What they are
21 doing to their own people is a disgrace and
22 should be condemned by the world community. The
23 loss of Marie Colvin is a loss to journalism,
24 it's a loss to the truth, and it's a loss to the
25 profession of journalism throughout the world.

1 On behalf of the family, I wish to
2 offer our condolences and we wish to offer the
3 respect of this body for Marie's service to
4 humanity and her dedication and her courage in
5 the face of obvious danger. She didn't flinch;
6 she did her job. Others of her profession at the
7 same time were also killed and should also be
8 remembered. And we should never forget that, and
9 we should keep her in our prayers and keep her
10 family in our prayers.

11 Mr. President, I urge that this
12 resolution be opened to all members of the body,
13 as we do usually with the other resolution
14 beforehand, and be opened for cosponsorship on
15 behalf of Marie and her family.

16 Thank you, Mr. President.

17 ACTING PRESIDENT GRIFFO: Thank
18 you, Senator Marcellino.

19 The question is on the resolution.
20 All in favor signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO:

23 Opposed?

24 (No response.)

25 ACTING PRESIDENT GRIFFO: The

1 resolution is adopted.

2 And the resolution is open for
3 cosponsorship, at the request of Senator
4 Marcellino. If you choose not to, please notify
5 the desk.

6 Senator Libous.

7 SENATOR LIBOUS: Mr. President, at
8 this time I believe there's a resolution at the
9 desk by Senator Golden, Number 3367. Could you
10 please have it read in its entirety and call on
11 Senator Golden before its adoption, please.

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will read.

14 THE SECRETARY: Legislative
15 resolution mourning the death of Major League
16 Baseball Hall of Famer Gary Edmund Carter.

17 "WHEREAS, It is the custom of this
18 Legislative Body to pay tribute to the memory of
19 those exemplary athletes from the State of
20 New York who attained unprecedented success and
21 achievement through their personal courage,
22 integrity, and dedicated effort; and

23 "WHEREAS, Attendant to such
24 concern, and in full accord with its
25 long-standing traditions, this Legislative Body

1 mourns the death of Major League Baseball Hall of
2 Famer Gary Edmund Carter; and

3 "WHEREAS, Gary Carter, the slugging
4 catcher, known as 'Kid' for the sheer joy he took
5 in playing baseball, died on Thursday,
6 February 16, 2012, at the age of 57; and

7 "WHEREAS, Born on April 8, 1954,
8 in Culver City, California, Gary Carter was both
9 an infielder and a star quarterback at Sunny
10 Hills High School in Fullerton, California. He
11 planned to play football at UCLA, but pursued
12 baseball instead when he was selected by the
13 Montreal Expos in the third round of the 1972
14 draft; and

15 "WHEREAS, The Expos switched Gary
16 Carter to play catcher, and he made his debut for
17 them in September 1974. Playing his first 11
18 seasons in Montreal, he became the face of the
19 franchise, but was later traded to the New York
20 Mets in December 1984; and

21 "WHEREAS, Gary Carter's big opening
22 day in 1985 was the prelude to a season in which
23 he hit a career-high 32 home runs. This major
24 accomplishment set the stage and helped to propel
25 the Mets for their dramatic 1986 World Series

1 championship year; and

2 "WHEREAS, In his five seasons with
3 the Mets, the right-handed-hitting Gary Carter
4 added considerable power to a lineup that
5 featured the left-handed-hitting Keith Hernandez
6 and Darryl Strawberry; and

7 "WHEREAS, Gary Carter played with
8 intensity and flair, hitting 324 home runs and
9 punctuating many of the ones he hit at Shea
10 Stadium with arm-flailing curtain calls
11 emblematic of the Mets' swagger in the mid- and
12 late 1980s. In his 19 seasons in the major
13 leagues, all but two of them with the Expos or
14 the Mets, he was an 11-time All-Star and was
15 twice named the most valuable player in the
16 All-Star Game; and

17 "WHEREAS, In addition to his 324
18 home runs, Gary Carter drove in 1,225 runs and
19 had a career batting average of .262. His 298
20 home runs while in games as a catcher ranked him
21 No. 7 on the career list; and

