

1 NEW YORK STATE SENATE

2  
3  
4 THE STENOGRAPHIC RECORD

5  
6  
7  
8  
9 ALBANY, NEW YORK

10 March 13, 2013

11 3:06 p.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
18 SENATOR ELIZABETH O'C. LITTLE, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT LITTLE: In the  
10 absence of clergy, may please we bow our heads  
11 in a moment of silence.

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

14 ACTING PRESIDENT LITTLE: Reading  
15 of the Journal.

16 THE SECRETARY: In Senate,  
17 Tuesday, March 12th, the Senate met pursuant to  
18 adjournment. The Journal of Monday, March 11th,  
19 was read and approved. On motion, Senate  
20 adjourned.

21 ACTING PRESIDENT LITTLE: Without  
22 objection, the Journal stands approved as read.

23 Presentation of petitions.

24 Messages from the Assembly.

25 The Secretary will read.

1                   THE SECRETARY:    On page 16,  
2    Senator LaValle moves to discharge, from the  
3    Committee on Higher Education, Assembly Bill  
4    Number 1049 and substitute it for the identical  
5    Senate Bill Number 2897, Third Reading Calendar  
6    171.

7                   On page 16, Senator LaValle moves  
8    to discharge, from the Committee on Higher  
9    Education, Assembly Bill Number 1050 and  
10   substitute it for the identical Senate Bill  
11   Number 2899, Third Reading Calendar 172.

12                  ACTING PRESIDENT LITTLE:  
13   Substitutions ordered.

14                  Messages from the Governor.

15                  Reports of standing committees.

16                  Reports of select committees.

17                  Communications and reports from  
18   state officers.

19                  Motions and resolutions.

20                  Senator Libous.

21                  SENATOR LIBOUS:    Thank you,  
22   Madam President.

23                  At this time I believe that you  
24   could recognize Senator Klein, and he would like  
25   to address the body.

1                   ACTING PRESIDENT LITTLE:    Thank  
2    you.

3                   Senator Klein.

4                   SENATOR KLEIN:    Thank you,  
5    Madam President.   Thank you, Senator Libous.

6                   I want to take a moment to  
7    recognize a very special guest we have with us  
8    visiting us here in Albany and in our Senate  
9    chamber.   I'm honored to have visiting Ms. Padma  
10   Lakshmi, who's someone who I think everyone  
11   knows her many accomplishments.   Host of the  
12   Emmy Award-winning show "Top Chef" on the Bravo  
13   TV Network, she's an accomplished actress,  
14   model, food expert.

15                  And she's here today for a very  
16   special reason, to help us move forward with our  
17   teen health education initiative.   And she's  
18   someone who has done so much work on behalf of  
19   young people throughout our state, throughout  
20   our country.

21                  And she's also the cofounder of the  
22   Endometriosis Foundation of America.   And she's  
23   really putting her heart and soul in this  
24   organization, doing so much great work.

25                  And I hope you will join me,

1 Madam President, in welcoming Padma today to the  
2 Senate chamber.

3 ACTING PRESIDENT LITTLE: Thank  
4 you, Senator Klein.

5 And welcome. It's really a pleasure  
6 and an honor to have you in our midst today.  
7 Everyone has enjoyed knowing of you and what you  
8 have done, and we appreciate it. So thank you  
9 very much for joining us.

10 (Applause.)

11 ACTING PRESIDENT LITTLE: Senator  
12 Libous.

13 SENATOR LIBOUS: Thank you,  
14 Madam President. I believe there's a previously  
15 adopted resolution by Senator Carlucci,  
16 Number 582, at the desk. Could we please have  
17 the title read at this time.

18 ACTING PRESIDENT LITTLE: Thank  
19 you.

20 The Secretary will read.

21 THE SECRETARY: Legislative  
22 Resolution Number 582, by Senator Carlucci,  
23 memorializing Governor Andrew M. Cuomo to  
24 proclaim September 2013 as Suicide Prevention  
25 Month in New York State.

1                   ACTING PRESIDENT LITTLE:    Senator  
2    Carlucci.

3                   SENATOR CARLUCCI:    Thank you,  
4    Madam President.

5                   Today I rise to get a head start and  
6    proclaim September as Suicide Prevention Month in  
7    the State of New York.

