

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 5, 2012

11 3:28 p.m.

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13
14 REGULAR SESSION

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18 SENATOR CARL L. MARCELLINO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT MARCELLINO:

3 The Senate will come to order.

4 (Disturbance from gallery.)

5 ACTING PRESIDENT MARCELLINO:

6 {Gaveling} The Senate will come to order.

7 If you will rise, everyone in the
8 chambers please rise. Repeat after me the Pledge
9 of Allegiance to our Flag.

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

12 ACTING PRESIDENT MARCELLINO:

13 Thank you.

14 We are joined today by Reverend
15 Carl Clark, chaplain of the International
16 Police and Fire Chaplain's Association in
17 Syracuse, who will give our invocation.

18 Chaplain Clark.

19 CHAPLAIN CLARK: Good
20 afternoon.

21 I would like to first say that it
22 is an honor and a privilege to be able to
23 stand before you to render the invocation for
24 the New York State Senate. And I would like
25 to give sincere thanks to Senator Dave Valesky

1 for the invitation.

2 I would ask everyone to bow their
3 heads, all over, while we go to the throne of
4 grace in prayer.

5 Dear Lord, we give You thanks for
6 Your divine presence in our lives, for etching
7 out that particular space and time to acknowledge
8 the existence of Your glory and the embrace of
9 Your unfailing love. For that we are forever
10 thankful.

11 I pray today for our New York State
12 Senate as they move forward to create and pass
13 legislation that will shield and protect the
14 citizens of this great State of New York.

15 The scripture says: "Wisdom is
16 the principal thing; therefore, get wisdom.
17 And with all thy getting, get understanding."
18 I pray that You continue to increase their
19 wisdom to make the accurate decisions.

20 And I pray that You give them the
21 ability to search their hearts to connect with
22 the minds and the spirit of the people so that
23 no man, woman, or child will be left behind.

24 I pray for an increasing
25 understanding for the application of the

1 wisdom that is given. I pray for the families of
2 our state that the opportunities for employment,
3 healthcare, and education will become plentiful
4 so that we the citizens can provide a decent
5 living for our children and support for our
6 government.

7 So on this day we give a sincere
8 thanks for the leaders of this country. God
9 bless our Senate, God bless our Governor,
10 God bless the president of the United States, and
11 God bless America.

12 Amen.

13 ACTING PRESIDENT MARCELLINO:

14 Thank you, Reverend.

15 May we have the reading of the
16 Journal.

17 THE SECRETARY: In Senate, Sunday,
18 March 4th, the Senate met pursuant to
19 adjournment. The Journal of Saturday, March 3rd,
20 was read and approved. On motion, Senate
21 adjourned.

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

25 Presentation of petitions.

1 Messages from the Assembly.

2 Messages the 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 Libous.

9 SENATOR LIBOUS: Mr. President, I
10 have a motion.

11 On behalf of Senator McDonald I
12 wish to call up his bill, Print Number 4525B,
13 recalled from the Assembly, which is now at the
14 desk.

15 ACTING PRESIDENT MARCELLINO: The
16 Secretary will read.

17 THE SECRETARY: Senate Print
18 4525B, by Senator McDonald, an act to amend the
19 Mental Hygiene Law.

20 SENATOR LIBOUS: Mr. President, I
21 now move to reconsider the vote by which this
22 bill was passed.

23 ACTING PRESIDENT MARCELLINO: Can
24 we call the roll on reconsideration, please.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 59.

2 SENATOR LIBOUS: Mr. President, on
3 behalf of Senator McDonald, I hand up the
4 following amendments.

5 ACTING PRESIDENT MARCELLINO: The
6 amendments are accepted, sir, and the bill is
7 restored to the order of third reading.

8 SENATOR LIBOUS: Mr. President.

9 ACTING PRESIDENT MARCELLINO:
10 Senator Libous.

11 SENATOR LIBOUS: At this time
12 could you please recognize Senator Martins for a
13 brief announcement.

14 ACTING PRESIDENT MARCELLINO:
15 Senator Martins.

16 SENATOR MARTINS: Thank you,
17 Mr. President.

18 I just want to take the opportunity
19 to recognize two extraordinary individuals who
20 have joined us here today, one a junior in high
21 school, the other a senior in high school. I
22 think you'll join me in my belief that they are
23 truly extraordinary when you hear why they're
24 here.

25 Kayla Neville, who's a junior at

1 Commack High School, as well as John Yang, who's
2 a senior at Great Neck South High School,
3 received the Distinguished Research Award from
4 the National Cancer Institute and the National
5 Institute of Environmental Health Sciences. It's
6 the first time that a Distinguished Research
7 Award has been given to anyone other than a
8 professional researcher, much less high school
9 students.

