

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 May 18, 2011

11 11:10 a.m.

12
13
14 REGULAR SESSION

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17
18 SENATOR JOSEPH E. ROBACH, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please
5 rise and join me in the Pledge of Allegiance.

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

9 ACTING PRESIDENT ROBACH: Today
10 our invocation will be done by the Reverend
11 Peter G. Young, of Mother Teresa Community
12 Church.

13 REVEREND YOUNG: Thank you.

14 Let us pray.

15 As New Yorkers, we saw the
16 christening of the American flag, of the
17 Stars and the Stripes that was first flown in
18 battle at the defense of Fort Stanwix here in
19 New York State, at Rome.

20 It's with great pride that we
21 are able to serve as Senators in this
22 patriotic tradition as the elected leaders to
23 fulfill Your call, O God, of leadership to
24 all of our citizens in New York State.

25 But again today we know that

1 there's pride in America, because we have
2 known that the Apollo is again connected to
3 our earth that You have created and to the
4 universe that You have created. We know that
5 You are again proud to know that that flag is
6 flying there, as with all on earth and in the
7 universe.

8 Amen.

9 ACTING PRESIDENT ROBACH:
10 Reading of the Journal.

11 THE SECRETARY: In Senate,
12 Tuesday, May 17th, the Senate met pursuant to
13 adjournment. The Journal of Monday,
14 May 16th, was read and approved. On motion,
15 Senate adjourned.

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

19 Presentation of petitions.

20 Messages from the Assembly.

21 Messages from the Governor.

22 Reports of standing committees.

23 Reports of select committees.

24 Communications and reports from
25 state officers.

1 Motions and resolutions.

2 Senator Libous.

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

5 Mr. President, there's a privileged
6 resolution at the desk by Senator Skelos. May we
7 please have the title read and move for its
8 immediate adoption.

9 ACTING PRESIDENT ROBACH: The
10 Secretary will read.

11 THE SECRETARY: Senate resolution
12 by Senator Skelos, providing for a Senate Select
13 Committee on State-Native American Relations.

14 ACTING PRESIDENT ROBACH: The
15 question is on the resolution. All those in
16 favor signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT ROBACH: All those
19 opposed, nay.

20 (No response.)

21 ACTING PRESIDENT ROBACH: The
22 resolution is adopted.

23 Senator Libous.

24 SENATOR LIBOUS: Mr. President,
25 there's a privileged resolution at the desk by

1 Senator Carlucci. At this time could we have the
2 title read, and could you please call on Senator
3 Carlucci before its adoption.

4 ACTING PRESIDENT ROBACH: The
5 Secretary will read.

6 THE SECRETARY: Legislative
7 resolution by Senator Carlucci, memorializing
8 Governor Andrew M. Cuomo to proclaim May 18,
9 2011, as Haitian Unity Day in the State of
10 New York.

11 ACTING PRESIDENT ROBACH: Senator
12 Carlucci.

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

15 It's an absolute honor to stand here
16 today with so many residents from my community in
17 Rockland County. Rockland County, we're very
18 blessed and fortunate to have such a large
19 Haitian population, and many of the residents are
20 here today.

21 Today we celebrate Haitian Flag
22 Day. With the many struggles that are going on
23 in Haiti right now, Haiti has a long history of
24 being leaders. They were one of the first free
25 nations in the Western Hemisphere, and they

1 inspired a generation of Americans here to fight
2 against slavery, inspiring the abolitionists and
3 also leading Napoleon out of the Western
4 Hemisphere and leading to the purchase of the
5 Louisiana Purchase.

6 This has been so important. And as
7 an earlier generation of Haitians were inspired
8 by the Haitian flag, it's our hope that it will
9 continue to inspire the people that are
10 struggling today.

11 But we're so blessed in Rockland
12 County because we have so many leaders,
13 particularly from the Haitian community, that do
14 so much for people that are struggling in our
15 community right now. There's no question that
16 right now we know that so many people are worried
17 about keeping their home, about putting food on
18 the table, about making sure that they can
19 maintain their employment.

