

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 1, 2013

11 11:15 a.m.

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13
14 REGULAR SESSION

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18 SENATOR JOHN FLANAGAN, Acting President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT FLANAGAN: The
3 Senate will come to order.

4 I ask everyone present to please
5 rise and recite the Pledge of Allegiance.

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

8 ACTING PRESIDENT FLANAGAN:
9 Today's invocation will be by Reverend Dale
10 Jensen, the senior pastor of the Saratoga
11 Abundant Life Church in Saratoga Springs.

12 (Pause.)

13 ACTING PRESIDENT FLANAGAN: And in
14 lieu --

15 (Laughter.)

16 ACTING PRESIDENT FLANAGAN: -- of
17 Pastor Jensen, I would respectfully ask for
18 everyone to observe a moment of silence.

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

21 ACTING PRESIDENT FLANAGAN: The
22 reading of the Journal.

23 THE SECRETARY: In Senate,
24 Tuesday, April 30th, the Senate met pursuant to
25 adjournment. The Journal of Monday, April 29th,

1 was read and approved. On motion, Senate
2 adjourned.

3 ACTING PRESIDENT FLANAGAN:
4 Without objection, the Journal stands approved
5 as read.

6 Presentation of petitions.

7 Messages from the Assembly.

8 The Secretary will read.

9 THE SECRETARY: On page 25,
10 Senator Bonacic moves to discharge, from the
11 Committee on Judiciary, Assembly Bill Number
12 4061 and substitute it for the identical Senate
13 Bill Number 3789, Third Reading Calendar 300.

14 On page 29, Senator Felder moves to
15 discharge, from the Committee on Children and
16 Families, Assembly Bill Number 2600 and
17 substitute it for the identical Senate Bill
18 Number 4082, Third Reading Calendar 361.

19 And on page 33, Senator Bonacic
20 moves to discharge, from the Committee on
21 Finance, Assembly Bill Number 2051 and
22 substitute it for the identical Senate Bill
23 Number 2787, Third Reading Calendar 417.

24 ACTING PRESIDENT FLANAGAN:
25 Substitutions so ordered.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Fuschillo.

8 SENATOR FUSCHILLO: Mr. President,
9 on behalf of Senator Golden, on page number 30 I
10 offer the following amendments to Calendar
11 Number 371, Senate Print Number 4088A, and ask
12 that said bill retain its place on the order of
13 Third Reading Calendar.

14 ACTING PRESIDENT FLANAGAN: The
15 amendments are received, and the bill will
16 retain its place on the Third Reading Calendar.

17 Senator Fuschillo.

18 SENATOR FUSCHILLO: Mr. President,
19 will you please recognize Senator Carlucci.

20 ACTING PRESIDENT FLANAGAN:
21 Senator Carlucci.

22 SENATOR CARLUCCI: Mr. President,
23 I wish to call up my bill, Print Number 1993,
24 recalled from the Assembly, which is now at the
25 desk.

1 ACTING PRESIDENT FLANAGAN: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number 5,
4 by Senator Carlucci, Senate Print 1993, an act to
5 amend the Public Health Law.

6 ACTING PRESIDENT FLANAGAN: The
7 Secretary will call the roll on reconsideration.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 56.

10 ACTING PRESIDENT FLANAGAN: The
11 bill is restored to its place on the Third
12 Reading Calendar.

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

15 ACTING PRESIDENT FLANAGAN: The
16 amendments are received, and the bill will retain
17 its place on the Third Reading Calendar.

18 Senator Carlucci.

19 SENATOR CARLUCCI: Thank you,
20 Mr. President.

21 I move that the following bill be
22 discharged from its respective committee and be
23 recommitted with instructions to strike the
24 enacting clause: Bill Number 3783.

25 ACTING PRESIDENT FLANAGAN: So

1 ordered.

2 Senator Fuschillo.

3 SENATOR FUSCHILLO: Mr. President,
4 there's a privileged resolution at the desk by
5 Senator Bonacic, Number 1574. I ask that the
6 title be read and move for its immediate
7 adoption.

8 ACTING PRESIDENT FLANAGAN: The
9 Secretary will read.

10 THE SECRETARY: Legislative
11 Resolution Number 1574, by Senator Bonacic,
12 recognizing Wednesday, May 1st, 2013, as Law Day
13 U.S.A. in the State of New York.

14 ACTING PRESIDENT FLANAGAN: The
15 question is on the resolution. All those in
16 favor signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT FLANAGAN:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT FLANAGAN: The
22 resolution is adopted.