22 "WHEREAS, Elected to the MLB Hall
23 of Fame in 2003, Gary Carter won three
24 consecutive Gold Glove awards, from 1980-82, with
25 the Expos. He caught in 2,056 games, placing him

1 No. 4 among major league catchers; and

2 "WHEREAS, After his playing days,
3 Gary Carter was a roving minor-league instructor
4 for the Mets, a broadcaster for the Florida
5 Marlins, a manager in the Mets minor-league
6 system and with the independent Long Island
7 Ducks. He was most recently the coach at Palm
8 Beach Atlantic University; and

9 "WHEREAS, Gary Carter is survived
10 by his wife, Sandy; two daughters, Christy and
11 Kimmy; son, Douglas James; and three
12 grandchildren; and

13 "WHEREAS, Armed with a humanistic
14 spirit and imbued with a sense of compassion,
15 Gary Carter leaves behind a legacy which will
16 long endure the passage of time and will remain
17 as a comforting memory to his teammates and the
18 numerous fans who watched him play America's
19 favorite pastime; now, therefore, be it

20 "RESOLVED, That this Legislative
21 Body pause in its deliberations to mourn the
22 death of Major League Baseball Hall of Famer Gary
23 Edmund Carter; and be it further

24 "RESOLVED, That a copy of this
25 resolution, suitably engrossed, be transmitted to

1 the family of Gary Carter."

2 ACTING PRESIDENT GRIFFO: Senator
3 Golden.

4 SENATOR GOLDEN: Thank you,
5 Mr. President.

6 I introduce this New York State
7 resolution remembering the New York Mets
8 legendary Gary 'the Kid' Carter, who died of
9 brain cancer on February 16th. Many of us
10 watched his memorial service, attended by many
11 heroes and legends of major league baseball.

12 Today the New York State Senate has
13 an opportunity to pay tribute to Number 8, Gary
14 Carter. New York lost one of the heroes from
15 1986, a legendary "Boy of Summer," with the
16 passing of Gary Carter. He was a hero to the
17 children that watched and grew up with him and to
18 those that remember him today: A Hall of Famer,
19 a World Series champion, a humanitarian.

20 The good life that was Gary
21 Carter's ended at the very early age of 57. Gary
22 Carter may have lost his battle with cancer, but
23 today we pause to honor him and guarantee that
24 his legacy will inspire people for future
25 generations.

1 And I thank the Empire State
2 Building on this one, because they did light up
3 for this good individual, this hero, last week,
4 in orange, blue and white in honor of Gary
5 Carter.

6 And I want to join all of my fellow
7 Met fans and all the fans of baseball in mourning
8 his great loss. And I want to open up this
9 resolution, obviously, to all of my colleagues.

10 And I understand from my good
11 colleague that he played ball for --

12 SENATOR YOUNG: The Jamestown
13 Jammers.

14 SENATOR GOLDEN: -- the Jamestown
15 Jammers here in New York. He was an inspiring
16 individual for Cathy and for many of the young
17 people that grew up with him.

18 Thank you, Mr. President.

19 ACTING PRESIDENT GRIFFO: Thank
20 you, Senator Golden.

21 The question is on the resolution.
22 All in favor signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT GRIFFO:
25 Opposed?

1 (No response.)

2 ACTING PRESIDENT GRIFFO: The
3 resolution is adopted.

4 And the sponsor has opened it up to
5 cosponsorship. If you choose not to, please
6 notify the desk.

7 Senator Libous.

8 SENATOR LIBOUS: Thank you,
9 Mr. President.

10 I believe there's a resolution at
11 the desk by Senator Kennedy, Number 3368. Again,
12 could we have its title read and then call on
13 Senator Kennedy.

14 ACTING PRESIDENT GRIFFO: The
15 Secretary will read.

16 THE SECRETARY: Legislative
17 Resolution Number 3368, by Senator Kennedy,
18 honoring L. Nathan Hare for his distinguished and
19 dedicated service to the citizens of Western
20 New York.

