

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 June 17, 2014

11 11:11 a.m.

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13  
14 REGULAR SESSION

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16  
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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: 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 CARLUCCI: The  
15 reading of the Journal.

16 THE SECRETARY: In Senate, Monday,  
17 June 16th, the Senate met pursuant to  
18 adjournment. The Journal of Sunday, June 15th,  
19 was read and approved. On motion, Senate  
20 adjourned.

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

24 Presentation of petitions.

25 Messages from the Assembly.

1                   The Secretary will read.

2                   THE SECRETARY:   On page 8, Senator  
3   Zeldin moves to discharge, from the Committee on  
4   Rules, Assembly Bill Number 5179C and substitute  
5   it for the identical Senate Bill 3823C, Third  
6   Reading Calendar 167.

7                   On page 11, Senator Ritchie moves  
8   to discharge, from the Committee on Education,  
9   Assembly Bill Number 6442A and substitute it for  
10   the identical Senate Bill 3968A, Third Reading  
11   Calendar 259.

12                  On page 12, Senator LaValle moves  
13   to discharge, from the Committee on  
14   Environmental Conservation, Assembly Bill Number  
15   8561A and substitute it for the identical Senate  
16   Bill 6419A, Third Reading Calendar 341.

17                  On page 14, Senator LaValle moves  
18   to discharge, from the Committee on Higher  
19   Education, Assembly Bill Number 8659 and  
20   substitute it for the identical Senate Bill  
21   6666, Third Reading Calendar 438.

22                  On page 21, Senator Marchione moves  
23   to discharge, from the Committee on  
24   Corporations, Authorities and Commissions,  
25   Assembly Bill Number 9234A and substitute it for

1 the identical Senate Bill 6934A, Third Reading  
2 Calendar 610.

3 On page 21, Senator Carlucci moves  
4 to discharge, from the Committee on Rules,  
5 Assembly Bill Number 9934A and substitute it for  
6 the identical Senate Bill 6846A, Third Reading  
7 Calendar 613.

8 On page 25, Senator Young moves to  
9 discharge, from the Committee on Higher  
10 Education, Assembly Bill Number 8867A and  
11 substitute it for the identical Senate Bill  
12 2742B, Third Reading Calendar 699.

13 On page 26, Senator Young moves to  
14 discharge, from the Committee on Housing,  
15 Construction and Community Development, Assembly  
16 Bill Number 9736 and substitute it for the  
17 identical Senate Bill 7146, Third Reading  
18 Calendar 780.

19 On page 27, Senator Young moves to  
20 discharge, from the Committee on Agriculture,  
21 Assembly Bill Number 9735 and substitute it for  
22 the identical Senate Bill 7162, Third Reading  
23 Calendar 782.

24 On page 29, Senator Perkins moves  
25 to discharge, from the Committee on Health,

1 Assembly Bill Number 9202 and substitute it for  
2 the identical Senate Bill 6876, Third Reading  
3 Calendar 870.

4 On page 30, Senator Young moves to  
5 discharge, from the Committee on Energy and  
6 Telecommunications, Assembly Bill Number 7167E  
7 and substitute it for the identical Senate Bill  
8 5863A, Third Reading Calendar 920.

9 On page 30, Senator Ranzenhofer  
10 moves to discharge, from the Committee on Energy  
11 and Telecommunications, Assembly Bill Number  
12 8798A and substitute it for the identical Senate  
13 Bill 6159A, Third Reading Calendar 921.

14 On page 36, Senator Lanza moves to  
15 discharge, from the Committee on Cities,  
16 Assembly Bill Number 9613 and substitute it for  
17 the identical Senate Bill 7516, Third Reading  
18 Calendar 1041.

19 ACTING PRESIDENT CARLUCCI:  
20 Substitutions ordered.

21 Messages from the Governor.

22 Reports of standing committees.

23 Reports of select committees.

24 Communications and reports from  
25 state officers.

1                   Motions and resolutions.

2                   Senator Libous.

3                   SENATOR LIBOUS:    Mr. President,  
4   before we get into motions -- and I believe  
5   Senator Serrano has one too -- there will be an  
6   immediate meeting of the Crime and Corrections  
7   Committee in Room 332.  So an immediate meeting  
8   of Crime and Corrections in Room 332.

9                   And if the members for any  
10   reason -- we'll probably go through the  
11   noncontroversial reading.  And if members want  
12   to vote no or whatever when they get back, we'll  
13   accommodate their wishes.

14                  But Room 332, Crime and  
15   Corrections, right now.

16                  ACTING PRESIDENT CARLUCCI:   Thank  
17   you, Senator Libous.

18                  There will be an immediate meeting  
19   of the Crime and Corrections Committee in  
20   Room 332.

21                  Senator Serrano.

22                  SENATOR SERRANO:    Thank you,  
23   Mr. President.

24                  I wish to call up Senator Andrea  
25   Stewart-Cousins's bill, Print Number 6738A,

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

3 ACTING PRESIDENT CARLUCCI: The  
4 Secretary will read.

5 THE SECRETARY: Calendar Number  
6 698, by Senator Stewart-Cousins, Senate Print  
7 6738A, an act to amend Chapter 566 of the Laws  
8 of 1967.

9 ACTING PRESIDENT CARLUCCI: Call  
10 the roll on reconsideration.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 50.

13 SENATOR SERRANO: Mr. President, I  
14 now move to reconsider the vote by which this  
15 bill was passed.

16 ACTING PRESIDENT CARLUCCI: Call  
17 the roll on reconsideration.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 50.

20 SENATOR SERRANO: Mr. President, I  
21 now offer the following amendments.

22 ACTING PRESIDENT CARLUCCI: The  
23 amendments are accepted.

24 Thank you, Senator Serrano.

25 Senator Libous.

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

3                   On behalf of Senator DeFrancisco,  
4   I'd like to call up his bill, Senate Print 6606,  
5   recalled from the Assembly, which is now at the  
6   desk.

7                   ACTING PRESIDENT CARLUCCI:   The  
8   Secretary will read.

9                   THE SECRETARY:    Calendar Number  
10   1343, by Senator DeFrancisco, Senate Print 6606,  
11   an act to amend the General Obligations Law.

12                  SENATOR LIBOUS:    Mr. President, at  
13   this time I'd like to reconsider the vote by  
14   which this bill was passed.

15                  ACTING PRESIDENT CARLUCCI:   Call  
16   the roll on reconsideration.

17                  (The Secretary called the roll.)

18                  THE SECRETARY:    Ayes, 51.

19                  SENATOR LIBOUS:    Mr. President, I  
20   offer up the following amendments.

21                  ACTING PRESIDENT CARLUCCI:   The  
22   amendments are accepted.

23                  Senator Libous.

24                  SENATOR LIBOUS:    Mr. President, at  
25   this time there was a previously adopted



1 resolution by Senator Latimer, it was Number  
2 5169. Could we have the title read, and could  
3 you call on Senator Latimer for comments.

4 ACTING PRESIDENT CARLUCCI: The  
5 Secretary will read.

6 THE SECRETARY: Legislative  
7 Resolution Number 5169, by Senator Latimer,  
8 paying tribute to the late Luigi Del Bianco of  
9 Port Chester, New York, in recognition of his  
10 outstanding craftsmanship and the role he played  
11 in helping to carve Mount Rushmore, one of  
12 America's most awe-inspiring treasures.

13 ACTING PRESIDENT CARLUCCI:  
14 Senator Latimer.

15 SENATOR LATIMER: Thank you,  
16 Mr. President.

17 For me, this is an unusual moment,  
18 because I have not yet, in my year and a half as  
19 a Senator, spoken on a resolution. My sense is  
20 that the time of the Senate is valuable, and I  
21 need really to have a strong reason to stand up  
22 to tell you about someone who represents part of  
23 my district.

24 But the story of Luigi Del  
25 Bianco -- and I'll be as brief as I can, knowing

1 the time constraints -- the story of Luigi Del  
2 Bianco is a story about an individual, but it's  
3 a story that has resonance to lots of other  
4 individuals in this state of ours. Luigi Del  
5 Bianco was an Italian-American immigrant who  
6 came to New York, and he came with skills as a  
7 stonemason.

8           And in the 1920s and 1930s, when  
9 Mount Rushmore was conceived and created in  
10 South Dakota, he became part of a team of people  
11 and ultimately became the chief carver for the  
12 four faces of the four great Americans on  
13 Mount Rushmore.

14           There's certainly something  
15 symbolic about an Italian-American immigrant who  
16 comes to this country and winds up being the  
17 person who finalizes, as the chief carver, the  
18 images of four great Americans -- President  
19 Washington, President Jefferson, President  
20 Lincoln, and President Teddy Roosevelt.

21           And the story of his work, dangling  
22 thousands of feet in the sky above the ground to  
23 ultimately ensure that those four faces looked  
24 like those four great Americans, would be an  
25 accomplishment story in and of itself. But his

1 work as a stonemason exposed him, in that day  
2 and age, to the types of problems that  
3 ultimately caused his life to be lived briefly.  
4 He died at a young age because of what he  
5 inhaled as a stone carver in that kind of  
6 proximity. So in many ways he gave his life for  
7 his art.

8           The happy side of the story has a  
9 sad side, and that is that the United States  
10 Department of Interior has not recognized Luigi  
11 Del Bianco for his achievements as chief carver,  
12 treating him as part of the 400-member team, as  
13 if he was just any one of the members that  
14 accomplished that great task. And the further  
15 sad news is that I believe, as does his  
16 biographer, Doug Gladstone, that he was denied  
17 the proper respect for his accomplishment  
18 because he was an Italian-American immigrant.

19           Now, in this chamber we have spoken  
20 in many, many ways very effusively about people  
21 from many different ethnic backgrounds, because  
22 it is a wonderful mosaic that makes up New York.  
23 It is hard to remember in 2014 the prejudice  
24 that Italian Americans faced in the 1920s. That  
25 was the era of Sacco and Vanzetti. That was the

1 era when those who were Italian American were  
2 all presumed to be part of organized crime.

3 And this talented artisan, in my  
4 judgment and the judgment of many people, has  
5 been denied the respect that he deserves because  
6 he was an Italian American. And in this day and  
7 age, there are people of other ethnic  
8 backgrounds who face the same kind of prejudice.

9 This resolution says, from the  
10 standpoint of the New York State Senate, that we  
11 want to redress that unfairness. We want a  
12 person -- although of immigrant status, born in  
13 another country -- who came to this land and  
14 made a contribution to our American heritage,  
15 that he deserves the respect of a grateful  
16 nation. That is what this resolution does,  
17 Mr. President.

18 And I know Senator Libous will say  
19 in a few seconds that it will be open for  
20 everybody's involvement. As we have stood here  
21 and the honored the role of African-Americans,  
22 those who are Latino, those of Irish-American  
23 background, those of Polish-American background,  
24 it is part of my proud heritage, Mr. President,  
25 as it is part of your proud heritage, that the

1 Italian-American community in this country has  
2 produced great work. And the work of Luigi Del  
3 Bianco recognized in this resolution, a resident  
4 of Port Chester, New York, in my district, is  
5 one of those individuals.

6 Thank you for the opportunity to  
7 share that and to tell the Del Bianco family  
8 this weekend, when we have a ceremony in  
9 Port Chester, that the New York State Senate  
10 recognizes his accomplishments.

11 Thank you.

12 ACTING PRESIDENT CARLUCCI: Thank  
13 you, Senator Latimer.

14 And congratulations on your first  
15 resolution, and thank you for honoring Luigi Del  
16 Bianco.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, I  
19 believe Senator Kennedy has a resolution, Number  
20 5849, at the desk. Could we have the title read  
21 on call on Senator Kennedy.

22 ACTING PRESIDENT CARLUCCI: The  
23 Secretary will read.

24 SENATOR LIBOUS: Oh, I'm sorry.  
25 I'm sorry, I think Senator Latimer wanted to

1 open up his resolution. And if we could do  
2 that. As the policy goes, if you choose not to  
3 be on the reso, let the desk know. Otherwise,  
4 you will be on the reso.

5 ACTING PRESIDENT CARLUCCI:  
6 Senator Latimer's resolution is open for  
7 cosponsorship. If you wish to not be a  
8 cosponsor, please notify the desk.

9 The Secretary will read the title  
10 of Senator Kennedy's resolution.

11 THE SECRETARY: Legislative  
12 Resolution Number 5849, by Senator Kennedy,  
13 commending the Honorable Arthur O. Eve upon the  
14 occasion of the naming of the University of  
15 Buffalo's Educational Opportunity Center in his  
16 honor.

17 ACTING PRESIDENT CARLUCCI:  
18 Senator Kennedy on the resolution.

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

21 I rise today to honor an  
22 outstanding leader in Western New York and in  
23 New York State, a man who has proven himself  
24 across this great state and nation, Arthur O.  
25 Eve.

1                   Arthur O. Eve's name will soon  
2 appear upon the University of Buffalo's  
3 Educational Opportunity Center. The Honorable  
4 Arthur O. Eve served Buffalo and Western  
5 New York with great distinction in the New York  
6 State Assembly for 37 years.

7                   A founding member of the New York  
8 State Black and Puerto Rican Legislative Caucus,  
9 Arthur O. Eve was a leading champion for  
10 educational and economic opportunity throughout  
11 his career and dedicated his life to serving the  
12 underprivileged throughout our state.  
13 Assemblyman Eve was instrumental in establishing  
14 the Educational Opportunity Program within the  
15 SUNY system and worked tirelessly to provide new  
16 educational and job training opportunities for  
17 New Yorkers in need.

18                  As deputy speaker of the State  
19 Assembly, Assemblyman Eve served as the  
20 highest-ranking African American in the entire  
21 New York State Legislature. And back in  
22 Buffalo, Arthur Eve was a predominant figure in  
23 the local civil rights movement, often a key  
24 organizer and negotiator who was able to improve  
25 both local and statewide opportunities for

1 minorities. He led nonviolent protests to  
2 ensure minorities had access to union membership  
3 and the rights and protections they deserve.

4           Hitting the ground running during  
5 his first term as an Assemblyman, Mr. Eve led  
6 the effort to obtain the initial \$500,000 needed  
7 to establish the Educational Opportunity  
8 Program, a truly life-changing program. Since  
9 the 1970s, colleges in New York have  
10 administered the Arthur O. Eve Higher Education  
11 Opportunity Program, the primary objective of  
12 which is to improve a provide a broad range of  
13 services to New York State residents who,  
14 because of socioeconomic circumstances, may be  
15 unable to pursue higher education.

16           Assemblyman Eve's contributions to  
17 educational equity and opportunity is vast and  
18 spans nearly four decades of service to New York  
19 State government. For these accomplishments and  
20 his commitment to serving the community, the  
21 University Council and the University at Buffalo  
22 have taken a much-deserved action to honor this  
23 great man in a meaningful and lasting way for  
24 generations to come. The Honorable Arthur O.  
25 Eve's name will soon be prominently displayed on



1 the University at Buffalo's Educational  
2 Opportunity Center, a fitting tribute to the  
3 exceptional work and passion for expanding  
4 higher educational opportunities in Western  
5 New York throughout this state and throughout  
6 this great nation. We all owe Mr. Eve a  
7 tremendous debt of gratitude.

8           On a personal note, I have long  
9 admired the work of Assemblyman Eve. The issues  
10 he championed are issues that I've made a  
11 priority for myself and the work that we've done  
12 throughout Western New York and this great  
13 state. I want to thank him for his inspiration  
14 and example that he's provided, not just for me  
15 but for so many others who have entered public  
16 service.

17           And I urge all of my colleagues  
18 here today not just to vote for this resolution  
19 honoring the former deputy speaker of the  
20 Assembly and the individual who has given so  
21 much to this great state, but also to sign on as  
22 cosponsors, pushing our unity back to Buffalo  
23 and Western New York in a highly deserved way.

24           Thank you, Mr. President. I vote  
25 aye.

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

3                   Senator Stavisky on the resolution.

4                   SENATOR STAVISKY:    On the  
5   resolution, Mr. President.

6                   Thank you, Senator Kennedy, for  
7   introducing and sponsoring this legislation.

8                   I got to know Arthur Eve many, many  
9   years ago when he served in the Assembly. I  
10   think he was elected to the Assembly in 1967 --  
11   before some of the members here were born, I  
12   suspect. But he served with my husband when my  
13   husband was in the Assembly, and both of them  
14   were concerned about the schoolchildren in  
15   New York City.

16                  And Arthur Eve was responsible  
17   early in his career, as Senator Kennedy said,  
18   for the Higher Education Opportunity Program,  
19   the SEEK program, and other programs, other  
20   opportunity programs which help young people who  
21   might otherwise be out on the streets without a  
22   job. It helps these young people attain a  
23   college degree and, as a result, increased  
24   earning and becoming a productive member of the  
25   community.

1                   And these are important programs  
2                   that often we neglect. Often we forget in the  
3                   budget that these opportunity programs, whether  
4                   it be HEOP or EOP or any of the programs, they  
5                   are cost-effective. And it's because of  
6                   visionaries like Arthur O. Eve -- I never  
7                   thought of him as Arthur O. Eve, but Assemblyman  
8                   Eve was responsible for so many of these  
9                   programs.

10                  He also was responsible for  
11                  bringing some sanity to the terrible situation  
12                  at Attica. And it was his mediation efforts,  
13                  his efforts as a conciliator, that brought some  
14                  peace to a very troubling situation.

15                  So Arthur was in Albany about six  
16                  weeks ago to receive a number of awards. I saw  
17                  him then. And he I know will be smiling at the  
18                  dedication of the center in Buffalo named in his  
19                  honor. And I think it's nice that we're doing  
20                  it not in memory, but in honor. And it is an  
21                  honor.

22                  Thank you.

23                  ACTING PRESIDENT CARLUCCI: Thank  
24                  you, Senator Stavisky.

25                  The question is on the resolution.

1 All in favor of adopting the resolution please  
2 say aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT CARLUCCI:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT CARLUCCI: The  
8 resolution is adopted.

9 And the resolution has been opened  
10 for cosponsorship. If you do not wish to be a  
11 cosponsor, please notify the desk.

12 Senator Libous.

13 SENATOR LIBOUS: Thank you,  
14 Mr. President.

15 There's a resolution at the desk by  
16 Senator Stewart-Cousins, Number 5991. Please  
17 read it in its entirety and call on the leader.

18 ACTING PRESIDENT CARLUCCI: The  
19 Secretary will read.

20 THE SECRETARY: Legislative  
21 Resolution 5991, by Senator Stewart-Cousins,  
22 paying grateful tribute to the distinguished and  
23 remarkable life of Ruby Dee, legendary actress  
24 and civil rights activist.

