

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9 February 5, 2013

10 11:19 a.m.

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13
14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT GRIFFO: Today's
10 invocation will be offered by the Reverend Peter
11 G. Young, of the Mother Teresa Community here in
12 Albany.

13 Father Young.

14 FATHER YOUNG: Thank you, Senator.

15 Let us pray.

16 As we gather in this prestigious
17 Senate chamber, may we recall some historic
18 memories of our past leadership.

19 We're proud of this 1881 chamber,
20 the Romanesque style by Architect Richardson,
21 with 32 Senators at that time presiding.

22 This seal above our dais, again it
23 portrays the Hudson River, with two women of
24 Justice and Liberty. Beneath their feet is the
25 crown, symbolized as stamping out monarchy and

1 tyranny.

2 May we honor the past in our prayer
3 today and again pray that our Senators will now
4 be blessed for their current membership and for
5 their public service and for the good people of
6 our New York State.

7 We ask You this in Your name now
8 and forever. Amen.

9 ACTING PRESIDENT GRIFFO: Thank
10 you, Father Young.

11 The reading of the Journal.

12 THE SECRETARY: In Senate, Monday,
13 February 4th, the Senate met pursuant to
14 adjournment. The Journal of Friday,
15 February 1st, was read and approved. On motion,
16 Senate adjourned.

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

19 Presentation of petitions.

20 Messages from the Assembly.

21 Messages from the Governor.

22 Reports of standing committees.

23 Reports of select committees.

24 Communications and reports from
25 state officers.

1 Motions and resolutions.

2 Senator Libous.

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

5 I believe there's a resolution at
6 the desk by Leader Stewart-Cousins, and it's
7 Number 375. Could we have it read in its
8 entirety and then call on Senator
9 Stewart-Cousins.

10 ACTING PRESIDENT GRIFFO: The
11 Secretary will read the resolution.

12 THE SECRETARY: Legislative
13 Resolution Number 375, by Senator
14 Stewart-Cousins, memorializing Governor Andrew
15 M. Cuomo to proclaim February 2013 as Black
16 History Month in the State of New York.

17 "WHEREAS, Black History Month,
18 previously known as Negro History Week, was
19 founded by Dr. Carter G. Woodson, and was first
20 celebrated on February 1, 1926; since 1976, it
21 has become a nationally recognized month-long
22 celebration, held each year during the month of
23 February to acknowledge and pay tribute to
24 African-Americans neglected by both society and
25 the history books; and

1 "WHEREAS, The month of February
2 observes the rich and diverse heritage of our
3 great state and nation; and

4 "WHEREAS, Black History Month seeks
5 to emphasize black history is American history;
6 and

7 "WHEREAS, Black History Month is a
8 time to reflect on the struggles and victories of
9 African-Americans throughout our country's
10 history and to recognize their numerous valuable
11 contributions to the protection of our democratic
12 society in war and in peace; and

13 "WHEREAS, Some African-American
14 pioneers whose many accomplishments, all which
15 took place during the month of February, went
16 unnoticed, as well as numerous symbolic events in
17 February that deserve to be memorialized include:
18 John Sweat Rock, a noted Boston lawyer who
19 became the first African-American admitted to
20 argue before the U.S. Supreme Court on
21 February 1, 1865, and the first African-American
22 to be received on the floor of the U.S. House of
23 Representatives; Jonathan Jasper Wright, the
24 first African-American to hold a major judicial
25 position, who was elected to the South Carolina

1 Supreme Court on February 1, 1870; President
2 Abraham Lincoln submits the proposed
3 13th Amendment to the U.S. Constitution,
4 abolishing slavery, to the states for
5 ratification on February 1, 1865; civil rights
6 protester Jimmie Lee Jackson dies from wounds
7 inflicted during a protest on February 26, 1965,
8 leading to the historic Selma, Alabama, civil
9 rights demonstrations, including Bloody Sunday,
10 in which 600 demonstrators, including Martin
11 Luther King, Jr., were attacked by police;
12 Autherine J. Lucy became the first
13 African-American student to attend the University
14 of Alabama on February 3, 1956; she was expelled
15 three days later 'for her own safety' in response
16 to threats from a mob; in 1992, Autherine Lucy
17 Foster graduated from the university with a
18 master's degree in education, the same day her
19 daughter, Grazia Foster, graduated with a
20 bachelor's degree in corporate finance; the Negro
21 Baseball League was founded on February 3, 1920;
22 Jack Johnson, the first African-American World
23 Heavyweight Boxing Champion, won his first title
24 on February 3, 1903; and Reginald F. Lewis, born
25 on December 7, 1942, in Baltimore, Maryland,

