NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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May 16, 2012

11:09 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: Today's invocation will be offered by Pastor Nathan Demosthene of First Timothy Christian Church, Chaplain of the Village of Spring Valley.

CHAPLAIN DEMOSTHENE: Let us pray.

Almighty God, our Father, everything we see and everything we can't see exists because of You. And it all comes from You and belongs to You.

The Scripture tells us we need to love our neighbors as we love ourselves. And You are a compassionate God Yourself. Today we thank You as we are about to show our affection and love for our neighbor, Haiti, and acknowledge this neighbor.

We thank You for her recovery from earthquake, storm, and disease. We rejoice in her peaceful transfer of power to a democratically elected president. And we thank You for the Haitian consulate, Charles Forbin, whose presence is here with us in the chambers.

Help us, O God, to remember that we as neighbors are Americans and New Yorkers united not by race, religion, blood, nor sexual orientation, but united by commitment to freedom, opportunity, and justice for all.

And when we focus not on ourselves but others, when we stop fighting each other, when we forgive and forget, we know that we will not fail to treat our fellow humans beings the way they deserve to be treated.

Forgive us whenever we have not been reminded of this. Remind us today of our responsibility and our actions. Help us to be humble in our decisions and civil towards each other. Help us to share, serve, and seek the common good, as Christ did when he was on the earth, despite obstacles against him.

This is our prayer. Amen.

ACTING PRESIDENT GRIFFO: Thank you, Pastor.

The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 15th, the Senate met pursuant to adjournment. The Journal of Monday, May 14th, 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 30, Senator Golden moves to discharge, from the Committee on Finance, Assembly Bill Number 4137 and substitute it for the identical Senate Bill Number 1994, Third Reading Calendar 576.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 33, Senator Bonacic moves to discharge, from the

Committee on Judiciary, Assembly Bill Number 9508A and substitute it for the identical Senate Bill Number 6653A, Third Reading Calendar 626.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: On page 33, Senator Bonacic moves to discharge, from the Committee on Judiciary, Assembly Bill Number 9480 and substitute it for the identical Senate Bill Number 6659, Third Reading Calendar 628.

ACTING PRESIDENT GRIFFO: Substitution so ordered.

THE SECRETARY: And on page 34, Senator Grisanti moves to discharge, from the Committee on Codes, Assembly Bill Number 3457 and substitute it for the identical Senate Bill Number 6354, Third Reading Calendar 648.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

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: Thank you, Mr. President.

I wish to call up Senator Seward's bill, Print Number 2874A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 566, by Senator Seward, Senate Print 2874A, an act to amend the Insurance Law.

ACTING PRESIDENT GRIFFO: Senator LaValle.

SENATOR LaVALLE: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

SENATOR LaVALLE: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

Senator LaValle.

SENATOR LaVALLE: Mr. President, I wish to call up Senator DeFrancisco's bill, Print Number 6395B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 388, by Senator DeFrancisco, Senate Print 6395B, an act to amend the Education Law.

SENATOR LaVALLE: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

SENATOR LaVALLE: Mr. President, I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

Senator LaValle.

SENATOR LaVALLE: Mr. President, I wish to call up Senator Gallivan's bill, Print Number 6061, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 351, by Senator Gallivan, Senate Print 6061, an act to amend the Highway Law.

SENATOR LaVALLE: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

SENATOR LaVALLE: Mr. President, I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

Senator LaValle.

SENATOR LaVALLE: Mr. President, there is a resolution at the desk by Senator Carlucci, Resolution Number 4593. It was previously adopted by this house on May 15th. May we have the title read and call on Senator Carlucci.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 4593, by Senator Carlucci, memorializing Governor Andrew M. Cuomo to proclaim May 16, 2012, as Haitian Unity Day in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

I rise today in honor of Haitian Unity Day in the State of New York. And I'm honored and privileged to represent a growing, vibrant Haitian community right in Rockland County.

But Haitian-Americans have contributed so much to the State of New York for so many years with great advancements that they've put forth, but also in just the cultural traditions that they share with all of us around the State of New York.

Today I'm also honored and privileged: We have with us Charles Forbin, who is the Consul General of Haiti, who is with us here today.

And this Consul General has been very innovative, hasn't been just the status quo,

but has really sought to reach out to Haitian-Americans throughout New York State, particularly in Rockland County -- but not just in Rockland, throughout the whole state.

He's staggered the hours of his office, he's allowed there to be Saturday hours, he's even allowed accessibility for the elderly, for the handicapped to be able to submit legal documents by a representative. But what he's also working on is to branch out from just his Manhattan office and open satellite offices, trying to do that in Rockland, in Long Island.

So his contributions to help the people of the State of New York, the people of Haiti, are much appreciated. And we really appreciate you being here.

And with that, I look forward to the continuation of a growing Haitian community in New York State. And with that, it's an honor to have you here today.

