NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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REGULAR SESSION

SENATOR JOHN J. BONACIC, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT BONACIC: The Senate will come to order.

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

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

ACTING PRESIDENT BONACIC: Today we're going to have two clergy. First we're going to start with Rabbi Steven Graber, of Temple Hillel in North Woodmere.

Rabbi?

RABBI GRABER: Ladies and gentlemen of the Senate, know that it is a great honor for me to be here today to pray with you and for you as you work for the betterment of this state and its citizens.

And thus I pray {in Hebrew}. Sovereign of the universe, we thank You for the blessings which You have bestowed upon us. Thank You for giving us life and sustaining us.

As citizens of the United States, we live in the greatest democracy history has

ever known. And as citizens of New York, we live in the greatest state in all of America. Thank You, O, Lord, for that privilege.

Jewish tradition teaches that You, O God, created this world wonderfully and miraculously, yet a little less than perfect, and that You created man for the purpose of bringing our world closer to that elusive state of perfection.

These Senators before whom I stand today are the good men and women who we have elected to lead us and to create legislation for the betterment of our society. Bless them, O Lord. Bless our Senators and shine Your light upon them. Increase their understanding of how to use their gifts and their creative spirits to solve that the issues that face our Senate today.

Help them to act in kindness, love, humility, and compassion as they work to create a more balanced society where justice is tempered with mercy, a society where goodness and righteousness can advance and thrive.

Author of creation {in Hebrew} who has given from His glory to mortal man, continue to bless our Governor Andrew Cuomo, our Senate Majority Leader Dean Skelos, our 62 State Senators, and all of the men and women of their staffs who are responsible for the welfare of our great State of New York.

{In Hebrew} Grant blessing and success to all the worthy deeds that they perform.

And let us say amen.

ACTING PRESIDENT BONACIC: Thank you, Rabbi Graber.

Our second speaker will be Reverend Richard Dellos, who's pastor of St. Joseph and St. Patrick Church in Utica.

PASTOR DELLOS: First the Old Testament, then the New Testament.

Bless Your public servants, O Lord. Bless their families today and every day.

Thank You for the gifts that you have given to them all. Their bodies, make them healthy to do Your work. Their minds, help them to know the issues and that they may

understand their relative importance.

You bless them also with the gift of the will, so that we can choose what is practical for the common good. And You have blessed them with a spirit that is deep within where they can meet You and sense your holy presence.

And You have blessed them also in a very special holy sacred place, a sanctuary that is the sacred core of humanity. It is here that we are alone with God. It is called the conscience.

Cleanse them from dead works so that we can truly serve You as God. Thank You for speaking to us through the holy conscience, that we may hear You speaking to us here as Your voice echoes in our depths.

So bless their bodies, their minds, their spirits, and their consciences, these Your public servants who do Your work promoting the common good.

Amen.

ACTING PRESIDENT BONACIC: Thank you, Reverend Dellos.

The reading of the Journal.

THE SECRETARY: In Senate, Monday, March 12, the Senate met pursuant to adjournment. The Journal of Sunday, March 11, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BONACIC: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Gallivan, on page 12 I offer the following amendments to Calendar Number 259, Print Number 5868, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT BONACIC: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I have one more, on behalf of Senator Griffo. I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Print 5686.

ACTING PRESIDENT BONACIC: So ordered.

Senator Libous.

SENATOR LIBOUS: Mr. President, at this time may we adopt the Resolution Calendar, with the exception of Resolution Numbers 3559, 3570, and 3593.

SENATOR SQUADRON: Mr. President.

ACTING PRESIDENT BONACIC: Senator Squadron, why do you rise?

SENATOR SQUADRON: Mr. President, before we adopt the Resolution Calendar, I'd like to be heard on Senate Legislative Resolution 3582, which is on the calendar and is being offered by Senator Skelos, recognizing and celebrating the week of March 11th through 17th as Sunshine Week.

Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Senator Squadron, we're going to adopt it as a group. Do you want to take that off and have it debated separately?

SENATOR SQUADRON: Mr. President, I'm happy to discuss it and debate it ahead of the Resolution Calendar, which I believe is in order.

If we'd like to pull it and discuss it separately, I'm happy to work with the Majority on that solution as well.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT BONACIC: Yes, Senator Libous.

SENATOR LIBOUS: Mr. President, I'm glad you gave Senator Squadron a chance to speak.

Although I did have the floor, Senator, and didn't relinquish it, but it was good to hear from you.

We have no problem if you want to -- I'll add that resolution to the ones -- we haven't adopted the calendar yet, so we'll add that resolution number. If the desk could repeat

the resolution number.

ACTING PRESIDENT BONACIC: It was Resolution Number 3582.

SENATOR LIBOUS: So if we may, Senator Squadron, at this time I'd like to move the adoption of the Resolution Calendar, with the exception of Resolutions 3582, 3559, 3570, and 3593.

ACTING PRESIDENT BONACIC: All in favor of adopting the Resolution Calendar with the exception of those four resolutions -- 3559, 3570, 3582, and 3593 -- signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Opposed, nay.

(No response.)

ACTING PRESIDENT BONACIC: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time Senator Seward, I believe, has Resolution Number 3593 at the desk. We would like to have it read in its entirety, and then Senator Seward would like to be called

on and then we move for its immediate adoption.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3593, by Senator Seward, memorializing Governor M. Andrew Cuomo to proclaim March 12-17, 2012, as Flood Safety Awareness Week in the State of New York.

"WHEREAS, It is the sense of this Legislative Body to memorialize Governor Andrew M. Cuomo to proclaim March 12-17, 2012, as Flood Safety Awareness Week in the State of New York, in conjunction with National Flood Safety Awareness Week; and

"WHEREAS, The National Oceanic and Atmospheric Administration has named March 12-17, 2012, as National Flood Safety Awareness Week; and

"WHEREAS, Floods can happen anytime, anywhere, and without warning; and

"WHEREAS, Flooding creates emergencies of great concern to New York State, with imminent threat to life and property, and causes hundreds of millions of dollars in damage to homes, businesses, and local government

infrastructure; and

"WHEREAS, A large number of communities across New York State suffered major flooding in 2011 as a result of Hurricane Irene and Tropical Storm Lee, causing millions of dollars in damages and leading to the loss of homes, properties, public infrastructure, businesses, and income; and

"WHEREAS, Individuals and families are still, to this day, struggling to recover after having lost everything in the floods; and

"WHEREAS, Damage from a flood is not normally covered under a standard homeowner's policy, and residents need to review their homeowner's policies and consider their risks for flooding and the need for flood insurance; and

"WHEREAS, This Legislative Body concurs that a public that is well-informed of the dangers associated with flooding can improve its preparedness and reduce the occurrence of death, injury, and property damage as a result of severe flooding; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim March 12-17,

2012, as Flood Safety Awareness Week in the State of New York; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to The Honorable Andrew M. Cuomo, Governor of the State of New York."

ACTING PRESIDENT BONACIC: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

We all became very painfully aware on August 28th of 2011, and then a few days later in early September of 2011, when both Hurricane Irene and then Tropical Storm Lee came through New York State.

And in its wake in both of those storms, we saw millions and millions of dollars of damages to so many communities in my Senate district, in yours, Mr. President, Senator Libous's, and several other members throughout the state. Millions and millions of dollars of damages in property, and in some cases, tragically, a few New Yorkers were lost in terms of their lives that day.

And many of our communities, so

many of them are still recovering from those tragic floods of last year. As impressed as we are with the resiliency of the people of those communities, they still have a long way to go because of the severe damage.

Now, March 12th through the 17th, this week, is National Flood Awareness Week, and it is a week set aside to help individuals, homeowners, business owners, and communities focus on better preparing themselves for floods and the potential damage that can occur from flooding.

