

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 20, 2014

11 3:31 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 recite with me the Pledge of  
6 Allegiance.

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

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

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

14 ACTING PRESIDENT VALESKY: The  
15 reading of the Journal.

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

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

23 Presentation of petitions.

24 Messages from the Assembly.

25 The Secretary will read.

1                   SENATOR LIBOUS:    Mr. President, can  
2   we have some order in the house.

3                   ACTING PRESIDENT VALESKY:  
4   {Gaveling.}   The Secretary will read.

5                   THE SECRETARY:    On page 12, Senator  
6   Martins moves to discharge, from the Committee on  
7   Local Government, Assembly Bill Number 8639 and  
8   substitute it for the identical Senate Bill  
9   Number 6475, Third Reading Calendar 126.

10                  On page 12, Senator Martins moves to  
11   discharge, from the Committee on Local  
12   Government, Assembly Bill Number 8646 and  
13   substitute it for the identical Senate Bill  
14   Number 6476, Third Reading Calendar 127.

15                  On page 17, Senator Flanagan moves  
16   to discharge, from the Committee on Higher  
17   Education, Assembly Bill Number 121 and  
18   substitute it for the identical Senate Bill  
19   Number 6671, Third Reading Calendar 279.

20                  On page 30, Senator Bonacic moves to  
21   discharge, from the Committee on Judiciary,  
22   Assembly Bill Number 9055 and substitute it for  
23   the identical Senate Bill Number 7137, Third  
24   Reading Calendar 522.

25                  On page 33, Senator Avella moves to

1 discharge, from the Committee on Health, Assembly  
2 Bill Number 746A and substitute it for the  
3 identical Senate Bill Number 328A, Third Reading  
4 Calendar 556.

5 On page 33, Senator Ranzenhofer  
6 moves to discharge, from the Committee on Health,  
7 Assembly Bill Number 4611B and substitute it for  
8 the identical Senate Bill Number 2118B,  
9 Third Reading Calendar 557.

10 On page 37, Senator Lanza moves to  
11 discharge, from the Committee on Banks,  
12 Assembly Bill Number 9037A and substitute it for  
13 the identical Senate Bill Number 6805B, Third  
14 Reading Calendar 597.

15 On page 48, Senator Lanza moves to  
16 discharge, from the Committee on Cities,  
17 Assembly Bill Number 9578 and substitute it for  
18 the identical Senate Bill Number 7257, Third  
19 Reading Calendar 707.

20 ACTING PRESIDENT VALESKY:  
21 Substitutions ordered.

22 Messages from the Governor.

23 Reports of standing committees.

24 Reports of select committees.

25 Communications and reports from

1 state officers.

2 Motions and resolutions.

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President, at  
5 this time we'll go to adopting the Resolution  
6 Calendar, with the exception of Resolutions 5065,  
7 by Senator Griffo; 5157, by Senator Parker; 5187,  
8 by Senator Savino; 5197, by Senator Perkins; and  
9 5202, by Senator Ball.

10 ACTING PRESIDENT VALESKY: All in  
11 favor of adopting the Resolution Calendar, with  
12 the exceptions identified by the Deputy Majority  
13 Leader, indicate by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT VALESKY: Opposed,  
16 nay.

17 (No response.)

18 ACTING PRESIDENT VALESKY: The  
19 Resolution Calendar is adopted.

20 Senator Libous.

21 SENATOR LIBOUS: Thank you,  
22 Mr. President.

23 At this time can we take up  
24 Resolution 5065, by Senator Griffo. Please read  
25 it in its entirety and call on Senator Griffo.

1                   ACTING PRESIDENT VALESKY:    The  
2   Secretary will read.

3                   THE SECRETARY:    Legislative  
4   Resolution Number 5065, by Senator Griffo,  
5   congratulating the New York Mills High School  
6   Boys Varsity Basketball Team and Coach Mike Adey  
7   upon the occasion of capturing the New York State  
8   Public High School Athletic Association Class D  
9   Championship.

10                  "WHEREAS, Excellence and success in  
11   competitive sports can be achieved only through  
12   strenuous practice, team play and team spirit,  
13   nurtured by dedicated coaching and strategic  
14   planning; and

15                  "WHEREAS, Athletic competition  
16   enhances the moral and physical development of  
17   the young people of this state, preparing them  
18   for the future by instilling in them the value of  
19   teamwork, encouraging a standard of healthy  
20   living, imparting a desire for success, and  
21   developing a sense of fair play and competition;  
22   and

23                  "WHEREAS, This Legislative Body is  
24   justly proud to congratulate the New York Mills  
25   High School Boys Varsity Basketball Team and

1 Coach Mike Adey upon the occasion of capturing  
2 the New York State Public High School Athletic  
3 Association Section III Class D Championship; and

4 "WHEREAS, The New York Mills  
5 Marauders Basketball Team captured their state  
6 title by defeating Coleman Catholic High School  
7 57-50 in overtime on Saturday, March 15, 2014, at  
8 the Glens Falls Civic Center in Glens Falls,  
9 New York; and

10 "WHEREAS, The athletic talent  
11 displayed by this team is due in great part to  
12 the efforts of Coach Mike Adey, a skilled and  
13 inspirational tutor, respected for his ability to  
14 develop potential into excellence; and

15 "WHEREAS, The team's overall record  
16 is outstanding, and the team members were loyally  
17 and enthusiastically supported by family, fans,  
18 friends and the community at large; and

19 "WHEREAS, The hallmarks of the  
20 New York Mills High School Boys Varsity  
21 Basketball Team, from the opening game of the  
22 season to participation in the championship, were  
23 a brotherhood of athletic ability, of good  
24 sportsmanship, of honor and of scholarship,  
25 demonstrating that these team players are second

1 to none; and

2 "WHEREAS, Athletically and  
3 academically, the team members have proven  
4 themselves to be an unbeatable combination of  
5 talents, reflecting favorably on their school;  
6 and

7 "WHEREAS, Head Coach Mike Adey,  
8 Associate Head Coach Brian Adey, and Assistant  
9 Coach Chris Richardson have done a superb job in  
10 guiding, molding and inspiring the team members  
11 toward their second NYSPHSAA Class D Title in  
12 four years; and

13 "WHEREAS, Sports competition  
14 instills the values of teamwork, pride and  
15 accomplishment, and Head Coach Mike Adey, his  
16 staff and his outstanding athletes have clearly  
17 made a contribution to the spirit of excellence  
18 which is a tradition of their school; now,  
19 therefore, be it

20 "RESOLVED, That this Legislative  
21 Body pause in its deliberations to congratulate  
22 the New York Mills Boys Varsity Basketball Team;  
23 its members: Terrance Nichols, Andrew  
24 Surprenant, Zach Griffith, Luke Sunderlin,  
25 Anthony Casaletta, Nick Comenale, Cameron Lyons,



1 Ben Kehrli, Mike Copperwheat, Griffin Baur,  
2 Zach Vennaro, Corey Pastorelli, and Ali Hassan;  
3 Head Coach Mike Adey, Associate Head Coach Brian  
4 Adey, and Assistant Coach Chris Richardson; and  
5 Team Managers George Albert, Tyler Sadallah,  
6 John Fiore, Jack Lin, Nate Hartman, Colin Garcia  
7 and Dom Liccardo on their outstanding season and  
8 overall team record; and be it further

9 "RESOLVED, That copies of this  
10 resolution, suitably engrossed, be transmitted to  
11 the New York Mills Boys Varsity Basketball Team  
12 and to Coach Mike Adey and the aforementioned  
13 coaches."

14 ACTING PRESIDENT VALESKY: Senator  
15 Griffo on the resolution.

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

18 I want to welcome the team here  
19 today. It truly was an extraordinary  
20 accomplishment because they have captured a  
21 number of league titles, sectional titles, and  
22 have been in state championships, as you heard,  
23 in the last two out of four years.

24 In fact, I would have liked to have  
25 seen them, but the head coach is a little

1     superstitious, so I didn't get to see a game  
2     during the season so I could not go to the state  
3     championships. But Senator Little was there to  
4     watch both games. In fact, we defeated a team in  
5     her district I think in the semifinals.

6                     And then actually, when they beat  
7     Coleman, we have a distinguished alumni of  
8     Coleman who's also in the chamber today, the  
9     Secretary of the Senate, Frank Patience. So even  
10    though you beat Coleman, he still allowed you to  
11    sit in the gallery there. So I appreciate that,  
12    Mr. Secretary.

13                    Really what you're seeing here today  
14    I think is not only a story of a commitment to  
15    excellence in athletics, but it's also an  
16    opportunity to see a bunch of young men who have  
17    come together under some great supervision and  
18    great leadership and their coaching staff to not  
19    only master skills that they possess and are  
20    blessed with, but also to learn discipline and to  
21    train hard in order to be successful.

22                    So as a result of all of that  
23    activity, of that commitment, dedication, the  
24    energy that they put forth, they were able to  
25    achieve great success.

1                   And while we're proud of that  
2           success, we're equally as proud of what you have  
3           become as young adults. Because everything that  
4           you've learned -- the life skills, the  
5           interaction, the sportsmanship, everything that  
6           is a part of this great memory that you will  
7           bring with you through the rest of your life,  
8           something that you will cherish and remember and  
9           look upon -- it's only the beginning. It's the  
10          beginning of a great foundation that has been  
11          built to make you great citizens of this  
12          community, of this state.

13                   And we know that you will be very  
14          successful in life because of the accomplishments  
15          not only on the athletic court, but also what you  
16          will be able to give back to your communities as  
17          you continue to go on and pursue education and  
18          careers.

19                   So today I want to congratulate each  
20          of you for that commitment. It's impressive to  
21          have seven managers. Senator DeFrancisco, I  
22          think that's more than Jim Boeheim has assistant  
23          coaches. But seven managers on the basketball  
24          team.

25                   I really want to compliment the

1 coaching staff: Assistant Coach Richardson;  
2 brian Adey, who's the associate head coach, is  
3 also an employee of the Senate. He is my  
4 director of operations and runs all of our  
5 district activities.

6 And they have the athletic director  
7 here today, Andrea Dziekan. Andrea was here once  
8 before when we recognized the three-on-three  
9 national champions. So we have a talented  
10 athletic director on the court as well as in the  
11 administration of the sports program.

12 And a special thank you to Mike  
13 Adey. Mike is an extraordinary individual. He  
14 has been an educator throughout his entire  
15 career, he's been an athletic director, he's  
16 coached at several schools. But he's always put  
17 the students first. And he's recognized that  
18 these are student athletes, that as much as he  
19 wants them to excel on the court and in any type  
20 of interscholastic sports, he places an emphasis  
21 on academics and on growing as successful  
22 contributors and citizens of our community.

23 So Coach Adey, we're proud of you.  
24 You've had an outstanding record. He's in the  
25 Hall of Fame. He's been to Glens Falls more than

1 Brian has come to the Capitol, I think.

2 And it's an honor to have you all in  
3 the chamber today. I would ask you that all  
4 stand and ask my colleagues to recognize the  
5 Class D State Champion New York Mills Basketball  
6 Team.

7 (Applause.)

8 ACTING PRESIDENT VALESKY: Senator  
9 Little on the resolution.

10 SENATOR LITTLE: Thank you,  
11 Mr. President.

12 My hometown, Glens Falls, New York,  
13 is really proud to host the New York State  
14 Basketball tournament each year. And it  
15 certainly is our own form of March Madness, but  
16 it's always exciting. And New York Mills doesn't  
17 need any directions getting to Glens Falls, as  
18 they've been there many, many times.

19 But I enjoyed watching your game.  
20 Not so much with the outcome of the Moriah game,  
21 but there was never any doubt as to who was going  
22 to win that game. You played a great game, and  
23 it was fun to watch.

24 It's also great to see such skilled  
25 athletes who have worked so hard to achieve this

1 game and to be considered for the state champions  
2 in their class. And the game against Coleman was  
3 a tough game, but played so well.

4 So congratulations to you, look  
5 forward to seeing you in Glens Falls next year.

6 Thank you.

7 ACTING PRESIDENT VALESKY: Thank  
8 you, Senator Little.

9 The question is on the resolution.  
10 All in favor say aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT VALESKY: Opposed,  
13 nay.

14 (No response.)

15 ACTING PRESIDENT VALESKY: The  
16 resolution is adopted.

17 We want to congratulate the New York  
18 Mills Boys Varsity Basketball Team, Coach Adey  
19 and your entire staff on your tremendous  
20 accomplishment, and hope you are enjoying your  
21 day here at the State Capitol. Thank you.

22 Senator Libous.

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

25 I believe that -- Senator Ball is

1 not here.

2                   You know, I have another  
3 announcement that I'd like to make, quite  
4 frankly. If I could please have everybody's  
5 attention. And could I have the doors closed,  
6 please.

7                   Could I have the doors closed,  
8 please? Thank you, Sarge.

9                   Today was a very moving and  
10 emotional day for all of us. We had the Veterans  
11 Hall of Fame, and we met some pretty remarkable  
12 people.

13                   And one gentleman, I think Senator  
14 Stewart-Cousins had a gentleman that was 99 years  
15 old. I got to meet him. Actually, I got to have  
16 lunch with him, so I consider myself pretty  
17 lucky. And he was incredible. I chatted with  
18 him, and I told him I was from Binghamton. And  
19 he says, "That's where the Susquehanna and  
20 Chenango Rivers meet." And he knew where  
21 Binghamton was. And he told me that he had been  
22 there and been to the VFW and the American  
23 Legions there.

24                   We honored some pretty remarkable  
25 people.

1                   We have a very remarkable individual  
2                   that serves with us. And while I certainly  
3                   wouldn't want to take away from any one person,  
4                   I want to talk about our colleague Senator Bill  
5                   Larkin.

6                   Today not only was he a major part  
7                   of Senator Ball's Hall of Fame of Veterans, but  
8                   later in the day Senator Larkin received a very  
9                   special honor. He received an honor from the  
10                  Secretary of the Army, John McHugh. For some of  
11                  you who don't know, John was once a Senator in  
12                  this chamber, and now he's the Secretary of the  
13                  Army. And Brigadier General Timothy Trainor came  
14                  up from West Point to bestow this honor on  
15                  Senator Larkin today.

16                 The brigadier general came to Albany  
17                 to present Senator Bill Larkin with the United  
18                 States Army's Decoration for Distinguished  
19                 Civilian Service. It is the highest award that  
20                 the Secretary of the Army can grant a private  
21                 citizen.

22                 Ladies and gentlemen, our own Bill  
23                 Larkin is a very special and distinguished man.  
24                 Let's join me in giving him a round of applause.

25                         (Extended standing ovation.)



1                   ACTING PRESIDENT VALESKY:     Senator  
2     Larkin, I'm sure every member of this Senate  
3     joins me in expressing to you how appreciative we  
4     are of your service, but also that it is a great  
5     honor and a privilege for each of us who are  
6     Senators in this chamber to call you a colleague.

7                   So we thank you for your service, we  
8     thank you for your leadership. And as Senator  
9     Skelos said at the presentation ceremony: "When  
10    Bill Larkin speaks, everybody listens."

11                   Congratulations.

12                   Senator Libous.

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

15                   I believe Senator Ball has  
16     Resolution 5202 at the desk. He would like it  
17     read in its entirety, and if you can please call  
18     on Senator Ball for comments.

19                   ACTING PRESIDENT VALESKY:     The  
20     Secretary will read.

21                   THE SECRETARY:     Legislative  
22     Resolution Number 5202, by Senator Ball, honoring  
23     Purple Heart Homes and its cofounders Dale Beatty  
24     and John Gallina for their dedicated service to  
25     the veterans of their community and the State of

1 New York.

2 "WHEREAS, Members of the armed  
3 services from the State of New York, who have  
4 served so valiantly and honorably in wars in  
5 which this country's freedom was at stake, as  
6 well as in the preservation of peace in  
7 peacetime, deserve a special salute from this  
8 Legislative Body; and

9 "WHEREAS, It is the intent of this  
10 Legislative Body to commend those who have served  
11 in times of active conflict, as well as those  
12 who have served in times of peace; and

13 "WHEREAS, Attendant to such concern,  
14 and in full accord with its long-standing  
15 traditions, this Legislative Body is justly proud  
16 to honor Purple Heart Homes, and its co-founders  
17 Dale Beatty and John Gallina for their dedicated  
18 service to the veterans in their community and  
19 the State of New York; and

20 "WHEREAS, Dale Beatty and John  
21 Gallina were deployed in January 2004, for a tour  
22 with the National Guard Readiness NCO for the  
23 Statesville Unit; and

24 "WHEREAS, Both were deployed to Iraq  
25 in 2004 in support of Operation Iraqi Freedom,

1 where their unit was attached directly to the  
2 1st Infantry Division near Bayji, Iraq; and

3 "WHEREAS, On November 15, 2004,  
4 while on a patrol route highly littered with  
5 active insurgent operations, the vehicle  
6 Dale Beatty was riding in was hit by antitank  
7 mines; the explosion was so severe, it left him a  
8 double amputee below the knees; and

9 "WHEREAS, Dale Beatty spent over a  
10 year at Walter Reed Army Medical Center learning  
11 how to walk using prosthetic legs; when he  
12 returned home, there were no ramps, elevations,  
13 wide doorways or roll-in showers, all of which  
14 contribute to making his life as an amputee truly  
15 a challenge; and

16 "WHEREAS, The Iredell Homes Builders  
17 Association and many members from the community  
18 from Statesville, North Carolina, as well as  
19 surrounding areas, in an outpouring of support,  
20 built a specially adapted barrier-free home for  
21 the Beatty family; and

22 "WHEREAS, As a result of all the  
23 support from his community, Dale Beatty and his  
24 fellow soldier John Gallina wanted to help other  
25 service-connected disabled veterans with their

1 housing solutions; together they co-founded  
2 Purple Heart Homes, with funds from their  
3 disability checks, to help veterans and their  
4 caregivers who served in the military; and

5 "WHEREAS, Their journey together is  
6 one of friendship, service, courage and  
7 leadership; their shared experiences have created  
8 a strong sense of community and have instilled in  
9 them a humanitarian spirit to give back and make  
10 a difference in the lives of service-connected  
11 disabled veterans of all conflicts; and

12 "WHEREAS, Currently, the Purple  
13 Heart Homes organization is made up of volunteers  
14 and professionals who share a common belief and  
15 a common desire to give back to those who have  
16 given so much for their country; and

17 "WHEREAS, Purple Heart Homes offers  
18 two distinct programs for service-connected  
19 disabled veterans and their caregivers of all  
20 conflicts, the Veterans Aging in Place and the  
21 Veteran Home Ownership programs; and

22 "WHEREAS, The Veterans Aging in  
23 Place Program is specifically designed to help  
24 older service-connected disabled veterans and  
25 their caregivers who currently own their own

1 home; and

2 "WHEREAS, The Veteran Home Ownership  
3 Program is specifically designed to enable  
4 service-connected disabled veterans who do not  
5 already own a home, become homeowners; and

6 "WHEREAS, The goal of both programs  
7 is to help reintegrate veterans into the  
8 community in which they live, and to proudly  
9 acknowledge the sacrifice they have made on their  
10 country's behalf; and

11 "WHEREAS, Whether it is adapting an  
12 already owned home, building a home from the  
13 ground up, or adapting and modifying a foreclosed  
14 home, Purple Heart Homes is committed to guiding  
15 the veteran through the entire process; and

16 "WHEREAS, The ultimate goal of  
17 Purple Heart Homes is to empower the veteran,  
18 giving him or her a full complement of skill sets  
19 which enables them to be a functioning member of  
20 their family, as well as a contributing member of  
21 their community; and

22 "WHEREAS, Having exhibited their  
23 patriotism both at home and abroad, Dale Beatty  
24 and John Gallina have demonstrated their love for  
25 their country and merit forevermore, the highest

1     respect of their state and nation; and

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

8                 "RESOLVED, That this Legislative  
9     Body pause in its deliberations to honor Purple  
10    Heart Homes and its co-founders Dale Beatty and  
11    John Gallina for their dedicated service to the  
12    veterans in their community and the State of  
13    New York; and be it further

14                "RESOLVED, That copies of this  
15    resolution, suitably engrossed, be transmitted to  
16    Dale Beatty and John Gallina."

