

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9 April 16, 2013

10 3:34 p.m.

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13
14 REGULAR SESSION

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18 SENATOR DAVID J. VALESKY, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT VALESKY: 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 VALESKY: Would
10 everyone please remain standing.

11 Senator Skelos.

12 SENATOR SKELOS: Mr. President, we
13 all know and have seen accounts of the cowardly
14 terrorism that was committed on our neighbors
15 and fellow United States citizens during the
16 Boston Marathon.

17 And at this time I'd ask us all to
18 stand in a moment of prayer for those who lost
19 their lives, for those who have been injured,
20 for those families that will be traumatized for
21 the rest of their lives. May they find peace
22 and may our government find those who
23 perpetrated those horrible crimes and they be
24 brought to justice.

25 ACTING PRESIDENT VALESKY: Per

1 Senator Skelos's request, a moment of silence.

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

4 ACTING PRESIDENT VALESKY: Thank
5 you.

6 Our invocation today is by Pastor
7 Gilford Monroe, from Mount Zion Church of God
8 in Brooklyn.

9 PASTOR MONROSE: Let us pray.

10 Our Father in Heaven, in Whom we
11 live and move and have all being, as we take
12 this moment to remember our fellow citizens in
13 Boston who lost their lives, the injured, their
14 family and friends, we look to You, O God, to
15 have mercy on this nation and the great State of
16 New York, our lawmakers who carry the burden to
17 maintain our wonderful freedom.

18 Grant us domestic tranquility in
19 the face of reckless evil. Arise, O God, and
20 save us from ourselves.

21 We pray for each member of the
22 Senate -- the Speaker, Republicans and
23 Democrats, both present and absent. Give our
24 lawmakers divine wisdom to pass laws that are
25 moral, sound, and financially responsible. We

1 pray for their health and safety.

2 Help us to remember the poor among
3 us, not only the rich and the middle class. Be
4 with us as we face the difficult times ahead.
5 May today's session be productive and pleasing
6 in Your sight.

7 And now let the words of our mouth
8 and the meditation of our hearts be acceptable
9 in Thy sight, O Lord, our Strength and our
10 Redeemer.

11 Amen.

12 ACTING PRESIDENT VALESKY: The
13 reading of the Journal.

14 The Secretary will read.

15 THE SECRETARY: In Senate, Monday,
16 April 15th, the Senate met pursuant to
17 adjournment. The Journal of Friday, April 12th,
18 was read and approved. On motion, Senate
19 adjourned.

20 ACTING PRESIDENT VALESKY: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Libous.

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

8 Before I get into motions, I want to
9 welcome our shadows today. We have a number of
10 young people here today, sponsored by the League
11 of Women Voters, and they are here to learn the
12 legislative process.

13 And they have spent some time in the
14 Capitol, I know they've spent time with each of
15 the members of this house, and they are now going
16 to watch an orderly and productive session take
17 place of the State Senate, and hopefully will
18 actually learn from it.

19 So I would ask my colleagues if we
20 could just take a minute and gave a round of
21 applause for our shadows today that are being
22 sponsored by the League of Women Voters.

23 (Applause.)

24 ACTING PRESIDENT VALESKY: Senator
25 Libous.

1 SENATOR LIBOUS: Thank you,
2 Mr. President. I do have some motions.

3 On behalf of Senator DeFrancisco, I
4 move that the following bill be discharged from
5 its respective committee and be recommitted with
6 instructions to strike the enacting clause. And
7 that would be Senate Print 4230.

8 ACTING PRESIDENT VALESKY: So
9 ordered.

10 SENATOR LIBOUS: And on behalf of
11 Senator Golden, Mr. President, I move that the
12 following bill be discharged from its respective
13 committee and be recommitted with instructions to
14 strike the enacting clause: Senate Print 4591,
15 by Senator Golden.

16 ACTING PRESIDENT VALESKY: So
17 ordered.

18 SENATOR LIBOUS: Mr. President, at
19 this time I would like you to recognize Senator
20 Carlucci to address the body.

21 ACTING PRESIDENT VALESKY: Senator
22 Carlucci.

23 SENATOR CARLUCCI: Thank you,
24 Mr. President.

25 It's an honor and a privilege to

1 welcome back to the chamber Lauren Shields.
2 Lauren Shields is the recipient of a heart
3 transplant. And thanks to the hard work and the
4 dedication here in this chamber and the work that
5 Lauren Shields has done over the last couple of
6 years, with your help we passed Lauren's Law.

7 And to put it into context, what is
8 Lauren's Law? Well, right now in New York State
9 we have over 10,000 men, women and children
10 currently waiting for a lifesaving organ
11 transplant. And unfortunately, in New York we
12 lag behind almost every other state when it comes
13 to the percentage of people enrolled in the organ
14 donor program.

15 In fact, when Lauren and I first
16 teamed up almost three years ago, the percentage
17 was at 18 percent. Eighteen percent of eligible
18 New Yorkers participated. That's compared to
19 42 percent on the national level.

