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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 3, 2015

11:08 a.m.

REGULAR SESSION

SENATOR RICH FUNKE, Acting President

FRANCIS W. PATIENCE, Secretary

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

2                   ACTING PRESIDENT FUNKE:    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 FUNKE:    In the  
10 absence of clergy, may we please bow our heads  
11 in a moment of silence.

12                   (Whereupon, the assemblage  
13 respected a moment of silence.)

14                   ACTING PRESIDENT FUNKE:    The  
15 reading of the Journal.

16                   THE SECRETARY:    In Senate,  
17 Tuesday, June 2nd, the Senate met pursuant to  
18 adjournment. The Journal of Monday, June 1st,  
19 was read and approved. On motion, Senate  
20 adjourned.

21                   ACTING PRESIDENT FUNKE:    Without  
22 objection, the Journal stands approved as read.

23                   Presentation of petitions.

24                   Messages from the Assembly.

25                   The Secretary will read.

1                   THE SECRETARY:    On page 58,  
2    Senator Venditto moves to discharge, from the  
3    Committee on Local Government, Assembly Bill  
4    Number 5933 and substitute it for the identical  
5    Senate Bill Number 4395, Third Reading Calendar  
6    834.

7                   ACTING PRESIDENT FUNKE:    The  
8    substitution is so ordered.

9                   Messages from the Governor.  
10                  Reports of standing committees.  
11                  Reports of select committees.  
12                  Communications and reports from  
13    state officers.

14                  Motions and resolutions.

15                  Senator DeFrancisco.

16                  SENATOR DeFRANCISCO:  
17    Mr. President, on behalf of Senator Golden, on  
18    page 62 I offer the following amendments to  
19    Calendar Number 890, Senate Print 691, and ask  
20    that said bill retain its place on the Third  
21    Reading Calendar.

22                  ACTING PRESIDENT FUNKE:    The  
23    amendments are received, and the bill shall  
24    retain its place on the Third Reading Calendar.

25                  SENATOR DeFRANCISCO:    I'd next

1 like to call up Senator Young's bill, Print  
2 Number 4267, recalled from the Assembly, which  
3 is now at the desk.

4 ACTING PRESIDENT FUNKE: The  
5 Secretary will read.

6 THE SECRETARY: Calendar Number  
7 301, by Senator Young, Senate Print 4267, an act  
8 to amend the Highway Law.

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

12 ACTING PRESIDENT FUNKE: Call the  
13 roll on reconsideration.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 50.

16 ACTING PRESIDENT FUNKE: The bill  
17 is restored to its place on the Third Reading  
18 Calendar.

19 SENATOR DeFRANCISCO: I now offer  
20 the following amendments.

21 ACTING PRESIDENT FUNKE: The  
22 amendments are received, and the bill retains  
23 its place on the Third Reading Calendar.

24 SENATOR DeFRANCISCO: Next I wish  
25 to call up Senator Young's bill, Print Number

1 4268, recalled from the Assembly, which is now at  
2 the desk.

3 ACTING PRESIDENT FUNKE: The  
4 Secretary will read.

5 THE SECRETARY: Calendar Number  
6 302, by Senator Young, Senate Print 4268, an act  
7 to amend the Highway Law.

8 SENATOR DeFRANCISCO:  
9 Mr. President, I now move to reconsider the vote  
10 by which the bill was passed.

11 ACTING PRESIDENT FUNKE: Call the  
12 roll on reconsideration.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 50.

15 ACTING PRESIDENT FUNKE: The bill  
16 is restored to its place on the Third Reading  
17 Calendar.

18 SENATOR DeFRANCISCO: And I now  
19 offer the following amendments.

20 ACTING PRESIDENT FUNKE: The  
21 amendments are received, and the bill retains its  
22 place on the Third Reading Calendar.

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: Would you  
25 please recognize Senator Gianaris.

1                   ACTING PRESIDENT FUNKE:    Senator  
2 Gianaris.

3                   SENATOR GIANARIS:    Thank you.

4                   Mr. President, on behalf of Leader  
5 Stewart-Cousins, on page 53 I offer the following  
6 amendments to Calendar Number 740, Senate Print  
7 5187, and ask that said bill retain its place on  
8 Third Reading Calendar.

9                   ACTING PRESIDENT FUNKE:    Senator,  
10 those amendments are received and the bill shall  
11 retain its place on the Third Reading Calendar.

12                   Senator DeFrancisco.

13                   SENATOR DeFRANCISCO:    May we now  
14 take up a previously adopted resolution, that's  
15 Number 1898, read it in its entirety, and then  
16 please recognize Senator Gallivan.

17                   ACTING PRESIDENT FUNKE:    The  
18 Secretary will read.

19                   THE SECRETARY:    Legislative  
20 Resolution Number 1898, by Senator Gallivan,  
21 honoring Ricky Palermo upon the occasion of his  
22 designation as recipient of a Liberty Medal, the  
23 highest honor bestowed upon an individual by the  
24 New York State Senate.

