

**2011 Annual Report
New York State Senate
Judiciary Committee**



Senator John J. Bonacic, Chairman

**Senator Ruth Hassell-Thompson,
Ranking Minority Member**

UPDATED DECEMBER 2012

April 18, 2012

Senator Dean Skelos
New York State Senate Majority Leader and President Pro-Tempore
Room 330 Capitol
Albany, New York 12247

Dear Majority Leader Skelos:

As Chairman of the New York State Senate Judiciary Committee, I am pleased to present to you the Committee's 2011 Annual Report.

The attached report details the New York State Senate Judiciary Committee's activities over the past year. I would like to thank the Ranking Minority Member, Senator Ruth Hassell-Thompson, for her hard work and attentiveness to this committee. I'd also like to thank the members of the committee for their participation and commitment.

I look forward to working with the members of the New York State Senate Judiciary Committee to ensure that we continue to move in a positive, productive direction in 2012.

Sincerely,

A handwritten signature in black ink that reads "John J. Bonacic". The signature is written in a cursive style with a large, sweeping initial "J" and "B".

JOHN J. BONACIC
State Senator

Committee Members

Senator John J. Bonacic, Chairman
Senator Ruth Hassell-Thompson, Ranking Minority Member

Senator Eric Adams
Senator Neil D. Breslin
Senator John A. DeFrancisco
Senator Martin Malavé Dilan
Senator Adriano Espaillat
Senator John J. Flanagan
Senator Charles J. Fuschillo, Jr.
Senator Michael Gianaris
Senator Liz Krueger
Senator Andrew J. Lanza
Senator Kenneth P. LaValle
Senator Elizabeth Little
Senator Michael F. Nozzolio
Senator Thomas F. O'Mara
Senator Bill Perkins
Senator Michael H. Ranzenhofer
Senator Stephen M. Saland
Senator José M. Serrano
Senator Daniel L. Squadron
Senator Toby Ann Stavisky
Senator Lee M. Zeldin

Committee Staff

Langdon Chapman, Counsel
Jennifer Slagen and David Gruenberg, Majority Counsel
Andrew Winchell, Committee Clerk

Judiciary Budget for State Fiscal Year 2011-2012

The Legislature adopted a Unified Court System Budget of \$2.55 billion, which reflected a reduction of \$170 million or 6.3 percent.

The Unified Court System saw reductions in the following areas:

- Civil Legal Services, \$12.5 million, this amount reflects a 50 percent reduction in the additional requested appropriation authority of \$25 million to implement the recommendations of the Chief Judge's Task Force to expand access to civil legal services in New York;
- Justice Court Assistance Program (JCAP), \$2.5 million, this amount reflects a 50 percent reduction in grants and support to town and village courts;
- General State Charges, \$10 million to reflect savings on employee benefits that may arise due to downsizing;
- Judiciary-Wide Maintenance Undistributed reduction of \$54 million, this would allow the Unified Court System greater flexibility in the implementation of its containment program; and
- Other reductions of approximately \$91 million.

Summary of Judiciary Committee Action on Bills

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|--|-----|
| Total bills referred to Committee in 2011 | 290 |
| Total bills reported by Committee in 2011 | 72 |
| Total number of bills reported by Committee that passed the Senate | 40 |
| Total number of bills reported by Committee that became law in 2011 | 18 |
| Total number of bills reported by Committee that were vetoed in 2011 | 1 |

Bills Reported by Judiciary Committee that were Enacted Into Law in 2011

Chapter 599 of the Laws of 2011 S.79-A Squadron/A.4692-A Silver

Authorizes the incorporation of benefit corporations and provides for the public benefit to be created by benefit corporations, for the election and termination of the status of a benefit corporation, for the standards of conduct for directors and officers of a benefit corporation, and for the preparation and distribution of an annual benefit report by a benefit corporation.

Chapter 501 of the Laws of 2011 S.2779 Young/A.408 Hoyt

Provides for the lapse of oil and gas interests located within Allegany state park if unused for 20 years prior to effective date of act.

Chapter 367 of the Laws of 2011 S.3179 DeFrancisco/A.5022 Cusick

Provides that where the notice of lien is for retainage, the notice of lien may be filed within ninety days after the date the retainage was due to be released.

Chapter 23 of the Laws of 2011 S.3392 Lanza/A.6534 Abbate

Expands the residency requirements for New York City Marshals to allow residency in the counties of Westchester, Suffolk, Orange, Rockland, or Putnam.

Chapter 592 of the Laws of 2011 S.4091-B Savino/A.7794-A Weinstein

Relates to orders for child support obligors to seek employment or participate in job training, employment counseling or other available programs designed to lead to employment.

Chapter 309 of the Laws of 2011 S.4302-A Savino/A.7632 Rosenthal

Expands the allegations permitted in family offense petitions to certain new crimes recently enacted, such as criminal obstruction of breathing.