And one thing that homeowners and property owners can do is to review their insurance coverage as it relates to floods. Regular homeowner's insurance policies do not cover flood damage, and a property owner must get separate coverage through the National Flood Insurance Program in order to receive that coverage.

And in conjunction with this National Flood Safety Awareness Week, Mr. President, Senator Bonacic and I jointly sponsored a public roundtable yesterday to discuss some of the issues surrounding the flood

insurance and to come up with suggestions to improve the National Flood Insurance Program claims process, which is in great need of improvement.

And we had a very good discussion, we had a number of stakeholders at the table. We identified a number of improvements that can be made to the systems that will ensure that homeowners have adequate flood coverage and that that insurance coverage and their claims will be paid when they are needed. And we're going to work with our federal colleagues to see that some of those changes are made.

Now, we at the state level, we can start by reviewing the notice that's included in the standard homeowner's insurance policy informing individuals that flooding is not covered. Is the notice clear enough, can it be reworded in a way that will make it easier for people to understand that they need to get a separate flood insurance policy through the National Flood Insurance Program in order to receive that coverage?

And so I would urge, through this resolution, the Governor to join the federal

government and also proclaim March 12 through the 17th, this week, as Flood Safety Awareness Week in the State of New York, so that we can better raise awareness among our citizenry that flooding can cause severe damage and we must do more to be better prepared.

Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Any other Senator wish to speak on the resolution?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Opposed, nay.

(No response.)

ACTING PRESIDENT BONACIC: The resolution is adopted.

Senator Seward has indicated that this is open for sponsorship.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's a resolution, Number 3570, at the desk by Senator Diaz. Could you please have it read in its entirety and call

on Senator Diaz.

ACTING PRESIDENT BONACIC: Thank you, Senator Libous.

We're going to put everyone on Senator Seward's resolution. Those that don't want to be on, please come to the front desk and let them know. Thank you.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3570, by Senator Diaz, memorializing Governor Andrew M. Cuomo to declare March 11, 2012, to April 12, 2012, as Garifuna-American Heritage Month in the State of New York.

"WHEREAS, It is the sense of this Legislative Body to recognize and pay just tribute to the cultural heritage of the ethnic groups which comprise and contribute to the richness and diversity of the community of the State of New York; and

"WHEREAS, Attendant to such concern, and in keeping with its time-honored traditions, it is the intent of this Legislative Body to applaud and commemorate events which foster ethnic pride and exemplify the cultural

diversity that represents and strengthens the spirit of the people and the State of New York; and

"WHEREAS, This Legislative Body is justly proud to memorialize Governor Andrew M. Cuomo to declare March 11, 2012, to April 12, 2012, as Garifuna-American Heritage Month in the State of New York; and

"WHEREAS, Garifuna-American Heritage Month celebrates the great contributions of Garifuna-Americans to the fabric of New York City, and pays tribute to the common culture and bonds of friendship that united the United States and the Garifuna countries; and

"WHEREAS, Garifuna-American Heritage Month affirms the culture, identity and self-esteem of a people. It celebrates a rich heritage and illuminates Garifuna history and tradition, as well as the spirit of an indomitable people; and

"WHEREAS, In 1665, two Spanish ships wrecked off the coast of St. Vincent; and

"WHEREAS, The West African slaves that escaped to the island eventually intermarried with the Venezuelan Caribs and the

Arawaks; and

"WHEREAS, The new race of people, known as the Garifuna, grew strong and prosperous on the island; and

"WHEREAS, In 1795, the Garifuna began the Second Carib War against the British. Battles raged throughout St. Vincent over the next year, with both sides enduring heavy losses; and

"WHEREAS, On June 10, 1796, the final battle commenced with the Garifuna and British, resulting in the Garifuna's surrender; and

"WHEREAS, The surviving Caribs were exiled to the neighboring island of Balliceaux; and

