

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 February 10, 2014

11 3:31 p.m.

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13
14 REGULAR SESSION

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18 SENATOR THOMAS F. O'MARA, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

12 REVEREND YOUNG: Thank you,
13 Senator.

14 Let us pray.

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

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

25 You, O God, have provided our

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

5 Amen.

6 ACTING PRESIDENT O'MARA: Thank
7 you, Father.

8 The reading of the Journal.

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

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

16 Presentation of petitions.

17 Messages from the Assembly.

18 The Secretary will read.

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

24 ACTING PRESIDENT O'MARA:
25 Substitution so ordered.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.

7 Senator Libous.

8 SENATOR LIBOUS: Thank you,
9 Mr. President.

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

15 ACTING PRESIDENT O'MARA: Senator
16 Tkaczyk.

17 SENATOR TKACZYK: Thank you,
18 Mr. President.

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

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

3 The first one is Rosemary Centi.
4 She has served as town clerk of Guilderland for
5 14 years. She is past secretary of the New York
6 State Town Clerks Association, a Registered
7 Municipal Clerk, past regional director of the
8 New York State Clerks Association, and the
9 president of the Town Clerks Association of
10 Albany/Schenectady Counties.

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

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

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

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

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

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

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

3 (Applause.)

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

6 SENATOR BRESLIN: Thank you,
7 Mr. President.

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

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

1 Congratulations to each of you.

2 (Applause.)

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

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

9 Senator Libous.

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

13 ACTING PRESIDENT O'MARA: The
14 Secretary will read.

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

18 ACTING PRESIDENT O'MARA: Read the
19 last section.

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

22 ACTING PRESIDENT O'MARA: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT O'MARA: Announce

1 the result.

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

5 ACTING PRESIDENT O'MARA: The bill
6 is passed.

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

10 ACTING PRESIDENT O'MARA: Read the
11 last section.

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

14 ACTING PRESIDENT O'MARA: Call the
15 roll.

16 (The Secretary called the roll.)

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

20 THE SECRETARY: Ayes, 53.

21 ACTING PRESIDENT O'MARA: The bill
22 is passed.

23 The Secretary will read Calendar
24 Number 71.

25 THE SECRETARY: Calendar Number 71,

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

3 ACTING PRESIDENT O'MARA: Read the
4 last section.

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

7 ACTING PRESIDENT O'MARA: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT O'MARA: Announce
11 the result.

12 THE SECRETARY: Ayes, 54.

13 ACTING PRESIDENT O'MARA: The bill
14 is passed.

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

18 ACTING PRESIDENT O'MARA: Read the
19 last section.

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

22 ACTING PRESIDENT O'MARA: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT O'MARA: Announce

1 the result.

2 THE SECRETARY: Ayes, 54.

3 ACTING PRESIDENT O'MARA: The bill
4 is passed.

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

9 ACTING PRESIDENT O'MARA: Read the
10 last section.

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

14 ACTING PRESIDENT O'MARA: Call the
15 roll.

16 (The Secretary called the roll.)

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

19 SENATOR TKACZYK: Thank you,
20 Mr. President.

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

1 enough to adequately protect animals from abuse
2 or neglect.

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

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

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

25 I vote aye. Thank you.

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

3 Announce the result.

4 THE SECRETARY: Ayes, 56.

5 ACTING PRESIDENT O'MARA: The bill
6 is passed.

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

10 ACTING PRESIDENT O'MARA: Read the
11 last section.

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

14 ACTING PRESIDENT O'MARA: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT O'MARA: Announce
18 the result.

19 THE SECRETARY: Ayes, 56.

20 ACTING PRESIDENT O'MARA: The bill
21 is passed.

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

25 ACTING PRESIDENT O'MARA: Read the

1 last section.

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

4 ACTING PRESIDENT O'MARA: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT O'MARA: Announce
8 the result.

9 THE SECRETARY: Ayes, 56.

10 ACTING PRESIDENT O'MARA: The bill
11 is passed.

12 Senator Libous, that completes
13 noncontroversial reading of the calendar.

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

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

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

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

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

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