17                ACTING PRESIDENT VALESKY:     Senator  
18    Ball on the resolution.

19                SENATOR BALL:     Dale and John are  
20    also joined by Vicki Thomas and Joyce Cohen.  
21    Also here is Eugene Parrotta, who is a Veterans  
22    Hall of Fame honoree and also a Purple Heart  
23    recipient.

24                What Dale and John went through is  
25    absolutely amazing to think that such a small

1 percentage of our population carries the burden  
2 and carries the weight of what is an  
3 extraordinary freedom that we appreciate every  
4 single day.

5           These guys are from North Carolina.  
6 And they have been recognized by CNN -- we won't  
7 hold that against them -- as well as other  
8 national and international news media. And they  
9 have taken great tragedy and turned it into  
10 something beautiful.

11           You know, we do a very good job of  
12 getting young men and women to raise that right  
13 hand and be willing to fight and die for this  
14 country. We don't always do a great job in  
15 transitioning those young men and women back into  
16 the civilian workplace and back into our civilian  
17 way of life that they left to defend all of us.

18           We've got to make sure that we keep  
19 America's promise to our veterans, especially our  
20 service-disabled veterans. This chamber moved  
21 forward in a real substantial way by passing that  
22 set-aside for service-disabled vets, which is the  
23 highest in the country at 6 percent. But there's  
24 still an awful lot of work that needs to be done.

25           So these men and their team stand

1 ready to work with each and every one of you in  
2 your district. If you have a veteran -- and it  
3 can be from World War II, Iraq, Afghanistan,  
4 anywhere in between -- if you have a veteran who  
5 needs help, either a renovation or needs a home  
6 built, these men and their team can get that  
7 done.

8 I have a man in my district who's a  
9 Vietnam vet, and he took shrapnel to the head.  
10 When he came back in 1971, he was not welcomed  
11 home the way he should have been. These men,  
12 their team and my staff came together. This man  
13 didn't even have a shower in his home. He was on  
14 the verge of losing his home and becoming  
15 homeless. And today, because of the work that  
16 was done by this community, not only is he going  
17 to have a home and help him with a lot of debt  
18 that he had, but that home is going to be  
19 completely renovated.

20 So thank you so much for your  
21 continuing to do God's work. Like you say all  
22 the time, Dale and John, we never leave a buddy  
23 behind during wartime, and we sure as hell  
24 shouldn't do it back at home when they're back  
25 here. So God bless you, and thank you for



1 everything that you guys do.

2 Please stand.

3 (Extended standing ovation.)

4 ACTING PRESIDENT VALESKY: The  
5 question is on the resolution. All in favor  
6 signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT VALESKY: Opposed,  
9 nay.

10 (No response.)

11 ACTING PRESIDENT VALESKY: The  
12 resolution is adopted.

13 We welcome our special guests here  
14 today and thank you so much for the work that you  
15 do through Purple Heart Homes. Hope you're  
16 enjoying your day here in the Capitol.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, I  
19 think we have Resolution 5187, by Senator Savino,  
20 at the desk. She would like the reso read in its  
21 entirety. And then if you could call on her,  
22 that would be great.

23 ACTING PRESIDENT VALESKY: The  
24 Secretary will read.

25 THE SECRETARY: Legislative

1 Resolution Number 5187, by Senator Savino,  
2 welcoming the Staten Island Girl Scouts upon the  
3 occasion of their visit to Albany, New York, on  
4 Tuesday, May 20, 2014.

5 "WHEREAS, It is the sense of this  
6 Legislative Body to act, in accord with its  
7 long-standing traditions, honoring the youth of  
8 today, and leaders of tomorrow, whose character  
9 and achievements exemplify the ideals and values  
10 cherished by this great state and nation; and

11 "WHEREAS, Attendant to such concern,  
12 and in full accord with its long-standing  
13 traditions, this Legislative Body is justly proud  
14 to welcome the Staten Island Girl Scouts upon the  
15 occasion of their visit to Albany, New York, on  
16 Tuesday, May 20, 2014; and

17 "WHEREAS, This auspicious visit is  
18 part of their biannual trip to the Capital of  
19 this great Empire State and will include a pizza  
20 lunch with the Staten Island members of the  
21 Legislature, a tour of the Capitol building,  
22 recognition in the Senate and Assembly galleries  
23 with a resolution, and photos on the Million  
24 Dollar Staircase; and

25 "WHEREAS, The Staten Island Girl

1 Scouts visiting this year are Amy Azzopardi,  
2 Ashley Melidones, Audrey Gallagher, Brynne  
3 Hitten, Celine Kelly, Elizabeth Mastoros, Emily  
4 Casey, Genevieve Steinmetz, Giavanna Esposito,  
5 Jayne Ryan, Jessica Orlando, Jessica Roesch,  
6 Julia Desaro, Julie Mendez, Kaitlyn Casserly,  
7 Katherine Cammayo, Kerry McCloskey, Lauren  
8 Casella, Madolyn Jusick, Mary Mastoros,  
9 MaryKathryn Brown, Meghan Holliday, Miriam Zayed,  
10 Nicole Renzetti, Rita Jerome, Sabrina Gallagher,  
11 Sarah Rosario, Shea McLaughlin, Sophia DeMartino,  
12 Stephanie Caputo, and Syleste Alexander; as well  
13 as Scout Leader Cheryl McCloskey and Chaperones  
14 Andrea Gallagher, Annette Orlando, Christine  
15 Melidones, Ellen Steiring, Joan Roesch, Karen  
16 Steinmetz, Nancy Casey, and Nichole Mendez; and  
17 "WHEREAS, Girl Scouting in the  
18 United States of America began on March 12, 1912,  
19 when Juliette 'Daisy' Gordon Low organized the  
20 first Girl Scout troop meeting of 18 girls in  
21 Savannah, Georgia; since then, it has grown to  
22 3.7 million members worldwide; and  
23 "WHEREAS, Girl Scouting has  
24 cultivated in our nation's young people the goals  
25 of building solid values of sisterhood and the

1 importance of working with others, stimulating  
2 both mind and body, instilling pride, and  
3 encouraging community service and success; and

4 "WHEREAS, Girl Scouting has expanded  
5 the horizons of the countless hundreds of  
6 thousands who have participated in scouting  
7 programs which have made scouting an American and  
8 international institution; and

9 "WHEREAS, This Legislative Body is  
10 pleased to recognize the Staten Island Girl  
11 Scouts and to wish them a future of purposeful  
12 success and well-being; now, therefore, be it

13 "RESOLVED, That this Legislative  
14 Body pause in its deliberations to welcome the  
15 Staten Island Girl Scouts upon the occasion of  
16 their visit to Albany, New York, on Tuesday,  
17 May 20, 2014; and be it further

18 "RESOLVED, That copies of this  
19 resolution, suitably engrossed, be transmitted to  
20 the Staten Island Girl Scouts."

21 ACTING PRESIDENT VALESKY: Senator  
22 Savino on the resolution.

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

25 On behalf of Senator Lanza and

1 myself and the Assembly delegation from Staten  
2 Island -- Assemblymembers Michael Cusick, Nicole  
3 Malliotakis, Joe Borelli and Matt Titone -- we  
4 welcome the Girl Scouts here to Albany for what's  
5 becoming almost an annual trip, and one that we  
6 look forward to every year.

7                   And when we do this resolution, we  
8 usually talk about the history of the Girl  
9 Scouts, and we talk about the history of some of  
10 the Girl Scouts who are currently in this  
11 chamber. I see Senator Hassell-Thompson smiling  
12 because she was a Girl Scout when she was young.  
13 And I know Senator Stewart-Cousins was a Girl  
14 Scout, and I think Senator Little was. I myself  
15 was not one; we've talked about that in the past.

16                   But instead of talking about  
17 Girl Scouts from the past and the famous ones,  
18 let's talk what about Girl Scouts are doing  
19 today, because these are not your grandmother's  
20 Girl Scouts anymore.

21                   This is a 21st-century organization  
22 now that is focused on promoting women's health  
23 and equality and nondiscrimination and  
24 well-being. They are focused on how girls should  
25 strive for personal and professional knowledge

1 and excellence, both in their own lives and for  
2 others. They encourage leadership and  
3 educational opportunities for girls. They're  
4 interest in getting girls involved in STEM,  
5 strengthening financial literacy and  
6 entrepreneurial skills. They promote safe and  
7 healthy living, civic-mindedness, diversity,  
8 support for thriving nonprofit community.

9           They are truly a 21st-century  
10 organization, and we are thrilled to have them  
11 here with us as they tour the State Capitol.

12           Every year, through the Girl Scouts  
13 Advocacy Network, they're developing federal and  
14 state legislative agendas. Which is why they're  
15 not allowed to give us cookies anymore; it's  
16 considered lobbying. They're prohibited from  
17 doing so. But we appreciate it anyway.

18           So as we end this legislative session --  
19 and we're not that far away -- let's not forget  
20 the young women who are going to come after us.

21           Let's not forget the young women who  
22 help lead these troops. The president of the  
23 Senate read off the names, but I just want to  
24 name them again. The leader, Cheryl McCloskey;  
25 Karen Steinmetz, Joan Roesch, Nancy Casey, Andrea

1     Gallagher, Annette Orlando, Christine Melidones,  
2     Ellen Steiring, and Nichole Mendez. The Girl  
3     Scouts are able to continue because of women who  
4     were Girl Scouts and give of their own time to  
5     make sure the next generation becomes Girl  
6     Scouts. And they thrive at it.

7                 So thank you for coming,  
8     congratulations on all of your achievements.  
9     Many of you have won Gold Awards since last year  
10    and you're working on Silver and Bronze Awards.  
11    Some of you have won religious Marian Medals from  
12    St. Patrick's Cathedral. You are truly a  
13    remarkable bunch of young women, and we in  
14    Staten Island are very proud of each and every  
15    one of you.

16                Welcome to Albany.

17                (Extended applause.)

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

21                (Response of "Aye.")

22                ACTING PRESIDENT VALESKY: Opposed,  
23    nay.

24                (No response.)

25                ACTING PRESIDENT VALESKY: The

1 resolution is adopted.

2 A special welcome to our Girl Scouts  
3 from Staten Island. Hope you're enjoying your  
4 day.

5 Senator Libous.

6 SENATOR LIBOUS: Yes,  
7 Mr. President. Resolution Number 5157, by  
8 Senator Parker, is at the desk. Could we read it  
9 in its entirety and call on Senator Parker.

10 ACTING PRESIDENT VALESKY: The  
11 Secretary will read.

12 THE SECRETARY: Legislative  
13 Resolution Number 5157, by Senator Parker,  
14 commemorating the 60th anniversary of Brown v.  
15 Board of Education, the landmark United States  
16 Supreme Court decision that ended school  
17 segregation.

18 "WHEREAS, It is the custom of this  
19 Legislative Body to recognize those milestones  
20 and significant events which represent turning  
21 points in our unique history and which are  
22 indelibly etched in the saga of our great nation;  
23 and

24 "WHEREAS, Attendant to such concern,  
25 and in full accord with its long-standing



1 traditions, this Legislative Body is justly proud  
2 to commemorate the 60th anniversary of Brown v.  
3 Board of Education, the landmark United States  
4 Supreme Court decision that ended school  
5 segregation; and

6 "WHEREAS, On May 17, 1954, the  
7 United States Supreme Court unanimously ruled  
8 that 'separate but equal' public schools for  
9 blacks and whites were unconstitutional; and

10 "WHEREAS, This landmark decision  
11 helped serve as a catalyst for the modern civil  
12 rights movement, inspiring education reforms  
13 across the nation and providing a basis for legal  
14 challenges to segregation in all areas of  
15 society; and

16 "WHEREAS, Brown v. Board of  
17 Education was a consolidation of anti-segregation  
18 court cases from five different jurisdictions and  
19 included: Brown v. Board of Education (Kansas),  
20 Briggs v. Elliot (South Carolina), Bulah v.  
21 Gebhart and Belton v. Gebhart (Delaware), Davis  
22 v. County School Board of Prince Edward County  
23 (Virginia), and Bolling v. Sharpe (District of  
24 Columbia); and

25 "WHEREAS, These smaller cases were

1 combined as part of a legal movement to remedy  
2 the grossly inadequate conditions in segregated  
3 black schools; they sought to overturn the  
4 infamous 1896 case of Plessy v. Ferguson, which  
5 had permitted racial segregation under the guise  
6 of 'separate but equal'; and

7 "WHEREAS, The Supreme Court's Brown  
8 decision was particularly important for how it  
9 focused on the illegality of segregation itself;  
10 the court ruled that even if tangible factors  
11 like facilities, teachers and supplies were  
12 equal, separation itself was inherently unequal  
13 and a violation of the equal protection clause of  
14 the 14th Amendment; and

15 "WHEREAS, The Supreme Court's  
16 unanimous opinion concluded that a quality  
17 education was crucial for all children and ruled  
18 that it was the state's responsibility to ensure  
19 educational equality; the Court also noted that  
20 segregation has a detrimental effect upon  
21 children of color and that the impact is more  
22 profound when it has the sanction of the law; and

23 "WHEREAS, After Brown v. Board of  
24 Education, the nation made great strides toward  
25 opening the doors of education to all students;

1 with court orders and active enforcement of  
2 federal civil rights laws, progress toward  
3 integrated schools continued to move forward;  
4 more work is needed, however, to ensure  
5 educational achievement and opportunity for all;  
6 and

7 "WHEREAS, Equal access to  
8 educational opportunities in our nation's public  
9 schools is vitally important to both the social  
10 and economic well-being of our nation, as well as  
11 the success of our democracy as a whole; now,  
12 therefore be it

13 "RESOLVED, That this Legislative  
14 Body pause in its deliberations to commemorate  
15 the 60th anniversary of Brown v. Board of  
16 Education, the landmark United States Supreme  
17 Court decision that ended school segregation."

18 ACTING PRESIDENT VALESKY: Senator  
19 Parker on the resolution.

20 SENATOR PARKER: Thank you,  
21 Mr. President. On the resolution.

22 As probably many of you know, this  
23 past Saturday was the 60th anniversary of Brown  
24 v. Board of Education. And as we know, Brown  
25 ended legal segregation in schools of America.

1 But Brown was actually much more than that. After  
2 Plessy v. Ferguson in 1896, the Supreme Court had  
3 declared that as long -- and this is quotes --  
4 "as long as the separate facilities were equal,  
5 segregation did not violate the U.S.  
6 Constitution."

7 In America of the 1890s and through  
8 1950, schools were segregated. Trains, buses  
9 were all segregated, restaurants and stores were  
10 segregated, and so on and so forth. Much of  
11 public life had iron walls of legal and physical  
12 separation between the races, not only between  
13 blacks and whites, but from everyone.

14 Brown was not only just a case of 13  
15 parents in Topeka, Kansas, suing to let their  
16 children go to the white school rather than walk  
17 six blocks through a dangerous train yard  
18 {inaudible}. Brown was not just about the South,  
19 either. Of the five cases that were combined in  
20 the Brown decision, one was filed in Washington,  
21 D.C., one was filed in Delaware, and the other  
22 one was filed in Kansas. Only two of the Brown  
23 cases were filed in the former Confederate states  
24 of the South.

25 As we know, the Court's decision

1 made it very clear -- in fact, crystal-clear --  
2 that not only were the racially segregated school  
3 systems of the day unequal and illegal, but  
4 segregated schools could never be equal and  
5 therefore violated the U.S. Constitution.

6           The road to that day 60 years ago  
7 when the foundations of legal inequality in this  
8 country were shattered was paved by the sacrifice  
9 of heroic parents, families and communities. On  
10 that day after the victory, the struggle for full  
11 racial equality began when brave young  
12 African-American children began enrolling in  
13 all-white schools, despite the promise of  
14 violence and threats of death.

15           Today our communities' children go  
16 to schools together, work together, live  
17 together, and have no memory of the too-recent  
18 past when racial discrimination was the law of  
19 the land. We have come way too far, and our  
20 solidarity will continue to win important  
21 progressive victories for all of us.

22           Sixty years ago, Brown v. Board of  
23 Education began the end of racial discrimination  
24 and reminded all Americans of the promises  
25 inherent in our U.S. Constitution. Brown also

1 began the end of discrimination against Americans  
2 based on gender, ethnicity, religion, national  
3 origin, sexual orientation, age, and disability.  
4 And for that, we are truly thankful.

5 But we are not finished yet. Many  
6 of our schools, despite as far as we've come,  
7 still at this moment continue to be very  
8 segregated. In fact, New York City still is one  
9 of the most segregated cities in the entire  
10 country, and our schools reflect that.

11 And so I want us all to take this  
12 moment to rededicate ourselves to living towards  
13 the promise of what Brown v. Board of Education  
14 gave us, which is again a place where we all can  
15 work and live together.

16 And so please also join me in  
17 thanking the brave families that fought for Brown  
18 v. Board of Education, and in the movement of  
19 praise and solidarity for the millions of  
20 Americans over the past 60 years who have worked  
21 to oppose all types of discrimination across our  
22 country.

23 Thank you, Mr. President.

24 ACTING PRESIDENT VALESKY: Thank  
25 you, Senator Parker.

1                   Senator Perkins on the resolution.

2                   SENATOR PERKINS:    Thank you very  
3 much.

4                   I want to take an opportunity to  
5 speak upon this resolution, and I really want to  
6 commend my colleague for those eloquent words and  
7 reciting of the history of this very, very  
8 important change in our country.  It's my honor  
9 to partner with Senator Parker in sponsoring this  
10 very important resolution, which chronicles the  
11 very short yet entirely clarion Supreme Court  
12 decision that considered the question "What is  
13 equality?"

14                  The brilliance of the Brown decision  
15 was not about fine points of law or the intent of  
16 the drafters and ratifiers of the 14th Amendment.  
17 It was a decision that was about humanity, about  
18 hearts and minds, about a sense of what is right  
19 for our communities, for the holistic development  
20 of our young children.  It was a decision that  
21 established a principle, a principle that we  
22 still seek to achieve:  Integrated, equal  
23 educational programs for all.

24                  Six decades later, we are still  
25 without the full measure of desegregation and

1 integration that was promised and in practice has  
2 been pursued at a pace that is deliberate but not  
3 characterized by all due speed. In fact, here in  
4 New York we have substantial levels of de facto  
5 segregation in our schools, with dense and  
6 isolated concentrations of black and Latino  
7 children. In the same schools, in what can only  
8 be called a correlation, the educational outcomes  
9 of our children in these segregated schools are  
10 widely disparate as well.

11 In addition, instead of reforming  
12 the whole system, we have created additional  
13 segregated educational facilities called charter  
14 schools. These schools are inherently unequal  
15 and essentially practice a form of educational  
16 apartheid where there's not even equality in  
17 terms of "tangible resources" due to the  
18 privatization of public education.

19 For instance, in my district below  
20 96th Street, you have public schools that are  
21 good enough for the children in those  
22 neighborhoods to attend, and then above  
23 96th Street you have public schools that are not  
24 good enough for the children to attend. So we've  
25 created, quote, charter schools, which former



1 Mayor Bloomberg called "private schools for  
2 children of color."

3           These charter schools, on an uneven  
4 and unequal playing field, draw resources away  
5 from the traditional public schools, thus  
6 exacerbating negative outcomes for children of  
7 color primarily. Conclusively, inequalities  
8 abound in a way that the Warren Court could never  
9 have imagined.