25 "WHEREAS, It is the sense of this

1 Legislative Body to pay proper tribute to those  
2 cherished citizens of the State of New York  
3 whose purposeful lives exemplified the highest  
4 ideals of humanity; and

5 "WHEREAS, Attendant to such  
6 concern, and in full accord with its  
7 long-standing traditions, this Legislative Body  
8 is proud to inscribe upon its records this  
9 memoriam for Ruby Dee, noted actress and civil  
10 rights activist; and

11 "WHEREAS, Ruby Dee died at her home  
12 in New Rochelle, New York, on Wednesday,  
13 June 11, 2014, at the age of 91; and

14 "WHEREAS, Over the course of her  
15 remarkable seven-decade career on stage,  
16 television and film, and parallel career in  
17 activism, Ruby Dee devoted her prodigious  
18 talents and energies to the uplift of all  
19 people, defying racial stereotypes, championing  
20 for justice and equality, and moving audiences  
21 the world over with her powerful performances;  
22 and

23 "WHEREAS, Born Ruby Ann Wallace in  
24 Cleveland, Ohio, Ruby Dee grew up in Harlem, and  
25 got involved in acting as a teenager; she began

1 studying her craft at the American Negro  
2 Theatre, the renowned and historic company that  
3 nurtured the talents of many African American  
4 greats, including Sidney Poitier and Harry  
5 Belafonte; and

6 "WHEREAS, Ruby Dee had her first  
7 career breakthrough in 1946, when she took the  
8 title role in the ANT's Broadway production of  
9 Anna Lucasta; she met actor and future husband  
10 Ossie Davis while co-starring in the 1946  
11 Broadway play Jeb, beginning the six-decade  
12 creative and romantic partnership that  
13 contributed to the actress's tremendous legend  
14 and legacy; and

15 "WHEREAS, She received national  
16 recognition for her role in the 1950 film The  
17 Jackie Robinson Story; in 1959, she landed a  
18 starring role on Broadway in Lorraine  
19 Hansberry's play A Raisin in the Sun, earning  
20 great acclaim for her portrayal of Ruth Younger,  
21 which continues to be one of her best-known  
22 roles; two years later, she reprised her role  
23 in the film version of the play; and

24 "WHEREAS, In 1961, Ruby Dee  
25 co-starred with her husband in his Southern

1     comedic play Purlie Victorious, one of the many  
2     creative projects the couple worked on over the  
3     years; they reprised their roles for the 1963  
4     film adaptation; and

5             "WHEREAS, In 1965, Ruby Dee  
6     performed in lead roles at the American  
7     Shakespeare Festival as Kate in The Taming of  
8     the Shrew and Cordelia in King Lear, becoming  
9     the first black actress to portray a lead role  
10    in the festival; and

11            "WHEREAS, During this time Ruby Dee  
12    grew increasingly active in the civil rights  
13    movement, participating in marches and speaking  
14    out for racial equality; in 1963, she emceed  
15    the March on Washington for Jobs and Freedom,  
16    and she was a member of Congress of Racial  
17    Equality (CORE), the NAACP, the Student  
18    Nonviolent Coordinating Committee, Delta Sigma  
19    Theta sorority, and the Southern Christian  
20    Leadership Conference; both she and her husband  
21    were friends of Malcolm X and Martin Luther  
22    King, Jr.; and

23            "WHEREAS, Throughout the 1970s and  
24    '80s, Ruby Dee continued to give stellar  
25    performances; she earned Drama Desk and Obie

1 awards for the 1970 play Boesman and Lena, and  
2 she wrote the book and lyrics for the musical  
3 Take It from the Top! In addition, she won a  
4 Drama Desk Award for her role in Alice  
5 Childress's Wedding Band, and an Ace Award for  
6 her performance in Eugene O'Neill's Long Day's  
7 Journey into Night; and

8 "WHEREAS, On the small screen, in  
9 the 1960s Ruby Dee appeared on the popular  
10 prime-time soap opera Peyton Place, and later  
11 had her own series on public television with her  
12 husband, With Ossie & Ruby; she garnered an Emmy  
13 Award nomination for her role in the 1979  
14 miniseries Roots: The Next Generation; and

15 "WHEREAS, Ruby Dee's film credits  
16 also include Uptight (1968), which she also  
17 co-wrote, Buck and the Preacher (1972), Do The  
18 Right Thing (1989) and The Delany Sisters: The  
19 First Hundred Years (1999); she won an Emmy  
20 Award for her performance in the Hallmark Hall  
21 of Fame production Decoration Day; and

22 "WHEREAS, Her published works  
23 include the humorous My One Good Nerve, and  
24 various recordings for young people; in 1998 she  
25 and her husband, the late Ossie Davis, co-wrote



1 the autobiographical book With Ossie and Ruby:  
2 In This Life Together, for which she won a  
3 Grammy, in which they take turns telling their  
4 stories as actors, activists, a married couple,  
5 and as parents; and

6 "WHEREAS, In 2000, Ruby Dee  
7 received the Screen Actors Guild's Life  
8 Achievement Award; she was also an inductee of  
9 the Theater Hall of Fame, as well as the NAACP  
10 Hall of Fame; and

11 "WHEREAS, Ruby Dee suffered a  
12 tremendous loss in 2005 when her husband, Ossie  
13 Davis, died unexpectedly; continuing to work  
14 despite her grief, she delivered one of her  
15 great performances in 2007's American Gangster,  
16 receiving an Academy Award nomination and  
17 winning a Screen Actors Guild Award for her  
18 portrayal of the mother of a notorious crime  
19 figure; and

20 "WHEREAS, Ruby Dee performed  
21 throughout her life; in 2013 she was hired to  
22 narrate the Lifetime original movie Betty and  
23 Coretta, which followed the lives of Coretta  
24 Scott King and Betty Shabazz after the  
25 assassinations of their husbands; and

1                   "WHEREAS, Ruby Dee is survived by  
2 her son, Guy Davis, her daughters, Nora Davis  
3 Day and Hasna Davis Muhammad, and seven  
4 grandchildren; and

5                   "WHEREAS, Armed with a humanistic  
6 spirit and imbued with a sense of compassion,  
7 Ruby Dee leaves behind a legacy which will long  
8 endure the passage of time and will remain as  
9 an inspiration and comfort; now, therefore, be  
10 it

11                  "RESOLVED, That this Legislative  
12 Body pause in its deliberations to mourn the  
13 passing of legendary actress and activist  
14 Ruby Dee; and be it further

15                  "RESOLVED, That a copy of this  
16 resolution, suitably engrossed, be transmitted  
17 to the family of Ruby Dee."

18                  ACTING PRESIDENT CARLUCCI:  
19 Senator Stewart-Cousins on the resolution.

20                  SENATOR STEWART-COUSINS:    Thank  
21 you, Mr. President.

22                  I rise to really pay homage to  
23 Ruby Dee, who, as was read, was extraordinary.  
24 An incredible activist, star, but I know her as  
25 a constituent. She lived in New Rochelle with

1 her great husband, Ossie. And the things they  
2 did locally set them apart, because they weren't  
3 stars at home -- although they always will be  
4 regarded as that -- they were just community  
5 people who did whatever they could do to make  
6 something happen.

7 I remember with the struggle for  
8 creating a human rights commission in  
9 Westchester County, they were there. When it  
10 came to walking on picket lines for workers,  
11 they were there. And in 2002 when the  
12 New Rochelle Library needed funding, Ruby and  
13 Ossie were there.

14 I saw Ruby I guess about a year ago  
15 for a local theater group who was just trying to  
16 raise money, and they invited Ruby to be the  
17 featured guest. And she came in all of her  
18 elegance and all of her beauty, and she  
19 delivered these extraordinary lines. And of  
20 course everyone gave her a standing ovation.  
21 But what was most important to Ruby is that they  
22 supported this local theater group that gave  
23 birth to so many dreams.

24 When you look at the fact that she  
25 began her career in the 1940s, you have to

1 contextualize it. Again, that wasn't a time  
2 where black actors and actresses were able to  
3 get much work. And yet because of the talent of  
4 Ruby, she was able to do stage and she was able  
5 to do screen.

6 But then in the 1960s, she got  
7 involved with the civil rights movement. She  
8 was a friend, as was Ossie, of Dr. King and of  
9 Malcolm X. She talked about civil rights. She  
10 moved the ball forward. And they weren't afraid  
11 of what would happen to their careers, because  
12 they understood the larger picture. And if she  
13 was going to be what was called blacklisted or  
14 whatever because of her activism and because of  
15 Ossie's activism, the love that they had for  
16 each other and the community far outweighed what  
17 could happen to them.

18 And as we see, they were on the  
19 front line of a movement, and they continued  
20 such a rich and loving career.

21 Ruby Dee once said "The kind of  
22 beauty I want most is the hard-to-get kind that  
23 comes from within -- strength, courage,  
24 dignity." As I offer condolences to her family,  
25 I say to Ruby, you accomplished all those

1 things. A job well done. Rest in peace.

2 Thank you.

3 ACTING PRESIDENT CARLUCCI: Thank  
4 you, Senator Stewart-Cousins.

5 Any other Senators who wish to be  
6 heard on the resolution?

7 Senator Montgomery on the  
8 resolution.

9 SENATOR MONTGOMERY: Yes, thank  
10 you, Mr. President.

11 A few weeks ago we celebrated what  
12 we consider to be phenomenal women in our state.  
13 It's an annual celebration. And so this year we  
14 will end the year with still another phenomenal  
15 woman, who we shall always consider a woman of  
16 distinction.

17 And I am so pleased that our leader  
18 has decided not only to introduce this  
19 resolution, but to remind us and give us an  
20 opportunity to hear the long and distinguished  
21 life and service of this great woman. So I  
22 appreciate you introducing this and having it  
23 read for us and speaking on it.

24 And of course Ruby Dee will always  
25 be, for us in New York -- she lived in New York,

1 she is a New York woman of distinction and of  
2 major contribution to the arts and to the civil  
3 rights movement in this nation.

4 So thank you, Mr. President. Thank  
5 you, Madam Leader, for introducing this  
6 resolution. And I happily would like to be a  
7 cosponsor on it.

8 Thank you, Mr. President.

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

11 Are there any members wishing to be  
12 heard on the resolution?

13 Seeing none, the question is on the  
14 resolution. All in favor of adopting the  
15 resolution signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT CARLUCCI:  
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT CARLUCCI: The  
21 resolution is adopted.

22 Senator Libous.

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

25 I think the leader would like the

1 resolution opened up to all the members. If for  
2 some reason you choose not to be on the  
3 resolution, let the front desk know.

4 ACTING PRESIDENT CARLUCCI: So  
5 ordered.

6 Senator Libous.

7 SENATOR LIBOUS: I believe we now  
8 have a resolution by Senator Breslin. It would  
9 be Number 5933. Could we read its title and all  
10 call on the good Senator for comments.

11 ACTING PRESIDENT CARLUCCI: The  
12 Secretary will read.

13 THE SECRETARY: Legislative  
14 Resolution Number 5933, by Senator Breslin,  
15 honoring Pitcher Jeffrey R. Hoffman upon the  
16 occasion of being drafted in the first round of  
17 the 2014 Major League Baseball Draft by the  
18 Toronto Blue Jays.

19 ACTING PRESIDENT CARLUCCI:  
20 Senator Breslin on the resolution.

21 SENATOR BRESLIN: Thank you,  
22 Mr. President.

23 It's one of those happy days. That  
24 we have Jeff Hoffman here, a family I've known  
25 for many years. His mom works in the Assembly,

1 Michele. And Jeff Hoffman came out of Shaker  
2 High School, within a couple of miles from here,  
3 as an outstanding pitching process, and more  
4 importantly a wonderful young man who's involved  
5 in his community.

6 He went to East Carolina, where he  
7 proceeded to grow not only physically but in  
8 terms of his baseball ability, where his fast  
9 ball started to reach the mid-nineties. And  
10 during the time he was at East Carolina, which  
11 is in North Carolina, he also in the summertimes  
12 played in the Cape Cod League, which many of you  
13 know is one of the outstanding if not the best  
14 amateur league in the United States. Where, in  
15 2013, he was awarded the most likely to go pro  
16 and do well, in the Cape Cod League.

17 And then he was getting ready for  
18 the Major League draft, and there was a  
19 tremendous amount of excitement not only here  
20 but in North Carolina and throughout the  
21 country. And unfortunately at that time -- even  
22 though there were two major rating services, one  
23 who rated him the number-one draft choice in the  
24 country, the other number two -- he injured his  
25 elbow and had what we call Tommy John surgery.



1 And that Tommy John surgery was performed a  
2 month and a half ago.

3 And for the Toronto Blue Jays,  
4 given the surgery, to pick him number nine in  
5 the draft, out of hundreds and hundreds and  
6 thousands of baseball players available, is  
7 remarkable.

8 And he's on the road to recovery.  
9 He's going to go down to Florida in a short  
10 while to rehabilitate his elbow.

11 But it's a feel-good story to have  
12 a fine young man with tremendous athletic  
13 ability from a wonderful family do well. And  
14 it's my pleasure to honor Jeff here today. And  
15 we look forward -- the pictures that were taken,  
16 I saw Senator Kennedy and Senator O'Mara over  
17 there, they're going to see that picture in a  
18 few years and say, Oh, my gosh, I took a picture  
19 with a Cy Young Award winner. It's going to be  
20 a remarkable day in the years to come.

21 So I salute you, Jeff, I salute  
22 your family, and I wish you Godspeed and do  
23 well.

24 Thank you, Mr. President.

25 ACTING PRESIDENT CARLUCCI: Thank

1       you, Senator Breslin.

2                       Are there members wishing to be  
3       heard on the resolution?

4                       Senator Kennedy on the resolution.

5                       SENATOR KENNEDY:    Yes, thank you,  
6       Mr. President, I just want to take this  
7       opportunity as well.

8                       I just had an opportunity to meet  
9       Jeffrey Hoffman for the first time.  And as I  
10      got to speak with this young man, I got to see  
11      such a bright future in front of him.  Drafted  
12      in the first round in any major sport is  
13      extraordinary.

14                      But in baseball, when the level of  
15      competition is at the highest level all across  
16      the country, all across the globe -- it's not  
17      just our national sport, it's becoming a  
18      national sport all around the world.  And to be  
19      drafted in the first right now in the major  
20      leagues is such an amazing feat.  So  
21      congratulations to you and your family.

22                      And we look forward to seeing you  
23      rise up through the ranks, playing for the  
24      Buffalo Bisons --

25                      (Laughter.)

1                   SENATOR KENNEDY:    -- before you go  
2     on to their parent team, the Toronto Blue Jays,  
3     and ultimately we are hoping that you bring home  
4     the championship in the triple A to Buffalo  
5     before you go win the World Series up in  
6     Toronto.  But we're going to be cheering for you  
7     all the way through.

8                   And I'm looking forward to telling  
9     my own son about the opportunity I had to meet  
10    you here today, as he's taking up the sport of  
11    baseball.

12                  And my daughter, who I will be  
13    happy to brag here on the floor of the Senate, I  
14    received a picture yesterday while we were here  
15    passing bills, received the game ball in her  
16    T-ball league.  She's 5 years old.  So I was  
17    told by my wife later on that she spent most of  
18    the game Irish dancing in the outfield and  
19    picking in the dirt, but I guess that's what you  
20    do when you're 5 years old playing T-ball.  But  
21    she earned the game ball nonetheless, so ...

22                  Anyways, congratulations to you and  
23    your family, and we look forward to a great  
24    career ahead of you.  Thank you.

25                  Thank you, Mr. President.

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

3                   Are there any other members wishing  
4   to be heard on the resolution?

5                   The motion is on the resolution.  
6   All in favor of adopting the resolution   signify  
7   by saying aye.

8                   (Response of "Aye.")

9                   ACTING PRESIDENT CARLUCCI:  
10   Opposed, nay.

11                   (No response.)

12                   ACTING PRESIDENT CARLUCCI:    The  
13   resolution is adopted.

14                   Congratulations, Jeffrey Hoffman.  
15   Good luck on your career.   We look forward to  
16   watching you over the years.

17                   (Standing ovation.)

18                   SENATOR LIBOUS:    Mr. President, I  
19   think we'd like to open Jeffrey's reso up to all  
20   the members in the chamber.   So if anybody  
21   doesn't want to go on it, please let the desk  
22   know.

23                   And Jeffrey, as a Met fan, I'm only  
24   sorry that the Mets didn't draft you.

25                   ACTING PRESIDENT CARLUCCI:    The

1 resolution is open for cosponsorship. If you do  
2 not wish to be a cosponsor, please notify the  
3 desk.

4 Senator Libous.

5 SENATOR LIBOUS: I would like to  
6 call an immediate meeting of the Investigations  
7 Committee in Room 332. That would be an  
8 immediate meeting of the Committee on  
9 Investigations and Government Operations in  
10 Room 332.

11 ACTING PRESIDENT CARLUCCI: There  
12 will be an immediate meeting of the  
13 Investigations Committee in Room 332, an  
14 immediate meeting of the Investigations  
15 Committee in Room 332.

16 Senator Libous.

17 SENATOR LIBOUS: At this time  
18 could we please have the reading of the  
19 noncontroversial calendar.

20 ACTING PRESIDENT CARLUCCI: The  
21 Secretary will read.

22 THE SECRETARY: Calendar Number  
23 107, by Senator Espaillat, Senate Print 1728C,  
24 an act to amend the Criminal Procedure Law.

25 ACTING PRESIDENT CARLUCCI: Read

1 the last section.

2 THE SECRETARY: Section 7. This  
3 act shall take effect on the 90th day.

4 ACTING PRESIDENT CARLUCCI: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT CARLUCCI: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 167, substituted earlier by Member of the  
12 Assembly Thiele, Assembly Print Number 5179C, an  
13 act to amend the Environmental Conservation Law.

14 ACTING PRESIDENT CARLUCCI: Read  
15 the last section.

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

18 ACTING PRESIDENT CARLUCCI: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT CARLUCCI:  
22 Announce the result.

23 THE SECRETARY: Ayes, 54. Nays,  
24 3. Senators Espaillat, Perkins and Serrano  
25 recorded in the negative.

1                   ACTING PRESIDENT CARLUCCI:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 185, by Senator Maziarz, Senate Print 5286A, an  
5 act to amend the Public Service Law.

6                   ACTING PRESIDENT CARLUCCI:    Read  
7 the last section.

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

10                  ACTING PRESIDENT CARLUCCI:    Call  
11 the roll.

12                                   (The Secretary called the roll.)