20 And the people that are here today,
21 so many leaders like Denet Alexandre, Judge
22 Christine Theodore who's here, and Willie and his
23 wife, Mrs. Parison. We've got so many leaders
24 that go above and beyond every day in not only
25 serving the Haitian community but the entire

1 community of Rockland and beyond.

2 So it's my distinct pleasure to ask
3 all of you to join me in asking the Governor to
4 proclaim today Haitian Unity Day in the State of
5 New York.

6 So with that, I thank all of you for
7 joining me in that, and I want to thank all of
8 our guests here today.

9 Thank you, Mr. President.

10 ACTING PRESIDENT ROBACH: Thank
11 you, Senator Carlucci.

12 Senator Smith on the resolution.

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

15 Let me first thank my colleague
16 Senator Carlucci for his acknowledgment of
17 Haitians and the plight that they have been
18 through. Obviously many of us know it was
19 January a year or so ago that a horrific moment
20 happened in Haiti. And to this day, we still
21 have much to be done in Haiti. Much work needs
22 to be accomplished.

23 But I want to thank Senator
24 Carlucci. Because if you understand, it was only
25 yesterday that Secretary Napolitano has extended

1 the TPS status for Haitian-Americans. And
2 obviously we all know that that temporary
3 protective status is so important to so many of
4 them. And it is a time we need them to recognize
5 that we understand and we stand in solidarity for
6 all of the challenges that have occurred in
7 Haiti.

8 So I'm very proud to stand here to
9 support this resolution. I thank Senator
10 Carlucci for his leadership and his understanding
11 of the plight and the support that is necessary
12 for the community of Haiti.

13 And so with that, Mr. President, I'd
14 like to stand here and join in this resolution
15 today. It's a proud day for the Haitian
16 community. Thank you for your presence here
17 today.

18 ACTING PRESIDENT ROBACH: Thank
19 you, Senator Smith.

20 Senator Parker.

21 SENATOR PARKER: Thank you,
22 Mr. President. Again, let me add my voice to
23 those who are proclaiming today Haitian Unity
24 Day.

25 Actually, today let me actually

1 begin by congratulating Senator Carlucci for his
2 leadership on this issue. Him and I are very
3 much connected, not just because we're young and
4 good-looking, but -- what you all laughing at?

5 (Laughter.)

6 SENATOR PARKER: But also because
7 we represent in our respective districts the
8 largest Haitian populations not just in the state
9 but actually in the world outside of Haiti in
10 terms of concentrations of residents.

11 Today is dix-huit mai, right,
12 Haitian Flag Day. And it's actually celebrated
13 as the day that the Haitian flag was created. So
14 this is a great day in the history of the first
15 free democracy in the Western Hemisphere. And so
16 it's something that we should pay attention to.
17 Anybody who comes from a free democracy got their
18 freedom and their understanding of it from the
19 Haitian people and what they were able to do.

20 And so we remember that. We honor
21 that. We remember Boukman and Jean-Jacques
22 Dessalines, and we remember Toussaint L'Ouverture
23 and the many other countless people who gave
24 their lives so that the people of Haiti could be
25 free. And not even understanding at that time

1 how viral freedom would become in the Western
2 Hemisphere.

3 And so we thank you. And so we know
4 that you're not defined by the January 12th
5 earthquake, but we recognize that and remember
6 the lives lost there and use that as a standing
7 point to rededicate ourselves to making sure that
8 Haiti is the kind of democracy and the kind of
9 republic that we'd like to see our country also
10 become.

11 And so we look forward to continuing
12 to work with you. And even though the folks here
13 don't necessarily live in my district, I invite
14 you down to come to Yoyo and eat and, you know,
15 spend some time and to continue to celebrate this
16 culture that's rich and historic and so important
17 for all of us who care about freedom and
18 democracy.

19 ACTING PRESIDENT ROBACH: Senator
20 Hassell-Thompson.

21 SENATOR HASSELL-THOMPSON: Thank
22 you, Mr. President.

23 I rise to congratulate Senator
24 Carlucci as well on his acknowledgment of a
25 people who have shown, in the face of adversity,

1 such bravery and courage.