8                   And today we've probably all been  
9    visited by mental health advocates from across  
10   the state that have really talked to us about the  
11   importance of making sure that we don't run away  
12   from the stigma, that we talk about this very  
13   important issue.

14                  And in fact, it's troubling, the  
15   statistics. Believe it or not, right now about  
16   20 percent of our military personnel succumb to  
17   suicide -- 20 percent. Startlingly, the tenth  
18   highest cause of death in the United States is  
19   currently suicide.

20                  The statistics are startling, and  
21   there's something that we can do about it. And  
22   we have to start by making sure that we don't  
23   hide away from this stigma, that we don't hide  
24   away this emotion, this issue. And we make sure  
25   that people that need help and want to talk about

1     it can.

2                     And we are setting that example by  
3     proclaiming September a month where we're going  
4     to recognize the importance of what we can do to  
5     prevent suicide in the State of New York.

6                     Thank you, Madam President.

7                     ACTING PRESIDENT LITTLE:     Thank  
8     you, Senator Carlucci.

9                     Senator LaValle.

10                    SENATOR LaVALLE:     Madam President,  
11     may we please have the noncontroversial reading  
12     of the calendar.

13                    ACTING PRESIDENT LITTLE:     The  
14     Secretary will read.

15                    THE SECRETARY:     Calendar Number  
16     157, by Senator Marcellino, Senate Print 3047, an  
17     act to amend the Tax Law.

18                    ACTING PRESIDENT LITTLE:     Read the  
19     last section.

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

22                    ACTING PRESIDENT LITTLE:     Call the  
23     roll.

24                    (The Secretary called the roll.)

25                    THE SECRETARY:     Ayes, 55.

1                   ACTING PRESIDENT LITTLE:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   158, by Senator Fuschillo, Senate Print 752, an  
5   act to amend the Vehicle and Traffic Law.

6                   ACTING PRESIDENT LITTLE:    Read the  
7   last section.

8                   THE SECRETARY:    Section 3.   This  
9   act shall take effect on the first of November.

10                  ACTING PRESIDENT LITTLE:    Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT LITTLE:    Announce  
14   the results.

15                  THE SECRETARY:    Ayes, 55.

16                  ACTING PRESIDENT LITTLE:    The bill  
17   is passed.

18                  THE SECRETARY:    Calendar Number  
19   160, by Senator Little, Senate Print 1356, an act  
20   to amend the Vehicle and Traffic Law.

21                  ACTING PRESIDENT LITTLE:    Read the  
22   last section.

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

25                  ACTING PRESIDENT LITTLE:    Call the



1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT LITTLE: Announce  
4 the results.

5 THE SECRETARY: Ayes, 55.

6 ACTING PRESIDENT LITTLE: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 164, by Senator Libous, Senate Print 982, an act  
10 to amend the Real Property Tax Law.

11 ACTING PRESIDENT LITTLE: Read the  
12 last section.

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

15 ACTING PRESIDENT LITTLE: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT LITTLE: Senator  
19 Espaillat to explain his vote.

20 SENATOR ESPAILLAT: Yes, thank you,  
21 Madam President. I would like to explain my  
22 vote.

23 Every session this chamber takes on  
24 a numerous number of legislation to assist the  
25 farm industry in our state which provides the

1 food that we bring to our table. In fact, many  
2 neighborhoods in the City of New York benefit  
3 from the green markets that receive on a regular  
4 basis produce from these farms, from New York  
5 State farms.

6                   And while we do this, we neglect to  
7 recognize that in these farms, there are many  
8 farmworkers that continue to be exploited on a  
9 regular basis by many of these farms. They don't  
10 get a day's rest. They don't get overtime. They  
11 don't have the right to collectively bargain.  
12 They work under very adverse conditions. And yet  
13 we haven't found it within us to address this  
14 very serious issue that I think is -- I could  
15 only characterize it as being one step away from  
16 being indentured servants.

17                   So I will be casting my vote in the  
18 negative for this and other future bills that  
19 will bring assistance to the farms until this  
20 very serious travesty of justice is resolved.