13                  ACTING PRESIDENT CARLUCCI:  
14 Senator Krueger to explain her vote.

15                  SENATOR KRUEGER:    Thank you,  
16 Mr. President.

17                                   While I have supported other bills  
18 for the Green Jobs Green New York on-bill energy  
19 efficiency, this bill would allow ESCO  
20 corporations to participate in this program.  
21 And in fact I constantly am dealing with  
22 complaints from my constituents who believe they  
23 are being ripped off by ESCOs, encouraged to  
24 participate, never asked to sign anything, and  
25 suddenly seeing their bill skyrocket on them.

1                   So I'm actually hoping that we do  
2                   some real reform of our laws applying to ESCO  
3                   corporations, and I don't see allowing them  
4                   expansion opportunities under existing laws as  
5                   being a very good pro-consumer move. So I'll be  
6                   voting no.

7                   Thank you, Mr. President.

8                   ACTING PRESIDENT CARLUCCI:    Thank  
9                   you, Senator Krueger.

10                  Senator Krueger, how do you vote?

11                  SENATOR KRUEGER:    No.

12                  ACTING PRESIDENT CARLUCCI:  
13                  Senator Krueger to be recorded in the negative.

14                  Announce the result.

15                  THE SECRETARY:    Ayes, 55.   Nays,  
16                  2.   Senators Dilan and Krueger recorded in the  
17                  negative.

18                  ACTING PRESIDENT CARLUCCI:    The  
19                  bill is passed.

20                  THE SECRETARY:    On page 11,  
21                  Senator Zeldin moves to discharge, from the  
22                  Committee on Rules, Assembly Bill Number 8955B  
23                  and substitute it for the identical Senate Bill  
24                  6682B, Third Reading Calendar 245.

25                  ACTING PRESIDENT CARLUCCI:



1 Substitution ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 245, by Member of the Assembly Dinowitz,  
5 Assembly Print 8955B, an act to amend the  
6 General Business law.

7 ACTING PRESIDENT CARLUCCI: Read  
8 the last section.

9 THE SECRETARY: Section 3. This  
10 act shall take effect January 1, 2015.

11 ACTING PRESIDENT CARLUCCI: Call  
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT CARLUCCI:  
15 Announce the result.

16 THE SECRETARY: Ayes, 57.

17 ACTING PRESIDENT CARLUCCI: The  
18 bill is passed.

19 THE SECRETARY: On page 11,  
20 Senator Ritchie moves to discharge, from the  
21 Committee on Rules, Assembly Bill Number 9121C  
22 and substitute it for the identical Senate Bill  
23 6693C, Third Reading Calendar 252.

24 ACTING PRESIDENT CARLUCCI:  
25 Substitution ordered.

1                   The Secretary will read.

2                   THE SECRETARY:   Calendar Number  
3   252, by Member of the Assembly Magee, Assembly  
4   Print 9121C, an act to amend the Agriculture and  
5   Markets Law.

6                   ACTING PRESIDENT CARLUCCI:   Read  
7   the last section.

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

10                  ACTING PRESIDENT CARLUCCI:   Call  
11   the roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT CARLUCCI:  
14   Announce the result.

15                  THE SECRETARY:   Ayes, 57.

16                  ACTING PRESIDENT CARLUCCI:   The  
17   bill is passed.

18                  THE SECRETARY:   Calendar Number  
19   259, substituted earlier by Member of the  
20   Assembly Gunther, Assembly Print 6442A, an act  
21   to amend the Education Law.

22                  ACTING PRESIDENT CARLUCCI:   Read  
23   the last section.

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

1                   ACTING PRESIDENT CARLUCCI:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT CARLUCCI:  
5   Announce the result.

6                   THE SECRETARY:    Ayes, 57.

7                   ACTING PRESIDENT CARLUCCI:    The  
8   bill is passed.

9                   THE SECRETARY:    Calendar Number  
10   333, by Senator Ranzenhofer, Senate Print 6718C,  
11   an act to amend Chapter 154 of the Laws of 1921.

12                   ACTING PRESIDENT CARLUCCI:    Read  
13   the last section.

14                   THE SECRETARY:    Section 3.   This  
15   act shall take effect upon the enactment into  
16   law.

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, 57.

23                   ACTING PRESIDENT CARLUCCI:    The  
24   bill is passed.

25                   THE SECRETARY:    Calendar Number

1 341, substituted earlier by Member of the  
2 Assembly Thiele, Assembly Print 8561A, an act to  
3 amend the Environmental Conservation Law.

4 ACTING PRESIDENT CARLUCCI: Read  
5 the last section.

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

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, 57.

14 ACTING PRESIDENT CARLUCCI: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 438, substituted earlier by Member of the  
18 Assembly Glick, Assembly Print 8659, an act to  
19 amend Chapter 534 of the Laws of 1993.

20 ACTING PRESIDENT CARLUCCI: Read  
21 the last section.

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

24 ACTING PRESIDENT CARLUCCI: Call  
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CARLUCCI:

3 Announce the result.

4 THE SECRETARY: Ayes, 57.

5 ACTING PRESIDENT CARLUCCI: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 490, by Senator Seward, Senate Print 3539A, an  
9 act to amend the Insurance Law.

10 ACTING PRESIDENT CARLUCCI: Read  
11 the last section.

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

14 ACTING PRESIDENT CARLUCCI: Call  
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT CARLUCCI:

18 Announce the result.

19 THE SECRETARY: Ayes, 56. Nays,  
20 1. Senator DeFrancisco recorded in the  
21 negative.

22 ACTING PRESIDENT CARLUCCI: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 507, by Senator Ritchie, Senate Print 7131A, an

1 act to amend the Agriculture and Markets Law.

2 ACTING PRESIDENT CARLUCCI: Read  
3 the last section.

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

6 ACTING PRESIDENT CARLUCCI: Call  
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT CARLUCCI:  
10 Announce the result.

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT CARLUCCI: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 515, by Senator Lanza, Senate Print 6623B, an  
16 act to amend the Vehicle and Traffic Law.

17 ACTING PRESIDENT CARLUCCI: Read  
18 the last section.

19 THE SECRETARY: Section 5. This  
20 act shall take effect immediately.

21 ACTING PRESIDENT CARLUCCI: Call  
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CARLUCCI:  
25 Announce the result.

1 THE SECRETARY: Ayes, 57.

2 ACTING PRESIDENT CARLUCCI: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 519, by Senator Gallivan, Senate Print 6842A, an  
6 act to amend the Highway Law.

7 ACTING PRESIDENT CARLUCCI: Read  
8 the last section.

9 THE SECRETARY: Section 3. This  
10 act shall take effect immediately.

11 ACTING PRESIDENT CARLUCCI: Call  
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT CARLUCCI:  
15 Announce the result.

16 THE SECRETARY: Ayes, 57.

17 ACTING PRESIDENT CARLUCCI: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 549, by Senator Golden, Senate Print 7009, an  
21 act to amend the General Municipal Law.

22 ACTING PRESIDENT CARLUCCI: There  
23 is a home-rule message at the desk.

24 The Secretary will read the last  
25 section.

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

3           ACTING PRESIDENT CARLUCCI:   Call  
4   the roll.

5           (The Secretary called the roll.)

6           THE SECRETARY:   Ayes, 57.

7           ACTING PRESIDENT CARLUCCI:   The  
8   bill is passed.

9           THE SECRETARY:   Calendar Number  
10   562, by Senator Hannon, Senate Print 6939B, an  
11   act to amend the General Business Law.

12          ACTING PRESIDENT CARLUCCI:   Read  
13   the last section.

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

16          ACTING PRESIDENT CARLUCCI:   Call  
17   the roll.

18          (The Secretary called the roll.)

19          ACTING PRESIDENT CARLUCCI:  
20   Announce the result.

21          THE SECRETARY:   In relation to  
22   Calendar 562, those recorded in the negative are  
23   Senators Ball, Farley, Gallivan, Griffio,  
24   Grisanti, Latimer, Libous, Little, Marchione,  
25   Maziarz, Nozzolio, Ranzenhofer, Ritchie, Savino,



1 Seward, Tkaczyk, Young and Zeldin. Also Senator  
2 DeFrancisco.

3 Ayes, 38. Nays, 19.

4 ACTING PRESIDENT VALESKY: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 610, substituted earlier by Member of the  
8 Assembly McDonald, Assembly Bill 9234A, an act  
9 to amend the Public Authorities Law.

10 ACTING PRESIDENT VALESKY: Read  
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call  
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 56. Nays,  
18 1. Senator Ball recorded in the negative.

19 ACTING PRESIDENT VALESKY: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 613, substituted earlier by the Assembly  
23 Committee on Rules, Assembly Print 9934A, an act  
24 to amend the Executive Law.

25 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call  
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT VALESKY: Senator  
8 Carlucci to explain his vote.

9 SENATOR CARLUCCI: Thank you,  
10 Mr. President.

11 I want to thank my colleagues for  
12 supporting this legislation.

13 The term "handicapped" is outdated,  
14 derogatory, and just plain out offensive. By  
15 working with advocates throughout the state and  
16 throughout the nation, we need to remove  
17 barriers and transform our symbol of  
18 handicapped/disabled into an accessible icon.

19 That's what this legislation does.  
20 Moving forward together, we'll be able to phase  
21 out this derogatory term and make sure we remove  
22 all barriers that are facing anybody with  
23 disabilities throughout this state and  
24 throughout this nation.

25 Mr. President, I vote aye. Thank

1     you.

2                   ACTING PRESIDENT VALESKY:     Senator  
3     Carlucci to be recorded in the affirmative.

4                   Announce the results.

5                   THE SECRETARY:     Ayes, 56.   Nays.

6     1.   Senator Zeldin recorded in the negative.

7                   ACTING PRESIDENT VALESKY:     The  
8     bill is passed.

9                   THE SECRETARY:     Calendar Number  
10    620, by Senator LaValle, Senate Print 2922A, an  
11    act to amend the Environmental Conservation Law.

12                   ACTING PRESIDENT VALESKY:     Read  
13    the last section.

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

16                   ACTING PRESIDENT VALESKY:     Call  
17    the roll.

18                   (The Secretary called the roll.)

19                   THE SECRETARY:     Ayes, 56.   Nays,

20    1.   Senator Zeldin recorded in the negative.

21                   ACTING PRESIDENT VALESKY:     The  
22    bill is passed.

23                   THE SECRETARY:     Ayes, 55.   Nays,

24    2.   Senators Ball and Zeldin recorded in the  
25    negative.

1                   ACTING PRESIDENT VALESKY:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 625, by Senator Avella, Senate Print 6903C, an  
5 act to amend the Environmental Conservation Law.

6                   ACTING PRESIDENT VALESKY:    Read  
7 the last section.

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

10                  ACTING PRESIDENT VALESKY:    Call  
11 the roll.

12                                   (The Secretary called the roll.)

13                   THE SECRETARY:    Ayes, 55.   Nays,  
14 2.   Senators Ball and Bonacic recorded in the  
15 negative.

16                   ACTING PRESIDENT VALESKY:    The  
17 bill is passed.

18                   THE SECRETARY:    Calendar Number  
19 671, by Senator Felder, Senate Print 7062A, an  
20 act to amend the Family Court Act.

21                   ACTING PRESIDENT VALESKY:    Read  
22 the last section.

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

25                   ACTING PRESIDENT VALESKY:    Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 58.

4 ACTING PRESIDENT VALESKY: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 699, substituted earlier by Member of the  
8 Assembly Magee, Assembly Print 8867A, an act to  
9 amend the Education Law.

10 ACTING PRESIDENT VALESKY: Read  
11 the last section.

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

14 ACTING PRESIDENT VALESKY: Call  
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT VALESKY: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 726, by Senator Marchione, Senate Print 4227, an  
22 act to amend the State Finance Law.

23 ACTING PRESIDENT VALESKY: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call  
3 the roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT VALESKY: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 758, by Senator Marcellino, Senate Print 4801A,  
10 an act to amend the Civil Rights Law.

11 ACTING PRESIDENT VALESKY: Read  
12 the last section.

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

15 ACTING PRESIDENT VALESKY: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT VALESKY: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 776, by Senator Gallivan, Senate Print 7118, an  
23 act to amend the Correction Law.

24 ACTING PRESIDENT VALESKY: Read  
25 the last section.

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

3           ACTING PRESIDENT VALESKY:   Call  
4   the roll.

5           (The Secretary called the roll.)

6           THE SECRETARY:   Ayes, 58.

7           ACTING PRESIDENT VALESKY:   The  
8   bill is passed.

9           THE SECRETARY:   Calendar Number  
10   780, substituted earlier by Member of the  
11   Assembly Wright, Assembly Print 9736, an act to  
12   amend the Public Authorities Law.

13          ACTING PRESIDENT VALESKY:   Read  
14   the last section.

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

17          ACTING PRESIDENT VALESKY:   Call  
18   the roll.

19          (The Secretary called the roll.)

20          ACTING PRESIDENT VALESKY:   The  
21   bill is passed.

22          THE SECRETARY:   Calendar Number  
23   781, by Senator Young, Senate Print 7148, an act  
24   to amend the Public Authorities Law.

25          ACTING PRESIDENT VALESKY:   Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 56. Nays,  
8 2. Senators Hoylman and Krueger recorded in the  
9 negative.

10 ACTING PRESIDENT VALESKY: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 782, substituted earlier by Member of the  
14 Assembly Wright, Assembly Print 9735, an act to  
15 amend Chapter 246 of the Laws of 2010.

16 ACTING PRESIDENT VALESKY: Read  
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT VALESKY: The  
25 bill is passed.



1                   THE SECRETARY:    Calendar Number  
2   800, by Senator Young, Senate Print 7086, an act  
3   to authorize.

4                   ACTING PRESIDENT VALESKY:   There  
5   is a home-rule message at the desk.

6                   Read the last section.

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

9                   ACTING PRESIDENT VALESKY:   Call  
10  the roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:    Ayes, 58.

13                   ACTING PRESIDENT VALESKY:   The  
14  bill is passed.

15                   THE SECRETARY:    Calendar Number  
16  846, by Senator Young, Senate Print 4560B, an  
17  act authorizing.

18                   ACTING PRESIDENT VALESKY:   There  
19  is a home-rule message at the desk.

20                   Read the last section.

21                   THE SECRETARY:    Section 6.  This  
22  act shall take effect immediately.

23                   ACTING PRESIDENT VALESKY:   Call  
24  the roll.

25                   (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT VALESKY: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 870, substituted earlier by Member of the  
6 Assembly Glick, Assembly Print Number 9202, an  
7 act to amend Chapter 192 of the Laws of 2011.

8 ACTING PRESIDENT VALESKY: Read  
9 the last section.

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

12 ACTING PRESIDENT VALESKY: Call  
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT VALESKY: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 920, substituted earlier by Member of the  
20 Assembly Paulin, Assembly Print 7167E, an act to  
21 amend the Public Service Law.

22 ACTING PRESIDENT VALESKY: Read  
23 the last section.

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

1                   ACTING PRESIDENT VALESKY:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 57.   Nays.

5   1.   Senator Ball recorded in the negative.

6                   ACTING PRESIDENT VALESKY:    The  
7   bill is passed.

8                   THE SECRETARY:    Calendar Number  
9   921, substituted earlier by Member of the  
10   Assembly Paulin, Assembly Print 8798A, an act to  
11   amend the Public Service Law.

12                   ACTING PRESIDENT VALESKY:    Read  
13   the last section.

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

16                   ACTING PRESIDENT VALESKY:    Call  
17   the roll.

18                   (The Secretary called the roll.)

19                   THE SECRETARY:    Ayes, 58.

20                   ACTING PRESIDENT VALESKY:    The  
21   bill is passed.

22                   THE SECRETARY:    Calendar Number  
23   952, by Senator Young, Senate Print 5509C, an  
24   act to direct the commissioner.

25                   ACTING PRESIDENT VALESKY:    Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT VALESKY: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 969, by Senator Seward, Senate Print 7353, an  
12 act to amend the Insurance Law.

13 ACTING PRESIDENT VALESKY: Read  
14 the last section.

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

17 ACTING PRESIDENT VALESKY: Call  
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT VALESKY: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 973, by Senator Marchione, Senate Print 6764A,  
25 an act to amend the Alcoholic Beverage Control

1 Law.

2 ACTING PRESIDENT VALESKY: Read  
3 the last section.

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

6 ACTING PRESIDENT VALESKY: Call  
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 57. Nays,  
10 1. Senator Díaz recorded in the negative.

11 ACTING PRESIDENT VALESKY: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 998, by Senator Savino, Senate Print 7492, an  
15 act to amend the Civil Service Law.

16 ACTING PRESIDENT VALESKY: Read  
17 the last section.

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

20 ACTING PRESIDENT VALESKY: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57. Nays,  
24 1. Senator Kennedy recorded in the negative.

25 ACTING PRESIDENT VALESKY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 1029, by Senator Bonacic, Senate Print 2015A, an  
4 act to amend the Education Law.

5 SENATOR SERRANO: Lay it aside.

6 ACTING PRESIDENT VALESKY: The  
7 bill is laid aside.

8 THE SECRETARY: Calendar Number  
9 1041, substituted earlier by Member of the  
10 Assembly Silver, Assembly Print 9613, an act to  
11 amend Chapter 259 of the Laws of 2004.

12 ACTING PRESIDENT VALESKY: Read  
13 the last section.

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

16 ACTING PRESIDENT VALESKY: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT VALESKY: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 1078, by Senator Valesky, Senate Print 5552B, an  
24 act to amend the Agriculture and Markets Law.

25 ACTING PRESIDENT VALESKY: Read

1 the last section.

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

4 ACTING PRESIDENT VALESKY: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 57. Nays,  
8 1. Senator Sanders recorded in the negative.

9 ACTING PRESIDENT VALESKY: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 1131, by Senator Seward, Senate Print 7276B, an  
13 act authorizing.

14 ACTING PRESIDENT VALESKY: There  
15 is a home-rule message at the desk.

16 Read the last section.

17 THE SECRETARY: Section 8. This  
18 act shall take effect immediately.

19 ACTING PRESIDENT VALESKY: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT VALESKY: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1137, by Senator LaValle, Senate Print 7620A, an  
2 act in relation.

3 ACTING PRESIDENT VALESKY: There  
4 is a home-rule message at the desk.

5 Read the last section.

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

8 ACTING PRESIDENT VALESKY: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT VALESKY: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 1171, by Senator Farley, Senate Print 7518, an  
16 act to amend Chapter 415 of the Laws of 2013.

17 ACTING PRESIDENT VALESKY: There  
18 is a home-rule message at the desk.

19 Read the last section.

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

22 ACTING PRESIDENT VALESKY: Call  
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 58.



1                   ACTING PRESIDENT VALESKY:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 1173, by Senator Little, Senate Print 7584A, an  
5 act to amend the Local Finance Law.