23 Senator Fuschillo.

24 SENATOR FUSCHILLO: Senator Bonacic
25 would like to open up the resolution for

1 cosponsorship, Mr. President.

2 ACTING PRESIDENT FLANAGAN: The
3 resolution is open for cosponsorship. If you do
4 not wish to be a cosponsor, please notify the
5 desk.

6 Senator Fuschillo.

7 SENATOR FUSCHILLO: There's a
8 previously adopted resolution by Senator Griffo,
9 Number 918, at the desk. I ask that it be read
10 in its entirety.

11 ACTING PRESIDENT FLANAGAN: The
12 Secretary will read.

13 THE SECRETARY: Legislative
14 Resolution Number 918, by Senator Griffo,
15 memorializing Governor Andrew M. Cuomo to
16 proclaim May 2013 as Lupus Awareness Month in the
17 State of New York.

18 "WHEREAS, Each year, the Lupus
19 Agencies of New York State designate May as
20 Lupus Awareness Month to show support for the
21 105,400 New Yorkers, 1.5 million Americans, and
22 5 million people worldwide who suffer from the
23 often debilitating effects of lupus, a chronic
24 autoimmune disease that can cause severe damage
25 to the tissue and organs in the body and, in some

1 cases, death; and

2 "WHEREAS, Each year thousands of
3 people are newly diagnosed with lupus, the great
4 majority of whom are young people in the prime of
5 their lives, and 90 percent of whom are women;
6 and

7 "WHEREAS, Lupus is most prevalent
8 among African-Americans, Hispanics,
9 Native Americans and Asians; and tragically,
10 thousands of people die from lupus each year
11 because a cure remains elusive; and

12 "WHEREAS, Many health professionals
13 are unaware of symptoms and health effects of
14 lupus, causing people with lupus to suffer for
15 many years before they obtain a correct diagnosis
16 and medical treatment, demonstrating the need for
17 increased public and professional awareness of
18 lupus; and

19 "WHEREAS, Medical research efforts
20 into lupus and the discovery of safer, more
21 effective treatments for lupus patients are
22 underfunded in comparison with diseases of
23 comparable magnitude and severity; and

24 "WHEREAS, Increasing community
25 awareness and focusing public attention on lupus

1 and its devastating impact on patients' lives
2 will provide hope for a better future for those
3 affected; and

4 "WHEREAS, The Lupus Agencies of
5 New York State are dedicated to 'improving the
6 quality of life for individuals with lupus and
7 their loved ones by providing education, support
8 and outreach services, and promoting programs of
9 awareness, advocacy, and research'; and

10 "WHEREAS, This Legislative Body
11 recognizes the needs of those chronically ill
12 people who are living with lupus and urges all
13 citizens to support the search for a cure and
14 assist those individuals and families who deal
15 with this devastating disease on a daily basis;
16 now, therefore, be it

17 "RESOLVED, That this Legislative
18 Body pause in its deliberations to memorialize
19 Governor Andrew M. Cuomo to proclaim May 2013 as
20 Lupus Awareness Month in the State of New York;
21 and be it further

22 "RESOLVED, That copies of this
23 resolution, suitably engrossed, be transmitted to
24 The Honorable Andrew M. Cuomo, Governor of the
25 State of New York, and the Lupus Agencies of

1 New York State."

2 ACTING PRESIDENT FLANAGAN: Senator
3 Savino on the resolution.

4 SENATOR SAVINO: Thank you,
5 Mr. President.

6 You know, there's been a lot of
7 discussion around the Capitol for the past few
8 weeks about women's equality, talking about where
9 women are underrepresented in certain areas or
10 underpaid or undertreated. But here today we're
11 going to talk about an issue where there's an
12 overrepresentation of women, and that is the
13 disease of lupus.

14 On May 10th, for World Lupus Day,
15 more than 100 organizations around this state
16 will be demonstrating or observing Lupus
17 Awareness Month. And there will be all sorts of
18 activities about what people can do to
19 participate and learn more about lupus.

20 A few years ago, when former
21 Assemblywoman Aurelia Greene was still in the
22 Assembly, she approached me to talk to me about
23 lupus. And quite frankly, as a woman who is, you
24 know, certainly not a child anymore, I really did
25 not know that much about the disease of lupus and

1 how devastating it was to women.

2 And in the work that I did with her,
3 and then translated it into the work with
4 Assemblywoman Vanessa Gibson, who succeeded her
5 in many ways and continues to work on this issue,
6 we partnered with organizations here in New York
7 State to raise awareness for lupus.