10           In 1954, the Court held that  
11 education is a right that must be made available  
12 on equal terms. That's a mandate that we are  
13 still striving to achieve, and only wholesale  
14 reform of our educational system will get us  
15 there.

16           Thank you.

17           ACTING PRESIDENT VALESKY:    Thank  
18 you, Senator Perkins.

19           Are there any other Senators who  
20 wish to be heard?

21           Senator Díaz on the resolution.

22           SENATOR DIAZ:    Thank you. I take  
23 this opportunity to join in the resolution.

24           However, I have to strongly express  
25 my objection to the observation made by my

1 colleague Senator Perkins about charter schools.

2 Charter schools I always say are  
3 godsend to our community. Charter schools are  
4 opening black and Hispanic neighborhoods.  
5 Charter schools have been the solution to our  
6 children that have been left behind. So when my  
7 colleague Senator Perkins speaks about trying to  
8 make charter schools look evil, I have to object  
9 to that.

10 Charter schools, again, were the  
11 solution for black and Hispanic children that  
12 were left behind by the regular system and that  
13 they were not getting a good education. Now,  
14 with charter schools, they are getting a good  
15 education, they have a great future. And I just  
16 have to express my objection to Senator Perkins'  
17 observation of charter schools.

18 However, I am here to support the  
19 resolution and proudly congratulate the sponsor  
20 of the resolution.

21 ACTING PRESIDENT VALESKY: Thank  
22 you, Senator Díaz.

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

25 (Response of "Aye.")

1                   ACTING PRESIDENT VALESKY:    Opposed,  
2    nay.

3                   (No response.)

4                   ACTING PRESIDENT VALESKY:    The  
5    resolution is adopted.

6                   Senator Libous.

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

9                   I believe Resolution 5197, by  
10   Senator Perkins, is at the desk.  Could we have  
11   it read in its entirety and please call on  
12   Senator Perkins.

13                  ACTING PRESIDENT VALESKY:    The  
14   Secretary will read.

15                  THE SECRETARY:    Legislative  
16   Resolution Number 5197, by Senator Perkins,  
17   commemorating the 89th birthday of Malcolm X, a  
18   singular human rights activist and one of the  
19   most influential African-American leaders in  
20   history.

21                  "WHEREAS, It is the sense of this  
22   Legislative Body to recognize and commend  
23   individuals and events which celebrate our  
24   nation's great struggle to fulfill the promise of  
25   equality and opportunity for all; and

1                   "WHEREAS, Attendant to such concern,  
2                   and in full accord with its long-standing  
3                   traditions, this Legislative Body is justly proud  
4                   to commemorate the 89th birthday of Malcolm X, a  
5                   singular human rights activist, and one of the  
6                   most influential African-American leaders in  
7                   history; and

8                   "WHEREAS, Malcolm X was born Malcolm  
9                   Little in Omaha, Nebraska, on May 19, 1925; and

10                  "WHEREAS, On January 14, 1958,  
11                  Malcolm X married Betty Sanders; they had six  
12                  children: Attallah, Qubilah, Ilyasah, Gamilah,  
13                  Malaak and Malikah; and

14                  "WHEREAS, Once a member of the  
15                  Nation of Islam, Malcolm X was a Muslim  
16                  minister, public speaker, and human rights  
17                  activist; to his admirers, he was a courageous  
18                  advocate for the rights of African-Americans in  
19                  the face of institutionalized racism; and

20                  "WHEREAS, After his departure from  
21                  the Nation of Islam, Malcolm X founded Muslim  
22                  Mosque Inc., and the Organization of Afro  
23                  American Unity; he then became a Sunni Muslim and  
24                  after his holy pilgrimage to Mecca he became  
25                  El-Hajj Malik El-Shabazz; and

1               "WHEREAS, Malcolm X's pilgrimage to  
2 Mecca, Saudi Arabia, proved life-altering and,  
3 for the first time, he shared his thoughts and  
4 beliefs with different cultures, and found the  
5 response to be overwhelmingly positive; and

6               "WHEREAS, When he returned to the  
7 United States, Malcolm X mentioned that while he  
8 was abroad he had met men of all races that he  
9 could call his brothers; he also returned to the  
10 United States with a new outlook on the  
11 African-American struggle for equality, a new  
12 message for all mankind, and a new hope for the  
13 future; and

14              "WHEREAS, On February 21, 1965,  
15 Malcolm X was assassinated while giving a lecture  
16 in the Audubon Ballroom, in New York City, which  
17 was subsequently designated as a landmark and  
18 currently houses the Malcolm X and Dr. Betty  
19 Shabazz Memorial and Educational Center; and

20              "WHEREAS, In 1987, in honor of the  
21 slain civil rights leader, Lenox Avenue in  
22 Harlem, New York City, was named after Malcolm X;  
23 and

24              "WHEREAS, In January 1999, family  
25 and friends of Malcolm X gathered at the Apollo

1 Theatre in Harlem, New York, to witness the U.S.  
2 Postal Service announce the debut of the new  
3 Malcolm X postage stamp; the 33-cent  
4 commemorative stamp is the 22nd stamp in the  
5 Postal Service's Black Heritage series; the U.S.  
6 Postal Service declared that Malcolm X was one of  
7 the most influential black leaders of the 1960s,  
8 and that he shaped the debate about race  
9 relations and strategies for social change; now,  
10 therefore, be it

11 "RESOLVED, That this Legislative  
12 Body pause in its deliberations to commemorate  
13 the 89th birthday of Malcolm X, a singular human  
14 rights activist and one of the most influential  
15 African-American leaders in history."

16 ACTING PRESIDENT VALESKY: Senator  
17 Perkins on the resolution.

18 SENATOR PERKINS: Thank you very  
19 much.

20 Today we honor a man who built a  
21 bridge from the civil rights movement here in the  
22 United States to the human rights movement across  
23 the entire world. Malcolm X was a true visionary  
24 leader who saw the palpable universal connections  
25 between the systemic disempowerment and

1 discrimination of African-American people here,  
2 in the States, and in scores of other nations  
3 throughout our global populace.

4 He was a freedom fighter in the  
5 truest sense of the phrase, a man who was, quote,  
6 outspoken in the pursuit of justice in the most  
7 noble way that one human being can be, by  
8 standing up for the rights of all others.

9 He was a consummate believer in the  
10 unconquerable value of freedom. In his  
11 philosophy of life, experiences taught him that  
12 one often had to wage war for it and be prepared  
13 to die for it. He said: "When a person places  
14 the proper value on freedom, there is nothing  
15 under the sun that he or she will not do to  
16 acquire that freedom. Whenever you hear a man or  
17 a woman say he wants freedom but in the next  
18 breath he or she is going to tell you what he or  
19 she won't do to get it, or what he or she doesn't  
20 believe in doing in order to get it, he or she  
21 doesn't believe in freedom. A man who believes  
22 in freedom will do anything under the sun to  
23 acquire or preserve his or her freedom."

24 Malcolm X is one of the greatest and  
25 most distinguished revolutionaries this world has

1 ever known. He has inspired countless  
2 generations, movements, world leaders, students,  
3 scholars, social activists and freedom fighters.

4 One of the great causes that he  
5 inspired is known as the December 12th Movement,  
6 founded in 1987 in Newburgh, New York. This  
7 worldwide movement carries forth Malcolm's  
8 universal notion that the conditions that black  
9 people suffer in the United States are  
10 inextricably linked to the condition of Africans  
11 worldwide, with the common denominator that there  
12 is an economic basis to racism, slavery and  
13 neoslavery, meaning mass incarceration.

14 Every May 19th for the past 22 years  
15 in my district, on 125th Street, members of the  
16 December 12th movement canvass the neighborhood  
17 chanting his name: "You say Malcolm, I say X.  
18 Malcolm X. Malcolm X." End of chant.

19 In a show of unity, local  
20 shopkeepers close their businesses for a few  
21 hours to a chorus of "Disrespect. Shut them  
22 down." This is so everyone can truly take a few  
23 hours on the birthday of Malcolm X to cherish his  
24 legacy, remember his words, teachings, and the  
25 cardinal cause that drove him, and recommit to



1 the fight for freedom.

2 This year I am extremely proud to  
3 say our youth was heavily involved in this  
4 expressive act of remembrance which now spans  
5 multiple generations.

6 In closing, I must solemnly remark  
7 that yesterday, on the 89th birthday of  
8 Malcolm X, we lost one of his greatest foot  
9 soldiers, defenders and protectors, Elombe Brath,  
10 a founder of the December 12th movement, a true  
11 Harlem nationalist and profound Pan-African.  
12 Both men, given the lives they lived and the  
13 values they held, are worthy of our conflictive  
14 emulation.

15 Thank you.

16 ACTING PRESIDENT VALESKY: Thank  
17 you, Senator Perkins.

18 Senator Sanders on the resolution.

19 SENATOR SANDERS: Thank you,  
20 Mr. President.

21 First I want to commend Senator  
22 Perkins for realizing and stating and having us  
23 all recognize the 89th birthday of Malcolm X. I  
24 just wish to offer him a friendly amendment.

25 You were kind enough to say that he

1 was one of the most influential black leaders of  
2 the 20th century. I just would suggest to you  
3 that we call him one of the most influential  
4 leaders of the 20th century.

5 SENATOR PERKINS: (Inaudible.)

6 SENATOR SANDERS: Well, now, the  
7 friendly amendment has been accepted with the  
8 spirit that the Senator has shown.

9 Some may say that Malcolm died, but  
10 I would argue that he didn't die. In fact, I  
11 would argue that his spirit was just alive in a  
12 room that I was in with some young people  
13 downstairs.

14 Some members of the Fortune Society  
15 had come before me, and they were very young  
16 people -- I don't know, twentyish, younger. And  
17 they had fallen afoul of the law, and they had  
18 served their time in trying to redo themselves.  
19 And they were trying to find a roadmap, how do  
20 you pay your debt to society and yet turn into  
21 something productive, something constructive.

22 And we were able to communicate, and  
23 I was able to show them that someone had done  
24 worse than they did. Someone had went to jail  
25 and was such a horrible person in jail that he

1 was known as Satan. In a horrible way, he called  
2 himself one of the worst degenerates that could  
3 be, and yet was able to recreate himself into a  
4 very moral, uplifting person, a model that this  
5 country can look to proudly.

6 And I would suggest to you by using  
7 this model, I was able to speak to these young  
8 people and say that, hey, you need to study -- if  
9 you're looking for a roadmap, there's one right  
10 there. There's a person who sank further than  
11 you and yet rose higher than any of us in here.

12 And under those conditions, I would  
13 suggest to you that no, Malcolm didn't die as  
14 long as we are using his image, his ability, to  
15 change people's lives into something better.

16 And that it is also interesting and  
17 perhaps fitting that Elombe passed on that day.  
18 Knowing Elombe, he would have it no other way.  
19 In one sense you could say he had the last laugh  
20 at this.

21 Having said those things, I again  
22 want to end where I started, by thanking the  
23 Senator for bringing this important issue to the  
24 floor.

25 Thank you, Mr. President.

1                   ACTING PRESIDENT VALESKY:    Thank  
2   you, Senator Sanders.

3                   Senator Parker on the resolution.

4                   SENATOR PARKER:    Thank you,  
5   Mr. President, on the resolution.

6                   First, let me begin by adding my  
7   voice to those who are thanking and praising  
8   Senator Perkins for his leadership on this  
9   resolution and recognizing yesterday, May 19th,  
10  as Malcolm X's birthday.

11                  This 89th birthday is a milestone  
12  and important because, as we think about Malcolm  
13  X's legacy and his life, that much of what he  
14  taught, much of what he fought for are still  
15  relevant lessons today.

16                  There's four things -- to keep it  
17  short -- that I want to just appoint on that  
18  Malcolm X contributed not just to  
19  African-American culture and history, but things  
20  that we've learned as Americans.

21                  And the first is courage in the face  
22  of power.  Dr. King -- Dr. King.  Malcolm X in  
23  particular, in the context of what he was  
24  fighting for, to be able to speak truth to power  
25  in the way that he did was really one of the

1 first times that African-Americans saw that. And  
2 I was kind of saying Dr. King because him and  
3 Dr. King were oftentimes pitted against each  
4 other intellectually, although never had the kind  
5 of problems that we'd like to believe that they  
6 had.

7                   And in fact I was telling somebody  
8 yesterday, those of you who are going to go to  
9 see the X-Men movie this weekend, I would argue  
10 to you that the difference that you see between  
11 Professor X and Magneto is the Dr. King/Malcolm X  
12 dichotomy in terms of intellectual argument about  
13 how races of people ought to be moving forward.  
14 So we thank Stan Lee for, you know, whitewashing  
15 the story, but also putting it on the screen.  
16 So, you know, we'll figure that out later.

17                   But this notion of courage in  
18 speaking truth to power, Malcolm X did in a way  
19 that almost no one else did. And not just, you  
20 know, in the community but, you know, debated  
21 professors at Harvard University, went on  
22 television and debated the all of the great  
23 journalists of the time. And I think that that  
24 was an important thing to see for the first time.

25                   It's now commonplace to see that.

1 But remember, in the fifties and sixties that it  
2 was not commonplace to see African-Americans  
3 standing up for themselves and speaking raw truth  
4 to power.

5           The second thing was the notion of  
6 African culture and African-Americans coming out  
7 of an African diasporic understanding. And  
8 sometimes -- you know, that's just something that  
9 still hasn't taken full root. But he was one of  
10 the first people in kind of a broad way to in  
11 fact talk about -- you know, and this is kind of  
12 a dialectical thing, but talk about blacks as  
13 Africans.

14           And he often said that you could  
15 not -- that part of the problems that  
16 African-Americans had is that they hated  
17 themselves. That in fact they were taught to  
18 hate Africa and so, by extension, because they  
19 hated Africa, they hated themselves. He said how  
20 could you in fact hate the roots of a tree but  
21 not hate the tree itself. Right?

22           And one of my favorites, he said,  
23 you know, you understand just because we were  
24 born in America don't make us Americans. Right?  
25 A cat having kittens in the oven don't make them

1 biscuits. Right? That's what Malcolm used to  
2 say. And so that despite our years here, that we  
3 continue to be African people.

4 Third -- and Senator Sanders talked  
5 about this very eloquently -- is this notion of  
6 transformation. And almost anything else, if you  
7 read The Autobiography of Malcolm X as told to  
8 Alex Haley, one of the things that you get out is  
9 that is exactly the point that Senator Sanders  
10 spoke to, which is transformation of Malcolm X,  
11 you know, from a dastardly criminal -- I mean,  
12 even by his own words -- to really one of the  
13 most significant spiritual and political and  
14 social leaders this country has ever seen.

15 And that story has been important  
16 for people in our community who have read that  
17 book and said, If he can do it, then I also then  
18 see I can do it in myself. And that's been an  
19 important contribution of Malcolm X.

20 And lastly is that he always  
21 continued to elevate himself and evolve. The  
22 only other person I would say, you know, in the  
23 context of African culture and history that you  
24 see in America who had that level of evolution is  
25 W.E.B. Du Bois. Right? Who when you read from

1 The Souls of Black Folk to his later works, and  
2 him leaving the United States and going to live  
3 in Ghana, you know, over the 95 years that he  
4 lived, he's a different person almost every  
5 10 years. You know, he talks about the "talented  
6 tenth" and then he goes back and says, No, I  
7 wasn't right when I said that. Right?

8                   And then you see, in the Du Boisian  
9 metaphor, Malcolm X having that same kind of  
10 evolution, going from this kind of country -- you  
11 know, living in Detroit and in Boston and, you  
12 know, becoming this gangster in New York, going  
13 to jail.

14                   You know, and then as he becomes  
15 involved in the Nation of Islam and then becomes  
16 a minister for the Nation and becomes a very  
17 influential, you know, political and social  
18 leader, he continues to evolve from that  
19 understanding to an understanding where he makes  
20 Hajj and then starts to see an international  
21 connection of oppression. And starts to see  
22 beyond just the racial categories that we get  
23 caught up, in of black and white and those kind  
24 of basic things, to start really speaking to  
25 people's conditions.



1                   And so, you know, as he dies, he  
2                   dies in a movement in which he's trying to unite  
3                   people in the world -- black, white, blue, green,  
4                   Muslims, Christians. Right? He broke out of the  
5                   bounds of the categories that we like to place  
6                   ourselves in.

7                   And I think that it's a lesson for  
8                   all of us and hope that I am also able to make  
9                   those kind of evolutionary changes in my life, to  
10                  be here as not just a member of this body but a  
11                  member of the State of New York, a member of my  
12                  community, a member of the world that finds new  
13                  and innovative ways to unite our communities such  
14                  that we continue to build a world that we'd all  
15                  like to see our children grow up in.

16                  And so as we remember Malcolm X, we  
17                  should remember these things: Courage. We  
18                  should remember him, you know, in terms of pride  
19                  in African culture, him being a transformational  
20                  leader, but then also someone who always  
21                  continued to evolve.

22                  Thank you, Mr. President.

23                  ACTING PRESIDENT VALESKY:     Thank  
24                  you, Senator Parker.

25                  Senator Montgomery on the

1 resolution.

2 SENATOR MONTGOMERY: Yes,  
3 Mr. President, thank you.

4 I rise to also thank my colleague  
5 Senator Perkins for introducing this resolution,  
6 which gives us an opportunity to be reminded and  
7 to speak about this great leader, El-Hajj Malik  
8 El-Shabazz, Malcolm X. And I think, as we are  
9 talking about him, I'm reminded of Martin Luther  
10 King, and I'm reminded of Paul Robeson before  
11 him, and I'm reminded of obviously Malcolm X.

12 When at one point I heard Percy  
13 Sutton speak about his friendship with Malcolm X,  
14 he said that there was no church in Harlem that  
15 would agree to accept his body and to host a  
16 funeral for him. And I thought about that, and I  
17 remember that I attended the funeral of Paul  
18 Robeson. And there were very few people at this  
19 funeral, he had a very small funeral. A man who  
20 was larger than life had very few people.

21 And in those times that Martin  
22 Luther King was down there in Alabama and  
23 Mississippi and Georgia and marching up and down  
24 the highways and the roadways and pushing through  
25 and in prison fighting for the civil rights of

1 people, a whole group of people in this nation,  
2 there were those who castigated him, and they  
3 called him foolish, and he should wait and be  
4 patient and take time and why couldn't he just  
5 chill out a little bit and just wait.

6               So now we celebrate Malcolm X. And  
7 thankfully, there are boulevards and streets and  
8 buildings across the country that carry the name  
9 of Martin Luther King and that carry the name of  
10 Malcolm X. And hopefully we have some  
11 recognition of Paul Robeson as well.

12              But those great leaders, I just am  
13 reminded today that it's only now, after they  
14 have gone, that we feel empowered to speak about  
15 them and that we can talk about them even in this  
16 house.

17              So I'm very proud of that. I  
18 understand how history works, what happens.  
19 Because we've had so many cases, so many  
20 instances, so many of our great leaders who have  
21 had the same experience. But now, thankfully, we  
22 can stand here to say, in no uncertain terms,  
23 that this was a great leader, that he was a  
24 leader for people of color in this country, but  
25 he was also a leader of people who were

1 powerless.

2                   And so as my colleague Senator  
3 Parker has said, he had the courage to stand up  
4 when many of us didn't, as many of these great  
5 leaders that we talk about today did, when they  
6 were doing it and we were not able to do it.

7                   But today we are, and I thank you,  
8 Senator Perkins, for giving us this opportunity  
9 to remind ourselves that we need to speak up for  
10 the greatness of these men and especially this  
11 man, Malcolm X, today.