20 Well, we figured we could do more.
21 And thanks to Lauren Shields and the thousands of
22 Laurens around the state and the advocates that
23 are here today to promote organ donation, those
24 numbers have increased. We're now at 21 percent
25 in New York State, and we're continuing to move

1 forward.

2 But thanks to the work that you've
3 done here in passing Lauren's Law, that bill will
4 take effect at the end of this year. And when
5 people go into the Department of Motor Vehicles,
6 they're going to be asked a question: "Would you
7 like be a organ donor? Yes or skip the
8 question." And we believe by asking that
9 question and doing what other states have done,
10 we're going to increase those numbers
11 tremendously.

12 So it's an absolute honor and a
13 privilege to have Lauren Shields back in the
14 chamber. Thank you for your hard work and
15 dedication.

16 We also have, right next to her,
17 Jennifer Lentini. Jennifer Lentini lives in
18 Senator Hannon's district. And Jennifer received
19 a heart transplant when she was 13 years old.
20 And now she's 30 years old, living in Long Island
21 a productive, healthy life. And it's so good to
22 see you here today.

23 So on behalf of Senator Hannon, on
24 behalf of the Senate and all the New Yorkers that
25 have received an organ transplant, that are

1 waiting for an organ transplant, we say thank
2 you.

3 So keep up the great work, and we
4 look forward to doing great things in this
5 chamber and partnering with you and the
6 advocates.

7 Thank you so much.

8 (Applause.)

9 ACTING PRESIDENT VALESKY: Senator
10 Skelos.

11 SENATOR SKELOS: Yes, Mr. President,
12 I'd like to mention that as of right now we are
13 working with the Red Cross to see if blood
14 donations will be necessary for Massachusetts.
15 If they do inform us so, we will start a blood
16 drive within the Senate.

17 And I'd also like to wish my
18 colleague Senator Tom Libous a happy birthday.

19 ACTING PRESIDENT VALESKY: Happy
20 birthday, Senator Libous.

21 (Applause.)

22 SENATOR LIBOUS: It's good to be
23 39.

24 (Laughter.)

25 ACTING PRESIDENT VALESKY: Senator

1 Libous.

2 SENATOR LIBOUS: I believe you
3 should at this time recognize Senator O'Brien to
4 address the body, and then Senator Gianaris.

5 ACTING PRESIDENT VALESKY: Senator
6 O'Brien.

7 SENATOR O'BRIEN: Thank you,
8 Mr. President, for this brief opportunity to
9 introduce to everyone in this chamber some very
10 dear friends of mine.

11 Vinnie and Jennifer Esposito have
12 traveled here from Rochester today. They're in
13 Albany in recognition of their efforts to
14 highlight and bring public awareness to something
15 called congenital diaphragmatic hernia.

16 They're traveling with Heather
17 Goetzman, a nurse practitioner for pediatric
18 surgery, who worked with their daughter, Amazing
19 Grace Esposito, during her entire and all too
20 short life. And they're also here today with
21 Despina Mitchell, whose son is a CDH survivor.

22 And I'd ask you to recognize them.
23 If you'd please stand, our traveling tandem
24 there. Thank you for being here.

25 Congenital diaphragmatic hernia

1 affects as many as 1,600 infants annually in the
2 United States with substantial and frequently
3 fatal pulmonary, gastrointestinal and
4 developmental consequences. And despite a
5 frequency as great as cystic fibrosis and spina
6 bifida, CDH is relatively unknown.

7 And the Espositos have used their
8 somewhat public profile in the Rochester area to
9 greatly increase awareness of CDH, and also
10 should be commended as their own individual
11 efforts have led to an amount that nears \$100,000
12 for the Golisano Children's Hospital in
13 Rochester.

14 And I'd ask my colleagues to join me
15 in thanking them for their efforts on all of our
16 behalf. Thank you.

17 (Applause.)

18 ACTING PRESIDENT VALESKY: Senator
19 Gianaris on the same topic.

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

22 At a time when the nation is riveted
23 by the loss of a child, among others, in Boston,
24 I do want to join my colleague Senator O'Brien in
25 welcoming Vinnie and Jennifer to our chamber.

1 They are dear friends and have gone through a
2 loss of their own that they have handled with
3 dignity, with respect, and with a purpose, which
4 is why they are here advocating for such an
5 important cause today.

6 And I didn't want to let the
7 opportunity pass without lending my words of
8 welcome to them as well.

9 ACTING PRESIDENT VALESKY: Thank
10 you, Senator Gianaris.

11 Senator Libous.

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

14 I believe there's a privileged
15 resolution by Senator Little, Number 1226, at the
16 desk. I'd ask that you read it in its entirety
17 and then, before its adoption, if you would call
18 on Senator Little.

19 ACTING PRESIDENT VALESKY: The
20 Secretary will read.

21 THE SECRETARY: Legislative
22 Resolution Number 1226, congratulating the Lake
23 George Varsity Boys Basketball Team upon the
24 occasion of capturing the 2013 New York State
25 Class C Championship.