2 I had the opportunity to work with
3 Senator Carlucci and many of the families from
4 his district during the crisis, and I must say
5 that I was most proud of them and the way in
6 which they ensured that those families that had
7 lost their lives and who had lost everything had
8 an opportunity to come to the United States and
9 the work that they continue to do to help to
10 rebuild Haiti. Haiti will be rebuilt, and in a
11 stronger and a more sustainable way.

12 And I want to congratulate you today
13 as you continue the heritage of Haiti and let you
14 know that my voice goes with that of Senator
15 Carlucci to continue to do the work here in the
16 State Senate to assist in any way possible to
17 make life better for you here in the United
18 States.

19 I thank you, Mr. President.

20 ACTING PRESIDENT ROBACH: Thank
21 you, Senator.

22 If there are no other Senators
23 wishing to be heard, the question is on the
24 resolution. All those in favor signify by saying
25 aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT ROBACH: Opposed,
3 nay.

4 (No response.)

5 ACTING PRESIDENT ROBACH: The
6 resolution is adopted.

7 Let me welcome all these fine folks
8 here today for Haitian Flag Day and wish you
9 continued success in your important work and in
10 your mission. Thank you.

11 (Standing ovation.)

12 ACTING PRESIDENT ROBACH: Senator
13 Libous.

14 SENATOR LIBOUS: Mr. President, I
15 believe Senator Carlucci has opened this up to
16 all members for cosponsorship. And as the house
17 normally does, if you wish not to be on the
18 resolution, to let the desk know. Otherwise, all
19 members will be put on for cosponsorship.

20 Mr. President, we're going to go to
21 a Rules Committee meeting in a moment. But could
22 you please call on Senator Breslin first.

23 ACTING PRESIDENT ROBACH: Senator
24 Breslin.

25 SENATOR BRESLIN: Thank you,

1 Mr. President.

2 On behalf of Senator Peralta, I move
3 the following bill be discharged from its
4 respective committee and be recommitted with
5 instructions to strike the enacting clause:
6 Senate Number 964.

7 ACTING PRESIDENT ROBACH: So
8 ordered.

9 SENATOR BRESLIN: Thank you,
10 Mr. President.

11 ACTING PRESIDENT ROBACH: Senator
12 Libous.

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

15 At this time I will call an
16 immediate meeting of the Rules Committee in
17 Room 332, an immediate meeting of the Rules
18 Committee in Room 332. The Senate will
19 temporarily stand at ease.

20 ACTING PRESIDENT ROBACH: Immediate
21 meeting of the Senate Rules Committee in
22 Room 332, and we will momentarily stand at ease.

23 (Whereupon, the Senate stood at ease
24 at 11:22 a.m.)

25 (Whereupon, the Senate reconvened at

1 11:37 a.m.)

2 ACTING PRESIDENT ROBACH: Senate
3 will come to order, please. Thank you.

4 Senator Libous.

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

7 I believe there's a report of the
8 Rules Committee at the desk. Could we have it
9 read at this time.

10 ACTING PRESIDENT ROBACH: Reports
11 of standing committees.

12 The Secretary will read.

13 THE SECRETARY: Senator Skelos,
14 from the Committee on Rules, reports the
15 following bill direct to third reading.

16 By Senator Lanza, Senate Print 5353,
17 an act to amend the Real Property Tax Law.

18 SENATOR LIBOUS: Mr. President, I
19 move we accept the report of the Rules Committee.

20 ACTING PRESIDENT ROBACH: All in
21 favor signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT ROBACH: Opposed,
24 nay.

25 (No response.)

1 ACTING PRESIDENT ROBACH: The
2 report is accepted.

3 Senator Libous.

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

6 Mr. President, before we go on to
7 the calendar, I believe -- at this time I would
8 ask for -- can I have some order in the chamber?