10 You know, at a time when we talk
11 about the condition of our school systems, our
12 schools in New York State, it is truly refreshing
13 to see that we have the types of students coming
14 out of our public school system as represented by
15 these two students.

16 Specifically, Ms. Neville and
17 Mr. Yang worked with an experimental nanoparticle
18 at Stony Brook University, under the supervision
19 of Dr. Balaji Sitharaman, a biomedical
20 engineering professor doing groundbreaking
21 research in nanomedicine.

22 What their work will do will allow,
23 in the future, the use of nanotechnology not only
24 for imaging purposes, for purpose of catching
25 tumors that currently are too small to be

1 recognized using current technologies, but also
2 as a vehicle for introducing medication and
3 treatment for all kinds of maladies, including
4 cancer.

5 This is one further step in finally
6 finding a cure for so many of the maladies that
7 afflict all of our constituents. And it came
8 from the efforts and the minds of two of our high
9 schoolers here in New York State.

10 So I want to take the opportunity
11 not only to recognize their efforts, I want to
12 recognize Mr. James Engeldrum, who's the director
13 of science at Commack High School, as well as
14 Mr. and Mrs. Neville, who are here, parents of
15 Kayla, as well as Mrs. Yang, who's the parent of
16 John.

17 To John, to Kayla, to your parents,
18 and to the two school systems, congratulations.

19 Thank you. And I would ask that
20 you please recognize Senator Flanagan for a
21 moment as well. Thank you, Mr. President.

22 ACTING PRESIDENT MARCELLINO: My
23 pleasure to recognize Senator John Flanagan.

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

1 I want to follow on the comments of
2 Senator Martins and welcome our two distinguished
3 students here.

4 And, you know, with all the things
5 we hear about public education today, it's just
6 as important to talk about the good things as all
7 the things we may need to change or modify. This
8 young gentleman and young woman exemplify the
9 value of public education, perseverance,
10 dedication.

11 And as Senator Martins described --
12 you know, he did it better than I could have,
13 because I would have had to read parts of the
14 resolution to just talk about their background
15 and what they have done.

16 This is groundbreaking research
17 done by a junior and senior in high school. And
18 I would hasten to add that part of the reason
19 they've had the value and the opportunity to do
20 that is because of mentors, their teachers, but
21 also people at Stony Brook University who
22 provided guidance.

23 It is absolutely wonderful to see
24 them here today, to have their families up in the
25 gallery. And, ladies and gentlemen, this will

1 not be the last time you will hear about these
2 two young individuals, because I'm sure they're
3 going to continue to do this kind of work and
4 find something that will make all of our lives
5 better in the field of medical research.

6 Senator Marcellino, thank you very
7 much.

8 Congratulations.

9 ACTING PRESIDENT MARCELLINO: The
10 chair would love to issue its thanks and
11 gratitude to the parents of these two fine young
12 people and to the school districts and the
13 teachers who have supported them over the years
14 to allow their research to go forward.

15 Unfortunately, in our world we
16 don't hear enough about young people like you.
17 We hear about the noisemakers. I'd rather hear
18 about accomplishments of people who actually put
19 their shoulders to the grind, put their minds to
20 productive issues.

21 And we congratulate you and commend
22 you, and I look forward to hearing from you in
23 the future. Thank you again.

24 Can we all give them a round of
25 applause.

1 (Standing ovation.)

2 ACTING PRESIDENT MARCELLINO:

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President, if
5 you could call on Senator Adams at this time for
6 a brief announcement.

7 ACTING PRESIDENT MARCELLINO: The
8 chair recognizes Senator Adams.

9 SENATOR ADAMS: Thank you. And
10 thank you, Senator Libous.

11 And I think that it's fitting that
12 as we talk about the great deeds of students, I
13 would like to welcome the Caribbean American
14 Center of New York, 11 students and three
15 chaperones who are here with us today enjoying
16 Albany and visiting the state legislators.

17 The Caribbean American Center of
18 New York, also known as CACNY, is a multiservice
19 nonprofit organization founded in 1987. CACNY
20 serves underserved and needy immigrant minorities
21 and other groups in New York State, with a
22 specific focus on minority youth. The purpose is
23 to improve the lives of low-income immigrants and
24 minorities in New York City by raising the
25 standard of living.

1 Since its inception in 1987, the
2 center has assisted over 65,000 children and
3 adults related to fulfilling their mission, which
4 is to empower, enhance the quality of life of
5 targeted communities by providing adequate access
6 to economic, educational, training, employment,
7 immigration and healthcare.

8 CACNY's two particular goals are
9 to, one, increase the SAT scores by at least 150
10 to 250 each year through tutoring, counseling,
11 and mentoring youth from low-income families in
12 inner-city neighborhoods in order to attend and
13 complete what is so important, a college
14 education.