25                   "WHEREAS, It is incumbent upon the

1 people of the State of New York to recognize and  
2 acknowledge those within our midst who have made  
3 significant contributions to the quality of life  
4 therein; and

5           "WHEREAS, From time to time this  
6 Legislative Body takes note of certain  
7 extraordinary individuals it wishes to recognize  
8 for their valued contributions to the success and  
9 progress of society and publicly acknowledge  
10 their endeavors which have enhanced the basic  
11 humanity among us all; and

12           "WHEREAS, This Legislative Body is  
13 justly proud to honor Ricky Palermo upon the  
14 occasion of his designation as recipient of a  
15 Liberty Medal, the highest honor bestowed upon an  
16 individual by the New York State Senate; and

17           "WHEREAS, The New York State Senate  
18 Liberty Medal was established by resolution and  
19 is awarded to individuals who have merited  
20 special commendation for exceptional, heroic, or  
21 humanitarian acts on behalf of their fellow  
22 New Yorkers; and

23           "WHEREAS, A native of Batavia,  
24 New York, Ricky Palermo was involved in an  
25 automobile accident in 1981, which injured his

1 spinal cord and left him paralyzed from the chest  
2 down; and

3 "WHEREAS, With the support of family  
4 and friends, Ricky Palermo started an annual golf  
5 tournament in an effort to raise awareness and  
6 funding for people with spinal cord injuries; and

7 "WHEREAS, For the past 17 years, the  
8 Ricky Palermo Spinal Injury Golf Tournament has  
9 donated significant funds in support of research  
10 and further care for those with this affliction;  
11 and

12 "WHEREAS, This year's 18th Annual  
13 Palermo Golf Tournament and Dinner will be held  
14 on Saturday, August 2, 2015; other events taking  
15 place throughout the year include a lacrosse  
16 clinic, as well as a soccer and basketball  
17 clinic; and

18 "WHEREAS, An avid sports fan, Ricky  
19 Palermo played soccer, basketball, and football  
20 at Byron Bergen High School; he was named Most  
21 Valuable Player in each of these sports, and is a  
22 recipient of his school's Athlete of the Year  
23 Award; and

24 "WHEREAS, Throughout the entire  
25 period of his community service, a period of

1 constructive involvement, Ricky Palermo has stood  
2 constant in dignity, good grace and humor; and

3 "WHEREAS, With him throughout have  
4 been his parents, Virginia and Pat, his brother,  
5 Jim (Nancy), his sister, Patty (Joe), and his  
6 three nieces, Jamie, Amy, and Annie, all of whom  
7 feel privileged to be a part of his life and  
8 rejoice in his achievements; and

9 "WHEREAS, Individuals and  
10 organizations devoted to improving the quality of  
11 life for others, enabling them to build lives of  
12 dignity and self-worth, are deserving of the  
13 highest praise and recognition; now, therefore,  
14 be it

15 "RESOLVED, That this Legislative  
16 Body pause in its deliberations to honor Ricky  
17 Palermo upon the occasion of his designation as  
18 recipient of a Liberty Medal, the highest honor  
19 bestowed upon an individual by the New York State  
20 Senate; and be it further

21 "RESOLVED, That a copy of this  
22 resolution, suitably engrossed, be transmitted to  
23 Ricky Palermo."

24 ACTING PRESIDENT FUNKE: Senator  
25 Gullivan.

1                   SENATOR GALLIVAN:    Thank you,  
2   Mr. President.

3                   I rise to thank my colleagues for  
4   bestowing the Liberty Medal upon my lifelong  
5   friend Ricky Palermo.

6                   You've heard some of his  
7   accomplishments, and it really is a testament to  
8   him and his family that following his injury in  
9   1981 that he has dedicated himself over 30 years  
10   now to trying to do something about it and to  
11   help others.

12                  Through his efforts, he's raised  
13   over a million dollars to benefit spinal cord  
14   research, in particular supporting the Miami  
15   Project to Cure Paralysis that was developed back  
16   in the mid-'80s when Marc Buoniconti, son of  
17   Miami Dolphins Hall of Famer Nick Buoniconti, was  
18   injured and ultimately founded the Miami Project  
19   to Cure Paralysis to find a cure for paralysis.

20                  Not much was known in the 1980s  
21   about spinal cord injuries. There was almost no  
22   hope then. And Ricky continued, with others, to  
23   persevere, the doctors did their work, and now  
24   there is hope. Along with the FDA's recent  
25   approval, doctors at the Miami Project have now

1 actually started doing human clinical trials for  
2 both those with acute spinal cord injuries and  
3 chronic injuries like Ricky has.