1 received his law degree from Harvard Law School
2 in 1968, and was a partner in Murphy, Thorpes &
3 Lewis, the first black law firm on Wall Street,
4 and in 1989, he became president and CEO of TLC
5 Beatrice International Food Company, the largest
6 black-owned business in the United States; and

7 "WHEREAS, In recognition of the
8 vast contributions of African-Americans, a joyful
9 month-long celebration is held across New York
10 State and across the United States with many
11 commemorative events to honor and display the
12 cultural heritage of African-Americans; and

13 "WHEREAS, This Legislative Body
14 commends the African-American community for
15 preserving, for future generations, its
16 centuries-old traditions that benefit us all and
17 add to the color and beauty of the tapestry which
18 is our American society; now, therefore, be it

19 "RESOLVED, That this Legislative
20 Body pause in its deliberations to memorialize
21 Governor Andrew M. Cuomo to proclaim February
22 2013 as Black History Month in the State of
23 New York; and be it further

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

1 The Honorable Andrew M. Cuomo, Governor of the
2 State of New York, and to the events
3 commemorating Black History Month throughout
4 New York State."

5 ACTING PRESIDENT GRIFFO: Senator
6 Stewart-Cousins.

7 SENATOR STEWART-COUSINS: Thank
8 you, Mr. President.

9 I rise to speak on this resolution
10 because it's so important. And as I speak, I'm
11 speaking into a microphone that but for the
12 invention of Dr. James West, an African-American,
13 I might not be speaking into.

14 The beauty about Black History Month
15 is it gives us an understanding of the
16 contributions of African-Americans that we take
17 for granted. We all take pictures under this big
18 clock, and many don't know that it was Benjamin
19 Banneker who created the clock, the first wooden
20 clock in America.

21 As we drive up and down the highway
22 and we see those refrigerated trucks, it was
23 Frederick McKinley Jones who took refrigeration
24 and put it into trucks so that our produce could
25 get to its destination and be edible.

1 And when we talked about the
2 billions of dollars of chips, potato chips that
3 were consumed during the Super Bowl, few
4 understand that it was George Crum, a man of
5 African-American and Native descent right here in
6 Saratoga, New York, who created the potato chip.

7 So we talk about a number of things,
8 normally, about the African-American struggle and
9 the understanding that African-American history
10 is American history. But very often, in the
11 picture of the endless struggle, we forget that
12 even though there was struggle, even though there
13 was extreme prejudice and discrimination and the
14 fight to create an equal playing field for all
15 people, certainly African-Americans, great
16 strides were made in our history.

17 My mother had cataract surgery. If
18 it had not been for the laser invention -- the
19 first patent that an African-American woman got
20 in the medical profession was about removing
21 cataracts through laser technology. Who knew
22 that?

23 Your closed-circuit TV set, the
24 closed-circuit surveillance, it was
25 African-American ingenuity that understood that

1 we could use television to do surveillance in the
2 1960s. It could go and on.

3 And that's the purpose of
4 African-American History Month, of Black History
5 Month, to let people know that while the struggle
6 has been perpetual and continues, that there is
7 inventiveness, creativity, entrepreneurial
8 successes in the African-American community.

9 And lastly, I would not want to
10 forget that yesterday we celebrated the
11 hundredth-year anniversary of Rosa Park's
12 birth. And when we talk about the struggle, we
13 cannot forget Rosa Parks, who was the first lady
14 of the civil rights movement.

15 We all know the story that in
16 1955 -- or maybe we don't know it. But I will
17 say that in 1955, a seamstress, Rosa, at 42, who
18 was sitting in the section of the bus that was
19 kind of designated as the section where
20 African-Americans could sit -- we all know that
21 African-Americans had to sit in the back of the
22 bus with the Jim Crow laws, and white people were
23 allowed in the front of the bus. And then there
24 was a section of the bus that if these sections
25 were filled up, either the white section or

1 black, you could sit there.

2 And when a white person entered the
3 bus and was standing, a white male was standing,
4 they demanded Rosa give up her seat. And Rosa,
5 who was tired from a hard day's work, did not
6 give up her seat.

7 She understood on some level that
8 this was an act of resistance, but she could not
9 have understood that that act of resistance would
10 launch the career of Dr. Martin Luther King and a
11 civil rights movement that impacts every single
12 one of us. It was part of our history that we
13 must recognize.

14 In telling the story, we let people
15 understand that in our lifetime, inequality was
16 the law of the land. And it gives us, once
17 again, tremendous responsibility in this chamber
18 to make sure that equality is the law of the land
19 and certainly to pay tribute to those great
20 pioneers who taught us and showed us the way.