12                   Thank you.

13                   ACTING PRESIDENT VALESKY:    Thank  
14 you, Senator Montgomery.

15                   Senator Peralta on the resolution.

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

18                   I want to first thank Senator  
19 Perkins for this resolution and just give a  
20 little bit of trivia.  Malcolm X lived in the  
21 United Nations of all Senate districts, in East  
22 Elmhurst.  That happens to be the 13th Senatorial  
23 District, for those of you who don't know.

24                   Malcolm X lived in a small home in  
25 East Elmhurst, and on February 15th his home,

1 located at 2311 97th Street, was firebombed. And  
2 he was able to wake up his family at 2:30 in the  
3 morning and escape, and he left for Chicago at  
4 that point.

5 But he was quoted on that day, when  
6 the press asked him what are you going to do  
7 about this, who was behind it, he said: "It  
8 doesn't frighten me. It doesn't quiet me down in  
9 any way, or shut me up." Unfortunately, on  
10 February 21st, he was shot down in the Audubon  
11 Ballroom.

12 Malcolm X or, as he was known prior  
13 to Malcolm X, Malcolm Little, was quoted as  
14 saying: A man who stands for nothing will fall  
15 for anything."

16 Malcolm was willing to die to defend  
17 his principles and his beliefs. He was also  
18 quoted as saying "Wrong is wrong, no matter who  
19 says it or who does it. Wrong is wrong."

20 When he was alive, he was  
21 misunderstood. People didn't understand what he  
22 was trying to say, what he was trying to preach.  
23 Now people understand what he was trying to say.  
24 Now people praise what he was trying to do, the  
25 courage he had to stand up when no one was

1 standing up.

2 Malcolm stood for justice. He stood  
3 for equality. He stood for dignity. He stood  
4 for respect. He wanted an America just like  
5 Martin Luther King wanted an America, to live to  
6 up to its creed.

7 Let's remember Malcolm X and what he  
8 stood for. Because this is an individual that  
9 had the courage to stand up for what was right at  
10 a time when not too many people were doing it.

11 So thank you, Senator Perkins.

12 ACTING PRESIDENT VALESKY: Thank  
13 you, Senator Peralta.

14 Senator Hassell-Thompson on the  
15 resolution.

16 SENATOR HASSELL-THOMPSON: Thank  
17 you, Mr. President.

18 I rise to congratulate Senator  
19 Perkins.

20 When putting forth this resolution,  
21 a lot of the things that I had thought about to  
22 say have been said. But one point that I think  
23 that becomes important, I appreciate the fact  
24 that we have evolved as a state and certainly as  
25 a chamber, whereas we can speak the name

1 Malcolm X and that the history books for which  
2 this resolution will become a part of will speak  
3 more kindly of him than it did during his  
4 lifetime.

5 I had the opportunity to know him,  
6 but more to know his wife and his children. And  
7 I've worked with two of his daughters. And very  
8 recently I saw Malaak, who -- all of whom, these  
9 children are continuing to suffer great trauma  
10 because of the life that they lived as the  
11 daughters of Malcolm X. But each time that I see  
12 Ilyasah, she says "It is easier because now the  
13 world doesn't hate my father."

14 And so as we stand here in this  
15 chamber, hopefully we can help them heal as we  
16 help the world to understand that he was one of  
17 the most misunderstood -- and that wasn't because  
18 he was hard to understand, but the world wanted  
19 him to be misunderstood. The world was not ready  
20 for the kind of unification that he tried to  
21 preach and believe.

22 He evolved in his own life from hate  
23 to love and understanding. And so as we stand  
24 here today to remember and remind, I am grateful  
25 for that evolution. Because the soldier that I

1 honored today that died three weeks before he was  
2 able to receive his was an Italian gentleman.  
3 And his life helped me to evolve, to accept and  
4 be part of a community that is so diverse, and be  
5 able to take some of the anger and hate that  
6 righteously I have a right to feel, and put it  
7 aside because I don't want the next generation to  
8 hate in the same way that we have in the past.

9                   So I congratulate you, Senator  
10 Perkins, for making sure that every year on his  
11 birthday that we all help the healing process of  
12 hate in this country and we understand that you  
13 grow to be great by enlightenment and love.

14                   Thank you, Mr. President.

15                   ACTING PRESIDENT VALESKY:    Thank  
16 you, Senator Hassell-Thompson.

17                   Are there any other Senators who  
18 wish to be heard?

19                   Seeing none, the question is on the  
20 resolution. All in favor signify by saying aye.

21                   (Response of "Aye.")

22                   ACTING PRESIDENT VALESKY:    Opposed,  
23 nay.

24                   (No response.)

25                   ACTING PRESIDENT VALESKY:    The



1 resolution is adopted.

2 Senator LaValle.

3 SENATOR LaVALLE: Mr. President,  
4 can we take up previously adopted Resolution  
5 Number 4674, by Senator Kennedy, read the title  
6 only, and Senator Kennedy will speak on that  
7 resolution.

8 ACTING PRESIDENT VALESKY: The  
9 Secretary will read the title of Resolution 4674.

10 THE SECRETARY: Legislative  
11 Resolution Number 4674, by Senator Kennedy,  
12 commending the Buffalo Junior chamber of Commerce  
13 upon the occasion of their designation for  
14 special recognition by the New York State Junior  
15 Chamber of Commerce Board.

16 ACTING PRESIDENT VALESKY: Senator  
17 Kennedy.

18 SENATOR KENNEDY: Thank you very  
19 much, Mr. President.

20 It's with great pleasure that I rise  
21 today to commend Buffalo's Junior Chamber of  
22 Commerce for their outstanding work and for  
23 receiving special statewide recognition.

24 Founded in 1932, the Buffalo Junior  
25 Chamber of Commerce is a premier leadership

1 training organization for young people ages 21 to  
2 40 in Buffalo and Western New York.

3 For over 75 years, this enterprising  
4 group has made a positive difference in the lives  
5 of their fellow Western New Yorkers through  
6 community service, professional development, and  
7 civic engagement.

8 Commonly known as the Buffalo  
9 Jaycees, the Buffalo Junior Chamber of Commerce  
10 was honored with several awards from the New York  
11 State Junior Chamber of Commerce earlier this  
12 year. In addition to being named Outstanding  
13 Local Chapter, the Buffalo Jaycees' individual  
14 awards included Outstanding Individual Vice  
15 President, Lindsay Krug; Outstanding Vice  
16 President of International Affairs, Joe Rembold;  
17 Outstanding Local Chapter Officer, Emily Ellett;  
18 Outstanding Very Important Partner, Jeremy  
19 Laubacker; Outstanding Public Relations,  
20 CJ Maurer; and Outstanding Vice President of  
21 Community Relations, Samantha Calabrese.

22 This organization's strong belief in  
23 giving back, their commitment to developing  
24 community leaders, and their selfless  
25 humanitarian spirit have benefited the Buffalo

1 community in so many ways for so many years.

2 Recently the Buffalo Jaycees  
3 provided key support for Buffalo's Undy 5000,  
4 which raises funds and awareness to combat colon  
5 cancer. They regularly participate in the  
6 Allentown Litter Mob, a program that aims to  
7 boost community pride through regular street  
8 cleanups.

9 They've partnered with the  
10 International Institute of Buffalo through the  
11 Open World Leadership Center and hosted young  
12 professionals from Russia. It was part of an  
13 exchange program to spur meaningful dialogue and  
14 potential economic opportunities for young  
15 professionals from around the world.

16 They provide critical networking  
17 opportunities for Buffalo's young and aspiring  
18 and foster the type of can-do attitude necessary  
19 to sustain Buffalo's resurgent growth. They've  
20 made an immense impact through Buffalo and  
21 Western New York. These young people are part of  
22 a growing movement of millennials who are staying  
23 in or moving back to Buffalo.

24 The number of people aged 20 to 34  
25 and living in Buffalo has shot upward by over

1 10 percent, outpacing both state and federal  
2 levels. It's a reversal of the so-called brain  
3 drain, and groups like the Buffalo Junior Chamber  
4 of Commerce are one important force behind the  
5 "brain gain" that we are experiencing in Western  
6 New York.

7                   Congratulations and thank you to the  
8 Buffalo Jaycees.

9                   Thank you, Mr. President.

10                  ACTING PRESIDENT VALESKY:    Thank  
11 you, Senator Kennedy.

12                  This resolution was adopted on  
13 April 29th.

14                  Senator LaValle.

15                  SENATOR LaVALLE:    Mr. President, if  
16 we can return to reports of standing committees,  
17 I believe there is a report of the Finance  
18 Committee at the desk.

19                  ACTING PRESIDENT VALESKY:    The  
20 Secretary will read the report of the Finance  
21 Committee.

22                  THE SECRETARY:    Senator  
23 DeFrancisco, from the Committee on Finance,  
24 reports the following nominations.

25                  As members of the Republic Airport

1 Commission: Stella M. Barbera, of Lindenhurst,  
2 and Robert W. Bodenmiller, of West Babylon.

3 ACTING PRESIDENT VALESKY: Senator  
4 DeFrancisco.

5 SENATOR DeFRANCISCO: Yes, each of  
6 the nominations were discussed or proposed in the  
7 Senate Finance Committee this morning,  
8 unanimously recommended -- we unanimously  
9 recommended that they be brought to the floor for  
10 a vote.

11 And I move the nomination of each of  
12 these fine people.

13 ACTING PRESIDENT VALESKY: The  
14 question is on the nominations of Stella Barbera  
15 and Robert Bodenmiller as members of the  
16 Republic Airport Commission. All in favor  
17 signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT VALESKY: Opposed,  
20 nay.

21 (No response.)

22 ACTING PRESIDENT VALESKY: Stella  
23 Barbera and Robert Bodenmiller are hereby  
24 confirmed as members of the Republic Airport  
25 Commission.

1 Senator LaValle.

2 SENATOR LaVALLE: Mr. President,  
3 can we just pause for a brief period here.

4 ACTING PRESIDENT VALESKY: The  
5 Senate will pause briefly.

6 SENATOR LaVALLE: Mr. President,  
7 can we stand at ease for a bit.

8 ACTING PRESIDENT VALESKY: The  
9 Senate will stand at ease.

10 (Whereupon, the Senate stood at ease  
11 at 4:48 p.m.)

12 (Whereupon, the Senate reconvened at  
13 4:51 p.m.)

14 ACTING PRESIDENT VALESKY: The  
15 Senate will come to order.

16 Senator Libous.

17 SENATOR LIBOUS: Mr. President, can  
18 we return to a resolution previously adopted  
19 today, Number 5002, by Senator Little. Could we  
20 please read the title and call on Senator Little.

21 ACTING PRESIDENT VALESKY: The  
22 Secretary will read the title of Senate  
23 Resolution 5002.

24 THE SECRETARY: Legislative  
25 Resolution Number 5002, by Senator Little,

1 memorializing Governor Andrew M. Cuomo to  
2 proclaim May 18-25, 2014, as Fibromyalgia  
3 Awareness Week in the State of New York.

4 ACTING PRESIDENT VALESKY: Senator  
5 Little on the previously adopted resolution.

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

8 And once again I thank Governor  
9 Cuomo for naming this week as Fibromyalgia  
10 Awareness Week.

11 I've had the privilege of speaking  
12 on this resolution before, and I do so again  
13 briefly.

14 As you know, there are 10 million  
15 people in the United States who are affected by  
16 fibromyalgia, and the number is increasing. It  
17 is a disease of debilitating, widespread pain and  
18 fatigue. And for your friends, family or  
19 constituents who may have been diagnosed with  
20 fibromyalgia, the treatment is usually learn to  
21 live with it, because there is no cure or real  
22 treatment for fibromyalgia.

23 We are fortunate, though, that we  
24 are making significant progress in the research  
25 that's being done on fibromyalgia. And joining

1 us in the gallery today we have some folks from  
2 Albany Med and people who are involved in this.

3           There are several organizations.  
4 Certainly there is the National Fibromyalgia  
5 Association, which works at providing information  
6 and education to physicians so that they are  
7 better able to deal with patients who are  
8 presented with this diagnosis and also to be able  
9 to diagnose them quicker than it has been in the  
10 past.

11           We have several other organizations:  
12 The International Institute for Human  
13 Empowerment; Integrated Tissue Dynamics, which is  
14 here in Rensselaer; and the National Fibromyalgia  
15 and Chronic Pain Association. We have the  
16 founder and executive directors, Dr. Susan Shipe,  
17 of the Fibromyalgia Task Force, and we're joined  
18 by Dr. Rice and Dr. Albrecht from Albany Medical,  
19 who are doing a lot of research and testing,  
20 trying to come up with a better cure and some  
21 kind of treatment for fibromyalgia.

22           Through their awareness, their  
23 advocacy and their action, we are making  
24 progress. And I wish them the best as they  
25 continue their efforts and would ask my



1 colleagues to support them and all the  
2 organizations working towards this.

3 But our focus this week is to  
4 increase awareness on what fibromyalgia is and  
5 the need for more research and better treatment.

6 Thank you, Mr. President.

7 ACTING PRESIDENT VALESKY: Thank  
8 you, Senator Little.

9 And again, this resolution was  
10 approved earlier this afternoon. We welcome our  
11 special guests to the chamber today.

12 Senator Libous.

13 SENATOR LIBOUS: Mr. President, can  
14 we take up the noncontroversial calendar.

15 ACTING PRESIDENT VALESKY: The  
16 Secretary will read.

17 THE SECRETARY: Calendar Number  
18 126, substituted earlier by Member of the  
19 Assembly Weisenberg, Assembly Print 8639, an act  
20 to amend the Real Property Tax Law.

21 ACTING PRESIDENT VALESKY: Read the  
22 last section.

23 SENATOR SQUADRON: Lay it aside.

24 ACTING PRESIDENT VALESKY: The bill  
25 is laid aside.

1                   THE SECRETARY:    Calendar Number  
2    127, substituted earlier by Member of the  
3    Assembly Weisenberg, Assembly Print 8646, an act  
4    to amend the Real Property Tax Law.

5                   SENATOR SQUADRON:   Lay it aside.

6                   ACTING PRESIDENT VALESKY:   The bill  
7    is laid aside.

8                   THE SECRETARY:    Calendar Number  
9    279, substituted earlier by Member of the  
10   Assembly Nolan, Assembly Print 121, an act to  
11   amend the Education Law.

12                  SENATOR LIBOUS:    Lay the bill aside  
13   for the day.

14                  ACTING PRESIDENT VALESKY:   The bill  
15   is laid aside for the day.

16                  THE SECRETARY:    Calendar Number  
17   350, by Senator Flanagan, Senate Print 4188, an  
18   act to amend the Vehicle and Traffic Law.

19                  ACTING PRESIDENT VALESKY:   Read the  
20   last section.

21                  THE SECRETARY:    Section 2.   This  
22   act shall take effect on the 120th day.

23                  ACTING PRESIDENT VALESKY:   Call the  
24   roll.

25                               (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT VALESKY: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 391, by Senator Ranzenhofer, Senate Print 6981,  
6 an act to amend the Facilities Development  
7 Corporation Act.

8 ACTING PRESIDENT VALESKY: Read the  
9 last section.

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

12 ACTING PRESIDENT VALESKY: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT VALESKY: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 421, by Senator DeFrancisco, Senate Print 6482,  
20 an act to amend the State Finance Law.

21 ACTING PRESIDENT VALESKY: Read the  
22 last section.

23 SENATOR SQUADRON: Lay it aside.

24 ACTING PRESIDENT VALESKY: The bill  
25 is laid aside.

1                   THE SECRETARY:    Calendar Number  
2    426, by Senator Bonacic, Senate Print 7077A, an  
3    act to amend the Estates, Powers and Trusts 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, 60.  
12                  ACTING PRESIDENT VALESKY:   The bill  
13    is passed.  
14                  THE SECRETARY:    Calendar Number  
15    428, by Senator Gallivan, Senate Print 762, an  
16    act to amend the Alcoholic Beverage Control Law.  
17                  SENATOR SQUADRON:   Lay it aside.  
18                  ACTING PRESIDENT VALESKY:   The bill  
19    is laid aside.  
20                  THE SECRETARY:    Calendar Number  
21    469, by Senator Savino, Senate Print 3677A, an  
22    act to amend the Penal Law.  
23                  SENATOR SQUADRON:   Lay it aside.  
24                  ACTING PRESIDENT VALESKY:   The bill  
25    is laid aside.

1                   THE SECRETARY:    Calendar Number  
2   518, by Senator Boyle, Senate Print 6828, an act  
3   to amend the Highway Law.

4                   ACTING PRESIDENT VALESKY:   Read the  
5   last section.

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

8                   ACTING PRESIDENT VALESKY:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT VALESKY:   Senator  
12   Boyle to explain his vote.

13                   SENATOR BOYLE:    Thank you,  
14   Mr. President, to explain my vote.

15                   I'd like to urge everyone, and  
16   myself included, to vote in favor of this bill,  
17   the Corey Swinson Memorial Bridge.

18                   Corey was the youngest of  
19   10 children, and a graduate of Bay Shore High  
20   School.  He played college basketball and  
21   football and was drafted by the NFL in 1995,  
22   spending preseason on the Miami Dolphins roster,  
23   and in that same year played defensive tackle for  
24   the St. Louis Rams.

25                   He then embarked on a career in

1 personal security, protecting A-list athletes and  
2 celebrities. However, Corey always felt drawn to  
3 the field of education, a field in which he could  
4 contribute to the betterment of young people. He  
5 returned to Long Island, where he coached  
6 football at his alma mater, Bay Shore High  
7 School.

8               In 2002, Corey joined the Bay Shore  
9 Schools as the director of security. And if you  
10 saw the size of Corey, you'd know why he was the  
11 director of security -- huge guy. He quickly  
12 established a reputation as one of Long Island's  
13 most respected voices in school safety. In 2012,  
14 Corey assumed the position of director of  
15 security for the Copiague School District.

16              Corey was a dedicated single father  
17 and is survived by his mother, Carrie Swinson,  
18 his siblings -- Robert, Betty, Gwen, Ernie,  
19 Eugenia, Pam, Lisa, Paula, David, and Matthew --  
20 and an ever-increasing assortment of nieces and  
21 nephews. Corey was also fortunate to have a  
22 wonderful extended family, consisting of his  
23 lifelong friends he met over 42 years in the  
24 Bay Shore/Brightwaters community.

25              We lost Corey far too soon. This

1 bridge will memorialize the life of Corey Swinson  
2 and will serve to commemorate the heartfelt  
3 community service and dedication that Corey  
4 provided to our Bay Shore/Brightwaters community.

5 I vote strongly in the affirmative.

6 Thank you.

7 ACTING PRESIDENT VALESKY: Senator  
8 Boyle to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT VALESKY: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 519, by Senator Gallivan, Senate Print 6842, an  
15 act to amend the Highway Law.

16 ACTING PRESIDENT VALESKY: Read the  
17 last section.

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

20 ACTING PRESIDENT VALESKY: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT VALESKY: The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number  
2   522, substituted earlier by Member of the  
3   Assembly Buchwald, Assembly Print 9055, an act to  
4   amend the Surrogate's Court Procedure Act.

5                   SENATOR SQUADRON:   Lay it aside,  
6   please.

7                   ACTING PRESIDENT VALESKY:   The bill  
8   is laid aside.

9                   THE SECRETARY:    Calendar Number  
10   525, by Senator Bonacic, Senate Print 7143, an  
11   act to amend the Civil Practice Law and Rules.

12                   ACTING PRESIDENT VALESKY:   Read the  
13   last section.

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

16                   ACTING PRESIDENT VALESKY:   Call the  
17   roll.

18                   (The Secretary called the roll.)

19                   THE SECRETARY:    Ayes, 60.

20                   ACTING PRESIDENT VALESKY:   The bill  
21   is passed.

22                   THE SECRETARY:    Calendar Number  
23   536, by Senator Marcellino, Senate Print 3854A,  
24   an act to amend the Tax Law.

