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REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: Today's invocation will be offered by the Reverend Mark Pierce, the pastor of the Lake and River Parish of the United Methodist Church in Cape Vincent.

Pastor.

REVEREND PIERCE: Thank you.

Will you pray with me?

Holy God, we are held in the curve of Your fingers, and Your eyes are fixed upon us. Your gaze never falters. Your presence never fades. And we are surrounded by the gentleness of Your grace.

Your voice lifts around us as lilac and apple blossoms scent the air and new leaves unfold their green. Your voice speaks to us in the robin's song and seagull cry, in

all the rush and rustle of children and all their quiet drowse.

Your voice speaks to us in the challenges of human turmoil, in the cries of human need, in the lifting eyes of compassion and the weary labors of service. You speak to us in the vigilance of care, in the courage and readiness to enter the crisis of a stranger, and in the steadiness of presence.

You speak to us in the concern and the tending, in the lifting and the bearing, the embracing and the tears.

Holy God, Your touch comes from the many hands of care and service. Your gaze lifts from the many eyes of compassion. Your voice rises in the many voices of encouragement.

Holy God, encourage us here today, and touch our hearts, that we would know the steadiness of Your presence. Speak deeply to us, that we might listen deeply and know Your grace.

Holy God, guide these Senators in the pursuit of their duties. Let Your breath warm their hearts and hold them in the deeper

folds of Your purpose. For this we pray in Your holy name.

Amen.

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Monday, May 21st. The Senate met pursuant to adjournment. The Journal of Sunday, May 20th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 33, Senator Griffo moves to discharge, from the Committee on Crime Victims, Crime and Corrections, Assembly Bill Number 8917 and substitute it for the identical Senate Bill Number 6785, Third Reading Calendar 737.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

THE SECRETARY: And on page 42,

Senator Hannon moves to discharge, from the Committee on Health --

ACTING PRESIDENT GRIFFO: Can we have some order, please, in the chamber.

Thank you.

The Secretary will read.

THE SECRETARY: On page 42, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 9347 and substitute it for the identical Senate Bill Number 7035, Third Reading Calendar 820.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

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.

I'm going to do two motions, and then if you could call on Senator Breslin for motions.

But on behalf of Senator Ranzenhofer, I wish to call up Senate Print Number 5198B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

Excuse me. Again, I'm going to ask everyone present in the chamber to please come to order. I would ask to take conversations outside the Senate chamber so that we can allow the proceedings of the business to take place.

The Secretary will read.

THE SECRETARY: Calendar Number 140, by Senator Ranzenhofer, Senate Print 5198B, an act to repeal certain provisions.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

SENATOR LIBOUS: Mr. President, I now offer up the following amendments.

ACTING PRESIDENT GRIFFO: The

amendments are received.

SENATOR LIBOUS: On behalf of Senator O'Mara, Mr. President, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That would be Senate Print 7369.

ACTING PRESIDENT GRIFFO: So ordered.

Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

On page number 36, I offer the following amendments to Calendar Number 758, Senate Print Number 6849, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bill shall retain its place on third reading.

SENATOR BRESLIN: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

Senator Libous.

SENATOR LIBOUS: Thank you,

Mr. President.

At this time may we please adopt the Resolution Calendar, with the exception of Resolutions Number 4705, 4738, 4755, 4751, 4754 and 4797.

ACTING PRESIDENT GRIFFO: All in favor of adopting the Resolution Calendar with the exception of Resolutions 4705, 4738, 4755, 4751, 4754 and 4797, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's a resolution at the desk by Senator Skelos, Number 4797. I'd ask that it be please read in entirety, and call on Senator Skelos and then Senator Breslin before its adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4797, by Senator Skelos, honoring the distinguished veterans from the State of New York upon the occasion of their induction into the New York State Senate Veterans Hall of Fame, to be celebrated on May 22, 2012.

"WHEREAS, Members of the Armed Services from the State of New York, who have served so valiantly and honorably in wars in which this country's freedom was at stake, as well as in the preservation of peace in peacetime, deserve a special salute from this Legislative Body; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to honor the distinguished veterans from the State of New York upon the occasion of their induction into the New York State Senate Veterans Hall of Fame, to be celebrated on May 22, 2012; and

"WHEREAS, The New York State Senate Veterans Hall of Fame inductees are members of any branch of the United States Armed Forces, which include Army, Navy, Coast Guard, Air Force,

and Marine Corps. These exceptional men and women are chosen for this prestigious honor based on either service in combat or notable work performed after discharge from the service; and

"WHEREAS, The 2012 inductees include: Patrick Abrams, Joseph G. Angelino, Leroy Richard Archible, Robert W. Armenio, LaTanga Blair, James Byler, Alberto Caiella, Ralph Calabrese, Dr. Barry Culhane, Anthony J. D'Arpino, Stephanie E. Dawson, Donald Day, William J. DiNuzzo, Jr., Edward T. Dempsey, Michael Esposito, Jr., Joseph Farina, The Fedele Family, Melvin Garrett, Patrick Gualtieri, Jordan Haerter, Dr. Olivia J. Hooker, David R. Hooks, Jr., Harry Janson, J. Arthur Kieffer, Edward S. Kirkland, Jaroslaw Kril, Harry Kreter, Stacey Latimer, Corine Lombardo, Arthur Maggy, William T. Mahan, Donald Mandel, John J. Maroon, Job Mashariki, Jonathan de Sol Mendes, Matthew Mondoux, Dabney N. Montgomery, Frank S. Naro, Anthony C. Nesci, Eugene Parrotta, George E. Parsons, William H. Payne, Michael Plummer, Debbera M. Ransom, James John Regan, John Ringlehan, Joe Theinert, Michael Tokarz, Kevin Vaughan, George M. Vujnovich, Robert E. Walsh,

Jeremy Warneke, Ted N. Wilkinson, and Fang A. Wong; and

"WHEREAS, The banner of freedom will always wave over our beloved New York and all of America, the land of the free and the home of the brave; and

"WHEREAS, The freedoms and security we cherish as Americans come at a very high price for those serving in the military in times of conflict. It is fitting and proper that we who are the beneficiaries of those who risk their lives, must never forget the courage with which these men and women served their country; and

"WHEREAS, Our nation's veterans deserve to be recognized, commended and thanked by the people of the State of New York for their service and for their dedication to their communities, their state and their nation; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor the distinguished veterans from the State of New York upon the occasion of their induction into the New York State Senate Veterans Hall of Fame, to be celebrated on May 22, 2012; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the 2012 inductees."

