

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 23, 2013

11 11:21 a.m.

12
13
14 REGULAR SESSION

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17
18 SENATOR DAVID CARLUCCI, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone present to please
5 rise and repeat with me the Pledge of
6 Allegiance.

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

9 ACTING PRESIDENT CARLUCCI: To
10 deliver the invocation, today we have my good
11 friend Reverend Nathaniel Demosthene, the senior
12 pastor of First Timothy Christian Church in
13 Spring Valley.

14 REVEREND DEMOSTHENE: Thank you
15 for this opportunity. And on behalf of our
16 community in Spring Valley, our children in
17 East Ramapo, the Consulate General who's here, I
18 thank you.

19 Let's bow our heads and pray.

20 Almighty God, our Father,
21 everything we see and everything we cannot see
22 exists because of You alone. It all belongs to
23 You and comes from You.

24 Scripture tells us that we are to
25 love our neighbor as we love ourselves. And You

1 Yourself gave this compassionate example of how
2 to love. And we thank You for the love that has
3 us here today.

4 First and foremost, we acknowledge,
5 God, Haiti, one of our neighbors. And we thank
6 You for her continuous recovery from earthquake
7 and storms and disease. And thank You for her
8 peaceful transfer of power to another
9 democratically elected president. Thank You for
10 the Haitian consular representative who is here
11 with us in chambers.

12 We ask that You help us remember
13 that we are united in their struggle, as
14 Americans and New Yorkers. And together we are
15 here today not by race, religion, blood or any
16 sexual orientation or creed, but by universal
17 binding commitment to the freedom and
18 opportunity and justice that this country
19 provides us all.

20 And in that same spirit, we lift up
21 our spirit of prayer for the continuing recovery
22 of victims in Newtown, Massachusetts, the
23 recovery of tornado victims in Oklahoma and the
24 disaster in Texas, and elsewhere in the world
25 where others need courage and focus and we

1 always lend a helping hand.

2 In that vein, we don't want to
3 focus on ourselves today. We don't to be
4 worried about fighting each other. We want to
5 learn today about forgiving each other.

6 And teach us how to bring out that
7 greatness that brought this country in the first
8 place its prosperity. Bring out that greatness
9 that helps us to treat our fellow human beings
10 and this earth with the respect that it
11 deserves, and forgive us of our shortcomings in
12 this endeavor.

13 Remind us continuously of the
14 responsibility of our actions. Give us humility
15 in our approaches to one another and civility in
16 our attitudes towards each other's doctrines,
17 dogmas and ideas, even when we differ. Help us
18 to share. Help us to serve. Help us to seek
19 the common good of all, as Christ did when he
20 was on this earth, despite all the obstacles he
21 faced.

22 This is our prayer today. Amen.

23 ACTING PRESIDENT CARLUCCI: The
24 reading of the Journal.

25 THE SECRETARY: In Senate,

1 Wednesday, May 22nd, the Senate met pursuant to
2 adjournment. The Journal of Tuesday, May 21st,
3 was read and approved. On motion, Senate
4 adjourned.

5 ACTING PRESIDENT CARLUCCI: Without
6 objection, the Journal stands approved as read.

7 Presentation of petitions.

8 Messages from the Assembly.

9 The Secretary will read.

10 THE SECRETARY: On page 28, Senator
11 Golden moves to discharge, from the Committee on
12 Local Government, Assembly Bill Number 6658 and
13 substitute it for the identical Senate Bill
14 Number 4600, Third Reading Calendar 395.

15 ACTING PRESIDENT CARLUCCI: The
16 substitution is ordered.

17 Messages from the Governor.

18 Reports of standing committees.

19 Reports of select committees.

20 Communications and reports from
21 state officers.

22 Motions and resolutions.

23 Senator Libous.

24 SENATOR LIBOUS: Thank you,
25 Mr. President.

1 On behalf of Senator Lanza, on
2 page 27 I offer the following amendments to
3 Calendar Number 385, Senate Print 2135A, and ask
4 that said bill retain its place on the
5 Third Reading Calendar.

6 ACTING PRESIDENT CARLUCCI: So
7 ordered.

8 SENATOR LIBOUS: On behalf of
9 Senator Robach, on page 28 I offer the following
10 amendments to Calendar Number 419, Senate Print
11 4180A, and ask that said bill retain its place on
12 the Third Reading Calendar.

13 ACTING PRESIDENT CARLUCCI: So
14 ordered.

15 SENATOR LIBOUS: And on behalf of
16 Senator DeFrancisco, on page 38 I offer the
17 following amendments to Calendar Number 583,
18 Senate Print 553A, and ask that said bill retain
19 its place on the Third Reading Calendar.