9 ACTING PRESIDENT ROBACH: Can we
10 get a little order in the chamber, please
11 (gaveling). Thank you.

12 SENATOR LIBOUS: I would ask the
13 body for unanimous consent at this time for
14 Senator Hassell-Thompson to make a brief
15 statement. I believe she has some visitors.

16 ACTING PRESIDENT ROBACH: Without
17 objection, Senator Hassell-Thompson.

18 SENATOR HASSELL-THOMPSON: Thank
19 you, Mr. President.

20 I rise to acknowledge three
21 classrooms from my neighboring school in the City
22 of Mount Vernon, the Grimes Elementary School.
23 These are fifth-graders, classes 5A, 5BL, and
24 5W. They are here with their teachers, advisors,
25 and some parents.

1 This morning we had a mock session
2 and a vigorous debate on gun violence and the
3 pros and cons. It would be somewhat surprising
4 to this body to know that in that discussion
5 there were good and vigorous arguments in favor
6 of more gun control, but there were equally as
7 many vigorous arguments against more gun control.

8 When we took a vote at the end of
9 the session, it was interesting to know that 32
10 of the students voted in favor of more gun
11 control, 30 students voted for no further gun
12 control.

13 As we discussed it we talked about,
14 extensively, responsibility and the behavior that
15 must come with people who are licensed to carry
16 weapons. But it was very interesting, someone
17 wanted to change the Constitution. But by the
18 mere fact that we voted 32 to 30 indicated why
19 the Constitution probably will never be changed,
20 because they represent the voice of the people as
21 well.

22 And so it was an extraordinary
23 session this morning. I appreciate the
24 preparation and work that was done on behalf of
25 the students and by their teachers in preparation

1 for today's session. And we can be proud that
2 our country is still in good hands.

3 Thank you, Mr. President. Thank
4 you, Grimes School.

5 ACTING PRESIDENT ROBACH: Thank
6 you, Senator.

7 On behalf of Senator
8 Hassell-Thompson and all of the Senate, we
9 welcome you students from Mount Vernon, your
10 teachers and parents, and extend to you the
11 courtesies of the house of the Senate and hope
12 you have a great visit. Thanks for joining us
13 today.

14 (Applause.)

15 ACTING PRESIDENT ROBACH: Senator
16 Libous.

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

19 And could we now take up the reading
20 of the noncontroversial calendar.

21 ACTING PRESIDENT ROBACH: The
22 Secretary will read.

23 THE SECRETARY: Calendar Number
24 555, by Senator Gallivan, Senate Print 4828, an
25 act to amend the Social Services Law.

1 ACTING PRESIDENT ROBACH: Read the
2 last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect on the 60th day.

5 ACTING PRESIDENT ROBACH: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT ROBACH: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 565, by Senator Seward, Senate Print 3859, an act
13 changing the name of Georgetown-South Otselic to
14 the Otselic Valley Central School District at
15 Georgetown-South Otselic.

16 ACTING PRESIDENT ROBACH: Read the
17 last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the 30th day.

20 ACTING PRESIDENT ROBACH: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT ROBACH: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 578, by Senator Young, Senate Print 748, an act
3 to amend the Labor Law.
4 ACTING PRESIDENT ROBACH: Read the
5 last section.
6 THE SECRETARY: Section 2. This
7 act shall take effect immediately.
8 ACTING PRESIDENT ROBACH: Call the
9 roll.
10 (The Secretary called the roll.)
11 THE SECRETARY: Ayes, 60.
12 ACTING PRESIDENT ROBACH: The bill
13 is passed.
14 THE SECRETARY: Calendar Number
15 582, by Senator DeFrancisco, Senate Print 3182,
16 an act to amend the State Finance Law.
17 ACTING PRESIDENT ROBACH: Read the
18 last section.
19 THE SECRETARY: Section 2. This
20 act shall take effect immediately.
21 ACTING PRESIDENT ROBACH: Call the
22 roll.
23 (The Secretary called the roll.)
24 THE SECRETARY: Ayes, 60.
25 ACTING PRESIDENT ROBACH: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 635, by Senator Libous, Senate Print 4206, an act
4 to amend the General Municipal Law.