"WHEREAS, On March 11, 1797, the defeated Garifuna were loaded onto a convoy of eight vessels and transported to Roatan, Honduras, which arrived on April 12th of that year; and

"WHEREAS, The Garifuna began to migrate to the United States during the 1930s. Today, New York City is home to the largest Garifuna community outside of Central America;

and

"WHEREAS, The nurturing and promotion of Garifuna pride is at the center of the Garifuna coalition's community organizing initiative, to create awareness and appreciation of the Garifuna culture and its contribution to the culture and society of New York; and

"WHEREAS, On May 18, 2001, the United Nations Educational, Scientific and Cultural Organization (UNESCO) proclaimed the Garifuna language, dance and music as a 'masterpiece of the oral and intangible heritage of humanity"; and

"WHEREAS, Garifuna-American Heritage Month provides an opportunity to recognize the significance of their contributions to the quality and character of life, and, through many events and activities throughout the month, for all people to gain a greater appreciation of Garifuna history and traditions, and of the role Garifuna-Americans have played and will continue to play in our society; and

"WHEREAS, On September 17, 1821, nearly a decade before slavery was completely phased out in New York City, William Henry

Brown's African Theater presented its first performance in Greenwich Village. Mr. Brown was the first American playwright of African descent and wrote 'The Drama of King Shotaway,' recognized as the first black drama of the American theatre, which has as its subject the 1795 Black Caribs (Garifunas) defense of the Island of Saint Vincent against colonization by the British; and

"WHEREAS, Today, New Yorkers of Garifuna heritage such as Sara Logan, Lino Solis, Rosemary Ordonez Jenkins, Eleanor Cecelia Castillo-Bullock, Mirtha Colon, Jose Francisco Avila, and Aurelio Martinez continue to recognize and honor the cultural practices of their ancestors; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to declare March 11, 2012, to April 12, 2012, as Garifuna-American Heritage Month in the State of New York; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to The Honorable Andrew M. Cuomo, Governor of the

State of New York."

ACTING PRESIDENT BONACIC: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

And thank you, Senator Skelos, Senator Libous, and members of this prestigious chamber for allowing me to introduce this resolution today.

Today, Mr. President and ladies and gentlemen, is a very special and very honored day for me because today I have the privilege to present and introduce a resolution for the second year recognizing the Garifuna community, especially those that reside in Bronx County.

Today I'm honored to have the opportunity and privilege granted to me by this distinguished body and its president, Honorable Dean Skelos, and the members of this body, to be able to introduce this resolution, as I said before, and to have many members of the Garifuna community present today to witness this historic event.

Ladies and gentlemen, the Garifuna community has been an integral part of New York

City, and especially the county of the Bronx, for more than 70 years. The Garifuna have been migrating to the United States of America in search of a better life since 1930. Their vitality, their talents, and their commitment constitute tremendous resources for our state and our city.

But, Mr. President and ladies and gentlemen, it took a tragic incident or accident, a fire that took the life of 87 people, for the government and institutions to start paying attention to this great community. On March 25, 1980, a social club known as the Happy Land was set on fire, causing the loss of many people and inflicting pain and suffering to the rest of the Garifuna community.

Today, as the State Senator representing the 32nd Senatorial District in Bronx County, it is an honor and privilege for me to have a delegation of Garifuna joining us today in the Senate gallery. This delegation, presided by Mr. Jose Francisco Avila, who is here, has arrived and are joining us today.

In closing, Mr. President and ladies and gentlemen, I would like to thank one

more time Senator Skelos and the Secretary of the Senate, Mr. Frank Patience, for allowing me this great honor of celebrating this historic event in New York State.

At 5 p.m., after the session is over, we will have a reception in the Sign of the Tree, to which you all are invited.

To the Garifuna community that are up there --

(Applause from the galleries.)

SENATOR DIAZ: To the Garifuna community {in Garifuna}.

(Laughter and applause from the galleries.)

ACTING PRESIDENT BONACIC: Thank you, Senator Diaz. And I agree with your last two sentences.

