

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 January 23, 2014

11 11:34 a.m.

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13
14 REGULAR SESSION

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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: We have
10 with us today the Reverend Peter G. Young, from
11 Mother Teresa Community in Albany, to lead us in
12 the invocation.

13 REVEREND YOUNG: Thank you,
14 Senator.

15 May we join and bow our heads in
16 prayer.

17 In New York City, at George
18 Washington's inauguration as President of the
19 United States, he placed his hands on the Bible
20 on April 30, 1789, to serve with integrity his
21 nation.

22 Our Senators are called to
23 leadership as Your elected and dedicated public
24 servants. We bless them in Your name so that
25 they can carry out their most important work here

1 for the dignity of our New York State and their
2 citizens.

3 Amen.

4 ACTING PRESIDENT CARLUCCI: Reading
5 of the Journal.

6 The Secretary will read.

7 THE SECRETARY: In Senate,
8 Wednesday, January 22, the Senate met pursuant to
9 adjournment. The Journal of Tuesday, January 21,
10 was read and approved. On motion, Senate
11 adjourned.

12 ACTING PRESIDENT CARLUCCI: Without
13 objection, the Journal stands approved as read.

14 Presentation of petitions.

15 Messages from the Assembly.

16 Messages from the Governor.

17 Reports of standing committees.

18 Reports of select committees.

19 Communications and reports from
20 state officers.

21 Motions and resolutions.

22 Senator LaValle.

23 SENATOR LaVALLE: Mr. President, on
24 behalf of Senator Ball I move that the following
25 bills be discharged from their respective

1 committees and be recommitted with instructions
2 to strike the enacting clause. Those are Senate
3 Bill Numbers 2289 and 2573.

4 ACTING PRESIDENT CARLUCCI: So
5 ordered.

6 Senator LaValle.

7 SENATOR LaVALLE: Mr. President,
8 I'd like to call an immediate meeting of the
9 Rules Committee.

10 ACTING PRESIDENT CARLUCCI: There
11 will be an immediate meeting of the
12 Rules Committee in Room 332.

13 Senator LaValle.

14 SENATOR LaVALLE: Mr. President,
15 may we please adopt the Resolution Calendar, with
16 the exception of Resolutions 2963 and 2966.

17 ACTING PRESIDENT CARLUCCI: All in
18 favor of adopting the Resolution Calendar, with
19 the exception of Resolutions 2963 and 2966,
20 signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT CARLUCCI:
23 Opposed, nay.

24 (No response.)

25 ACTING PRESIDENT CARLUCCI: The

1 Resolution Calendar is adopted.

2 Senator LaValle.

3 SENATOR LaVALLE: Mr. President,
4 Senator Marchione would like to open for
5 cosponsorship Resolution 2895.

6 All the members can be put on that
7 resolution. Those who do not want to be, please
8 notify the desk.

9 I believe there is a resolution by
10 Senator Espaillat, Senate Resolution 2963, that
11 is at the desk. And I ask that the title be read
12 and ask for its immediate adoption.

13 ACTING PRESIDENT CARLUCCI: Senator
14 Marchione opens up Senate Resolution Number 2895
15 for cosponsorship. Those wishing not to be a
16 cosponsor please notify the desk.

17 The Secretary will read Resolution
18 Number 2963.

19 THE SECRETARY: Legislative
20 Resolution Number 2963, memorializing Governor
21 Andrew M. Cuomo to proclaim January 26, 2014, as
22 the 201st Anniversary of Juan Pablo Duarte Day in
23 the State of New York.

24 ACTING PRESIDENT CARLUCCI: Senator
25 Espaillat.

1 SENATOR ESPAILLAT: Thank you,
2 Mr. President, for allowing me to speak on this
3 resolution.

4 As you know, every year a group of
5 New Yorkers of Dominican heritage, and others,
6 have traveled to Albany in celebration and
7 commemoration of Juan Pablo Duarte.
8 Unfortunately they could not do it yesterday
9 because of the snow, but I am here to speak on
10 this resolution and say that we are happy that
11 this body recognizes that 201st anniversary of
12 Juan Pablo Duarte Day.