1 "WHEREAS, Excellence and success in
2 competitive sports can be achieved only through
3 strenuous practice, team play and team spirit,
4 nurtured by dedicated coaching and strategic
5 planning; and

6 "WHEREAS, Athletic competition
7 enhances the moral and physical development of
8 the young people of this state, preparing them
9 for the future by instilling in them the value
10 of teamwork, encouraging a standard of healthy
11 living, imparting a desire for success, and
12 developing a sense of fair play and competition;
13 and

14 "WHEREAS, The Lake George Varsity
15 Boys Basketball Team captured the Class C
16 New York State Public High School Athletic
17 Association Boys Basketball Championship with a
18 55-45 upset win over No. 1 Pine Plains at the
19 Glens Falls Civic Center; and

20 "WHEREAS, Outsized, the Lake George
21 Warriors overcame the substantial height
22 advantage of Pine Plains and defeated the Bombers
23 in front of 5,000 fans; and

24 "WHEREAS, The athletic talent
25 displayed by the 2012-2013 Lake George Varsity

1 Boys Basketball Team is due in great part to the
2 efforts of Head Coach Dave Jones, a skilled and
3 inspirational mentor, respected for his ability
4 to develop potential into excellence; and

5 "WHEREAS, The team's undefeated
6 record is outstanding, and the team members were
7 loyally and enthusiastically supported by family,
8 fans, friends and the community at large; and

9 "WHEREAS, The hallmarks of the
10 2012-2013 Lake George Varsity Boys Basketball
11 Team, from the opening game of the season to
12 capturing the Class C New York State Public High
13 School Athletic Association Boys Basketball
14 Championship, were a brotherhood of athletic
15 ability, of good sportsmanship, of honor and of
16 scholarship, demonstrating that these team
17 players are second to none; and

18 "WHEREAS, Athletically and
19 academically, the team members have proven
20 themselves to be an unbeatable combination of
21 talents, reflecting favorably on their school and
22 community; and

23 "WHEREAS, Sports competition
24 instills the values of teamwork, pride and
25 accomplishment. Head Coach Dave Jones and the

1 2012-2013 Lake George Varsity Boys Basketball
2 Team's outstanding athletes have clearly made a
3 contribution to the spirit of excellence which is
4 a tradition of their school; now, therefore, be
5 it

6 "RESOLVED, That this Legislative
7 Body pause in its deliberations to congratulate
8 the 2012-2013 Lake George Varsity Boys Basketball
9 Team; its members: Tyler Brown, Kyle Jones,
10 Joel Wincowski, Zack Zayachek, Andrew Zibro,
11 Tyler Prime, Connor McCoy, Alex Labruzzo,
12 Greg Rosenthal, Ethan Wincowski, Matt Bureau,
13 Duncan Mularz, Nate Fidd and Jeff Naftaly;
14 Head Coach Dave Jones, Assistant Coaches Tim
15 Kissane, Greg Luckenbaugh and Blake White, and
16 Manager Willie Arnold, on their New York State
17 Class C Championship, their outstanding season
18 and league championship, and their overall team
19 record; and be it further

20 "RESOLVED, That copies of this
21 resolution, suitably engrossed, be transmitted to
22 the 2012-2013 Lake George Varsity Boys Basketball
23 Team and to Head Coach Dave Jones."

24 ACTING PRESIDENT VALESKY: Senator
25 Little on the resolution.

1 SENATOR LITTLE: Thank you,
2 Mr. President.

3 Everyone's heard me stand and
4 congratulate basketball teams as they won the
5 New York State championship in Glens Falls,
6 New York, where we have our own March Madness --
7 and we had it this year from March 15th to
8 March 17th. We have hosted the New York State
9 High School Basketball Tournament, as I said, for
10 33 years. And in all those years that I've been
11 in the Legislature, I have never had a team that
12 won the championship.

13 So this year I ask you to join me as
14 I recognize not one team who won a state
15 championship from my district, but two teams.

16 We're going to begin, if we can,
17 with the Class C Championship New York State Boys
18 Basketball Team. As it was said, they played
19 Pine Plains. They won the championship game.

20 Joel Wincowski is the MVP for the
21 Class C Tournament. And Joel in that particular
22 game, the championship game, scored 33 points,
23 six steals, four rebounds, and four assists. But
24 he had plenty of help from his teammates as well
25 in a fairly low-scoring game but with a lot of

1 defense and coming off with a 10-point win. He
2 was named MVP. Incidentally, he scored his
3 thousandth point as a sophomore at Lake George
4 High School.

5 He's joined by Connor McCoy, who won
6 the Sportsmanship Award, and his brother Ethan,
7 who is captain of the team, who was named to the
8 All-Tourney Team, Ethan Wincowski.

9 They had 5,000 fans -- most of them
10 were Lake George fans at that game. And they
11 were honored by the Village of Lake George, which
12 I think was the first ticker-tape parade in the
13 Village of Lake George. I was able to attend
14 that.

15 As much as I love this basketball
16 tournament, I had a son who decided to get
17 married that weekend in New York City, so I did
18 not get to see the games but did watch on
19 television.