4 Rick is now trying to make people  
5 aware of these clinical trials in an effort to  
6 help those individuals and families that suffer  
7 these injuries, and he becomes available to any  
8 member to help with the emergency rooms, the  
9 trauma doctors in your particular district, to  
10 help make families aware that this is something  
11 that can exist and benefit them.

12 And in addition to that, he has  
13 worked with the YMCA and started a bike program  
14 to help those with spinal cord neurological  
15 injuries, and again is available for anybody with  
16 the YMCA who has an interest in developing this  
17 program.

18 He is an incredible person, coming  
19 from an incredible family. He's here today with  
20 his brother Jim, another lifelong friend, and a  
21 friend, Sam from Batavia, and his nurse Jackie.

22 And he truly is an inspiration to  
23 many, many people who continue to stand with him  
24 to try to do something about spinal cord  
25 injuries. And because, in part, of his efforts

1 and so many others, there actually is hope on the  
2 horizon.

3 And I thank you for your efforts.  
4 I'm thrilled that you're here with us today. And  
5 I thank my colleagues again for recognizing Ricky  
6 with a Liberty Medal.

7 Thank you, Mr. President.

8 ACTING PRESIDENT FUNKE: Thank you,  
9 Senator Gallivan.

10 Rick, you and your family have been  
11 friends of mine, extended relatives. In all  
12 transparency, your sister is my sister-in-law.

13 We all salute your perseverance. We  
14 all salute your grace in the face of enormous  
15 adversity all these years, Rick. And we thank  
16 you for setting such a great example for all of  
17 us.

18 On behalf of the entire State  
19 Senate, we thank you for all you do and for  
20 turning a tragedy into a triumph. On behalf of  
21 the New York State Senate, we extend the  
22 gratitude of the entire Senate to you and your  
23 family.

24 (Standing ovation.)

25 ACTING PRESIDENT FUNKE: Senator

1 DeFrancisco.

2                   SENATOR DeFRANCISCO:    Yes,  
3 Mr. President, Senator Gallivan would like to  
4 open up the resolution for cosponsorship.  
5 Everybody will be placed on unless you indicate  
6 otherwise to the chair.

7                   Would you please take up the  
8 noncontroversial reading of the calendar.

9                   ACTING PRESIDENT FUNKE:    The  
10 Secretary will read.

11                   THE SECRETARY:    Calendar Number  
12 371, by Senator Krueger, Senate Print 4265, an  
13 act to amend the Agriculture and Markets Law.

14                   ACTING PRESIDENT FUNKE:    Read the  
15 last section.

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

18                   ACTING PRESIDENT FUNKE:    Call the  
19 roll.

20                   (The Secretary called the roll.)

21                   THE SECRETARY:    Ayes, 56. Nays, 1.  
22 Senator Montgomery recorded in the negative.

23                   ACTING PRESIDENT FUNKE:    The bill  
24 is passed.

25                   THE SECRETARY:    Calendar Number

1 374, by Senator Ritchie, Senate Print 4641, an  
2 act to amend the Agriculture and Markets Law.

3 ACTING PRESIDENT FUNKE: Read the  
4 last section.

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

7 ACTING PRESIDENT FUNKE: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT FUNKE: Announce  
11 the result.

12 THE SECRETARY: Ayes, 54. Nays, 3.  
13 Senators Montgomery, Perkins and Sanders recorded  
14 in the negative.

15 ACTING PRESIDENT FUNKE: And the  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 409, by Senator Boyle, Senate Print 98, an act to  
19 amend the Education Law.

20 SENATOR BOYLE: Lay it aside  
21 temporarily.

22 ACTING PRESIDENT FUNKE: The bill  
23 is laid aside.

24 THE SECRETARY: Calendar Number  
25 505, by Senator Marchione, Senate Print 3826, an

1 act to amend the Executive Law.

2 ACTING PRESIDENT FUNKE: Read the  
3 last section.

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

6 ACTING PRESIDENT FUNKE: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT FUNKE: Announce  
10 the result.

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT FUNKE: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 514, by Senator Marcellino, Senate Print 410, an  
16 act to amend the Agriculture and Markets Law.

17 ACTING PRESIDENT FUNKE: Read the  
18 last section.

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

21 ACTING PRESIDENT FUNKE: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT FUNKE: Announce  
25 the result.

1 THE SECRETARY: Ayes, 56. Nays, 1.

2 Senator Montgomery recorded in the negative.

3 ACTING PRESIDENT FUNKE: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 515, by Senator LaValle, Senate Print 2102, an  
7 act to amend the Agriculture and Markets Law.

8 ACTING PRESIDENT FUNKE: Read the  
9 last section.

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

12 ACTING PRESIDENT FUNKE: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT FUNKE: Announce  
16 the result.

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT FUNKE: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 526, by Senator Funke, Senate Print 4561A, an act  
22 to amend the Highway Law.

