NEW YORK STATE SENATE

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11:10 a.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 today, we will offer to bow our 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, Tuesday, May 8th, the Senate met pursuant to adjournment. The Journal of Monday, May 7th, 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.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

We are joined today by the

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

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

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

ACTING PRESIDENT GRIFFO: Excuse me, Senator Little.

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

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

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

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

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

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

Thank you very much.

(Applause.)

ACTING PRESIDENT DeFRANCISCO: Welcome to the chambers, and I hope you enjoy your day here in Albany and, most importantly, learn something. That's why you're here.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

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

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

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

And I just want the chamber at this

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

(Applause.)

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

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT DeFRANCISCO: The Secretary will read.

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

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

ACTING PRESIDENT DeFRANCISCO: Senator Griffo.

SENATOR GRIFFO: Thank you, Mr. President.

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

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

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

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

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

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

ACTING PRESIDENT DeFRANCISCO: Senator Serrano.

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT DeFRANCISCO: Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT DeFRANCISCO: Senator McDonald.

SENATOR MCDONALD: Thank you, Mr. President.

And a special thank you to Senator Griffo.

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

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

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

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

helping those people in need.

Thank you.

ACTING PRESIDENT DeFRANCISCO: Thank you, Senator McDonald.

This resolution has been previously been adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT DeFRANCISCO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator McDonald.

SENATOR McDONALD: Thank you, Mr. President.

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

If they would stand, please, with their coaches.

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

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

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

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

And thank you for being here.

(Applause.)

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 622, by Senator Little, Senate Print 6719, an act to amend the Parks, Recreation and Historic Preservation 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, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

to amend the Social Services 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, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 680, by Senator LaValle, Senate Print 6768, an act to amend the Highway 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: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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: Ayes, 56.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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, 55. Nays, 1. Senator Ball recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

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

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

Senate adjourned.

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