

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 13, 2012

11 3:13 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR JOHN J. BONACIC, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT BONACIC: The  
3 Senate will come to order.

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

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

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

13 Rabbi?

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

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

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

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

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

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

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

1                   Author of creation {in Hebrew}  
2 who has given from His glory to mortal man,  
3 continue to bless our Governor Andrew Cuomo,  
4 our Senate Majority Leader Dean Skelos, our  
5 62 State Senators, and all of the men and  
6 women of their staffs who are responsible for  
7 the welfare of our great State of New York.

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

11                   And let us say amen.

12                   ACTING PRESIDENT BONACIC: Thank  
13 you, Rabbi Graber.

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

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

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

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

1 understand their relative importance.

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

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

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

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

22                   Amen.

23                   ACTING PRESIDENT BONACIC: Thank  
24 you, Reverend Dellos.

25                   The reading of the Journal.

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

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

7                   Presentation of petitions.

8                   Messages from the Assembly.

9                   Messages from the Governor.

10                  Reports of standing committees.

11                  Reports of select committees.

12                  Communications and reports from  
13 state officers.

14                  Motions and resolutions.

15                  Senator Libous.

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

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

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

1 Senator Libous.

2 SENATOR LIBOUS: Thank you,  
3 Mr. President.

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

9 ACTING PRESIDENT BONACIC: So  
10 ordered.

11 Senator Libous.

12 SENATOR LIBOUS: Mr. President, at  
13 this time may we adopt the Resolution Calendar,  
14 with the exception of Resolution Numbers 3559,  
15 3570, and 3593.

16 SENATOR SQUADRON: Mr. President.

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

19 SENATOR SQUADRON: Mr. President,  
20 before we adopt the Resolution Calendar, I'd like  
21 to be heard on Senate Legislative Resolution  
22 3582, which is on the calendar and is being  
23 offered by Senator Skelos, recognizing and  
24 celebrating the week of March 11th through 17th  
25 as Sunshine Week.

1                   Thank you, Mr. President.

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

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

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

13                  SENATOR LIBOUS:    Mr. President.

14                  ACTING PRESIDENT BONACIC:    Yes,  
15 Senator Libous.

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

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

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



1 the resolution number.

2           ACTING PRESIDENT BONACIC:    It was  
3 Resolution Number 3582.

4           SENATOR LIBOUS:    So if we may,  
5 Senator Squadron, at this time I'd like to move  
6 the adoption of the Resolution Calendar, with the  
7 exception of Resolutions 3582, 3559, 3570, and  
8 3593.

9           ACTING PRESIDENT BONACIC:    All in  
10 favor of adopting the Resolution Calendar with  
11 the exception of those four resolutions -- 3559,  
12 3570, 3582, and 3593 -- signify by saying aye.

13                           (Response of "Aye.")

14           ACTING PRESIDENT BONACIC:  
15 Opposed, nay.

16                           (No response.)

17           ACTING PRESIDENT BONACIC:    The  
18 Resolution Calendar is adopted.

19                           Senator Libous.

20           SENATOR LIBOUS:    Thank you,  
21 Mr. President.

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

1 on and then we move for its immediate adoption.

2 ACTING PRESIDENT BONACIC: The  
3 Secretary will read.

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

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

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

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

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

1 infrastructure; and

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

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

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

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

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

1 2012, as Flood Safety Awareness Week in the State  
2 of New York; and be it further

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

7 ACTING PRESIDENT BONACIC: Senator  
8 Seward.

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

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

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

25 And many of our communities, so

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

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

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

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

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

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

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

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

1 government and also proclaim March 12 through the  
2 17th, this week, as Flood Safety Awareness Week  
3 in the State of New York, so that we can better  
4 raise awareness among our citizenry that flooding  
5 can cause severe damage and we must do more to be  
6 better prepared.

7 Thank you, Mr. President.

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

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

12 (Response of "Aye.")

13 ACTING PRESIDENT BONACIC:

14 Opposed, nay.

15 (No response.)

16 ACTING PRESIDENT BONACIC: The  
17 resolution is adopted.

18 Senator Seward has indicated that  
19 this is open for sponsorship.

20 Senator Libous.

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

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

1 on Senator Diaz.

