NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:31 p.m.

REGULAR SESSION

SENATOR THOMAS F. O'MARA, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT O'MARA: The Senate will come to order.

I ask everyone to please rise and join me in the Pledge of Allegiance.

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

ACTING PRESIDENT O'MARA: Today we have for our invocation the Reverend Peter G. Young, from Mother Theresa Community here in Albany.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

As we are proud of the elected leaders, let us remember the history of Van Buren, Fillmore, Arthur, Cleveland, Theodore and Franklin Roosevelt who served as Presidents. May we continue in the greatness of their dedicated public service to all of our citizens in New York State.

May we follow in the rich traditions of the Senators that first met here five days after the Declaration of Independence.

You, O God, have provided our

Senators with outstanding examples to inspire those in this Senate chamber. We ask You to continue their good work and their blessing for their good health and happiness.

Amen.

ACTING PRESIDENT O'MARA: Thank you, Father.

The reading of the Journal.

THE SECRETARY: In Senate, Friday, February 7th, the Senate met pursuant to adjournment. The Journal of Thursday, February 6th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT O'MARA: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 16, Senator Grisanti moves to discharge, from the Committee on Agriculture, Assembly Bill Number 8394 and substitute it for the identical Senate Bill Number 6311, Third Reading Calendar 76.

ACTING PRESIDENT O'MARA: Substitution so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Senator Tkaczyk has some guests here that she would like to recognize. If you could please call on her, and then I believe after that Senator Breslin would also like to make a few comments.

ACTING PRESIDENT O'MARA: Senator Tkaczyk.

SENATOR TKACZYK: Thank you, Mr. President.

I'm really thrilled today that we are joined in the chamber by four outstanding public servants who have recently retired from their position of town clerk in Albany County. Together these four exceptional women have dedicated 116 years of service to their towns and their constituents.

And as I read their names, I'd ask them to stand up.

The first one is Rosemary Centi. She has served as town clerk of Guilderland for 14 years. She is past secretary of the New York State Town Clerks Association, a Registered Municipal Clerk, past regional director of the New York State Clerks Association, and the president of the Town Clerks Association of Albany/Schenectady Counties.

Also joining us today is Patricia Favreau, from the Town of Berne. She was first elected in 1979 and has served for 35 years. She's been an active member of the New York State Town Clerks Association since its formation and has served on the executive committee, including president from 2005 to 2007. She was also instrumental in the formation of the Town Clerks Association of Albany and Schenectady.

Also joining us today is Kathleen Hallenbeck. She was elected to the office of town clerk and tax collector for the Town of Rensselaerville in 1973 and served in that position for 41 years. She served in various capacities for the Town Clerks Association of

Albany/Schenectady Counties, including president, vice president, treasurer and secretary, and is a member of the International Institute of Municipal Clerks.

Also joining us today is Gertrude -- or Trudy -- Smith, who like me was born on a small dairy farm. And she became the clerk of Westerlo in 1985 and served for 26 years. She's a long-time member of the New York State Town Clerks Association and has held several offices in the Albany and Schenectady Town Clerks Association.

I want to thank them publicly. We recently passed resolutions to honor these four dedicated women and to thank them for their service, not only to their towns but to other towns and other constituents throughout the state by helping town associations learn from each other and how to put in place best practices.

So I would like us to take an opportunity to welcome them here in the chamber and thank them for their service as they spend more time with their families and friends. And I'd ask the chamber to join me in welcoming them today.

ACTING PRESIDENT O'MARA: Thank you, Senator Tkaczyk.

(Applause.)

ACTING PRESIDENT O'MARA: Senator Breslin on the same matter.

SENATOR BRESLIN: Thank you, Mr. President.

Just as a follow-up, these four wonderful women were in my district up until a year ago, and I watched for many years as they made the decisions. And no insult to supervisors, but for those many, many years I would look, and supervisors tend to go to the clerk: "What did we do the last time this happened?" And I see smiles on each of your faces.