Chapter 44 of the Laws of 2011 S.4415 Ritchie/A.7253 Russell

Expands the residency requirements of stenographers for the county of Jefferson to any county within the 5th judicial district.

Chapter 342 of the Laws of 2011 S.4530-B Saland/A.6875-B Lentol

Establishes guidelines for information subpoenas for debt collectors who issue more than 50 information subpoenas each month, requiring certain records be maintained.

Chapter 566 of the Laws of 2011 S.4577-A Bonacic/A.7519-A Jeffries

Authorizes attorneys' fees to be awarded to any person that the court finds has acted to benefit the class.

Chapter 473 of the Laws of 2011 S.4581 Bonacic/A.7466 Zebrowski

Relates to time of service, time in which defect in form must be raised, copy of proposed amended pleading, and the time of voluntary discontinuances.

Chapter 285 of the Laws of 2011 S.4584 Bonacic/A.6837 Lavine

Provides that the term "disposition" shall include succession to an interest occurring by operation of law by death of a joint tenant or tenant by entirety.

Chapter 307 of the Laws of 2011 S.4586-A/ Bonacic/A.7465-A Zebrowski

Clarifies, that in the absence of a patient's authorization, a trial subpoena duces tecum seeking the production of medical records may be issued by the court.

Chapter 286 of the Laws of 2011 S.4591-A Bonacic/A.6838-A Titone

Authorizes a beneficiary to be deposed in certain actions, where the beneficiary's disposition under the will is conditioned upon the beneficiary not contesting the will.

Chapter 284 of the Laws of 2011 S.4594 Bonacic/A.6836 Zebrowski

Authorizes a City Court to confirm, vacate, or modify an arbitration award, and determine the question of the arbitrability of a controversy in an action commenced in a City Court outside New York City.

Chapter 34 of the Laws of 2011 S.4666 Nozzolio/A.6152 Bronson

Extends for three more years, the judicial hearing officer pilot program in the family courts of the seventh and eighth judicial districts for ordering a reference to determine an application for an order of protection or temporary order of protection in certain cases.

Chapter 522 of the Laws of 2011 S.5203-A Libous/A.7358-A Morelle

Prohibits private transfer fee obligations; requires disclosure of existing private transfer fee obligations.

Chapter 179 of the Laws of 2011 S.5449 DeFrancisco/A.8007 Weinstein

Provides that any grant or gift of money to the unified court system shall be disposed of by the chief administrator of the courts in the manner provided by the state finance law.

Chapter 529 of the Laws of 2011 S.5519 Bonacic/A.7729 Weinstein

Modifies certain formulas construed to refer to the federal estate and generation-skipping transfer tax on estates on descendants dying during 2010.

**Bills Reported by Judiciary Committee that were Vetoed by the Governor in
2011**

Veto 54 of 2011 S.1368-A Dilan/A.3127-A O'Donnell

Authorizes the City of New York to enter into a contract for transportation of children for pre-kindergarten and early intervention students.

**Bills Reported by Judiciary Committee that were Enacted into Law Through
Ballot Proposals in 2011**

None.

2011 Judicial Confirmations

David A. Weinstein of Glenmont, confirmed to the Court of Claims, for a term expiring on March 31, 2020.

Stephen J. Mignano of Cortlandt Manor, confirmed to the Court of Claims, for a term expiring on December 31, 2019.

Philip J. Patti of Pittsford, confirmed to the Court of Claims, for a term expiring on December 31, 2020.

Daniel P. Fitzgerald of New York, confirmed to the Supreme Court of the Eleventh Judicial District, for a term expiring on December 31, 2011.

Ronald A. Zweibel of New York, confirmed to the Supreme Court of the First Judicial District, for a term expiring on December 31, 2011.

2011 Public Hearings of the Judiciary Committee

Joint - Senate Standing Committee on Racing, Gaming and Wagering

**September 7, 2011: Legislative Office Building, Hearing Room B, Albany, NY
12247; 10:00 AM – 1:00 PM.**

WITNESS LIST

- Randy King, Trustee Chairman, Shinnecock Indian Nation
- Kim Vele, President, Stockbridge-Munsee Community
- James Featherstonaugh, President, New York Gaming Association along with Michael Wilton, Executive Director, New York Gaming Association; and Timothy Rooney of Yonkers Raceway; and Michael Speller of Resorts World New York
- Jonathan Rouis, Chairman, Sullivan County Legislature, along with Allan Scott, President, Sullivan County Partnership and Roberta Byron Lockwood, President and Chief Executive Officer, Sullivan County Visitors Association
- Joseph D'Amato, Chief Executive Officer, along with Charlie Degliomini, Executive Vice President of Government Relations and Corporate Communication, Empire Resorts, Inc. and Tim Lies, Project Manager, Entertainment Properties Trust – East
- Josh Gold, Director of Political and Strategic Affairs, New York Hotel & Motel Trades Council
- Joseph Faraldo, President, Standardbred Owners Association of New York