20 ACTING PRESIDENT CARLUCCI: So
21 ordered.

22 Senator Libous.

23 SENATOR LIBOUS: Mr. President, at
24 this time may we please adopt the Resolution
25 Calendar, with the exception of Resolutions 1999

1 and 2001.

2 ACTING PRESIDENT CARLUCCI: All in
3 favor of adopting the Resolution Calendar, with
4 the exception of Resolutions 1999 and 2001,
5 signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT CARLUCCI:
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT CARLUCCI: The
11 Resolution Calendar is adopted.

12 Senator Libous.

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

15 There's a resolution at the desk,
16 Mr. President, by Senator DeFrancisco. It's
17 Number 284. It was previously adopted by the
18 house on January 29th. May we have the title
19 read and call on Senator DeFrancisco.

20 ACTING PRESIDENT CARLUCCI: The
21 Secretary will read.

22 THE SECRETARY: Legislative
23 Resolution Number 284, by Senator DeFrancisco,
24 honoring the Jordan-Elbridge Marching Band upon
25 the occasion of capturing the 2012 New York State

1 Field Band Championship.

2 ACTING PRESIDENT CARLUCCI: Senator
3 DeFrancisco.

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

6 We're very honored today to have the
7 Jordan-Elbridge Marching Band, the 2012 champions
8 of the Small School 2 Class Division.

9 This was actually adopted in the
10 Senate on January 29th and adopted in the
11 Assembly on January 24th. It's taken us this
12 long to get them here because they were all
13 concerned about their studies. They didn't want
14 to miss any classes until they were right near
15 the end, because they're all good students. And
16 we're happy that we finally were able to get them
17 here.

18 But this is very interesting. This
19 is a small school, it's in the Small School
20 Division. They won the championship, the
21 Governor's Cup, for the first time after trying
22 for 14 years. So some of you were 2 years old
23 when they first started trying. Or maybe 1,
24 even.

25 And that shows perseverance, and it

1 shows hard work and dedication to a goal. And
2 those traits will do all of you well in your
3 future lives. You'll need all of those
4 characteristics to succeed in this world.

5 We owe special thanks to
6 Band Director Katie Daniels, who's the leader of
7 this band, and to her entire staff, and also to
8 the parents and the community for encouraging you
9 for all of these years to do well.

10 I play the saxophone, but I can't
11 march and play it at the same time. I can only
12 do one thing at the same time. I can't chew gum
13 and hop on one foot at the same time either. But
14 you can it at the same time, and you are the
15 champs.

16 So congratulations to all of you.
17 Welcome here. And we'll have pizza in a little
18 while.

19 Thank you.

20 ACTING PRESIDENT CARLUCCI: Thank
21 you, Senator DeFrancisco.

22 This resolution was previously
23 adopted on January 29, 2013.

24 Senator Libous.

25 SENATOR LIBOUS: Thank you,

1 Mr. President.

2 I'm disappointed that
3 Senator DeFrancisco didn't tell the rest of us
4 where the pizza is going to be.

5 (Laughter.)

6 SENATOR LIBOUS: Mr. President, I
7 believe there is a resolution by you,
8 Number 1919, at the desk. I ask that we read in
9 its entirety and ask for its immediate adoption
10 and then call on Senator Larkin.

11 But before the clerk does that,
12 there's a lot of chatter in the chamber this
13 morning. And I don't think we're being
14 respectful to our guests who we're honoring. And
15 if members need to talk, you can leave the
16 chamber. We have nice chairs outside for you to
17 sit in. If staff need to talk, you can leave the
18 chamber, you can stand outside and talk.

19 But what we're doing here is very
20 serious. We have some other guests that we want
21 to honor, and at this time we're going to do
22 that.

23 ACTING PRESIDENT CARLUCCI: The
24 Secretary will read.

25 THE SECRETARY: Legislative

1 Resolution Number 1999, by Senator Carlucci,
2 memorializing Governor Andrew M. Cuomo to
3 proclaim May 23, 2013, as Haitian Unity Day in
4 the State of New York.

5 "WHEREAS, It is the sense of this
6 Legislative Body, in keeping with its
7 time-honored traditions, to recognize and pay
8 tribute to those organizations which foster
9 ethnic pride and enhance the profile of cultural
10 diversity which strengthens the fabric of the
11 communities of New York State; and

12 "WHEREAS, Attendant to such concern,
13 and in full accord with its long-standing
14 traditions, this Legislative Body is justly proud
15 to memorialize Governor Andrew M. Cuomo to
16 proclaim May 23, 2013, as Haitian Unity Day in
17 the State of New York; and

18 "WHEREAS, Haiti, located less than
19 700 miles from the United States of America, is
20 the second nation in the Western Hemisphere,
21 after the United States, to earn its
22 independence, and has, since 1803, stood as a
23 beacon of freedom as the first black-governed
24 republic in the world; and