23 ACTING PRESIDENT FUNKE: Read the  
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT FUNKE: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT FUNKE: Announce  
6 the result.

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT FUNKE: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 527, by Senator Funke, Senate Print 4564A, an act  
12 to amend the Highway Law.

13 ACTING PRESIDENT FUNKE: Read the  
14 last section.

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

17 ACTING PRESIDENT FUNKE: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT FUNKE: Announce  
21 the result.

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT FUNKE: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 528, by Senator Funke, Senate Print 4565A, an act  
2 to amend the Highway Law.

3 ACTING PRESIDENT FUNKE: Please  
4 read the last section.

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

7 ACTING PRESIDENT FUNKE: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT FUNKE: Announce  
11 the result.

12 THE SECRETARY: Ayes, 57.

13 ACTING PRESIDENT FUNKE: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 537, by Senator Flanagan, Senate Print 2165, an  
17 act to amend the Environmental Conservation Law.

18 ACTING PRESIDENT FUNKE: Read the  
19 last section.

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

22 ACTING PRESIDENT FUNKE: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT FUNKE: Announce

1 the result.

2 THE SECRETARY: In relation to  
3 Calendar 537, those recorded in the negative are  
4 Senators Avella, Comrie, Hoylman, Krueger,  
5 Montgomery, Perkins, Sanders, Serrano and  
6 Squadron.

7 Ayes, 48. Nays, 9.

8 ACTING PRESIDENT FUNKE: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 549, by Senator Gallivan, Senate Print 440B, an  
12 act to amend the Alcoholic Beverage Control Law.

13 ACTING PRESIDENT FUNKE: Read the  
14 last section.

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

17 ACTING PRESIDENT FUNKE: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT FUNKE: Announce  
21 the result.

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT FUNKE: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 655, by Senator Lanza, Senate Print 3850, an act  
2 to amend Chapter 154 of the Laws of 1921.

3 ACTING PRESIDENT FUNKE: Read the  
4 last section.

5 THE SECRETARY: Section 2. This  
6 act shall take effect upon enactment into law by  
7 the State of New Jersey.

8 ACTING PRESIDENT FUNKE: Call the  
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT FUNKE: Announce  
12 the result.

13 THE SECRETARY: Ayes, 57.

14 ACTING PRESIDENT FUNKE: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 729, by Senator Ranzenhofer, Senate Print 797, an  
18 act to amend the Vehicle and Traffic Law.

19 ACTING PRESIDENT FUNKE: Read the  
20 last section.

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

23 ACTING PRESIDENT FUNKE: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT FUNKE:    Please  
2 announce the result.

3                   THE SECRETARY:    Ayes, 56.  Nays, 1.  
4 Senator Perkins recorded in the negative.

5                   ACTING PRESIDENT FUNKE:    And that  
6 bill is passed.

7                   THE SECRETARY:    Calendar Number  
8 731, by Senator Ritchie, Senate Print 1832, an  
9 act to amend the Vehicle and Traffic Law.

10                  ACTING PRESIDENT FUNKE:    Read the  
11 last section.

12                  THE SECRETARY:    Section 2.  This  
13 act shall take effect on the 120th day.

14                  ACTING PRESIDENT FUNKE:    Call the  
15 roll.

16                                   (The Secretary called the roll.)

17                  ACTING PRESIDENT FUNKE:    Announce  
18 the result.

19                  THE SECRETARY:    Ayes, 57.

20                  ACTING PRESIDENT FUNKE:    The bill  
21 is passed.

22                  THE SECRETARY:    Calendar Number  
23 742, by Senator Marchione, Senate Print 1487, an  
24 act to amend the Alcoholic Beverage Control Law.

25                  ACTING PRESIDENT FUNKE:    Read the

1 last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the 90th day.

4 ACTING PRESIDENT FUNKE: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT FUNKE: Announce  
8 the result.

9 THE SECRETARY: Ayes, 57.

10 ACTING PRESIDENT FUNKE: That bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 748, by Senator Murphy, Senate Print 4809, an act  
14 to amend the Tax Law.

15 ACTING PRESIDENT FUNKE: Read the  
16 last section.

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

19 ACTING PRESIDENT FUNKE: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT FUNKE: Announce  
23 the result.

24 THE SECRETARY: Ayes, 57.

25 ACTING PRESIDENT FUNKE: That bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 817, by Senator Griffo, Senate Print 738, an act  
4 to amend the Public Health Law.

5 ACTING PRESIDENT FUNKE: Read the  
6 last section.

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

9 ACTING PRESIDENT FUNKE: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT FUNKE: Announce  
13 the result.

14 THE SECRETARY: Ayes, 57.

15 ACTING PRESIDENT FUNKE: That bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 821, by Senator Ortt, Senate Print 3638A, an act  
19 to amend the Public Health Law.