25                   SENATOR SQUADRON:   Lay it aside.



1           ACTING PRESIDENT VALESKY:    The bill  
2   is laid aside.

3           THE SECRETARY:    Calendar Number  
4   551, by Senator LaValle, Senate Print 1650A, an  
5   act to amend the --

6           SENATOR LIBOUS:    Lay it aside for  
7   the day, please.

8           ACTING PRESIDENT VALESKY:    The bill  
9   is laid aside for the day.

10          THE SECRETARY:    Calendar Number  
11   552, by Senator LaValle, Senate Print 4469A, an  
12   act to amend the Education Law.

13          SENATOR SQUADRON:   Lay it aside.

14          ACTING PRESIDENT VALESKY:    The bill  
15   is laid aside.

16          THE SECRETARY:    Calendar Number  
17   553, by Senator Hannon, Senate Print 5060A, an  
18   act to amend the Education Law.

19          SENATOR SQUADRON:   Lay it aside.

20          ACTING PRESIDENT VALESKY:    The bill  
21   is laid aside.

22          THE SECRETARY:    Calendar Number  
23   556, substituted earlier by Member of the  
24   Assembly Rosenthal, Assembly Print 746A, an act  
25   to amend the Public Health Law.

1                   SENATOR SQUADRON:    Lay it aside.

2                   ACTING PRESIDENT VALESKY:    The bill  
3 is laid aside.

4                   THE SECRETARY:    Calendar Number  
5 557, substituted earlier by Member of the  
6 Assembly Schimminger, Assembly Print 4611B, an  
7 act to amend the Public Health Law.

8                   SENATOR SQUADRON:    Lay it aside.

9                   ACTING PRESIDENT VALESKY:    The bill  
10 is laid aside.

11                  THE SECRETARY:    Calendar Number  
12 560, by Senator Hannon, Senate Print 4509, an act  
13 to amend the Social Services Law.

14                  SENATOR SQUADRON:    Lay it aside.

15                  ACTING PRESIDENT VALESKY:    The bill  
16 is laid aside.

17                  THE SECRETARY:    Calendar Number  
18 567, by Senator Hannon, Senate Print 7163, an act  
19 to amend the Public Health Law.

20                  SENATOR SQUADRON:    Lay it aside.

21                  ACTING PRESIDENT VALESKY:    The bill  
22 is laid aside.

23                  THE SECRETARY:    Calendar Number  
24 574, by Senator Bonacic, Senate Print 2040A, an  
25 act to amend the Penal Law.

1                   SENATOR SQUADRON:   Lay it aside.

2                   ACTING PRESIDENT VALESKY:   The bill  
3 is laid aside.

4                   THE SECRETARY:   Calendar Number  
5 576, by Senator Golden, Senate Print 2174, an act  
6 to amend the Civil Rights Law.

7                   ACTING PRESIDENT VALESKY:   Read the  
8 last section.

9                   THE SECRETARY:   Section 6. This  
10 act shall take effect immediately.

11                   ACTING PRESIDENT VALESKY:   Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY:   Ayes, 59. Nays, 1.  
15 Senator Perkins recorded in the negative.

16                   ACTING PRESIDENT VALESKY:   The bill  
17 is passed.

18                   THE SECRETARY:   Calendar Number  
19 589, by Senator Marcellino, Senate Print 1520, an  
20 act to amend the Penal Law.

21                   ACTING PRESIDENT VALESKY:   Read the  
22 last section.

23                   THE SECRETARY:   Section 2. This  
24 act shall take effect on the first of November.

25                   ACTING PRESIDENT VALESKY:   Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: In relation to  
4 Calendar Number 589: Ayes, 59. Nays, 1.  
5 Senator Perkins recorded in the negative.

6 ACTING PRESIDENT VALESKY: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 597, substituted earlier by Member of the  
10 Assembly Robinson, Assembly Print 9037A, an act  
11 to amend the Banking Law.

12 SENATOR SQUADRON: Lay it aside.

13 ACTING PRESIDENT VALESKY: The bill  
14 is laid aside.

15 THE SECRETARY: Calendar Number  
16 603, by Senator Valesky, Senate Print 4652A, an  
17 act to amend the General Business Law.

18 SENATOR SQUADRON: Lay it aside.

19 SENATOR SAVINO: Lay it aside for  
20 the day, please.

21 ACTING PRESIDENT VALESKY: The bill  
22 is laid aside for the day.

23 THE SECRETARY: Calendar Number  
24 614, by Senator Bonacic, Senate Print 7019, an  
25 act to amend Chapter 473 of the Laws of 2010.

1                   SENATOR SQUADRON:   Lay it aside.

2                   ACTING PRESIDENT VALESKY:   The bill  
3 is laid aside.

4                   THE SECRETARY:   Calendar Number  
5 627, by Senator Marcellino, Senate Print 6973A,  
6 an act to amend the Environmental Conservation  
7 Law.

8                   ACTING PRESIDENT VALESKY:   Read the  
9 last section.

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

12                  ACTING PRESIDENT VALESKY:   Call the  
13 roll.

14                         (The Secretary called the roll.)

15                  THE SECRETARY:   Ayes, 59.  Nays, 1.  
16 Senator Ball recorded in the negative.

17                  ACTING PRESIDENT VALESKY:   The bill  
18 is passed.

19                  THE SECRETARY:   Calendar Number  
20 628, by Senator Ranzenhofer, Senate Print 6978,  
21 an act to amend Chapter 307 of the Laws of 2005.

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                   THE SECRETARY:    Ayes, 59.   Nays, 1.  
5   Senator Ball recorded in the negative.

6                   ACTING PRESIDENT VALESKY:    The bill  
7   is passed.

8                   THE SECRETARY:    Calendar Number  
9   629, by Senator Martins, Senate Print 6982A, an  
10   act to amend the Environmental Conservation Law.

11                   ACTING PRESIDENT VALESKY:    Read the  
12   last section.

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

15                   ACTING PRESIDENT VALESKY:    Call the  
16   roll.

17                   (The Secretary called the roll.)

18                   THE SECRETARY:    Ayes, 59.   Nays, 1.  
19   Senator Ball recorded in the negative.

20                   ACTING PRESIDENT VALESKY:    The bill  
21   is passed.

22                   THE SECRETARY:    Calendar Number  
23   630, by Senator Martins, Senate Print 6983A, an  
24   act to amend the Environmental Conservation Law.

25                   ACTING PRESIDENT VALESKY:    Read the

1 last section.

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

4 ACTING PRESIDENT VALESKY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58. Nays, 2.  
8 Senators Ball and LaValle recorded in the  
9 negative.

10 ACTING PRESIDENT VALESKY: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 631, by Senator Martins, Senate Print 6984A, an  
14 act to amend the Environmental Conservation Law.

15 ACTING PRESIDENT VALESKY: Read the  
16 last section.

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

19 ACTING PRESIDENT VALESKY: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58. Nays, 2.  
23 Senators Ball and LaValle recorded in the  
24 negative.

25 ACTING PRESIDENT VALESKY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 633, by Senator Grisanti, Senate Print 6988A, an  
4 act to amend the Environmental Conservation Law.

5 ACTING PRESIDENT VALESKY: Read the  
6 last section.

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

9 ACTING PRESIDENT VALESKY: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 57. Nays, 3.  
13 Senators Ball, Griffo and LaValle recorded in the  
14 negative.

15 ACTING PRESIDENT VALESKY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 634, by Senator Martins, Senate Print 6991A, an  
19 act to amend the Environmental Conservation Law.

20 ACTING PRESIDENT VALESKY: Read the  
21 last section.

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

24 ACTING PRESIDENT VALESKY: Call the  
25 roll.



1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58. Nays, 2.  
3 Senators Ball and LaValle recorded in the  
4 negative.

5 ACTING PRESIDENT VALESKY: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 635, by Senator Martins, Senate Print 6992A, an  
9 act to amend the Environmental Conservation Law.

10 ACTING PRESIDENT VALESKY: Read the  
11 last section.

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

14 ACTING PRESIDENT VALESKY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 58. Nays, 2.  
18 Senators Ball and LaValle recorded in the  
19 negative.

20 ACTING PRESIDENT VALESKY: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 645, by Senator DeFrancisco, Senate Print 1790,  
24 an act to amend the Navigation Law.

25 ACTING PRESIDENT VALESKY: Read the

1 last section.

2 THE SECRETARY: Section 5. This  
3 act shall take effect on the 120th day.

4 ACTING PRESIDENT VALESKY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT VALESKY: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 648, by Senator Ritchie, Senate Print 2113, an  
12 act to amend the Vehicle and Traffic Law.

13 ACTING PRESIDENT VALESKY: Read the  
14 last section.

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

17 ACTING PRESIDENT VALESKY: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT VALESKY: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 649, by Senator Rivera, Senate Print --

25 SENATOR LIBOUS: Lay it aside.

1                   ACTING PRESIDENT VALESKY:    The bill  
2   is laid aside.

3                   THE SECRETARY:    Calendar Number  
4   672, by Senator Felder, Senate Print 7210, an act  
5   to amend the Family Court Act.

6                   SENATOR SQUADRON:   Lay it aside.

7                   ACTING PRESIDENT VALESKY:   The bill  
8   is laid aside.

9                   THE SECRETARY:    Calendar Number  
10   707, substituted earlier by Member of the  
11   Assembly Silver, Assembly Print 9578, an act to  
12   amend the Real Property Tax Law.

13                  ACTING PRESIDENT VALESKY:   Read the  
14   last section.

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

17                  ACTING PRESIDENT VALESKY:   Call the  
18   roll.

19                       (The Secretary called the roll.)

20                  THE SECRETARY:    Ayes, 60.

21                  ACTING PRESIDENT VALESKY:   The bill  
22   is passed.

23                  THE SECRETARY:    Calendar Number  
24   716, by Senator Carlucci, Senate Print 1980B, an  
25   act to amend the Alcoholic Beverage Control Law.

1                   SENATOR SQUADRON:   Lay it aside.

2                   ACTING PRESIDENT VALESKY:   The bill  
3 is laid aside.

4                   THE SECRETARY:   Calendar Number  
5 722, by Senator Savino, Senate Print 3682, an act  
6 to amend the Tax Law.

7                   SENATOR SQUADRON:   Lay it aside.

8                   ACTING PRESIDENT VALESKY:   The bill  
9 is laid aside.

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

12                  The Secretary will ring the bell as  
13 we proceed to the reading of the controversial  
14 calendar.

15                  SENATOR LIBOUS:   Mr. President, if  
16 we could start the controversial calendar at  
17 Calendar Number 553, by Senator Hannon.

18                  ACTING PRESIDENT VALESKY:   The  
19 Secretary will place Calendar Number 553 before  
20 the house.

21                  THE SECRETARY:   Calendar Number  
22 553, by Senator Hannon, Senate Print 5060A, an  
23 act to amend the Education Law.

24                  SENATOR SQUADRON:   Explanation.

25                  ACTING PRESIDENT VALESKY:   Senator

1 Hannon, an explanation has been requested by  
2 Senator Squadron.

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

5 This is legislation that would  
6 clarify action by this Legislature that we took  
7 in the 2013 budget to make sure the intent as to  
8 how many physician's assistants should be  
9 employed or supervised by a physician at any one  
10 time.

11 The PAs, the physician assistants in  
12 this state feel there's a need for clarification  
13 so that, as the demands upon the medical system  
14 increase -- you know, we've had Obamacare, it's  
15 been relatively successful in the enrollments,  
16 both in private insurance and Medicaid in this  
17 state, so that we have nearly 800,000 more people  
18 covered by insurance than we did just before  
19 January 1.

20 So this is a need to clarify this.  
21 And I would think it should be addressed by the  
22 body positively.

23 ACTING PRESIDENT VALESKY: Senator  
24 Stavisky, why do you rise?

25 SENATOR STAVISKY: If the sponsor

1 would yield.

2 ACTING PRESIDENT VALESKY: Senator  
3 Hannon, do you yield?

4 SENATOR HANNON: Yes.

5 ACTING PRESIDENT VALESKY: The  
6 sponsor yields.

7 SENATOR STAVISKY: Through you,  
8 Mr. President. Line 4 of the bill says that no  
9 physician shall employ or supervise more than  
10 four physician assistants at any one time. Can  
11 you explain to us what the word "supervise"  
12 means?

13 SENATOR HANNON: What the word  
14 "supervise" means? I presume, since it's been in  
15 the law for a number of years, that it is the  
16 common-sense type of thing of looking at the  
17 actions of the individual, providing guidance,  
18 mentoring, advice in regard to the actions of the  
19 individual.

20 And all would be done in regard to  
21 the professional scope of practice of both the  
22 physician and the physician's assistant.

23 ACTING PRESIDENT VALESKY: Senator  
24 Stavisky.

25 SENATOR STAVISKY: Would the

1 sponsor continue to yield?

2 ACTING PRESIDENT VALESKY: Senator  
3 Hannon, do you continue to yield?

4 SENATOR HANNON: Yes.

5 ACTING PRESIDENT VALESKY: The  
6 sponsor yields.

7 SENATOR STAVISKY: Does that mean  
8 that the person has to be in the same room?

9 SENATOR HANNON: I would think it  
10 would be a question of situation. If you're  
11 asking someone to do a task that's a matter of  
12 routine and you don't have to be in the same  
13 room, no.

14 There is a question sometimes that  
15 arises to what the various payment systems will  
16 require -- Medicare, Medicaid, private insurance  
17 and whatever rules they would have. I'm not  
18 familiar, but I know that in other situations  
19 there have been certain rules that have to be  
20 followed, so they would have to be in the same  
21 room.

22 Sometimes they can be in the same  
23 suite in terms of the medical practices,  
24 sometimes they can be in the same operating room,  
25 sometimes it's just the same building. But that

1 all has to be done according to the billing  
2 requirements.

3 But that's not what this bill is  
4 doing. This bill is just dealing with the scope  
5 of practice.

6 SENATOR STAVISKY: If the sponsor  
7 would continue to yield.

8 SENATOR HANNON: Yes.

9 ACTING PRESIDENT VALESKY: The  
10 sponsor yields.

11 SENATOR STAVISKY: In other words,  
12 we're assuming that supervision requires some  
13 kind of close proximity. Am I correct in that  
14 assumption?

15 SENATOR HANNON: I'm not sure.  
16 That's not something that I would be aware of.

17 You're making the assumption that it  
18 has to be close proximity. What I think my  
19 answer to the prior question was is it depends on  
20 the situation.

21 SENATOR STAVISKY: If the sponsor  
22 would continue to yield.

23 SENATOR HANNON: Yes.

24 ACTING PRESIDENT VALESKY: The  
25 sponsor yields.



1                   SENATOR STAVISKY:    Would  
2   availability via the Internet be included in  
3   supervision?  In other words, whether they can  
4   perhaps be another location, would that include  
5   supervision?

6                   SENATOR HANNON:    I don't believe  
7   so.

8                   SENATOR STAVISKY:   If the sponsor  
9   would continue to yield.

10                  SENATOR HANNON:    Yes.

11                  ACTING PRESIDENT VALESKY:   The  
12   sponsor yields.

13                  SENATOR STAVISKY:   There are other  
14   professions that have similar requirements of  
15   supervision -- the nurse anesthetists, the  
16   midwives, there are quite a few that require  
17   supervision.  Would you extend this legislation  
18   to those professions?

19                  SENATOR HANNON:    I would submit  
20   that this legislation deals with physician  
21   assistants only, and that's what the discussion  
22   is limited to.

23                  SENATOR STAVISKY:   If the sponsor  
24   would continue to yield.

25                  ACTING PRESIDENT VALESKY:   Senator

1 Hannon?

2 SENATOR HANNON: Yes.

3 ACTING PRESIDENT VALESKY: The  
4 sponsor yields.

5 Senator Stavisky, a reminder to  
6 direct questions through the chair, please.

7 SENATOR STAVISKY: Sorry,  
8 Mr. President.

9 The original version of the bill  
10 permitted six PAs in the practice. This is an  
11 A-print and limits the number to four. Can the  
12 sponsor explain why the number has been reduced?

13 SENATOR HANNON: I don't have prior  
14 version of the bill with me. I only know what  
15 we're doing with this piece of legislation that's  
16 before us now.

17 SENATOR STAVISKY: Thank you,  
18 Mr. President.

19 Senator, thank you for your  
20 responses.

21 ACTING PRESIDENT VALESKY: Are  
22 there any other Senators who wish to be heard?

23 Seeing none, the debate is closed.

24 The Secretary will ring the bell.

25 Senator Libous.

1                   SENATOR LIBOUS:    Mr. President, if  
2   members could sit in their seats, it would be  
3   very helpful.  Because the rule tells us that  
4   members need to be in their seats for a vote  
5   count.

6                   ACTING PRESIDENT VALESKY:   Members  
7   are asked to sit in their seats.

8                   Also a reminder that there are a  
9   number of bills scheduled to be debated today, so  
10  members should stay in the chamber or near the  
11  chamber following this roll call.

12                  SENATOR LIBOUS:    Mr. President, if  
13  you could call the roll.

14                  ACTING PRESIDENT VALESKY:   Read the  
15  last section.

16                  THE SECRETARY:    Section 2.  This  
17  act shall take effect on the first of January.

18                  ACTING PRESIDENT VALESKY:   Call the  
19  roll.

20                  (The Secretary called the roll.)

21                  THE SECRETARY:    Ayes, 59.

22                  Absent from voting:  Senator  
23  Bonacic.

24                  ACTING PRESIDENT VALESKY:   The bill  
25  is passed.

1 Senator Libous.

2 SENATOR LIBOUS: Thank you,  
3 Mr. President. If we could now take up  
4 Calendar 560, by Senator Hannon.

5 ACTING PRESIDENT VALESKY: The  
6 Secretary will place Calendar 560 before the  
7 Senate.

8 THE SECRETARY: Calendar Number  
9 560, by Senator Hannon, Senate Print 4509, an act  
10 to amend the Social Services Law.

11 SENATOR RIVERA: Explanation.

12 ACTING PRESIDENT VALESKY: Senator  
13 Hannon, an explanation has been requested by  
14 Senator Rivera.

15 SENATOR HANNON: Yes. This is  
16 legislation that would direct the Department of  
17 Health to convene a Health Technology Assessment  
18 Committee so that there would be a formal input  
19 in regard to many of the proposed medical devices  
20 that are eligible for reimbursement under the  
21 state's Medicaid program.

22 ACTING PRESIDENT VALESKY: Senator  
23 Rivera.

24 SENATOR RIVERA: Through you, if  
25 the sponsor would yield for a few questions.

1                   ACTING PRESIDENT VALESKY:    Senator  
2 Hannon, do you yield?

3                   SENATOR HANNON:    One question at a  
4 time.

5                   ACTING PRESIDENT VALESKY:    Senator  
6 Hannon yields one question at a time.

7                   SENATOR RIVERA:    Duly noted,  
8 Mr. President.

9                   SENATOR LIBOUS:    Mr. President,  
10 there's a lot of talking in the back of the  
11 chamber.

12                   If staff is here talking to members,  
13 I would politely ask you to leave and have your  
14 conversations outside the chamber so that we can  
15 hear the vigorous debate between Senator Rivera  
16 and Senator Hannon.

17                   ACTING PRESIDENT VALESKY:  
18 Conversations are asked to be taken outside of  
19 the chamber.

20                   Senator Rivera, proceed with your  
21 question.

22                   SENATOR RIVERA:    Thank you,  
23 Mr. President.

24                   Through you. Through you,  
25 Mr. President. What exactly would the Technology

1     Assessment Committee do? What is the exact  
2     function that they would perform?

3                 SENATOR HANNON:     It would be  
4     analogous to the Drug Utilization Committee,  
5     which is strictly looking at whether or not a  
6     specific pharmaceutical product would be added to  
7     the formulary that's available as a preferred  
8     drug to a patient. This would be analogous to  
9     that, so that the many different types of health  
10    technologies could be evaluated, could be looked  
11    at as to the efficacy.

