

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 16, 2012

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

14 CHAPLAIN DEMOSTHENE: Let us
15 pray.

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

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

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

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

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

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

1 This is our prayer. Amen.

2 ACTING PRESIDENT GRIFFO: Thank
3 you, Pastor.

4 The reading of the Journal.

5 THE SECRETARY: In Senate,
6 Tuesday, May 15th, the Senate met pursuant to
7 adjournment. The Journal of Monday, May 14th,
8 was read and approved. On motion, Senate
9 adjourned.

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

13 Presentation of petitions.

14 Messages from the Assembly.

15 The Secretary will read.

16 THE SECRETARY: On page 30,
17 Senator Golden moves to discharge, from the
18 Committee on Finance, Assembly Bill Number
19 4137 and substitute it for the identical
20 Senate Bill Number 1994, Third Reading
21 Calendar 576.

22 ACTING PRESIDENT GRIFFO:
23 Substitution so ordered.

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

1 Committee on Judiciary, Assembly Bill Number
2 9508A and substitute it for the identical Senate
3 Bill Number 6653A, Third Reading Calendar 626.

4 ACTING PRESIDENT GRIFFO:
5 Substitution so ordered.

6 THE SECRETARY: On page 33,
7 Senator Bonacic moves to discharge, from the
8 Committee on Judiciary, Assembly Bill Number
9 9480 and substitute it for the identical Senate
10 Bill Number 6659, Third Reading Calendar 628.

11 ACTING PRESIDENT GRIFFO:
12 Substitution so ordered.

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

18 ACTING PRESIDENT GRIFFO: The
19 substitution is so ordered.

20 Messages from the Governor.
21 Reports of standing committees.
22 Reports of select committees.
23 Communications and reports from
24 state officers.
25 Motions and resolutions.

1 Senator LaValle.

2 SENATOR LaVALLE: Thank you,
3 Mr. President.

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

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 566, by Senator Seward, Senate Print 2874A, an
11 act to amend the Insurance Law.

12 ACTING PRESIDENT GRIFFO: Senator
13 LaValle.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll on reconsideration.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 49.

21 SENATOR LaVALLE: I now offer the
22 following amendments.

23 ACTING PRESIDENT GRIFFO: The
24 amendments are received.

25 Senator LaValle.

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

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 388, by Senator DeFrancisco, Senate Print 6395B,
9 an act to amend the Education Law.

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

13 ACTING PRESIDENT GRIFFO: Call the
14 roll on reconsideration.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 50.

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

19 ACTING PRESIDENT GRIFFO: The
20 amendments are received.

21 Senator LaValle.

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

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number
4 351, by Senator Gallivan, Senate Print 6061, an
5 act to amend the Highway Law.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll on reconsideration.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 50.

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

15 ACTING PRESIDENT GRIFFO: The
16 amendments are received.

17 Senator LaValle.

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

24 ACTING PRESIDENT GRIFFO: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 4593, by Senator Carlucci, memorializing Governor
3 Andrew M. Cuomo to proclaim May 16, 2012, as
4 Haitian Unity Day in the State of New York.

5 ACTING PRESIDENT GRIFFO: Senator
6 Carlucci.

7 SENATOR CARLUCCI: Thank you,
8 Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

5 (Applause.)

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

8 Senator LaValle.

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

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will read.

14 THE SECRETARY: Calendar Number
15 576, substituted earlier by Member of the
16 Assembly Englebright, Assembly Print Number 4137,
17 an act to amend the Executive Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

20 THE SECRETARY: Section 2. 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, 51.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 626, substituted earlier by Member of the
5 Assembly Ryan, Assembly Print Number 9508A, an
6 act to amend the Surrogate's Court Procedure Act.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 53.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 627, by Senator Bonacic, Senate Print 6655, an
19 act to amend the New York City Civil Court Act.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 53.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 628, substituted earlier by Member of the
7 Assembly Quart, Assembly Print Number 9480, an
8 act to repeal subdivision 3 of Section 184 of the
9 Judiciary Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 53.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 629, by Senator Bonacic, Senate Print 6662, an
22 act to amend the Uniform District Court Act.

23 ACTING PRESIDENT GRIFFO: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 53.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 648, substituted earlier by Member of the
10 Assembly Gabryszak, Assembly Print Number 3457,
11 an act to amend the Criminal Procedure Law.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 53.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 656, by Senator DeFrancisco, Senate Print 1073A,
24 an act to amend the State Finance Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 53.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 659, by Senator Golden, Senate Print 2173, an act
12 to amend the Executive Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 53.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 673, by Senator LaValle, Senate Print 1937, an
25 act to amend the Education Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 53.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 678, by Senator Fuschillo, Senate Print 5598, an
13 act to amend the Vehicle and Traffic 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, 53.

22 ACTING PRESIDENT GRIFFO: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 679, by Senator Young, Senate Print 6537A, an act

1 to amend the Highway Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

4 THE SECRETARY: Section 3. 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, 53.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 694, by Senator LaValle, Senate Print 6451, an
14 act to authorize the Town of East Hampton.

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

17 Read the last section.

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

20 ACTING PRESIDENT GRIFFO: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 53.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 735, by Senator Gallivan, Senate Print 6068, an
3 act to amend the Executive Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 53.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 810, by Senator McDonald, Senate Print 7400, an
16 act to amend the Executive Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 53.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

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

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

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

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

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

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

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

18 SENATOR McDONALD: I want to
19 thank --

20 SENATOR LaVALLE: Senator
21 McDonald.

22 Can we have unanimous consent on
23 Senator McDonald --

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

1 So we can call upon Senator McDonald.

2 SENATOR McDONALD: I apologize.

3 They were talking to me.

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

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

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

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

25 ACTING PRESIDENT GRIFFO: Excuse

1 me, Senator McDonald.

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

5 Senator McDonald.

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

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

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

25 But make no mistake about it, the

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

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

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will announce the results.

15 THE SECRETARY: Ayes, 53.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

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

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

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

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

3 Senate adjourned.

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

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