

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 May 9, 2012

11 11:10 a.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
8 recited the Pledge of Allegiance to the Flag.)

9 ACTING PRESIDENT GRIFFO: In the
10 absence of clergy today, we will offer to bow
11 our heads 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 Tuesday, May 8th, the Senate met pursuant to
18 adjournment. The Journal of Monday, May 7th,
19 was read and approved. On motion, Senate
20 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 The Secretary will read.

2 THE SECRETARY: On page 32,
3 Senator Skelos moves to discharge, from the
4 Committee on Finance, Assembly Bill
5 Number 9224 and substitute it for the
6 identical Senate Bill Number 6462, Third
7 Reading Calendar 672.

8 ACTING PRESIDENT GRIFFO: So
9 ordered.

10 Messages from the Governor.
11 Reports of standing committees.
12 Reports of select committees.
13 Communications and reports from
14 state officers.

15 Motions and resolutions.

16 Senator DeFrancisco.

17 SENATOR DeFRANCISCO: Yes,
18 Mr. President, would you please recognize
19 Senator Little for the purposes of a
20 statement.

21 ACTING PRESIDENT GRIFFO:
22 Senator Little.

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

25 We are joined today by the

1 fourth-grade class of St. Mary's-
2 St. Alphonsus Regional School in Glens Falls,
3 New York, which is a very special school to me
4 because it is my alma mater.

5 I went to school there, as did
6 all of my children, and now I have
7 grandchildren who are in this class. I might
8 note that they are the fifth generation of my
9 family to attend St. Mary's.

10 They're accompanied today by many
11 of the parents who brought them down, as well
12 as their two teachers --

13 ACTING PRESIDENT GRIFFO: Excuse
14 me, Senator Little.

15 May I have some order in the
16 chamber, please. I think it's very important
17 that we're recognizing some distinguished
18 visitors today. I'd like to give the courtesy
19 of the house to Senator Little.

20 Senator Little.

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

23 They're accompanied by their
24 teachers Mrs. Edie, Mrs. Wadsworth, and many
25 parents here today who have brought them down.

1 I'd also like to recognize, within
2 this class, the Odyssey of the Mind Team and ask
3 them to stand. I believe they're in the front
4 row. They placed first -- as we know, Odyssey of
5 the Mind is a creative-problem-solving program.
6 They were first in the region and fourth in the
7 state.

8 I might also have to recognize my
9 grandson, Neil Hogan, who is in the center there,
10 and their coach, who is very special to me, and
11 that is my daughter Elizabeth Little Hogan, who
12 is in the back row. You probably can't see her.

13 But I'm very pleased to have them
14 here today. They worked very hard. And I would
15 ask you, Mr. President, to recognize the
16 fourth-grade class of St. Mary's-St. Alphonsus
17 Regional School, and especially the Odyssey of
18 the Mind Team.

19 Thank you very much.

20 (Applause.)

21 ACTING PRESIDENT DeFRANCISCO:

22 Welcome to the chambers, and I hope you enjoy
23 your day here in Albany and, most importantly,
24 learn something. That's why you're here.

25 Senator Libous.

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

3 Mr. President, I too have a group
4 here today that I would like to recognize. I
5 have up, in the gallery, young people, seniors,
6 quite frankly, that are going to go on to college
7 from Greene High School. And I would ask you to
8 please stand.

9 And they're with their teacher,
10 Mr. Jim deHaan. They're here today to watch the
11 proceedings of the New York State Senate. They
12 will then be going on to the Assembly.

13 And, Mr. President, I'm extremely
14 proud of this group of young people. We just had
15 a very invigorating conversation, and I think
16 that all of my colleagues would agree that every
17 question was about education, and rightfully so.
18 And they were very good questions; actually, some
19 questions that we probably need to address on
20 this floor.

21 So Greene High School is a very
22 special place. They are recognized for
23 outstanding education in U.S. News & World Report
24 magazine. I'm very proud of them.

25 And I just want the chamber at this

1 time to welcome the students, the seniors, and
2 their teacher, Mr. Jim deHaan, to the chamber
3 this morning.

4 (Applause.)

5 ACTING PRESIDENT DeFRANCISCO: We
6 also welcome you. And I'm sure you learned a lot
7 from Senator Libous. We learn a lot from him
8 every day.

9 And we really appreciate your
10 coming, and hopefully this will be a learning
11 experience for all of you as well. Thank you.

12 Senator Libous.

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

15 Mr. President, at this time there's
16 a resolution at the desk by Senator Griffo,
17 Number 4210. It was previously adopted in this
18 house on April 26th. Could we have the title
19 read, and I believe Senator Griffo would like to
20 be called on.

21 ACTING PRESIDENT DeFRANCISCO: The
22 Secretary will read.

23 THE SECRETARY: Legislative
24 Resolution Number 4210, by Senator Griffo,
25 memorializing Governor Andrew M. Cuomo to

1 proclaim May 2012 as Lupus Awareness Month in the
2 State of New York.