ACTING PRESIDENT GRIFFO: For the purposes of this resolution, before its vote I will recognize Majority Leader Skelos and then Deputy Minority Leader Breslin.

Senator Skelos.

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

It's truly an honor for me to be able to introduce this resolution as we induct new members into the New York State Senate Veterans Hall of Fame.

The Veterans Hall of Fame celebrates members of our communities who have gone above and beyond the call of duty to protect our freedoms -- the freedoms to exercise speech right here on the floor, as we have for generations before us.

It acknowledges those veterans who have made extraordinary accomplishments both on and off the battlefield. With Memorial Day approaching, it is especially fitting that we honor distinguished veterans by passing this

resolution.

This is the time of year when we are reminded of the hardships our current and former service members face and, most importantly, honor those who have made the ultimate sacrifice.

I would like to express my sincere gratitude to all the veterans being honored today, and especially to the families of whose who are being honored posthumously. The meritorious service of these veterans have provided us with the freedoms that we celebrate every day, and certainly in our eyes they are our heroes.

So it's my pleasure to introduce the resolution, ask for its passage. And, Mr. President, we should open up this resolution to the entire membership. If anybody cares not to sponsor the resolution, they should notify the desk.

ACTING PRESIDENT GRIFFO: Thank you, Senator Skelos. So noted.

Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I first salute Senator Skelos for a wonderful day saluting veterans across New York State.

You know, it's a day when we all sit, we each are able to name a particular veteran in our own jurisdiction who we think has accomplished a great deal serving as a veteran. And, you know, as I sat there this morning, I thought that there were many Democrats who I'm sure were choosing Republicans and there were many Republicans who were choosing Democrats. Because it's one of those days where politics did not play a role; we chose people in our districts because of their contributions.

I had the chance to nominate Frank DiNuzzo. I have no idea what his political affiliation is. I just know that he was part of the Greatest Generation who served during World War II and then came back and was brought into society and worked, raised a family, and did all the things that you would expect of a true United States citizen.

And, you know, it's that one day, too, when we think about we are able here to talk about veterans freely and openly, and we're able

to then go on and debate issues that are so critically important to our state.

And we have freedoms that we take for granted. We have freedoms that we're able to vote each year -- yet we are so free that less than 50 percent of the people come out to vote.

So all of those freedoms are because of our veterans. And the veterans I saw today, really we're truly humbled, all of the Senators that I talked to. And I salute each and every one of you for your contributions for making this, again, the most wonderful country in the world.

We salute you. We will continue to salute you. And we thank all of you.

Thank you very much, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The

resolution is adopted.

The resolution is open for cosponsorship. If you wish not to be a cosponsor, please notify the desk.

Senator Libous.

SENATOR LIBOUS: Mr. President, Senator Larkin made note to me that on the Resolution Calendar that passed, Resolution 4796 is also a resolution that deals with veterans and the American flag. And he'd like to open that up to all members.

If any member wishes not to be on 4796, they should let the desk know, please.

ACTING PRESIDENT GRIFFO: Resolution 4796 is open for cosponsorship. If you not wish to be a cosponsor, please notify the desk.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time I believe Senator Saland has, at the desk, Resolution Number 4755. Could we have the title read, and Senator Saland would like to be called on before its adoption.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Calendar Number 4755, by Senator Saland, congratulating the Chatham High School Model Congress Team for their participation in the 72nd Annual Model Congress Event.

ACTING PRESIDENT GRIFFO: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, to your right -- our left -- in the upper gallery are a group of students from Chatham High School, which is within my Senate district. They are part of the Chatham Model Congress Team that competed in the 72nd Annual Model Congress competition in Springfield, Massachusetts, at the American International College.

And they are joined by their co-advisors, who are social studies teachers at Chatham, Mark Pearson and Sesame Campbell. And I'd be remiss if I didn't pause long enough to acknowledge particularly the presence of Sesame, who I also knew as Stephanie when she was a member of my staff, and a very valued member,

until she aspired to go on to bigger and better things by becoming an educator.

These students have been competing now through the high school, not necessarily personally, individually, for some five years. And what they do in the course of their program is they effectively proceed as would members of a legislative body such as our federal House and Senate or this Senate and our Assembly, and they guide bills that they debate through the process.

And one of the bills that was of particular interest to them and which they successfully negotiated and navigated through the process was a bill dealing with the regulation of hydrofracking. Perhaps something which I should have asked them about when I met with them earlier on the Million Dollar Staircase, because they might have been able to edify me in ways that I haven't quite been fully edified.

They have received special recognition for their participation. And it's truly an enormous pleasure for me, because this is truly what our democracy of ours is about.

I believe I commented when I met with them that I was confident that at least one

of them would in one way or another, whether it be through advocacy or whether it be through office or whether it be through service, I'm sure become involved in some way in public life.

And I would encourage them to do so. I congratulate them on their success. I would ask you, obviously, to welcome them to the chamber and congratulate them on their success as well. And look forward to them enjoying future successes and much opportunity and, hopefully having gained insights into the system, become very much an active part of the system.

Good luck, and God bless.

ACTING PRESIDENT GRIFFO: Thank you, Senator Saland.

We want to congratulate the students and faculty from Chatham. We welcome you to the chamber and extend the courtesies of the house. Please stand and be acknowledged.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: I believe Senator Saland would like to open that resolution up for all members. If someone wishes not to go

on the resolution as a cosponsor, please notify the desk.

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. If you choose not to be a sponsor, please notify the desk.

Thank you, Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a resolution by Senator Little at the desk, 4754. Please have it read in its entirety and then, before its adoption, call on Senator Little.

ACTING PRESIDENT GRIFFO: First I'm going to call the question on the previous resolution. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

SENATOR LIBOUS: The resolution is adopted.

The Secretary will now read Senator Little's resolution.

THE SECRETARY: Legislative Resolution Number 4754, by Senator Little,

honoring The Quartiers Family upon the occasion of being selected as the 2012 March of Dimes Northeastern New York Division Ambassador Family.

