

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9 January 23, 2012

10 3:05 p.m.

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13
14 REGULAR SESSION

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18 SENATOR JOSEPH A. GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask all present to please rise
5 and join with me as we recite the Pledge of
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: In the
10 absence of clergy, I ask all to bow their heads
11 in a moment of silent reflection.

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

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

16 THE SECRETARY: In Senate,
17 Sunday, January 22, the Senate met pursuant to
18 adjournment. The Journal of Saturday,
19 January 21, was read and approved. On motion,
20 Senate adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.
6 Motions and resolutions.
7 Senator LaValle.
8 SENATOR LaVALLE: Mr. President,
9 may we please have the noncontroversial reading
10 of the calendar at this time.
11 ACTING PRESIDENT GRIFFO: The
12 Secretary will read.
13 THE SECRETARY: Calendar Number
14 4, by Senator Marcellino, Senate Print 950, an
15 act to amend the Real Property Tax Law.
16 ACTING PRESIDENT GRIFFO: Read
17 the last section.
18 THE SECRETARY: Section 2. This
19 act shall take effect immediately.
20 ACTING PRESIDENT GRIFFO: Call
21 the roll.
22 (The Secretary called the roll.)
23 THE SECRETARY: Ayes, 43.
24 ACTING PRESIDENT GRIFFO: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 6, by Senator Ranzenhofer, Senate Print 3188,
3 an act to amend the Alcoholic Beverage Control
4 Law.

5 ACTING PRESIDENT GRIFFO: Read
6 the last section.

7 THE SECRETARY: Section 5. This
8 act shall take effect on the first of January.

9 ACTING PRESIDENT GRIFFO: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 44.

13 ACTING PRESIDENT GRIFFO: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 21, by Senator Maziarz, Senate Print 164C, an
17 act to amend the Vehicle and Traffic Law.

18 ACTING PRESIDENT GRIFFO: Read
19 the last section.

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

22 ACTING PRESIDENT GRIFFO: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 45. Nays,

1 1. Senator Rivera recorded in the negative.

2 ACTING PRESIDENT GRIFFO: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 23, by Senator Dilan, Senate Print 1362, an act
6 to amend the Vehicle and Traffic Law.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

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

11 THE PRESIDENT: Call the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 45. Nays,

14 1. Senator Duane recorded in the negative.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 26, by Senator Fuschillo, Senate Print 3452, an
19 act to amend the Vehicle and Traffic Law.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

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

24 ACTING PRESIDENT GRIFFO: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 50.

3 ACTING PRESIDENT GRIFFO: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 27, by Senator Fuschillo, Senate Print 5171B,
7 an act to amend the Vehicle and Traffic Law.

8 ACTING PRESIDENT GRIFFO: Read
9 the last section.

10 THE SECRETARY: Section 5. This
11 act shall take effect on the 90th day.

12 ACTING PRESIDENT GRIFFO: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 49. Nays,
16 1. Senator Adams recorded in the negative.

17 ACTING PRESIDENT GRIFFO: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 28, by Senator Fuschillo, Senate Print 5870, an
21 act to amend the Public Authorities Law.

22 ACTING PRESIDENT GRIFFO: Read
23 the last section.

24 THE SECRETARY: Section 5. This
25 act shall take effect immediately.

1 ACTING PRESIDENT GRIFFO: Call
2 the roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 47. Nays,
5 3. Senators Adams, Ball and Duane recorded in
6 the negative.

7 ACTING PRESIDENT GRIFFO: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 29, by Senator Young, Senate Print 794, an act
11 to amend the Environmental Conservation Law.

12 ACTING PRESIDENT GRIFFO: Read
13 the last section.

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

16 ACTING PRESIDENT GRIFFO: Call
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 49. Nays,
20 1. Senator Duane recorded in the negative.

21 ACTING PRESIDENT GRIFFO: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 30, by Senator Grisanti, Senate Print 2648, an
25 act to amend the Environmental Conservation

1 Law.

2 ACTING PRESIDENT GRIFFO: Read
3 the last section.

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

6 ACTING PRESIDENT GRIFFO: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: In relation to
10 Calendar Number 30, those recorded in the
11 negative are Senators Duane, Espaillat, Perkins
12 and Serrano.