25 "WHEREAS, Haiti is one of the

1 original members of the United Nations and
2 several of its specialized and related agencies,
3 as well as a member of the Organization of
4 American States (OAS); and

5 "WHEREAS, On August 22, 1791, Haiti
6 was the island nation where hundreds of thousands
7 of enslaved persons initiated the most successful
8 slave rebellion in history, under the military
9 leadership of Francois Toussaint L'Ouverture, the
10 grandson of an African chief, making the Haitian
11 revolution a major turning point in the history
12 of the world with repercussions extending far
13 beyond the Caribbean nation; and

14 "WHEREAS, Haiti's victory against
15 France redefined Napoleon's goals in the
16 Western Hemisphere and so set the stage for the
17 Louisiana Purchase, a single acquisition doubling
18 the United States' size, giving the United States
19 its heartland, control of the Mississippi River
20 and the important port city of New Orleans on the
21 Gulf of Mexico. The Louisiana Territory drew
22 immigrants from all over Europe, transforming and
23 strengthening the United States and the American
24 people; and

25 "WHEREAS, For many years preceding

1 the American Civil War, the Haitian Revolution
2 had a substantial influence over many of the
3 policies and laws in the United States that
4 related to slavery, such as, in 1794 and 1800,
5 the federal government passage of anti-slave
6 trade laws to prevent the possible spread of the
7 Haitian slave revolt to the United States;
8 prohibiting citizens from equipping ships engaged
9 in slave-trade commerce, barring Americans from
10 serving aboard such ships or from having any
11 interest in their voyages; and

12 "WHEREAS, In 1792, a number of
13 measures taken to prevent a slave rebellion such
14 as Haiti's in the United States were so brutal
15 and inhumane that these acts drove and
16 strengthened the crusade of the abolitionists in
17 the United States, therefore having a profound
18 influence on the movement that led to the
19 Civil War; and

20 "WHEREAS, The Haitian Revolution
21 ignited a ground-breaking change in the history
22 of the modern world by enabling hundreds of
23 thousands of African slaves worldwide and tens of
24 thousands of free persons of color to find the
25 wherewithal to unite in the quest for individual

1 and collective liberty; and

2 "WHEREAS, Haitian people have
3 migrated to the United States since the 1700s,
4 resulting in approximately 200,000 Haitians
5 residing in the State of New York; and

6 "WHEREAS, Our state enjoys a great
7 legacy from the successors of freed Haitian
8 slaves who came to the United States, notably
9 Pierre Toussaint, the first layman now being
10 proposed by the Catholic Church to become a
11 saint, who arrived in New York in 1787, where he
12 turned his home into a shelter for orphans, a
13 credit bureau, an employment agency, and a safe
14 haven for priests. Toussaint was a benefactor of
15 the first New York City Catholic school for black
16 children at St. Vincent de Paul on Canal Street.
17 Toussaint also provided money to build a new
18 Roman Catholic church in New York, which became
19 old Saint Patrick's Cathedral on Mulberry Street;
20 and

21 "WHEREAS, In October of 1995,
22 Pope John Paul II, from the throne in the
23 sanctuary of New York's Saint Patrick's
24 Cathedral, publicly bestowed Pierre Toussaint
25 with the suffix 'Venerable,' which is the second

1 step towards becoming a saint in the Catholic
2 Church, because Pierre Toussaint transcends race
3 through his miracle and charitable acts as
4 evidence that he is not a man limited in range
5 and that his love for his neighbor is not
6 restricted to race or tribe; and

7 "WHEREAS, Many other notable
8 Haitians have made rich contributions to the
9 nation, such as the Tuskegee-trained Raymond
10 Cassagnol, who helped form the Haitian Air Force
11 in the United States; Jean Baptiste Point Du
12 Sable from San Marc, a Haitian immigrant who
13 founded the first non-indigenous settlement in
14 what is now Chicago, Illinois, where he
15 established a community, attracted colonists to
16 the area, and founded a trading post, which had a
17 major impact on Chicago's early economy; and

18 "WHEREAS, John James Audubon, born
19 in Haiti, inspired one of the founders of the
20 Audubon Society, in the late 1800s, to name the
21 society after John James Audubon because of his
22 reputation and deep appreciation and concern for
23 the natural world. To this day, the name Audubon
24 remains synonymous with avian life, wildlife
25 protection, and environmental conservation the

1 world over; and

2 "WHEREAS, It is the practice of this
3 Legislative Body to recognize those important
4 days which remind us of the rich and diverse
5 heritage of our great state and nation; now,
6 therefore, be it

7 "RESOLVED, That this Legislative
8 Body pause in its deliberations to memorialize
9 Governor Andrew M. Cuomo to proclaim May 23,
10 2013, as Haitian Unity Day in the State of
11 New York, in honor of Haiti's legacy of liberty
12 and justice throughout the world and in honor of
13 the significant and countless contributions of
14 New Yorkers of Haitian descent who have enriched
15 our nation and our state; and be it further

16 "RESOLVED, That a copy of this
17 resolution, suitably engrossed, be transmitted to
18 the Honorable Andrew M. Cuomo, Governor of the
19 State of New York."