"WHEREAS, It is the sense of this Legislative Body to pay tribute to those exemplary individuals within the State of New York whose personal triumphs serve as an inspiration to all citizens; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to honor The Quartiers Family upon the occasion of being selected as the 2012 March of Dimes Northeastern New York Division Ambassador Family, to be observed by the March of Dimes on Tuesday, May 22, 2012; and

"WHEREAS, During this special occasion, The Quartiers Family of Glens Falls, New York, will be part of the March of Dimes Advocacy Day; and

"WHEREAS, A national voluntary health organization, the March of Dimes mission is to improve the health of infants and children by preventing birth defects, premature birth, and

infant mortality. The Quartiers Family is to be recognized for their unwavering dedication to educating the public about its mission; and

"WHEREAS, Earlier this year, Sara and Jason Quartiers were honored by the March of Dimes Northeastern New York Division and given the Volunteer of the Year Award; and

"WHEREAS, Sara and Jason Quartiers' son, Cameron Jace, was born on February 16, 2009, 16 weeks premature. They were able to take him home after 213 days in Albany Medical Center's NICU. Unfortunately, Cameron only spent a short time at home and passed away on October 20, 2009; and

"WHEREAS, After this long, arduous battle, Sara and Jason Quartiers' story serves to inspire others facing similar circumstances as well as to educate the public on the importance of supporting the March of Dimes and its vital mission; and

"WHEREAS, The Quartiers Family started their own foundation called 'Project: Cameron's Story.' The goal of the foundation is to support the bonding of parents with their premature babies in the Neonatal Intensive Care

Unit (NICU), through the use of children's literature and storytelling; and

"WHEREAS, Sara and Jason Quartiers have been volunteering with March of Dimes since 2010. They participate in the Adirondack March for Babies and have raised a significant amount with Project: Cameron's Story; and

"WHEREAS, Not only do The Quartiers Family raise funds for the March of Dimes, they also volunteer their time in so many different ways. Sara takes part in the March for Babies committee, participates in Advocacy Day, participates in radio interviews, and both Sara and Jason are spokespersons to assist in carrying the prematurity message forward. Through their outreach in the community, the Quartiers have encouraged many families to become involved with March of Dimes; and

"WHEREAS, Predeceased by Cameron, the Quartier family members include Sara, Jason, Schuyler and Liam; and

"WHEREAS, In the course of the evolving development of the Empire State, there have emerged certain members of our community who have embodied truly magnanimous conduct and

strength, and we call these individuals 'distinguished citizens' of the State of New York; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor The Quartiers Family upon the occasion of being selected as the 2012 March of Dimes Northeastern New York Division Ambassador Family; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Sara and Jason Quartiers."

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

It is my privilege and real honor to welcome Sara and Jason Quartiers to our chamber today. As you have heard, they lost their child Cameron, who was born prematurely and died within that year.

But they do have a story. And following a tragedy like that, we always wonder how people have the strength to go on and to do other things. They began what they call

Project: Cameron's Story. And not only are they advocating for the March of Dimes, but they have advocated and raised money for this.

One of the hardships that people have when they have a premature child is that when they go to the hospital to the NIC Unit, their ability is only to stand and to watch their child as they're in the incubator.

Well, Sara is a teacher and she knew how much reading meant through the bonding process of parent and child. So she and Jason and their family members began taking storybooks to the NIC Unit and standing or sitting next to the incubator and reading to Cameron. And there was a difference in Cameron's body temperatures and all of that when this was going on.

They were able to take Cameron home for a short period of time before he did pass way. But following their grief, they decided that that meant so much to them and really helped them bond with this child that they wanted to do it for others.

So there are 17 NIC Units in New York State, and currently three of those NIC Units have a brand-new book provided to every

premature baby that is born in those NIC Units, with the encouragement for those parents to spend time reading to that child, because that's what will help them bond with that child.

And I just think that it's so commendable what they have done in their grief and in their journey for healing.

So I recognize them for their recognition and awards by the March of Dimes association and for their work for advocating for the March of Dimes, but also for helping other families who have to experience what they have experienced.

So thank you very much for being here, and thank you so much for what you have done.

ACTING PRESIDENT GRIFFO: Thank you, Senator Little.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The

resolution is adopted.

We also would like to welcome Sara and Jason, the Quartiers family, for being here. We appreciate your efforts and all that you have done in your advocacy. Thank you.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Libous.

SENATOR LIBOUS: Mr. President, I believe Senator Little would like to open the resolution up for all members. So all members will become immediate cosponsors, unless they wish not to and they will let the desk know.

ACTING PRESIDENT GRIFFO: Please notify the desk if you choose not to be a cosponsor.

Senator Libous.

SENATOR LIBOUS: There is a resolution at the desk, Mr. President, by Senator Kennedy, Number 4738. I ask that it be read in its entirety and, before we move for its adoption, to please call on Senator Kennedy.

ACTING PRESIDENT GRIFFO: Thank you, Senator Libous.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4738, by Senator Kennedy, memorializing Governor Andrew M. Cuomo to proclaim November 16, 2012, as Myocarditis Awareness Day in the State of New York.

"WHEREAS, It is the custom of this Legislative Body to recognize official days that are set aside to increase awareness of serious illnesses that affect the lives of citizens of New York State; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, it is the sense of this Legislative Body to memorialize Governor Andrew M. Cuomo to proclaim November 16, 2012, as Myocarditis Awareness Day in the State of New York; and

"WHEREAS, Myocarditis is characterized by inflammation of the myocardium, often with subsequent damage to the heart; and

"WHEREAS, The disease can affect the muscle cells of the myocardium or the specialized electrical conduction pathways, leading to irregular rhythms, very fast or slow heart rates, palpitations or sometimes loss of

consciousness; and

"WHEREAS, The tragedy of this disease is that myocarditis usually occurs in young, otherwise healthy people. However, anyone may be susceptible. In fact, almost 20 percent of all cases of sudden death in young adults are attributed to myocarditis; and

"WHEREAS, Such was the case for 10-year-old Luke Gould from the Town of West Seneca. Luke showed no signs of any physical conditions. He played hockey, was an active member of the community, and worked hard at school; and

"WHEREAS, On November 16, 2011, Luke Gould, a healthy boy, passed away in his sleep. When the autopsy came back, the medical examiner had declared his cause of death 'unknown'; and

"WHEREAS, Before allowing the case to be closed, Luke's parents worked tirelessly to get the medical examiner to look further into the cause of death; and

"WHEREAS, Upon further review and more testing, it was discovered that the cause of Luke Gould's death was myocarditis; and

"WHEREAS, There are many causes of myocarditis, including viral infections, autoimmune disorders, environmental toxins and adverse drug reactions; and

"WHEREAS, Myocarditis is a poorly understood, often undiagnosed illness which can rapidly progress to heart failure and death. With increased awareness, lives may be saved so other families will not have to feel the pain and suffering felt by the friends and family members of Luke Gould; and

"WHEREAS, It is imperative that there be greater public awareness of this serious health crisis, and more must be done to increase activity at the state, local and national levels; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim November 16, 2012, as Myocarditis Awareness Day 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 GRIFFO: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

First of all, I would just like to take this opportunity to welcome Amy and Joe Skowronski, who are here today to raise awareness of myocarditis, the rare disease that claimed the life of their son, Luke Gould. Also joining them is their daughter and Luke's sister, Jill.