20 ACTING PRESIDENT FUNKE: Read the  
21 last section.

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

24 ACTING PRESIDENT FUNKE: Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT FUNKE: Announce  
3 the result.

4 THE SECRETARY: Ayes, 57.

5 ACTING PRESIDENT FUNKE: That bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 829, by Senator Young, Senate Print 3017, an act  
9 to amend the General Municipal Law.

10 ACTING PRESIDENT FUNKE: Read the  
11 last section.

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

14 ACTING PRESIDENT FUNKE: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT FUNKE: Announce  
18 the result.

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT FUNKE: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 834, substituted earlier by Member of the  
24 Assembly Kaminsky, Assembly Print 5933, an act to  
25 amend the Real Property Tax Law.

1                   ACTING PRESIDENT FUNKE:    Read the  
2 last section.

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

5                   ACTING PRESIDENT FUNKE:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT FUNKE:    Announce  
9 the result.

10                  THE SECRETARY:    Ayes, 57.

11                  ACTING PRESIDENT FUNKE:    The bill  
12 is passed.

13                  A little order in the chamber, thank  
14 you.  Everybody, thank you.

15                  THE SECRETARY:    Calendar Number  
16 838, by Senator Valesky, Senate Print 4990, an  
17 act to amend the General Municipal Law.

18                  ACTING PRESIDENT FUNKE:    Read the  
19 last section.

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

22                  ACTING PRESIDENT FUNKE:    Call the  
23 roll.

24                  (The Secretary called the roll.)

25                  ACTING PRESIDENT FUNKE:    Announce

1 the result.

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT FUNKE: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 840, by Senator Ortt, Senate Print 5013A, an act  
7 to amend the Real Property Tax Law.

8 ACTING PRESIDENT FUNKE: Read the  
9 last section.

10 THE SECRETARY: Section 2. This  
11 act shall take effect on the 120th day.

12 ACTING PRESIDENT FUNKE: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT FUNKE: Announce  
16 the result.

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT FUNKE: That bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 858, by Senator Ranzenhofer, Senate Print 800, an  
22 act to amend the Tax Law.

23 ACTING PRESIDENT FUNKE: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of April.

2 ACTING PRESIDENT FUNKE: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT FUNKE: Senator  
6 Hoylman to explain his vote.

7 SENATOR HOYLMAN: I'm sure,  
8 Mr. President, that this bill shows how out of  
9 touch we are with the concerns of everyday  
10 New Yorkers. After all, it's providing a sales  
11 tax exemption to the services provided by a  
12 farrier in shoeing a horse. To me, this is the  
13 four-legged equivalent of the tax exemption we  
14 passed earlier this year on private aircraft.

15 We don't need to give the  
16 international jet set a tax relief on the backs  
17 of New Yorkers. This will cost New York State  
18 millions of dollars, and we should be using that  
19 money instead to protect the most vulnerable.

20 I'll be voting no. Thank you,  
21 Mr. President.

22 ACTING PRESIDENT FUNKE: Thank you,  
23 Senator Hoylman.

24 Senator Hoylman is recorded in the  
25 negative.

1                   Announce the result.

2                   THE SECRETARY:    In relation to  
3   Calendar 858, those recorded in the negative are  
4   Senators Comrie, DeFrancisco, Espailat, Hoylman,  
5   Krueger, Montgomery, Rivera, Sanders, Serrano and  
6   Squadron.  Also Senator Perkins.

7                   Ayes, 47.  Nays, 11.

8                   ACTING PRESIDENT FUNKE:   The bill  
9   is passed.

10                  THE SECRETARY:    Calendar Number  
11   860, by Senator Marchione, Senate Print 1194, an  
12   act to amend the State Finance Law.

13                  ACTING PRESIDENT FUNKE:   Read the  
14   last section.

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

17                  ACTING PRESIDENT FUNKE:   Call the  
18   roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT FUNKE:   Announce  
21   the result.

22                  THE SECRETARY:    Ayes, 58.

23                  ACTING PRESIDENT FUNKE:   The bill  
24   is passed.

25                  THE SECRETARY:    Calendar Number

1 861, by Senator Young, Senate Print 1368, an act  
2 to amend the Agriculture and Markets Law.

3 ACTING PRESIDENT FUNKE: Read the  
4 last section.

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

7 ACTING PRESIDENT FUNKE: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT FUNKE: Announce  
11 the result.

12 THE SECRETARY: Ayes, 57. Nays, 1.  
13 Senator Espaillat recorded in the negative.

14 ACTING PRESIDENT FUNKE: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 863, by Senator Marcellino, Senate Print 1921, an  
18 act to amend the Tax Law.