20 ACTING PRESIDENT CARLUCCI: Senator
21 Larkin.

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

24 Today we as Americans stand here
25 tall, honoring and welcoming our brethren who

1 came from Haiti. While the resolution talks
2 about history, we should also be talking about
3 today, about some of the things that they do in
4 our communities.

5 I have a large Haitian population in
6 the three counties that I represent. They are
7 constituents that I'm proud of. Their
8 contribution to our communities is second to
9 none. Participating in the well-being and the
10 future of the communities is quite obviously an
11 eloquent representation of their children in our
12 schools, where their children are rising up to be
13 the future leaders of their own embodied
14 community.

15 You know, we talk about someone
16 going to be a saint, we talk about one of the
17 Tuskegee Airmen, but we haven't talked about the
18 individuals that I call the foot soldiers of the
19 Haitian movement. Unity Day here in New York for
20 the Haitian community is something we should all
21 be proud of -- because when we start looking
22 divisive among one another, we destroy one
23 another. It's when we start looking at one
24 another and saying, Let us be friends, let us be
25 partners in making this the great state and

1 country of the world.

2 Thank you for joining us today,
3 gentlemen.

4 ACTING PRESIDENT CARLUCCI: Thank
5 you, Senator Larkin.

6 Senator Sanders.

7 SENATOR SANDERS: On the
8 resolution.

9 I too am honored to have a large
10 Haitian constituency in Southeast Queens. And
11 the energy, the vibrancy that the community
12 brings is second to none.

13 But second to none is the legacy of
14 heroics that this community has done. That all
15 freedom-loving people would have to applaud that
16 they took on the armies of Napoleon's France,
17 Spain, England and then France again, winning all
18 of those at great cost, incredible cost.

19 This is something that flows through
20 the veins of this population. And although we
21 can speak of many magnificent things in days gone
22 by, I personally believe that the greatest
23 contributions of the Haitian people lie ahead of
24 us. Indeed, to this very room that you helped
25 bring many of these people to may be the next

1 Toussaint. In fact, we need an opening right
2 around now.

3 Thank you very much.

4 ACTING PRESIDENT CARLUCCI: Thank
5 you, Senator Sanders.

6 The question is on the resolution.
7 All in favor signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT CARLUCCI:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT CARLUCCI: The
13 resolution is adopted.

14 And we want to thank the students
15 from East Ramapo, from Ramapo and Spring Valley
16 High School for joining us here today to
17 celebrate Haitian Unity Day. Thank you for being
18 here.

19 (Applause.)

20 SENATOR LIBOUS: Mr. President, I
21 believe you would like the resolution opened up
22 to all the members of the house, so we will do
23 so. Everybody will be put on as a cosponsor
24 unless you wish not to be put on, and then please
25 let the desk know.

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

5 Senator Libous.

6 SENATOR LIBOUS: Thank you,
7 Mr. President.

8 I believe there's another resolution
9 at the desk, Number 2001, by Senator Kennedy.
10 Could I ask that the title be read and then call
11 on Senator Kennedy before its immediate adoption.

12 ACTING PRESIDENT CARLUCCI: The
13 Secretary will read.

14 THE SECRETARY: Legislative
15 Resolution Number 2001, by Senator Kennedy,
16 mourning the death of Ann Billittier,
17 distinguished citizen and devoted member of her
18 community.

19 ACTING PRESIDENT CARLUCCI: Senator
20 Kennedy.

21 SENATOR KENNEDY: Thank you very
22 much, Mr. President.

23 On May 11, 2013, Buffalo and
24 New York State lost a true icon, Ann Billittier.
25 She was 83 years old and had a beautiful long

1 life and died shortly following an illness.

2 When people think of Buffalo, they
3 often think of our cuisine. I firmly believe we
4 have one of the greatest cuisines in all the
5 world. And when you talk about the landmarks you
6 need to visit in Buffalo, you talk about the
7 unique restaurants. Well, one of those landmarks
8 stands at the corner of Seneca and Chicago Street
9 in the City of Buffalo: Chef's Restaurant.

10 Chef's has become one of the most
11 iconic family restaurants in Western New York.
12 Everybody knows Chef's. And if you haven't been
13 there, it's probably on your list of places to
14 try. Like the restaurant slogan says, it's a
15 place where family and friends meet to eat.