21 ACTING PRESIDENT GRIFFO: Senator
22 Kennedy.

23 SENATOR KENNEDY: Thank you,
24 Mr. President.

25 Today being March 1st, we have

1 enjoyed the previous month remembering and
2 honoring great African-American leaders who have
3 made our nation and our state strong, great
4 leaders whose names fill our history books and
5 whose stories we teach our children.

6 As Black History Month comes to a
7 close, I wanted to take this opportunity to honor
8 and share the story of a man who has worked
9 tirelessly to strengthen neighborhoods and
10 improve the quality of life in Western New York
11 and across the state, L. Nathan Hare. His work
12 and his leadership are rewriting the modern
13 history of Buffalo and Western New York.

14 Nathan Hare runs the Community
15 Action Organization of Erie County, which is one
16 of the oldest antipoverty organizations in the
17 entire nation. As just the third executive
18 director of the agency since 1965, Nathan is
19 leading CAO as it enters a new era where the
20 challenges remain great and the commitment to our
21 community remains unwavering.

22 As many of you know, the City of
23 Buffalo struggles with poverty. As one of the
24 poorest cities in the country, far too many
25 citizens have fallen below the poverty line. We

1 are working hard to help these families climb out
2 of poverty, and no one is working harder than
3 Nathan Hare.

4 For more than 30 years he has
5 dedicated his career to breaking the cycle of
6 poverty, extending his hand to countless men and
7 women in need of help. He has placed a special
8 focus on youth employment, education, foster
9 care, and juvenile justice. His aim has been
10 empowering young people to succeed academically
11 and professionally and to achieve greatness for
12 the community.

13 To meet these goals, he has helped
14 maintain and expand a comprehensive youth
15 development program, himself creating an
16 initiative called NURTURE, an acronym for
17 Neighborhood United for Restoration, Upliftment,
18 Recreation and Education.

19 By reviving the Neighborhood
20 Services Department and establishing the Family
21 Development Department, he has demonstrated his
22 dedication to building stronger neighborhoods and
23 stronger families in Western New York, which are
24 essential to improving the quality of life and
25 supporting the fabric of our community.

1 The Community Action Organization,
2 through Nathan Hare's leadership, has always
3 encouraged active citizen participation to spark
4 positive change and to advance educational,
5 economic, and social initiatives that will help
6 our community thrive.

7 Nathan Hare's work and leadership
8 have inspired young people to achieve greatness.
9 He has helped families grow stronger and escape
10 poverty. He has helped give low-income and
11 working-poor families a voice. And he has led
12 the way in uniting elected officials and
13 community leaders under the goal of building a
14 safer, more vibrant community.

15 When the modern history of Western
16 New York and New York State is written, I'm sure
17 the valiant and determined efforts of Nathan Hare
18 will be described in detail.

19 I thank Nathan for his commitment
20 to our community, and I look forward to
21 continuing to work with him to build a stronger
22 and more prosperous Buffalo and Western
23 New York.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Thank

1 you, Senator Kennedy.

2 The question is on the resolution.

3 All in favor 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 Senator Libous.

11 SENATOR LIBOUS: Mr. President,

12 thank you.

13 At this time there's a resolution

14 at the desk I believe by Senator Adams,

15 Number 3270. Could we have the title read and

16 call on Senator Adams before its adoption.

17 ACTING PRESIDENT GRIFFO: The

18 Secretary will read.

19 THE SECRETARY: Legislative

20 Resolution Number 3270, by Senator Adams,

21 mourning the death of famed singer and actress

22 Whitney Houston.

23 ACTING PRESIDENT GRIFFO: Senator

24 Adams.

25 SENATOR ADAMS: Thank you,

1 Mr. President. And I thank you, Senator Libous.

2 I just would like to read a few
3 names to you. Marilyn Monroe. Bruce Lee. Anna
4 Nicole Smith. Michael Jackson, the King of Pop.
5 Elvis Presley, the King of Rock. Heath Ledger.
6 And even Sigmund Freud. All died of abuse of
7 drugs.