19 ACTING PRESIDENT FUNKE: Read the  
20 last section.

21 THE SECRETARY: Section 4. This  
22 act shall take effect immediately.

23 ACTING PRESIDENT FUNKE: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT FUNKE:    Announce  
2 the result.

3                   THE SECRETARY:     Ayes, 58.

4                   ACTING PRESIDENT FUNKE:    The bill  
5 is passed.

6                   THE SECRETARY:     Calendar Number  
7 866, by Senator Funke, Senate Print 2978, an act  
8 to amend the Vehicle and Traffic Law.

9                   ACTING PRESIDENT FUNKE:    Read the  
10 last section.

11                   THE SECRETARY:     Section 4. This  
12 act shall take effect immediately.

13                   ACTING PRESIDENT FUNKE:    Call the  
14 roll.

15                   (The Secretary called the roll.)

16                   ACTING PRESIDENT FUNKE:    Announce  
17 the result.

18                   THE SECRETARY:     Ayes, 59.

19                   ACTING PRESIDENT FUNKE:    The bill  
20 is passed.

21                   THE SECRETARY:     Calendar Number  
22 876, by Senator Young, Senate Print 1394, an act  
23 to amend the General City Law.

24                   ACTING PRESIDENT FUNKE:    Read the  
25 last section.

1 THE SECRETARY: Section 10. This  
2 act shall take effect on the first of July.

3 ACTING PRESIDENT FUNKE: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT FUNKE: Announce  
7 the result.

8 THE SECRETARY: Ayes, 59.

9 ACTING PRESIDENT FUNKE: That bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 883, by Senator Klein, Senate Print 4119A, an act  
13 to amend Chapter 383 of the Laws of 1991.

14 ACTING PRESIDENT FUNKE: Read the  
15 last section.

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

18 ACTING PRESIDENT FUNKE: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT FUNKE: Please  
22 announce the result.

23 THE SECRETARY: Ayes, 59.

24 ACTING PRESIDENT FUNKE: The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number  
2   892, by Senator Montgomery, Senate Print 1050, an  
3   act to amend the Executive Law.

4                   ACTING PRESIDENT FUNKE:   Read the  
5   last section.

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

8                   ACTING PRESIDENT FUNKE:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT FUNKE:   Announce  
12   the result.

13                   THE SECRETARY:    Ayes, 59.

14                   ACTING PRESIDENT FUNKE:   The bill  
15   is passed.

16                   THE SECRETARY:    Calendar Number  
17   944, by Senator Avella, Senate Print 1142, an act  
18   to amend the Penal Law.

19                   ACTING PRESIDENT FUNKE:   Read the  
20   last section.

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

23                   ACTING PRESIDENT FUNKE:   Call the  
24   roll.

25                   (The Secretary called the roll.)

1                   ACTING PRESIDENT FUNKE:    Announce  
2 the result.

3                   THE SECRETARY:    In relation to  
4 Calendar 944, those recorded in the negative are  
5 Senators Comrie and Perkins.

6                   Ayes, 57.   Nays, 2.

7                   ACTING PRESIDENT FUNKE:    The bill  
8 is passed.

9                   THE SECRETARY:    Calendar Number  
10 1025, by Senator Valesky, Senate Print 5335, an  
11 act to amend the Highway Law.

12                  ACTING PRESIDENT FUNKE:    Read the  
13 last section.

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

16                  ACTING PRESIDENT FUNKE:    Call the  
17 roll.

18                  (The Secretary called the roll.)

19                  ACTING PRESIDENT FUNKE:    Senator  
20 Valesky to explain his vote.

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

23                  A number of years ago in Onondaga  
24 County, on Interstate Route 481, a young man, a  
25 deputy sheriff by the name of Glenn Searles, did

1 what many law enforcement officers do each and  
2 every day across our great state. There happened  
3 to have been a snowstorm that day, a motorist  
4 became stranded as a result of the severe  
5 weather, and Deputy Sheriff Searles did his job.

6 Deputy Sheriff Searles served the  
7 community. He pulled over behind that stranded  
8 motorist to offer aid and assistance. Deputy  
9 Sheriff Searles did not know, certainly, at the  
10 time that he would be giving his life as he  
11 served the public that day. He was struck by an  
12 oncoming vehicle as he served that stranded  
13 motorist.

14 And so today, through this piece of  
15 legislation, the State of New York pauses and  
16 memorializes the sacrifice made by this young  
17 man, whose lifelong dream was to be a deputy  
18 sheriff. He had been an investigator in the  
19 Onondaga County medical examiner's office, and  
20 service was what he had always aspired to do.

21 This bill, by designating a portion  
22 of that interstate highway in his honor, allows  
23 us as a Senate to thank him publicly, to  
24 acknowledge his specific sacrifice on behalf of  
25 the people of Central New York and certainly, in

1 a very real and significant way, all of those who  
2 serve in law enforcement across the State of  
3 New York who each and every day put their lives  
4 in harm's way to be of service to each and every  
5 one of us.