3 ACTING PRESIDENT DeFRANCISCO:
4 Senator Griffo.

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

7 We have a number of individuals
8 with us from across the state today, and I want
9 to appreciate their presence here in our chamber
10 and their efforts on behalf of all of our
11 communities.

12 Kathleen Arnsten is with us; she is
13 the coordinator of this. Joining her is
14 Joanne Quinn.

15 And as I indicated, there are
16 people from across New York State here today as
17 we try to call attention to lupus, which is a
18 chronic inflammatory disease. What we know is
19 over 2 million people are afflicted with lupus,
20 that there's a genetic predisposition to this.
21 It is difficult to diagnose, expensive to treat,
22 can be physically and emotionally draining on
23 individuals.

24 So what we're trying to do here is
25 raise awareness, to educate people to this

1 disease, to continue to promote awareness and, as
2 a result, to continue to be strong advocates to
3 do what is necessary to provide the research as
4 we confront this disease.

5 So I want to thank all of them who
6 are here today for their continued commitment,
7 for their continued advocacy. We have a
8 resolution that was put together with almost all
9 the members of this chamber because we all
10 understand and appreciate how difficult this is.
11 But more important, we recognize your efforts and
12 appreciate them. So thank you.

13 ACTING PRESIDENT DeFRANCISCO:
14 Senator Serrano.

15 SENATOR SERRANO: Thank you very
16 much, Mr. President.

17 And I want to extend my thank you
18 to Senator Griffo for leading the charge on this
19 resolution, and he's done it for a number of
20 years now, as well as my Assemblywoman in the
21 Bronx, Vanessa Gibson, who is a tremendous
22 advocate on behalf of lupus patients across the
23 state.

24 And as Senator Griffo mentioned,
25 this is a very difficult disease, a very

1 insidious disease, and it affects
2 disproportionately high numbers of women and
3 women of color. And the district that I
4 represent, the 28th Senate District, has some of
5 the highest concentrations of cases of lupus
6 anywhere in the state. When you couple that with
7 the fact that my district also has some of the
8 biggest obstacles to obtaining proper healthcare,
9 the unfortunate outcomes are not very good.

10 So I think it's so important that
11 we're here today talking about this disease that
12 often goes undiscussed, and that we continue to
13 shine a very heavy spotlight on the need for
14 research, on the need for promotion of
15 treatments, and to make sure that people across
16 the state, everyone who is suffering from
17 symptoms, that they get adequately tested and
18 that they get the proper healthcare that they
19 need to deal with this disease.

20 Once again, I'm very happy and
21 grateful to Senator Griffo for his leadership on
22 this issue.

23 Thank you.

24 ACTING PRESIDENT DeFRANCISCO:
25 Senator Savino.

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

3 I also want to rise and say thank
4 you to Senator Griffo. He and I have been
5 working on this issue about lupus awareness for a
6 couple of years now.

7 About five years ago I became aware
8 of the issue of lupus and how it affects women,
9 predominantly women, especially women of color
10 and young women, when former Assemblywoman
11 Aurelia Greene approached me about sponsoring
12 legislation in the New York State Senate that
13 would establish the education and outreach
14 program for the autoimmune disease known as
15 lupus.

16 And several other pieces of
17 legislation have been introduced, and some are
18 carried by other members of this house. And
19 Assemblywoman Vanessa Gibson has taken up the
20 mantle from her predecessor, Assemblywoman
21 Greene.

22 I found out about lupus a few years
23 ago, and I realized I, like many people,
24 particularly women, really didn't know anything
25 about this disease. And in fact, many healthcare

1 professionals don't know a lot about lupus. They
2 don't understand that when young women come to
3 them and present particular symptoms that they
4 should be doing more to analyze what those
5 symptoms are connected to.

6 You know, the buzzword in the media
7 these days is there's a war on women. We can
8 debate whether there's a policy war on women in
9 different circles, but there's one thing that we
10 do know. For women who suffer from lupus, their
11 bodies are at war against them. Their autoimmune
12 system is literally at war with them.

13 So we need to do more to raise
14 awareness about it, we need to do more to raise
15 education about it, we need to educate our
16 healthcare professionals, we need to make sure
17 young women ask the right questions. And the way
18 we do that is we pass positive legislation that
19 will allow for the creation of this particular
20 education and outreach program.

21 So I'm happy to stand here today
22 and join my colleagues, all of whom support this
23 particular resolution and support the legislation
24 that we hope will be coming to the floor soon.

25 Thank you.

1 ACTING PRESIDENT DeFRANCISCO:

2 Senator McDonald.

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

5 And a special thank you to
6 Senator Griffo.

7 I learned about this disease about
8 a year ago. I have three daughters. My middle
9 daughter, Jessica, was diagnosed with lupus.

10 Early diagnosis and treatment can
11 be extremely helpful, and there is a knowledge
12 gap, as people have spoken.

13 So for the folks that have
14 committed to these wonderful organizations to
15 help the families and the people with lupus, I
16 congratulate you and I thank you. And to
17 Senator Griffo and all the other Senators that
18 are supporting this, this is very important to
19 us.