8 According to the CDC, in 2004
9 unintentional drug death was the second leading
10 cause of accidental death, second only to
11 automobile accidents. The death of Ms. Houston
12 or any celebrity should be a teaching moment.

13 No one personifies this more than
14 First Lady Betty Ford, who turned the pain of
15 drug use into purpose by opening a clinic where
16 others can learn from the abuse of drugs.

17 When we honor the book of an
18 individual, we don't focus on the paragraph that
19 reads their disease and weaknesses. We look at
20 the many chapters of contribution and greatness.
21 In the case of Ms. Houston, we look at the
22 countless number of people who were inspired by
23 her music.

24 We also look at the New York
25 portion of the book. I was surprised to learn

1 that many people were not aware what she did
2 during the Gulf War when she sang an inspiring
3 "Star-Spangled Banner" that touched the hearts of
4 many Americans. And unlike many who take their
5 proceeds, she took her proceeds and turned it
6 over to the family members of the Gulf War
7 veterans.

8 But it goes beyond that, because
9 there's a New York chapter. I remember when I
10 was a police officer down on September 11th and
11 how many of us felt the pain of seeing our center
12 of trade crumble right before our eyes and we
13 inhaled some of the ash and the smoke that came
14 with that disaster.

15 And one of the most inspiring
16 moments for me and my younger brother, who was a
17 sergeant at the time in the Police Department,
18 was when Ms. Houston rereleased "The
19 Star-Spangled Banner" and took the money from
20 that song and gave it to the victims and their
21 families as well as members of the Fire
22 Department and the Police Department.

23 And so when we talk about the life
24 of Ms. Houston, there are many sentences, many
25 chapters, and many points in the book that I'm

1 pretty sure that she would like to rewrite. But
2 as I look over my life, there are chapters and
3 sentences that I would like to rewrite. There by
4 the grace of God go I, and there by the grace of
5 God go all of us.

6 One thing is important. We need to
7 use the death of Ms. Houston and those other
8 great individuals that I mentioned and public
9 notoriety to use it as a moment to reinforce our
10 commitment to deal with the issues of overuse and
11 abuse of prescription drugs and target those
12 medical professionals who are countlessly writing
13 prescriptions that they know they should not
14 write.

15 And so I want to thank my
16 colleagues for our commitment to doing so by the
17 legislation we passed several weeks ago. But
18 that is only the beginning. As long as people
19 have easy access to prescription drugs, as long
20 as prescription drugs are one paper or
21 prescription away from going into the hands of
22 people who could abuse it, it tells us that we
23 must renew our commitment.

24 And so just as Whitney sang the
25 song that she will always love you, we too will

1 always love Whitney Houston and her contribution
2 to our country and the greatness of this
3 country. She may have been a New York girl, but
4 her heart was in New York City.

5 Thank you, Mr. President.

6 ACTING PRESIDENT GRIFFO: Thank
7 you, Senator Adams.

8 The question is on the resolution.
9 All in favor signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO:

12 Opposed?

13 (No response.)

14 ACTING PRESIDENT GRIFFO: The
15 resolution is adopted.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President,
18 may we please have the reading of the
19 noncontroversial calendar.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 121, by Senator Golden, Senate Print 4270C --

24 SENATOR BRESLIN: Lay it aside.

25 ACTING PRESIDENT GRIFFO: Lay it

1 aside.

2 THE SECRETARY: Calendar Number
3 142, by Senator Klein, Senate Print 3889A, an act
4 to amend the Alcoholic Beverage Control Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

7 THE SECRETARY: Section 3. This
8 act shall take effect on the 180th day.

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT GRIFFO: Senator
13 Klein to explain his vote.

14 SENATOR KLEIN: Thank you,
15 Mr. President.

16 This is an issue that's very
17 important, I think, to the safety and well-being
18 of all of our young people across the State of
19 New York.

20 Back in 2010 myself, then Governor
21 Paterson, and the State Liquor Authority worked
22 out an agreement with wholesalers, beer
23 wholesalers around the State of New York where we
24 effectively prohibited the sale of caffeinated
25 alcoholic beverages, which are otherwise known as

1 "blackout in a can" in New York State.