8 And along the way, I found out that
9 lupus disproportionately affects women, and
10 particularly women of color and young women. And
11 even more importantly, that most women don't know
12 what the signs or symptoms of lupus are, and as a
13 result of it, they can go years without being
14 diagnosed.

15 And that lack of appropriate
16 diagnosis can lead to all sorts of problems,
17 including infertility problems and including
18 chronic pain and debilitating conditions that
19 affect their entire life and their entire
20 family.

21 So we introduced legislation that
22 would require the State of New York to develop a
23 lupus education and prevention outreach program.
24 We want to put a check-off box on your income tax
25 return so that you can donate a particular amount

1 of money towards that education fund so young
2 women can find out about this disease, they can
3 speak to their doctors about it, they can be
4 appropriately diagnosed, they can get treatment
5 earlier rather than later. And that's what lupus
6 awareness is all about.

7 And I'm very happy to stand here and
8 speak on this resolution. And I know we have
9 some advocates here, they're in the corner, led
10 by Kathleen Arntsen, who's been working very hard
11 for several years to help pass this legislation
12 here in New York.

13 We've seen some improvements in
14 Washington, the FDA -- stand up, Kathleen. The
15 FDA two years ago finally approved the first new
16 drug for the treatment of lupus in 50 years. But
17 we are way behind in the treatment of this
18 disease, and the most important component in the
19 treatment of this disease is education.

20 So I want to thank you ladies for
21 coming to Albany for your advocacy every year,
22 and I hope everyone will support this resolution
23 and support the legislation that will help put
24 the intent of this resolution into the full
25 effect of the law.

1 Thank you, Mr. President.

2 ACTING PRESIDENT FLANAGAN: Thank
3 you, Senator Savino.

4 Senator Serrano on the resolution.

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

7 And I also want to lend my voice to
8 what my colleagues are saying about the
9 importance of lupus awareness. And I want to
10 thank Senator Savino, Senator Griffo, and
11 Assemblywoman Vanessa Gibson, who's joining us in
12 the chamber today, for their leadership on this
13 issue.

14 The communities that I represent in
15 the South Bronx and in East Harlem have some very
16 high numbers of lupus and probably many, many
17 more that aren't diagnosed. And it's a very
18 insidious disease, and very difficult to
19 diagnose, and very debilitating. And it has
20 many, many negative effects throughout the
21 community.

22 So I think it's a shame that there
23 isn't more attention being paid on a national
24 level to lupus research, and more money and more
25 funding for innovative treatments.

1 But I think that the fact that this
2 Senate body comes together every year to honor
3 this resolution to fight against this disease
4 does send a very strong message that we have to
5 do something urgently to deal with the growing
6 cases of lupus in our communities.

7 Thank you.

8 ACTING PRESIDENT FLANAGAN: Thank
9 you, Senator Serrano.

10 We welcome the Assemblywoman and the
11 advocates.

12 This resolution was previously
13 adopted on March 19th.

14 Senator Fuschillo.

15 SENATOR FUSCHILLO: Senator Griffo
16 would like to open the resolution up for
17 cosponsorship.

18 ACTING PRESIDENT FLANAGAN: The
19 resolution is open for cosponsorship. Any
20 Senator wishing not to be on the resolution,
21 please notify the desk.

22 Senator Fuschillo.

23 SENATOR FUSCHILLO: Mr. President,
24 may we please have the reading of the
25 noncontroversial calendar.

1 ACTING PRESIDENT FLANAGAN: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number
4 300, substituted earlier by Member of the
5 Assembly Weinstein, Assembly Print Number 4061,
6 an act to amend Chapter 451 of the Laws of 2011.

7 ACTING PRESIDENT FLANAGAN: Read
8 the last section.

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

11 ACTING PRESIDENT FLANAGAN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT FLANAGAN:
15 Announce the results.

16 THE SECRETARY: Ayes, 56.

17 ACTING PRESIDENT FLANAGAN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 316, by Senator Marcellino, Senate Print 4319, an
21 act to amend Chapter 704 of the Laws of 1991.

22 ACTING PRESIDENT FLANAGAN: Read
23 the last section.

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

1 ACTING PRESIDENT FLANAGAN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT FLANAGAN:
5 Announce the results.

6 THE SECRETARY: Ayes, 56.

7 ACTING PRESIDENT FLANAGAN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 361, substituted earlier by Member of the
11 Assembly Paulin, Assembly Print Number 2600, an
12 act to amend the Family Court Act.