As was stated in the resolution, they're here to bring recognition to Luke's young life that was taken away by a rather unknown disease of the heart called myocarditis.

On November 16th of this upcoming year, this resolution calls for this to be Myocarditis Awareness Day across New York State. It's very much an unknown disease, and it took the life of a young boy, a hockey player, someone who was a bright light within the community, within his school, within his family, within the Town of West Seneca.

And it was his family that will happened upon Luke in his death but, since his death, has been advocates on ensuring that this

disease of the heart becomes better known throughout all of New York State.

And through their advocacy, they were able to find closure through advocating for the medical examiner out in Western New York to further review the cause of death that was initially found to be unknown. The fact of the matter is this is found, this cause of death being unknown, in so many instances. Because of their advocacy, there is going to be closure in many families' lives through this, again, very much an unknown disease, myocarditis.

I want to thank the family, Luke Gould's family, for being here today. If you could stand up. And I'd like to recognize them, and I would also like to open this resolution up, Mr. President, for cosponsorship.

Thank you very much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Kennedy.

We would first call the question on the resolution. All in favor indicate by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO:

Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

The resolution is open for cosponsorship. If you choose not to, please notify the desk.

We want to welcome the Skowronski family. We appreciate your efforts and we appreciate your advocacy. Thank you very much.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, I believe there's a resolution at the desk by Senator Diaz, Number 4705. I ask that it be read in its entirety and ask for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4705, by Senator Diaz, congratulating the people of the Republic of China (Taiwan) for the successful conduct of the fifth direct and democratic presidential election

in January, 2012.

"WHEREAS, The United States and the Republic of China (Taiwan) share common ideals and a clear vision for the 21st century, where freedom and democracy are the foundations for peace, prosperity, and progress; and

"WHEREAS, Taiwan has become a multiparty democracy in which all citizens have the right to participate freely in the political process, as evidenced by four democratic presidential elections of Taiwan which took place in 1996, 2000, 2004 and 2008; and

"WHEREAS, Taiwan successfully conducted a presidential election on January 14, 2012, and re-elected Dr. Ma Ying-jeou and Mr. Wu Den-yih as the next President and Vice President of the Republic of China (Taiwan); and

"WHEREAS, Through cross-Strait dialogues, the establishment of the Economic Cooperation Framework Agreement (ECFA) with Mainland China, and viable diplomacy, President Ma has transformed the Taiwan Strait from a major international flash point into a cornerstone for peace and prosperity for East Asia; and

"WHEREAS, Taiwan is one of the strongest democratic allies of the United States in the Asia-Pacific region, and it is United States policy to support and strengthen democracy around the world; and

"WHEREAS, The United States and Taiwan share a long-term and close economic relationship, including $67 billion of bilateral trade in 2011, making Taiwan the 9th largest trading partner and the 10th largest foreign market for the United States; and

"WHEREAS, The United States assisted Taiwan in participating in the World Health Assembly (WHA) as an observer in 2009, and will continue supporting Taiwan's meaningful participation in other United Nations-affiliated organizations such as the International Civil Aviation Organization (ICAO) and the United Nations Framework Convention on Climate Change (UNFCCC); and

"WHEREAS, The government of the Republic of China (Taiwan) has expressed its hope that the United States will include Taiwanese passport holders into the Visa Waiver Program (VWP), resume negotiation on a Trade and

Investment Framework Agreement (TIFA), and sign a Free Trade Agreement (FTA) with Taiwan in the near future; and

"WHEREAS, The State of New York exported $1.3 billion worth of products to Taiwan in 2011, making Taiwan the 15th largest foreign market for New York State in 2011, strengthening bilateral economic ties; and

"WHEREAS, Many of the United States' top 500 companies, which have their headquarters located in New York, have invested in Taiwan, including IBM, Pfizer, Corning, Citigroup, AIG, MetLife, J.P. Morgan, Morgan Chase, Merrill Lynch, and New York Life; and

"WHEREAS, There are 300 Taiwanese companies that have invested in the State of New York in sectors such as computers, finance, jewelry, and sporting goods, as well as the garment industry; and

"WHEREAS, The State of New York is home to a thriving overseas Taiwanese community. Both the government of Taiwan and Taiwanese-Americans devote themselves to the local community service in the State of New York. The State of New York has maintained a friendly and

fruitful relationship with Taiwan for many years; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the people of Taiwan and President Ma Ying-jeou for the successful conduct of the fifth democratic presidential election in January 2012, and to reiterate its support of a closer economic and trade partnership between the United States and Taiwan; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to President Ma Ying-jeou of the Republic of China through the Taipei Economic and Cultural Office in New York."

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

I'm very honored today, I'm very proud that we in the New York State Senate are congratulating the people of Taiwan on the occasion of the fifth direct and democratic presidential election.

While the people of Taiwan

certainly have a right to be proud of this event, they are not the only ones celebrating. Any time a country has a fair and democratic election, it is a celebration for democracy throughout the world.

Mr. President, and ladies and gentlemen, I want to share a statement regarding Taiwan that aptly describes our celebration today. The people of Taiwan "share a conviction that their future must be based on freedom, democracy, human rights, the rule of law, and that only they have the right to decide their own future."

I think, ladies and gentlemen, we can all agree that there is no better way for a country to decide its own future than through a democratic election.

On a personal note, ladies and gentlemen and Mr. President, I have been blessed, I happen to be blessed to be associated with the Taipei Economic and Cultural Council for over 10 years.

I have been especially moved by their commitment to our children's education. This year, as in years past, they have generously

donated backpacks filled with school supplies for the Three Kings celebration in my Senate district which I hold every year.

We deeply appreciate Ambassador Kao's efforts and the generosity of his associates, who donated more than 700 backpacks filled with school supplies to our underserved children in the South Bronx. As the children in the South Bronx returned to school in January, they had a little extra confidence to succeed, due to this gift and thanks to the Taiwanese people.