12                Now, there's a certain amount of  
13    anything is safe if it's gone through FDA  
14    approval, but you also want to look at efficacy  
15    as to how efficient is it in terms of saving  
16    steps, saving procedures, reducing medical costs.  
17    And then they could also be advising in regard to  
18    costs. But we have not put in costs like we've  
19    done for the Drug Utilization Committee.

20                SENATOR RIVERA:     Through you,  
21    Mr. President, if the sponsor would continue to  
22    yield.

23                ACTING PRESIDENT VALESKY:     Senator  
24    Hannon, do you continue to yield?

25                SENATOR HANNON:     Yes.

1                   ACTING PRESIDENT VALESKY:    The  
2   sponsor yields.

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

5                   So this process that they have to  
6   undergo to consider all that you said earlier --  
7   it obviously is a very thorough list of some of  
8   the things that have to be considered -- then  
9   ultimately the members of the committee would  
10   make a recommendation as a whole?  Would they  
11   take a vote internally in the committee?  How  
12   exactly would they determine, after they take  
13   everything into consideration that you just  
14   described, how would they ultimately make a  
15   decision about what goes on that list?  Is that  
16   something that is outlined in this piece of  
17   legislation?

18                  SENATOR HANNON:    Page 5 of the  
19   proposal, at least in my bill draft, is they  
20   shall consider matters related to it, notice on  
21   the website prior to the meeting of it, there  
22   shall be a description of the technology to be  
23   reviewed, the conditions, medical conditions to  
24   be impacted, proposals to be considered,  
25   opportunity for people to present.  And there

1 shall be notice of direct coverage recommendation  
2 by the committee, and the commissioner shall give  
3 notice of the recommendation itself.

4 SENATOR RIVERA: Through you,  
5 Mr. President, if the sponsor would continue to  
6 yield.

7 ACTING PRESIDENT VALESKY: Senator  
8 Hannon, do you continue to yield?

9 SENATOR HANNON: Yes.

10 ACTING PRESIDENT VALESKY: The  
11 sponsor yields.

12 SENATOR RIVERA: So I still find it  
13 hard to understand. Are they actually going to  
14 make a decision internally --

15 SENATOR HANNON: A recommendation.

16 SENATOR RIVERA: They would make a  
17 recommendation. Through you, Mr. President, they  
18 would make a recommendation to the commissioner,  
19 and ultimately the Commissioner of Health would  
20 make the ultimate decision?

21 SENATOR HANNON: That's correct.

22 SENATOR RIVERA: Through you,  
23 Mr. President, if the sponsor would continue to  
24 yield.

25 SENATOR HANNON: Yes.



1                   ACTING PRESIDENT VALESKY:    The  
2   sponsor yields.

3                   SENATOR RIVERA:    There are, I  
4   believe, 13 members of the committee.  Who would  
5   appoint those folks?

6                   SENATOR HANNON:    It's the  
7   commissioner.  The Commissioner of Health.

8                   SENATOR RIVERA:    Through you,  
9   Mr. President, if the sponsor would continue to  
10  yield.

11                   ACTING PRESIDENT VALESKY:   The  
12  sponsor yields.

13                   SENATOR RIVERA:    Would there be any  
14  process that could perhaps influence who these  
15  folks would be, suggestions from either the  
16  Legislature or from other folks in the Executive?  
17  Or how exactly would this -- what pool would  
18  these folks come from?

19                   SENATOR HANNON:    What pool?  I'm  
20  sorry, I didn't understand your question.

21                   SENATOR RIVERA:    Through you,  
22  Mr. President, would there be -- these folks, who  
23  exactly would they be?  When I said pool, I'm  
24  referring to a group of people perhaps that would  
25  be more likely to be chosen for this role.

1                   SENATOR HANNON:    As is provided in  
2     the proposed legislation, there's 13 members.  
3     Their usual term would be three years.   There's  
4     an initial set of staggered terms.   You may have  
5     reappointments.

6                   The membership shall be six persons  
7     licensed and actively engaged in the practice of  
8     medicine in the state, a person licensed and  
9     actively engaged in practice as a nurse  
10    practitioner or midwife, another person who's a  
11    representative of a health technology or medical  
12    device organization with a regional, statewide or  
13    national constituency, and is a healthcare  
14    professional licensed under Title 8 of the  
15    Education Law, a person with expertise who's a  
16    licensed healthcare professional, again under  
17    Title 8 of the Education Law, and three  
18    consumers.

19                  SENATOR RIVERA:    Through you,  
20    Mr. President, if the sponsor would continue to  
21    yield.

22                  SENATOR HANNON:    Yes.

23                  ACTING PRESIDENT VALESKY:    The  
24    sponsor yields.

25                  SENATOR RIVERA:    Thank you,

1 Mr. President.

2 So if I'm not mistaken, there was a  
3 demonstration program that existed a while back  
4 that created a Health Technology Assessment  
5 Committee. Are you familiar -- through you,  
6 Mr. President, is the sponsor familiar with this  
7 program, with the demonstration program?

8 SENATOR HANNON: I only vaguely  
9 remember it. It's not in my file.

10 SENATOR RIVERA: I'm sorry,  
11 Mr. President, I did not understand the answer.

12 SENATOR HANNON: Not enough to make  
13 a response on based on what they did or did not  
14 do.

15 SENATOR RIVERA: Through you,  
16 Mr. President, if the sponsor would continue to  
17 yield.

18 ACTING PRESIDENT VALESKY: Senator  
19 Hannon, do you continue to yield?

20 SENATOR HANNON: Yes.

21 ACTING PRESIDENT VALESKY: The  
22 sponsor yields.

23 SENATOR RIVERA: So my follow-up  
24 question was about this demonstration program,  
25 whether it was successful and, you know, why

1 exactly it's taken over 30 years for the idea of  
2 it to be valid again.

3 I guess through you, Mr. President,  
4 I'll ask a general question. Why has it taken --  
5 this demonstration program, I believe it expired  
6 in 1983. Why has it taken over 30 years to renew  
7 it if it was a successful program?

8 SENATOR HANNON: I think because we  
9 had the Medicaid redesign program, where a number  
10 of changes were made or recommendations for  
11 changes were made in regard to different aspects  
12 that would come under this committee.

13 The thought that this was a  
14 specialized, narrow area of medical care, people  
15 didn't pay attention to it enough that we ought  
16 to have a regular basis.

17 And so the thought was, after  
18 looking at what was happening with some of these  
19 medical devices, people were not able to get  
20 answers as to whether there would be coverage or  
21 not coverage, that we should move forward with  
22 it.

23 And that's probably, Senator Rivera,  
24 why you supported this bill on the floor last  
25 year and why you voted for it twice in committee.

1                   SENATOR RIVERA:    Through you,  
2   Mr. President, if the sponsor would continue to  
3   yield.

4                   ACTING PRESIDENT VALESKY:    Senator  
5   Hannon, do you continue to yield?

6                   SENATOR HANNON:    Yes.

7                   ACTING PRESIDENT VALESKY:    The  
8   sponsor yields.

9                   SENATOR RIVERA:    You are correct.  
10   You are correct, Senator Hannon.  Through you,  
11   Mr. President.  I did support this on the floor  
12   before, as well as in the committee.

13                   I wanted to take this opportunity to  
14   make sure that all the different aspects of the  
15   bill that are positive certainly are brought to  
16   the public.  So I wanted to make sure that we  
17   went through them thoroughly.

18                   Through you, Mr. President, if the  
19   sponsor would continue to yield.

20                   SENATOR HANNON:    Yes.

21                   ACTING PRESIDENT VALESKY:    The  
22   sponsor yields.

23                   SENATOR RIVERA:    I do have a  
24   question, though -- through you, Mr. President --  
25   about the cost of this.  Would there be a cost

1     that would accrue to the state because of the  
2     creation of this committee?

3                 SENATOR HANNON:     I would argue  
4     that -- there's no compensation to anybody  
5     involved. I would argue that you'd be using  
6     personnel, so that would be a cost.

7                 But I would think that a more  
8     focused study as to what would be effective in  
9     regard to healthcare technology would lead to  
10    hopefully both better healthcare, more efficient  
11    cost, and therefore we would have a general  
12    improvement. And that would be a savings to the  
13    system that we support with Medicaid.

14                SENATOR RIVERA:     Through you,  
15    Mr. President, clarifying that I only have two  
16    more questions, would the sponsor continue to  
17    yield?

18                SENATOR HANNON:     I'll yield to one  
19    more question.

20                ACTING PRESIDENT VALESKY:     The  
21    sponsor yields to one more question.

22                SENATOR RIVERA:     I have to choose  
23    one. Thank you, Mr. President. I could do a  
24    two-parter. No, not really.

25                Through you, Mr. President. If I'm

1 not mistaken, this bill would repeal Section 365D  
2 of the Social Services Law. Why does that need  
3 to be repealed with this bill?

4 SENATOR HANNON: That is the  
5 existing Section 365D which you talked about, of  
6 the Social Services Law, which was a  
7 demonstration program that expired 21 years ago.  
8 Or maybe even more, I'm sorry. 1983, yeah.

9 SENATOR RIVERA: Thank you,  
10 Mr. President. On the bill.

11 ACTING PRESIDENT VALESKY: Senator  
12 Rivera on the bill.

13 SENATOR RIVERA: I thank the  
14 sponsor for answering the questions about the  
15 bill. Because yes, I have supported it in the  
16 past. I will also support it today,  
17 Mr. President, because there's a couple of things  
18 that are positive about some of the things that  
19 we've been doing in the State of New York as it  
20 relates to Medicaid redesign and delivering  
21 healthcare to patients in the State of New York.

22 In this case, as the sponsor stated,  
23 we have been successful in the last couple of  
24 years in taking what was increasing costs across  
25 the board and being able to flatten the cost

1 curve. We've done a lot of things through  
2 partnerships, really, whether it was hospitals  
3 with the state, with nurses or with other  
4 healthcare providers, and we've come to agreement  
5 about what are the things that we need to do to  
6 control the costs of Medicaid overall. Which was  
7 something that was incredible -- something that  
8 was costing the state too much and in future  
9 years would actually bankrupt the state.

10 So we have been doing some things in  
11 the state to make sure that those costs are  
12 controlled. And in this case, as the sponsor  
13 noted, in this particular instance we're talking  
14 about what are some of the things that we can do  
15 with technology to lower those costs even  
16 further.

17 And we need to make sure that when  
18 we're making the decision about what technologies  
19 we inject into the system, that we do so with  
20 full knowledge of what these technologies  
21 actually are and hopefully with the  
22 recommendations from people that know the effect  
23 that these technologies have.

24 So the breakdown that the sponsor  
25 noted in the bill is a good one, because it fully



1 takes into consideration different types of  
2 professionals that are doing this type of work  
3 all across the state. Hopefully.

4 One question I did not get to ask  
5 was whether there was something in the bill that  
6 would make sure that we have different people  
7 from different parts of the state. Obviously,  
8 there's plenty to say about the different types  
9 of professionals that would be in this committee,  
10 but I don't believe that there's necessarily  
11 something about whether they would be from  
12 different parts of the geography of the State of  
13 New York. I would suggest that we also need to  
14 include that.

15 But ultimately these 13 individuals  
16 will be responsible for making recommendations to  
17 the Commissioner of Health about what are the  
18 things that we could be doing to use technology  
19 to further bring down costs in healthcare  
20 delivery in the State of New York. And I  
21 ultimately think that that is a positive thing.

22 It is unfortunate that it is not  
23 something that has passed in the Assembly. I'm  
24 uncertain whether this year we're going to have  
25 the opportunity to do that. I would call on my

1 Assembly colleagues to consider that this is one  
2 of the many ways in which we can take costs and  
3 further push them down, never losing sight and  
4 never losing focus on the fact that we need to  
5 provide high-quality care to folks that are  
6 Medicaid patients or to all patients in the State  
7 of New York.

8               So ultimately I will thank the  
9 sponsor for not only introducing this piece of  
10 legislation, but for taking the time this  
11 afternoon to tell us a little bit about it and  
12 tell us why it was necessary.

13              I agree with him wholeheartedly, I  
14 think that this will be a way for us to bring the  
15 intelligence and knowhow of folks that are  
16 knowledgeable about the healthcare delivery  
17 system, are knowledgeable about technology and  
18 how those two things together could provide  
19 better care to the people of the State of  
20 New York.

21              I believe that these individuals  
22 will take that time to give those recommendations  
23 to the Department of Health and to the  
24 commissioner, and ultimately the commissioner  
25 will make the choice. And I believe that this is

1 a positive thing for the State of New York.

2 I will vote in the affirmative, and  
3 I encourage all my colleagues to do the same.

4 Thank you, Mr. President.

5 ACTING PRESIDENT VALESKY: Senator  
6 Squadron.

7 SENATOR SQUADRON: Will the sponsor  
8 yield for a question.

9 ACTING PRESIDENT VALESKY: Senator  
10 Hannon, do you yield?

11 SENATOR HANNON: Yes.

12 ACTING PRESIDENT VALESKY: The  
13 sponsor yields.

14 SENATOR SQUADRON: I know we didn't  
15 quite get through the fully exhaustive  
16 questioning from Senator Rivera, so just a couple  
17 more questions.

18 I understand why this bill seems to  
19 make sense and have a purpose. I understand why  
20 there was a surprisingly long delay. Is there a  
21 model for this sort of commission or this sort of  
22 work in other states?

23 SENATOR HANNON: I'm not aware.

24 Actually, there may be, but it was  
25 not based on that. And -- no, I don't have

1 information about that.

2 SENATOR SQUADRON: If the sponsor  
3 will continue to yield.

4 SENATOR HANNON: Yes.

5 ACTING PRESIDENT VALESKY: The  
6 sponsor yields.

7 SENATOR SQUADRON: If not based on  
8 models from other states, what is the model?

9 SENATOR HANNON: The model is the  
10 bill before us.

11 The model is that we have a very  
12 vigorous healthcare system in this state. The  
13 model is that we have embarked on changing that  
14 healthcare system in many different ways, that we  
15 have a global cap that's saving money in general  
16 but we've also been able to drive money towards  
17 needed aspect of it, that we are funding nearly a  
18 million more New Yorkers with healthcare coverage  
19 that we haven't done before.

20 The model is we have looked at many  
21 different aspects of healthcare delivery and we  
22 haven't had to copy from other states, we're  
23 doing it here. We have delivery systems such as  
24 what they call the HARP or they call the FIDA,  
25 dealing with people who have behavioral health

1 problems or people who are dual-eligibles.

2 There's not really models for all of  
3 that. There's things you borrow, there's things  
4 you can do on your own, and that's what we're  
5 doing here.

6 There are things, as I said at the  
7 beginning with Senator Rivera, we have a Drug  
8 Utilization Board. We have tugged back and forth  
9 in regard to how it works and whether new drugs  
10 can be added to the formulary for the benefit of  
11 people in Medicaid in this state, how they're  
12 added, we've worked on the systems, et cetera,  
13 that they proceed. And based on that knowledge,  
14 we came up with this draft.

15 SENATOR SQUADRON: If the sponsor  
16 would continue to yield.

17 SENATOR HANNON: Yes.

18 ACTING PRESIDENT VALESKY: The  
19 sponsor yields.

20 SENATOR SQUADRON: While I guess  
21 this committee is not based on another state nor  
22 a model in this state, I presume that one of its  
23 charges would be -- and just to clarify this  
24 based on the prior answer -- one of its charges  
25 would be to look at other states and how they

1 have better integrated technology for outcomes  
2 and cost savings.

3 SENATOR HANNON: One of the charges  
4 is the efficacy of the device. And in order to  
5 do that, you're going to have to look at evidence  
6 and try to base it on what will work.

7 There are a few places in this  
8 nation that are looking at drugs, procedures and  
9 devices in regard to evidence, based in Oregon.  
10 Those would be things that would be self-evident  
11 to do, because that's their charge, they're  
12 not-for-profits, they publish their findings and  
13 their findings are available for use.

14 SENATOR SQUADRON: Thank you.

15 On the bill, Mr. President.

16 ACTING PRESIDENT VALESKY: Senator  
17 Squadron on the bill.

18 SENATOR SQUADRON: I thank the  
19 response for answering those questions.

20 I would say as we consider the  
21 sponsor' truly encyclopedic knowledge of this  
22 area, based on the responses, and the need to  
23 assess the technology in the way that has been  
24 described, it's critical that, you know, we look  
25 to the way other places have done this, both at

1 the federal level and other states at the  
2 national level, this seems on its face to be a  
3 reasonable version. I think I will be voting yes  
4 today because it's better to be trying to  
5 consider it than not.

6 But I do think that the models that  
7 we use as we go through these assessments, as we  
8 create what are inevitably new bureaucracies and  
9 new structures, is an important factor. And I do  
10 wish there was a little bit more of that here.  
11 However, I do think that when the sponsor talks  
12 about the charge of the committee and the  
13 consideration nationally -- and in fact,  
14 hopefully the sponsor will take an active hand if  
15 this ever does get passed into law, because  
16 clearly he brings a great deal himself. I think  
17 that's a positive thing.

18 So if this doesn't pass the Assembly  
19 this year and pass into law, I would really urge  
20 an additional further evolution of this that does  
21 consider other models of how we've done this,  
22 either in other areas in this state or across the  
23 states. But today I'll certainly vote yes in  
24 favor of the knowledge that's been displayed and  
25 the need to do something.

1                   Thank you, Mr. President.

2                   ACTING PRESIDENT VALESKY:   Seeing  
3 no other Senator who wishes to be heard, the  
4 debate is closed.

5                   The Secretary will ring the bell.

6                   Read the last section.

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

9                   ACTING PRESIDENT VALESKY:   Call the  
10 roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:   Ayes, 59.

13                   Senator Bonacic absent from voting.

14                   ACTING PRESIDENT VALESKY:   The bill  
15 is passed.

16                   Senator Libous.

17                   SENATOR LIBOUS:   Mr. President, I  
18 believe we'll do Number 567, by Senator Hannon.

19                   ACTING PRESIDENT VALESKY:   The  
20 Secretary will place Calendar 567 before the  
21 Senate.

22                   THE SECRETARY:   Calendar Number  
23 567, by Senator Hannon, Senate Print 7163, an act  
24 to amend the Public Health Law.

25                   SENATOR SQUADRON:   Explanation.



1                   SENATOR RIVERA:    Explanation.

2                   ACTING PRESIDENT VALESKY:    Senator  
3 Hannon, an explanation has been requested in  
4 stereo by Senators Squadron and Rivera.

5                   SENATOR HANNON:    Thank you,  
6 Mr. President.

7                   Several years ago the State of  
8 New York, because of articles in a newspaper in  
9 New York City, put a limitation on the amount of  
10 resident duty hours that residents working at  
11 hospitals could work per week.

12                  There has been a growing questioning  
13 as to whether or not that limitation is effective  
14 in terms of providing a doctor who graduates with  
15 enough experience. Now, this is post-medical  
16 school. This is residencies in hospitals.

17                  As a matter of fact, outside of the  
18 State of New York, there have been several  
19 medical schools thinking that the comparable  
20 provisions in those states that put a limitation  
21 on hours did not have a sufficient evidentiary  
22 basis for an improvement in quality of the  
23 education of the physicians and might have  
24 actually led to a deficiency in the education  
25 because this 80-hour rule would result in between

1 six months and 12 months of less education to the  
2 resident becoming a physician.

3 But this is not just something that  
4 is by random that we're doing here. The State of  
5 New York, because it has a law, can't just waive  
6 on its own, it needs this proposal before us.  
7 And why? It would be so New York State medical  
8 schools and hospitals could participate in a  
9 national study that's going on as to whether or  
10 not that 80-hour rule is effective.