6                   ACTING PRESIDENT VALESKY:    Read  
7 the last section.

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

10                  ACTING PRESIDENT VALESKY:    Call  
11 the roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:    Ayes, 57.  Nays,  
14 1.  Senator Ball recorded in the negative.

15                  ACTING PRESIDENT VALESKY:    The  
16 bill is passed.

17                  THE SECRETARY:    Calendar Number  
18 1356, by Senator Carlucci, Senate Print 7690A,  
19 an act in relation to granting.

20                  ACTING PRESIDENT VALESKY:    Read  
21 the last section.

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

24                  ACTING PRESIDENT VALESKY:    Call  
25 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT VALESKY: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1359, by Senator Gipson, Senate Print 7733A, an  
7 act authorizing.

8 ACTING PRESIDENT VALESKY: Read  
9 the last section.

10 THE SECRETARY: Section 7. This  
11 act shall take effect immediately.

12 ACTING PRESIDENT VALESKY: Call  
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT VALESKY: The  
17 bill is passed.

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

20 Senator Libous.

21 SENATOR LIBOUS: Yes, sir,  
22 Mr. President. We're going to do the  
23 controversial reading of the calendar shortly.  
24 We just -- we need to pause for a moment,  
25 please.

1           ACTING PRESIDENT VALESKY:    The  
2   Senate will pause for a moment.

3           (Pause.)

4           SENATOR LIBOUS:    Mr. President,  
5   could you ring the bell, please.

6           ACTING PRESIDENT VALESKY:    The  
7   Secretary will ring the bell.

8           The Secretary will place Calendar  
9   Number 1029 before the Senate, controversial  
10  reading.   In a moment.

11          (Pause.)

12          ACTING PRESIDENT CARLUCCI:    The  
13  Secretary will read.

14          THE SECRETARY:    Calendar Number  
15  1029, by Senator Bonacic, Senate Print 2015A, an  
16  act to amend the Education Law.

17          ACTING PRESIDENT CARLUCCI:    Read  
18  the last section.

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

21          ACTING PRESIDENT CARLUCCI:    Call  
22  the roll.

23          (The Secretary called the roll.)

24          ACTING PRESIDENT CARLUCCI:    The  
25  Secretary will announce the result.

1 THE SECRETARY: In relation to --

2 ACTING PRESIDENT CARLUCCI: Hold  
3 up. We'll pause for a minute.

4 SENATOR LIBOUS: Mr. President, if  
5 the members could please sit in their seats, we  
6 can call the roll and be very efficient.

7 ACTING PRESIDENT CARLUCCI: We  
8 need all members in their seats {gaveling}. Can  
9 we have all our members in their seats as we  
10 call the roll.

11 (Pause.)

12 ACTING PRESIDENT CARLUCCI: The  
13 Secretary will announce the result.

14 SENATOR BONACIC: Mr. President,  
15 to explain my vote.

16 ACTING PRESIDENT CARLUCCI:  
17 Senator Bonacic to explain his vote.

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

20 I could tell you why this is good  
21 legislation, but I thought that the local  
22 newspaper in the mid-Hudson summed it up  
23 perfectly, and I'd like to quote them.

24 But before I do that, at our  
25 meeting when this bill came up, Senator Latimer

1 made some very good suggestions how this bill  
2 could be amended. Which we did, to provide  
3 specifically if a school district had emergency  
4 votes that they had to take because of emergency  
5 damage to their buildings. So in that instance  
6 we provide for a date other than the usual time  
7 to have school elections.

8                   And what this newspaper said, and  
9 I'll be brief: "It's always Election Day for  
10 New York school districts. In a state that has  
11 regular elections in the fall and the spring to  
12 choose legislators and board members, pass  
13 budgets and take care of business that requires  
14 public approval, schools are masters of choosing  
15 these obscure off days in hope that nobody is  
16 passing attention. More accurately, they're  
17 hoping that only those with a vested interest in  
18 seeing the proposal approved will bundle up and  
19 remember to vote."

20                   You can't blame schools for trying  
21 to improve their odds. But you can blame a  
22 State Legislature that could require that these  
23 elections take place in a more convenient  
24 fashion, coupled with other public decisions to  
25 ensure the maximum participation.

1 I vote aye. Thank you,  
2 Mr. President.

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

6 The Secretary will announce the  
7 result.

8 THE SECRETARY: In relation to  
9 Calendar 1029, those recorded in the negative  
10 are Senators Breslin, Díaz, Dilan, Espaillat,  
11 Gianaris, Gipson, Hoylman, Kennedy, Krueger,  
12 Latimer, Montgomery, O'Brien, Parker, Peralta,  
13 Perkins, Rivera, Sampson, Sanders, Serrano,  
14 Squadron, Stavisky, Stewart-Cousins and Tkaczyk.

15 Absent from voting: Senator  
16 Addabbo.

17 Ayes, 34. Nays, 23.

18 ACTING PRESIDENT CARLUCCI: The  
19 bill is passed.

20 Senator Libous.

21 SENATOR LIBOUS: Mr. President,  
22 thank you. I just want to make an announcement,  
23 briefly.

24 We've got several other calendars  
25 to go through today. And I would just ask

1 members to, on the controversial calendar, to  
2 stay close. Don't go back to your offices; use  
3 the phones that are outside. And if you have  
4 any important meetings, try to keep them near  
5 the chamber, because we'd like to move things  
6 along as quickly as possible.

7                   On that note, we will call an  
8 immediate meeting of the Rules Committee in  
9 Room 332. There will be an immediate meeting of  
10 the Rules Committee in Room 332, and the Senate  
11 will stand at ease.

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

15                   The Senate will stand at ease.

16                   (Whereupon, the Senate stood at  
17 ease at 12:30 p.m.)

18                   (Whereupon, the Senate reconvened  
19 at 1:04 p.m.)

20                   SENATOR LIBOUS: Mr. President.

21                   ACTING PRESIDENT CARLUCCI: The  
22 Senate will come to order.

23                   Senator Libous.

24                   SENATOR LIBOUS: Thank you,  
25 Mr. President.

1           I believe there's a report of the  
2 Rules Committee at the desk. Could we have it  
3 read at this time.

4           ACTING PRESIDENT CARLUCCI: The  
5 Secretary will read.

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

9           Senate Print 373, by Senator  
10 Kennedy, an act to amend the Penal Law;

11           Senate 926, by Senator Serrano, an  
12 act to direct;

13           Senate 1951, by Senator Ritchie, an  
14 act to amend the Vehicle and Traffic Law;

15           Senate 2092A, by Senator Golden, an  
16 act to amend the Public Authorities Law;

17           Senate 2304B, by Senator Lanza, an  
18 act to amend the Public Authorities Law;

19           Senate 2338B, by Senator Klein, an  
20 act to amend Chapter 42 of the Laws of 1996;

21           Senate 2384, by Senator Ritchie, an  
22 act to amend the Agriculture and Markets Law;

23           Senate 2482A, by Senator Lanza, an  
24 act to amend the Public Authorities Law;

25           Senate 3516A, by Senator O'Brien,



1 an act to amend the Vehicle and Traffic Law;

2 Senate 3644A, by Senator Squadron,

3 an act to amend the Vehicle and Traffic Law;

4 Senate 3828, by Senator Gallivan,

5 an act to amend the Alcoholic Beverage Control  
6 Law;

7 Senate 3850, by Senator Savino, an  
8 act to amend the Tax Law;

9 Senate 4931, by Senator Nozzolio,  
10 an act to amend the Vehicle and Traffic Law;

11 Senate 4942, by Senator Nozzolio,  
12 an act to amend the Vehicle and Traffic Law;

13 Senate 5068C, by Senator Felder, an  
14 act to amend the Vehicle and Traffic Law;

15 Senate 5873, by Senator Valesky, an  
16 act to amend the Executive Law;

17 Senate 5878, by Senator Young, an  
18 act to amend the Family Court Act;

19 Senate 5986B, by Senator Libous, an  
20 act to amend Chapter 56 of the Laws of 2012;

21 Senate 6010, by Senator Libous, an  
22 act to amend the Highway Law;

23 Senate 6503, by Senator Larkin, an  
24 act to amend the Vehicle and Traffic Law;

25 Senate 6558A, by Senator Hannon, an

1 act to amend the Vehicle and Traffic Law;  
2 Senate 6627, by Senator Maziarz, an  
3 act to amend the Transportation Law;  
4 Senate 6670, by Senator Seward, an  
5 act to amend the Insurance Law;  
6 Senate 6782B, by Senator Klein, an  
7 act to amend the Insurance Law;  
8 Senate 7139, by Senator Hannon, an  
9 act to amend the Public Health Law;  
10 Senate 7306A, by Senator  
11 Marcellino, an act to amend the Highway Law;  
12 Senate 7362, by Senator Carlucci,  
13 an act to amend the Vehicle and Traffic Law;  
14 Senate 7490, by Senator Golden, an  
15 act to amend the Public Authorities Law;  
16 Senate 7613, by Senator Marcellino,  
17 an act to amend the Vehicle and Traffic Law;  
18 Senate 7615A, by Senator Bonacic,  
19 an act to amend the Racing, Pari-Mutuel Wagering  
20 and Breeding Law;  
21 Senate 7637, by Senator Lanza, an  
22 act to amend the Public Authorities Law;  
23 Senate 7699, by Senator Young, an  
24 act to amend the Private Housing Finance Law;  
25 Senate 7779A, by Senator Maziarz,

1 an act to authorize;

2 Senate 7781, by Senator Carlucci,

3 an act to authorize;

4 Senate 7788, by Senator Carlucci,

5 an act in relation to authorizing;

6 Senate 7798, by Senator Young, an

7 act to amend the Mental Hygiene Law;

8 And Senate 7850A, by

9 Senator LaValle, an act to amend the Real

10 Property Tax Law.

11 All bills reported direct to third

12 reading.

13 SENATOR LIBOUS: Mr. President, I

14 move to accept the report of the Rules

15 Committee.

16 ACTING PRESIDENT CARLUCCI: All in

17 favor of accepting the report from Rules signify

18 by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT CARLUCCI:

21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT CARLUCCI: The

24 Rules report is adopted.

25 Senator Libous.

1                   SENATOR LIBOUS:     Mr. President,  
2     what I'm going to do is call an immediate  
3     meeting of the Finance Committee in Room 332.

4                   We will do the noncontroversial  
5     reading of Supplemental Calendar 51A. If for  
6     whatever reason when Finance Committee members  
7     come back, if someone wants to register a no  
8     vote, if you'd let the respective desks know on  
9     each side, and we will accommodate your wishes.  
10    Because obviously if you're in the Finance  
11    Committee, you can't be here at the same time.

12                  So there will be an immediate  
13    meeting of the Finance Committee in Room 332.

14                  And, Mr. President, if you'd just  
15    give us a couple of minutes here, we'll get  
16    started in a second.

17                  ACTING PRESIDENT CARLUCCI:     There  
18    will be an immediate meeting of the Finance  
19    Committee in Room 332. There will be an  
20    immediate meeting of the Finance Committee in  
21    Room 332.

22                  (Pause.)

23                  SENATOR LIBOUS:     Mr. President.

24                  ACTING PRESIDENT CARLUCCI:  
25    Senator Libous.

1                   SENATOR LIBOUS:    At this time  
2   could we have the noncontroversial reading of  
3   Senate Supplemental Calendar 51A.

4                   ACTING PRESIDENT CARLUCCI:   The  
5   Secretary will read Supplemental Calendar 51A.

6                   THE SECRETARY:   Calendar Number  
7   1422, by Senator Kennedy, Senate Print 373, an  
8   act to amend the Penal Law.

9                   ACTING PRESIDENT CARLUCCI:   Read  
10  the last section.

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

13                  ACTING PRESIDENT CARLUCCI:   Call  
14  the roll.

15                         (The Secretary called the roll.)

16                  ACTING PRESIDENT CARLUCCI:  
17  Announce the result.

18                  THE SECRETARY:   Ayes, 58.

19                  ACTING PRESIDENT CARLUCCI:   The  
20  bill is passed.

21                  THE SECRETARY:   Calendar Number  
22  1424, by Senator Serrano, Senate Print 926, an  
23  act to direct.

24                  ACTING PRESIDENT CARLUCCI:   Read  
25  the last section.

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

3           ACTING PRESIDENT CARLUCCI:    Call  
4   the roll.

5                           (The Secretary called the roll.)

6           ACTING PRESIDENT CARLUCCI:  
7   Senator Serrano to explain his vote.

8           SENATOR SERRANO:    Thank you very  
9   much, Mr. President.

10                   And I want to thank my colleagues  
11   for supporting this bill, which would direct the  
12   New York State Department of Health to conduct a  
13   study on the high incidence of asthma in the  
14   Borough of Bronx in the City of New York.

15                   I'm sure people know by now the  
16   tremendous amount of medical and scientific data  
17   that points to the rise in asthma incidences,  
18   especially amongst the youth in our population.  
19   Nowhere is this increase more prevalent than in  
20   the Borough of the Bronx, where I represent.

21                   And this is very unfortunate,  
22   because it seems to disproportionately affect  
23   low-income families.  It takes children away  
24   from the classroom, it keeps them in emergency  
25   rooms, and there is a real lack of a coordinated

1 effort to help deal with this in a holistic way.

2           So there is a tremendous amount of  
3 data that's being compiled by a lot of good  
4 groups to try to find ways to remediate this  
5 problem, whether it be environmental concerns,  
6 whether it be other concerns as far as with the  
7 human body.

8           But we cannot deny the fact that  
9 20 percent of the children in the Bronx are  
10 afflicted with asthma, and the overall Bronx  
11 County rate of asthma is approximately four to  
12 five times greater than the national average.

13           So we're hoping to, with this bill,  
14 find a way to conduct a study and to come up  
15 with a remedial plan that will help address this  
16 from a point of view that deals with the  
17 scientific data, the medical data, all the  
18 anecdotal data that is out in the community,  
19 bring it all together so that we can have a  
20 comprehensive plan to bring down asthma rates in  
21 our community.

22           I thank you for your support, and I  
23 vote yes.

24           ACTING PRESIDENT CARLUCCI: Thank  
25 you, Senator Serrano.

1                   Are there any other members wishing  
2                   to be heard on the bill?

3                   Seeing none, the Secretary will  
4                   announce the result.

5                   THE SECRETARY:    Ayes, 58.

6                   ACTING PRESIDENT CARLUCCI:   The  
7                   bill is passed.

8                   THE SECRETARY:    Calendar Number  
9                   1425, by Senator Ritchie, Senate Print 1951, an  
10                  act to amend the Vehicle and Traffic Law.

11                  ACTING PRESIDENT CARLUCCI:   Read  
12                  the last section.

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

15                  ACTING PRESIDENT CARLUCCI:   Call  
16                  the roll.

17                  (The Secretary called the roll.)

18                  ACTING PRESIDENT CARLUCCI:  
19                  Announce the result.

20                  THE SECRETARY:    Ayes, 58.

21                  ACTING PRESIDENT CARLUCCI:   The  
22                  bill is passed.

23                  THE SECRETARY:    Calendar Number  
24                  1426, by Senator Golden, Senate Print 2092A, an  
25                  act to amend the Public Authorities Law.



1                   ACTING PRESIDENT CARLUCCI:    Read  
2   the last section.

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

5                   ACTING PRESIDENT CARLUCCI:    Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT CARLUCCI:  
9   Announce the result.

10                  THE SECRETARY:    Ayes, 57.   Nays,  
11   1.   Senator Krueger recorded in the negative.

12                  ACTING PRESIDENT CARLUCCI:    The  
13   bill is passed.

14                  THE SECRETARY:    Calendar Number  
15   1427, by Senator Lanza, Senate Print 2304B, an  
16   act to amend the Public Authorities Law.

17                  ACTING PRESIDENT CARLUCCI:    Read  
18   the last section.

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

21                  ACTING PRESIDENT CARLUCCI:    Call  
22   the roll.

23                  (The Secretary called the roll.)

24                  ACTING PRESIDENT CARLUCCI:  
25   Announce the result.

1           THE SECRETARY:    Ayes, 55.   Nays,  
2   3.   Senators Gipson, Krueger and Perkins  
3   recorded in the negative.

4           ACTING PRESIDENT CARLUCCI:    The  
5   bill is passed.

6           THE SECRETARY:    Calendar Number  
7   1428, by Senator Klein, Senate Print 2338B, an  
8   act to amend Chapter 42 of the Laws of 1996.

9           ACTING PRESIDENT CARLUCCI:    Read  
10   the last section.

11          THE SECRETARY:    Section 3.   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:  
17   Announce the result.

18          THE SECRETARY:    Ayes, 58.

19          ACTING PRESIDENT CARLUCCI:    The  
20   bill is passed.

21          THE SECRETARY:    Senator Ritchie  
22   moves to discharge, from the Committee on  
23   Agriculture, Assembly Bill Number 5360 and  
24   substitute it for the identical Senate Bill  
25   Number 2384, Third Reading Calendar 1429.

1                   ACTING PRESIDENT CARLUCCI:

2       Substitution ordered.

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5       1429, by Member of the Assembly Magee, Assembly  
6       Print 5360, an act to amend the Agriculture and  
7       Markets Law.

8                   ACTING PRESIDENT CARLUCCI:   Read  
9       the last section.

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

12                  ACTING PRESIDENT CARLUCCI:   Call  
13       the roll.

14                  (The Secretary called the roll.)

15                  ACTING PRESIDENT CARLUCCI:  
16       Announce the result.

17                  THE SECRETARY:    Ayes, 56.  Nays,  
18       2.  Senators Farley and Martins recorded in the  
19       negative.

20                  ACTING PRESIDENT CARLUCCI:   The  
21       bill is passed.

22                  THE SECRETARY:    Calendar Number  
23       1430, by Senator Lanza, Senate Print 2482A, an  
24       act to amend the Public Authorities Law.

25                  ACTING PRESIDENT CARLUCCI:   Read

1 the last section.

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

4 ACTING PRESIDENT CARLUCCI: Call  
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CARLUCCI:  
8 Announce the result.

9 THE SECRETARY: Ayes, 56. Nays,  
10 2. Senators Perkins and Squadron recorded in  
11 the negative.

12 ACTING PRESIDENT CARLUCCI: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 1431, by Senator O'Brien, Senate Print 3516A, an  
16 act to amend the Vehicle and Traffic Law.

17 ACTING PRESIDENT CARLUCCI: Read  
18 the last section.

19 THE SECRETARY: Section 2. This  
20 act shall take effect September 1, 2015.

21 ACTING PRESIDENT CARLUCCI: Call  
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CARLUCCI:  
25 Announce the result.