20 Their head coach, Dave Jones, was
21 named the Post-Star Coach of the Year.

22 And I would ask you to join me and
23 would ask the team members to stand as I call
24 their names and we honor them. Tyler Brown, Kyle
25 Jones, Joel Wincowski, Zack Zayachek, Andrew

1 Zibro, Tyler Prime, Connor McCoy, Alex Labruzzo,
2 Greg Rosenthal, Ethan Wincowski, Matt Bureau,
3 Duncan Mularz, Nate Fidd, Jeff Naftaly, Manager
4 Willie Arnold, and their coaches: Head Coach
5 Dave Jones, Tim Kissane, Greg Luckenbaugh, and
6 Blake White.

7 They had a great season and a
8 tremendous amount of teamwork on their part, and
9 excellent coaching by the coaching staff. As was
10 said, they never expected in their first game
11 that they would end up with the New York State
12 Boys Championship. But congratulations to the
13 team.

14 And I'm sure anyone who would like
15 to join in the resolution honoring them is more
16 than welcome.

17 Congratulations.

18 (Applause.)

19 ACTING PRESIDENT VALESKY: Senator
20 DeFrancisco on the resolution.

21 SENATOR DeFRANCISCO: Just very
22 briefly, being from Syracuse, New York, where we
23 have all kinds of champions in basketball and
24 everything else -- it's the Sports Capital of the
25 world --

1 (Laughter.)

2 SENATOR DeFRANCISCO: -- I just had
3 to rise and congratulate all of you.

4 There's two things I wanted to
5 mention. The first thing that jumped out at me
6 in this resolution, it says: "WHEREAS, Outsized,
7 the Lake George Warriors overcame a substantial
8 height advantage." I can relate to that.

9 (Laughter.)

10 SENATOR DeFRANCISCO: And it's very
11 important to be quick. And when we outsized
12 people fall, we don't get hurt because we're
13 closer to the ground. So we keep getting up.

14 Secondly, I'm happy that there's two
15 teams in Senator Little's district, because we've
16 heard about Jimmy Fredette for the last
17 10 years.

18 (Laughter.)

19 SENATOR DeFRANCISCO: Jimmer.
20 Jimmer, excuse me.

21 So now we've got some new heroes
22 that we can praise. And congratulations on your
23 great work.

24 ACTING PRESIDENT VALESKY: The
25 question is on the resolution. All in favor

1 signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT VALESKY: Opposed,
4 nay.

5 (No response.)

6 ACTING PRESIDENT VALESKY: The
7 resolution is adopted.

8 Congratulations to the Lake George
9 Varsity Boys Basketball Team.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President and
12 Senator DeFrancisco, Senator Little would like
13 you to know that she will open this up for
14 sponsorship. And if members don't want to be on
15 it, then they can tell the desk that they don't
16 want to be on it.

17 At this time I believe there's
18 another privileged resolution at the desk by
19 Senator Little, Number 1227, and I ask that we
20 read it in its entirety.

21 ACTING PRESIDENT VALESKY: The
22 Secretary will read.

23 THE SECRETARY: Legislative
24 Resolution Number 1227, by Senator Little,
25 congratulating the Argyle Varsity Boys Basketball

1 Team upon the occasion of capturing the 2013
2 New York State Class D Championship.

3 "WHEREAS, Excellence and success in
4 competitive sports can be achieved only through
5 strenuous practice, team play and team spirit,
6 nurtured by dedicated coaching and strategic
7 planning; and

8 "WHEREAS, Athletic competition
9 enhances the moral and physical development of
10 the young people of this state, preparing them
11 for the future by instilling in them the value of
12 teamwork, encouraging a standard of healthy
13 living, imparting a desire for success, and
14 developing a sense of fair play and competition;
15 and

16 "WHEREAS, The Argyle Varsity Boys
17 Basketball Team captured the Class D New York
18 State Public High School Athletic Association
19 Boys Basketball Championship with a 58-33 win
20 over Martin Luther King of Hastings-on-Hudson at
21 the Glens Falls Civic Center; and

22 "WHEREAS, Capping a perfect 24-0
23 season, the Scots of Argyle won their first
24 New York State Class D Championship. The game
25 was close in the beginning, but the Scots used a

1 furious charge through the third quarter to
2 finish in dominating fashion; and

3 "WHEREAS, The athletic talent
4 displayed by the 2012-2013 Argyle Varsity Boys
5 Basketball Team is due in great part to the
6 efforts of Head Coach Jack Sherwin, a skilled and
7 inspirational mentor, respected for his ability
8 to develop potential into excellence; and

9 "WHEREAS, The team's undefeated
10 record is outstanding, and the team members were
11 loyally and enthusiastically supported by family,
12 fans, friends and the community at large; and

13 "WHEREAS, The hallmarks of the
14 2012-2013 Argyle Varsity Boys Basketball Team,
15 from the opening game of the season to capturing
16 the Class D New York State Public High School
17 Athletic Association Boys Basketball
18 Championship, were a brotherhood of athletic
19 ability, of good sportsmanship, of honor and of
20 scholarship, demonstrating that these team
21 players are second to none; and

22 "WHEREAS, Athletically and
23 academically, the team members have proven
24 themselves to be an unbeatable combination of
25 talents, reflecting favorably on their school and