2 ACTING PRESIDENT BONACIC: Thank  
3 you, Senator Libous.

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

8 The Secretary will read.

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

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

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



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

4               "WHEREAS, This Legislative Body is  
5 justly proud to memorialize Governor Andrew M.  
6 Cuomo to declare March 11, 2012, to April 12,  
7 2012, as Garifuna-American Heritage Month in the  
8 State of New York; and

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

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

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

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

1 Arawaks; and

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

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

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

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

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

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

1 and

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

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

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

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

1 Brown's African Theater presented its first  
2 performance in Greenwich Village. Mr. Brown was  
3 the first American playwright of African descent  
4 and wrote 'The Drama of King Shotaway,'  
5 recognized as the first black drama of the  
6 American theatre, which has as its subject the  
7 1795 Black Caribs (Garifunas) defense of the  
8 Island of Saint Vincent against colonization by  
9 the British; and

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

17 "RESOLVED, That this Legislative  
18 Body pause in its deliberations to memorialize  
19 Governor Andrew M. Cuomo to declare March 11,  
20 2012, to April 12, 2012, as Garifuna-American  
21 Heritage Month in the State of New York; and be  
22 it further

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

1 State of New York."

2 ACTING PRESIDENT BONACIC: Senator  
3 Diaz.

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

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

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

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

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

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

8 But, Mr. President and ladies and  
9 gentlemen, it took a tragic incident or accident,  
10 a fire that took the life of 87 people, for the  
11 government and institutions to start paying  
12 attention to this great community. On March 25,  
13 1980, a social club known as the Happy Land was  
14 set on fire, causing the loss of many people and  
15 inflicting pain and suffering to the rest of the  
16 Garifuna community.

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

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

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

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

8 To the Garifuna community that are  
9 up there --

10 (Applause from the galleries.)

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

13 (Laughter and applause from the  
14 galleries.)

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

18 (Laughter.)

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

21 Senator Rivera. Senator Rivera,  
22 then Senator Serrano.

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

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

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

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

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

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

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

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



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

5 (Applause from the galleries.)

6 SENATOR RIVERA: Thank you so  
7 much.

8 ACTING PRESIDENT BONACIC: Thank  
9 you, Senator Rivera.

10 Senator Serrano.

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

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

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

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

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

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

9 (Applause from the galleries.)

10 ACTING PRESIDENT BONACIC: Thank  
11 you, Senator Serrano.

12 Does any other Senator wish to  
13 speak on the resolution?

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

17 (Response of "Aye.")

18 ACTING PRESIDENT BONACIC:  
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT BONACIC: The  
22 resolution is adopted.

23 Senator Libous.

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

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

5           ACTING PRESIDENT BONACIC:    The  
6 Secretary will read.

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

12          ACTING PRESIDENT BONACIC:    Senator  
13 Smith on the resolution.

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

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

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

1 provinces, municipalities, as well as New York.

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

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

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

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

19           Senator Stavisky on the resolution.

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

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

1 or especially economically.

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

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

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

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

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

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

9 Thank you, Mr. President.

10 ACTING PRESIDENT BONACIC: Thank  
11 you, Senator Stavisky.

12 Senator Farley.

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

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

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

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

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

4 (Laughter.)

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

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

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

20 ACTING PRESIDENT BONACIC: Thank  
21 you, Senator Farley.

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

1                   Any other member like to speak to  
2 the resolution?

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

6                   (Response of "Aye.")

7                   ACTING PRESIDENT BONACIC: Those  
8 opposed, nay.

9                   (No response.)

10                  ACTING PRESIDENT BONACIC: The  
11 resolution is adopted.

12                  Senator Libous.

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

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

19                  ACTING PRESIDENT BONACIC: The  
20 Secretary will read.

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

25                  ACTING PRESIDENT BONACIC: Senator



1 Squadron on the resolution.

2 SENATOR SQUADRON: Thank you,  
3 Mr. President.

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

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

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

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

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

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

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

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

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

1 important it is.

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

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

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

19                   Thank you, Mr. President.

20                   ACTING PRESIDENT BONACIC: Thank  
21 you, Senator Squadron.

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

24                   (Response of "Aye.")

25                   ACTING PRESIDENT BONACIC: Those

1 opposed, nay.

2 (No response.)

3 ACTING PRESIDENT BONACIC: The  
4 resolution is adopted.

5 Senator Libous.

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

9 ACTING PRESIDENT BONACIC: The  
10 Secretary will read.

11 THE SECRETARY: Calendar Number  
12 206, by Senator Griffo, Senate Print 3657, an act  
13 to amend the State Technology Law.

14 ACTING PRESIDENT BONACIC: Read  
15 the last section.

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

18 ACTING PRESIDENT BONACIC: Call  
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT BONACIC: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 275, by Senator Flanagan, Senate Print 4706, an

1 act to amend the Public Officers Law.

2 ACTING PRESIDENT BONACIC: Read  
3 the last section.

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

6 ACTING PRESIDENT BONACIC: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 58.

10 ACTING PRESIDENT BONACIC: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 287, by Senator Young, Senate Print 791, an act  
14 to amend the Agriculture and Markets Law.