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT CARLUCCI: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 1432, by Senator Squadron, Senate Print 3644A,  
6 an act to amend the Vehicle and Traffic Law.

7 ACTING PRESIDENT CARLUCCI: Read  
8 the last section.

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

11 ACTING PRESIDENT CARLUCCI: Call  
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT CARLUCCI:  
15 Announce the result.

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT CARLUCCI: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 1433, by Senator Gallivan, Senate Print 3828, an  
21 act to amend the Alcoholic Beverage Control Law.

22 ACTING PRESIDENT CARLUCCI: Read  
23 the last section.

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

1                   ACTING PRESIDENT CARLUCCI:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT CARLUCCI:  
5   Announce the result.

6                   THE SECRETARY:    Ayes, 57.   Nays,  
7   1.   Senator Díaz recorded in the negative.

8                   ACTING PRESIDENT CARLUCCI:    The  
9   bill is passed.

10                  THE SECRETARY:    Calendar Number  
11   1434, by Senator Savino, Senate Print 3850, an  
12   act to amend the Tax Law.

13                  ACTING PRESIDENT CARLUCCI:    Read  
14   the last section.

15                  THE SECRETARY:    Section 5.   This  
16   act shall take effect on the 60th day.

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, 57.   Nays,  
23   1.   Senator Krueger recorded in the negative.

24                  ACTING PRESIDENT CARLUCCI:    The  
25   bill is passed.

1                   THE SECRETARY:    Calendar Number  
2   1435, by Senator Nozzolio, Senate Print 4931, an  
3   act to amend the Vehicle and Traffic Law.

4                   ACTING PRESIDENT CARLUCCI:   Read  
5   the last section.

6                   THE SECRETARY:    Section 2.   This  
7   act shall take effect on the first of April.

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, 57.   Nays,  
14   1.   Senator Perkins recorded in the negative.

15                   ACTING PRESIDENT CARLUCCI:   The  
16   bill is passed.

17                   THE SECRETARY:    Calendar Number  
18   1436, by Senator Nozzolio, Senate Print 4942, an  
19   act to amend the Vehicle and Traffic Law.

20                   ACTING PRESIDENT CARLUCCI:   Read  
21   the last section.

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

24                   ACTING PRESIDENT CARLUCCI:   Call  
25   the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CARLUCCI:

3 Announce the result.

4 THE SECRETARY: Ayes, 57. Nays,

5 1. Senator Perkins recorded in the negative.

6 ACTING PRESIDENT CARLUCCI: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1437, by Senator Felder, Senate Print 5068C, an  
10 act to amend the Vehicle and Traffic Law.

11 ACTING PRESIDENT CARLUCCI: Read  
12 the last section.

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

15 ACTING PRESIDENT CARLUCCI: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CARLUCCI:

19 Announce the result.

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT CARLUCCI: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 1438, by Senator Valesky, Senate Print 5873, an  
25 act to amend the Executive Law.



1                   ACTING PRESIDENT CARLUCCI:    Read  
2   the last section.

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

5                   ACTING PRESIDENT CARLUCCI:    Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT CARLUCCI:  
9   Announce the result.

10                  THE SECRETARY:    Ayes, 58.

11                  ACTING PRESIDENT CARLUCCI:    The  
12   bill is passed.

13                  THE SECRETARY:    Calendar Number  
14   1439, by Senator Young, Senate Print 5878, an  
15   act to amend the Family Court Act.

16                  ACTING PRESIDENT CARLUCCI:    Read  
17   the last section.

18                  THE SECRETARY:    Section 5.   This  
19   act shall take effect April 1, 2014.

20                  ACTING PRESIDENT CARLUCCI:    Call  
21   the roll.

22                  (The Secretary called the roll.)

23                  ACTING PRESIDENT CARLUCCI:  
24   Senator Rivera to explain his vote.

25                  SENATOR RIVERA:    Thank you,

1 Mr. President.

2 I stand in support of this piece of  
3 legislation. Whether we're talking about orders  
4 of protection, sexual harassment, human  
5 trafficking, employment discrimination, all of  
6 these things are things that we need to make  
7 sure that we do in this state to protect the  
8 women of this state.

9 And I know that in the last couple  
10 of weeks, certainly yesterday and the week  
11 before, we voted on a few of the bills that are  
12 currently contained within the Women's Equality  
13 Agenda that we've discussed on this floor  
14 before.

15 I feel it necessary to point out  
16 that although each and every one of these is  
17 necessary, there is one that is missing that we  
18 are not voting on which is absolutely necessary.  
19 If we're going to talk about human trafficking,  
20 if we're going to talk about orders of  
21 protection, if we're going to talk about sexual  
22 harassment, we also must speak about protecting  
23 a woman's health.

24 And in the case of choice, in the  
25 case of women's reproductive health,

1 unfortunately we are not considering it on this  
2 floor. I just felt it necessary to point out  
3 that just as important as everything else that  
4 we are vote on in the last couple of days in the  
5 individual pieces of legislation, the Women's  
6 Equality Act is one big package precisely  
7 because every one of them is important.

8 Thank you so much, Mr. President.  
9 I will be voting in the affirmative.

10 ACTING PRESIDENT CARLUCCI:  
11 Senator Rivera to be recorded in the  
12 affirmative.

13 Announce the result.

14 THE SECRETARY: Ayes, 58.

15 ACTING PRESIDENT CARLUCCI: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 1440, by Senator Libous, Senate Print --

19 SENATOR LIBOUS: Lay it aside for  
20 the day, please.

21 ACTING PRESIDENT CARLUCCI: The  
22 bill is laid aside for the day.

23 THE SECRETARY: Calendar Number  
24 1441, by Senator Libous, Senate Print 6010, an  
25 act to amend the Highway Law.

1                   ACTING PRESIDENT CARLUCCI:    There  
2   is a home-rule message at the desk.

3                   The Secretary will read the last  
4   section.

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

7                   ACTING PRESIDENT CARLUCCI:   Call  
8   the roll.

9                   (The Secretary called the roll.)

10                  ACTING PRESIDENT CARLUCCI:  
11   Announce the result.

12                  THE SECRETARY:    Ayes, 56.  Nays,  
13   2.  Senators Ball and Gipson recorded in the  
14   negative.

15                  ACTING PRESIDENT CARLUCCI:   The  
16   bill is passed.

17                  THE SECRETARY:    Calendar Number  
18   1442, by Senator Larkin, Senate Print 6503, an  
19   act to amend the Vehicle and Traffic Law.

20                  ACTING PRESIDENT CARLUCCI:   Read  
21   the last section.

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

24                  ACTING PRESIDENT CARLUCCI:   Call  
25   the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CARLUCCI:

3 Announce the result.

4 THE SECRETARY: Ayes, 56. Nays,  
5 2. Senators Perkins and Squadron recorded in  
6 the negative.

7 ACTING PRESIDENT CARLUCCI: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 1443, by Senator Hannon, Senate Print 6558A, an  
11 act to amend the Vehicle and Traffic Law.

12 ACTING PRESIDENT CARLUCCI: Read  
13 the last section.

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

16 ACTING PRESIDENT CARLUCCI: Call  
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT CARLUCCI:

20 Announce the result.

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT CARLUCCI: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 1444, by Senator Maziarz, Senate Print 6627, an

1 act to amend the Transportation Law.

2 ACTING PRESIDENT CARLUCCI: Read  
3 the last section.

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

6 ACTING PRESIDENT CARLUCCI: Call  
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT CARLUCCI:  
10 Announce the result.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT CARLUCCI: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 1445, by Senator Seward, Senate Print 6670, an  
16 act to amend the Insurance Law.

17 ACTING PRESIDENT CARLUCCI: Read  
18 the last section.

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

21 ACTING PRESIDENT CARLUCCI: Call  
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CARLUCCI:  
25 Announce the result.

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT CARLUCCI: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 1446, by Senator Klein, Senate Print 6782B, an  
6 act to amend the Insurance Law.

7 ACTING PRESIDENT CARLUCCI: Read  
8 the last section.

9 THE SECRETARY: Section 4. This  
10 act shall take effect on the first of January.

11 ACTING PRESIDENT CARLUCCI: Call  
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT CARLUCCI:  
15 Announce the result.

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT CARLUCCI: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 1447, by Senator Hannon, Senate Print 7139, an  
21 act to amend the Public Health Law.

22 ACTING PRESIDENT CARLUCCI: Read  
23 the last section.

24 THE SECRETARY: Section 2. This  
25 act shall take effect on the first of the month

1 commencing after the 180th day.

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, 56. Nays,  
8 2. Senators Ball and Díaz recorded in the  
9 negative.

10 ACTING PRESIDENT CARLUCCI: The  
11 bill is passed.

12 THE SECRETARY: Senator Marcellino  
13 moves to discharge, from the Committee on  
14 Transportation, Assembly Bill Number 9617A and  
15 substitute it for the identical Senate Bill  
16 Number 7306A, Third Reading Calendar 1448.

17 ACTING PRESIDENT CARLUCCI:  
18 Substitution ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number  
21 1448, by Member of the Assembly Lavine, Assembly  
22 Print 9617A, an act to amend the Highway Law.

23 ACTING PRESIDENT CARLUCCI: Read  
24 the last section.

25 THE SECRETARY: Section 2. 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, 58.

8 ACTING PRESIDENT CARLUCCI: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1449, by Senator Carlucci, Senate Print 7362, an  
12 act to amend the Vehicle and Traffic 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, 57. Nays,  
23 1. Senator Perkins recorded in the negative.

24 ACTING PRESIDENT CARLUCCI: The  
25 bill is passed.

1                   THE SECRETARY:   Calendar Number  
2   1450, by Senator Golden, Senate Print 7490, an  
3   act to amend the Public Authorities Law.

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:  
12   Announce the result.

13                   THE SECRETARY:   Ayes, 57.   Nays,  
14   1.   Senator Krueger recorded in the negative.

15                   ACTING PRESIDENT CARLUCCI:   The  
16   bill is passed.

17                   THE SECRETARY:   Calendar Number  
18   1451, by Senator Marcellino, Senate Print 7613,  
19   an act to amend the Vehicle and Traffic Law.

20                   ACTING PRESIDENT CARLUCCI:   Read  
21   the last section.

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

24                   ACTING PRESIDENT CARLUCCI:   Call  
25   the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CARLUCCI:

3 Announce the result.

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT CARLUCCI: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 1452, by Senator Bonacic, Senate Print 7615A, an  
9 act to amend the Racing, Pari-Mutuel Wagering  
10 and Breeding Law.

11 SENATOR LIBOUS: Lay the bill  
12 aside temporarily.

13 ACTING PRESIDENT CARLUCCI: The  
14 bill is laid aside temporarily.

15 THE SECRETARY: Calendar Number  
16 1453, by Senator Lanza, Senate Print 7637, an  
17 act to amend the Public Authorities Law.

18 ACTING PRESIDENT CARLUCCI: Read  
19 the last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect on the 30th day.

22 ACTING PRESIDENT CARLUCCI: Call  
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CARLUCCI:

1     Announce the result.

2                   THE SECRETARY:    Ayes, 58.

3                   ACTING PRESIDENT CARLUCCI:    The  
4     bill is passed.

5                   THE SECRETARY:    Calendar Number  
6     1454, by Senator Young, Senate Print 7699, an  
7     act to amend the Private Housing Finance Law.

8                   ACTING PRESIDENT CARLUCCI:    Read  
9     the last section.

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

12                  ACTING PRESIDENT CARLUCCI:    Call  
13     the roll.

14                   (The Secretary called the roll.)

15                  ACTING PRESIDENT CARLUCCI:

16     Announce the result.

17                  THE SECRETARY:    Ayes, 58.

18                  ACTING PRESIDENT CARLUCCI:    The  
19     bill is passed.

20                  THE SECRETARY:    Calendar Number  
21     1455, by Senator Maziarz, Senate Print 7779A, an  
22     act to authorize.

23                  SENATOR SERRANO:    Lay it aside.

24                  ACTING PRESIDENT CARLUCCI:    The  
25     bill is laid aside.

1                   THE SECRETARY:   Calendar Number  
2   1456, by Senator Carlucci, Senate Print 7781, an  
3   act to authorize.

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:  
12   Announce the result.

13                   THE SECRETARY:   Ayes, 57.   Nays,  
14   1.   Senator Bonacic recorded in the negative.

15                   ACTING PRESIDENT CARLUCCI:   The  
16   bill is passed.

17                   THE SECRETARY:   Calendar Number  
18   1457, by Senator Carlucci, Senate Print 7788, an  
19   act in relation to authorizing.

20                   ACTING PRESIDENT CARLUCCI:   Read  
21   the last section.

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

24                   ACTING PRESIDENT CARLUCCI:   Call  
25   the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT CARLUCCI:

3 Announce the result.

4 THE SECRETARY: Ayes, 57. Nays,

5 1. Senator Bonacic recorded in the negative.

6 ACTING PRESIDENT CARLUCCI: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1458, by Senator Young, Senate Print 7798, an  
10 act to amend the Mental Hygiene Law.

11 ACTING PRESIDENT CARLUCCI: Read  
12 the last section.

13 THE SECRETARY: Section 4. This  
14 act shall take effect immediately.

15 ACTING PRESIDENT CARLUCCI: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CARLUCCI:

19 Announce the result.

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT CARLUCCI: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 1459, by Senator LaValle, Senate Print 7850A, an  
25 act to amend the Real Property Tax Law.

1                   ACTING PRESIDENT CARLUCCI:    The  
2 bill is high and will be laid aside for the day.

3                   Senator Libous, that completes the  
4 reading of the noncontroversial supplemental  
5 calendar.

6                   SENATOR LIBOUS:    Mr. President, at  
7 this time we'll stand at ease.

8                   ACTING PRESIDENT CARLUCCI:    The  
9 Senate will stand at ease.

10                   (Whereupon, the Senate stood at  
11 ease at 1:28 p.m.)

12                   (Whereupon, the Senate reconvened  
13 at 1:43 p.m.)

14                   SENATOR LIBOUS:    Mr. President.

15                   ACTING PRESIDENT CARLUCCI:    The  
16 Senate will come to order.

17                   Senator Libous.

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

20                   If we can go back to Calendar  
21 Number 1452, which was laid aside temporarily,  
22 we can move forward on that, noncontroversial.

23                   ACTING PRESIDENT CARLUCCI:    the  
24 Secretary will read.

25                   THE SECRETARY:    Calendar Number

1 1452, by Senator Bonacic, Senate Print 7615A, an  
2 act to amend the Racing, Pari-Mutuel Wagering  
3 and Breeding Law.

4 ACTING PRESIDENT CARLUCCI: Read  
5 the last section.

6 THE SECRETARY: Section 8. 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:  
12 Announce the result.

13 THE SECRETARY: Ayes, 56. Nays,  
14 2. Senators Kennedy and Krueger recorded in the  
15 negative.

16 ACTING PRESIDENT CARLUCCI: The  
17 bill is passed.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President,  
20 can we now go to motions and resolutions,  
21 please.

22 ACTING PRESIDENT CARLUCCI:  
23 Motions and resolutions.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President,



1 I'd like to move to adopt the Resolution  
2 Calendar at this time.

3 ACTING PRESIDENT CARLUCCI: All in  
4 favor of adopting the Resolution Calendar  
5 signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT CARLUCCI:  
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT CARLUCCI: The  
11 Resolution Calendar is adopted.

12 Senator Libous.

13 SENATOR LIBOUS: Mr. President, I  
14 think we'll stand at ease waiting for the return  
15 of the Finance Committee members, and then we'll  
16 go to the controversial reading of the calendar.

17 ACTING PRESIDENT CARLUCCI: The  
18 Senate will stand at ease.

19 (Whereupon, the Senate reconvened  
20 at 1:44 p.m.)

21 (Whereupon, the Senate reconvened  
22 at 1:59 p.m.)

23 ACTING PRESIDENT CARLUCCI: The  
24 Senate will come to order.

25 Senator Libous.

1                   SENATOR LIBOUS:    Mr. President, I  
2 believe at the desk there's a report of the  
3 Finance Committee from June 17th.

4                   Mr. President, on that report,  
5 under members of the Behavioral Health Services  
6 Advisory Council, Katherine Breslin, of  
7 Saratoga Springs, if we could do that last.

8                   ACTING PRESIDENT CARLUCCI:   The  
9 Secretary will read.

10                  THE SECRETARY:    Senator  
11 DeFrancisco, from the Committee on Finance,  
12 reports the following nominations.

13                  As members of the New York State  
14 Energy Research and Development Authority:  
15 Sherburne B. Abbott, of Cazenovia; Kenneth D.  
16 Daly, of Manhasset; John McAvoy, of Brewster;  
17 Elizabeth W. Thorndike, of Pittsford; Mark  
18 Willis, of New York; Charles Bell, of Ossining;  
19 Jay Koh, of New York; and Jigar Shah, of  
20 New York.

21                  As members of the Justice Center  
22 Advisory Council:   Leslie Hulbert, of Victor;  
23 Eva Dech, of Albany; Shirley B. Flowers, of  
24 Brooklyn; Walter J. Joseph, Jr., of Rhinebeck;  
25 Alfred H. Kingon, of Bronxville; Jeremy E.

1 Klemanski, of Clay; Belinda Lerner, of Astoria;  
2 Delores McFadden, of Monroe; Judith A. O'Rourke,  
3 of Lackawanna; and Mary K. St. Mark, of the  
4 Bronx.

5 As vice-chair and member of the  
6 State Council on the Arts: Barbaralee  
7 Diamondstein-Spielvogel, Ph.D., of New York.

8 As members of the State Council on  
9 the Arts: Gayle King, of New York; Eric Latzky,  
10 of New York; John Lyons, of New York; Crystal  
11 McCrary, of New York; Rita Paniagua, of  
12 Syracuse; and Hal D. Payne, of Buffalo.

13 As directors of the New York  
14 Convention Center Operating Corporation: Daniel  
15 F. De Vita, of Syosset, and David Emil, of  
16 New York.

17 As director of the New York State  
18 Environmental Facilities Corporation: Francis  
19 T. Corcoran, of Bedford Corners.

20 As a member of the Dormitory  
21 Authority: Jonathan H. Gardner, of Getzville.

22 As members of the Buffalo and Fort  
23 Erie Public Bridge Authority: Anthony Masiello,  
24 of Buffalo, and Philip J. Tantillo, of Elma.