15 And the second is to establish new
16 partnerships with diverse groups to set and
17 implement policies benefiting immigrants,
18 veterans, and other minority groups.

19 We're extremely proud to have them
20 here today, and we thank CACNY for their service
21 to our communities. And we hope the students
22 have had a wonderful experience in Albany.

23 We have the students: Deakwon
24 Adlam is here, Nicholas Partap, Fatima Reid,
25 Jasmine Washington, Raven Moody, Priya Partap,

1 Sharroia Armstead, Patrick Jones Jr., Nia
2 Washington, Eneceo Mayer, Yusuf Foster, Andell
3 Jones, and Naseem Washington.

4 And we want to thank them for
5 joining us in Albany, and we hope they have a
6 great experience while they're here.

7 (Extended applause.)

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

10 ACTING PRESIDENT MARCELLINO: The
11 chair would like to recognize Senator Velmanette
12 Montgomery for some words.

13 SENATOR MONTGOMERY: Yes, thank
14 you, Mr. President.

15 I just rise to thank my colleague
16 Senator Adams because, as you know, it is always
17 very exciting to have young people come to the
18 Capitol and be able to witness what goes on as it
19 relates to the government.

20 And we want them to hopefully
21 appreciate this moment for what we anticipate
22 will be a memory for you, and that you will
23 someday come back to this chamber and take one of
24 the seats down here on the floor.

25 So thank you, and welcome to

1 Albany.

2 (Applause.)

3 SENATOR MONTGOMERY: Thank you,
4 Senator Adams.

5 ACTING PRESIDENT MARCELLINO:
6 Senator Perkins.

7 SENATOR PERKINS: Thank you very
8 much.

9 I just wanted to also welcome our
10 young people here. I know Senator Velmanette
11 Montgomery is offering seats for you to share at
12 some point in time. I don't think she meant
13 mine.

14 (Laughter.)

15 SENATOR PERKINS: But -- on that
16 side, maybe.

17 But in any case, in all
18 seriousness, we do welcome you. We do look
19 forward to the day that you are in leadership and
20 can begin to make the kind of contributions that
21 we're sure you want to make.

22 And if we can be of assistance -- I
23 know it's a group for the most part from
24 Brooklyn, but as far as Harlem is concerned,
25 you're welcome to Harlem as well.

1 ACTING PRESIDENT MARCELLINO:

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President, at
4 this time could you please call on Senator Savino
5 for a brief announcement.

6 ACTING PRESIDENT MARCELLINO: The
7 chair recognizes Senator Diane Savino.

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

10 I rise today to welcome to the
11 chamber some newfound friends, and hopefully long
12 friends, that I have recently come across, and
13 that is the Canadian Consul General John Prato,
14 for New York City, and Consul General Marta
15 Moszczenska, from Buffalo, and the delegation
16 from the Canadian consulate.

17 Today is Canada Day in New York
18 State, and here in the New York State Senate I
19 think we have a resolution on it. Mr. President,
20 we will be reading the resolution, or am I
21 speaking on it now?

22 ACTING PRESIDENT MARCELLINO: We
23 have no reso at this time, but if you wish to say
24 a few words on it right now, we'll pass it in the
25 future.

1 SENATOR SAVINO: Okay. Thank you,
2 Mr. President.

3 I would like, as I said, to
4 recognize our neighbors from Canada. And one
5 would wonder why would a Senator representing
6 Staten Island, which is the southernmost part of
7 New York State, be introducing our Canadian
8 visitors.

9 Well, earlier this year I got to
10 meet our Canadian visitors and I got engaged in
11 an effort, a Canada-New York State effort that
12 also included Senator Mark Grisanti and his
13 staff, to take on a battle that was critically
14 important to both Canada and New York State --
15 and New Jersey and Ohio and Wisconsin and the
16 entire shipping industry in the Northeast.

17 And that was the wrong-headed
18 decision by the New York State Department of
19 Environmental Conservation to introduce some
20 ballast-water standards that would have set
21 New York State separate and apart from the rest
22 of the nation and would have destroyed the
23 shipping industry in the Northeast.

24 It would have closed the Port of
25 New York, it would have closed the Port of

1 New Jersey. It would have closed the
2 St. Lawrence Seaway. It would have driven our
3 entire shipping industry -- 200,000 direct jobs
4 and 500,000 jobs related to the industry -- away
5 from our ports, at a time when we could least
6 afford it.

7 The Canadian Consul General and his
8 delegation actually traveled to Staten Island to
9 meet with me and the Staten Island delegation --
10 Assemblyman Cusick, Assemblywoman Malliotakis,
11 Senator Lanza, Assemblyman Matthew Titone -- to
12 talk about this issue. And working together,
13 along with Senator Grisanti's office and others,
14 we were able to convince Jack Martens, the
15 Commissioner of the Department of Environmental
16 Conservation, to pull back on this wrong-headed
17 decision, to not set New York State separate and
18 apart.