13 Ayes, 46. Nays, 4.

14 ACTING PRESIDENT GRIFFO: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 32, by Senator Hannon, Senate Print 4376B, an
18 act to amend the Public Health Law.

19 ACTING PRESIDENT GRIFFO: Read
20 the last section.

21 THE SECRETARY: Section 6. This
22 act shall take effect on the first of January.

23 ACTING PRESIDENT GRIFFO: Call
24 the roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 52.

2 ACTING PRESIDENT GRIFFO: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 33, by Senator Nozzolio, Senate Print 4665, an
6 act to amend the Public Health Law.

7 ACTING PRESIDENT GRIFFO: Read
8 the last section.

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

11 ACTING PRESIDENT GRIFFO: Call
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 51. Nays,
15 1. Senator Avella recorded in the negative.

16 ACTING PRESIDENT GRIFFO: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 34, by Senator Young, Senate Print 5210, an act
20 to amend the Public Health Law.

21 ACTING PRESIDENT GRIFFO: Read
22 the last section.

23 THE SECRETARY: Section 4. This
24 act shall take effect immediately.

25 ACTING PRESIDENT GRIFFO: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT GRIFFO:

4 Senator Duane to explain his vote.

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

7 I just want to note my strong
8 agreement with this piece of legislation. And
9 it's important, particularly in rural areas
10 around our state.

11 And I look forward to a time when
12 we can fund adding dental as one of the
13 services that we bring to the entire state.
14 And I hope to continue to work with Senator
15 Young on this issue to make it a reality in our
16 state.

17 Thank you, Mr. President. I vote
18 aye.

19 ACTING PRESIDENT GRIFFO:

20 Senator Duane to be recorded in the
21 affirmative.

22 Is there any other Senator wishing
23 to explain their vote?

24 Announce the results.

25 THE SECRETARY: Ayes, 51. Nays,

1 1. In relation to Rule Number 9, Senator
2 DeFrancisco recorded in the negative.

3 ACTING PRESIDENT GRIFFO: The
4 bill is passed.

5 Senator LaValle, that completes
6 the reading of the noncontroversial calendar.

7 SENATOR LaVALLE: Mr. President,
8 with unanimous consent I'd like to recognize
9 Senator Espaillat for a brief announcement.

10 ACTING PRESIDENT GRIFFO:
11 Without objection, Senator Espaillat, you are
12 recognized.

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

15 Thank you for allowing me to
16 introduce a group that has been coming to the
17 New York State Legislature since February of
18 1997. They are the Instituto Duarte. They
19 celebrate the anniversary of the birth of Juan
20 Pablo Duarte, the founding father of the
21 Dominican Republic, who was born the 26th of
22 January of 1813.

23 There's a big delegation this
24 year, headed by the president of the institute,
25 Mr. Juan Elliott, and representatives from the

1 Dominican Republic Consul General's office.
2 The consul general, Mr. Maximo Corcino, could
3 not be here today, but he sent Isabel Padilla,
4 who's head of the delegation, along with
5 Cecilia Baez, who are both in the balcony.

6 And they're celebrating, they're
7 kicking off Juan Pablo Duarte week, and it has
8 been a tradition of this group to visit both
9 the Assembly and the Senate and visit the
10 proceedings. So I thank you, Mr. President,
11 for allowing me to introduce them and to make
12 sure that the entire Senate understands what
13 they're about. They're about the legacy of
14 Juan Pablo Duarte, particularly for young
15 children, teaching them who he was. And
16 they're doing a fantastic job.

17 So thank you for allowing them to
18 visit the Senate chambers.

19 ACTING PRESIDENT GRIFFO:
20 Senator Rivera.

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

23 I also stand to welcome our guests
24 today to the Senate chamber. And there's a
25 couple of reasons why I do that. And the most

1 important one is because I represent about
2 100,000 Dominicans in my district. Many of
3 them have actually crossed over from Washington
4 Heights -- Quisqueya Heights, if you will --
5 where many have lived for generations.

6 And I increasingly find that
7 there's many of these folks that are in my back
8 yard. They are my allies locally. In here in
9 the Senate I obviously have two colleagues,
10 Adriano Espaillat and Jose Peralta, which are
11 both Dominican. And I would be remiss if I did
12 not mention my colleague in the Assembly,
13 Nelson Castro, who crosses over with me in the
14 district.