25 As members of the Behavioral Health

1 Services Advisory Council: Lieutenant Colonel  
2 April Critelli, of Glenville; Robert Cruz, of  
3 New York; Ralph G. Fasano, of Northport; Sharon  
4 R. Gillette, of Plattsburgh; John Kastan, Ph.D.,  
5 of Brooklyn; Scott S. Lavigne, of Penfield;  
6 John D. Lee, of Rochester; Glenn A. Martin, of  
7 Forest Hills; Michael N. Martin, of  
8 North Tonawanda; Deborah Mayo, of Stony Brook;  
9 Grant Mitchell, M.D., of Goldens Bridge;  
10 Andrew S. Roberts, of New York; James P. Scordo,  
11 of Watertown; Euphemia Strauchn-Adams, of  
12 Staten Island; and Susan Wheeler, of  
13 Whitney Point.

14 As chairman and member of the  
15 Thousand Islands State Park, Recreation and  
16 Historic Preservation Commission: Harold B.  
17 Johnson, of Watertown.

18 As a member of the Thousand Islands  
19 State Park, Recreation and Historic Preservation  
20 Commission: Michael J. Geiss, of Clayton.

21 As chairman and member of the  
22 Long Island State Park, Recreation and Historic  
23 Preservation Commission: Bryan Erwin, of  
24 Mattituck.

25 As members of the Long Island State

1 Park, Recreation and Historic Preservation  
2 Commission: George Bartunek, of Calverton;  
3 David Bender, of Middle Island; Ruth F.  
4 Douzinas, of New York; Kevin G. Gershowitz, of  
5 Melville; and Richard H. Remmer, of Oakdale.

6 As a member of the Taconic State  
7 Park, Recreation and Historic Preservation  
8 Commission: Ralph W. Odell Jr., of  
9 Putnam Valley.

10 As members of the Palisades  
11 Interstate Park Commission: Daniel Bryce  
12 O'Brien II, of Bedford, and Jeannette Andreasen  
13 Redden, of New York.

14 As a member of the Olympic Regional  
15 Development Authority: Andrew R. Lack, of  
16 Lake Placid.

17 As chair and member of the State  
18 Park, Recreation and Historic Preservation  
19 Commission: Janet Felleman, of New York.

20 As a member of the State Park,  
21 Recreation and Historic Preservation Commission:  
22 Richard W. Lehmann, of New York.

23 As a member of the State Board for  
24 Historic Preservation: John Aldrich, of  
25 Red Hook.

1                   As a member of the Battery Park  
2 City Authority: Lester Petracca, of Manhasset.

3                   And as a member of the New York  
4 State Thruway Authority: Brandon R. Sall, of  
5 Purchase.

6                   ACTING PRESIDENT CARLUCCI:  
7 Senator DeFrancisco.

8                   SENATOR DeFRANCISCO:  
9 Mr. President, I'd like to move the nominations  
10 of all of the members of the New York State  
11 Energy Research and Development Authority that  
12 the Secretary just read off.

13                  ACTING PRESIDENT CARLUCCI: The  
14 question is on the nominations of the members of  
15 the New York State Energy Research and  
16 Development Authority. All those in favor  
17 signify by saying aye.

18                  (Response of "Aye.")

19                  ACTING PRESIDENT CARLUCCI:  
20 Opposed, nay.

21                  (No response.)

22                  ACTING PRESIDENT CARLUCCI: The  
23 nominations carry.

24                  Senator DeFrancisco.

25                  SENATOR DeFRANCISCO: I now move

1 all the members of the Justice Center Advisory  
2 Council who were listed earlier, and I'd move  
3 their nominations.

4 ACTING PRESIDENT CARLUCCI: The  
5 question is on the nomination of the members of  
6 the Justice Center Advisory Council. All in  
7 favor signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT CARLUCCI: Those  
10 opposed?

11 (No response.)

12 ACTING PRESIDENT CARLUCCI: The  
13 members are hereby confirmed.

14 Senator DeFrancisco.

15 SENATOR DeFRANCISCO: I'd now move  
16 the nominations of the vice-chair and member of  
17 the State Council on the Arts read earlier.

18 ACTING PRESIDENT CARLUCCI: The  
19 question is on the nomination of the vice-chair  
20 and member of the State Council on the Arts.  
21 All those in favor signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT CARLUCCI:  
24 Opposed, nay.

25 (No response.)

1                   ACTING PRESIDENT CARLUCCI:    The  
2   nomination carries, and the vice-chair and  
3   member of the State Council on the Arts is  
4   hereby confirmed.

5                   SENATOR DeFRANCISCO:    I'd now move  
6   the nomination of the members of the State  
7   Council on the Arts whose names were read  
8   earlier.

9                   ACTING PRESIDENT CARLUCCI:    The  
10   question is on the nomination of the members of  
11   the State Council on the Arts.  All in favor  
12   signify by saying aye.

13                   (Response of "Aye.")

14                   ACTING PRESIDENT CARLUCCI:  
15   Opposed, nay.

16                   (No response.)

17                   ACTING PRESIDENT CARLUCCI:    The  
18   nomination carries, and the members are hereby  
19   confirmed.

20                   SENATOR DEFRANCISCO:    I'd now move  
21   the nominations of the directors of the New York  
22   Convention Center Operating Corporation that  
23   were named earlier.

24                   ACTING PRESIDENT CARLUCCI:    The  
25   question is on the nomination of the directors



1 of the New York Convention Center Operating  
2 Corporation. All those in favor signify by  
3 saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT CARLUCCI:

6 Opposed, nay.

7 (No response.)

8 ACTING PRESIDENT CARLUCCI: The  
9 appointments are confirmed.

10 SENATOR DeFRANCISCO: I'd move the  
11 nomination of the director of the New York State  
12 Environmental Facilities Corporation that was  
13 read earlier.

14 ACTING PRESIDENT CARLUCCI: The  
15 question is on the nomination of the director of  
16 the New York State Environmental Facilities  
17 Corporation. All those in favor signify by  
18 saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT CARLUCCI:

21 Opposed, nay.

22 (No response.)

23 ACTING PRESIDENT CARLUCCI: The  
24 nomination is confirmed.

25 SENATOR DeFRANCISCO: I'd now move

1 the nomination of the member of the Dormitory  
2 Authority whose name was read earlier.

3 ACTING PRESIDENT CARLUCCI: The  
4 question is on the nomination of the member of  
5 the Dormitory Authority. All those in favor  
6 signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT CARLUCCI:  
9 Opposed, nay.

10 (No response.)

11 ACTING PRESIDENT CARLUCCI: The  
12 nomination is confirmed.

13 SENATOR DeFRANCISCO: I'd now move  
14 the nominations of the members of the Buffalo  
15 and Fort Erie Public Bridge Authority that were  
16 named earlier.

17 ACTING PRESIDENT CARLUCCI: The  
18 question is on the nomination of the members of  
19 the Buffalo and Fort Erie Public Bridge  
20 Authority. All those in favor signify by saying  
21 aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT CARLUCCI:  
24 Opposed, nay.

25 (No response.)

1                   ACTING PRESIDENT CARLUCCI:    The  
2       nominations are confirmed.

3                   SENATOR DeFRANCISCO:    I'd now move  
4       the nominations of the members of the Behavioral  
5       Health Services Advisory Council who were read  
6       earlier.

7                   ACTING PRESIDENT CARLUCCI:    The  
8       question is on the nomination of the members of  
9       the Behavioral Health Services Advisory Council  
10      whose names were read earlier.   All those in  
11      favor signify by saying aye.

12                         (Response of "Aye.")

13                   ACTING PRESIDENT CARLUCCI:  
14      Opposed, nay.

15                         (No response.)

16                   ACTING PRESIDENT CARLUCCI:    The  
17      members are confirmed.

18                   SENATOR DeFRANCISCO:    I'd now move  
19      the nomination of the chairman and member of the  
20      Thousand Islands State Park, Recreation and  
21      Historic Preservation Commission named earlier.

22                   ACTING PRESIDENT CARLUCCI:    The  
23      question is on the nomination of the chairman  
24      and member of the Thousand Islands State Park,  
25      Recreation and Historic Preservation Commission.

1 All those in favor signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT CARLUCCI:

4 Opposed, nay.

5 (No response.)

6 ACTING PRESIDENT CARLUCCI: The  
7 nomination is confirmed.

8 SENATOR DeFRANCISCO: I'd now move  
9 the nomination of the member of the Thousand  
10 Islands State Park, Recreation and Historic  
11 Preservation Commission named earlier.

12 ACTING PRESIDENT CARLUCCI: The  
13 question is on the nomination of the member of  
14 the Thousand Islands State Park, Recreation and  
15 Historic Preservation Commission. All those in  
16 favor signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT CARLUCCI:

19 Opposed, nay.

20 (Response of "Nay.")

21 ACTING PRESIDENT CARLUCCI: The  
22 nomination is confirmed.

23 SENATOR DeFRANCISCO: I'd now move  
24 the nomination of the chairman and member of the  
25 Long Island State Park, Recreation and Historic

1       Preservation Commission named earlier.

2                   ACTING PRESIDENT CARLUCCI:     The  
3       question is on the nomination of the chairman  
4       and member of the Long Island State Park,  
5       Recreation and Historic Preservation Commission.  
6       All those in favor signify by saying aye.

7                   (Response of "Aye.")

8                   ACTING PRESIDENT CARLUCCI:  
9       Opposed, nay.

10                   (No response.)

11                   ACTING PRESIDENT CARLUCCI:     The  
12       nomination is confirmed.

13                   SENATOR DeFRANCISCO:     I'd now move  
14       the nominations of the members of the  
15       Long Island State Park, Recreation and Historic  
16       Preservation Commission named earlier.

17                   ACTING PRESIDENT CARLUCCI:     The  
18       question is on the nomination of the members of  
19       the Long Island State Park, Recreation and  
20       Historic Preservation Commission. All those in  
21       favor signify by saying aye.

22                   (Response of "Aye.")

23                   ACTING PRESIDENT CARLUCCI:  
24       Opposed, nay.

25                   (No response.)

1                   ACTING PRESIDENT CARLUCCI:    The  
2       nominations are confirmed.

3                   SENATOR DEFRANCISCO:    I'd now move  
4       the nomination of the member of the Taconic  
5       State Park, Recreation and Historic Preservation  
6       Commission named earlier.

7                   ACTING PRESIDENT CARLUCCI:    The  
8       question is on the nomination of the member of  
9       the Taconic State Park, Recreation and Historic  
10      Preservation Commission. All those in favor  
11      signify by saying aye.

12                               (Response of "Aye.")

13                   ACTING PRESIDENT CARLUCCI:  
14      Opposed, nay.

15                               (No response.)

16                   ACTING PRESIDENT CARLUCCI:    The  
17      nomination is confirmed.

18                   SENATOR DEFRANCISCO:    I'd now move  
19      the nomination of the members of the Palisades  
20      Interstate Park Commission named earlier.

21                   ACTING PRESIDENT CARLUCCI:    The  
22      question is on the nominations of the members of  
23      the Palisades Interstate Park Commission. All  
24      those in favor signify by saying aye.

25                               (Response of "Aye.")

1                   ACTING PRESIDENT CARLUCCI:

2   Opposed, nay.

3                   (No response.)

4                   ACTING PRESIDENT CARLUCCI:    The  
5   nominations are confirmed.

6                   SENATOR DeFRANCISCO:    I'd now move  
7   the nomination of the member of the Olympic  
8   Regional Development Authority named earlier.

9                   ACTING PRESIDENT CARLUCCI:    The  
10   question is on the nomination of the member of  
11   the Olympic Regional Development Authority.  All  
12   those in favor signify by saying aye.

13                   (Response of "Aye.")

14                   ACTING PRESIDENT CARLUCCI:  
15   Opposed, nay.

16                   (No response.)

17                   ACTING PRESIDENT CARLUCCI:    The  
18   nomination is confirmed.

19                   SENATOR DeFRANCISCO:    I'd now move  
20   the nomination of the chair and member of the  
21   State Park, Recreation and Historic Preservation  
22   Commission named earlier.

23                   ACTING PRESIDENT CARLUCCI:    The  
24   question is on the nomination of the chair and  
25   member of the State Park, Recreation and

1 Historic Preservation Commission. All those in  
2 favor signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT CARLUCCI:

5 Opposed, nay.

6 (No response.)

7 ACTING PRESIDENT CARLUCCI: The  
8 nomination is confirmed.

9 SENATOR DeFRANCISCO: I now move  
10 the nomination of the member of the State Park,  
11 Recreation and Historic Preservation Commission  
12 named earlier.

13 ACTING PRESIDENT CARLUCCI: The  
14 question is on the nomination of the member of  
15 the State Park, Recreation and Historic  
16 Preservation Commission. All those in favor  
17 signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT CARLUCCI:

20 Opposed, nay.

21 (No response.)

22 ACTING PRESIDENT CARLUCCI: The  
23 nomination is confirmed.

24 SENATOR DeFRANCISCO: I now move  
25 the nomination of the member of the State Board



1 for Historic Preservation named earlier.

2 ACTING PRESIDENT CARLUCCI: The  
3 question is on the nomination of the member of  
4 State Board for Historic Preservation. All  
5 those in favor signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT CARLUCCI:  
8 Opposed, nay.

9 (No response.)

10 ACTING PRESIDENT CARLUCCI: The  
11 nomination is confirmed.

12 SENATOR DEFRANCISCO: I'd now move  
13 the nomination of the member of the Battery Park  
14 City Authority which was named earlier.

15 ACTING PRESIDENT CARLUCCI: The  
16 question is on the nomination of the member of  
17 the Battery Park City Authority.

18 Senator Squadron to explain his  
19 vote.

20 SENATOR SQUADRON: Thank you very  
21 much, Mr. President.

22 And I know that the nominee before  
23 us has served on the authority, and I have to  
24 say, you know, I know that he's served  
25 diligently and appropriately.

1                   In Battery Park City, in the  
2                   community we have a long-time push to have more  
3                   community representation on the Battery Park  
4                   City Authority. When it was started, with the  
5                   support of this Legislature, as a state  
6                   authority nearly 40 years ago, the Battery Park  
7                   City Authority was a development project. And  
8                   it was an important one, one that was opposed to  
9                   drive a rejuvenation in Lower Manhattan and  
10                  affordability in Lower Manhattan.

11                  Today it is not a development  
12                  project. Today Battery Park City is a  
13                  neighborhood, a thriving residential and  
14                  business mixed-use community full of families,  
15                  an ever-growing elementary school population.  
16                  And so the membership of the authority really  
17                  has different needs than it did once upon a  
18                  time.

19                  And that's why, along with Speaker  
20                  Silver and local leaders and residents of  
21                  Battery Park City, we have been pushing to have  
22                  more residents on the Battery Park City  
23                  Authority.

24                  With no prejudice against  
25                  Mr. Petracca and an acknowledgment that he has

1 served dutifully and I'm sure will continue to,  
2 I'll be voting no on this nomination,  
3 Mr. President, simply because we would like to  
4 continue to urge the Governor to appoint  
5 residents to the Battery Park City Authority.

6 Thank you, Mr. President.

7 ACTING PRESIDENT CARLUCCI: Thank  
8 you, Senator Squadron.

9 Are there other members wishing to  
10 be heard on the nomination?

11 Seeing none, all in favor signify  
12 by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT CARLUCCI:  
15 Opposed, nay.

16 SENATOR SQUADRON: Nay.

17 ACTING PRESIDENT CARLUCCI: The  
18 nomination is confirmed.

19 Senator DeFrancisco.

20 SENATOR DeFRANCISCO: I'd now move  
21 the nomination of the member of the New York  
22 State Thruway Authority named earlier.

23 ACTING PRESIDENT CARLUCCI: The  
24 question is on the nomination of the member of  
25 the New York State Thruway Authority. All those

1 in favor signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT CARLUCCI:

4 Opposed, nay.

5 (No response.)

6 ACTING PRESIDENT CARLUCCI: The  
7 nomination is confirmed.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Yes, would  
10 you please read the only name that we haven't  
11 read so far for the members of the Behavioral  
12 Health Services Advisory Council from the report  
13 from the Finance Committee.

14 ACTING PRESIDENT CARLUCCI: The  
15 Secretary will read the nomination for the  
16 remaining member of the Behavioral Health  
17 Services Advisory Council.

18 THE SECRETARY: As member of the  
19 Behavioral Health Services Advisory Council,  
20 Katherine Breslin, of Saratoga Springs.

21 SENATOR DEFRANCISCO: I move the  
22 nomination.

23 ACTING PRESIDENT CARLUCCI: The  
24 question is on the nomination of the member of  
25 the Behavioral Health Services Advisory Council.

1                   Senator Breslin to speak on the  
2 nomination.

3                   SENATOR BRESLIN:    Yes,  
4 Mr. President, I would request from the chair to  
5 be excused from the vote on Katherine A. Breslin  
6 to prevent the possibility of a conflict of  
7 interest.

8                   ACTING PRESIDENT CARLUCCI:    So  
9 ordered.

10                  SENATOR BRESLIN:    Thank you,  
11 Mr. President.

12                  ACTING PRESIDENT CARLUCCI:    All  
13 those in favor of the nomination signify by  
14 saying aye.

15                         (Response of "Aye.")

16                  ACTING PRESIDENT CARLUCCI:  
17 Opposed, nay.

18                         (No response.)

19                  ACTING PRESIDENT CARLUCCI:    The  
20 nomination is confirmed.

21                         Senator Libous.

22                  SENATOR LIBOUS:    Mr. President, at  
23 this time we're going to take up the  
24 controversial calendar.

25                         And I believe it would be Calendar

1 Number 1455, by Senator Maziarz.

2 ACTING PRESIDENT CARLUCCI: The  
3 Secretary will ring the bell.

4 The Secretary will read Calendar  
5 Number 1455.

6 THE SECRETARY: Calendar Number  
7 1455, by Senator Maziarz, Senate Print 7779A, an  
8 act to authorize.

9 SENATOR KRUEGER: Explanation.

10 ACTING PRESIDENT CARLUCCI:  
11 There's been an explanation requested by Senator  
12 Krueger of the sponsor.

13 Senator Maziarz to give an  
14 explanation.

15 SENATOR MAZIARZ: Thank you very  
16 much, Mr. President, yes.

17 This legislation would allow the  
18 Town of Niagara in Niagara County, at the town's  
19 request, to alienate and sell an area, a  
20 3.6-acre area in a commercial zone that was at  
21 least 10 years ago used as a park, has not been  
22 used as a park for over 10 years, and is now an  
23 overgrown field.

24 And there is I believe an adjacent  
25 commercial operator-owner that would like to

1       acquire this particular land.

2                   Now, the town did several years ago  
3       construct a 126-acre park a short distance from  
4       this park which has all the amenities --

5                   SENATOR LIBOUS:     Mr. President, I  
6       want to hear Senator Maziarz's explanation, but  
7       there's a lot of background noise.