11 And how it's going to work is that  
12 in a double-blind study that some residents will  
13 be assigned to -- and continue the 80-hour  
14 limitation, and others will be able to go above  
15 it. And after a few years of this, there's going  
16 to be metrics using a federal system of outcomes,  
17 especially for surgeries, and they're going to  
18 compare the statistical differences to see  
19 whether the 80-hour rules was of benefit or a  
20 detriment.

21 And so this legislation is to allow  
22 our medical schools to participate in that. I  
23 might add that once you start participating in a  
24 study like this, the institutional research  
25 board, which each of the academic institutions

1 must have, will pass on the study in regard to  
2 all sorts of concerns about safety and privacy  
3 and efficacy for that. So there's a number of  
4 different benefits to this.

5           This is a national trial that's  
6 going to start this summer. And we need to try  
7 to get this passed in order to allow some of our  
8 -- and the schools that will be doing it are  
9 major schools such as Cornell Weill. And that's  
10 who came to us; the director of their surgery,  
11 the dean of their school made the presentation.  
12 And that's why I introduced it and have it before  
13 you today.

14           ACTING PRESIDENT VALESKY:    Senator  
15 Rivera.

16           SENATOR RIVERA:    Through you,  
17 Mr. President, if the sponsor would yield for a  
18 few questions.

19           ACTING PRESIDENT VALESKY:    Senator  
20 Hannon?

21           SENATOR HANNON:    Yes.

22           ACTING PRESIDENT VALESKY:    The  
23 sponsor yields.

24           SENATOR RIVERA:    Thank you,  
25 Mr. President.

1                   Now, why is it important for us to  
2                   exempt rules and regulations from the Department  
3                   of Health that have been currently established as  
4                   this bill does? Why is that a core part of the  
5                   piece of legislation?

6                   SENATOR HANNON:     Why? Or is it --  
7                   are you talking about the law that's proposed or  
8                   the explanation I just gave?

9                   SENATOR RIVERA:     Through you,  
10                  Mr. President, I want you to explain to me,  
11                  reiterate the reasoning why we are -- if this  
12                  bill is passed -- if I'm not mistaken,  
13                  Mr. President, if this bill is passed and signed  
14                  into law, then it means that regulations that  
15                  currently exist, rules and regulations that the  
16                  Department of Health has established as far as  
17                  the hours that a resident can and cannot work, as  
18                  far as how long they can work at one time, how  
19                  much rest they would require -- if I'm not  
20                  mistaken, this would waive those rules and  
21                  regulations if we pass this bill and it is signed  
22                  into law.

23                  I wanted to make sure that I  
24                  understood exactly why such a thing is necessary.

25                  SENATOR HANNON:     To determine --

1     there is a growing thought in the field of  
2     medical education that the 80-hour limitation is  
3     not an effective rule, that it leads to people  
4     who could be better trained. And therefore one  
5     of the ways to go about looking at that criticism  
6     is to do this as an absolute study, a controlled  
7     study, and a study that would have outcomes that  
8     you would measure to see if the hypothesis that  
9     the 80 hours is not useful, whether that  
10    hypothesis is supported.

11                 SENATOR RIVERA:    Through you,  
12    Mr. President, if the sponsor would continue to  
13    yield.

14                 SENATOR HANNON:    Yes.

15                 ACTING PRESIDENT VALESKY:    The  
16    sponsor yields.

17                 SENATOR RIVERA:    There's one aspect  
18    that I sincerely don't understand about your  
19    argument related to -- through you,  
20    Mr. President -- the 80 hours. You're saying  
21    that the 80-hour requirement actually lessens the  
22    ability of a medical practitioner to gain  
23    training?

24                 SENATOR HANNON:    The thought is  
25    that if there was not an 80-hour limitation, that

1     there would be more experience gained by that  
2     prospective physician. And therefore with that  
3     greater experience, which has been estimated to  
4     be between six months additional or 12 months  
5     additional, that it would be a far better  
6     individual as a physician. Especially as a  
7     surgeon, who, once they get that final degree,  
8     can go and operate on any individuals.

9                 SENATOR RIVERA:     Through you,  
10    Mr. President, if the sponsor would continue to  
11    yield.

12                SENATOR HANNON:     Yes.

13                ACTING PRESIDENT VALESKY:     The  
14    sponsor yields.

15                SENATOR RIVERA:     I'm sure that you  
16    are familiar with the Bell regulations and what  
17    occurred to make sure that those were put into  
18    place. But just for the record here, could you  
19    state why the Bell regulations were initially  
20    established and what they are meant to do in the  
21    State of New York?

22                SENATOR HANNON:     I'm not going to  
23    get involved because there were a number of  
24    newspaper stories which led this Legislature to  
25    decide it knew how to regulate medical education.

1 But simply said, they thought less work would add  
2 to greater efficiency.

3 There has been a large number of  
4 physicians who have said no, the less work means  
5 less experience and a less-trained doctor.

6 SENATOR RIVERA: Through you,  
7 Mr. President, if the sponsor would continue to  
8 yield.

9 SENATOR HANNON: Yes.

10 ACTING PRESIDENT VALESKY: The  
11 sponsor yields.

12 SENATOR RIVERA: Is the sponsor  
13 aware of the case of Libby Zion in 1984?

14 SENATOR HANNON: That's what led to  
15 these regulations.

16 SENATOR RIVERA: Through you,  
17 Mr. President, if the sponsor would continue to  
18 yield.

19 SENATOR HANNON: Yes.

20 ACTING PRESIDENT VALESKY: The  
21 sponsor yields.

22 SENATOR RIVERA: For the record,  
23 again, what was the situation that happened and  
24 what was the result of that situation?

25 SENATOR HANNON: I'm not going to

1 put that on record. If you'd like to do it, feel  
2 free. I mean, there was extensive articles,  
3 there was extensive discussion all at that point.

4 But it comes down to the statute  
5 that we're amending was the result of that  
6 situation.

7 SENATOR RIVERA: Through you,  
8 Mr. President, if the sponsor would continue to  
9 yield.

10 SENATOR HANNON: Yes.

11 ACTING PRESIDENT VALESKY: The  
12 sponsor yields.

13 SENATOR RIVERA: The regulations  
14 that we're referring to, Mr. President, among  
15 other things establish proper supervision for  
16 almost 16,000 resident physicians -- I'm not on  
17 the bill, I'm going to ask a question -- and,  
18 second, establish safe work hours for resident  
19 physicians.

20 So through you, Mr. President, is it  
21 the contention of the sponsor that potential  
22 efficiency, effectiveness -- as you have said,  
23 one of the purposes of the study is to determine  
24 whether the interns or doctors, the medical  
25 practitioners, would be able to learn more by



1 working more. Is it the contention of the  
2 sponsor that potential efficiency through more  
3 work hours trumps safety?

4 SENATOR HANNON: No, it is my  
5 assertion, not contention, that that is an  
6 arguable fact and needs to be tested in an  
7 academic study.

8 SENATOR RIVERA: Through you,  
9 Mr. President, if the sponsor would continue to  
10 yield.

11 SENATOR HANNON: Yes.

12 ACTING PRESIDENT VALESKY: The  
13 sponsor yields.

14 SENATOR RIVERA: Would you agree  
15 that the -- what this study -- which, if I'm not  
16 mistaken, is called FIRST, by the acronym, which  
17 is Flexibility in Duty Hours Requirements for  
18 Surgical Training Trials. Would you agree with  
19 the statement that it would ultimately allow  
20 surgery residents to work for unlimited hours  
21 rather than the 27-hour limit that is now in  
22 place because of the regulations that we  
23 stated -- the Bell regulations that I referred to  
24 earlier?

25 SENATOR HANNON: No, I would

1 disagree with the word "unlimited."

2 First of all, there's only so many  
3 hours in the day. Second of all, you have, as I  
4 said in my original explanation, you have the  
5 oversight of an institutional research board,  
6 which is really charged with just looking at  
7 what's happening. For safety of the patient, for  
8 safety of the participants in the study. And I  
9 would think that there would have to be a  
10 reasonableness that would be implied with that.

11 SENATOR RIVERA: Mr. President, if  
12 the sponsor would continue to yield.

13 SENATOR HANNON: And let me point  
14 out, this is not something New York-only. If we  
15 don't pass this legislation, the study will go  
16 forward in other states where they've adopted the  
17 80-hour rule only by regulation. So that what  
18 we're trying to do here is allow especially our  
19 major medical schools to participate in the  
20 national study.

21 SENATOR RIVERA: Again through you,  
22 Mr. President, if the sponsor would continue to  
23 yield.

24 SENATOR HANNON: Yes.

25 ACTING PRESIDENT VALESKY: The

1 sponsor yields.

2 SENATOR RIVERA: Is the sponsor  
3 familiar with the standards set by the  
4 Accreditation Council for Graduate Medical  
5 Education, or ACGME -- I'm not sure how to  
6 pronounce that particular acronym. But is the  
7 sponsor familiar with the requirements that the  
8 Accreditation Council for Graduate Medical  
9 Education establishes for surgical residents in  
10 particular?

11 SENATOR HANNON: I'm aware of them.  
12 I can't tell you that I've read through them  
13 thoroughly. I mean, i Think I have upstairs in  
14 my office, in the file, those regulations. But  
15 they would be -- you know, they would be what one  
16 would expect in the regulation of an educational  
17 course in a technical field.

18 SENATOR RIVERA: Through you,  
19 Mr. President, if the sponsor would continue to  
20 yield.

21 SENATOR HANNON: Yes.

22 ACTING PRESIDENT VALESKY: The  
23 sponsor yields.

24 SENATOR RIVERA: Thank you,  
25 Mr. President.

1                   These same requirements establish  
2                   that residents have 14 hours off after 24 hours  
3                   of consecutive work, and at least eight to  
4                   10 hours off after a regular shift.

5                   Would the sponsor agree that --  
6                   maybe there might not be double-blind studies of  
7                   the type that he is talking about, but would the  
8                   sponsor agree that at least there is a  
9                   common-sense argument to be made that somebody  
10                  who is a surgical resident, who is responsible  
11                  for surgeries, for doing particularly delicate  
12                  medical procedures, whether if that person has  
13                  worked for 24 hours straight, that they should  
14                  have at least 14 hours off or at least eight to  
15                  10 hours off after a regular shift?

16                  Would the sponsor agree that at  
17                  least that's a, on the face of it, a  
18                  common-sense --

19                  SENATOR HANNON:     All I would agree  
20                  with is I don't think that's a germane question.  
21                  I would not be in a position to answer it. And  
22                  that would be driving towards the original  
23                  foundation of the legislation we're amending  
24                  today. But whether or not that's the case, I  
25                  don't know.

1                   But I would tell you that you'll  
2                   never get an answer to that question unless we  
3                   let our schools participate in this study where  
4                   they will have absolute academic findings and you  
5                   can compare this and look at the results to say  
6                   whether it was better one way or the other.

7                   SENATOR RIVERA:    Through you,  
8                   Mr. President, if the sponsor would yield  
9                   for one more question.

10                  SENATOR HANNON:    Yes.

11                  ACTING PRESIDENT VALESKY:    The  
12                  sponsor yields for one more question.

13                  SENATOR RIVERA:    In general, do you  
14                  believe that fatigue -- you're not an expert, I'm  
15                  not an expert in this. But do you believe that  
16                  fatigue leads to accidents or leads to  
17                  carelessness when someone is doing any type of  
18                  activity?

19                  SENATOR HANNON:    I know in  
20                  legislating, it is the case. I don't know about  
21                  practicing medicine.

22                  (Laughter.)

23                  SENATOR RIVERA:    Thank you,  
24                  Mr. President. On the bill.

25                  ACTING PRESIDENT VALESKY:    Senator

1 Rivera on the bill.

2 SENATOR RIVERA: Thank you,  
3 Mr. President. I thank the sponsor for answering  
4 my questions.

5 And these I believe are very -- this  
6 there is a very serious conversation that we need  
7 to have. I will be in opposition to this bill,  
8 Mr. President. I voted against it in committee,  
9 and I will vote against it here on the floor, and  
10 for a couple of different reasons.

11 While I agree with the sponsor that  
12 there is a need as much as possible to have  
13 evidence that is numerical in nature, that is  
14 backed up by research on decisions that we make  
15 about establishing general guidelines for all  
16 sorts of things -- and certainly when it comes to  
17 the medical field, I agree that we need to  
18 have -- we're not going to -- for example, the  
19 FDA does not approve a particular drug unless  
20 there is all sorts of evidence in studies that  
21 establishes that that drug does with what the  
22 manufacturer believes that that drug does. That  
23 it does not hurt the patient, that it is actually  
24 going to be useful for the purpose that it's set  
25 to be useful for.

1                   However, I believe that we're  
2                   dealing with something very, very specific, very  
3                   particular here. Back in 1984 there was the  
4                   tragic story of Libby Zion, who passed away as a  
5                   patient, and based on all the circumstances that  
6                   led to her unfortunate passing, there was a  
7                   process that ultimately led to the creation of an  
8                   Ad Hoc Committee on Emergency Services that is  
9                   known in shorthand as the Bell Commission.

10                  They came up with all sorts of  
11                  regulations that address medication system,  
12                  restraints usage, resident work hours, among a  
13                  host of other things. It was this particular  
14                  commission that came up with what seems to me to  
15                  be a common-sense limitation on the amount of  
16                  hours that surgical residents are allowed to work  
17                  and how much time they are mandated to have in  
18                  between shifts when they're performing their  
19                  professional duty.

20                  We're not talking about somebody  
21                  trimming hedges. We're not talking about  
22                  somebody legislating. We're talking about  
23                  somebody who is ultimately responsible, as a  
24                  surgical resident, for the life of the person  
25                  that is before them in an operating room.

1           I certainly agree with the sponsor  
2   that on most things -- and on everything that  
3   deals with healthcare and healthcare delivery --  
4   that we should have as much as evidence as  
5   possible, as many studies as possible, to be able  
6   to make the best decisions about how policy  
7   should be set.

8           But I believe that back in 1984 this  
9   was a smart way that this particular committee  
10   went about establishing limitations on what these  
11   particular professionals are to do and how  
12   they're going to do it.

13           I believe that it would open up the  
14   door to do -- to enter into this study would open  
15   up the door to potential residents to work  
16   unlimited hours, and certainly -- maybe not  
17   unlimited hours, because obviously there's only  
18   so many hours in the day, as the sponsor said.  
19   And everyone is human, and obviously they can  
20   only work for so long. But that is precisely the  
21   point.

22           Fatigue, under normal circumstances,  
23   when we're legislating -- and we've had  
24   situations right here on the floor where we've  
25   been up till 2:00, 3:00, 4:00 in the morning.



1 And I believe that there's a picture floating  
2 around of when we were here the last day of  
3 session last year, and I was particularly sleepy  
4 after 20 hours straight of being up, and most of  
5 it in this chamber, and I probably took a little  
6 nap right on this desk. And I'm sure that  
7 there's a picture floating around somewhere. And  
8 that was not my best day.

9 But I think that when we're talking  
10 about whether we're legislating is a very  
11 different conversation to have than whether we're  
12 responsible for somebody's life. And so in this  
13 case I'm going to have to say that this bill is  
14 not the correct way to go. It ultimately could  
15 potentially put many people's lives at risk. And  
16 I cannot find myself being supportive of this.

17 So, Mr. President, I will be forced  
18 to vote in the negative. Thank you.

19 ACTING PRESIDENT VALESKY: Senator  
20 Peralta.

21 SENATOR PERALTA: Thank you,  
22 Mr. President. On the bill.

23 ACTING PRESIDENT VALESKY: Senator  
24 Peralta on the bill.

25 SENATOR PERALTA: While the full

1 impact that the Bell regulations and other limits  
2 on resident work hours have on patient safety  
3 merit further study, that is no reason at all to  
4 remove the hard-won worker and patient  
5 protections here in New York.

6 A recent study that was conducted  
7 shortly after the implementation of work-hour  
8 restrictions found that residents whose hours  
9 were not limited made 35.9 percent more serious  
10 medical errors, 57 percent more nonintercepted  
11 errors, and were 6.7 times more likely to make  
12 serious diagnostic errors.

13 The problem with many more recent  
14 studies is that instead of abiding by the spirit  
15 of these rules, hospitals have simply reduced  
16 hours while increasing workloads. This is a  
17 situation that calls for more protections for  
18 residents and patients, not fewer.

19 We need to finally get to safe  
20 staffing levels for all medical personnel rather  
21 than exploiting loopholes in the letter of the  
22 law. We also need to look seriously at the 2009  
23 Institute of Medicine Recommendation that we  
24 further limit resident-hour restrictions rather  
25 than doing away with them entirely.

1                   Ladies and gentlemen, this study  
2                   will go forward whether New York is on board or  
3                   not, because there are plenty of other places  
4                   that seemingly care less than we do about  
5                   hardworking residents and our vulnerable  
6                   patients. So let them do what they're going to  
7                   do. There's a reason why there's no Assembly  
8                   sponsor. There is nothing to be gained by  
9                   New York following suit, and much to lose.

10                  So in the interests of participating  
11                  in a study, what we're saying is we're allowing  
12                  hospitals to exempt themselves from limited  
13                  working hours of postgraduate trainees. If  
14                  80 hours a week is not enough to sufficiently  
15                  train residents/interns, I don't know what is.

16                  With that said, this just sounds  
17                  like a way to exploit residents/interns and, in  
18                  turn, put them and patients in grave danger based  
19                  on the stats that I mentioned earlier. It seems  
20                  someone wants to go back to the "good old days"  
21                  which will only lead to medical errors, missteps  
22                  and an increase in lawsuits. That's what this  
23                  will lead to.

24                  This is simply ridiculous.  
25                  Mr. President, I will be voting against this.

1                   ACTING PRESIDENT VALESKY:    Senator  
2   Stavisky.

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

5                   As I understand it, the legislation  
6   is to test --

7                   ACTING PRESIDENT VALESKY:    Senator  
8   Stavisky, are you speaking on the bill or are you  
9   asking --

10                  SENATOR STAVISKY:    No, I will have  
11   a question in a moment.

12                  ACTING PRESIDENT VALESKY:    Senator  
13   Hannon, will you yield to a question in a moment?

14                  (Laughter.)

15                  SENATOR HANNON:    Yes.

16                  ACTING PRESIDENT VALESKY:    The  
17   sponsor will yield.

18                  SENATOR STAVISKY:    I understand  
19   that this legislation is to test the endurance  
20   and the effect of long hours on a resident's work  
21   product.  And after a lengthy time presumably of  
22   treating patients, there will be a study of their  
23   reflexes and whatever else is involved.  So if  
24   the sponsor would yield.

25                  ACTING PRESIDENT VALESKY:    The

1 sponsor yields.

2 SENATOR STAVISKY: Is there any  
3 reason why they have to use live patients when  
4 there are so many electronic devices that are in  
5 use where they can test all sorts of things  
6 without involving an actual patient?

7 And if it were earlier in the day, I  
8 might have been a little better with my question.

9 (Laughter.)

10 SENATOR HANNON: It requires really  
11 to go back and look at the foundation and to tell  
12 you why I believe not only Senator Rivera but  
13 Senator Peralta are absolutely wrong.

14 The occasion that -- my background  
15 with this issue was -- and I did not introduce  
16 the bill on my own. When the people came from  
17 medical schools, I did. But the background was a  
18 New York Times article, front page, last fall,  
19 which evidenced a growing concern by people in  
20 medical education as to how well or how poorly  
21 the newly minted doctors were. And one of the  
22 things that was pointed out was the limitation on  
23 hours.

24 Now, the interesting part was I sent  
25 that article to out to all the deans of the

1 colleges in New York. And that -- well, for the  
2 most part. There was one or two that said, Oh,  
3 everything's fine. But for many of those deans,  
4 they either wrote or called me up and we had some  
5 incredible discussions as to the quality of the  
6 physicians we're turning out. Maybe they would  
7 be extraordinarily talented, but they were not  
8 skilled.