15 ACTING PRESIDENT BONACIC: Read  
16 the last section.

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

19 ACTING PRESIDENT BONACIC: Call  
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BONACIC:  
23 Announce the results.

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

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

4 Ayes, 46. Nays, 12.

5 ACTING PRESIDENT BONACIC: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 288, by Senator Young, Senate Print 793A, an act  
9 to amend the Agriculture and Markets Law.

10 ACTING PRESIDENT BONACIC: Read  
11 the last section.

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

14 ACTING PRESIDENT BONACIC: Call  
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT BONACIC: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 292, by Senator LaValle, Senate Print 1456B, an  
22 act to amend the Environmental Conservation Law.

23 ACTING PRESIDENT BONACIC: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BONACIC: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT BONACIC: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 293, by Senator McDonald, Senate Print 2351, an  
10 act to amend the Environmental Conservation Law.

11 ACTING PRESIDENT BONACIC: Read  
12 the last section.

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

16 ACTING PRESIDENT BONACIC: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT BONACIC: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 294, by Senator Young, Senate Print 2775, an act  
24 to amend the Environmental Conservation Law.

25 ACTING PRESIDENT BONACIC: Read

1 the last section.

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

4 ACTING PRESIDENT BONACIC: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT BONACIC: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 297, by Senator Libous, Senate Print 6283, an act  
12 to amend the Environmental Conservation Law.

13 ACTING PRESIDENT BONACIC: Read  
14 the last section.

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

17 ACTING PRESIDENT BONACIC: Call  
18 the roll.

19 (The Secretary called the roll.)

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

23 Ayes, 55. Nays, 3.

24 ACTING PRESIDENT BONACIC: The  
25 bill is passed.



1 THE SECRETARY: Calendar Number

2 299 --

3 SENATOR LIBOUS: Lay it aside for  
4 the day.

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

7 THE SECRETARY: Calendar Number  
8 301, by Senator Larkin, Senate Print 1727, an act  
9 to amend the Executive Law.

10 ACTING PRESIDENT BONACIC: Read  
11 the last section.

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

14 ACTING PRESIDENT BONACIC: Call  
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT BONACIC: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 302, by Senator Libous, Senate Print 2461, an act  
22 to amend the Executive Law.

23 ACTING PRESIDENT BONACIC: Read  
24 the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the first of April.

2 ACTING PRESIDENT BONACIC: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BONACIC: Senator  
6 Libous to explain his vote.

7 Senator Krueger to explain her  
8 vote.

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

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

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

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

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

8                   ACTING PRESIDENT BONACIC: Thank  
9 you, Senator Krueger.

10                  Senator Libous.

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

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

21                  However, for the most part,  
22 98 percent of state agencies are not responsive  
23 to our constituents. It takes forever to get a  
24 permit or a license.

25                  One of the biggest complaints I get

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

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

14                   So obviously, Mr. President, I vote  
15 aye.

16                   ACTING PRESIDENT BONACIC: Thank  
17 you, Senator Libous.

18                   Senator Hassell-Thompson to explain  
19 her vote.

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

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

1 environmentally.

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

8           SENATOR PERKINS:   Egregious.

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

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

18           Thank you, Mr. President.

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

21           SENATOR HASSELL-THOMPSON:   I will  
22 be voting no.

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

25           Anyone else wish to speak?

1 Senator Stavisky.

2 SENATOR STAVISKY: Thank you,  
3 Mr. President.

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

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

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

18 ACTING PRESIDENT BONACIC: Senator  
19 Stavisky in the negative.

20 Senator Perkins.

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

25 But I just want to also at the same

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

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

8 ACTING PRESIDENT BONACIC: Senator  
9 Perkins in the negative.

10 Anyone else?

11 Announce the results.

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

18 Ayes, 46. Nays, 12.

19 ACTING PRESIDENT BONACIC: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 304, by Senator Young, Senate Print 2838, an act  
23 to amend the Executive Law.

24 ACTING PRESIDENT BONACIC: Read  
25 the last section.

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

3           ACTING PRESIDENT BONACIC:   Call  
4 the roll.

5           (The Secretary called the roll.)

6           THE SECRETARY:    Ayes, 58.

7           ACTING PRESIDENT BONACIC:   The  
8 bill is passed.

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

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

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

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

24          SENATOR LIBOUS:    Mr. President.

25          ACTING PRESIDENT BONACIC:   Senator



1 Libous.

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

4                   ACTING PRESIDENT BONACIC:   There  
5 is not.

6                   SENATOR LIBOUS:    There being no  
7 further business, on motion, the Senate stands  
8 adjourned until Wednesday, March 14th, at  
9 11:00 a.m.

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

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

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