21 Thank you.

22 ACTING PRESIDENT GRIFFO: Thank
23 you, Senator Stewart-Cousins.

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

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO: Opposed?

3 (No response.)

4 ACTING PRESIDENT GRIFFO: The
5 resolution is adopted.

6 Senator Libous.

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

9 At this time I want to adopt the
10 Resolution Calendar, with the exception of --

11 ACTING PRESIDENT GRIFFO: Senator
12 Libous, I think we'll make a note that
13 Senator Stewart-Cousins has opened up this
14 resolution.

15 SENATOR LIBOUS: I'm sorry,
16 Mr. President. I'm so very sorry.

17 Senator Stewart-Cousins would like
18 to open up the resolution to all the members.
19 And as our policy goes, if you choose not to be
20 on the resolution, please let the desk know.
21 Otherwise, you will all be listed on the
22 resolution.

23 Thank you, Mr. President.

24 ACTING PRESIDENT GRIFFO: So
25 noted. Thank you, Senator Libous.

1 Senator Libous.

2 SENATOR LIBOUS: Okay. At this
3 time may we please adopt the Resolution Calendar,
4 with the exception of Resolutions 422 and 426.

5 ACTING PRESIDENT GRIFFO: On
6 motion, all in favor of adopting the
7 Resolution Calendar, with the exception of
8 Resolutions Number 422 and 426, signify by saying
9 aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO: Opposed?

12 (No response.)

13 ACTING PRESIDENT GRIFFO: The
14 Resolution Calendar is adopted.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President, I
17 believe there's a previously adopted resolution
18 by Senator Golden, Number 243, at the desk.
19 Could we have it read in its entirety and could
20 you call on Senator Golden, please.

21 ACTING PRESIDENT GRIFFO: The
22 Secretary will read.

23 THE SECRETARY: Legislative
24 Resolution Number 243, by Senator Golden,
25 commending Pietrosfight.org upon the occasion of

1 hosting its Duchenne Muscular Dystrophy
2 fundraiser on March 7, 2013.

3 "WHEREAS, It is the sense of this
4 Legislative Body to recognize that the quality
5 and character of life in the communities across
6 New York State are reflective of the concerned
7 and dedicated efforts of those organizations and
8 individuals who would devote themselves to the
9 welfare of the community and its citizenry; and

10 "WHEREAS, Attendant to such concern,
11 and in full accord with its long-standing
12 traditions, this Legislative Body is justly proud
13 to commend Pietrosfight.org upon the occasion of
14 hosting its Duchenne Muscular Dystrophy
15 fundraiser on Thursday, March 7, 2013, at
16 El Caribe Country Club in Brooklyn, New York; and

17 "WHEREAS, Pietrosfight.org is a
18 nonprofit organization dedicated to raising
19 awareness and funds to help find a cure for
20 Duchenne Muscular Dystrophy; and

21 "WHEREAS, This crucial organization
22 was founded by Manni and Dayna Scarso in 2012,
23 after they learned their 3-year-old son, Pietro,
24 was diagnosed with Duchenne Muscular Dystrophy;
25 and

1 "WHEREAS, Duchenne Muscular
2 Dystrophy is the most common and lethal childhood
3 genetic disorder in the world, affecting one in
4 every 3,500 male births. Most patients are
5 confined to a wheelchair by the time they are
6 12 years of age, and succumb to the disease in
7 their late teens due to respiratory
8 complications; and

9 "WHEREAS, Currently, there is no
10 acceptable treatment or cure for Duchenne
11 Muscular Dystrophy; and

12 "WHEREAS, Overcoming unimaginable
13 adversity, Dayna and Manni Scarso were determined
14 to save Pietro and the thousands of boys like him
15 by establishing a foundation focused on searching
16 for and funding Duchenne Muscular Dystrophy
17 research that will ultimately cure this deadly
18 disease; and

19 "WHEREAS, The funds raised by
20 Pietrosfight.org help to support the most
21 promising research programs aimed at treating and
22 curing Duchenne Muscular Dystrophy; and

23 "WHEREAS, For the first time since
24 the discovery of Duchenne Muscular Dystrophy,
25 there is hope to find a cure for this destructive

1 disease in time to save Pietro Scarso and many
2 other boys and their families; and

3 "WHEREAS, Exhibiting the same
4 indomitable spirit as his parents, Pietro Scarso
5 looks beyond his own struggles and pain, focusing
6 his energies on how he can help others. He
7 recently received the No. 1 Sharer Award in his
8 nursery school program because if someone falls,
9 he is right there to wipe their tears and pick
10 them up; and