(Laughter.)

ACTING PRESIDENT BONACIC: Does anyone else like to speak on the resolution?

Senator Rivera. Senator Rivera, then Senator Serrano.

SENATOR RIVERA: I know we can -- we're very much alike, him and me, Mr. President, so I understand.

ACTING PRESIDENT BONACIC: No, you're very different. But go ahead.

SENATOR RIVERA: It's the hair. Just look at the hair.

Ladies and gentlemen, I am certainly not going to try to imitate either Senator Diaz's style and certainly not try to quote a particular Garifuna phrase. But I did want to stand up and say hello to my friends, to my colleagues, to my neighbors.

The Garifuna community is a proud, vibrant part of the Bronx community. There is a large presence of them in my district.

Jose Francisco Avila, who's here sitting in the chamber, is actually someone who is a great community leader and has been a great ally to me in the Bronx in my year and a half in office.

They are, again, a vibrant part of the Bronx, a vibrant part of my district. I recognize how important they are to the growing diversity of the city and the state. And I welcome them to the Senate chamber.

I hope that this is not the first time, this is not the last time that you visit

us. I do hope that at some point in the near future maybe one of your members could actually join us sitting in one of these seats right here.

(Applause from the galleries.)

SENATOR RIVERA: Thank you so much.

ACTING PRESIDENT BONACIC: Thank you, Senator Rivera.

Senator Serrano.

SENATOR SERRANO: Thank you very much, Mr. President.

I want to echo the words of my colleagues Gustavo and Senator Diaz and thank Senator Diaz for this resolution and also the events that he holds in the Bronx to celebrate this wonderful community.

And all of the things that have been said about the growth of this community in the Bronx and throughout the city are so important. But also equally important is the history lesson that is taught here.

Learning about the Garifuna community, it is like a history lesson of the Americas, a history lesson of Latin America and

how we came to be as Latin Americans, the influences from Latin America, from Africa, and the wonderful meshing of these wonderful cultures in a wonderful community both here and abroad.

So I want to thank once again Senator Diaz for putting this all together and thank all of the wonderful guests for being here today. Thank you.

(Applause from the galleries.)

ACTING PRESIDENT BONACIC: Thank you, Senator Serrano.

Does any other Senator wish to speak on the resolution?

Hearing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Opposed, nay.

(No response.)

ACTING PRESIDENT BONACIC: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe that a resolution by Senator Smith, Number 3559, is at the desk. Could we have the title read, and I believe Senator Smith would like to speak on it.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3559, by Senator Smith, recognizing Yunnan Province and Chongqing Municipality of the People's Republic of China as a "Sister City" with New York City.

ACTING PRESIDENT BONACIC: Senator Smith on the resolution.

SENATOR SMITH: Thank you very much, Mr. President.

Let me also thank my colleagues Senator Farley, Senator Griffo, Senator Maziarz, as well as other colleagues who have gone on trips to China with me: Senator Duane, Senator Parker as well.

Obviously New York and China have some of the largest economies in the world. We believe that a cooperation between Yunnan Province, Chongqing Province as well as New York will only bode well for the economy of both those

provinces, municipalities, as well as New York.

Tomorrow we will be visited by a delegation from the People's Republic of China. At that point in time we will be presenting this resolution to them.

But I do want to acknowledge my colleague Senator Farley, who was the dean of our delegation that went over to China and represented this state very well.

So I stand here today, Mr. President, just to acknowledge my colleagues, their presence and involvement in this relationship between China and New York, and also to thank you for allowing us to bring this resolution to the floor.

ACTING PRESIDENT BONACIC: Senator Smith, you've been doing this for quite a while. We thank you for your efforts.

Senator Stavisky on the resolution.

SENATOR STAVISKY: Thank you, Mr. President. And on the resolution.

I thank Senator Smith for introducing this resolution. I am a proud cosponsor, because sister-city relationships are important, whether it be culturally or socially

or especially economically.