13 Juan Pablo Duarte is the founding
14 father of the Dominican Republic. He traveled in
15 his early years to New York City, where he stayed
16 for a brief time on his way to Europe. And he
17 came back with many of the ideas of democracy
18 that he saw abroad, including in the
19 United States and Europe. And when he went back
20 to the Dominican Republic, he found it fit to
21 create a new country and a new constitution.

22 And we are here to celebrate --
23 January 26th is his 201st anniversary of birth.
24 And we're happy that the Governor and this body,
25 the Senate, will commemorate his legacy and his

1 memory by declaring this day Juan Pablo Duarte
2 Day.

3 So thank you so much, Mr. President,
4 for allowing me for speak on this resolution.

5 ACTING PRESIDENT CARLUCCI: Thank
6 you, Senator Espaillat.

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

9 (Response of "Aye.")

10 ACTING PRESIDENT CARLUCCI:
11 Opposed, nay.

12 (No response.)

13 ACTING PRESIDENT CARLUCCI: The
14 resolution is adopted.

15 Senator Hannon.

16 SENATOR HANNON: Mr. President, I
17 believe there's a resolution by Senator Kennedy,
18 Number 2966, at the desk. I ask that the title
19 be read and ask for its immediate adoption.

20 ACTING PRESIDENT CARLUCCI: The
21 Secretary will read.

22 THE SECRETARY: Legislative
23 Resolution Number 2966, mourning the death of
24 Richard Byron, successful businessman and
25 influential community leader.

1 ACTING PRESIDENT CARLUCCI: Senator
2 Kennedy.

3 SENATOR KENNEDY: Thank you,
4 Mr. President.

5 I rise today to honor a great
6 Western New Yorker who passed away over the
7 summer on July 8, 2013.

8 Richard Byron, a businessman and
9 influential community leader, was born in Buffalo
10 89 years ago. He attended Bennett High School
11 and proudly served our country in an engineering
12 battalion during World War II.

13 Richard attained the rank of master
14 sergeant and was awarded the Bronze Star for his
15 service in the European Theater. Upon completion
16 of his military service, Richard attended
17 Rensselaer Polytechnic Institute.

18 When he arrived back in Buffalo,
19 Richard worked for the Republic Steel Corporation
20 in the executive development program but left to
21 take over his father's company, C.H. Byron, an
22 industrial steel construction and painting
23 contracting business.

24 Richard Byron's work and his
25 family's company helped shape Buffalo and the

1 surrounding area. One of their premier projects
2 is seen on Sundays as we cheer for New York's
3 only NFL team, and the team that we all in this
4 chamber cheer for, the Buffalo Bills. Richard's
5 company was instrumental in helping to transform
6 a plot of land in Orchard Park into Rich Stadium,
7 now Ralph Wilson Stadium, the home of the Bills.

8 Although Richard is no longer with
9 us today, his spirit of humanity lives on through
10 his charitable work. He was deeply involved with
11 the Buffalo Audubon Society and was a founding
12 leader of the Niagara Aerospace Museum. For his
13 work, in 2007 Richard was inducted into the
14 Niagara Frontier Aviation and Space Hall of
15 Fame.

16 Richard Byron is the type of person
17 Western New York is known for. He worked hard,
18 he cared about his family, he gave back to his
19 community, he served others. Buffalo is the
20 City of Good Neighbors because of people like
21 Richard Byron.

22 We remember Mr. Byron, we thank him
23 for all he did for our community, and we send our
24 thoughts and prayers to his family.

25 Thank you, Mr. President.

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

3 The question is on the resolution.
4 All in favor signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT CARLUCCI:
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT CARLUCCI: The
10 resolution is adopted.

11 Senator Hannon.

12 SENATOR HANNON: Mr. President,
13 could we stand at ease for a moment until we've
14 had a report from the Rules Committee.

15 ACTING PRESIDENT CARLUCCI: The
16 Senate will stand at ease.

17 (Whereupon, the Senate stood at ease
18 at 11:43 a.m.)

19 (Whereupon, the Senate reconvened at
20 11:54 a.m.)