16 A force behind the success of
17 Chef's Restaurant has been Ann Billittier. Along
18 with her husband Louis Billittier, Ann co-owned
19 Chef's Restaurant for years. She and her husband
20 grew the restaurant and built its fame and
21 reputation for great eats. They were committed
22 to their family, their business, their nation and
23 their community.

24 In the 1950s, when Louis served our
25 nation in the Korean War, Ann watched over the

1 restaurant and managed its success. What began
2 as a simple restaurant Ann and Lou helped build
3 into a well-known regional landmark.

4 Her accomplishments extend far
5 beyond Chef's famous Italian family-style
6 cuisine. With her faith and dedicated membership
7 at St. Francis of Assisi Catholic Church, Ann was
8 committed to helping others. Ann founded the
9 Louis J. Billittier Foundation in honor of her
10 late husband and gave financial support to so
11 many local organizations.

12 Ann was often seen at charity events
13 in Buffalo. Events for the Buffalo Hearing and
14 Speech Center, or the Bornhava school for
15 children with special needs, or many other
16 causes, she would be there. You could always
17 count on Ann.

18 I commend her hard work and the
19 dedication of Ann Billittier, not only as an
20 accomplished businesswoman but also as a
21 compassionate person who always put the
22 well-being of her family and her community
23 first.

24 I extend my sympathies to
25 Ann Billittier's family, and I thank them for

1 their ongoing commitment to the Western New York
2 community. She will surely be missed.

3 Thank you, Mr. President.

4 ACTING PRESIDENT CARLUCCI: Thank
5 you, Senator Kennedy.

6 The question is on the resolution.
7 All in favor signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT CARLUCCI:
10 Opposed, nay.

11 (No response.)

12 ACTING PRESIDENT CARLUCCI: The
13 resolution is adopted.

14 Senator Libous.

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

17 And I believe Senator Kennedy would
18 like to open the resolution up to all members of
19 the house, which we will do so. If a member
20 wishes not to be on the resolution, please let
21 the desk know.

22 ACTING PRESIDENT CARLUCCI: The
23 resolution is open for cosponsorship. If you do
24 not wish to be a cosponsor, please notify the
25 desk.

1 Senator Libous.

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

4 At this time could we take up the
5 reading of the noncontroversial calendar.

6 ACTING PRESIDENT CARLUCCI: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 395, substituted earlier by Member of the
10 Assembly Wright, Assembly Bill 6658, an act to
11 amend the Real Property Tax Law.

12 ACTING PRESIDENT CARLUCCI: Read
13 the last section.

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

16 ACTING PRESIDENT CARLUCCI: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT CARLUCCI: Senator
20 Stavisky to explain her vote.

21 SENATOR STAVISKY: Mr. President, I
22 just want to briefly comment on this bill.

23 The people who own shareholders and
24 co-ops and the ownership is in trust were left
25 out of the original bill that we did several

1 months ago. This is the same benefit that's
2 extended to people who have the STAR exemption,
3 the senior citizen exemptions, the veterans
4 exemptions and so on. And the trust ownership
5 concept was inadvertently left out of the
6 original bill.

7 And I vote aye.

8 ACTING PRESIDENT CARLUCCI: Thank
9 you, Senator Stavisky.

10 Announce the results.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT CARLUCCI: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 555, by Senator LaValle, Senate Print 2486, an
16 act to amend the Executive Law.

17 ACTING PRESIDENT CARLUCCI: Read
18 the last section.

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

21 ACTING PRESIDENT CARLUCCI: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CARLUCCI:
25 Announce the result.

1 THE SECRETARY: In relation to
2 Calendar Number 555, those recorded in the
3 negative are Senators Dilan, Espaillat, Gianaris,
4 Gipson, Hassell-Thompson, Hoylman, Krueger,
5 Montgomery, Perkins, Rivera, Sampson, Sanders and
6 Serrano. Also Senator Squadron.

7 Ayes, 46. Nays, 14.

8 ACTING PRESIDENT CARLUCCI: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 617, by Senator LaValle --

12 SENATOR LIBOUS: Lay it aside for
13 the day.

14 ACTING PRESIDENT CARLUCCI: The
15 bill is laid aside for the day.

16 THE SECRETARY: Calendar Number
17 618, by Senator Golden, Senate Print 3762, an act
18 to amend the Correction Law.

19 ACTING PRESIDENT CARLUCCI: Read
20 the last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect on the first of November.

23 ACTING PRESIDENT CARLUCCI: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT CARLUCCI:

2 Announce the result.

3 THE SECRETARY: Ayes, 56. Nays,
4 4. Senators Hassell-Thompson, Montgomery,
5 Perkins and Rivera recorded in the negative.

6 ACTING PRESIDENT CARLUCCI: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 621, by Senator Grisanti, Senate Print 3947, an
10 act to amend the Public Health Law.