2 These are products which contain,
3 in a 23-ounce can, the equivalent of a six-pack
4 of beer as far as alcohol content and the
5 equivalent of four cups of coffee as far as the
6 caffeine that's contained in these drinks.

7 Needless to say, the FDA
8 subsequently had ruled that these products are
9 extremely dangerous, they shouldn't be sold to
10 minors or adults. But the problem is that
11 agreement back in 2010 was merely an agreement, a
12 gentlemen's agreement, to not sell these products
13 here in New York State.

14 Unfortunately, we're still seeing
15 that these products still are falling into the
16 hands of minors. Earlier in the year, my office
17 conducted a sting operation where we were able to
18 purchase the caffeinated version of Four Loko on
19 Craigslist. And we're still seeing bodegas and
20 grocery stores around the State of New York that
21 are selling these products.

22 So I think the time has come to
23 sort of codify and pass a law that really takes
24 the agreement that we worked out in 2010 one step
25 further, because I think we have to be very clear

1 that these drinks are too dangerous for a minor
2 to consume and could have devastating effects on
3 their well-being.

4 So, Mr. President, I vote yes on
5 this important legislation.

6 ACTING PRESIDENT GRIFFO: Senator
7 Klein to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 174, by Senator Gallivan, Senate Print 3240, an
14 act to amend the Vehicle and Traffic Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 59.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 184, by Senator Gianaris, Senate Print 6129, an
2 act to amend the Penal Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT GRIFFO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 185, by Senator LaValle, Senate Print 2933, an
15 act to amend Chapter 112 of the Laws of 2007.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the same date and in the
20 same manner as Chapter 112 of the Laws of 2007.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 59.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 193, by Senator Grisanti, Senate Print 6084, an
4 act to amend the Parks, Recreation and Historic
5 Preservation Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

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

18 SENATOR LIBOUS: Thank you,
19 Mr. President.

20 At this time could we have the
21 controversial reading of the calendar.

22 ACTING PRESIDENT GRIFFO: The
23 Secretary will ring the bell.

24 SENATOR BRESLIN: Explanation.

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 121, by Senator Golden, Senate Print 4270C, an
4 act to amend the Civil Service Law.

5 SENATOR KRUEGER: Explanation.

6 SENATOR BRESLIN: Explanation.

7 ACTING PRESIDENT GRIFFO: An
8 explanation has been requested by Senator Krueger
9 and Senator Breslin.

10 Senator Golden.

11 SENATOR GOLDEN: Thank you,
12 Mr. President.

13 This bill mandates the Division of
14 Civil Service to contract out for an ongoing
15 dependent eligibility audit for new hires, those
16 employees with family status changes and those
17 employees that add dependents during the open
18 enrollment.

19 The last time that NYSHIP conducted
20 an eligibility audit, this bill would save
21 \$25 million, and that was in 2009.

22 There is a letter of opposition
23 that was put out there by PEF, but this is under
24 the old bill. We changed the bill to make this
25 bill comply with some changes that were

1 necessary.

2 It states here in the fourth
3 paragraph, in the opposition: "In addition, this
4 bill specifically requires the Department of
5 Civil Service to hire the same vendor that
6 conducted the first dependent eligibility audit,
7 which was marred with problems throughout."

8 So this has been corrected in this
9 bill. We take that out, and we open it up, the
10 process, for a request for proposal for an
11 individual to do that audit.

12 So PEF does not oppose this bill,
13 it neither opposes nor supports.

14 ACTING PRESIDENT GRIFFO: Senator
15 Krueger.

16 SENATOR KRUEGER: Thank you. If
17 the sponsor would please yield.

18 ACTING PRESIDENT GRIFFO: Senator
19 Golden, will you yield to questions from Senator
20 Krueger?

21 SENATOR GOLDEN: Yes.

22 ACTING PRESIDENT GRIFFO: Senator
23 Golden yields.

24 SENATOR KRUEGER: Thank you.

25 Well, actually the sponsor gave me

1 some answers to some questions before I even
2 asked them. I actually didn't know there was
3 anyone opposing it but me. So it's interesting
4 that PEF was, but is not. But I still have some
5 questions.