11 "WHEREAS, It is imperative that
12 there be greater public awareness of this serious
13 health issue, and more must be done to increase
14 activity at the local, state and national levels
15 to support and protect our youth, our most
16 precious resource, as well as their families;
17 now, therefore, be it

18 "RESOLVED, That this Legislative
19 Body pause in its deliberations to commend
20 Pietrosfight.org upon the occasion of hosting its
21 Duchenne Muscular Dystrophy fundraiser on
22 March 7, 2013; and be it further

23 "RESOLVED, That this Legislative
24 Body pause further to urge the FDA to move
25 expeditiously to approve new drugs in order to

1 effectuate a cure for Duchenne Muscular
2 Dystrophy; and be it further

3 "RESOLVED, That a copy of this
4 Resolution, suitably engrossed, be transmitted to
5 Manni and Dayna Scarso, Pietrosfight.org."

6 ACTING PRESIDENT GRIFFO: Senator
7 Golden.

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

10 I am joined here today by the Scarso
11 family. They're up here in the balcony, parents
12 Dayna and Manni and their two sons, their
13 two-year-old son Nico and Pietro.

14 And we're joined here today because
15 there is a fight going on, a fight to save that
16 boy's life. That boy was diagnosed with Duchenne
17 Muscular Dystrophy, the most common and lethal
18 childhood genetic disorder in the world.

19 Our mission is to bring about
20 awareness and to gain support for Pietro's fight,
21 the fight to find a cure for Duchenne Muscular
22 Dystrophy, DMD. This disorder confines children
23 to a wheelchair by the time they are 12 years of
24 age and has proved to be fatal by the time they
25 reach their late teens. To date, there is no

1 acceptable treatment or cure for this disease.

2 In honor of this mission of love, to
3 fight for a cure and bring about statewide
4 awareness, I present this resolution pledging my
5 support for Pietro's fight. We will not stop
6 fighting for Pietro.

7 I proudly join as I partner in
8 Pietro's fight. So to help Pietro and others who
9 have been diagnosed with Duchenne Muscular
10 Dystrophy, DMD, in New York City and state and in
11 our nation, we must take steps to cure this
12 terrible, terrible disorder.

13 The Scarso family is an amazing
14 family and group. They have continued to work
15 tirelessly. They have put money in the hands of
16 those who have the best shot of finding a cure
17 for DMD. And we will not stop fighting to aid
18 them in their effort.

19 I have personally sent a letter to
20 Dr. Russell Katz of the Food and Drug
21 Administration, urging him to expedite their
22 review of this investigational drug, eteplirsen.
23 For this drug, ladies and gentlemen, has had two
24 successful rounds. It is going into its last and
25 final round. And if they're successful, that

1 child has a chance.

2 So this resolution today is not just
3 for that boy and for that family, but this
4 resolution is for many boys just like that young
5 boy, Pietro, so they have a chance to be able to
6 grow up, grow up with their families, and live a
7 good life.

8 I encourage everyone to visit
9 www.Pietrosfight.org and get involved in this
10 fight. We owe it to Pietro and to his wonderful
11 family and friends. And it's time to urge all of
12 my colleagues to stand in support of this
13 resolution and to send their letters as well, and
14 let them release this drug so that this drug can
15 today be used to save these children. And let
16 them continue their last study, but it's
17 important that those drugs reach these children,
18 especially with two successful trials. It's
19 important for their lives.

20 Ladies and gentlemen, I applaud the
21 Scarso family for their success and for being
22 able to get the message out not just across our
23 state but across this nation. Keep up the good
24 work. We're going to stand with you, your
25 family, and with Pietro. And may God bless you.

1 Thank you.

2 ACTING PRESIDENT GRIFFO: Senator
3 Golden, thank you. The resolution was previously
4 adopted on January 24th of 2013.

5 We extend the greetings of the
6 chamber to the Scarso family and extend our
7 sincere best wishes for you and for Pietro.

8 Thank you very much.

9 (Applause.)

10 SENATOR LIBOUS: Mr. President,
11 would you call on Senator Stewart-Cousins,
12 please.

13 ACTING PRESIDENT GRIFFO: Senator
14 Stewart-Cousins.

15 SENATOR STEWART-COUSINS: Yes,
16 thank you. Thank you, Mr. President.

17 I just wanted to thank
18 Senator Golden for presenting this resolution.

19 I probably am one of so many of us
20 who also have someone like Pietro in their
21 lives. And, you know, one thinks that it's just
22 this family. In my case, it's Javier. And the
23 same thing, Duchenne Muscular Dystrophy and
24 fighting for the access to the therapies that
25 will help Pietro, Javier, and all of them.