Mr. President, with us today to celebrate this joyous occasion are Ambassador Andrew J.C. Kao, sitting here to my left; Mr. Arthur Wu, secretary to Ambassador Kao; and Mr. David Chien, director of the Taipei Economic and Cultural Office in New York.

In the Senate gallery, over there, we have members from the Taiwanese American Cultural Society of New York. Their leader is Mr. Chungchin Chen.

I'm please, Mr. President and ladies and gentlemen, to welcome all of them today to the New York State chamber, and I'm

privileged to consider you my friends.

Mr. President and ladies and gentlemen, in closing, I want once again to offer my sincerest congratulations to the people of Taiwan as their beloved country celebrates this election. May they have many, many, many more democratic elections.

Thank you very much, Mr. President. And thank you very much, ladies and gentlemen. And thank you very much, you in the gallery, thank you very much for being here today.

ACTING PRESIDENT GRIFFO: Thank you, Senator Diaz.

Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

And thank you, Senator Diaz, for your work in putting together this Senate resolution as you have done in years past.

To Ambassador Kao and Mr. Wu and Mr. Chien, our friends in the gallery, I say "Ni hao": Welcome, hello.

And I must say that the friendship between the United States and Taiwan, the

Republic of China, is a long-lasting friendship, and it's built on mutual trust as well as mutual respect.

The resolution talked about the close economic ties that exist between not just the United States but the State of New York and the Republic of China.

There are many companies doing business in my district in Queens that are based in the Republic of China. You just have to walk down the street and you see the names of these companies. And I marvel at how people have come to the United States, but particularly to my district in Flushing, and have created a new life as new Americans.

And I think we in government have an obligation to do everything we can to make life as easy as possible for the new Americans.

I have been privileged to visit Taiwan on two occasions with my colleague Senator Duane and other people as well. We have visited your country from Taipei in the north to Kaohsiung in the south -- that is a remarkable train ride, I must tell you. And we have a lot to learn in terms of high-speed rail from the

experience that we had.

We visited schools in Taiwan. And each and every place I went, we felt very much at home. We were welcomed, we felt a genuine friendship that truly exists, whether we met at the foreign ministry in Taipei or at -- I remember a university, Sun Yat-Sen University in the south. I felt very, very much at home in Taipei.

And this friendship is no more apparent than in the community of Flushing. We in Flushing, we call it "the crossroads of the world," because people come from all over the world -- from Asia, from Europe, from South America, Central America, other parts of the United States, and we make people feel at home in Flushing.

The diversity is very, very apparent, whether you -- whether it's been the building boom -- the Comptroller did a study recently of the economy, and he focused on Flushing. And in Flushing the economy is booming. There are stores that are empty, there are people out of work, but for the most part Flushing is exploding.

And the reason is because of the investment from people in Asia, and that is appreciated, whether it be in the housing that is being built or in the restaurants that are there. With all due respect to my colleague Senator Squadron, our restaurants in Flushing are outstanding. Outstanding.

So in conclusion, let me just say that we welcome you here. The mission -- I attended the opening of a mission in Flushing a number of years ago. They have their own business office in Flushing.

So I congratulate President Ma and the government for continuing the tradition of democracy in a world that is sorely lacking in democratic traditions.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Stavisky.

Senator Squadron, here's your opportunity.

SENATOR SQUADRON: Thank you very much. I suppose this is also a point of personal privilege, Mr. President.

First of all, I want to thank

Senator Diaz for his leadership on this issue this year and in previous years. The partnership and relationship that he has forged with this community, with Taiwan, is extraordinarily important. So thank you, Senator Diaz.

To Senator Stavisky, it is a wonderful community that you represent. And in fact your knowledge of the restaurants there is something I have benefited from enormously many times, and so I thank you for your deep knowledge of that area and partnership there.

Though the truth is I would say Chinatown in Manhattan is the historic, cultural center of Chinese culture in America and Chinese-American culture. And, Senator Stavisky, with all due respect, we're very proud of that, and I have many restaurants to prove it here on the floor in the future, perhaps.

But it really is true, and it's really true that the Republic of China and our partnership is a big part of why Chinatown in Manhattan and the Chinese-American community in this country is so strong and that we have such strong business ties, such strong trade ties. For more than a century now, the partnership and

relationship has been of great benefit to our country and to our community and especially to New York City.

And, Ambassador, I see you frequently in the community. And it's because your role is so much one of being a partner with the existing community in the city -- not just as a visitor, but as part of it in a real, permanent sense. And that means so much to us. And we are a stronger city and a stronger state because of that partnership.

So to the visitors we have here today, thank you very much. Even when you are not in the chamber, you are with us. In New York we simply would not be what we are today without the partnership of the Republic of China, without the permanent population that we have, and without the travel and the business relationships that we continue to have.

It is a great, great honor to represent Chinatown and to be partnered with this community, to see the ambassador here today. And I want you to know that every day we honor the relationship and we are grateful for it.

So "Doh je," thank you very much

for being here today. And thank you, Senator Diaz, for bringing this resolution forward.

ACTING PRESIDENT GRIFFO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I am very honored to join my colleagues in celebration of people today, peoples both in our state and around the world: Senator Saland, who honored people, young people from his district; Senator Little; Senator Kennedy.

And, Senator Diaz, I'm very pleased that we are also here honoring the people of Taiwan today, some of who whom are our guests today.

And I just wanted to stand with you and honor someone, a hero from my own district. He is not Chinese. However, he is a person to whom I am very much indebted, as all of us are, because he is one of the veterans of America. His name is Joe Mashariki.

And he is -- not only was he a veteran who went to war, fought for us, came home, came back to his community, his hometown,

but he was the founder of the Black Veterans for Social Justice, which was the first African-American veterans organization in our state. He's done things like build housing for them. He has a center where they gather and congregate and receive services and receive information. He is certainly a hero.

It's a 30-year-old organization, and so this is my honor for today, to celebrate Joe Mashariki and his placement in the Veterans Hall of Fame.

So, Senator Diaz, thank you for your celebration of the Taiwan people.

I thank you, my colleagues, for offering me an opportunity to celebrate my favorite and distinguished veteran of the year, and that's Joe Mashariki.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Montgomery.

Senator Espaillat.

SENATOR ESPAILLAT: Thank you, Mr. President, and Senator Diaz for this resolution.