15 This is a community that is a rich
16 community. It is a community that is rich with
17 culture. They are a zesty community. They
18 enjoy participating in politics; to them, it is
19 a full-contact sport. And I enjoy having them
20 as my colleagues here in the Senate, colleagues
21 in the Assembly, but most importantly as people
22 that I represent in my district.

23 Thank you again for coming today.
24 Bienvenidos a senado {in Spanish}. And I hope
25 that all of my colleagues take some time to

1 also welcome them as well.

2 Thank you, Mr. President.

3 ACTING PRESIDENT GRIFFO: I will
4 continue to acknowledge speakers without
5 objection.

6 Senator Perkins.

7 SENATOR PERKINS: Bienvenidos. I
8 am a Senator of the Dominican community {in
9 Spanish}. Entiende? Gracias.

10 It's a great pleasure that I have
11 to serve as a Senator that represents part of
12 the Dominican community. As a community I've
13 had the privilege of working with them for
14 many, many years.

15 Long before he was a great state
16 Senator, I remember working with Senator
17 Espaillat when he actually was a candidate for
18 a very local position as a member of the
19 community school board. It was a very historic
20 period because then, in our recognition of the
21 value of immigrants and the value of parents,
22 we allowed them to vote in school board
23 elections. And he was a great organizer of the
24 Dominican community in Manhattan to get them
25 out to participate in the electoral process.

1 And now they have become a political giant, not
2 only in Manhattan but in the whole City of New
3 York.

4 And so I want to thank you for the
5 privilege of being here with you and the
6 opportunity to work with your brother from the
7 Dominican Republic. Welcome.

8 ACTING PRESIDENT GRIFFO: Senator
9 Diaz.

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

12 Ladies and gentlemen, as you know,
13 every country has their heroes and heroines,
14 and most of them have specific days in which to
15 honor their heroes. For example, Africa honors
16 Nelson Mandela, America honors George
17 Washington, Abraham Lincoln, Martin Luther
18 King, and many others. Puerto Rico honors Don
19 Luis Munoz Marin and Don Pedro Albizu Campus,
20 among others.

21 The Dominican Republic honors the
22 birth of Juan Pablo Duarte y Diez, born on
23 July 26, 1813, and who died on July 15, 1876.
24 In his 63 years of life, Juan Pablo Duarte y
25 Diez left a legacy of pride, courage, and honor

1 for all Dominicans to celebrate.

2 Together with Don Francisco del
3 Rosario and Ramon Matias Mella, Juan Pablo
4 Duarte y Diez was a visionary who is widely
5 considered as the architect of the Dominican
6 Republic and its independence from Haiti in
7 1844.

8 That is why, Mr. President and
9 ladies and gentlemen, today I'm proud to honor
10 my colleague and friend, my brother Adriano
11 Espaillat, in congratulating the people of the
12 Dominican Republic on this occasion and
13 supporting this wonderful resolution declaring
14 January 23rd Juan Pablo Duarte Day in the State
15 of New York.

16 To Mr. Juan Elliott, president of
17 the Instituto Duarteano, and the delegation
18 from New York City that are here visiting us
19 today, congratulations and thank you all for
20 honoring us with your presence.

21 And to you {singing}:

22 "Quisqueyanos valiantes, alcemos,
23 Nuestro canto con viva emoción."

24 Hey -- {in Spanish}. Muchos gracias.

25 (Applause.)

1 ACTING PRESIDENT GRIFFO: A new
2 vocalist.

3 Is there any other Senator that
4 wishes to be heard?

5 (No response.)

6 ACTING PRESIDENT GRIFFO: We want
7 to welcome our guests and thank you for being
8 with us today.

9 (Standing ovation.)

10 ACTING PRESIDENT GRIFFO: Senator
11 LaValle.

12 SENATOR LaVALLE: Mr. President,
13 there being no further business, I move we
14 adjourn until Tuesday, January 24th,
15 at 11:00 a.m.

16 ACTING PRESIDENT GRIFFO: As
17 there is no further business, upon motion, the
18 Senate stands adjourned until Tuesday,
19 January 24th, at 11:00 a.m.

20 (Whereupon, at 3:20 p.m., the
21 Senate adjourned.)

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