8                   ACTING PRESIDENT CARLUCCI:     We're  
9       going to need order in the chamber.  I remind  
10      everyone to please keep their conversations to a  
11      minimum.

12                   Senator Maziarz to continue.

13                   SENATOR MAZIARZ:     Thank you very  
14      much, Mr. President.

15                   I was pointing out that the Town of  
16      Niagara several years ago did develop, right  
17      down the road from this parkland that they would  
18      like to alienate and sell now, a 126-acre park  
19      known as Veterans Memorial Park, which has all  
20      the amenities -- soccer fields, fishing ponds,  
21      cross-country ski trails, walking paths, picnic  
22      shelters, playgrounds, outdoor concerts, holiday  
23      events, a community center.  All of this was not  
24      available at the parkland where they would like  
25      to alienate it now.

1                   And I would say that the reason  
2                   that the town brought this up, even though this  
3                   land has not been used for well over a decade,  
4                   is because someone would like to purchase this  
5                   property, open a business there, and employ  
6                   25 people.

7                   Thank you, Mr. President.

8                   ACTING PRESIDENT CARLUCCI:    Thank  
9                   you, Senator Maziarz.

10                  Senator Krueger on the bill.

11                  SENATOR KRUEGER:    Actually, if the  
12                  sponsor would yield, please.

13                  ACTING PRESIDENT CARLUCCI:    Does  
14                  the sponsor yield?

15                  SENATOR MAZIARZ:    Certainly,  
16                  Mr. President.

17                  ACTING PRESIDENT CARLUCCI:  
18                  Senator Krueger, the sponsor yields.

19                  SENATOR KRUEGER:    I appreciate the  
20                  explanation.

21                  So it is an alienation bill with a  
22                  home-rule message?

23                  ACTING PRESIDENT CARLUCCI:  
24                  Senator Maziarz.

25                  SENATOR MAZIARZ:    I believe there



1 is a home-rule message. Yes, there is.

2 SENATOR KRUEGER: Through you,  
3 Mr. President, if the sponsor would continue to  
4 yield.

5 SENATOR MAZIARZ: Yes,  
6 Mr. President.

7 ACTING PRESIDENT CARLUCCI: The  
8 sponsor yields.

9 Senator Krueger.

10 SENATOR KRUEGER: Traditionally,  
11 park alienation bills with home rule have a  
12 replacement requirement so that alternative land  
13 is created as new park space if we're alienating  
14 park space.

15 I don't believe I saw in this bill  
16 any creation of new parkland. Is that correct?

17 ACTING PRESIDENT CARLUCCI:  
18 Senator Maziarz.

19 SENATOR MAZIARZ: Well, the good  
20 elected representatives of the Town of Niagara,  
21 Senator Krueger, were ahead of us. They  
22 actually constructed the park well in advance of  
23 this legislation.

24 As I pointed out, the 126-acre  
25 Veterans Park a short distance from this park

1 was constructed and has all the amenities that  
2 one would desire in a park. And I've been there  
3 for many functions myself, and it is a very  
4 beautiful park.

5 ACTING PRESIDENT CARLUCCI:  
6 Senator Krueger.

7 SENATOR KRUEGER: Through you,  
8 Mr. President, if the sponsor would continue to  
9 yield.

10 ACTING PRESIDENT CARLUCCI: The  
11 sponsor yields?

12 SENATOR MAZIARZ: Yes,  
13 Mr. President.

14 ACTING PRESIDENT CARLUCCI:  
15 Senator Krueger.

16 SENATOR KRUEGER: I believe the  
17 sponsor when he tells me that there is a  
18 different park in this town that has been redone  
19 and is beautiful and has all kinds of amenities.  
20 Nonetheless, that predates before the question  
21 before us today.

22 So there's no land replacement for  
23 this alienation within this bill, is that  
24 correct?

25 ACTING PRESIDENT CARLUCCI:

1 Senator Maziarz.

2 SENATOR MAZIARZ: That is not  
3 correct, Mr. President. I think I pointed out  
4 that actually the 126-acre park took the place  
5 of the 3.6-acre park. That's the way that I see  
6 it, that's the way the elected officials in the  
7 Town of Niagara see it. I guess that's not the  
8 way Senator Krueger sees it.

9 ACTING PRESIDENT CARLUCCI:  
10 Senator Krueger.

11 SENATOR KRUEGER: Through you,  
12 Mr. President, if the sponsor would continue to  
13 yield.

14 SENATOR MAZIARZ: Yes,  
15 Mr. President.

16 ACTING PRESIDENT CARLUCCI: The  
17 sponsor yields.

18 Senator Krueger.

19 SENATOR KRUEGER: So the 126 acres  
20 was recently purchased to become parkland?

21 ACTING PRESIDENT CARLUCCI:  
22 Senator Maziarz.

23 SENATOR MAZIARZ: No, I'm not sure  
24 when it was actually purchased. But it was --  
25 well, it was developed in stages over the last

1 several years, Senator.

2 ACTING PRESIDENT CARLUCCI:

3 Senator Krueger.

4 SENATOR KRUEGER: Through you,  
5 Mr. President, if the sponsor would continue to  
6 yield.

7 SENATOR MAZIARZ: Certainly,  
8 Mr. President.

9 ACTING PRESIDENT CARLUCCI: The  
10 sponsor yields.

11 Senator Krueger.

12 SENATOR KRUEGER: What is the  
13 price that is going to be paid for these  
14 3.6 acres of land?

15 ACTING PRESIDENT CARLUCCI:  
16 Senator Maziarz.

17 SENATOR MAZIARZ: I do not have  
18 that information, Senator. I assume that they  
19 would have to either auction it off or have an  
20 RFP for it or something like that. But I'm not  
21 sure.

22 ACTING PRESIDENT CARLUCCI:  
23 Senator Krueger.

24 SENATOR KRUEGER: Through you,  
25 Mr. President, if the sponsor would continue to

1 yield.

2 SENATOR MAZIARZ: Yes. I'm  
3 certain -- could I just get back to the last  
4 question? I'm absolutely certain, given the  
5 fact that it's a public piece of property, that  
6 it would be fair market value. And it's in a  
7 very hot commercial area, Senator.

8 ACTING PRESIDENT CARLUCCI: Thank  
9 you, Senator Maziarz.

10 SENATOR MAZIARZ: And I will  
11 continue to yield.

12 ACTING PRESIDENT CARLUCCI: The  
13 sponsor yields.

14 Senator Krueger.

15 SENATOR KRUEGER: Is there some  
16 language in the bill that requires fair market  
17 value for the sale?

18 ACTING PRESIDENT CARLUCCI:  
19 Senator Maziarz.

20 SENATOR MAZIARZ: Yes, there is,  
21 Mr. President.

22 And, I might add, not only is there  
23 language in the bill that requires fair market  
24 value, but the dollars that the town receives  
25 for the park they must spend on park and

1 recreation activities, I would presume within  
2 the relatively new 126-acre park.

3 ACTING PRESIDENT CARLUCCI:  
4 Senator Krueger.

5 SENATOR KRUEGER: Through you,  
6 Mr. President, on the bill.

7 ACTING PRESIDENT CARLUCCI:  
8 Senator Krueger on the bill.

9 SENATOR KRUEGER: I want to thank  
10 the sponsor for his answers.

11 This house does not have the same  
12 explicit rules as the Assembly for allowing  
13 alienation of parkland. I have always been  
14 biased towards the Assembly's rules, which  
15 require that when parkland is alienated, meaning  
16 in law taken out of park use, there must be  
17 replacement parkland of equal or greater value  
18 and/or geography.

19 This is an exception to what we  
20 normally pass as bills in both the Assembly and  
21 the Senate. So in fact I don't know whether  
22 this will pass the Assembly.

23 Here is my concern. I think the  
24 precedent is very important to hold that when  
25 you are selling off parkland, you need to ensure

1 replacement of alternative land of equal of or  
2 greater value. I hear the sponsor explain they  
3 have another park in this town, they've spent a  
4 lot of money on improving that park. I'm  
5 delighted to hear that. I'm sure the people who  
6 live there are delighted to hear that. But  
7 nonetheless, improving a park somewhere and then  
8 later on saying now we can sell off another park  
9 and not get equal land or value for it is not  
10 really apples and apples, it's apples and  
11 oranges.

12 I represent the City of New York.  
13 I don't think that I would say because we made  
14 improvements to Central Park in one year we  
15 don't need to deal with the fact that we might  
16 sell off St. Catherine's Park in my district but  
17 say "But Central Park's getting taken care of  
18 very well."

19 So I have a serious concern about  
20 the precedent of allowing a law to be passed  
21 where there is parkland alienated and sold for  
22 commercial purposes without replacement of new  
23 parkland and investment in parks of the money  
24 from that.

25 And again, saying that they

1 improved a park -- and they might even owe money  
2 on that park still, I don't know -- is not the  
3 same as alienating land and saying, "Well, we'll  
4 take some of the money perhaps and put it into  
5 the bill we still owe on the other park." I  
6 think it's a dangerous and slippery-slope  
7 precedent for the Legislature to go down.

8                   And so no disrespect to this town's  
9 goal, and really no objection to the idea of  
10 taking 3½ acres of unused parkland and using it  
11 for another purpose, I feel very strongly we  
12 should require replacement of that alienated  
13 land for park purposes, not just on behalf of  
14 that town but as a precedent for the entire  
15 state.

16                   I'll vote no, Mr. President.

17                   ACTING PRESIDENT CARLUCCI: Thank  
18 you, Senator Krueger.

19                   Senator Krueger to be recorded in  
20 the negative.

21                   Are there any other members wishing  
22 to be heard on the debate?

23                   Seeing none, the debate is closed  
24 and the Secretary will ring the bell.

25                   (Pause.)



1                   ACTING PRESIDENT CARLUCCI:    The  
2   Secretary will read the last section.

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

5                   ACTING PRESIDENT CARLUCCI:    Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT CARLUCCI:  
9   Senator Stavisky to explain her vote.

10                  SENATOR STAVISKY:   To explain my  
11   vote.

12                  I have sponsored and voted for  
13   alienation of parkland in the past, but in each  
14   case there was replacement parkland.  That is  
15   not the case with this legislation, and  
16   therefore I vote no.  I think it does set a very  
17   serious precedent that parkland can be sold off,  
18   and I think that is a very serious mistake.

19                  I vote no.

20                  SENATOR LIBOUS:    Mr. President, we  
21   need some order in this chamber.  There's way  
22   too much noise.

23                  ACTING PRESIDENT CARLUCCI:  
24   {Gaveling.}  The Senate will come to order.

25                  Please keep conversations outside

1 the chamber. We have important business to  
2 discuss.

3 Senator Stavisky will be recorded  
4 in the negative.

5 Are there other members wishing to  
6 explain their vote?

7 Seeing none, the Secretary will  
8 announce the result.

9 THE SECRETARY: In relation to  
10 Calendar 1455, those recorded in the negative  
11 are Senators Avella, Krueger, Montgomery,  
12 Perkins, Rivera, Sanders, Serrano and Stavisky.

13 Absent from voting: Senator  
14 Addabbo.

15 Ayes, 49. Nays, 8.

16 ACTING PRESIDENT CARLUCCI: The  
17 bill is passed.

18 Senator Libous, that completes the  
19 controversial reading of the supplemental  
20 calendar.

21 SENATOR LIBOUS: Mr. President,  
22 can we go to motions and call on Senator  
23 Valesky, please.

24 ACTING PRESIDENT CARLUCCI:  
25 Motions and resolutions.

1 Senator Valesky.

2 SENATOR VALESKY: Thank you,  
3 Mr. President.

4 On behalf of Senator Savino, on  
5 page 18 I offer the following amendments to  
6 Calendar 547, Senate Bill 6964B, and ask that  
7 said bill retain its place on the Third Reading  
8 Calendar.

9 ACTING PRESIDENT CARLUCCI: So  
10 ordered.

11 Senator Libous.

12 SENATOR LIBOUS: Mr. President,  
13 there's a previously adopted resolution,  
14 Number 5614, at the desk by Senator Kennedy. I  
15 believe he'd like it read in its entirety, and  
16 if you could call on him.

17 And if I could ask the  
18 Sergeant-at-Arms to please keep the doors  
19 closed, because we've got some activity going on  
20 out --

21 (Outburst from protestors in the  
22 gallery.)

23 SENATOR LIBOUS: Okay, so we've  
24 got some activity going on --

25 (Protestors chanting loudly.)

1                   ACTING PRESIDENT CARLUCCI:

2   Senator Breslin, why do you rise?

3                   SENATOR BRESLIN:    Mr. President,  
4   could you let us know when --

5                   (Protestors chanting loudly.)

6                   SENATOR BRESLIN:    It was funny.  
7   It isn't funny anymore.

8                   ACTING PRESIDENT CARLUCCI:  
9   Senator Libous.

10                  SENATOR LIBOUS:    Mr. President,  
11   now that we've had that refreshing display of  
12   democracy, I think Senator Kennedy -- are you  
13   set to do your resolution, Senator? Did I call  
14   it up yet?

15                  ACTING PRESIDENT CARLUCCI:    You  
16   did.

17                  SENATOR LIBOUS:    I already did it?  
18   We're good. Then let's rock and roll.

19                  ACTING PRESIDENT CARLUCCI:    The  
20   Secretary will read the resolution.

21                  THE SECRETARY:    Legislative  
22   Resolution Number 5614, by Senator Kennedy,  
23   honoring Korean War veteran Eugene Pernatt upon  
24   the occasion of his designation as recipient of  
25   a Purple Heart Award, and commending him on his

1 distinguished military service.

2 "WHEREAS, Members of the Armed  
3 Forces, who have served so valiantly and  
4 honorably in wars in which our nation's freedom  
5 was at stake, deserve a special salute from this  
6 Legislative Body; and

7 "WHEREAS, Attendant to such  
8 concern, and in full accord with its  
9 long-standing traditions, this Legislative Body  
10 is justly proud to honor Korean War veteran  
11 Eugene Pernatt upon the occasion of his  
12 designation as recipient of a Purple Heart  
13 Award, and to commend him on his distinguished  
14 military service; and

15 "WHEREAS, Established in 1782, the  
16 Purple Heart is awarded in the name of the  
17 President of the United States to any soldier  
18 who, while serving with the United States Armed  
19 Services, has been wounded or killed; one of our  
20 nation's most prestigious military honors, it is  
21 the oldest award still given to United States  
22 military members; and

23 "WHEREAS, Born in South Buffalo,  
24 New York, Eugene 'Bob' Pernatt is being  
25 recognized for his valorous actions during the

1 Korean War as part of the 3rd Infantry Division,  
2 one of the most renowned and decorated combat  
3 units during the conflict; and

4 "WHEREAS, On April 19, 1951, Eugene  
5 Pernatt was wounded in both legs when his squad  
6 came under attack; and

7 "WHEREAS, A truly valiant soldier,  
8 Eugene Pernatt has received numerous awards for  
9 his service, including the National Defense  
10 Service Medal, the Korean Service Medal with two  
11 bronze service stars, the United Nations Service  
12 Medal, and the Marksman Badge with Carbine Bar  
13 and Rifle Bar; in addition, he was awarded the  
14 Korean War Service Medal from the Republic of  
15 Korea; and

16 "WHEREAS, A loving husband and  
17 father, Eugene Pernatt and his wife, May, raised  
18 two sons, Wesley and the late Robert Pernatt;  
19 his late son, Robert, followed in his father's  
20 footsteps and served in the U.S. Army as a  
21 captain and airborne paratrooper; and

22 "WHEREAS, The banner of freedom  
23 will always wave over this great nation, the  
24 land of the free and the home of the brave; and

25 "WHEREAS, The freedoms and security

1 we cherish as Americans come at a very high  
2 price for those serving in the military in times  
3 of conflict; it is fitting and proper that we  
4 who are the beneficiaries of those who risk  
5 their lives, leaving their families behind,  
6 express our appreciation and eternal gratitude  
7 for their sacrifices and courageous acts; now,  
8 therefore, be it

9 "RESOLVED, That this Legislative  
10 Body pause in its deliberations to honor Korean  
11 War veteran Eugene Pernatt upon the occasion of  
12 his designation as recipient of a Purple Heart  
13 Award, and to commend him on his distinguished  
14 military service; and be it further

15 "RESOLVED, That a copy of this  
16 resolution, suitably engrossed, be transmitted  
17 to Eugene Pernatt."

18 ACTING PRESIDENT CARLUCCI:  
19 Senator Kennedy on the resolution.

20 SENATOR KENNEDY: Thank you,  
21 Mr. President.

22 I rise today to honor Private  
23 Eugene "Bob" Pernatt after being awarded his  
24 Purple Heart, which he earned about 63 years ago  
25 during his service in the Korean War.

1                   Private Pernatt now joins the ranks  
2   of American servicemen and women who have  
3   received the Purple Heart, one of our nation's  
4   most prestigious awards and proud honors.

5   Private Pernatt served with distinction, honor  
6   and bravery. The Purple Heart is awarded in the  
7   name of the President of the United States to  
8   any member of the armed forces who, while  
9   serving with the United States armed services,  
10   has been wounded or killed. He made great  
11   sacrifice for our nation, and now he's receiving  
12   the full recognition that he is due.

13                  Bob and his family made the trip to  
14   the State Capitol today, and they're joining us  
15   here on the Senate floor. He's joined by his  
16   son Wesley, his brother George, and his nephew  
17   Glenn.

18                  I'd like to take this time to honor  
19   the service of this great American hero. Born  
20   and raised in South Buffalo, Bob Pernatt bravely  
21   fought alongside his comrades in the 3rd  
22   Infantry Division during the Korean War. As a  
23   member of the 3rd Infantry Division, Private  
24   Pernatt proudly served with one of the most  
25   successful and decorated divisions in the Army.



1           The 3rd Infantry Division is well  
2 known for their courage, and the high cost of  
3 their bravery has been thoroughly documented.  
4 More than 2,000 members of their unit were  
5 killed in the Korean War, and nearly 8,000 were  
6 wounded. Private Pernatt was one of those  
7 soldiers wounded. On April 19, 1951, Private  
8 Pernatt's squad came under attack. As they  
9 battled against the enemy's gunfire, Private  
10 Pernatt was wounded in both of his legs.

11           After several months of recovery,  
12 Bob was finally able to return home to his  
13 worried family in South Buffalo. He came back a  
14 battle-tested veteran, an American hero.

15           After his service, Bob started a  
16 family and worked for years at National Fuel  
17 Gas. He's been a loving husband and father.  
18 Bob and his wife raised two sons, Wesley and  
19 Robert. His late son Robert followed in his  
20 father's footsteps and served in the U.S. Army  
21 as a captain and airborne paratrooper.

