NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 23, 2014

11:34 a.m.

REGULAR SESSION

SENATOR DAVID CARLUCCI, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT CARLUCCI: The Senate will come to order.

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

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

ACTING PRESIDENT CARLUCCI: We have with us today the Reverend Peter G. Young, from Mother Teresa Community in Albany, to lead us in the invocation.

REVEREND YOUNG: Thank you, Senator.

May we join and bow our heads in prayer.

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

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

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

Amen.

ACTING PRESIDENT CARLUCCI: Reading of the Journal.

The Secretary will read.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator LaValle.

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

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

ACTING PRESIDENT CARLUCCI: So ordered.

Senator LaValle.

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

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

Senator LaValle.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The

Resolution Calendar is adopted.

Senator LaValle.

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

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

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

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

The Secretary will read Resolution Number 2963.

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

ACTING PRESIDENT CARLUCCI: Senator Espaillat.

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

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

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

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

memory by declaring this day Juan Pablo Duarte Day.

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

ACTING PRESIDENT CARLUCCI: Thank you, Senator Espaillat.

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The resolution is adopted.

Senator Hannon.

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Kennedy.

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The resolution is adopted.

Senator Hannon.

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

ACTING PRESIDENT CARLUCCI: The Senate will stand at ease.

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

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

ACTING PRESIDENT CARLUCCI: Senator LaValle.

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

Committee at the desk.

ACTING PRESIDENT CARLUCCI: Reports of standing committees.

The Secretary will read the report of the Rules Committee.

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

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

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

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

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

All bills reported direct to third reading.

ACTING PRESIDENT CARLUCCI: Senator LaValle.

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

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

Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The Rules Committee report is accepted.

Senator LaValle.

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

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

ACTING PRESIDENT CARLUCCI: The Secretary will read the substitution.

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

ACTING PRESIDENT CARLUCCI: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 51,

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Senator Larkin to explain his vote.

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

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

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

There was an article in the paper

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

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

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

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

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

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

Announce the results.

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

Ayes, 55. Nays, 4.

ACTING PRESIDENT CARLUCCI: The bill is passed.

Senator LaValle.

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 17,

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Mr. President.

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

To change a date where this material

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

Thank you.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Sanders.

Announce the result.

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

Ayes, 56. Nays, 3.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

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

ACTING PRESIDENT CARLUCCI: The desk is clear.

SENATOR LaVALLE: Mr. President, in

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

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

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

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

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