It's interesting because the Province of Yunnan is as diverse as the City of New York, and particularly the county which both Senator Smith and I represent, and that's Queens County. Yunnan is one of the most diverse counties, provinces, in the People's Republic of China. And I understand that 38 percent of the population in that province is made up of ethnic minorities.

And the City of Chongqing, if I'm pronouncing it correctly, is one of the largest cities in the world. There are 28 million people in that city alone. So for New York City and New York State to have a relationship I think is significant.

This is an area where we have great economic diversity, where they have industrial development. And that is something that we strive for in New York. This relationship between the economy and the individuals is extremely important.

I have visited the People's Republic of China many years ago, but I celebrate the cultural diversity, particularly in a section

of my district known as Flushing, where the economy is really doing very well compared to the rest of the state. So many people from all parts of the world come to Queens looking for a better life; we're able to provide it.

And I look forward to welcoming the ambassador and the delegation from the People's Republic of China.

Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Thank you, Senator Stavisky.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I do rise as a cosponsor of this with Senator Smith and part of the delegation that did visit there.

I think it's rather significant, what you're talking about, the largest city in the world, Chongqing, which used to be Chungking -- 32 million, I think I was told, which is four times the largest city in our nation, New York, great city.

And you know, it was very interesting on this delegation. Senator Maziarz,

who almost didn't eat anything all the time he was there, and Senator Griffo, who ate everything that didn't bite first.

(Laughter.)

SENATOR FARLEY: But by and large, it was a great trip and one that we learned a lot.

And if we can get into that Chinese market, boy, I'll tell you, you're talking populations which would just blow your mind. Beijing, 22 million. Shanghai, 25 million. If we could just get a piece of that market, the economy of New York State will really blossom. And consequently we're very pleased that Chongqing and this province can become a sister city with New York City.

And thank you, Senator Smith, who really made New York State look good at this trip.

ACTING PRESIDENT BONACIC: Thank you, Senator Farley.

I just note that you wish that we could get a piece of the China economy. China has already a piece of our economy, that's for sure.

Any other member like to speak to the resolution?

Hearing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Those opposed, nay.

(No response.)

ACTING PRESIDENT BONACIC: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe that Senator Skelos has a resolution at the desk, Number 3582. Could you have the title read and we'll move for its adoption.

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3582, by Senator Skelos, recognizing and celebrating the week of March 11-17, 2012, as Sunshine Week.

ACTING PRESIDENT BONACIC: Senator

Squadron on the resolution.

SENATOR SQUADRON: Thank you, Mr. President.

This resolution certainly raises some important issues, and they are issues that I think really do deserve discussion on the Senate floor today.

And the resolution reads in part -- I know we did not read it in its entirety -- "Whereas, the pillars of democracy include government transparency, accessibility, and accountability, resulting in an informed citizenry."

I think those words express an excellent goal and an excellent set of values. Unfortunately, they're values that I think too often in the State Senate today we are not able to live.

You know, it's a beautiful day out in Albany today. Unfortunately, that sunlight doesn't seem to be making its way into this Senate chamber.

Just this past week, late and dark in the night of Sunday night, from the caves of LATFOR emerged a 200-page bill explaining

legislative lines that didn't have maps attached. The process was completely opaque.

And I think it's a real shame that this house is participating in that way in a process that does exactly the opposite of what it is this resolution talks about and professes to support. And it's the opposite of sunshine when you look at that redistricting process, as I say, deep in the caves of LATFOR.

Just today we had 311 bills that were taken from their committees of subject matter and taken by the long tentacles of the Rules Committee and put in that vault there so that we can't have open hearings and debate on those 311 bills.

Exactly the sort of open debate that would result in an informed citizenry that would be an example of government transparency, accessibility, and accountability -- and even though the Senate rules in fact allow for a process by which those bills can get called up, can get debated, may pass, may not pass, but can see the light of day, can get the great warming disinfectant of sunlight that folks always talk about when they talk about Sunshine Week and how

important it is.