19 They listened; two weeks ago they
20 issued new regulations where New York State will
21 not act independent from the rest of the nation.
22 And now we have preserved that relationship, and
23 I hope that we have a created a friendship that
24 is long-lasting.

25 So I want to welcome you to Albany,

1 welcome you to the Senate, and I look forward to
2 seeing you later on tonight at Canada Day.

3 Thank you, Mr. President.

4 (Applause.)

5 ACTING PRESIDENT MARCELLINO: The
6 chair would like to issue a welcome to our
7 friends from Canada. And we welcome you, hope
8 you have a great day. And this is Canada Day; as
9 you said, we'll see you later.

10 And we will pass this resolution
11 that Senator Savino said, and hopefully it will
12 be done unanimously, to recognize the joint work
13 and the great relationship we have with our
14 neighbors to the north. Thank you for being
15 here.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President,
18 would you recognize Senator Libous for a brief
19 announcement.

20 ACTING PRESIDENT MARCELLINO: I
21 recognize Senator Libous for an announcement.

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

24 I stand and rise to welcome all of
25 our 4-H students who are with us today. Over the

1 next couple of days folks from the 4-H will be
2 here in the Capitol and visiting a number of
3 state agencies, and certainly today in the
4 legislative chamber.

5 4-H is a great opportunity for
6 young men and women, particularly in many of our
7 agricultural communities, that get an opportunity
8 to learn leadership skills and help to be our
9 future leaders. We know that those individuals
10 who participate actively in 4-H over the years
11 have been better students, they graduate with
12 better grades, and certainly they have the
13 potential of becoming some of New York State's
14 finest as we move forward.

15 Head, hands, heart, health.
16 Colleagues, I ask you to welcome a number of our
17 4-H students that are with us today in the
18 gallery.

19 ACTING PRESIDENT MARCELLINO: It
20 is my pleasure to welcome and acknowledge you.

21 And one of our distinguished
22 members, Senator Breslin, would like to say a few
23 words.

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

1 I would just like to echo the
2 remarks of Senator Libous and welcome all the
3 4-Hers. As a fellow upstater, Senator Libous and
4 myself recognize that we are looking at the
5 4-Hers as our future leaders. They have already
6 exhibited those tendencies to lead with the
7 projects they are experiencing through 4-H, and
8 we are in good hands looking to them to be our
9 future leaders.

10 Thank you, Mr. President. And
11 welcome all the 4-Hers.

12 ACTING PRESIDENT MARCELLINO: The
13 chair would like to recognize Senator Stavisky
14 for some words.

15 SENATOR STAVISKY: Thank you,
16 Mr. President.

17 And I too, believe it or not, am
18 delighted to welcome the 4-H group because I
19 happen to represent the largest chapter -- which
20 I know you're saying how come, she's from
21 New York City.

22 John Bowne High School has an
23 agricultural program, an outstanding, exceptional
24 agricultural program, and their 4-H members are
25 active members of the community. They have a

1 wonderful, wonderful program.

2 And I too, on behalf of the
3 downstate delegation, would like to welcome them.

4 ACTING PRESIDENT MARCELLINO:

5 Thank you, Senator.

6 Again, on behalf of the Senate, we
7 wish you well. We thank you for being here. We
8 hope you learn as much as you can and teach us as
9 much as you can.

10 Thank you, and have a great day.

11 (Applause.)

12 ACTING PRESIDENT MARCELLINO:

13 Senator Libous.

14 SENATOR LIBOUS: Mr. President,
15 since today is a day of announcements, I believe
16 that Senator Stewart-Cousins at this time would
17 also like to make an announcement.

18 ACTING PRESIDENT MARCELLINO: The
19 chair recognizes Senator Stewart-Cousins.

20 SENATOR STEWART-COUSINS: Thank
21 you, Mr. President.

22 And not only, Senator Libous, is it
23 a day for announcements, it seems to be a day
24 where we spotlight our students and our future
25 leaders.

1 And that's why I'm very proud to
2 stand here in the chambers to recognize these
3 wonderful students who are from the Skills USA
4 Community Service Team from Roosevelt High School
5 in Yonkers. They are in the red jackets. And it
6 is part of what they do, they present an image.

7 And as we recognized the earlier
8 students who were doing research in terms of
9 cancer, these students believe, as so many of us
10 do, that an ounce of prevention is worth a pound
11 of cure, and they are actively alerting their
12 peers to the dangers of smoking. And they're
13 here lobbying for some anti-smoking bills so that
14 people will have a healthier life.

15 So I want to thank them for
16 coming. Thank you for your engagement, your
17 involvement. Thank you for reaching out to your
18 peers.