11 ACTING PRESIDENT CARLUCCI: Read
12 the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the 180th day.

15 ACTING PRESIDENT CARLUCCI: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CARLUCCI:
19 Announce the result.

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT CARLUCCI: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 623, by Senator Felder, Senate Print 4518, an act
25 to amend the Domestic Relations Law.

1 ACTING PRESIDENT CARLUCCI: Read
2 the last section.

3 THE SECRETARY: Section 4. This
4 act shall take effect on the 30th day.

5 ACTING PRESIDENT CARLUCCI: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT CARLUCCI:
9 Announce the result.

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT CARLUCCI: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 625, by Senator Skelos, Senate Print 5069, an act
15 to amend the Domestic Relations Law.

16 ACTING PRESIDENT CARLUCCI: Read
17 the last section.

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

20 ACTING PRESIDENT CARLUCCI: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT CARLUCCI:
24 Announce the result.

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT CARLUCCI: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 627, by Senator Kennedy, Senate Print 530, an act
5 to amend the Penal Law.

6 ACTING PRESIDENT CARLUCCI: Read
7 the last section.

8 THE SECRETARY: Section 4. This
9 act shall take effect immediately.

10 ACTING PRESIDENT CARLUCCI: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT CARLUCCI: Senator
14 Kennedy to explain his vote.

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

17 I want to thank my colleagues on
18 both sides of the aisle for your staunch support
19 of Jay J's Law, passing this here today. I want
20 to thank the Democratic Conference and the
21 leadership of Senator Andrea Stewart-Cousins for
22 helping to drive this initiative.

23 I want to make a clear recognition
24 of the leadership of Senators Klein and Skelos
25 for bringing this to the floor today. This is

1 essential that we get this passed today, we get
2 passed today to drive this initiative forward.
3 Last year we passed this unanimously. It passed
4 through committee unanimously this past week. We
5 have a short time frame through which we can get
6 this law passed.

7 For those of you that don't recall,
8 Jay J is the little boy who stood in this chamber
9 with his family last year. He suffered a brutal
10 act of violence at the hands of his own father,
11 who at only weeks old broke 11 bones in his
12 body. His father was given a light sentence of
13 1 1/3 to 4 years in prison when he had previously
14 beaten another one of his children and broken
15 another one of his children's bones, but that was
16 four years earlier. The look-back window only
17 allowed a three-year look-back.

18 This extends the look-back window to
19 10 years. It also increases penalties for repeat
20 child abuse. These violent criminal acts against
21 the most vulnerable individuals in our society
22 cannot and must not go unpunished.

23 By passing this law today, we will
24 create justice for Jay J, but we will also set a
25 precedent in this chamber that we cannot wait any

1 longer. And we will send a message to our
2 colleagues on the other side of this chamber that
3 they must act immediately. There is no more
4 excuses and there is no more time to wait. It is
5 this year that this legislation must be passed.

6 And again, I thank my colleagues on
7 both sides of the aisle and the leadership for
8 bringing this to the floor today so that we can
9 bring attention to this extremely important
10 matter that will help save lives and help protect
11 children -- 80,000 of which in New York State
12 alone, in 2010, were abused and neglected. Ten
13 children die in the United States every single
14 day to abuse and neglect. We will be a leader
15 once again on this issue.

16 Thank you, Mr. President. I vote
17 aye.

18 ACTING PRESIDENT CARLUCCI: Thank
19 you, Senator Kennedy.

20 Senator Maziarz to explain his vote.

21 SENATOR MAZIARZ: Thank you. Thank
22 you very much, Mr. President. I rise to vote aye
23 and support this legislation.

24 This is the second time the Senate,
25 I assume unanimously, is going to pass this

1 bill. Hopefully unanimously.

2 It is shameful that the other house
3 would go home this year and not pass this bill.
4 Of all the pieces of paper we see piled up on our
5 desks, legislation, if there was one bill, just
6 one bill that we had to pick out to say this is
7 the one that we absolutely want, this would be
8 the bill.

9 This story is horrific. This
10 individual beat his own son, broke several bones
11 in his own son when he was just a little baby.
12 That was the first one. Then he did it again to
13 Jay J.

14 The county court judge in Niagara
15 County, Judge Sara Sheldon Sperrazza, has seen
16 the worst criminal cases come before her:
17 murderers, rapists, people that beat elderly
18 people up. This is the only case where she broke
19 down sobbing when she had to sentence this
20 individual to just a little over a year for
21 beating his own child multiple times.

22 The nurses at the hospital testified
23 that when they did the x-rays on this baby, that
24 several of the bones had been broke for months.
25 For months. This baby had to be in absolute

1 pain, at the hands of its own father.