1 So I just wanted to stand and thank
2 you for bringing recognition, Senator Golden.
3 I'm sure you're not alone in knowing families
4 like this who are just struggling on behalf of
5 all of the young boys.

6 And just to let you know that we are
7 fighting for your son and for so many so that no
8 one will have to go through this again. And
9 thank you so much for your courage.

10 Thank you.

11 ACTING PRESIDENT GRIFFO: Thank
12 you, Senator Stewart-Cousins.

13 Senator Libous.

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

16 I believe there's a resolution at
17 the desk by Senator Sampson, Number 422. May we
18 have the resolution read in its entirety and then
19 move for its immediate adoption.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will read.

22 THE SECRETARY: Legislative
23 Resolution Number 422, by Senator Sampson,
24 mourning the death of Edward I. Koch, former
25 New York City Mayor and esteemed public leader.

1 "WHEREAS, This Legislative Body,
2 proudly representing the people of the State of
3 New York, is moved to pause this day to recognize
4 and pay tribute to the life and distinguished
5 service of Edward I. Koch, the 105th Mayor of the
6 great City of New York; and

7 "WHEREAS, Edward I. Koch, who served
8 three terms as Mayor of the City of New York,
9 from January 1, 1978, until December 31, 1989,
10 died on Friday, February 1, 2013, at the age of
11 88; and

12 "WHEREAS, This remarkable public
13 leader and staunch supporter of Israel was
14 well-known and admired for his whirlwind life as
15 a television judge, radio talk-show host, author,
16 law partner, newspaper columnist, movie reviewer,
17 professor, commercial pitchman and politician;
18 and

19 "WHEREAS, Edward I. Koch was a
20 visionary who used his political acumen to bring
21 his dreams to fruition and to blaze a trail wide
22 enough for a generation of New Yorkers to follow;
23 and

24 "WHEREAS, The son of Jewish
25 immigrants, Louis and Joyce Silpe Koch, Edward I.

1 Koch was born in Crotona Park East in the Bronx,
2 New York City, on December 12, 1924. He left
3 college to serve his country as a member of the
4 United States Army during World War II, earning
5 two battle stars in Europe as an infantryman, and
6 was discharged in 1946 as a sergeant; and

7 "WHEREAS, Edward I. Koch received
8 his law degree in 1948, from New York University,
9 and was admitted to the New York State bar the
10 following year. Over the next 20 years, he
11 practiced law in New York City, becoming a
12 founding partner of Koch, Lankenau, Schwartz &
13 Kovner in 1963; and

14 "WHEREAS, Edward I. Koch was elected
15 to the City Council in 1967, serving for two
16 years prior to his election to the United States
17 Congress in 1969, representing the East Side of
18 Manhattan with distinction for years; and

19 "WHEREAS, An irrepressible icon, his
20 12-year mayoralty encompassed the fiscal
21 austerity of the late 1970s and many other
22 complex issues; and

23 "WHEREAS, Mayor Edward I. Koch is
24 credited with leading the New York City
25 government back from near bankruptcy in the 1970s

1 to prosperity in the 1980s. He also began one of
2 the city's most ambitious housing programs,
3 which continued after he left office and
4 eventually built or rehabilitated more than
5 200,000 housing units, revitalizing several
6 neighborhoods; and

7 "WHEREAS, As Mayor, Edward I. Koch
8 held down spending, restoring the city's
9 creditworthiness, and began the restoration of
10 much of the city's infrastructure, including its
11 bridges and streets; and

12 "WHEREAS, Re-elected in 1981,
13 Mayor Edward I. Koch markedly improved the city's
14 finances during his second term in office. He
15 hired workers back and restored many municipal
16 services. In addition, he made plans for major
17 housing programs, improvements in education, and
18 efforts to reduce welfare dependency; and

19 "WHEREAS, In 1985, Edward I. Koch
20 was elected to a third term as Mayor of the City
21 of New York, during which his efforts enabled the
22 city to get back into the bond markets, paving
23 the road to recovery. The housing plan, based on
24 dozens of city financing and ownership programs,
25 became a notable and long-lasting success; and

1 "WHEREAS, By the end of the Koch
2 administration, 3,000 apartments had been created
3 in formerly vacant buildings, 13,000 more were
4 under construction, and design work had begun on
5 20,000 more; and

6 "WHEREAS, After leaving office,
7 Edward I. Koch presented forums on television and
8 radio; he also authored numerous newspaper
9 articles for The Post and The Daily News, and
10 magazine articles for such periodicals as the
11 Jewish World Review, as well as books; and

12 "WHEREAS, He became an adjunct
13 professor at New York University, Brandeis
14 University and Baruch College of the City
15 University of New York, and gave lectures across
16 the country; and