13 ACTING PRESIDENT FLANAGAN: Read
14 the last section.

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

17 ACTING PRESIDENT FLANAGAN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT FLANAGAN: Senator
21 Nozzolio to explain his vote.

22 SENATOR NOZZOLIO: Thank you,
23 Mr. President.

24 Mr. President, I rise to ask my
25 colleagues to join me in congratulating the

1 sponsor of this legislation for establishing the
2 first of what I know will be a long and
3 illustrious career in serving in this body. This
4 is Simcha Felder's first bill. Let's
5 congratulate him.

6 (Applause.)

7 ACTING PRESIDENT FLANAGAN: The
8 Secretary will announce the results.

9 THE SECRETARY: Ayes, 56.

10 ACTING PRESIDENT FLANAGAN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 375, by Senator Little, Senate Print 3932, an act
14 to amend the Public Authorities Law.

15 ACTING PRESIDENT FLANAGAN: A
16 home-rule message is at the desk.

17 Read the last section.

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

20 ACTING PRESIDENT FLANAGAN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT FLANAGAN:
24 Announce the results.

25 THE SECRETARY: Ayes, 55. Nays,

1 1. Senator Ball recorded in the negative.

2 ACTING PRESIDENT FLANAGAN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 414, by Senator Ball, Senate Print 2287, an act
6 to amend the Insurance Law.

7 ACTING PRESIDENT FLANAGAN: Read
8 the last section.

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

11 ACTING PRESIDENT FLANAGAN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT FLANAGAN: Senator
15 Gipson to explain his vote.

16 SENATOR GIPSON: Thank you,
17 Mr. President.

18 I want to congratulate Senator Ball
19 for bringing this important bill to the floor.
20 It does what I think we should be doing more of,
21 which is requiring insurance companies to cover
22 the devastating effects of so many chronic
23 diseases.

24 And by the support that this bill
25 has received today in the chamber, it is clear to

1 me that everyone in this chamber agrees that this
2 is something that we should be doing more of.

3 So it's important for me to point
4 out that I am also carrying a bill called the
5 Tick-Bite Bill which would do exactly the same
6 thing for people that are not covered by the
7 devastating diseases associated with tick-borne
8 illness. We need to extend coverage to them;
9 that's what that bill would do.

10 And I look forward to receiving the
11 same support this chamber has shown today for my
12 bill when it comes to the floor soon.

13 Thank you, and I will be voting yes.

14 ACTING PRESIDENT FLANAGAN: Thank
15 you, Senator Gipson.

16 The Secretary will announce the
17 results.

18 THE SECRETARY: Ayes, 56.

19 ACTING PRESIDENT FLANAGAN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 417, substituted earlier by Member of the
23 Assembly Cahill, Assembly Print Number 2051, an
24 act to amend the State Finance Law.

25 ACTING PRESIDENT FLANAGAN: Read

1 the last section.

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

4 ACTING PRESIDENT FLANAGAN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT FLANAGAN:
8 Announce the results.

9 THE SECRETARY: Ayes, 56.

10 ACTING PRESIDENT FLANAGAN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 431, by Senator Flanagan, Senate Print 1193, an
14 act to amend the Parks, Recreation and Historic
15 Preservation Law.

16 ACTING PRESIDENT FLANAGAN: Read
17 the last section.

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

20 ACTING PRESIDENT FLANAGAN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT FLANAGAN:
24 Announce the results.

25 THE SECRETARY: Ayes, 56.

1 ACTING PRESIDENT FLANAGAN: The
2 bill is passed.

3 Senator Fuschillo, that completes
4 the noncontroversial reading of the calendar.

5 SENATOR FUSCHILLO: Mr. President,
6 in consultation with Senator Stewart-Cousins,
7 Senator Klein and Senator Skelos, we are handing
8 up the following Democratic Conference committee
9 assignments and ask that such assignments be
10 filed in the Journal.

11 ACTING PRESIDENT FLANAGAN: So
12 ordered.

13 Senator Fuschillo.

14 SENATOR FUSCHILLO: Mr. President,
15 is there any other business at the desk?

16 ACTING PRESIDENT FLANAGAN: Senator
17 Fuschillo, there is not.

18 SENATOR FUSCHILLO: There being no
19 further business, I move we adjourn until Monday,
20 May 6th, at 3:00 p.m., intervening days being
21 legislative days.

22 ACTING PRESIDENT FLANAGAN: On
23 motion, the Senate stands adjourned until Monday,
24 May 6th, at 3:00 p.m., intervening days being
25 legislative days.

1 (Whereupon, at 11:15 a.m., the
2 Senate adjourned.)
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