And on a day-to-day basis in many, many jurisdictions -- and it includes Rensselaerville and Westerlo and Berne and Guilderland -- it functions on a day-to-day basis because of the wonderful clerks. And to put together 116 years of dedicated service, it's a tribute to you. And I thank Senator Tkaczyk for thinking enough of it to put forward this resolution.

Congratulations to each of you.

(Applause.)

ACTING PRESIDENT O'MARA: Thank you, Senator Breslin.

And on behalf of the New York State Senate, congratulations to you ladies on your retirement, and thank you for your many, many years of dedicated service to your constituents.

Senator Libous.

SENATOR LIBOUS: Mr. President, can we have the reading of the noncontroversial calendar, please.

ACTING PRESIDENT O'MARA: The Secretary will read.

THE SECRETARY: Calendar Number 36, by Senator Grisanti, Senate Print 287, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT O'MARA: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of January.

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: Announce

the result.

THE SECRETARY: Ayes, 49. Nays, 4. Senators Espaillat, Gipson, Hoylman and Serrano recorded in the negative.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number 67, by Senator Golden, Senate Print 6330, an act to amend the Civil Service Law.

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: The Secretary will announce the results on Calendar Number 67.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT O'MARA: The bill is passed.

The Secretary will read Calendar Number 71.

THE SECRETARY: Calendar Number 71,

by Senator Maziarz, Senate Print 5149, an act to amend the Public Service Law.

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: Announce the result.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number 73, by Senator Klein, Senate Print 2332, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT O'MARA: Read the last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: Announce

the result.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number 76, substituted earlier by Member of the Assembly Rosenthal, Assembly Print 8394, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT O'MARA: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2013.

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: Senator Tkaczyk to explain your vote.

SENATOR TKACZYK: Thank you, Mr. President.

I cosponsored this chapter amendment because it addresses some of the concerns I had with the original bill. While the original bill to set standards for operating as a pet dealer was well-intentioned, it simply was not strong

enough to adequately protect animals from abuse or neglect.

The bill allows local governments to assume responsibility for enforcement and prosecution of violations. It also caps the fine for violations at $500. And it maintains the penalty as a simple violation of the law, which is basically the equivalent of a traffic ticket. I think we need much stronger penalties than those provided for in this new law.

So in addition to cosponsoring this amendment, I have also introduced companion legislation. Senate Bill Number 6436 would make violations of the Agriculture and Markets Law related to pet dealers a crime, a misdemeanor punishable by up to a year in jail, rather than a violation.

I hope my colleagues join me in supporting the chapter amendment, and I urge my colleagues to also join me and quickly bring my legislation to the floor to give this new law real teeth, to allow local law enforcement to put abusive and negligent puppy mills out of business.

I vote aye. Thank you.

ACTING PRESIDENT O'MARA: Senator Tkaczyk in the affirmative.

Announce the result.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number 77, by Senator Ranzenhofer, Senate Print 1127A, an act to amend the Domestic Relations Law.

ACTING PRESIDENT O'MARA: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: Announce the result.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT O'MARA: The bill is passed.

THE SECRETARY: Calendar Number 82, by Senator Bonacic, Senate Print 5074A, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT O'MARA: Read the

last section.

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

ACTING PRESIDENT O'MARA: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT O'MARA: Announce the result.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT O'MARA: The bill is passed.

Senator Libous, that completes noncontroversial reading of the calendar.

SENATOR LIBOUS: Mr. President, is there any further business at the desk?

ACTING PRESIDENT O'MARA: No, there is no further business at the desk.

SENATOR LIBOUS: Thank you, Mr. President.

There being no further business, I move that the Senate adjourn until Tuesday, February 11th, at 11:00 a.m. sharp.

ACTING PRESIDENT O'MARA: On motion, the Senate stands adjourned until Tuesday, February 11th, at 11:00 a.m. sharp.

(Whereupon, at 3:43 p.m., the Senate adjourned.)