17 "WHEREAS, Edward I. Koch made
18 regular appearances on WCBS-TV, had talk shows on
19 Fox television and on WNEW and WABC radio, teamed
20 with former Senator Alfonse M. D'Amato for a
21 Bloomberg Radio program, and was a frequent
22 commentator on the local news television station
23 NY1; and

24 "WHEREAS, Edward I. Koch appeared,
25 mostly as himself, in a score of movies,

1 including 'The Muppets Take Manhattan' and 'The
2 First Wives Club,' and in cameo roles on
3 television shows, including 'Sex and the City';
4 he also made commercials for Coca-Cola, Snapple,
5 FreshDirect and Ultra Slim-Fast; and

6 "WHEREAS, Furthermore, he was the
7 star of 'Koch,' the documentary film by
8 Neil Barsky that had its premiere at the Museum
9 of Modern Art; and

10 "WHEREAS, Edward I. Koch became a
11 partner in Robinson, Silverman, Pearce, Aronsohn
12 & Berman, which in a 2002 merger became
13 Bryan Cave, an international law firm and one of
14 the largest real estate practices in New York;
15 and

16 "WHEREAS, From 1997 to 1999, he was
17 the judge on the nationally syndicated show 'The
18 People's Court'; and

19 "WHEREAS, Edward I. Koch continued
20 to write books, a total of 17, including murder
21 mysteries and commentaries on politics, rivals
22 and other subjects. Most were a blend of his
23 insights, experiences and observations, with
24 co-authors providing the workaday prose. While
25 in office, he produced Mayor (1984), Politics

1 (1985) and His Eminence and Hizzoner (1989); and

2 "WHEREAS, Later came All The Best:
3 Letters From A Feisty Mayor (1990), Ed Koch On
4 Everything (1994), I'm Not Done Yet (2000) and
5 Buzz: How To Create It and Win With It (2007);
6 and

7 "WHEREAS, Edward I. Koch and his
8 sister wrote a small volume, Eddie: Harold's
9 Little Brother, a children's book that appeared
10 in 2004; and

11 "WHEREAS, Predeceased by his
12 brother, Harold M. Koch, Edward I. Koch is
13 survived by his sister, Pat Koch Thaler, a former
14 dean at New York University; and

15 "WHEREAS, Rare indeed is the
16 impressive conviction, dedication and commitment
17 shown by an individual for the benefit of his
18 community and fellow man, such as that which has
19 been demonstrated by Edward I. Koch throughout
20 his purposeful life and distinguished career; his
21 colorful character, his bold spirit, and his
22 sharp wit will be missed by many; now, therefore,
23 be it

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

1 death of Edward I. Koch, former New York City
2 Mayor and esteemed public leader; and be it
3 further

4 "RESOLVED, That a copy of this
5 Resolution, suitably engrossed, be transmitted to
6 Pat Koch Thaler."

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

10 (Response of "Aye.")

11 ACTING PRESIDENT GRIFFO: Opposed?

12 (No response.)

13 ACTING PRESIDENT GRIFFO: The
14 resolution is adopted.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President, I
17 believe there's another resolution, by Senator
18 Kennedy, Number 426, at the desk.

19 ACTING PRESIDENT GRIFFO: The
20 resolution is at the desk.

21 SENATOR LIBOUS: Mr. President, for
22 whatever reason, I am ahead of myself today.
23 It's not like I want to get out of here in a
24 hurry or anything, because I enjoy being with all
25 of my colleagues.

1 (Laughter.)

2 SENATOR LIBOUS: So let me take a
3 step back.

4 Senator Sampson would like to open
5 his resolution up. And as the policy goes here,
6 if someone does not want to be on the Koch
7 resolution, please left the desk know.
8 Otherwise, we will all be on the resolution.

9 ACTING PRESIDENT GRIFFO: Senator
10 Sampson's resolution is open for cosponsorship.
11 If you choose not to be resolution, indicate at
12 the desk, please.

13 Senator Libous.

14 SENATOR LIBOUS: I believe there's
15 a resolution at the desk by Senator Kennedy. It
16 is Resolution Number 426. May we please have the
17 title read, and I believe you would call on
18 Senator Kennedy.

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

21 The Secretary will read.

22 THE SECRETARY: Legislative
23 Resolution Number 426, by Senator Kennedy,
24 mourning the death of Patricia A. Parete,
25 distinguished police officer and devoted member of

1 her community.

2 ACTING PRESIDENT GRIFFO: Senator
3 Kennedy.

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

6 City of Buffalo Police Office Patty
7 Parete was wounded in the line of duty on
8 December 5, 2006. After a long and brave battle,
9 Officer Parete died on February 2, 2013, this
10 past Saturday.