21                   Thank you, Madam President. I will  
22 be voting in the negative.

23                   ACTING PRESIDENT LITTLE: Thank  
24 you.

25                   Senator Espaillat will be recorded

1 in the negative.

2 Announce the results.

3 THE SECRETARY: Ayes, 54. Nays,

4 1. Senator Espaillat recorded in the negative.

5 ACTING PRESIDENT LITTLE: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 171, substituted earlier by Member of the  
9 Assembly Glick, Assembly Print Number 1049, an  
10 act to repeal subdivision 7 of Section 7908 of  
11 the Education Law.

12 ACTING PRESIDENT LITTLE: Read the  
13 last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect on the same date and in the  
16 same manner as Chapter 444 of the Laws of 2012.

17 ACTING PRESIDENT LITTLE: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT LITTLE: Senator  
21 Kennedy to explain his vote.

22 SENATOR KENNEDY: Thank you,  
23 Madam President.

24 First of all, I want to thank my  
25 colleague Senator LaValle for carrying this

1 important bill regarding the profession of  
2 occupational therapy in this house today. I'm  
3 proud to support it.

4 As an occupational therapist, I'd  
5 like to introduce a group of young occupational  
6 therapy students, some of them from my alma  
7 mater, D'Youville College, and others from all  
8 across New York State, from Buffalo to New York  
9 City and everywhere in between. They're learning  
10 the process of Albany as they're studying to  
11 become occupational therapy students, and they're  
12 watching government in progress and really  
13 learning the process of that.

14 These individuals are going to go  
15 out into the world and help people. As I make  
16 the correlation between our jobs as elected  
17 officials and what will be their jobs as  
18 healthcare professionals and occupational  
19 therapists, the common denominator is that we are  
20 out there helping people. They're studying the  
21 skills to help people learn the job of living and  
22 to live their lives with independence and  
23 dignity.

24 And with that said, Madam President,  
25 I would appreciate if we could extend the honor

1 of this house to those students today.

2 Thank you very much.

3 ACTING PRESIDENT LITTLE: Thank  
4 you, Senator Kennedy.

5 And welcome to all of the  
6 occupational therapy students and therapists who  
7 are here, and assistant therapists. We  
8 appreciate your presence today, and continue your  
9 good work. Thank you.

10 And Senator Kennedy will be recorded  
11 in the affirmative.

12 (Applause.)

13 ACTING PRESIDENT LITTLE: Announce  
14 the results.

15 THE SECRETARY: Ayes, 55.

16 ACTING PRESIDENT LITTLE: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 172, substituted earlier by Member of the  
20 Assembly Glick, Assembly Print Number 1050, an  
21 act to amend the Education Law.

22 ACTING PRESIDENT LITTLE: Read the  
23 last section.

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

1           ACTING PRESIDENT LITTLE:   Call the  
2 roll.

3           (The Secretary called the roll.)

4           ACTING PRESIDENT LITTLE:   Announce  
5 the results.

6           THE SECRETARY:    Ayes, 55.

7           ACTING PRESIDENT LITTLE:   The bill  
8 is passed.

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

11          SENATOR LIBOUS:    Madam President,  
12 is there any further business at the desk?

13          ACTING PRESIDENT LITTLE:   No,  
14 Senator Little -- Senator Libous.

15          SENATOR LIBOUS:    I'm sorry? I'm  
16 having a difficult time hearing today.

17          ACTING PRESIDENT LITTLE:   I'm just  
18 as glad you didn't hear it.

19          (Laughter.)

20          ACTING PRESIDENT LITTLE:   Senator  
21 Libous, no, there is no further business at the  
22 desk.

23          SENATOR LIBOUS:    Okay. Before I  
24 adjourn, I did want to announce and remind the  
25 Republican Conference that they will have

1 conference immediately following session.

2 And there being no further business  
3 before the house, I move that we adjourn until  
4 Thursday, March 14th, at 11:00 a.m.

5 ACTING PRESIDENT LITTLE: On  
6 motion, the Senate stands adjourned until  
7 Thursday, March 14th, at 11:00 a.m.

8 (Whereupon, at 3:19 p.m., the Senate  
9 adjourned.)

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25