19 And I also want to thank your
20 teacher, Mr. Leonetti, who is accompanied by his
21 daughter, a teacher, for making sure that year
22 after year we have a great Skills USA team that
23 brings us great honor and great education.

24 Congratulations.

25 (Applause.)

1 ACTING PRESIDENT MARCELLINO: The
2 chair recognizes Senator DeFrancisco.

3 SENATOR DEFRANCISCO: Yes, I want
4 to rise and speak on behalf of all of the
5 students who have already been recognized from
6 all the groups.

7 And I think today you've witnessed
8 a very important lesson in civics, and that is
9 the New York State Senate -- that's been in
10 existence forever and has done many great things
11 over the years -- treats with respect those young
12 people that do the right thing, those young
13 people that show responsibility, not rise to
14 disrupt proceedings, not swear and yell at people
15 to try to get attention. I can guarantee you
16 that attention has fallen on deaf ears that they
17 were seeking.

18 But everything that you have done
19 by example is going to not only get respect from
20 other people, but it's going to mean that all of
21 you will be the leaders of tomorrow and will lead
22 in the correct direction.

23 So thank you for being here. And I
24 hope you've seen the difference between how
25 you're treated when you do the right thing and

1 how people are treated when they don't, because
2 that's a very important lesson in success.

3 Thank you all for being who you are
4 and doing what you do.

5 (Extended applause.)

6 ACTING PRESIDENT MARCELLINO: The
7 chair would like to recognize the distinguished
8 Senator Thomas Duane.

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

11 While I respect everyone's views,
12 there are many different roads to create change.
13 And I can say that I, along with many people,
14 used very loud voices in the fight for civil
15 rights for all people, including the lesbian,
16 gay, bisexual and transgender community. And
17 frankly, we learned those lessons from other
18 oppressed groups in our society.

19 And sometimes it's important to be
20 on the inside and work that way, but it's also
21 important to have an army fighting on the
22 outside. There are many, many roads that will
23 lead to good results, and everyone has their role
24 to play and should be respected to the greatest
25 possible extent.

1 And I congratulate the young people
2 here, and I congratulate the young people who
3 have come to Albany to fight for what they
4 believe in. And all are deserving of our utmost
5 respect as citizens of New York State.

6 Thank you, Mr. President.

7 ACTING PRESIDENT MARCELLINO:

8 Thank you, Senator Duane.

9 (Applause.)

10 SENATOR LIBOUS: Mr. President.

11 ACTING PRESIDENT MARCELLINO:

12 Senator Libous.

13 SENATOR LIBOUS: Now that we've
14 gotten all of the announcements out of the way,
15 could there be, please, an immediate meeting of
16 the Rules Committee in Room 332, an immediate
17 meeting of the Rules Committee in Room 332.

18 And the Senate will stand at ease.

19 ACTING PRESIDENT MARCELLINO:

20 There will be an immediate meeting of the Rules
21 Committee in Room 332.

22 And the Senate will stand at ease
23 pending the report of the Rules Committee.

24 (Whereupon, the Senate stood at
25 ease at 3:53 p.m.)

1 (Whereupon, the Senate reconvened
2 at 4:06 p.m.)

3 ACTING PRESIDENT MARCELLINO: I
4 would call the Senate to order.

5 If we can conversations from the
6 chamber, please, and members take their seats.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President, at
9 this time may we return to the reports of
10 standing committees. I believe there's a report
11 of the Rules Committee at the desk.

12 ACTING PRESIDENT MARCELLINO:
13 Returning to the order of reports of standing
14 committees, the Secretary will read the report of
15 the Rules Committee.

16 THE SECRETARY: Senator Skelos,
17 from the Committee on Rules, reports the
18 following bill direct to third reading:

19 Senate Print 6610, by Senator
20 Robach, an act to amend the Civil Service Law.

21 ACTING PRESIDENT MARCELLINO:
22 Senator Libous.

23 SENATOR LIBOUS: I move to accept
24 the report of the Rules Committee.

25 ACTING PRESIDENT MARCELLINO: All

1 in favor of accepting the report of the Rules
2 Committee signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT MARCELLINO:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT MARCELLINO: The
8 Rules report is accepted.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President, at
11 this time could we have the reading of the
12 noncontroversial calendar.

13 ACTING PRESIDENT MARCELLINO: The
14 Secretary will do the noncontroversial reading of
15 the calendar.

16 THE SECRETARY: Calendar Number
17 43, by Senator Grisanti --

18 SENATOR LIBOUS: Lay the bill
19 aside for the day.

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

22 THE SECRETARY: Calendar Number
23 79, by Senator Saland, Senate Print 1431, an act
24 to amend the Military Law.

25 ACTING PRESIDENT MARCELLINO: Read

1 the last section.