1 community; and

2 "WHEREAS, Sports competition
3 instills the values of teamwork, pride and
4 accomplishment. Head Coach Jack Sherwin and the
5 2012-2013 Argyle Varsity Boys Basketball Team's
6 outstanding athletes have clearly made a
7 contribution to the spirit of excellence which is
8 a tradition of their school; now, therefore, be
9 it

10 "RESOLVED, That this Legislative
11 Body pause in its deliberations to congratulate
12 the 2012-2013 Argyle Varsity Boys Basketball
13 Team, its members James Bristol, Greg Haskins,
14 Jake Horton, Jon Jehring, Brock Liddle,
15 Joey Lufkin, Del Pryce, Aaron Rosati,
16 Brett Schmalder and Riley Schmalder, with Managers
17 Peyton Lufkin and Tyler Humiston and Head Coach
18 Jack Sherwin and Coach Dave Clatworthy, on their
19 New York State Class D Championship, their
20 outstanding season and league championship, and
21 their overall team record; and be it further

22 "RESOLVED, That copies of this
23 resolution, suitably engrossed, be transmitted to
24 the 2012-2013 Argyle Varsity Boys Basketball Team
25 and to Head Coach Jack Sherwin."

1 ACTING PRESIDENT VALESKY: Senator
2 Little on the resolution.

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

5 While the Lake George team began the
6 season not even thinking about being the state
7 champion, but hoping it, the Argyle basketball
8 team, which has won the Class D Boys
9 Championship, began the season as the
10 number-one-ranked team in Class D in New York
11 State. So they had something much more that they
12 had to keep up with to make it to the finals, to
13 make it to Glens Falls Civic Center.

14 They had the number-one ranking all
15 season long. They ended the season at 24 and 0,
16 being totally undefeated in every game they
17 played. This is the first time that Argyle has
18 won the state championship, although not the
19 first that they have made it to the finals. They
20 were there in 1979, 1991, and then being the
21 winner here in 2013. And we're really proud to
22 have them there.

23 I will tell you that Argyle is a
24 very small town, but I don't think there was
25 anyone in Argyle that did not attend their

1 basketball games. I actually tried to go to the
2 regional final, which was the Argyle and
3 Madrid-Waddington game, and I couldn't get in --
4 and I was there 10 minutes ahead of time --
5 because the place was absolutely packed, as was
6 the Civic Center when they played there.

7 We're honoring the team today for
8 their entire teamwork. In this particular game,
9 although the score sounds very lopsided, 58 to
10 33, playing Martin Luther King High School from
11 Hastings-on-Hudson, at halftime Argyle was only
12 ahead by two points. So I'd love to hear a tape
13 of what went on in the locker room during that
14 halftime, but they came out and at one point did
15 a 12-to-0 run within three minutes and really
16 cemented their win on the game.

17 Joey Lufkin was their MVP, scoring
18 27 points in that game, and he really played the
19 season very, very well and had a tremendous
20 following. Brock Liddle -- and I have to tell
21 you that's Liddle with a "dd," not "tt" -- is the
22 Sportsmanship Awardee of the Year for Class D.
23 And Del Pryce was also on the All-Tourney Team.

24 So I would ask you to join me in
25 honoring them, and I will call out their names

1 and ask them to stand as we go forward. James
2 Bristol, Greg Haskins, Jake Horton, Jon Jehring,
3 Brock Liddle, Joey Lufkin, Del Pryce, Aaron
4 Rosati, Brett Schmalder, Riley Schmalder, and our
5 managers Peyton Lufkin and Tyler Humiston, and
6 their coach, long-time Head Coach Jack Sherwin,
7 who took the 1991 team to the finals, made it as
8 runner-up, and Coach Dave Clatworthy.

9 Believe me, the Town of Argyle is
10 extremely proud of them, as is the entire school
11 district, as I am as well. But this is a major
12 achievement.

13 And it's interesting that both
14 teams are part of the Adirondack League. So it's
15 quite an accomplishment to have two teams, Class
16 C champions, Class D champions, all from one
17 area.

18 But thank you very much for being
19 here, and thank you for joining me.

20 (Applause.)

21 ACTING PRESIDENT VALESKY: The
22 question is on the resolution. All in favor
23 signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT VALESKY: Opposed,

1 nay.

2 (No response.)

3 ACTING PRESIDENT VALESKY: The
4 resolution is adopted.

5 Congratulations to the Argyle
6 Varsity Boys Basketball Team.

7 Senator Libous.

8 SENATOR LIBOUS: Mr. President, I
9 believe, Senator Little, you would like to open
10 this resolution up. So all members will be
11 placed on the resolution. If you choose not to
12 be on, please let the desk know.

13 ACTING PRESIDENT VALESKY: Senator
14 Libous.

15 SENATOR LIBOUS: I believe at this
16 time Senator Breslin has a resolution,
17 Number 1178, at the desk. I ask that it be read
18 in its entirety and that you call on
19 Senator Breslin before its adoption.

20 ACTING PRESIDENT VALESKY: The
21 Secretary will read.

22 THE SECRETARY: Legislative
23 Resolution Number 1178, by Senator Breslin,
24 congratulating the College of St. Rose Women's
25 Soccer Team upon the occasion of its outstanding

1 2012 season.