6 Can the state office simply choose
7 to do this without the Legislature passing a
8 statute?

9 ACTING PRESIDENT GRIFFO: Senator
10 Golden.

11 SENATOR GOLDEN: I don't believe
12 so, Mr. President. I believe the legislation was
13 necessary because there's legislation that we
14 passed before. And I believe this legislation
15 would allow the state to do what NYSHIP should
16 do, and that's conduct this audit and get that
17 \$25 million savings.

18 SENATOR KRUEGER: Through you,
19 Mr. President, if the sponsor could clarify for
20 me. Yes, there was previous legislation that
21 resulted in NYSHIP doing the audit in 2009. But
22 where in state law are they prevented from
23 choosing to do audits without additional action
24 by this house?

25 SENATOR GOLDEN: That the

1 requirement of the legislation was for an audit.
2 I did not read the legislation to say there was a
3 continuous number of audits, and therefore new
4 legislation would be needed.

5 ACTING PRESIDENT GRIFFO: This
6 chamber getting a little noisy. May I ask for
7 some calm and quiet, please, so we can hear the
8 members.

9 SENATOR KRUEGER: Thank you,
10 Mr. President. Through you.

11 ACTING PRESIDENT GRIFFO: Senator
12 Krueger, are you asking Senator Golden to
13 continue to yield?

14 SENATOR KRUEGER: I am, if that's
15 all right. Thank you.

16 ACTING PRESIDENT GRIFFO: Senator
17 Golden, do you continue to yield?

18 SENATOR GOLDEN: Yes,
19 Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Krueger, you may proceed.

22 SENATOR KRUEGER: Thank you.
23 To clarify, yes, we passed a bill
24 at one time. But is there anything in state law
25 that prevents NYSHIP from deciding to do another

1 audit or not?

2 SENATOR GOLDEN: I cannot answer
3 that question, Mr. President.

4 I believe the legislation is
5 necessary for NYSHIP. They requested, so we need
6 to do the legislation. It would not have been
7 requested if they did not need it.

8 SENATOR KRUEGER: Through you,
9 Mr. President, if the sponsor would continue to
10 yield.

11 SENATOR GOLDEN: Yes,
12 Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Golden yields.

15 SENATOR KRUEGER: Thank you.

16 So I think I partly understood in
17 your explanation that there were changes made
18 from the A print to the C print. Could you just
19 clarify for me what changed between the A print
20 of your bill and this print of your bill?

21 SENATOR GOLDEN: Well, what this
22 would have done, it would have allowed the -- the
23 first piece of legislation would have allowed the
24 individual contractor that did the dependent
25 eligibility requirement to maintain the contract

1 in that legislation.

2 So what we've done is we've taken
3 that out and opened it up for a request for
4 proposal that would allow any company to go in
5 there to do this audit, not the company that
6 was -- I understand had a number of issues. So
7 we've removed that company, and we've opened it
8 up for other providers to be able to do this
9 audit.

10 SENATOR KRUEGER: Thank you.

11 To speak on the bill,
12 Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator
14 Krueger on the bill.

15 SENATOR KRUEGER: Thank you.

16 I appreciate the sponsor's
17 responses to my questions.

18 So here's my dilemma. I voted
19 against this bill in a previous year because (a)
20 I'm not opposed to this kind of audit, and in
21 fact we did do one of these audits in 2009. And
22 the first time you do an audit of errors in a
23 benefit program of any sort, you're going to find
24 a decent number of errors because you haven't
25 checked in a long time. But there is a

1 decreasing value of doing multiple continuing
2 audits of the same issue year after year because
3 you don't have the same things to catch, you
4 already caught those errors.

5 So one reason for me to vote no on
6 this bill and to urge my colleagues to also vote
7 no is we don't need to spend the money
8 continuously doing audits that are going to have
9 a lower value in return for the money.

