NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 23, 2012

3:05 p.m.

REGULAR SESSION

SENATOR JOSEPH A. GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator LaValle.

SENATOR LaVALLE: Mr. President, may we please have the noncontroversial reading of the calendar at this time.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 4, by Senator Marcellino, Senate Print 950, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45. Nays,

1. Senator Rivera recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 46. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO:

Senator Duane to explain his vote.

SENATOR DUANE: Thank you, Mr. President.

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

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

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT GRIFFO:

Senator Duane to be recorded in the affirmative.

Is there any other Senator wishing to explain their vote?

Announce the results.

THE SECRETARY: Ayes, 51. Nays,

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

SENATOR ESPAILLAT: Thank you, Mr. President.

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

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

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

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

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

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

also welcome them as well.

Thank you, Mr. President.

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

Senator Perkins.

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Diaz.

SENATOR DIAZ: Thank you, Mr. President.

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

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

for all Dominicans to celebrate.

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

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

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

And to you {singing}:

"Quisqueyanos valiantes, alcemos,

Nuestro canto con viva emoción."

Hey -- {in Spanish}. Muchos gracias.

(Applause.)

ACTING PRESIDENT GRIFFO: A new vocalist.

Is there any other Senator that wishes to be heard?

(No response.)

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

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator LaValle.

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

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

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