2 "WHEREAS, Excellence and success in
3 competitive sports can be achieved only through
4 strenuous practice, team play and team spirit,
5 nurtured by dedicated coaching and strategic
6 planning; and

7 "WHEREAS, Athletic competition
8 enhances the moral and physical development of
9 the young people of this state, preparing them
10 for the future by instilling in them the value of
11 teamwork, encouraging a standard of healthy
12 living, imparting a desire for success, and
13 developing a sense of fair play and competition;
14 and

15 "WHEREAS, The 2012 College of
16 St. Rose Women's Soccer Team compiled an
17 extraordinary season. Its overall record was an
18 outstanding 20-3-2, including a 15-1-2
19 regular-season record and a superlative 12-1-2
20 conference performance; and

21 "WHEREAS, Capturing the Northeast-10
22 Regular Season Title for the seventh consecutive
23 season, the Golden Knights won the NCAA East
24 Region Championship for the fifth successive
25 year; and

1 "WHEREAS, Ranked number one in the
2 nation for five weeks during the season, the
3 2012 College of St. Rose Women's Soccer Team's
4 final NSCAA ranking was fourth in the country;
5 and

6 "WHEREAS, The 2012 College of
7 St. Rose Women's Soccer Team advanced to the
8 Final Four NCAA Division II Championships for the
9 fifth year in a row; and

10 "WHEREAS, For the 12th consecutive
11 year, the College of St. Rose Women's Soccer Team
12 was named the NSCAA Academic All-American Team;
13 and

14 "WHEREAS, The athletic talent
15 displayed by this team is due in great part to
16 the efforts of Head Coach Laurie Darling Gutheil,
17 a skilled and inspirational tutor, respected for
18 her ability to develop potential into excellence;
19 and

20 "WHEREAS, The hallmarks of the 2012
21 College of St. Rose Women's Soccer Team, from the
22 opening game of the season to participation in
23 the Final Four NCAA Division II Championships,
24 were a sisterhood of athletic ability, of good
25 sportsmanship, of honor and of scholarship,

1 demonstrating that these team players are second
2 to none; and

3 "WHEREAS, Athletically and
4 academically, the 2012 College of St. Rose
5 Women's Soccer Team members have proven
6 themselves to be an unbeatable combination of
7 talents, reflecting favorably on their school;
8 and

9 "WHEREAS, Coach Gutheil has done a
10 superb job in guiding, molding and inspiring the
11 2012 College of St. Rose Women's Soccer Team
12 members toward their goals; and

13 "WHEREAS, Sports competition
14 instills the values of teamwork, pride and
15 accomplishment, and Coach Gutheil and the 2012
16 College of St. Rose Women's Soccer Team's
17 outstanding athletes have clearly made a
18 contribution to the spirit of excellence which is
19 a tradition of their school; now, therefore, be
20 it

21 "RESOLVED, That this Legislative
22 Body pause in its deliberations to congratulate
23 the 2012 College of St. Rose Women's Soccer Team,
24 its members and Coach Gutheil on their
25 outstanding season, overall team record,

1 capturing both the Northeast-10 Regular Season
2 Title and NCAA East Region Championship, and
3 Final Four NCAA Tournament participation; and be
4 it further

5 "RESOLVED, That copies of this
6 resolution, suitably engrossed, be transmitted to
7 the members of the 2012 College of St. Rose
8 Women's Soccer Team, and to Head Coach Laurie
9 Darling Gutheil."

10 ACTING PRESIDENT VALESKY: Senator
11 Breslin on the resolution.

12 SENATOR BRESLIN: Thank you,
13 Mr. President.

14 We do recognize athletic teams
15 frequently here, but rarely do we get the chance,
16 it seems, to recognize one particular team year
17 after year after year. And by that I'm
18 referencing the St. Rose Women's Soccer Team, who
19 has compiled this past year an outstanding
20 record, winning its league again, finishing
21 fourth in the country.

22 And we talk about the Final Four.
23 St. Rose was in the Final four for the fifth
24 straight year, a coed college located right in
25 the heart of Albany that happens to be a school

1 where our dear Senator Betty Little graduated
2 from.

3 But when you talk about their
4 athletic ability, it doesn't recognize that for
5 the seventh straight year its league has
6 recognized them as the Academic All-American
7 Team.

8 So when you combine athleticism with
9 academic ability and then it's a year after year
10 process, there must be some part of that formula
11 that brings them together. And that's their
12 coach, Laurie Darling Gutheil. And year after
13 year she inspires, she motivates, she makes sure
14 she brings in young girls, young women with
15 potential, young women with athletic ability, and
16 she molds them into a winning team which has
17 become nationally recognized.

18 So it's my privilege to stand here
19 today to recognize again, as I have in the last
20 several years, the St. Rose Women's Soccer Team
21 that finished fourth in the country Division II
22 this year.

23 Thank you, Mr. President.

24 (Applause.)

25 ACTING PRESIDENT VALESKY: The

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

3 (Response of "Aye.")