11 Officer Parete and her partner, Carl
12 Andolina, confronted an armed subject while
13 responding to a 911 call about a fight at a
14 convenience store. As they searched the subject,
15 he produced a handgun and opened fire, striking
16 both officers. Officer Parete suffered a spinal
17 injury as a result of the shooting and became
18 paralyzed from the neck down.

19 Patty, as she was known, was born on
20 January 12, 1965. She became a member of the
21 police department on January 25, 2001, at the age
22 of 36.

23 As a police officer, Patty was known
24 for her street smarts and was described by many
25 as a fighter. We saw that fight over the course

1 of the last six years, as she fought every single
2 day to recover. Her bravery, coupled with her
3 courageous work ethic, made the City of Buffalo a
4 safer place to live, to work, and to raise a
5 family.

6 Patty Parete took an oath to serve
7 and to protect. It's an oath that is not taken
8 lightly. It is an oath that she did not take
9 lightly. Each day, members of law enforcement
10 leave their entire worlds behind. They leave
11 their homes, they leave their families, they
12 leave their loved ones. They do so knowing that
13 at any moment danger can be waiting for them
14 around any corner, like the danger Patty and her
15 partner Carl encountered on that tragic December
16 night just over six years ago.

17 Patty knew this could happen. Every
18 officer does. But she took that oath anyway.
19 Patty Parete's death is a sad and sobering
20 reminder of the dangers our law enforcement
21 officers face every single day protecting us.

22 The Buffalo Police Department is in
23 mourning today, but they're not alone. We need
24 to do all we can to assure them that, just as
25 they stand by us every single day, today we stand

1 by them in this dark moment of mourning.

2 Patty Parete and her brothers and
3 sisters in law enforcement make our communities
4 safer. They give their all to protect our
5 families. In Officer Parete's case, she gave her
6 life. She made the ultimate sacrifice to ensure
7 the safety of Buffalo and the residents of
8 New York State.

9 We remember her today, and we thank
10 her and her family for her brave and courageous
11 service. Rest in peace, Officer Patty Parete.

12 Thank you, Mr. President.

13 ACTING PRESIDENT GRIFFO: Thank
14 you, Senator Kennedy.

15 Senator Gallivan.

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

18 I too rise to honor the memory of
19 Buffalo Police Officer Patty Parete.

20 It is a reminder, of course, of the
21 dangerous of the job that our law enforcement
22 officers face, of their commitment and sacrifice
23 to keep our communities safer. We certainly owe
24 them a debt of gratitude, and I thank Senator
25 Kennedy and my colleagues for also standing to

1 honor Patty today.

2 And I also ask my colleagues to keep
3 this in mind as we move forward. We can best
4 show our support by enacting meaningful
5 legislation to keep our law enforcement officers
6 safe and going a step further to keep our
7 communities safe.

8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator
10 Grisanti.

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

13 I too would like to follow up on
14 what Senator Kennedy and Senator Gallivan have
15 talked about with regards to Patty Parete.

16 You know, I know that myself and my
17 family, our deepest sympathies go out to her
18 wonderful family, her partner and her many
19 friends. And I know that we speak for the
20 residents of Western New York in saying that all
21 of our thoughts and prayers are with them during
22 this very difficult time, their time of need.

23 It is a sad day, as Senator Kennedy
24 has said, in Western New York and the state as a
25 whole. Simply put, Officer Parete is a true

1 symbol of bravery. She was a wonderful person
2 who was a victim of a horrific and truly
3 senseless act of violence, and her death reminds
4 us of what a difficult and dangerous job
5 law enforcement actually can be.

6 I also want to pass along my
7 condolences to all her colleagues in the City of
8 Buffalo Police Department, and to her family as
9 well. And may God rest her soul.

10 Thank you very much, Mr. President.

11 ACTING PRESIDENT GRIFFO: Senator
12 Maziarz.

13 SENATOR MAZIARZ: Thank you very
14 much, Mr. President.

15 I just want to rise and add my
16 condolences to the Buffalo Police Department.

17 Patty Parete was an excellent police
18 officer. I know that it's a very dangerous job.
19 My daughter is a police officer, and I remember
20 when she lived at home and she would, you know,
21 go to work with her uniform on. You always
22 think, you know, keep her safe this particular
23 day.

24 Unfortunately, six years ago when
25 that assailant fired that gun at Officer Parete

1 and Officer Andolina, he took the life and made
2 Patty live in a very horrendous way for the next
3 six years until recently, when she passed away.