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

4 ACTING PRESIDENT MARCELLINO: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT MARCELLINO: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 80, by Senator Larkin, Senate Print 1504, an act
12 to amend the General Business Law.

13 ACTING PRESIDENT MARCELLINO: Read
14 the last section.

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

17 ACTING PRESIDENT MARCELLINO: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 59.

21 ACTING PRESIDENT MARCELLINO: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 81, by Senator Golden, Senate Print 3894, an act
25 to amend the Military Law.

1 ACTING PRESIDENT MARCELLINO: Read
2 the last section.

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

5 ACTING PRESIDENT MARCELLINO: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT MARCELLINO:
9 Announce the results.

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT MARCELLINO: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 90, by Senator Larkin, Senate Print 3959, an act
15 to authorize the City of Newburgh.

16 ACTING PRESIDENT MARCELLINO:
17 There is a home-rule message at the desk.

18 Read the last section.

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

21 ACTING PRESIDENT MARCELLINO: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MARCELLINO:
25 Senator Larkin to explain his vote.

1 SENATOR LARKIN: Thank you,
2 Mr. President.

3 You know, this is the sixth time
4 we're going to be passing this bill in this
5 house. And I find it a disgrace that on the
6 other side of this building here there's a body
7 that will not even allow this bill on the
8 committee agenda.

9 We have a city that laid off
10 14 people last year because there was no money.
11 This bill provides them an opportunity to handle
12 such things as traffic tickets. It's valued at
13 approximately \$4.2 million this year.

14 And here we are, it's passed
15 unanimous in this house, and isn't it a shame
16 when you look at how many units have it. Cities
17 have it, towns have it, villages have it. And
18 what happens here? We pass it -- and I thank
19 each and every one of you for your vote.

20 This is a city that I haven't won
21 in 32 years, but I do everything for them.
22 Because this isn't for the politics, this is for
23 the people. When you see 14 people laid off --
24 and if this \$4 million was there last year, it
25 would have made a nicer spot. But it is held up

1 in the other house. And if any of you know
2 anybody in the other house who thinks about real
3 life and real issues, this would be one to ask
4 them to pass it.

5 Do I expect them to pass it?
6 Mr. Gantt has said it's not important. Well,
7 maybe not important to him. But when I show up
8 in Rochester someday with a group of people who
9 got laid off, his folks might think a different
10 story.

11 I thank you for listening.

12 ACTING PRESIDENT MARCELLINO:

13 Announce the results.

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT MARCELLINO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 92, by Senator Bonacic, Senate Print 6113, an act
19 to legalize, validate and ratify.

20 ACTING PRESIDENT MARCELLINO:

21 There is a home-rule message at the desk.

22 Read the last section.

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

25 ACTING PRESIDENT MARCELLINO: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MARCELLINO:

4 Announce the results.

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT MARCELLINO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 101, by Senator Larkin, Senate Print 1728, an act
10 to amend the Penal Law.

11 ACTING PRESIDENT MARCELLINO: Read
12 the last section.

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

15 ACTING PRESIDENT MARCELLINO: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MARCELLINO:

19 Announce the results, please.

20 THE SECRETARY: Ayes, 58. Nays,
21 1. Senator Montgomery recorded in the negative.

22 ACTING PRESIDENT MARCELLINO: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 143, by Senator Huntley, Senate Print 4466A, an

1 act to amend the Mental Hygiene Law.

2 ACTING PRESIDENT MARCELLINO: Read
3 the last section, please.

4 THE SECRETARY: Section 2. This
5 act shall take effect on the 180th day.

6 ACTING PRESIDENT MARCELLINO: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT MARCELLINO: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 171, by Senator Saland, Senate Print 1419, an act
14 to amend the Vehicle and Traffic Law.

15 ACTING PRESIDENT MARCELLINO: Read
16 the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect nine months after it shall
19 have become law.

20 ACTING PRESIDENT MARCELLINO: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MARCELLINO:
24 Announce the results, please.

25 THE SECRETARY: Ayes, 59.

1 ACTING PRESIDENT MARCELLINO: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 186, by Senator Bonacic, Senate Print 4933, an
5 act to amend the Environmental Conservation Law.

6 ACTING PRESIDENT MARCELLINO: Read
7 the last section, please.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the first of July.

10 ACTING PRESIDENT MARCELLINO: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MARCELLINO:
14 Senator Stavisky to explain her vote.

15 SENATOR STAVISKY: To explain my
16 vote, Mr. President.

17 I have a lot of questions about
18 this bill. I didn't ask that it be laid aside,
19 but let me outline some of my problems.

20 I recognize the need for firearm
21 safety and particularly that it be taught at a
22 young age to young people in high school. But
23 the bill is a -- first of all, it's a mandate
24 without any money attached.