And I want to welcome the

ambassador and the members of the Taiwanese community for your contribution to New York State, not only in your vigorous participation in economic development here and abroad, but the sense that you bring to the U.S. of democracy and your fight to ensure that the Republic of China has a democratic process that's reliable, transparent, and respectful of democratic rights across the world.

So we thank you for your presence here and for your contribution to our communities, particularly to Senator Diaz's district that he has eloquently highlighted in his presentation. And we hope to see you here every year with this resolution before us. Thank you so much for coming.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Perkins.

SENATOR PERKINS: Thank you, Mr. President.

First let me thank Senator Montgomery for raising the Black Veterans for Social Justice and Joe Mashariki, especially because I have had the opportunity to work with

them.

But I really wanted to commend also Senator Diaz for his resolution. You know, I have a Taiwanese brother. His name is John Liu. You might remember him as the Comptroller for the City of New York. He and I -- he took us to Taiwan and introduced us to the Taiwanese community.

And I want to thank the ambassador and his delegation and the folks from this community for the wonderful experience that I had.

In fact, your president and I have something in common. He's a jogger, he's a marathon runner. Yours truly as well. And when he visited New York City, at that time Councilmember John Liu's office, he brought his sneakers in anticipation of us getting -- having an opportunity to run together.

So please extend to him my regards and an invitation for the New York City Marathon, where I hope that he will be able to join me and once again renew our relationship from when at that time he was the mayor.

So thank you very much, Senator

Diaz, for this opportunity to reconnect with our folks from Taiwan, the People's Republic of China -- I mean the Republic of China. Not the People's Republic, the Republic of China.

ACTING PRESIDENT GRIFFO: Thank you, Senator Perkins.

Senator Duane.

SENATOR DUANE: Thank you, Mr. President.

It's a great thrill and honor for us in this chamber to have President Ma with us and other officials and guests.

I also want to congratulate the president not just on his reelection but also on the observer status which was conveyed at the World Health Organization. I, when I have been to Taiwan, was extremely impressed by their healthcare provisions, their system, and I think we have a tremendous amount to learn from them. And I have tried to bring that to our country as well.

But it was -- it is very impressive as is their high-speed train system. I think we can learn an awful lot from an amazing transportation system, incredibly impressive.

And again, they show true leadership in that area.

As many of you know -- well, let me say one other thing. And they have an incredibly vibrant democracy. And it is hard to really identify any other nation that has such a vibrant democracy anywhere in the world.

I, as many of you know, at one time represented about two-thirds of Chinatown in Manhattan. And as many of you know, certainly I and we over on this side of the aisle had absolutely no control over how the districts were drawn. But I want to assure you that my relationship with the community in Chinatown remains strong, and I will never let go. And I'm also a boy from Flushing.

And during some of the most difficult economic times in New York City, it was the Taiwanese community that really invested in Flushing, which meant there was investment in our city. And it was very, very helpful at a time when we really needed it.

So it's not just that we are great trading partners, but we are forever linked because of how our countries have helped each

other and supported each other through the years in every way. And so I look forward to a continued really wonderful relationship.

And it's always wonderful when you come, when you trek here to Albany -- where there's also a very large Taiwanese community. But when you come here and give greetings to us, it means really a tremendous amount to us. And thank you very much for that.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

I want to welcome the ambassador, the officials and visitors from the Republic of China, Taiwan. Thank you.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President,

Senator Diaz would like to open his resolution for sponsorship by the entire house. If any Senator wishes not to cosponsor the resolution, they should notify the desk.

ACTING PRESIDENT GRIFFO: Resolution 4705, by Senator Diaz, is open for sponsorship by all members. If any member wishes not to be on the resolution, please advise the desk.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, there's a resolution at the desk by Senator Peralta, Number 4751. I ask that it be read in its entirety and ask for its immediate adoption.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4751, by Senator Peralta, welcoming the students and faculty of the Lexington School for the Deaf/Center for the Deaf as they visit Albany, New York, on May 22, 2012.

"WHEREAS, It is the custom of this Legislative Body to recognize and commend those institutions of true purpose and high achievement

whose exemplary programs and accomplishments clearly demonstrate an enduring pursuit of excellence in the education of deaf youth in the Empire State; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to welcome the students and faculty of the Lexington School for the Deaf/Center for the Deaf as they visit Albany, New York, on Tuesday, May 22, 2012; and

"WHEREAS, It is central to the mission of the Lexington School for the Deaf/Center for the Deaf to be an exemplary education, service and research institution for the deaf and hard of hearing in metropolitan New York City and the nation; and

"WHEREAS, The Lexington School has helped and continues to facilitate the deaf and hard of hearing in overcoming great barriers to learning, growing, and thriving in a complex world; and

"WHEREAS, Lexington School for the Deaf was founded in 1864, when the first class of six children and an instructor convened at the

home of Isaac and Hannah Rosenfeld; and

"WHEREAS, Due to constantly increasing enrollment, the school moved several times until it settled in 1882 at 904 Lexington Avenue with 161 students. In 1934, it officially became the Lexington School for the Deaf; and

"WHEREAS, The Lexington School for the Deaf continued to grow and, in 1968, its new home was inaugurated on a seven-acre site at 30th Avenue and 75th Street in Jackson Heights, Queens; and

"WHEREAS, Today, the Lexington School for the Deaf is the largest school for the deaf in New York State, with its student body residing throughout the five boroughs of New York City; and

"WHEREAS, In addition to its strong academic program, the Lexington School for the Deaf offers a broad range of physical and cultural education programs, including a highly regarded basketball team; and

"WHEREAS, In the 1980s, the Lexington School for the Deaf became known as the Lexington School for the Deaf/Center for the Deaf after establishing several affiliate agencies to

support the needs of deaf and hard-of-hearing children and adults. This included the Lexington Center for Mental Health Services, the Lexington Hearing and Speech Center, and the Lexington Vocational Services, a New York State Education Department-Vocational Services for Individuals with Disabilities-funded program; and

"WHEREAS, The Lexington School for the Deaf/Center for the Deaf developed a new approach to teaching in the mid-1990s. It became the first Mediated Learning educational model in a school for the deaf, which earned it the federal designation of a Most Effective Practices school; and

"WHEREAS, It is the sense of this Legislative Body that those who enhance the well-being and vitality of their community and have shown a long and sustained commitment to excellence certainly have earned our recognition and applause; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to welcome the students and faculty of the Lexington School for the Deaf/Center for the Deaf as they visit Albany, New York, on May 22, 2012, and to wish

them well in all their future endeavors; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Lexington School for the Deaf/Center for the Deaf."