So I think it's a real shame. You know, in New York City we have a 311, you call them for information. Today we have 311 bills that have just -- we're not going to get any information on where the members of those committees stand on those bills, we won't have a substantive conversation.

So it is ironic for sure that we have this "Sunshine" resolution this week when there is so little sunshine shining through the windows into this chamber and into the halls of the State Senate, and I think it's a shame.

I am going to support the resolution, because the principles in it are ones I certainly support. And I just wish that as a chamber, as a body, we could be living them more fully.

Thank you, Mr. President.

ACTING PRESIDENT BONACIC: Thank you, Senator Squadron.

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

(Response of "Aye.")

ACTING PRESIDENT BONACIC: Those

opposed, nay.

(No response.)

ACTING PRESIDENT BONACIC: The resolution is adopted.

Senator Libous.

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

ACTING PRESIDENT BONACIC: The Secretary will read.

THE SECRETARY: Calendar Number 206, by Senator Griffo, Senate Print 3657, an act to amend the State Technology Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 275, by Senator Flanagan, Senate Print 4706, an

act to amend the Public Officers Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 287, by Senator Young, Senate Print 791, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BONACIC: Announce the results.

THE SECRETARY: In relation to Calendar Number 287, those recorded in the

negative are Senators Avella, Ball, Dilan, Duane, Gianaris, Krueger, LaValle, Rivera, Serrano, Squadron, Stavisky and Stewart-Cousins.

Ayes, 46. Nays, 12.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 288, by Senator Young, Senate Print 793A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 292, by Senator LaValle, Senate Print 1456B, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 293, by Senator McDonald, Senate Print 2351, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 9. This act shall take effect upon the receipt by the Commissioner of Environmental Conservation.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 294, by Senator Young, Senate Print 2775, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BONACIC: Read

the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 297, by Senator Libous, Senate Print 6283, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 297, those recorded in the negative are Senators Duane, Perkins and Serrano.

Ayes, 55. Nays, 3.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 299 --

SENATOR LIBOUS: Lay it aside for the day.

ACTING PRESIDENT BONACIC: Bill Number 299 is laid aside for the day.

THE SECRETARY: Calendar Number 301, by Senator Larkin, Senate Print 1727, an act to amend the Executive Law.

ACTING PRESIDENT BONACIC: Read the last section.

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

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 302, by Senator Libous, Senate Print 2461, an act to amend the Executive Law.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the first of April.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BONACIC: Senator Libous to explain his vote.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you very much. I appreciate Senator Libous deferring to me.

If this bill dealt with permitting through many agencies other than the Department of Environmental Conservation, I think I could vote for this bill. But in fact the dilemmas the state faces when approving permits in complicated environmental land-use questions are different than when you're talking about an SED delay in a permit or an SLA delay in a permit or some other business type of permit, where I share his view and frustration that our agencies can't get their work done on time.

But I believe that there needs to be an exception or an amendment to this bill that would remove the DEC timeline requirement,

because our environment and making mistakes in approvals to things that could give risk to our land, air, or water is too great to simply put an artificial date timeline of 134 percent of the average for permits.

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

ACTING PRESIDENT BONACIC: Thank you, Senator Krueger.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. I rise to explain my vote; I obviously am in favor of it.

And I certainly respect what Senator Krueger is saying. And, Senator, we'll look at that, because you're right, not all permitting can be done -- and certainly as the DEC goes through sometimes a scientific analysis or what have you, that it may take a little bit more time.

However, for the most part, 98 percent of state agencies are not responsive to our constituents. It takes forever to get a permit or a license.

One of the biggest complaints I get

in my office, and I'm sure you do too, is that -- a typical one that really prompted this, a restaurant applied for a liquor license. They sent the check in. They cashed the check and got the license nine months later. They took their money. That's what got me going on this.