9                   And especially when it came down to  
10 surgeons. And it's not totally addressed in just  
11 hours, but it was a question of whether or not  
12 they had enough hands-on experience performing  
13 operations so that when they got just past that  
14 day of graduation and they were out to do an  
15 appendectomy or something similar, they would not  
16 be hesitant.

17                   And it goes right to your question,  
18 which is an excellent one, because many of the  
19 medical schools now have the simulation labs  
20 where they will try to trip the students up with,  
21 Okay, we're doing a procedure, we're doing an  
22 appendectomy. All of a sudden, something goes  
23 wrong -- there's a loss in blood pressure,  
24 there's a cut into the wrong part of the abdomen,  
25 and there's an emergency to be handled. And

1 they'll film this, and the medical student will  
2 watch later and try to learn from that mistake.

3 That alone, however, say the deans,  
4 is not enough. For all of the simulation we  
5 have, there's nothing more than being in the  
6 operating room, seeing something happen -- maybe  
7 there's an emergency, someone has come in through  
8 an ambulance, and you have to be able to respond  
9 right away.

10 And the deans said to me: "That's  
11 what we were trained for in the old days." It's  
12 not trying to push people beyond any endurance  
13 limits, it's trying to make sure that when they  
14 have these situations in the future, they're  
15 going to be able to deal with them because  
16 they've gone through them now.

17 There's another part of this, which  
18 is some of these operations last 10, some may  
19 last 20 hours. Sometimes they're done in teams.  
20 This bill allows for continuity so that if you're  
21 part of an operation that's going to go and take  
22 you beyond your 80 hours, you still don't have to  
23 leave. Which can happen right now. Where the  
24 result for the patient is worse than anything  
25 else, because the person who has started the

1 operation is not there to continue it.

2 So we're involved in some very  
3 difficult questions here. But this is totally  
4 unlike anything I think we've ever entertained  
5 before. And yet I think that it's something that  
6 we ought to pass.

7 SENATOR STAVISKY: If the Senator  
8 would yield to one more question.

9 SENATOR HANNON: Yes, Senator.

10 ACTING PRESIDENT VALESKY: The  
11 sponsor yields.

12 SENATOR STAVISKY: Does the sponsor  
13 see an analogy between an airport pilot who is  
14 asked to pilot an airplane for hours upon hours,  
15 and what happens is he's practiced in the flight  
16 simulator, do you see an analogy between that  
17 kind of fatigue and the training that the  
18 residents receive?

19 SENATOR HANNON: Not really. The  
20 conversations I had pointed out that there is a  
21 lot of things that happen to you, and you have to  
22 start the operation, make a cut into the skin.  
23 There is a reaction. Your own blood pressure  
24 goes up, your nervousness goes up.

25 I have a lot of friends who are



1 pilots. I think they've gotten over that very  
2 easily. I don't see that there is the analogy  
3 here that's total.

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

6 ACTING PRESIDENT VALESKY: Senator  
7 Krueger.

8 SENATOR KRUEGER: Thank you.  
9 Through you, Mr. President, if the sponsor would  
10 yield for a question.

11 ACTING PRESIDENT VALESKY: Senator  
12 Hannon?

13 SENATOR HANNON: Yes.

14 ACTING PRESIDENT VALESKY: The  
15 sponsor yields.

16 SENATOR KRUEGER: Thank you.  
17 Could the sponsor tell me what the  
18 top three or four leading causes of death in  
19 America are?

20 SENATOR HANNON: I could.

21 SENATOR KRUEGER: Through you,  
22 Mr. President, would the sponsor tell me.

23 SENATOR HANNON: I don't think it  
24 is all relevant, no.

25 SENATOR KRUEGER: Thank you.

1                   On the bill, Mr. President.

2                   ACTING PRESIDENT VALESKY:     Senator  
3                   Krueger on the bill.

4                   SENATOR KRUEGER:     According to the  
5                   U.S. Centers for Disease Control and Prevention  
6                   National Vital Statistics Report -- the specific  
7                   number, October 10, 2012 -- the leading causes of  
8                   death in America are, in order, diseases of the  
9                   heart, 596,000; the malignant cancers, 575,000;  
10                  hospital deaths due to medical errors, two  
11                  categories:   High estimate, 400,000 people per  
12                  year; low estimate, 210,000 Americans per year  
13                  dying due to medical errors in hospitals.

14                  If we adjust that for New York  
15                  State, since our population is roughly  
16                  6.7 percent of the nation's, a rough estimate of  
17                  patients killed in New York hospitals due to  
18                  error range from a low of 14,000 per year to a  
19                  high of 26,000 each year.   That's between 38 and  
20                  73 patients killed each year in our hospitals due  
21                  to medical error.

22                  There may be lots of reasons for  
23                  medical error, but it's clear to me that being  
24                  exhausted and not being able to think straight  
25                  has to be one of those causes.

1                   For the record, like many of us  
2 here, we may have had multiple marriages in our  
3 life. I had an early marriage. It lasted the  
4 three years of medical residency in a New York  
5 City hospital. It was pre the changes in the  
6 law.

7                   My then-husband slept one night out  
8 of three out of his schedule. He was scheduled  
9 to sleep one night out of three per week. He was  
10 constantly exhausted. All of his colleagues in  
11 medical residencies were constantly exhausted.

12                  I didn't do research on medical  
13 error. I never have. I've read the statistics  
14 on how much medical error there is today, even  
15 under the existing law, and I can guarantee that  
16 I know when you're exhausted beyond  
17 comprehension, you don't make as good of  
18 decisions. And if you're a medical resident in a  
19 hospital setting, the decisions you make may be  
20 the difference between whether your patient lives  
21 or dies.

22                  Do I know if 80 hours per week is  
23 exactly the right number versus 90 versus 70? I  
24 don't. Do I think it's horrendous for somebody  
25 to start studying the question? I don't think

1 so.

2 Do I think New York State has to put  
3 our patients at greater risk by participating in  
4 this kind of research? No, I don't.  
5 Particularly since we still aren't even doing the  
6 research right here in New York about what is  
7 causing the medical errors that result in between  
8 14,000 and 26,000 New Yorkers per year dying in  
9 our hospitals due to medical errors.

10 I would rather be discussing a bill  
11 that mandated research about the causes of death  
12 from those medical errors. And I think that  
13 would be a worthwhile commitment by this house  
14 and by this state. We know there's a real  
15 problem out there. It's just very hard to  
16 imagine the solution comes from even more  
17 overworked and overtired medical residents and  
18 interns in our hospitals.

19 I will vote no, but I vote strongly  
20 yes for research into why do we have 14,000 to  
21 26,000 New Yorkers dying in our hospitals  
22 unnecessarily from medical errors each year.

23 Thank you, Mr. President.

24 ACTING PRESIDENT VALESKY: Senator  
25 O'Brien.

1                   SENATOR O'BRIEN:    Thank you,  
2   Mr. President.

3                   If the sponsor would yield to just a  
4   couple of questions.

5                   ACTING PRESIDENT VALESKY:    Senator  
6   Hannon?

7                   SENATOR HANNON:    I'll yield to a  
8   question.

9                   ACTING PRESIDENT VALESKY:    The  
10   sponsor yields to a question.

11                  SENATOR O'BRIEN:    If we were to  
12   proceed with this legislation to accommodate a  
13   particular study, it would seem that this might  
14   be the kind of legislation that would be  
15   appropriate for some kind of sunset provision.  
16   And I wonder if -- through you, Mr. President --  
17   the legislation contains any kind of sunset  
18   language or ability to control how long studies  
19   can be conducted in subjecting residents to this  
20   kind of extreme work conditions.

21                  SENATOR HANNON:    No.   Because the  
22   study itself, by its definition, is limited for a  
23   few years and already has a sunset.   Whether we  
24   get this enacted or not, I didn't think that we  
25   needed to put it into the statute.

1                   SENATOR O'BRIEN:    If the sponsor  
2 would continue to yield.

3                   SENATOR HANNON:    Yes.

4                   ACTING PRESIDENT VALESKY:    The  
5 sponsor yields.

6                   SENATOR O'BRIEN:    So the  
7 legislation is specific to one particular study  
8 and it wouldn't accommodate other studies.

9                   SENATOR HANNON:    It's participating  
10 in a national study regarding limits on the  
11 working hours of postgraduate trainees recognized  
12 and approved by the commissioner.

13                  SENATOR O'BRIEN:    And one  
14 additional question, if the sponsor would yield.

15                  SENATOR HANNON:    Yes.

16                  ACTING PRESIDENT VALESKY:    The  
17 sponsor yields.

18                  SENATOR O'BRIEN:    Is there any kind  
19 of disclosure to a patient that they may have a  
20 resident conducting surgery or other kinds of  
21 things from somebody who has had to endure  
22 extreme hours, is there any that they're  
23 participating in a study that allows the resident  
24 to exceed the regulations put in place by the  
25 Department of Health?

1                   SENATOR HANNON:    I would presume  
2   that would be done, because it's a matter of  
3   what's usually done when the institutional  
4   research board, the IRB, sets out the conditions  
5   for how a study is conducted.

6                   SENATOR O'BRIEN:   Through you, if I  
7   could just ask a follow-up question. Does the  
8   legislation anticipate that, or we're just hoping  
9   that there would be some --

10                  SENATOR HANNON:    It happens -- it  
11   happens in every study. That's part of the  
12   national rules. I've experienced it in a number  
13   of different things that have been discussed,  
14   sponsored here. There's even some times where --  
15   and these academic institutions, because they  
16   involve research at all times, have their own  
17   IRB. But we also have a state -- in the  
18   Department of Health, an IRB that looks at things  
19   when there's just no other academic institution  
20   available.

21                  So no, no, it's not a hoped-for at  
22   all, it's a matter of policy.

23                  SENATOR O'BRIEN:    On the bill.

24                  ACTING PRESIDENT VALESKY:    Senator  
25   O'Brien on the bill.

1                   SENATOR O'BRIEN:    It just seems to  
2   me, you know, that we're dealing with real human  
3   beings, with real patients here.  I think one of  
4   the earlier questioners talked about, you know,  
5   alternatives to doing extensive training and  
6   conducting a study without risking the lives of  
7   real patients.

8                   And I think that really is a  
9   question in this instance, and I'll be voting no.

10                  ACTING PRESIDENT VALESKY:   Is there  
11   any other Senator who wishes to be heard?

12                  Senator Peralta.

13                  SENATOR PERALTA:    Mr. President,  
14   through you, if the sponsor will yield to a  
15   clarification.

16                  ACTING PRESIDENT VALESKY:   Senator  
17   Hannon?

18                  SENATOR HANNON:    Yes.

19                  ACTING PRESIDENT VALESKY:   The  
20   sponsor yields.

21                  SENATOR PERALTA:    Through you,  
22   Mr. President, during the response to  
23   Senator Stavisky's question, was part of the  
24   answer that was when the deans of the medical  
25   school called the Senator back, they said that



1       there was no better substitute than working on a  
2       live patient?

3                   SENATOR HANNON:     In the essence,  
4       yes.  I don't know "better substitute," but it  
5       was the best experience.

6                   Now, given the fact that there is  
7       use of these simulation labs widespread, that  
8       there is also considered to be a very valuable  
9       experience going through each of those labs.

10                  ACTING PRESIDENT VALESKY:     Senator  
11       Peralta.

12                  SENATOR PERALTA:     If the sponsor  
13       would yield for another question, Mr. President.

14                  SENATOR HANNON:     Yes.

15                  SENATOR PERALTA:     Through you,  
16       Mr. President.  So in the Senator's opinion,  
17       would you say, then, that the deans of those  
18       schools would be encouraging individuals who are  
19       residents/interns to operate on live patients,  
20       even if they have worked 13, 14 hours a day,  
21       because there is no best substitute than working  
22       on live patients?

23                  SENATOR HANNON:     No.  You've  
24       assumed two things together which are not part of  
25       any type of practice.  You're assuming that you

1 have an individual working 13 and going above the  
2 80 hours. That's not part of our rules today in  
3 the state. And so I don't agree with that  
4 assumption whatsoever, because it's not logical.

5 SENATOR PERALTA: Another question,  
6 through you, Mr. President.

7 ACTING PRESIDENT VALESKY: Senator  
8 Hannon, do you yield?

9 SENATOR HANNON: Yes.

10 ACTING PRESIDENT VALESKY: The  
11 sponsor yields.

12 SENATOR PERALTA: Through you,  
13 Mr. President. But isn't this an exemption of  
14 the existing rules that we're discussing so that  
15 we can test these interns/residents on their  
16 stamina?

17 SENATOR HANNON: Not necessarily.  
18 Part of it is continuity, so it has nothing to do  
19 with stamina.

20 And the second is I fully expect  
21 it's not going to be a trial by endurance. I'm  
22 expecting it to be something that we're going to  
23 see a better-qualified physician at the end.

24 SENATOR PERALTA: One last  
25 question, Mr. President, through you.

1                   ACTING PRESIDENT VALESKY:    The  
2   sponsor yields.

3                   SENATOR PERALTA:    Thank you.   So I  
4   believe I also heard the Senator say that the  
5   deans of those medical schools said "That's how  
6   we learned it back in the day," or back when.

7                   So if there are new technologies  
8   that exist today where we don't have to put  
9   individuals at risk when an individual is so  
10   exhausted during an eight, nine, 10-hour shift,  
11   wouldn't it be wiser and smarter and less  
12   expensive to practice on these new technologies  
13   that exist currently today as opposed to those  
14   technologies that did exist back in the day?

15                  SENATOR HANNON:    Several different  
16   things.  A, actually the deans didn't say "how we  
17   learned."  But I had, last night, when I was  
18   talking to a group of doctors, somebody came up  
19   and told me exactly that.  So that there is this  
20   belief in the medical field that that's the case.

21                  But second, in your proposition that  
22   you put forward as your question, you said  
23   "exhausted."  We're not necessarily saying  
24   exhausted.  People are not necessarily exhausted  
25   at all.  It's a question of whether they can be

1 applying their talents. If you're exhausted, I  
2 would say that's a self-defeating end and you're  
3 not going to be there.

4           Lastly, you talk about the new  
5 technologies. If there's anything as a new  
6 technology, we have extended operations that go  
7 far beyond what we've ever seen before. All  
8 because we can do things in terms of operations  
9 that were never done -- in terms of transplants,  
10 in terms of repair, in terms of rebuilding.  
11 Those things were never done before, and they  
12 dictate that you be there in the operating room  
13 for a greater period of time and have teams.

14           So I don't agree that just because  
15 you deal with this, that you're going to have  
16 exhausted people. One is not equated to the  
17 other.

18           SENATOR PERALTA: Thank you,  
19 Mr. President.

20           ACTING PRESIDENT VALESKY: Senator  
21 Hannon on the bill.

22           SENATOR HANNON: A couple of  
23 different things that occur to me in discussing  
24 this.

25           First of all, I was glad that

1 Senator Krueger stood up and had those list of  
2 statistics as to the leading causes of death.  
3 And I believe you had something about either  
4 three, four or five -- or two of those that were  
5 hospital-based.

6 Let me point out to you, for  
7 New York, you're just making the case for my  
8 bill. Those statistics were generated since  
9 1984, when the Bell Commission regulations were  
10 put on. All of those hospital-based errors were  
11 all done under the 80-hour rule. It makes the  
12 case that we have to have a better educational  
13 system. So that's what happens when you use  
14 statistics. Sometimes you've got to think  
15 through what you're doing.

16 Lastly, I don't believe that we  
17 should be restricting this. I believe that  
18 inquiry on an academic basis, to be measured by  
19 people who are in the business of doing education  
20 of physicians in this nation, is something our  
21 medical schools should participate in.

22 We have some really great medical  
23 schools. If I go to name them, I'll eliminate a  
24 couple that I don't intend to eliminated. But  
25 they're all there trying to turn out more and

1 better physicians. If anything we've had as a  
2 problem is we didn't have enough physicians.  
3 I've urged them to do that yearly, and we're  
4 finally getting those numbers up.

5 So I don't think that this is a  
6 productive dissent from support of the bill. I  
7 believe it's good to do. I think we should move  
8 forward on it. And I would ask for your support.

9 Thank you.

10 ACTING PRESIDENT VALESKY: Seeing  
11 no other Senator who wishes to be heard, the  
12 debate is closed.

13 The Secretary will ring the bell.

14 Read the last section.

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

17 ACTING PRESIDENT VALESKY: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT VALESKY: Senator  
21 DeFrancisco to explain his vote.

22 SENATOR DeFRANCISCO: Yes. I  
23 understand the merits of the bill, but I'm going  
24 to vote no, because I actually had a son going  
25 through medical school when there was involuntary

1 servitude and a very dangerous situation.

2 Secondly, the study that's being  
3 proposed can give us the results based upon other  
4 states that have over 80 hours, under 80 hours.  
5 There will be plenty of data without New York.

6 So I'm going to vote no.

7 ACTING PRESIDENT VALESKY: Senator  
8 DeFrancisco to be recorded in the negative.

9 Senator Stavisky to explain her  
10 vote.

11 SENATOR STAVISKY: We're not asking  
12 airline pilots to undertake this study because of  
13 the danger to the passengers. And I don't think  
14 we should be asking the residents to undertake  
15 this study because of the dangers to their  
16 patients.

17 For that reason, I vote no.

18 ACTING PRESIDENT VALESKY: Senator  
19 Stavisky in the negative.

20 Announce the results.

21 THE SECRETARY: In relation to  
22 Calendar Number 567, those recorded in the  
23 negative are Senators Addabbo, Avella, Breslin,  
24 Carlucci, DeFrancisco, Gianaris, Gipson,  
25 Hassell-Thompson, Hoylman, Kennedy, Krueger,

1 Latimer, Martins, Montgomery, O'Brien, Parker,  
2 Peralta, Perkins, Rivera, Sanders, Serrano,  
3 Squadron, Stavisky, Stewart-Cousins and Tkaczyk.

4 Absent from voting: Senator  
5 Bonacic.

6 Ayes, 34. Nays, 25.

7 ACTING PRESIDENT VALESKY: The bill  
8 is passed.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President,  
11 could we lay aside the remaining calendar for the  
12 day.

13 ACTING PRESIDENT VALESKY: The rest  
14 of the calendar is laid aside for the day.

15 SENATOR LIBOUS: And if we could  
16 move to motions and resolutions and call on I  
17 believe Senator Savino.

18 ACTING PRESIDENT VALESKY:  
19 Returning to motions and resolutions.

20 Senator Savino.

21 SENATOR SAVINO: Thank you. Thank  
22 you, Mr. President. On behalf of Senator Klein,  
23 on page 54 I offer the following amendments to  
24 Calendar Number 762, Senate Print Number 6634A,  
25 and I ask that the said bill retain its place on



1 the Third Reading Calendar.

2 ACTING PRESIDENT VALESKY: So  
3 ordered.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President, on  
6 behalf of Senator Larkin, on page 34 I offer the  
7 following amendments to Calendar Number 569,  
8 Senate Print 285, and ask that said bill retain  
9 its place on Third Reading Calendar.

10 ACTING PRESIDENT VALESKY: So  
11 ordered.

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

14 ACTING PRESIDENT VALESKY: There is  
15 no further business at the desk.

16 SENATOR LIBOUS: Mr. President, I  
17 move that the Senate stand adjourned until  
18 Wednesday, May 21st, at 10:00 a.m.

19 ACTING PRESIDENT VALESKY: On  
20 motion, the Senate stands adjourned until  
21 Wednesday, May 21st, at 10:00 a.m.

22 (Whereupon, at 6:29 p.m., the Senate  
23 adjourned.)

24

25