ACTING PRESIDENT GRIFFO: Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President.

The Lexington School for the Deaf/Center for the Deaf is a New York institution that has been serving the deaf and hard-of-hearing communities of the New York metropolitan area for nearly 150 years.

Its special emphases are helping the deaf and the hard of hearing to realize their full potential in both the deaf and hard-of-hearing worlds, ensuring mastery of expressive and receptive communication skills by individuals at every point along the spectrum of deaf to hard of hearing; designing, constructing and using the evolving information technologies to the best advantage; and being a leading advocate for the deaf and hard-of-hearing

communities.

The needs of Lexington students and clients increasingly reflect the challenges posed by society, with many living in poverty and facing significant obstacles to accessing healthcare and obtaining decent employment. Many are recently immigrants, for whom the complex adjustment to life in the United States is made more difficult because of deafness.

Since its founding as a school, Lexington has evolved to offer vital services in a wide range of important issues. The Lexington School provides education services. There is the Lexington Center for Mental Health Services that includes an outpatient clinic and provides specialized infant, child, adult and family services. The Lexington Vocational Services Center supports employment and independent living skills training for adults.

The three Lexington Early Intervention programs provide referrals and service for families with young children who are deaf and hard of hearing. Lexington also operates a licensed childcare and universal pre-K center that provides full daycare for children

ages 12 months through pre-kindergarten.

The Lexington Hearing and Speech Center offers community-based speech and audiology services. And there is also the Ralph and Ricky Lauren Center for the Performing Arts.

For all of the wonderful work over the course of all of these many years, Lexington School for the Deaf/Center for the Deaf, please accept our sincerest thanks for an important job extraordinarily well done.

And I understand that there is a basketball game tonight. And as usual, I ask all of the participants, please take it easy on my colleagues. I know it's going to be very hard, but may best team win. Enjoy tonight.

ACTING PRESIDENT GRIFFO: Thank you, Senator Peralta.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Well, I would like to thank the Lexington School for the Deaf.

As many of you in the chamber know, I have 11 members of my family who are deaf. And my niece and nephew went through the Lexington School for the Deaf and have become exceedingly

productive citizens. My nephew is the head of deaf education for New Mexico. His daughter is the deaf actress that you sometimes see on the television screens. My niece went on to be the assistant head of the Rochester School for the Deaf.

They are people who without the background that they had from when they were almost infants, without the background of the Lexington School for the Deaf, they would not be the people that they are today, the productive people reaching out to help others who are deaf. So I could not be more appreciative of what Oscar did back then many years ago for my family.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Oppenheimer.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

We would like to extend a warm welcome to the students and faculty from the Lexington School for the Deaf/Center for the Deaf. We thank you for being here, and we appreciate your attendance.

Let's give them our recognition.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, Senator Peralta would like to open up this resolution for cosponsorship. If someone does not wish to be a cosponsor, they should notify the desk.

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. If you choose not to be a cosponsor, please notify the desk.

Senator Fuschillo.

SENATOR FUSCHILLO: On behalf of Senator Nozzolio, on page number 27 I offer the following amendments to Calendar Number 646, Senate Print Number 6171, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The

amendments are received, and the bill shall retain its place on third reading.

SENATOR FUSCHILLO: On behalf of Senator Young, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Print Number 2450A.

ACTING PRESIDENT GRIFFO: So ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, may we now have the reading of the noncontroversial calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 43, by Senator Grisanti, Senate Print 3133B, an act to amend the Public Housing Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 43, those recorded in the negative are Senators Addabbo, Avella, Dilan, Duane, Espaillat, Gianaris, Hassell-Thompson, Kennedy, Krueger, Montgomery, Oppenheimer, Rivera, Serrano, Squadron and Stewart-Cousins.

Ayes, 44. Nays, 15.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 64, by Senator Ritchie, Senate Print 4717B, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Ritchie to explain her vote.

SENATOR RITCHIE: Mr. President, on January 30, 2009, 25-year-old volunteer EMT

Mark Davis was fatally shot responding to an urgent call. He was one of those people who run into dangerous situations when many of us are running out.

This bill increases the penalty of murdering a first responder in the line of duty.

We had a petition up. We received over 2,000 signatures on it. We have the support of the state volunteer fire departments and the professional fire departments and the EMTs.

Today with us we have the family in the gallery. We have Mark's mother, Marsha; his father, Larry; brother, Brandon; and we also have his sister, Maricia. And Maricia graduated from JCC on Friday night as a paramedic.

So, Maricia, I'd like to say that your family's proud of you, I'm proud of you, and I'm sure Mark's proud of you. It's amazing that you continued in this line after what happened to your brother. And I'm sure that Mark is honored that this bill is named after him.

And Marsha, thank you for your advocacy on this bill. Thank you for continuing to push and make sure that this came to the floor of the Senate. And we appreciate all you did.

And thank you again for coming all the way from Florida today to make sure that this bill passed.

And I vote aye on this bill, Mr. President. Thank you.

ACTING PRESIDENT GRIFFO: Senator Ritchie to be recorded in the affirmative.

We also would like to recognize the presence of the family and thank you for your advocacy.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 352, by Senator Fuschillo, Senate Print 6636, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 18. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator

Fuschillo to explain his vote.

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

I want to thank my colleague Senator Dilan for his partnership and leadership with this piece of legislation.

What this bill does is it brings back the intended purpose of Leandra's Law to fulfill the wishes and dreams of Lenny Rosado.

Since this was enacted in August of 2010 till December of 2011, there have been more than 22,000 court-ordered ignition interlock systems. Yet with unintended loopholes, defense attorneys have found, only about 6,000, 7,000 individuals have actually had their ignition interlock installed in their car.

The intended purpose of Leandra's Law was to require that all first-time offenders have an ignition interlock system in their car. This bill closes the loophole. We have to urge the Assembly to adopt this legislation as well.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator Fuschillo to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Hassell-Thompson recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 425, by Senator Ball, Senate Print 6090A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Duane and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 657, by Senator Griffo, Senate Print 1505A, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 675, by Senator Saland, Senate Print 698, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 709, by Senator Griffo, Senate Print 6020A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

I will be voting in the negative on this piece of legislation. It is one of a few that we are going to be voting on today which I believe follow a pattern that is unfortunate in trying to establish -- introducing pieces of legislation which make certain that people that are incarcerated will never leave incarceration.

