NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 28, 2013

11:14 a.m.

REGULAR SESSION

SENATOR DAVID CARLUCCI, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT CARLUCCI: The Senate will come to order.

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

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

ACTING PRESIDENT CARLUCCI: In the absence of clergy, may we bow our heads in a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT CARLUCCI: The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, February 27th, the Senate met pursuant to adjournment. The Journal of Tuesday, February 26th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time may we please adopt the Resolution Calendar, with the exception of Resolution Numbers 546, 583, 614 and 632.

ACTING PRESIDENT CARLUCCI: All in favor of adopting the Resolution Calendar, with the exception of reading Resolutions 546, 583, 614 and 632, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Senator Carlucci, would you at this time please call on

Senator Gianaris for the purpose of a motion.

ACTING PRESIDENT CARLUCCI: Senator Gianaris.

SENATOR GIANARIS: On behalf of Senator Espaillat, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Number 1832.

ACTING PRESIDENT CARLUCCI: So ordered.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time could you please call on Senator Golden to speak on a previously adopted resolution.

ACTING PRESIDENT CARLUCCI: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

We sent up a Select Committee yesterday on Science, Technology, Incubation and Entrepreneurship, and I did not get an opportunity -- I had a meeting off the floor -- to directly talk about this new committee that

we've started here in the Senate.

I'm honored to be chosen to be the chair of this important select committee and thank my colleagues and the leadership of our Majority Coalition, Senator Skelos and Senator Klein.

And our goal will be to develop jobs, companies, prosperity and entrepreneurial spirit in our communities. This is something we will all work and strive for. We will work tirelessly to commit to our committee colleagues and to all of you to do the good work that you all expect of this committee.

The concept of the incubator started in New York State back in 1959 with Joseph Mancuso, who opened the Batavia Industry Center in an abandoned Batavia factory building. The concept has spread throughout the world. There are now an estimated 1400 incubators in North America and 7,000 in the world.

Maintaining a tradition of innovation and excellence is one of our goals. And here, in Syracuse in 2012, an incubator was named the number-one incubator of the year throughout the nation. And 1900 international

members throughout the world, 1900 international members of the National Business Incubation Association voted on this.

Earlier this week I was downstate, I was at a building, and in that building was a group called General Assembly. The General Assembly had about 300 members, as I speak. And that space has turned over about a thousand young entrepreneurs that have gone out to our communities and that are paying taxes that are creating new ideas and living within that hub of that General Assembly Corporation that was started at this incubator.

Now, I've got to tell you, I was impressed. They started with $200,000, a $100,000 grant from New York City Economic Development and a $100,000 loan from New York City Economic Development. They raised $15 million in operating and capital dollars to be able to advance them. They started in 2011.

And I met with one company, it's called Neverware, and they're in the beginning stages of this incubator. They have about 15 employees. And what that computer does, it plugs into all the computers in our schools. And

it plugs into -- say we have P.S. 204 and they have, say, 200 computers. Well, this machine, which is about two feet tall and squared by twelve, a foot on each side, actually takes those computers that we spent so much capital dollars on putting into our schools and brings that technology into the 21st century. And all of those capital investments we've been making over the years, it keeps those computers alive for years to come.

This is just one of the great ideas and concepts that's coming out of that General Assembly incubator.

Now, I've got to tell you, only 15 people, they're in about seven different schools right now in the City of New York, they're talking to BOCES. That will be a tremendous savings for the city and for the State of New York. And that's just one company out of the many companies that have formed in that location over the past two years.

My point is that we have the ambition, the drive, and the talent to continue our position as the national and world leaders, and we should continue that. And this will help

us to work with the individual entrepreneurs, the academic institutions, private foundations and the municipalities to fully develop the spirit of the entrepreneurship here in New York.

We are beginning to work immediately, and I look forward to working with my colleagues and the legislators here in this body and in the Assembly and with this Governor to advance our goals in putting people to work and creating opportunity here in the great City and State of New York.

Thank you, Mr. President.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Golden. Your comments will be reflected in the Journal.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe there's a resolution by Senator Hannon, Number 546, at the desk. May we have the resolution read in its entirety, and we'll move for its adoption. But before it is adopted, I believe you would call on Senator Hannon.