4 ACTING PRESIDENT VALESKY: Opposed,
5 nay.

6 (No response.)

7 ACTING PRESIDENT VALESKY: The
8 resolution is adopted.

9 Congratulations to the College of
10 St. Rose Women's Soccer Team.

11 Senator Libous.

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

14 I believe Senator Breslin would like
15 to open this up for cosponsorship. So as it goes
16 in the house, you will all go on the resolution.
17 Unless if someone for some reason would like
18 otherwise, they should let the desk know.

19 Mr. President, could we now take up
20 the reading of the noncontroversial calendar.

21 ACTING PRESIDENT VALESKY: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number 9,
24 by Senator Martins, Senate Print 306, an act to
25 amend the Vehicle and Traffic Law.

1 ACTING PRESIDENT VALESKY: Read the
2 last section.

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

5 ACTING PRESIDENT VALESKY: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT VALESKY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number 22,
12 by Senator Fuschillo, Senate Print 1941, an act
13 to amend the Vehicle and Traffic Law.

14 ACTING PRESIDENT VALESKY: Read the
15 last section.

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

18 ACTING PRESIDENT VALESKY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT VALESKY: Senator
22 Robach to explain his vote.

23 SENATOR ROBACH: Yes,
24 Mr. President, just very quickly.

25 I want to applaud Senator Fuschillo

1 for bringing this to the bill to the floor, and
2 really the whole Legislature.

3 During the last decade plus, the
4 increase in penalties, the public awareness,
5 doing legislation like this to increase usage of
6 technology has cut down alcohol-related
7 fatalities in New York State by 50 percent. So I
8 think it's good that we use today's technology to
9 continue to try and save lives, like this
10 interlock ignition device.

11 And so I'm happy to cast my vote in
12 the affirmative and thank Senator Fuschillo in
13 particular, as well as everyone else who's led
14 the charge on these lifesaving measures.

15 Thank you.

16 ACTING PRESIDENT VALESKY: Senator
17 Robach to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 60. Nays,
20 1. Senator Hassell-Thompson --

21 SENATOR HASSELL-THOMPSON: I wanted
22 to explain my vote, Mr. President.

23 ACTING PRESIDENT VALESKY: Senator
24 Hassell-Thompson to explain her vote.

25 SENATOR HASSELL-THOMPSON: I didn't

1 want to lay this aside to ask questions, but I
2 always had a concern about the liability of the
3 ownership of the car if in fact the owner was not
4 in fact the subject of this bill.

5 And because I continue to have some
6 confusion about that, I will continue to vote no
7 even though I understand the intent of the bill.

8 Thank you, Mr. President.

9 ACTING PRESIDENT VALESKY: Senator
10 Hassell-Thompson to be recorded in the negative.

11 Announce the results.

12 THE SECRETARY: Ayes, 60. Nays,
13 1. Senator Hassell-Thompson recorded in the
14 negative.

15 ACTING PRESIDENT VALESKY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number 59,
18 by Senator Fuschillo, Senate Print 742, an act to
19 amend the Vehicle and Traffic Law.

20 ACTING PRESIDENT VALESKY: Read the
21 last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect one year after it shall
24 have become law.

25 ACTING PRESIDENT VALESKY: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT VALESKY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 258, by Senator Lanza, Senate Print 2475, an act
8 to amend the Penal Law.

9 ACTING PRESIDENT VALESKY: Read the
10 last section.

11 THE SECRETARY: Section 7. This
12 act shall take effect on the first of November.

13 ACTING PRESIDENT VALESKY: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT VALESKY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 262, by Senator Zeldin, Senate Print 3805, an act
21 to amend the Penal Law.

22 ACTING PRESIDENT VALESKY: Read the
23 last section.

24 THE SECRETARY: Section 7. This
25 act shall take effect on the first of November.

1 ACTING PRESIDENT VALESKY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT VALESKY: Senator
5 Zeldin to explain his vote.

6 SENATOR ZELDIN: Thank you,
7 Mr. President.

8 This important legislation helps
9 provide for the safety and security of our
10 children and our families. Public lewdness is a
11 nuisance crime with at times significant victim
12 impact.

13 The laws currently on the books are
14 inadequate to crack down on the disgusting
15 conduct of some of these criminals. Just over
16 one year ago in my Senate district, at a
17 well-known children's restaurant, a repeat
18 public-lewdness offender was exposing himself in
19 front of two young 12-year-old girls. This
20 person had 10 prior public lewdness offenses
21 committed in public libraries, retail chain
22 stores, a beach, and in the children's section of
23 a well-known retail bookstore where he was
24 captured on a videotape masturbating.

25 Furthermore, in Nassau and Suffolk

1 Counties combined, the offender has five public
2 lewdness convictions, four endangering the
3 welfare of a child convictions, and one
4 conviction for stalking. The man's conduct in
5 February of 2012 should have been a felony.

6 I'd like to thank Parents for
7 Megan's Law, the Crime Victims Center in
8 Stony Brook, the Suffolk County Police, and of
9 course all of my Senate colleagues for your
10 support of this initiative.