I certainly believe that we should be very careful about the process of having folks that have served their time -- we should take into consideration what certainly they have done to be incarcerated, but certainly what they have done since being incarcerated.

This is only one of two pieces of

legislation that we're going to vote on today that in my opinion go in the opposite direction and want to make sure that anyone who is incarcerated remains incarcerated for the rest of their lives.

And I don't believe that that is the correct way to go in policy overall. It is why I will be voting in the negative on this piece of legislation.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 709, those recorded in the negative are Senators Dilan, Duane, Hassell-Thompson, Krueger, Montgomery, Parker, Perkins, Rivera and Squadron.

Ayes, 50. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 733, by Senator Fuschillo, Senate Print 5221A, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 737, substituted earlier by Member of the Assembly Brindisi, Assembly Print 8917, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

751, by Senator Young, Senate Print 7136, an act to --

SENATOR FUSCHILLO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 754, by Senator Griffo, Senate Print 2418, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Duane and Espaillat recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 768, by Senator Nozzolio, Senate Print 6844, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 791, by Senator O'Mara, Senate Print 6988A, an act to amend the Real Property Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2013.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 793, by Senator Nozzolio, Senate Print 3249A, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

This is the second piece of legislation that we'll be voting on this day that is somewhat similar to the first one, at least in its general intention.

What is particularly egregious about this piece of legislation is that it sets a standard of unanimity in a Parole Board hearing. I believe that certainly we should -- and I have spoken to many members of the Parole Board who certainly take their job very seriously and take into consideration what the incarcerated individual has done to be incarcerated to begin with.

However, if we believe in

rehabilitation -- and I believe that in some cases it absolutely does work -- and we have somebody that has served for a long time, has done everything that he or she needs to do while incarcerated, has proven, at least inside prison, that they have rehabilitated, and we still are allowing for, say, a panel of three people -- for two that believe very strongly that that person should be set free, should be paroled, and then one person says absolutely not because of something that they did 30 years ago.

I do believe that this is the type of thing that moves us away from a direction of rehabilitation and more towards, as I said earlier, a model that puts someone that believes that anyone who is incarcerated should remain incarcerated for the rest of their lives.

I do not think that this is good for policy, and I certainly don't think it is good for the individuals that are incarcerated.

And lest one of my colleagues points it out, I certainly am not forgetting about the victims. But I do believe that in many cases people can be rehabilitated.

And when they can be, they should

be paroled. This piece of legislation would make that more difficult, and it is why I will be voting in the negative.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 793, those recorded in the negative are Senators Avella, Dilan, Duane, Gianaris, Hassell-Thompson, Krueger, Montgomery, Parker, Peralta, Perkins, Rivera, Squadron, Stavisky and Stewart-Cousins.

Ayes, 45. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 795, by Senator Libous --

SENATOR FUSCHILLO: Lay it aside for the day.

ACTING PRESIDENT GRIFFO: Lay it aside for the day.

Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Thank you.

Mr. President, could you give me the status of Calendar 768?

ACTING PRESIDENT GRIFFO: That is a bill that's amended, I believe, Senator Montgomery.

SENATOR MONTGOMERY: I'm sorry, I don't understand.

ACTING PRESIDENT GRIFFO: That bill was amended at the beginning of session, Senator Montgomery. Therefore, it was not before the body. It's high and it requires three days to age.

SENATOR MONTGOMERY: 768?

ACTING PRESIDENT GRIFFO: Correct. That is Senator Breslin's bill.

SENATOR MONTGOMERY: No, no, no.

ACTING PRESIDENT GRIFFO: Time out. Excuse me.

SENATOR MONTGOMERY: It was Senator Nozzolio's bill. It's Calendar Number 768, Senate Bill 6844.

ACTING PRESIDENT GRIFFO: Calendar Number 768, Senate Bill 6844, was passed, Senator Montgomery.

SENATOR MONTGOMERY: Okay, I just

want to say that it went on a fast roll call. I'm sitting right here, and somehow I'm recorded as a yes on that bill. It is definitely a no vote for me. That was absolutely -- I did not hear that bill called.

And I believe there's other no votes that were missed. I'm not sure it was even called.

ACTING PRESIDENT GRIFFO: Senator Fuschillo.

SENATOR SQUADRON: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Squadron.

SENATOR SQUADRON: I would request unanimous consent to reopen the roll on 768.

ACTING PRESIDENT GRIFFO: Senator Squadron has requested unanimous consent to reopen the roll. Without objection?

SENATOR FUSCHILLO: Without objection.

ACTING PRESIDENT GRIFFO: There is no objection.

SENATOR MONTGOMERY: Thank you, Mr. President. I vote no.

ACTING PRESIDENT GRIFFO: One

second.

SENATOR MONTGOMERY: Oh, okay, I'm sorry.

ACTING PRESIDENT GRIFFO: We're reopening up the roll call.

The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: All those in the negative please raise your hand.

This is Calendar Number 768, by Senator Nozzolio, Senate Bill 6844. Without objection, the vote has been opened and we've called the roll on reconsideration.

Announce the results.

THE SECRETARY: In relation to Calendar 768, those recorded in the negative are Senators Dilan, Hassell-Thompson, Krueger, Montgomery, Oppenheimer, Parker, Perkins and Squadron.

Ayes, 51. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senate Bill 795 has been laid aside

for the day by Senator Libous. We're on Calendar 798.

THE SECRETARY: Calendar Number 798, by Senator Griffo, Senate Print 4927, an act to amend the Banking Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 813, by Senator Golden, Senate Print 2147A, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 815, by Senator Skelos, Senate Print 5145, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: May I have some order, please.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 820, substituted earlier today by Member of the Assembly Brindisi, Assembly Print Number 9347, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 821, by Senator Hannon, Senate Print 7149, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator Fuschillo, that concludes the noncontroversial reading of the calendar.

SENATOR FUSCHILLO: Is there any other business at the desk, Mr. President?

ACTING PRESIDENT GRIFFO: There is no further business.

SENATOR FUSCHILLO: There being no further business, I move that we adjourn until Wednesday, May 23rd, at 10:30 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Wednesday, May 23rd, at 10:30 a.m.

Senate adjourned.

(Whereupon, at 4:50 p.m., the Senate adjourned.)