ACTING PRESIDENT CARLUCCI: The

Secretary will read.

THE SECRETARY: Legislative Resolution Number 546, by Senator Hannon, memorializing Governor Andrew M. Cuomo to proclaim February 24 through March 2, 2013, as Eating Disorders Awareness Week in the State of New York.

"WHEREAS, It is the custom of this Legislative Body to recognize official weeks 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, this Legislative Body is justly proud to memorialize Governor Andrew M. Cuomo to proclaim February 24-March 2, 2013, as Eating Disorders Awareness Week in the State of New York, in conjunction with National Eating Disorders Awareness Week; and

"WHEREAS, NED Awareness Week is a collective effort of primary volunteers, including eating disorder professionals, healthcare providers, students, educators, social workers, and individuals committed to

raising awareness of the dangers surrounding eating disorders and the need for early intervention and treatment; and

"WHEREAS, In the United States, 20 million women and 10 million men suffer from a clinically significant eating disorder at some time in their life, including anorexia nervosa, bulimia nervosa, binge eating disorder, or an eating disorder not otherwise specified; and

"WHEREAS, The scope and severity of eating disorders are often misunderstood. Eating disorders are serious illnesses, not lifestyle choices. In fact, anorexia has the highest mortality rate of any mental illness. In a national survey, four out of 10 people reported they either suffered or have known someone who has suffered from an eating disorder; and

"WHEREAS, Eating disorders experts have found that prompt, intensive treatment significantly improves the chances of recovery. Therefore, it is important for educators, medical providers, parents, and community members to be aware of some of the warning signs and symptoms of eating disorders; and

"WHEREAS, Eating disorders impact

every organ in the body, including cognition, and can lead to organ failure and other chronic health complications; and

"WHEREAS, Eating disorders are one of the most common psychiatric diagnoses in young women, and have the highest death rates of any mental health condition; and

"WHEREAS, Eating disorders usually appear in adolescence and are associated with substantial psychological problems, including depression, substance abuse and suicide. These disorders can have a negative impact on all aspects of life, and educational efforts to prevent eating disorders are of primary importance; and

"WHEREAS, Eating Disorders Awareness Week will highlight the fact that body size and shape are strongly influenced by biological factors such as genetics, while also calling attention to some of the new discoveries surrounding the role of genetics in the development of eating disorders; and

"WHEREAS, In 2004, New York State took a leading role in the fight against eating disorders by establishing an integrated network

of Comprehensive Care Centers for Eating Disorders around the state which provide evidence-based care. This Legislative Body recognizes the important work of these three centers; and

"WHEREAS, Many New Yorkers have been diagnosed with this disease. This Legislative Body recognizes the vital importance of the National Eating Disorders Association, which calls New York State its home, in providing excellence in care through awareness, education and treatment, and its evident commitment to this mission; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor Andrew M. Cuomo to proclaim February 24 to March 2, 2013, as Eating Disorders Awareness Week in the State of New York; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to The Honorable Andrew M. Cuomo, Governor of the State of New York; the National Eating Disorders Association; and Northeastern, Metropolitan, and Western New York Comprehensive Care Centers for Eating Disorders."

ACTING PRESIDENT CARLUCCI: Senator Hannon.

SENATOR HANNON: Thank you, Mr. President.

I think the resolution is in some parts self-explanatory, but what it doesn't say is what the Senate Health Committee did during the President's Week recess was to have a roundtable in regard to the eating disorder treatment, availability of treatment, need for further treatment in this state. And we did that in order to build upon what this Senate had led the initiative for in 2004 in starting to have Comprehensive Care Centers.

Eating disorders, everybody seems to know that somewhere in their family, their extended friends, there has been a man or a woman who has suffered with an eating disorder. And it's one of the very difficult types of conditions to both address and treat. And so we wanted to highlight it, bring awareness to the fact this is the week for it in the nation, and to have that recognized in this state.

And I thank you for your courtesies.

ACTING PRESIDENT CARLUCCI: Thank

you, Senator Hannon.

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Those opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe Senator Hannon would like to open up the resolution for cosponsorship. So as we have a policy in this house, if a member wishes not to be on the resolution, please let the desk know. Otherwise, you will be duty noted as a cosponsor.