5 ACTING PRESIDENT ROBACH: Read the
6 last section.

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

9 ACTING PRESIDENT ROBACH: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT ROBACH: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 643, by Senator Libous, Senate Print 4750, an act
17 to amend the County Law.

18 ACTING PRESIDENT ROBACH: Read the
19 last section.

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

22 ACTING PRESIDENT ROBACH: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT ROBACH: The bill
2 is passed.

3 Senator Libous, that completes the
4 reading of the noncontroversial calendar.

5 SENATOR LIBOUS: Thank you,
6 Mr. President. I believe at this time we have
7 the noncontroversial reading of Supplemental
8 Calendar 43A, please.

9 ACTING PRESIDENT ROBACH: The
10 Secretary will read.

11 THE SECRETARY: Senator Lanza moves
12 to discharge, from the Committee on Cities,
13 Assembly Bill Number 7511 and substitute it for
14 the identical Senate Bill Number 5353, Third
15 Reading Calendar 791.

16 ACTING PRESIDENT ROBACH:
17 Substitution ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 791, substituted earlier today by Member of the
21 Assembly Silver, Assembly Print Number 7511, an
22 act to amend the Real Property Tax Law.

23 ACTING PRESIDENT ROBACH: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT ROBACH: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT ROBACH: The bill
7 is passed.

8 Senator Libous.

9 SENATOR LIBOUS: Mr. President, at
10 this time could we return to motions and
11 resolutions and call on Senator Breslin.

12 ACTING PRESIDENT ROBACH: Motions
13 and resolutions.

14 Senator Breslin.

15 SENATOR BRESLIN: Thank you,
16 Mr. President.

17 On behalf of Senator Smith, on page
18 number 51 I offer the following amendments to
19 Calendar Number 622, Senate Print Number 4455,
20 and ask that the bill retain its place on the
21 Third Reading Calendar.

22 ACTING PRESIDENT ROBACH: The
23 amendments are received and adopted, and the bill
24 will retain its place on the Third Reading
25 Calendar.

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

3 ACTING PRESIDENT ROBACH: Senator
4 Libous.

5 SENATOR LIBOUS: At this time we're
6 just waiting temporarily for some housekeeping.
7 But the business of the Senate is concluded.
8 We'll adjourn momentarily. We're just waiting on
9 some housekeeping.

10 ACTING PRESIDENT ROBACH: Okay.
11 What does that mean?

12 SENATOR LIBOUS: Mr. President,
13 that means the members can leave quietly.
14 Quietly.

15 (Laughter.)

16 SENATOR LIBOUS: Mr. President.

17 ACTING PRESIDENT ROBACH: If we
18 could just have a little bit of order, we're
19 almost done here.

20 Senator Libous.

21 SENATOR LIBOUS: Mr. President, I
22 wish to call up Senator Gallivan's bill, Print
23 Number 2385, recalled from the Assembly, which is
24 now at the desk.

25 ACTING PRESIDENT ROBACH: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 105, by Senator Gallivan, Senate Print 2385, an
4 act to amend the Environmental Conservation Law.

5 SENATOR LIBOUS: Mr. President, I
6 now move to reconsider the vote by which this
7 bill was passed.

8 ACTING PRESIDENT ROBACH: Call the
9 roll on reconsideration.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 SENATOR LIBOUS: Mr. President, I
13 now offer up the following amendments.

14 ACTING PRESIDENT ROBACH: The
15 amendments are received and adopted, Senator
16 Libous.

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

19 ACTING PRESIDENT ROBACH: There is
20 none, Senator Libous.

21 SENATOR LIBOUS: There being no
22 further business before the Senate today, I move
23 that we adjourn until Monday, May 23rd, at
24 3:00 p.m., intervening days being legislative
25 days.

1 ACTING PRESIDENT ROBACH: On
2 motion, the Senate stands adjourned until Monday,
3 May 23rd, at 3:00 p.m., intervening days being
4 legislative days.

5 (Whereupon, at 11:46 a.m., the
6 Senate adjourned.)

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