6 I vote in the affirmative and  
7 encourage my colleagues to do likewise.

8 Thank you.

9 ACTING PRESIDENT FUNKE: Thank you,  
10 Senator Valesky.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Senator  
13 Valesky very aptly reported what had happened in  
14 this situation and the good that came from it,  
15 with good legislations that help protect other  
16 police officers stopping cars for whatever  
17 reason.

18 Mr. Searles was a resident of my  
19 district, and I want to just compliment Senator  
20 Valesky for bringing this piece of legislation  
21 forward so he will be commemorated for many, many  
22 years to come.

23 Thank you. I vote aye.

24 ACTING PRESIDENT FUNKE: Senator  
25 Valesky and Senator DeFrancisco are recorded in

1 the affirmative.

2 Announce the result.

3 THE SECRETARY: Ayes, 59.

4 ACTING PRESIDENT FUNKE: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1067, by Senator Perkins, Senate Print 5420, an  
8 act to amend Chapter 192 of the Laws of 2011.

9 ACTING PRESIDENT FUNKE: Read the  
10 last section.

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

13 ACTING PRESIDENT FUNKE: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT FUNKE: Announce  
17 the result.

18 THE SECRETARY: Ayes, 59.

19 ACTING PRESIDENT FUNKE: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1127, by Senator Marcellino, Senate Print 423, an  
23 act to amend the Penal Law.

24 ACTING PRESIDENT FUNKE: Read the  
25 last section.

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

3 ACTING PRESIDENT FUNKE: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT FUNKE: Announce  
7 the result.

8 THE SECRETARY: Ayes, 57. Nays, 2.  
9 Senators Montgomery and Perkins recorded in the  
10 negative.

11 ACTING PRESIDENT FUNKE: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 1139, by Senator Avella, Senate Print 1130A, an  
15 act to amend the Alcoholic Beverage Control Law.

16 ACTING PRESIDENT FUNKE: Read the  
17 last section.

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

20 ACTING PRESIDENT FUNKE: Call the  
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT FUNKE: Senator  
24 Terrence Murphy to explain his vote.

25 SENATOR MURPHY: Yes, sir. Thank

1 you, Mr. President.

2 As part owner of a family-run  
3 restaurant in my district, I would like to  
4 abstain from this vote, sir.

5 ACTING PRESIDENT FUNKE: Senator  
6 Murphy, so ordered.

7 Announce the result.

8 THE SECRETARY: Ayes, 58.

9 ACTING PRESIDENT FUNKE: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 1153, by Senator Carlucci, Senate Print 2704, an  
13 act to amend the Vehicle and Traffic Law.

14 ACTING PRESIDENT FUNKE: Read the  
15 last section.

16 THE SECRETARY: Section 4. This  
17 act shall take effect on the 120th day.

18 ACTING PRESIDENT FUNKE: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT FUNKE: Senator  
22 David Carlucci to explain his vote.

23 SENATOR CARLUCCI: Thank you,  
24 Mr. President.

25 I want to thank my colleagues for

1 supporting this important legislation. The cost  
2 of tolls in the State of New York is a very  
3 serious problem. The cost of tolls eats away at  
4 the buying power for middle-class families.

5           And in New York State, we have a  
6 unique problem with tolls. The fact is you can  
7 cross the Tappan Zee bridge and drive up 95 all  
8 the way to Boston before paying another toll.  
9 But if you want to drive from Rockland County to  
10 Long Island, you're going to pay toll after toll  
11 after toll.

12           So we have to do everything possible  
13 to mitigate the cost of tolls in New York State.  
14 And one glaring loophole that's happening right  
15 now is the problem of toll evaders. In fact,  
16 over the past five years we've lost \$150 million  
17 in revenue because of toll evasion.

18           And there's a simple fix. All we  
19 have to do is pass this legislation to close a  
20 loophole that exists in the system right now,  
21 allow the DMV to work with the Thruway Authority  
22 and other toll-collecting authorities to suspend  
23 someone's vehicle registration if they're a  
24 chronic toll evader.

25           And we're not talking about someone

1 that forgot their E-ZPass once, twice, three  
2 times, four times. We're talking about chronic  
3 toll evaders. The Associated Press did some  
4 research on this; they found one cab driver in  
5 New York City had over \$28,000 in unpaid tolls.

6           And this is an issue where the  
7 Thruway Authority doesn't have the authority to  
8 go down and chase somebody for these tolls. They  
9 simply send you a letter, and if you don't pay  
10 it, they'll kick it over to a collection agency.  
11 Unfortunately, people have gotten wind of that.  
12 This is a growing problem, a serious problem.

13           By passing this legislation we can  
14 save hundreds of millions of dollars in the  
15 future and make sure we do what we can to  
16 mitigate the cost of tolls in the State of  
17 New York.