So I think it's a good start. Certainly Senator Krueger brings up a good point, and I think we can look at that, Senator. But for the most part we need to get this in place -- honesty in permitting, being responsible to the people that are trying to start businesses and are trying to function in this state.

So obviously, Mr. President, I vote aye.

ACTING PRESIDENT BONACIC: Thank you, Senator Libous.

Senator Hassell-Thompson to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. To explain my vote.

I had voted, in the past, aye on this bill. But in, you know, very good discussion today it occurred to me that DEC being in this bill was a major concern to all of us

environmentally.

And I listened -- and it's very interesting, Senator Libous, the very example you use was the example I used, which had been the reason in the past that I had voted in the affirmative, because the Liquor Authority was one of the most difficult and --

SENATOR PERKINS: Egregious.

SENATOR HASSELL-THOMPSON: -- and egregious, thank you, most egregious in terms of this issue. And even though they've resolved some of their issues, there's still work that needs to be done.

And if we could do something about DEC, then I think that all of us would be more than willing to agree that this bill's intent is right on.

Thank you, Mr. President.

ACTING PRESIDENT BONACIC: How do you vote, Senator Hassell-Thompson?

SENATOR HASSELL-THOMPSON: I will be voting no.

ACTING PRESIDENT BONACIC: Thank you, Senator Hassell-Thompson.

Anyone else wish to speak?

Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

I agree with everything that Senator Libous said except the part where he didn't say "We're going to take out DEC."

At the budget hearing I asked the Commissioner of Education and his deputy about that very issue, the question of licensure and people who apply for licenses. We increased the license fee in 2009 or 2010, and the purpose was to speed up the licensure process. It's still as slow as ever.

I'm very reluctant to vote no, but if they -- once -- if DEC comes out of the legislation, I will enthusiastically support it. But until that time, I vote no.

ACTING PRESIDENT BONACIC: Senator Stavisky in the negative.

Senator Perkins.

SENATOR PERKINS: I'm going to be voting no on this for the reasons that some of my colleagues have already mentioned, as it particularly relates to DEC.

But I just want to also at the same

time recognize that I share the concerns of the sponsor. And hopefully as we work with this, we'll be able to get the DEC issues resolved and move forward in the spirit that the legislation I think is being offered in, which I agree with.

But in any case, I'm going to be voting against it.

ACTING PRESIDENT BONACIC: Senator Perkins in the negative.

Anyone else?

Announce the results.

THE SECRETARY: In relation to Calendar Number 302, those recorded in the negative are Senators Ball, Duane, Hassell-Thompson, Krueger, LaValle, Marcellino, Montgomery, Perkins, Rivera, Squadron, Stavisky and Stewart-Cousins.

Ayes, 46. Nays, 12.

ACTING PRESIDENT BONACIC: The bill is passed.

THE SECRETARY: Calendar Number 304, by Senator Young, Senate Print 2838, an act to amend the Executive Law.

ACTING PRESIDENT BONACIC: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT BONACIC: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BONACIC: The bill is passed.

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

SENATOR LIBOUS: Mr. President, if we could go back to motions and resolutions, just an announcement.

Senator Diaz's resolution, 3570, he wants to open that up to all members of the chamber. So if there's someone who does not want to go on the resolution, please address the desk.

ACTING PRESIDENT BONACIC: Senator Diaz's resolution, 3570, is now open for sponsorship for anyone that wants to be on that resolution. We'll put everyone on. If someone doesn't want to be on, please come to the front desk and so advise them.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT BONACIC: Senator

Libous.

SENATOR LIBOUS: Is there any further business at the desk?

ACTING PRESIDENT BONACIC: There is not.

SENATOR LIBOUS: There being no further business, on motion, the Senate stands adjourned until Wednesday, March 14th, at 11:00 a.m.

ACTING PRESIDENT BONACIC: On motion, the Senate stands adjourned until Wednesday, March 14th, at 11:00 a.m.

(Whereupon, at 4:03 p.m., the Senate adjourned.)