2 If this bill came up for a vote in
3 the Assembly, it would pass easily with
4 150 votes. Nobody would dare vote against this
5 bill. The real question is to get the leadership
6 in the Assembly. You know, if they want some
7 goodwill in this state, this is the bill to
8 pass.

9 I vote in the affirmative. Thank
10 you, Mr. President.

11 ACTING PRESIDENT CARLUCCI: Thank
12 you, Senator Maziarz.

13 Announce the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT CARLUCCI: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 629, by Senator Robach, Senate Print 1016, an act
19 to amend the Penal Law.

20 ACTING PRESIDENT CARLUCCI: Read
21 the last section.

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

24 ACTING PRESIDENT CARLUCCI: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CARLUCCI: Senator
3 Robach to explain his vote.

4 SENATOR ROBACH: Yes,
5 Mr. President, just very briefly. Thank you for
6 the support of this. And I'm hoping that we can
7 get this passed in the other house.

8 This is a very, very important piece
9 of legislation. It not only occurs in my
10 district, but across the state. This bill came
11 from an incident where individuals wanting to
12 steal copper, of all things, a couple of hundred
13 dollars' worth of copper, drilled into that to
14 empty over a million dollars' worth of damage
15 into Lake Ontario at a power plant in my
16 district, which then the Department of
17 Environmental Conservation, the taxpayers of
18 New York, have to pay that million dollars to
19 clean up. And even if they're lucky enough to
20 apprehend those individuals, the current
21 penalties and fines don't even measure anything
22 close.

23 And whether it's dumping asbestos
24 shingling in public or private lands, tires, all
25 this, this is one if we want to get serious not

1 only should the punishment fit the crime, but
2 also we should be doing more to protect the
3 environment. And this goes a long way to do
4 that.

5 So I am hopeful and appreciate the
6 support here for this bill today for the second
7 year in a row. If anyone would like to help me
8 get the bill passed in the other house, I would
9 gladly accept that and think it would be very
10 good for the environment and all New Yorkers.

11 Thank you, Mr. President.

12 ACTING PRESIDENT CARLUCCI: Thank
13 you, Senator Robach.

14 The Secretary will announce the
15 result.

16 THE SECRETARY: Ayes, 59. Nays,
17 1. Senator Montgomery recorded in the negative.

18 ACTING PRESIDENT CARLUCCI: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 630, by Senator Perkins, Senate Print 1222, an
22 act to amend the Penal Law.

23 ACTING PRESIDENT CARLUCCI: Read
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of November.

2 ACTING PRESIDENT CARLUCCI: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT CARLUCCI:
6 Announce the result.

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT CARLUCCI: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 631, by Senator Carlucci, Senate Print 1982, an
12 act to amend the Penal Law.

13 ACTING PRESIDENT CARLUCCI: Read
14 the last section.

15 THE SECRETARY: Section 4. This
16 act shall take effect on the first of November.

17 ACTING PRESIDENT CARLUCCI: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CARLUCCI:
21 Announce the result.

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT CARLUCCI: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 632, by Senator Golden, Senate Print 2173A, an
2 act to amend the Penal Law.

3 ACTING PRESIDENT CARLUCCI: Read
4 the last section.

5 THE SECRETARY: Section 4. This
6 act shall take effect on the first of November.

7 ACTING PRESIDENT CARLUCCI: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT CARLUCCI:
11 Announce the result.

12 THE SECRETARY: Ayes, 59. Nays,
13 1. Senator Montgomery recorded in the negative.

14 ACTING PRESIDENT CARLUCCI: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 633, by Senator Klein, Senate Print 2266, an act
18 to amend the Penal Law.

19 ACTING PRESIDENT CARLUCCI: Read
20 the last section.

21 THE SECRETARY: Section 12. This
22 act shall take effect on the first of November.

23 ACTING PRESIDENT CARLUCCI: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT CARLUCCI:

2 Announce the result.

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT CARLUCCI: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 634, by Senator Golden, Senate Print 2748, an act
8 to amend the Penal Law.

9 ACTING PRESIDENT CARLUCCI: Read
10 the last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect on the first of November.

13 ACTING PRESIDENT CARLUCCI: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT CARLUCCI:
17 Announce the result.

18 THE SECRETARY: Ayes, 59. Nays,
19 1. Senator Montgomery recorded in the negative.

20 ACTING PRESIDENT CARLUCCI: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 635, by Senator Young, Senate Print 3378, an act
24 to amend the Penal Law.

25 ACTING PRESIDENT CARLUCCI: Read

1 the last section.

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

4 ACTING PRESIDENT CARLUCCI: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CARLUCCI:
8 Announce the result.

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT CARLUCCI: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 636, by Senator Griffo, Senate Print 3871, an act
14 to amend the Penal Law.