11 I think that the times of the lives
12 of these young girls and the way that they were
13 impacted, hopefully the victimization of them and
14 moving forward -- unfortunately, as others
15 unfortunately turn into victims -- this offense
16 is cracked down stronger, so that there's more of
17 a punishment and deterrence so they can be
18 avoided at all costs. We need to protect our
19 families and our children from such conduct.

20 I vote aye.

21 ACTING PRESIDENT VALESKY: Senator
22 Zeldin to be recorded in the affirmative.

23 Senator Krueger to explain her vote.

24 SENATOR KRUEGER: Thank you.

25 With respect to Senator Zeldin --

1 and I understand the issue, but I feel that this
2 bill is not well thought out and is too broad in
3 its impact.

4 Certainly public lewdness is not
5 acceptable. And there are many definitions under
6 the law. I feel that if someone is actually
7 caught in public lewdness multiple times, the
8 issue is probably one of a mental health problem
9 that needs to be addressed, and nowhere does this
10 bill address it.

11 My biggest concern, though, is this
12 bill also defines someone as a sexual predator
13 under our registration laws. And while sexual
14 predator attacks on human beings are some of the
15 most atrocious things we've seen, I think there
16 is a danger from defining public lewdness within
17 the concept of sexual predator activities and
18 equal penalties.

19 So I would love to work with the
20 Senator on a bill that I think addresses the
21 concern and deals with the problem. But I don't
22 believe that this bill is the right answer for my
23 agreement with him on the problem.

24 I'll be voting no. Thank you.

25 ACTING PRESIDENT VALESKY: Senator

1 Krueger to be recorded in the affirmative.

2 Senator Montgomery to explain her
3 vote.

4 SENATOR MONTGOMERY: Yes,
5 Mr. President. I am also rising to oppose this
6 legislation, as I have in the past.

7 And one of the issues that I raise
8 today and that I have raised before is that it
9 includes observation of someone who is naked or
10 partially naked from either a public place or
11 from other private premises.

12 And I must say that I live in a
13 building that has, across the way from me, a
14 dormitory. And I'm not certain that many of the
15 students in the dorm realize that their windows
16 are not covered adequately, or at all, and that
17 they are in fact parading around in various forms
18 of lewdness as this bill defines it.

19 However, certainly it doesn't
20 disturb me. They're not trying to have any kind
21 of activity that is inappropriate for me or
22 anyone else. But it's very possible that some of
23 those students could be part of this legislation.

24 And I just think, as Senator Krueger
25 has indicated, it goes way too far. And I

1 believe that we are really talking about
2 situations where people are probably mentally
3 ill. I don't think most people parade around
4 lewdly if they are at their normal wits.

5 So I'm opposing this because I think
6 it has the potential of doing much more harm to
7 people than trying to protect the public.

8 So I vote no.

9 ACTING PRESIDENT VALESKY: Senator
10 Montgomery to be recorded in the negative.

11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar Number 262, those recorded in the
14 negative are Senators Hassell-Thompson, Krueger,
15 Montgomery and Perkins. Also Senator Espaillat.

16 Ayes, 56. Nays, 5.

17 ACTING PRESIDENT VALESKY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 263, by Senator Griffo, Senate Print 4006A, an
21 act to amend the Penal Law.

22 ACTING PRESIDENT VALESKY: Read the
23 last section.

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

1 ACTING PRESIDENT VALESKY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT VALESKY: Senator
5 DeFrancisco to explain his vote.

6 SENATOR DeFRANCISCO: I certainly
7 have nothing against employees of the Office of
8 Children and Family Services. But I've voted no
9 on bills like this many, many times because the
10 exception is getting almost greater than the rule
11 of when a crime becomes an assault in the third
12 degree to assault in the second degree.

13 So maybe if I'm here long enough,
14 every human being will be elevated from assault
15 third to assault second if they're a victim and
16 then we don't have to keep adding all the other
17 categories.

18 So I'm going to vote no.

19 ACTING PRESIDENT VALESKY: Senator
20 DeFrancisco to be recorded in the negative.

21 Announce the results.

22 THE SECRETARY: Ayes, 60. Nays,
23 1. Senator DeFrancisco recorded in the negative.

24 ACTING PRESIDENT VALESKY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 269, by Senator Griffo, Senate Print 2494, an act
3 to amend the Banking Law.

4 ACTING PRESIDENT VALESKY: Read the
5 last section.

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

8 ACTING PRESIDENT VALESKY: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT VALESKY: The bill
13 is passed.

14 Senator Libous, that completes
15 action on the noncontroversial calendar.

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

18 Is there any further business at the
19 desk?

20 ACTING PRESIDENT VALESKY: Only to
21 wish you a happy birthday and enjoy the rest of
22 your day.

23 SENATOR LIBOUS: Well, thank you,
24 Mr. President.

25 If there's no further business at

1 the desk, I move that the Senate adjourn until
2 Wednesday, April 17th, at 11:00 a.m.

3 ACTING PRESIDENT VALESKY: On
4 motion, the Senate stands adjourned until
5 Wednesday, April 17th, at 11:00 a.m.

6 (Whereupon, at 4:18 p.m., the Senate
7 adjourned.)

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