4 I attended a fundraiser on her
5 behalf that was attended by thousands, literally
6 thousands of people to show their support. And
7 certainly I offer my sympathies to her
8 colleagues, to her partner, and to her family.

9 And I think what Senator Gallivan
10 said is something that we should all remember.
11 What we can do, what we can do for Patty Parete
12 and all the other officers that we have honored
13 here in the line of duty that have been injured
14 by an assailant, as Senator Gallivan alluded to,
15 is to increase the criminal penalties for those
16 individuals who would harm those members of
17 law enforcement.

18 Thank you, Mr. President.

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

22 (Response of "Aye.")

23 ACTING PRESIDENT GRIFFO: Opposed?

24 (No response.)

25 ACTING PRESIDENT GRIFFO: The

1 resolution is adopted.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President,
4 Senator Kennedy would like to open that
5 resolution up to all the members. If someone
6 wishes not to be on the resolution, please let
7 the desk know.

8 And then, Mr. President, we're going
9 to do a moment of silence for the officer, but we
10 have one other thing to do first, because we
11 would like to honor two people at the same time.

12 If you could call on Senator
13 Little. I believe on the Resolution Calendar
14 today, Resolution Number 417 was passed earlier.
15 If I could have the title read, and then if you
16 could call on Senator Little.

17 ACTING PRESIDENT GRIFFO: The
18 resolution, as stated by Senator Libous, of
19 Senator Kennedy will be open for cosponsorship.
20 If you choose not to, please notify the desk.

21 And we will now have the Secretary
22 read and then recognize Senator Little. The
23 Secretary will read the resolution.

24 THE SECRETARY: Legislative
25 Resolution Number 417, by Senator Little,

1 mourning the untimely death of Staff Sergeant
2 Dain Venne of Port Henry, New York, and paying
3 tribute to his courageous actions as a member of
4 the United States Army.

5 ACTING PRESIDENT GRIFFO: Senator
6 Little.

7 SENATOR LITTLE: Thank you,
8 Mr. President.

9 Once again, I would ask my
10 colleagues to join me in mourning the death of
11 one of our true American heroes, a young man who
12 made the ultimate sacrifice in the service of his
13 country.

14 Dain Venne, of Port Henry, New York,
15 was a member of an Army reserve unit, was serving
16 his third tour overseas between Iraq and
17 Afghanistan. On that day in Afghanistan, he was
18 killed.

19 He died on November 3rd, and his
20 whole community has mourned the loss of this
21 young man. He was a member of the volunteer fire
22 department, he was an active athlete in Moriah
23 Central School when he graduated, and his whole
24 family has been a very, very important part of
25 the Moriah community.

1 His father is Town Justice Brian
2 Venne. His mother, Laura, is a teacher at Moriah
3 Central School. And he's also survived by a
4 brother and sister.

5 I would ask you to join me as we
6 honor this young man and mourn his loss.

7 Thank you.

8 ACTING PRESIDENT GRIFFO: Thank
9 you, Senator Libous.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President,
12 could I ask the chamber to have a moment of
13 silence for Officer Parete and Sergeant Venne.

14 ACTING PRESIDENT GRIFFO: We would
15 ask all members to rise and please reflect upon
16 and commemorate the lives of Officer Patricia
17 Parete and Staff Sergeant Dain Venne.

18 (Whereupon, the assemblage rose and
19 respected a moment of silence.)

20 ACTING PRESIDENT GRIFFO: Senator
21 Libous.

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

24 ACTING PRESIDENT GRIFFO: Yes,
25 Senator Libous, there is further business before

1 the desk.

2 At this time we would like the
3 chamber to please join us in extending very happy
4 and best wishes to one of our own, Colonel
5 Senator Larkin, on the celebration of his
6 birthday today. We want to extend our best
7 wishes.

8 (Standing ovation.)

9 SENATOR LIBOUS: Mr. President,
10 there certainly was additional business at the
11 desk.

12 ACTING PRESIDENT GRIFFO: God bless
13 you, Senator Larkin.

14 Senator Libous.

15 SENATOR LIBOUS: Have we cleared
16 the further business?

17 ACTING PRESIDENT GRIFFO: We have.
18 There is no further business, Senator Libous.

19 SENATOR LIBOUS: There being no
20 further business, I move that we adjourn until
21 Monday, February 11th, at 3:00 p.m., intervening
22 days being legislative days.

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator Libous.

25 On motion, the Senate will stand

1 adjourned until Monday, February 11th, at
2 3:00 p.m., with intervening days being
3 legislative days.

4 The Senate stands adjourned.

5 (Whereupon, at 11:59 a.m., the
6 Senate adjourned.)

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