10 Another reason I objected to the
11 bill and continue to object to the bill is I'm
12 quite sure that New York State agencies have the
13 authority to conduct audits and even contract out
14 for audits when they believe they are necessary,
15 and that the Legislature does not need to insert
16 itself by creating statutes requiring annual
17 audits that could be quite expensive for the
18 state and would then need legislation to reverse
19 it at some point in time after everyone realized
20 we were wasting money on duplicative and
21 unnecessary audits.

22 And third, as the sponsor just
23 clarified, his original bill actually was for a
24 specific company. Which I fundamentally don't
25 believe this Legislature should pass or move into

1 statute.

2 His answer today is to clarify that
3 on the C print it's no longer for a specific
4 company. Which makes it a better bill, but still
5 not a bill that I believe should become the law
6 in New York State.

7 So I'll be voting no,
8 Mr. President. Thank you.

9 ACTING PRESIDENT GRIFFO: Is there
10 any other Senator who wishes to speak?

11 Seeing none, hearing none, the
12 debate is closed. The Secretary will ring the
13 bell.

14 Read the last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: I'm
21 going to ask all members to remain in the
22 chamber, please.

23 THE SECRETARY: In relation to
24 Calendar Number 121, those recorded in the
25 negative are Senators Krueger and Rivera.

1 Absent from voting: Senators
2 Dilan, Diaz, Espaillat, Farley, Montgomery, and
3 Perkins.

4 Ayes, 52. Nays, 2.

5 ACTING PRESIDENT GRIFFO: Please
6 announce the results again.

7 THE SECRETARY: In relation to
8 Calendar Number 121, those recorded in the
9 negative are Senators Krueger and Rivera.

10 Absent from voting are Senators
11 Dilan, Diaz, Farley, Montgomery and Perkins.

12 Ayes, 53. Nays, 2.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President, I
17 would ask all the members to stay in the chamber
18 if they can.

19 Earlier today, clergy could not
20 make it on time because of the weather. But we
21 do have clergy with us today. And I would ask at
22 this time if you would invite clergy up for a
23 benediction, in a sense, and we can then close
24 out session.

25 ACTING PRESIDENT GRIFFO: I would

1 ask all members to please remain in the chamber.

2 I now invite Pastor Randolph
3 Ferdinand, of the Helping Hands Christian
4 Community Center of Brooklyn, to give us a
5 benediction. Please rise.

6 PASTOR FERDINAND: We want to give
7 thanks for this time and this opportunity, this
8 privilege, in glorifying God for this day that he
9 has made. This is a day that he made, and we're
10 going to rejoice and be glad in this day.

11 As we get ready to close the
12 session, we ask our Lord's blessings upon every
13 member of this assembly here.

14 As we get ready to depart from this
15 place, but not from His presence, we ask that His
16 blessing be upon us, that He bless us in our
17 going out, our coming in, our lying down and our
18 rising up. Not only bless us here, but our
19 family, our extended family also.

20 We thank God for the work that's
21 been done here and what you are doing to make
22 life better for all of us in this great State of
23 New York, this Empire State. The entire world,
24 the entire nation is looking at this state for
25 what we do here.

1 We thank you for your efforts that
2 were put forth, we thank you for everything that
3 was done here this week. We give praise, honor
4 and glory for everything that was done and what
5 you are doing for us here.

6 We thank You, Lord, in the name of
7 our Lord and Savior Jesus Christ for this time,
8 this opportunity, and this privilege. In His
9 name we pray.

10 Amen and amen.

11 ACTING PRESIDENT GRIFFO: Thank
12 you, Pastor Ferdinand.

13 Senator Libous.

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

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

18 SENATOR LIBOUS: Thank you,
19 Mr. President.

20 There being no further business, I
21 move that we adjourn until Monday, March 5th, at
22 3:00 p.m., intervening days being legislative
23 days.

24 ACTING PRESIDENT GRIFFO: On
25 motion, the Senate stands adjourned until Monday,

1 March 5th, at 3:00 p.m., intervening days being
2 legislative days.

3 Senate adjourned.

4 (Whereupon, at 12:17 p.m., the
5 Senate adjourned.)

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