20 As the chairman of the Mental
21 Health and Disabilities Committee, I find that on
22 a daily basis I encounter people in need, and it
23 gives you a different perspective on life
24 indeed. And one way you think is you're grateful
25 for the people who have dedicated themselves to

1 helping those people in need.

2 Thank you.

3 ACTING PRESIDENT DeFRANCISCO:

4 Thank you, Senator McDonald.

5 This resolution has been previously
6 been adopted.

7 Senator Libous.

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

10 At this time there is another
11 resolution at the desk, Number 3918, by Senator
12 McDonald. This also was previously adopted by
13 the house, on March 30th. Could you please have
14 the title read, and I believe Senator McDonald
15 would like to address the house.

16 ACTING PRESIDENT DeFRANCISCO: The
17 Secretary will read.

18 THE SECRETARY: Legislative
19 Resolution Number 3918, by Senator McDonald,
20 congratulating the Hoosick Valley High School
21 Varsity Girls Basketball Team upon the occasion
22 of capturing the 2012 New York State Class C
23 Championship.

24 ACTING PRESIDENT GRIFFO: Senator
25 McDonald.

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

3 On a much happier topic, I have a
4 great opportunity and the great honor to
5 introduce the Hoosick Valley High School Girls
6 Varsity Basketball Team of 2012, who are the
7 New York State Class C champions.

8 If they would stand, please, with
9 their coaches.

10 They are here, with their
11 Head Coach Walter Dorman and Assistant Coach
12 Larny Chapko, because they won an exciting
13 basketball game and championship at Hudson Valley
14 Community College on March 18th. They defeated,
15 for the title, Randolph High School on a score of
16 43 to 42, right down to the end.

17 The team's overall record for the
18 year was 25 and 1. It was undefeated in league
19 play.

20 And I've had an opportunity to meet
21 with these beautiful, intelligent, decent young
22 ladies, and we talked a couple of weeks ago at a
23 ceremony, a dinner for them at a local Elks
24 Club. They're all just wonderful, outstanding
25 citizens representing this great state.

1 And you can see they've learned
2 lessons on the court that are valuable in our
3 everyday lives -- teamwork, perseverance, a
4 healthy lifestyle, a sense of fair play, a desire
5 for success, and a pride in their school and
6 their community. So if you would welcome them.

7 And thank you for being here.

8 (Applause.)

9 ACTING PRESIDENT GRIFFO: We would
10 like to extend a warm welcome and the courtesies
11 of the chamber to the Hoosick Valley High School
12 Girls Championship Basketball Team, their coaches
13 and staff. Congratulations.

14 Senator Libous.

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

17 At this time I would like to take
18 up the reading of the noncontroversial calendar,
19 please.

20 ACTING PRESIDENT GRIFFO: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 621, by Senator Klein, Senate Print 6588, an act
24 to amend Chapter 383 of the Laws of 1991.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 56.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 622, by Senator Little, Senate Print 6719, an act
12 to amend the Parks, Recreation and Historic
13 Preservation Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 56.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 654, by Senator Krueger, Senate Print 452, an act

1 to amend the Social Services Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 56.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 672, substituted earlier today by Member of the
14 Assembly Silver, Assembly Print Number 9224, an
15 act to amend the Public Authorities Law.

16 ACTING PRESIDENT GRIFFO: Read the
17 last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect on the same date and in the
20 same manner as Chapter 1 of the Laws of 2012.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 56.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 680, by Senator LaValle, Senate Print 6768, an
4 act to amend the Highway Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 56.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 693, by Senator Bonacic, Senate Print 6114A, an
17 act to amend Chapter 433 of the Laws of 1996.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 56.

1 ACTING PRESIDENT GRIFFO: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 700, by Senator Robach, Senate Print 6341A, an
5 act to amend the Alcoholic Beverage Control
6 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, 56.

15 ACTING PRESIDENT GRIFFO: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 701, by Senator Little, Senate Print 6771, an
19 act to amend Chapter 327 of the Laws of 2006.

20 ACTING PRESIDENT GRIFFO: Read
21 the last section.

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

24 ACTING PRESIDENT GRIFFO: Call
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 55. Nays,

3 1. Senator Ball recorded in the negative.

4 ACTING PRESIDENT GRIFFO: The
5 bill is passed.

6 Senator Libous, that completes
7 the noncontroversial reading of the calendar.

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

10 ACTING PRESIDENT GRIFFO: There
11 is no further business before the desk.

12 SENATOR LIBOUS: Mr. President,
13 there being no further business, I move that
14 we adjourn until Monday, May 14th, at
15 3:00 p.m., intervening days being legislative
16 days.

17 ACTING PRESIDENT GRIFFO: On
18 motion, the Senate stands adjourned until
19 Monday, May 14th, at 3:00 p.m., intervening
20 days being legislative days.

21 Senate adjourned.

22 (Whereupon, at 11:27 a.m., the
23 Senate adjourned.)

24

25