15 ACTING PRESIDENT CARLUCCI: Read
16 the last section.

17 THE SECRETARY: Section 5. This
18 act shall take effect immediately.

19 ACTING PRESIDENT CARLUCCI: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT CARLUCCI:
23 Announce the result.

24 THE SECRETARY: In relation to
25 Calendar Number 636, those recorded in the

1 negative are Senators Hassell-Thompson, Hoylman,
2 Krueger, Montgomery, Rivera and Sanders.

3 Ayes, 54. Nays, 6.

4 ACTING PRESIDENT CARLUCCI: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 637, by Senator Bonacic, Senate Print 4042, an
8 act to amend the Civil Practice Law and Rules.

9 ACTING PRESIDENT CARLUCCI: Read
10 the last section.

11 THE SECRETARY: Section 5. This
12 act shall take effect immediately.

13 ACTING PRESIDENT CARLUCCI: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT CARLUCCI:
17 Announce the result.

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT CARLUCCI: The
20 bill is passed.

21 Oh, I'm sorry. Senator Bonacic to
22 explain his vote.

23 SENATOR BONACIC: This was a court
24 administration bill. I just wanted to highlight
25 it for the members.

1 What's been happening nationally and
2 at the state level is what we call paper
3 terrorism. People that have been aggrieved by
4 judicial decisions or the duties of public
5 officials have filed these frivolous liens
6 against public officials and judges, whether it
7 comes from people that don't believe in the
8 government, whether it comes from those that are
9 in prison or just everyday citizens that are not
10 happy with what judges have done.

11 This is an expedited process that
12 helps public officials and judges get rid of
13 these liens that are meant for the sole purpose
14 to intimidate, harass, and make the lives of
15 public officials and judges miserable.

16 So this is the bill. It's called
17 paper terrorism. It's starting to spread
18 throughout the whole country. And we hope to
19 pass it in the Assembly and at least give elected
20 officials and judges an opportunity not to have
21 their credit rating destroyed or be harassed with
22 multiple liens on whatever assets they may own.

23 So I thank the members and
24 colleagues for their support.

25 Thank you, Mr. President.

1 ACTING PRESIDENT CARLUCCI: Thank
2 you, Senator Bonacic.

3 The Secretary will announce the
4 result.

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT CARLUCCI: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 638, by Senator Lanza, Senate Print 4162, an act
10 to amend the Penal Law.

11 ACTING PRESIDENT CARLUCCI: Read
12 the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the 30th day.

15 ACTING PRESIDENT CARLUCCI: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CARLUCCI:
19 Announce the result.

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT CARLUCCI: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 640, by Senator Nozzolio, Senate Print 4941, an
25 act to amend the Criminal Procedure Law.

1 ACTING PRESIDENT CARLUCCI: Read
2 the last section.

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

5 ACTING PRESIDENT CARLUCCI: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT CARLUCCI:
9 Announce the result.

10 THE SECRETARY: In relation to
11 Calendar Number 640, those recorded in the
12 negative are Senators Gipson, Hassell-Thompson,
13 Krueger, Montgomery, Rivera, Sanders and Tkaczyk.

14 Ayes, 53. Nays, 7.

15 ACTING PRESIDENT CARLUCCI: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 641, by Senator Nozzolio, Senate Print 5125, an
19 act to amend the Criminal Procedure Law.

20 ACTING PRESIDENT CARLUCCI: Read
21 the last section.

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

24 ACTING PRESIDENT CARLUCCI: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CARLUCCI:

3 Announce the result.

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT CARLUCCI: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 707, by Senator Avella, Senate Print 323, an act
9 to amend the Correction Law.

10 ACTING PRESIDENT CARLUCCI: Read
11 the last section.

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

14 ACTING PRESIDENT CARLUCCI: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT CARLUCCI:

18 Announce the result.

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT CARLUCCI: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 713, by Senator Parker, Senate Print 910, an act
24 to amend the Mental Hygiene Law.

25 ACTING PRESIDENT CARLUCCI: Read

1 the last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect on the 180th day.

4 ACTING PRESIDENT CARLUCCI: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CARLUCCI:
8 Announce the result.

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT CARLUCCI: The
11 bill is passed.

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

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

16 Is there any further business at the
17 desk?

18 ACTING PRESIDENT CARLUCCI: There
19 is no further business at the desk.

20 SENATOR LIBOUS: All right,
21 Mr. President. Seeing there to be no further
22 business, I have a very important announcement to
23 make.

24 There being no further business at
25 the desk, I move that we adjourn until Wednesday,

1 May 29th, at 3:00 p.m., intervening days being
2 legislative days.

3 ACTING PRESIDENT CARLUCCI: On
4 motion, the Senate stands adjourned until
5 Wednesday, May 29th, at 3:00 p.m., intervening
6 days being legislative days.

7 (Whereupon, at 12:01 a.m., the
8 Senate adjourned.)
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