21 ACTING PRESIDENT CARLUCCI: Senator
22 LaValle.

23 SENATOR LaVALLE: Mr. President,
24 may we return to reports of standing committees.
25 I believe there is a report of the Rules

1 Committee at the desk.

2 ACTING PRESIDENT CARLUCCI: Reports
3 of standing committees.

4 The Secretary will read the report
5 of the Rules Committee.

6 THE SECRETARY: Senator Skelos,
7 from the Committee on Rules, reports the
8 following bills:

9 Senate Print 6296, by the Committee
10 on Rules, an act to amend the Tax Law and
11 Chapter 200 of the Laws of 2002;

12 Senate 6335, by Senator Ball, an act
13 to amend Chapter 557 of the Laws of 2013;

14 Senate 6345, by Senator Valesky, an
15 act to amend the Canal Law;

16 And Senate 6346, by Senator Golden,
17 an act to amend the Penal Law.

18 All bills reported direct to third
19 reading.

20 ACTING PRESIDENT CARLUCCI: Senator
21 LaValle.

22 SENATOR LaVALLE: Mr. President, I
23 move to accept the report of the Rules Committee.

24 ACTING PRESIDENT CARLUCCI: All in
25 favor of accepting the report of the Rules

1 Committee signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT CARLUCCI:

4 Opposed, nay.

5 (No response.)

6 ACTING PRESIDENT CARLUCCI: The
7 Rules Committee report is accepted.

8 Senator LaValle.

9 SENATOR LaVALLE: Mr. President,
10 we're just waiting to make sure all the members
11 have the report at their desk.

12 Mr. President, may we please have
13 the noncontroversial reading of Calendar Number
14 51 on Supplemental Calendar 4A.

15 ACTING PRESIDENT CARLUCCI: The
16 Secretary will read the substitution.

17 THE SECRETARY: Senator Skelos
18 moves to discharge, from the Committee on Rules,
19 Assembly Bill Number 7949B and substitute it for
20 the identical Senate Bill Number 6296, Third
21 Reading Calendar 51.

22 ACTING PRESIDENT CARLUCCI:
23 Substitution so ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number 51,

1 by Member of the Assembly Cahill, Assembly Print
2 7949B, an act to amend the Tax Law and
3 Chapter 200 of the Laws of 2002.

4 ACTING PRESIDENT CARLUCCI: Read
5 the last section.

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

8 ACTING PRESIDENT CARLUCCI: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT CARLUCCI: Senator
12 Larkin to explain his vote.

13 SENATOR LARKIN: Mr. President, I'd
14 like to explain my vote.

15 You know, this bill has been laying
16 around for eight months. We in this house passed
17 it. It's similar to 56 other bills we passed.
18 But something's got in the way of this bill, to
19 the detriment of the people who live in Ulster
20 County and pay taxes in Ulster County.

21 Already they've lost a month and a
22 half of collectable taxes. If this isn't
23 completed by 4 o'clock today, they'll lose
24 another two months. Shame on us.

25 There was an article in the paper

1 that called us, over this, jerks. And that's
2 exactly what we are. Not in this house. We did
3 our homework, we passed it because it was the
4 right thing to do. But when we put something in
5 a bill that says this is what you'll do with that
6 money, that detracts from the business we always
7 say we want to eliminate mandates. So if we're
8 going to in the future dictate something in a
9 bill, then I think we have a responsibility to
10 come up with the check to cover it.

11 I want to thank everybody who stayed
12 alongside of us and kept it going as it should
13 have. We in this chamber put the people of
14 Ulster County before politics. In the other
15 house they made it an issue.

16 This will be an issue in that county
17 because it's throwing people apart, people that
18 before worked together, tried to help one
19 another. And now it's got a legislative body
20 that is all upset. They've had to have three or
21 four meetings. Why? Because we had somebody who
22 wanted to be the big chief.

23 I thank everybody for sticking by.
24 I said it before and I'll say it again, because
25 we did what was right. And we should be proud of

1 our actions. Shame on those who tried to make a
2 mountain out of a molehill.

3 ACTING PRESIDENT CARLUCCI: Senator
4 Larkin to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 51, those recorded in the
8 negative are Senators Ball, Gipson, Squadron and
9 Zeldin.