25 Secondly, it is statewide in

1 nature. It applies in every school district in
2 the State of New York for grades nine and 12.

3 And it requires gun safety and
4 other issues -- such as it talks about
5 "disseminate information relating to hunting,
6 fishing and the outdoors." We don't understand
7 what "disseminate information" means. Are they
8 going to have space in the schools where they can
9 practice the shooting and the fishing and so
10 forth?

11 They "promote instruction," another
12 vague, vague comment.

13 There's a section in it that
14 requires the Regents to give their approval. But
15 we generally put educational instructional
16 mandates, courses that have to be taught, in the
17 Education Law. It seems to me that putting it in
18 the Environmental Conservation Law is the wrong
19 place.

20 I have other misgivings about it.
21 For example, in the Education Law there's a
22 section that deals with treating animals in a
23 humane manner, and maybe that would be a better
24 place for this requirement.

25 Mr. President, I am going to vote

1 no. I commend the safety issue, but I think it's
2 in the wrong place.

3 Thank you, Mr. President.

4 ACTING PRESIDENT MARCELLINO:

5 Thank you, Senator. You will be recorded in the
6 negative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 186, those recorded in the
10 negative are Senators Espallat, Krueger,
11 Montgomery, Perkins, Serrano and Stavisky. Also
12 Senator Marcellino.

13 Ayes, 52. Nays, 7.

14 ACTING PRESIDENT MARCELLINO: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 189, by Senator Marcellino, Senate Print 921, an
18 act to amend the Education Law.

19 ACTING PRESIDENT MARCELLINO: Read
20 the last section, please.

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

23 ACTING PRESIDENT MARCELLINO: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT MARCELLINO:

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar Number 189, those recorded in the
5 negative are Senators Dilan, Espaillat,
6 Hassell-Thompson, Huntley, Krueger, Montgomery,
7 Perkins, Rivera, Serrano, Squadron, Stavisky, and
8 Stewart-Cousins.

9 Ayes, 47. Nays, 12.

10 ACTING PRESIDENT MARCELLINO: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 197, by Senator Young, Senate Print 746B, an act
14 to amend the Penal Law.

15 ACTING PRESIDENT MARCELLINO: Read
16 the last section, please.

17 THE SECRETARY: Section 4. This
18 act shall take effect on the first of November.

19 ACTING PRESIDENT MARCELLINO: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MARCELLINO:
23 Announce the results.

24 THE SECRETARY: Ayes, 59.

25 ACTING PRESIDENT MARCELLINO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 198, by Senator Perkins, Senate Print 1365, an
4 act to amend the Penal Law.

5 ACTING PRESIDENT MARCELLINO: Read
6 the last section.

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

9 ACTING PRESIDENT MARCELLINO: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MARCELLINO:
13 Announce the results.

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT MARCELLINO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 201, by Senator Skelos, Senate Print 1541A, an
19 act to amend the Penal Law.

20 ACTING PRESIDENT MARCELLINO: Read
21 the last section.

22 THE SECRETARY: Section 4. This
23 act shall take effect on the first of November.

24 ACTING PRESIDENT MARCELLINO: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT MARCELLINO:

3 Announce the results.

4 THE SECRETARY: Ayes, 58. Nays,

5 1. Senator Montgomery recorded in the negative.

6 ACTING PRESIDENT MARCELLINO: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 202, by Senator Golden, Senate Print 1991, an act
10 to amend the Penal Law.

11 ACTING PRESIDENT MARCELLINO: Read
12 the last section, please.

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

15 ACTING PRESIDENT MARCELLINO: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MARCELLINO:

19 Announce the results.

20 THE SECRETARY: Ayes, 59.

21 ACTING PRESIDENT MARCELLINO: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 203, by Senator Gallivan, Senate Print 4052A, an
25 act to amend the Criminal Procedure Law.

1 ACTING PRESIDENT MARCELLINO: Read
2 the last section.

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

5 ACTING PRESIDENT MARCELLINO: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT MARCELLINO:
9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar 203, those recorded in the negative are
12 Senators Hassell-Thompson, Montgomery and
13 Sampson.

14 Ayes, 56. Nays, 3.

15 ACTING PRESIDENT MARCELLINO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 205, by Senator Grisanti, Senate Print 2601, an
19 act to amend the Public Authorities Law.

20 ACTING PRESIDENT MARCELLINO: Read
21 the last section.

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

24 ACTING PRESIDENT MARCELLINO: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT MARCELLINO:

3 Senator Ritchie to explain her vote.

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

6 St. Lawrence County is home to one
7 of the largest NYPA hydrofacilities in the
8 state. Not only does it generate power for
9 across the entire state, it also is part of the
10 backbone of the economy for the North Country.
11 It's one of the employers; it's also one of the
12 largest landholders.