18           Mr. President, I'll be voting in the  
19 affirmative. Thank you.

20           ACTING PRESIDENT FUNKE: Thank you,  
21 Senator Carlucci. You're recorded in the  
22 affirmative.

23           Announce the result.

24           THE SECRETARY: Ayes, 59.

25           ACTING PRESIDENT FUNKE: The bill

1 is passed.

2 Floor Leader, that completes the  
3 noncontroversial reading of the calendar.

4 SENATOR DeFRANCISCO: If we can go  
5 back to motions and resolutions for moment.

6 ACTING PRESIDENT FUNKE: Motions  
7 and resolutions.

8 SENATOR DeFRANCISCO: On behalf of  
9 Senator Flanagan, on page number 27 I offer the  
10 following amendments to Calendar Number 213,  
11 Senate Print Number 3912, and ask that said bill  
12 retain its place on the third reading.

13 ACTING PRESIDENT FUNKE: The  
14 amendments are received, and the bill shall  
15 retain its place on the Third Reading Calendar.

16 SENATOR DeFRANCISCO: Yes, and  
17 there was one bill that we temporarily laid aside  
18 on the noncontroversial calendar, which is  
19 Calendar Number 409, Senate Print 98. Can we  
20 call that bill at this moment.

21 ACTING PRESIDENT FUNKE: The  
22 Secretary will read.

23 THE SECRETARY: Calendar Number  
24 409, by Senator Boyle, Senate Print 98, an act to  
25 amend the Education Law.

1                   ACTING PRESIDENT FUNKE:    Read the  
2 last section.

3                   THE SECRETARY:       Section 3.  This  
4 act shall take effect on the 60th day.

5                   ACTING PRESIDENT FUNKE:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT FUNKE:    Senator  
9 Boyle to explain his vote.

10                  SENATOR BOYLE:       Thank you,  
11 Mr. President, to explain my vote.

12                  It's very fitting that we're taking  
13 up this bill today on Animal Advocacy Day here in  
14 Albany.  Many legislators, Assemblymembers and  
15 Senators, came with their pets to advocate for  
16 animal welfare legislation.  This is the Research  
17 Animal Retirement Act, otherwise known as the  
18 "Beagle Freedom" legislation.

19                  Today our Animal Advocacy Day was  
20 cosponsored by myself and Assemblyman Jim Tedisco  
21 and Senator Sue Serino, our colleague here.  
22 Local weatherman Steve Caporizzo has been an  
23 animal advocate for many years.  And we had  
24 hundreds of advocates from all over the State of  
25 New York and even all over the country -- Shannon

1 Keith and Kevin visited from California.

2           This is an important piece of  
3 legislation. All it says is that dogs and cats  
4 in certain facilities need to be offered adoption  
5 through private placement or a not-for-profit  
6 animal rescue or shelter organization after the  
7 research they're taking part in is finished.

8           We have mostly beagles in these  
9 facilities, but all sorts of other animals that  
10 researchers -- thank you, Mr. Leader.

11           ACTING PRESIDENT FUNKE: A little  
12 order in the chamber, please.

13           I'm sorry, Senator.

14           SENATOR BOYLE: And when the  
15 research is done, these animals should be put up  
16 for adoption so they can have loving forever  
17 homes for the remainder of their lives.

18           It's a commonsense piece of  
19 legislation. Last year it passed this body 59 to  
20 zero, and I hope and expect that it will pass  
21 unanimously again today.

22           And I say please, New York State  
23 Assembly, pass this commonsense legislation.  
24 Protect these animals. They sacrifice for us.  
25 Let's give them a long, happy life.

1 I vote in the affirmative.

2 ACTING PRESIDENT FUNKE: Senator  
3 Boyle voting in the affirmative.

4 Announce the result.

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT FUNKE: The bill  
7 is passed.

8 That completes the noncontroversial  
9 reading, Mr. Floor Leader.

10 SENATOR DeFRANCISCO: Okay. At  
11 this point there will be an immediate meeting of  
12 the Energy Committee in Room 124. And upon  
13 receiving the report from the Energy Committee,  
14 we will be adjourning, so you won't have to vote  
15 on anything else.

16 And we will report back -- oh, okay.  
17 In that case, there's an immediate meeting of the  
18 Energy Committee immediately after we adjourn.  
19 And that meeting is in Room 124.

20 Is there any further business at the  
21 desk?

22 ACTING PRESIDENT FUNKE: There is  
23 no further business.

24 SENATOR DeFRANCISCO: That being  
25 the case, we will adjourn until Monday, June 8th,

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

3                   ACTING PRESIDENT FUNKE: On motion,  
4 the Senate stands adjourned until Monday,  
5 June 8th, at 3:00 p.m., intervening days being  
6 legislative days.

7                   (Whereupon, at 11:42 a.m., the  
8 Senate adjourned.)

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