Mr. President, I believe that Senator Hannon has another resolution at the desk, Number 583. At this time if we could only read the title, please, and move for its immediate adoption.

ACTING PRESIDENT CARLUCCI: The previous resolution is open for cosponsorship.

If you do not wish to be a cosponsor, please notify the desk.

The Secretary will read Resolution Number 583.

THE SECRETARY: Legislative Resolution Number 583, by Senator Hannon, memorializing Governor Andrew M. Cuomo to proclaim March 3 through 9, 2013, as Patient Safety Awareness Week in the State of New York.

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Those opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Again, Senator Hannon would open this up to the membership for cosponsorship. If a member wishes not to be on the resolution, let the desk know.

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

Senator Libous.

SENATOR LIBOUS: I believe there's a resolution by Senator Serrano at the desk, Number 614. May we have the title read and move for its adoption.

ACTING PRESIDENT CARLUCCI: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 614, by Senator Serrano, mourning the death of the Reverend Wenzell Phillip Jackson, distinguished citizen and devoted member of his community.

ACTING PRESIDENT CARLUCCI: Senator Serrano.

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

I rise today to pay tribute and honor the life and legacy of the Reverend Wenzell Jackson. Reverend Jackson was the senior pastor of the Mount Hermon Baptist Church in the Highbridge section of the Bronx. He was also the

chairperson of Community Board 4 in the Bronx, as well as head of the 44th Precinct Clergy Council in the Bronx.

This resolution honoring the life of Reverend Jackson is also being sponsored in the Assembly by my colleague Vanessa Gibson.

And I just wanted to pay tribute to a tremendous community advocate, someone who worked very hard as a person who built coalitions in our community. And unfortunately, he passed away unexpectedly on Tuesday, December 5th, at the young age of 47. So our community lost a great leader, a great friend, someone who really did care a great deal about our community and the struggles and the issues that we were facing.

Reverend Wenzell Jackson is survived by his wife of 24 years, Tamara Jackson, and he leaves behind a wonderful congregation at Mount Hermon Baptist Church and also the community board, which he led as chair with distinction.

And again, he'll be missed. And I think it fitting and important that I and all of my colleagues pay tribute to his legacy and contributions to our community. Thank you.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Serrano.

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Those opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The resolution is adopted.

In honor of the memory of the Reverend Jackson, I'd ask all my colleagues to join me in a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT CARLUCCI: Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I believe Senator Serrano would like to open this resolution up for members. Again, as the policy goes, if you wish not to be on as a cosponsor, let the desk know.

ACTING PRESIDENT CARLUCCI: The resolution is open for cosponsorship. If you do

not wish to be a cosponsor, please notify the desk.

Senator Libous.

SENATOR LIBOUS: Mr. President, I believe there's a resolution at the desk by Senator Stewart-Cousins, Number 632. May we have the resolution read in its entirety, move for its adoption, and I believe Senator Tkaczyk will speak on the resolution.

ACTING PRESIDENT CARLUCCI: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 632, congratulating Debra Kolsrud of Johnstown, New York, for her skillfully worded theme to be used in conjunction with the celebration of the 2013 National's Women History Month.

"WHEREAS, In the course of the evolving development of this Empire State, when the ingredients of shared concern and responsive endeavor combine in commitment to community, there emerge among the distinguished citizenry of the State of New York certain individuals who warrant special recognition; and

"WHEREAS, Attendant to such concern,

and in full accord with its long-standing traditions, this Legislative Body is justly proud to congratulate Debra Kolsrud of Johnstown, New York, for her skillfully worded theme to be used in conjunction with the celebration of the 2013 National Women's History Month; and

"WHEREAS, March is National Women's History Month, and Friday, March 8, 2013, is International Women's Day; and

"WHEREAS, Each year New York State officially sets aside time to recognize the unique contributions women have made to New York and its society and is particularly pleased to recognize The National Women's History Project and Debra Kolsrud for producing its theme; and

"WHEREAS, The theme for National Women's History Month 2013 is Women Inspiring Innovation Through Imagination: Celebrating Women in Science, Technology, Engineering and Mathematics (STEM); and