13 It's vitally important that these
14 communities that are involved have a voice --

15 ACTING PRESIDENT MARCELLINO:

16 Excuse me, Senator.

17 Can we have some order, please.

18 Thank you.

19 SENATOR RITCHIE: We are very
20 fortunate right now to have a representative in
21 Judge Eugene Nicandri. He's somebody who I've
22 worked closely with. When I was county clerk, he
23 was the county court judge. We're very fortunate
24 to have him, and he's a resident of the
25 St. Lawrence County.

1 Under NYPA's new leadership we're
2 also fortunate to have Trustee Dyson and
3 President Quiniones. And they have been very
4 attentive and responsive to my communities.

5 But that hasn't always been the
6 case, so it's very important that this bill today
7 will make sure that it's permanent that there is
8 a resident of St. Lawrence County that sits on
9 the board. I vote aye.

10 Thank you, Mr. President.

11 ACTING PRESIDENT MARCELLINO:

12 Senator Ritchie, you will be recorded in the
13 affirmative.

14 Senator Gianaris.

15 SENATOR GIANARIS: Thank you,
16 Mr. President.

17 I will be voting in the negative on
18 this bill. I certainly don't begrudge the people
19 of St. Lawrence and Niagara Counties their desire
20 to have representation. But the people of Queens
21 deserve just as much respect.

22 We house some very large NYPA
23 facilities ourselves that produce upwards of
24 700 megawatts of power. And unlike the people of
25 St. Lawrence, who are fortunate enough to have a

1 current representative on the board, the people
2 of Queens do not.

3 And so unless the bill is amended
4 to adequately reflect all the communities that
5 are burdened with Power Authority facilities, I
6 will be voting in the negative.

7 ACTING PRESIDENT MARCELLINO: You
8 will be recorded in the negative, Senator.

9 Senator Krueger to explain her
10 vote.

11 SENATOR KRUEGER: Thank you.

12 I also rise to explain my vote. I
13 have to agree with Senator Gianaris, there are
14 power plants in Lewiston, Niagara County; in
15 Blenheim and Gilboa, southwest of Albany,
16 Schoharie County; in Ulster County; in Saratoga
17 County; and not just in Queens, but along the
18 East River between Queens and Manhattan.

19 It's an interesting question
20 whether every county that has a NYPA power plant
21 ought to be represented on the board. But
22 clearly the answer is not to simply select any
23 given county and allow them to be on the board.

24 So I'll be voting no. Thank you,
25 Mr. President.

1 ACTING PRESIDENT MARCELLINO: You
2 will be recorded in the negative, Senator.

3 Please announce the results.

4 THE SECRETARY: In relation to
5 Calendar 205, those recorded in the negative are
6 Senators Addabbo, Avella, Ball, Gianaris,
7 Krueger, Peralta, Rivera and Stavisky.

8 Ayes, 51. Nays, 8.

9 ACTING PRESIDENT MARCELLINO: The
10 bill is passed.

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

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

15 May we have the reading of the
16 noncontroversial Supplemental Calendar
17 Number 16A, please.

18 ACTING PRESIDENT MARCELLINO: The
19 Secretary will read.

20 And we do have a message of
21 appropriation at the desk, Senator.

22 THE SECRETARY: Calendar Number
23 268, by Senator Robach, Senate Print 6610, an act
24 to amend the Civil Service Law.

25 SENATOR LIBOUS: Is there a

1 message of appropriation at the desk,
2 Mr. President?

3 ACTING PRESIDENT MARCELLINO: Yes,
4 sir, there is a message of appropriation at the
5 desk.

6 SENATOR LIBOUS: I move to accept
7 the message of appropriation.

8 ACTING PRESIDENT MARCELLINO: All
9 in favor of accepting the message of
10 appropriation signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT MARCELLINO:
13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT MARCELLINO: The
16 message is accepted.

17 Read the last section, please.

18 THE SECRETARY: Section 27. This
19 act shall take effect immediately.

20 ACTING PRESIDENT MARCELLINO: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 59.

24 ACTING PRESIDENT MARCELLINO: The
25 bill is passed.

1 SENATOR LIBOUS: Mr. President.

2 ACTING PRESIDENT MARCELLINO:

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President, is
5 there any further business at the desk at this
6 time?

7 ACTING PRESIDENT MARCELLINO: I am
8 told the desk is clear, sir.

9 SENATOR LIBOUS: Thank you, sir.
10 There being no further business, I
11 move that we adjourn until Tuesday, March 6th, at
12 3:00 p.m.

13 ACTING PRESIDENT MARCELLINO: On
14 motion, the Senate stands adjourned until
15 Tuesday, March 6th, at 3:00 p.m.

16 (Whereupon, at 4:22 p.m., the Senate
17 adjourned.)

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