And, Mr. President, of course I'll be voting yes on the resolution. Thank you.

ACTING PRESIDENT GRIFFO: We want to welcome our distinguished guests. Mr. Consul General, welcome to you. We extend the

courtesies of the house to you and to the members of your delegation.

And, Father, thank you for being here today also.

(Applause.)

ACTING PRESIDENT GRIFFO: As noted, the resolution was adopted on May 15th.

Senator LaValle.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 576, substituted earlier by Member of the Assembly Englebright, Assembly Print Number 4137, an act to amend the Executive 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.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 626, substituted earlier by Member of the Assembly Ryan, Assembly Print Number 9508A, an act to amend the Surrogate's Court Procedure Act.

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, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 627, by Senator Bonacic, Senate Print 6655, an act to amend the New York City Civil Court Act.

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, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 628, substituted earlier by Member of the Assembly Quart, Assembly Print Number 9480, an act to repeal subdivision 3 of Section 184 of the Judiciary 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, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 629, by Senator Bonacic, Senate Print 6662, an act to amend the Uniform District Court Act.

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, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 648, substituted earlier by Member of the Assembly Gabryszak, Assembly Print Number 3457, an act to amend the Criminal Procedure 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, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 656, by Senator DeFrancisco, Senate Print 1073A, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 659, by Senator Golden, Senate Print 2173, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 673, by Senator LaValle, Senate Print 1937, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of July.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 678, by Senator Fuschillo, Senate Print 5598, 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 immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 679, by Senator Young, Senate Print 6537A, 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, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 694, by Senator LaValle, Senate Print 6451, an act to authorize the Town of East Hampton.

ACTING PRESIDENT GRIFFO: There is a home-rule message at the desk.

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.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 735, by Senator Gallivan, Senate Print 6068, an act to amend the Executive 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, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 810, by Senator McDonald, Senate Print 7400, an act to amend the Executive 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.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill

is passed.

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

SENATOR LaVALLE: Mr. President, is there any other business at the desk?

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

SENATOR LaVALLE: Mr. President, there being no further business, I move we adjourn until Monday, May 21st at --

ACTING PRESIDENT GRIFFO: Senator McDonald, why do you rise?

SENATOR McDONALD: I want to explain my vote on my bill, if I may, real quickly.

ACTING PRESIDENT GRIFFO: Without objection? For the record --

SENATOR McDONALD: I want to thank --

SENATOR LaVALLE: Senator McDonald.

Can we have unanimous consent on Senator McDonald --

ACTING PRESIDENT GRIFFO: I have asked without objection. There is no objection.

So we can call upon Senator McDonald.

SENATOR McDONALD: I apologize. They were talking to me.

ACTING PRESIDENT GRIFFO: May I have some order in the chamber, please.

SENATOR McDONALD: Before everybody leaves for a well-deserved break, I want to take this opportunity to thank you for voting for this bill, the Protection of People with Special Needs Act.

Each and every one of us has a major, serious responsibility on this issue. Our responsibility -- and I know we all agree -- is to protect the people who need protection the most. The mentally and physically handicapped certainly fall into that category, in the homes that the state and a variety of nonprofit organizations operate.

To bring to justice anybody who has been found guilty of abuses. And we've seen story after story about those abuses. Additionally, and equally as important, is to recognize the men and women who work in these facilities --

ACTING PRESIDENT GRIFFO: Excuse

me, Senator McDonald.

May I please have some order in the chamber to allow the sponsor to be able to discuss his vote. Thank you.

Senator McDonald.

SENATOR MCDONALD: The point I'm making is in addition to protection of the clients, the patients, our family members, our friends in these facilities, we want to bring to justice the people who have abused them.

Also, we want to make a point out of recognizing the men and women who work in these facilities every day, who are nothing short of being angels, decent people who are employed by us at the state facilities or the nonprofits and who are being tainted by unstable criminal activity from other people. So we too appreciate those folks, those angels that work with those special needs people.

We also are going to get further on these issues and talk about training for these people, to bring them up and help them in the modern society that we live in, with the appropriate training.

But make no mistake about it, the

thrust here is to put the people in jail that hurt somebody. We will not allow anybody to hurt anybody, anywhere, anytime in this state, whether they be regular people or people with special needs. And I know you all agree with that, and this is the first step toward that.

So I want to personally thank each and every one of you. I especially want to thank Majority Leader Dean Skelos for bringing this issue to bear and letting us push it right along. Thank you, Leader. And thank you, everybody.

ACTING PRESIDENT GRIFFO: The Secretary will announce the results.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator LaValle, there is no further business before the desk.

SENATOR LaVALLE: There being no further business, I move we adjourn until Monday, May 21st, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate stands adjourned until Monday,

May 21st, at 3:00 p.m., intervening days being legislative days.

Senate adjourned.

(Whereupon, at 11:25 a.m., the Senate adjourned.)