10 Ayes, 55. Nays, 4.

11 ACTING PRESIDENT CARLUCCI: The
12 bill is passed.

13 Senator LaValle.

14 SENATOR LaVALLE: Mr. President,
15 may we please have the noncontroversial reading
16 of the regular calendar, beginning with Calendar
17 Number 15.

18 ACTING PRESIDENT CARLUCCI: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number 15,
21 by Senator Robach, Senate Print 6252, an act to
22 amend the Insurance Law.

23 ACTING PRESIDENT CARLUCCI: Read
24 the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

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, 59.

8 ACTING PRESIDENT CARLUCCI: The
9 bill is passed.

10 THE SECRETARY: Calendar Number 16,
11 by Senator Flanagan, Senate Print 6253, an act to
12 amend the Civil Service Law.

13 ACTING PRESIDENT CARLUCCI: Read
14 the last section.

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

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, 59.

23 ACTING PRESIDENT CARLUCCI: The
24 bill is passed.

25 THE SECRETARY: Calendar Number 17,

1 by Senator Boyle, Senate Print 6288, an act to
2 amend the Mental Hygiene Law.

3 ACTING PRESIDENT CARLUCCI: Read
4 the last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect on the same date and in the
7 same manner as Chapter 507 of the Laws of 2013.

8 ACTING PRESIDENT CARLUCCI: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT CARLUCCI:
12 Announce the result.

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT CARLUCCI: The
15 bill is passed.

16 THE SECRETARY: Calendar Number 18,
17 by Senator LaValle, Senate Print 6300, an act to
18 amend Chapter 486 of the Laws of 2013.

19 ACTING PRESIDENT CARLUCCI: Read
20 the last section.

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

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, 59.

4 ACTING PRESIDENT CARLUCCI: The
5 bill is passed.

6 THE SECRETARY: Calendar Number 19,
7 by Senator Valesky, Senate Print 6301, an act to
8 amend the Economic Development Law.

9 ACTING PRESIDENT CARLUCCI: Read
10 the last section.

11 THE SECRETARY: Section 2. 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: Senator
17 Sanders to explain his vote.

18 SENATOR SANDERS: Thank you,
19 Mr. President.

20 I am against this particular bill,
21 not because the idea is not meritorious; it's a
22 very good idea to give us more tools so we can
23 understand this. But I'm against it because the
24 date change does not help us.

25 To change a date where this material

1 is necessary for us to June is when we're out of
2 session. If it were in February or states in
3 February, we'd have a chance to see what is going
4 wrong with an agency. In June you're closing the
5 door after the horse is gone rather than knowing
6 in advance. So that's why I'm going to vote no
7 on this one.

8 Thank you.

9 ACTING PRESIDENT CARLUCCI: Thank
10 you, Senator Sanders.

11 Announce the result.

12 THE SECRETARY: In relation to
13 Calendar Number 19, those recorded in the
14 negative are Senators Hassell-Thompson, Krueger
15 and Sanders.

16 Ayes, 56. Nays, 3.

17 ACTING PRESIDENT CARLUCCI: The
18 bill is passed.

19 Senator LaValle, that completes the
20 noncontroversial reading of the calendar.

21 SENATOR LaVALLE: Is there any
22 other business at the desk?

23 ACTING PRESIDENT CARLUCCI: The
24 desk is clear.

25 SENATOR LaVALLE: Mr. President, in

1 consultation with Senator Stewart-Cousins,
2 Senator Skelos, Senator Klein, we'll be handing
3 up the following Democrat Conference committee
4 assignments.

5 ACTING PRESIDENT CARLUCCI: So
6 ordered. To be filed with the Journal.

7 SENATOR LaVALLE: Mr. President,
8 there being no further business, I move we
9 adjourn until Monday, January 27th, at 3:00 p.m.,
10 intervening days being legislative days.

11 ACTING PRESIDENT CARLUCCI: On
12 motion, the Senate stands adjourned until Monday,
13 January 27th, at 3:00 p.m., intervening days
14 being legislative days.

15 (Whereupon, at 12:03 a.m., the
16 Senate adjourned.)

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