"WHEREAS, Debra Kolsrud is one of three original incorporators for the Elizabeth Cady Stanton Hometown Association (ECSHA) of Johnstown, New York; and

"WHEREAS, Founded in 2008, this

vital organization educates and promotes Elizabeth Cady Stanton's legacy of advocating equal rights for women of all ages; and

"WHEREAS, Debra Kolsrud served as ECSHA's first chairwoman from 2009 to 2011. She spent her career as an educator and is currently an adjunct faculty member at Fulton-Montgomery Community College teaching courses in the English department; and

"WHEREAS, In July of 2008, Debra Kolsrud moved from California to Johnstown, New York, after purchasing the historic Colonial-style home, built in 1798, known locally as Mrs. Henry's Boarding House; and

"WHEREAS, Mrs. Henry's Boarding House is where Susan B. Anthony lived while she and Johnstown native Elizabeth Cady Stanton were writing the third volume of the History of Woman Suffrage in 1884; and

"WHEREAS, Both women worked in the home writing that volume, with Susan B. Anthony living at the boardinghouse and Elizabeth Cady Stanton residing nearby at her sister's home; and

"WHEREAS, Today, it is the only property in Johnstown, New York, with a direct

link to both of these remarkable women. With a large plaque out front which describes the significance of the residence, this Colonial house remains a private residence which Debra Kolsrud is in the process of restoring; and

"WHEREAS, In addition to Elizabeth Cady Stanton and Susan B. Anthony, both of whom led the campaign for women's suffrage, New York State has been the home of many extraordinary women who have led society to a better future. Sojourner Truth spoke out for the abolition of slavery and for suffrage for women; suffragist Carrie Chapman Catt became the first president of the League of Women Voters; Emma Willard opened the first endowed institution for the education of women; Civil War surgeon Dr. Mary E. Walker was the only woman ever awarded the Congressional Medal of Honor; Harriet Tubman was an abolitionist who led slaves to freedom by way of the Underground Railroad; in the 19th century, Elizabeth Blackwell and Belva Lockwood were the first women in the fields of medicine and law; pioneer birth control educator and advocate Margaret Sanger established a research center in New York City; Emma Goldman founded the Free

Speech League which led to the American Civil Liberties Union; humanitarian Eleanor Roosevelt served as United States delegate to the United Nations; civil rights lawyer and New York State Senator Constance Baker Motley became the first black woman to sit on the U.S. District Court in New York; and so many more known and unknown women who championed rights and opportunity for all; and

"WHEREAS, It is the practice of this Legislative Body that when individuals of such noble aims and accomplishments are brought to our attention, they should be celebrated and recognized by all the citizens of this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate Debra Kolsrud of Johnstown, New York, for her skillfully worded theme to be used in conjunction with the celebration of the 2013 National Women's History Month; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Debra Kolsrud."

ACTING PRESIDENT CARLUCCI: Senator

Tkaczyk.

SENATOR TKACZYK: I rise in support of this resolution and to recognize Debra Kolsrud, who lives in my district. She actually lives in the same house where Susan B. Anthony stayed while working with Elizabeth Cady Stanton on the women's suffrage movement. They wrote a book together there, the History of Woman Suffrage, in 1884.

I congratulate Ms. Kolsrud for her pioneering spirit and commitment and help in recognizing Women's History Month and in celebrating the accomplishments of women in the fields of science and technology. Thank you.

And I hope my colleagues join us on this resolution. Thank you.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Tkaczyk.

Are there other Senators wishing to be heard on the resolution?

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Those opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Mr. President, Leader Stewart-Cousins would like to open that also for sponsorship. So if there are any members who wish not to be on it, let the desk know. Otherwise, we will all be on it as cosponsors.

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

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Klein, Senator Skelos, I hand up the following committee assignments and ask that such assignments be filed in the Journal.

ACTING PRESIDENT CARLUCCI: So ordered.

Senator Libous.

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

ACTING PRESIDENT CARLUCCI: There

is no further business at the desk.

SENATOR LIBOUS: Thank you, sir.

There being no further business, I move that the Senate adjourn until Monday, March 4th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT CARLUCCI: On motion, the Senate stands adjourned until Monday, March 4th, at 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 11:37 a.m., the Senate adjourned.)