22           The freedoms and security we  
23 cherish as Americans come at a very high price  
24 for those that serve in the military. And it's  
25 moments like this when we should reflect on this

1     immense sacrifice that's been made by so many.  
2     They risked their lives, leaving their families  
3     behind, to fight for our nation. We must do all  
4     we can to express our deep appreciation and  
5     gratitude for all that they've done.

6                 I'm humbled to have the opportunity  
7     to honor this great hero, and we all owe a  
8     tremendous debt of gratitude for the bravery of  
9     men and women like Bob Pernatt. We must never  
10    forget the incredible service of our military  
11    men and women.

12                Thank you, Bob. May God bless you,  
13    and may God continue to bless this great State  
14    of New York and this great United States of  
15    America.

16                Thank you, Mr. President.

17                ACTING PRESIDENT CARLUCCI: Thank  
18    you, Senator Kennedy.

19                Senator Sanders on the resolution.

20                SENATOR SANDERS: I rise to join  
21    my colleague in honoring one of America's  
22    heroes.

23                As a Marine Corps veteran, we  
24    understood the battles that were fought in that  
25    war, a war that has not received much

1 recognition. Battles in the Frozen Chosin and  
2 other areas are the stuff of legend.

3 So I absolutely had to join and  
4 congratulate. And I wish your son had become a  
5 Marine, sir. But the Army Rangers of course  
6 lead the way.

7 Having said that, I thank you  
8 again, sir. And thank you for bringing such a  
9 hero before us.

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

12 Are there other members wishing to  
13 be heard on the resolution?

14 Seeing none, this resolution was  
15 previously adopted.

16 And thank you, Private Pernatt, for  
17 your service and dedication to our country.

18 (Standing ovation.)

19 ACTING PRESIDENT CARLUCCI:  
20 Senator Libous.

21 SENATOR LIBOUS: Mr. President, if  
22 you can call on Senator Serrano for an  
23 announcement.

24 ACTING PRESIDENT CARLUCCI:  
25 Senator Serrano.

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

3                   There will be an immediate meeting  
4   of the Democratic Conference in Room 315.

5                   ACTING PRESIDENT CARLUCCI:   There  
6   will be an immediate meeting of the Democratic  
7   Conference in Room 315.

8                   SENATOR LIBOUS:    Mr. President,  
9   there will be an immediate meeting of the  
10   Republican Conference in Room 332.

11                   ACTING PRESIDENT CARLUCCI:   There  
12   will be an immediate meeting of the Republican  
13   Conference in Room 332.

14                   SENATOR LIBOUS:    The Senate will  
15   stand at ease.

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

18                   (Whereupon, the Senate stood at  
19   ease at 2:44 p.m.)

20                   (Whereupon, the Senate reconvened  
21   at 3:46 p.m.)

22                   ACTING PRESIDENT CARLUCCI:   The  
23   Senate will come to order.

24                   Senator Hannon.

25                   SENATOR HANNON:    Mr. President,

1     could we alert members of the Rules Committee  
2     there will be an immediate meeting of the Rules  
3     Committee in Room 332.

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

7                 SENATOR HANNON:     Thank you.

8                 ACTING PRESIDENT CARLUCCI:     The  
9     Senate will stand at ease.

10                (Whereupon, the Senate stood at  
11     ease at 3:46 p.m.)

12                (Whereupon, the Senate reconvened  
13     at 4:07 p.m.)

14                ACTING PRESIDENT CARLUCCI:     The  
15     Senate will come to order.

16                Senator Libous.

17                SENATOR LIBOUS:     Mr. President, I  
18     believe there's a report of the Rules Committee  
19     at the desk. I ask that it be read at this  
20     time.

21                ACTING PRESIDENT CARLUCCI:     There  
22     is a report from the Rules Committee at the  
23     desk.

24                The Secretary will read.

25                THE SECRETARY:     Senator Skelos,

1 from the Committee on Rules, reports the  
2 following bills:

3 Senate Print 371A, by Senator  
4 Kennedy, an act to amend the Penal Law;

5 Senate 2745A, by Senator Golden, an  
6 act to amend the Executive Law;

7 Senate 3282, by Senator Little, an  
8 act to amend the General Obligations Law;

9 Senate 4140, by Senator Lanza, an  
10 act to amend the Vehicle and Traffic Law;

11 Senate 4341, by Senator Gallivan,  
12 an act to amend the Executive Law;

13 Senate 4756A, by Senator  
14 DeFrancisco, an act to amend the Insurance Law;

15 Senate 4814, by Senator Golden, an  
16 act to amend the Public Authorities Law;

17 Senate 5002A, by Senator Lanza, an  
18 act to amend the Transportation Law;

19 Senate 6750, by Senator Squadron,  
20 an act to amend the Executive Law;

21 Senate 6811, by Senator Maziarz, an  
22 act to amend the General Business Law;

23 Senate 6825A, by Senator Seward, an  
24 act to amend the Vehicle and Traffic Law;

25 Senate 7173B, by Senator Lanza, an

1 act to amend the General Business Law;

2 Senate 7267, by Senator Nozzolio,  
3 an act relating to part-time police officer;

4 Senate 7340, by Senator  
5 Ranzenhofer, an act to amend Chapter 549 of the  
6 Laws of 2013;

7 Senate 7382, by Senator Valesky, an  
8 act in relation to the meaning;

9 Senate 7399, by Senator LaValle, an  
10 act to authorize;

11 Senate 7478A, by Senator Hannon, an  
12 act to amend the Public Health Law;

13 Senate 7745, by Senator Valesky, an  
14 act creating;

15 Senate 7762, by Senator  
16 Ranzenhofer, an act relating to authorizing;

17 And Senate 7799A, by Senator  
18 Ranzenhofer, an act to amend Chapter 549 of the  
19 Laws of 2013.

20 All bills reported direct to third  
21 reading.

22 ACTING PRESIDENT CARLUCCI:  
23 Senator Libous.

24 SENATOR LIBOUS: Mr. President, I  
25 move to accept the report of the Rules

1 Committee.

2 ACTING PRESIDENT CARLUCCI: All in  
3 favor of accepting the Rules report please  
4 signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT CARLUCCI:  
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT CARLUCCI: The  
10 Rules report is accepted.

11 Senator Libous.

12 SENATOR LIBOUS: At this time  
13 could we take up the noncontroversial reading of  
14 Supplemental Calendar 51B, please.

15 ACTING PRESIDENT CARLUCCI: The  
16 Secretary will read.

17 THE SECRETARY: Calendar Number  
18 1460, by Senator Kennedy, Senate Print 371A, an  
19 act to amend the Penal Law.

20 ACTING PRESIDENT CARLUCCI: Read  
21 the last section.

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

24 ACTING PRESIDENT CARLUCCI: Call  
25 the roll.



1 (The Secretary called the roll.)

2 ACTING PRESIDENT CARLUCCI:

3 Announce the result.

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT CARLUCCI: The  
6 bill is passed.

7 THE SECRETARY: Senator Golden  
8 moves to discharge, from the Committee on Rules,  
9 Assembly Bill Number 4645B and substitute it for  
10 the identical Senate Bill 2745A, Third Reading  
11 Calendar 1461.

12 ACTING PRESIDENT CARLUCCI:  
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 1461, by Member of the Assembly Englebright,  
17 Assembly Print 4645B, an act to amend the  
18 Executive Law.

19 ACTING PRESIDENT CARLUCCI: Read  
20 the last section.

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

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, 58.

4                   ACTING PRESIDENT CARLUCCI:    The  
5   bill is passed.

6                   THE SECRETARY:    Calendar Number  
7   1462, by Senator Little, Senate Print 3282, an  
8   act to amend the General Obligations Law.

9                   ACTING PRESIDENT CARLUCCI:    Read  
10   the last section.

11                   THE SECRETARY:    Section 4.   This  
12   act shall take effect on the 180th day.

13                   ACTING PRESIDENT CARLUCCI:    Call  
14   the roll.

15                   (The Secretary called the roll.)

16                   ACTING PRESIDENT CARLUCCI:  
17   Announce the result.

18                   THE SECRETARY:    Ayes, 57.   Nays,  
19   1.   Senator Zeldin recorded in the negative.

20                   ACTING PRESIDENT CARLUCCI:    The  
21   bill is passed.

22                   THE SECRETARY:    Calendar Number  
23   1463, by Senator Lanza, Senate Print 4140, an  
24   act to amend the Vehicle and Traffic Law.

25                   ACTING PRESIDENT CARLUCCI:    Read

1 the last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the 60th day.

4 ACTING PRESIDENT CARLUCCI: Call  
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CARLUCCI:  
8 Announce the result.

9 THE SECRETARY: Ayes, 57. Nays,  
10 1. Senator Little recorded in the negative.

11 ACTING PRESIDENT CARLUCCI: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 1464, by Senator Gallivan, Senate Print 4341, an  
15 act to amend the Executive Law.

16 ACTING PRESIDENT CARLUCCI: Read  
17 the last section.

18 THE SECRETARY: Section 2. This  
19 act shall take effect on the 30th day.

20 ACTING PRESIDENT CARLUCCI: Call  
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT CARLUCCI:  
24 Announce the result.

25 THE SECRETARY: Ayes, 58.

1                   ACTING PRESIDENT CARLUCCI:    The  
2 bill is passed.

3                   THE SECRETARY:    Senator  
4 DeFrancisco moves to discharge, from the  
5 Committee on Rules, Assembly Bill Number 9346A  
6 and substitute it for the identical Senate Bill  
7 4756A, Third Reading Calendar 1465.

8                   ACTING PRESIDENT CARLUCCI:  
9 Substitution ordered.

10                  The Secretary will read.

11                  THE SECRETARY:    Calendar Number  
12 1465, by Member of the Assembly Morelle,  
13 Assembly Print 9346A, an act to amend the  
14 Insurance Law.

15                  ACTING PRESIDENT CARLUCCI:   Read  
16 the last section.

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

19                  ACTING PRESIDENT CARLUCCI:   Call  
20 the roll.

21                  (The Secretary called the roll.)

22                  ACTING PRESIDENT CARLUCCI:  
23 Announce the result.

24                  THE SECRETARY:    Ayes, 58.

25                  ACTING PRESIDENT CARLUCCI:   The

1 bill is passed.

2 THE SECRETARY: Senator Golden  
3 moves to discharge, from the Committee on  
4 Corporations, Authorities and Commissions,  
5 Assembly Bill Number 181 and substitute it for  
6 the identical Senate Bill 4814, Third Reading  
7 Calendar 1466.

8 ACTING PRESIDENT CARLUCCI:  
9 Substitution ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1466, by Member of the Assembly Kavanagh,  
13 Assembly Print 181, an act to amend the Public  
14 Authorities Law.

15 ACTING PRESIDENT CARLUCCI: Read  
16 the last section.

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

19 ACTING PRESIDENT CARLUCCI: Call  
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT CARLUCCI:  
23 Announce the result.

24 THE SECRETARY: Ayes, 57. Nays,  
25 1. Senator Ball recorded in the negative.

1                   ACTING PRESIDENT CARLUCCI:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 1467, by Senator Lanza, Senate Print 5002A, an  
5 act to amend the Transportation Law.

6                   ACTING PRESIDENT CARLUCCI:   Read  
7 the last section.

8                   THE SECRETARY:    Section 2.   This  
9 act shall take effect on the 60th day.

10                  ACTING PRESIDENT CARLUCCI:   Call  
11 the roll.

12                                   (The Secretary called the roll.)

13                  ACTING PRESIDENT CARLUCCI:  
14 Announce the result.

15                  THE SECRETARY:    Ayes, 57.   Nays,  
16 1.   Senator Ball recorded in the negative.

17                  ACTING PRESIDENT CARLUCCI:   The  
18 bill is passed.

19                  THE SECRETARY:    Senator Squadron  
20 moves to discharge, from the Committee on  
21 Finance, Assembly Bill Number 9006 and  
22 substitute it for the identical Senate Bill  
23 6750, Third Reading Calendar 1470.

24                  ACTING PRESIDENT CARLUCCI:  
25 Substitution ordered.

1                   The Secretary will read.

2                   THE SECRETARY:   Calendar Number  
3   1470, by Member of the Assembly Lentol,  
4   Assembly Print 9006, an act to amend the  
5   Executive Law.

6                   ACTING PRESIDENT CARLUCCI:   Read  
7   the last section.

8                   THE SECRETARY:   Section 3.  This  
9   act shall take effect one year after it shall  
10  have become a law.

11                  ACTING PRESIDENT CARLUCCI:   Call  
12  the roll.

13                  (The Secretary called the roll.)

14                  ACTING PRESIDENT CARLUCCI:  
15  Announce the result.

16                  We're on Calendar Number 1470.  
17  Announce the result.

18                  THE SECRETARY:   Ayes, 58.

19                  ACTING PRESIDENT CARLUCCI:   The  
20  bill is passed.

21                  THE SECRETARY:   Senator Maziarz  
22  moves to discharge, from the Committee on Local  
23  Government, Assembly Bill Number 5308C and  
24  substitute it for the identical Senate Bill  
25  6811, Third Reading Calendar 1471.

1                   ACTING PRESIDENT CARLUCCI:

2       Substitution ordered.

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5       1471, by Member of the Assembly Otis, Assembly  
6       Print 5308C, an act to amend the General  
7       Business Law.

8                   ACTING PRESIDENT CARLUCCI:   Read  
9       the last section.

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

12                  ACTING PRESIDENT CARLUCCI:   Call  
13       the roll.

14                  (The Secretary called the roll.)

15                  ACTING PRESIDENT CARLUCCI:  
16       Announce the result.

17                  THE SECRETARY:    Ayes, 56.   Nays,  
18       2.   Senators Little and Zeldin recorded in the  
19       negative.

20                  ACTING PRESIDENT CARLUCCI:   The  
21       bill is passed.

22                  THE SECRETARY:    Senator Seward  
23       moves to discharge, from the Committee on  
24       Transportation, Assembly Bill Number 9618A and  
25       substitute it for the identical Senate Bill



1 Number 6825A, Third Reading Calendar 1472.

2 ACTING PRESIDENT CARLUCCI:

3 Substitution ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 1472, by Member of the Assembly Lifton, Assembly  
7 Print 9618A, an act to amend the Vehicle and  
8 Traffic 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:  
17 Announce the result.

18 THE SECRETARY: Ayes, 55. Nays,  
19 3. Senators Hoylman, Perkins and Squadron  
20 recorded in the negative.

21 ACTING PRESIDENT CARLUCCI: The  
22 bill is passed.

23 THE SECRETARY: Senator Lanza  
24 moves to discharge, from the Committee on  
25 Consumer Protection, Assembly Bill Number 9396B

1 and substitute it for the identical Senate Bill  
2 7173B, Third Reading Calendar 1473.

3 ACTING PRESIDENT CARLUCCI:  
4 Substitution ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 1473, by Member of the Assembly O'Donnell,  
8 Assembly Print Number 9396B, an act to amend the  
9 General Business Law.

10 ACTING PRESIDENT CARLUCCI: Read  
11 the last section.

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

14 ACTING PRESIDENT CARLUCCI: Call  
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT CARLUCCI:  
18 Announce the result.

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT CARLUCCI: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 1474, by Senator Nozzolio, Senate Print 7267, an  
24 act relating to part-time police officer.

25 ACTING PRESIDENT CARLUCCI: There

1 is a home-rule message at the desk.

2 The Secretary will read the last  
3 section.

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

6 ACTING PRESIDENT CARLUCCI: Call  
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT CARLUCCI:  
10 Announce the result.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT CARLUCCI: The  
13 bill is passed.

14 THE SECRETARY: Senator  
15 Ranzenhofer moves to discharge, from the  
16 Committee on Corporations, Authorities and  
17 Commissions, Assembly Bill Number 9599 and  
18 substitute it for the identical Senate Bill  
19 7340, Third Reading Calendar 1475.

20 ACTING PRESIDENT CARLUCCI:  
21 Substitution ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number  
24 1475, by Member of the Assembly Brennan,  
25 Assembly Print 9599, an act to amend Chapter 549

1 of the Laws of 2013.

2 ACTING PRESIDENT CARLUCCI: Read  
3 the last section.

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

6 ACTING PRESIDENT CARLUCCI: Call  
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT CARLUCCI:  
10 Announce the result.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT CARLUCCI: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 1476, by Senator Valesky, Senate Print 7382, an  
16 act in relation.

17 ACTING PRESIDENT CARLUCCI: Read  
18 the last section.

19 THE SECRETARY: Section 4. This  
20 act shall take effect immediately.

21 ACTING PRESIDENT CARLUCCI: Call  
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT CARLUCCI:  
25 Announce the result.

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT CARLUCCI: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 1477, by Senator LaValle, Senate Print 7399, an  
6 act to authorize.

7 ACTING PRESIDENT CARLUCCI: Read  
8 the last section.

9 THE SECRETARY: Section 3. This  
10 act shall take effect immediately.

11 ACTING PRESIDENT CARLUCCI: Call  
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT CARLUCCI:  
15 Announce the result.

16 THE SECRETARY: Ayes, 57. Nays,  
17 1. Senator Gipson recorded in the negative.

18 ACTING PRESIDENT CARLUCCI: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 1478, by Senator Hannon, Senate Print 7478A, an  
22 act to amend the Public Health Law.

23 ACTING PRESIDENT CARLUCCI: Read  
24 the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 120th day.

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, 58.

8 ACTING PRESIDENT CARLUCCI: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1479, by Senator Valesky, Senate Print 7745, an  
12 act creating.

13 ACTING PRESIDENT CARLUCCI: Read  
14 the last section.

15 THE SECRETARY: Section 13. 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, 58.

23 ACTING PRESIDENT CARLUCCI: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1480, by Senator Ranzenhofer, Senate Print 7762,  
2 an act relating to authorizing.

3 ACTING PRESIDENT CARLUCCI: Read  
4 the last section.

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

7 ACTING PRESIDENT CARLUCCI: Call  
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT CARLUCCI:  
11 Announce the result.

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT CARLUCCI: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 1481, by Senator Ranzenhofer, Senate Print  
17 7799A, an act to amend Chapter 549 of the Laws  
18 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, 58.

4           ACTING PRESIDENT CARLUCCI:   The  
5   bill is passed.

6           Senator Libous, that completes the  
7   reading of Senate Supplemental Calendar 51B.

8           SENATOR LIBOUS:   Mr. President, at  
9   this time we'll stand at ease.

10          ACTING PRESIDENT CARLUCCI:   The  
11   Senate will stand at ease.

12          (Whereupon, the Senate stood at  
13   ease at 4:18 p.m.)

14          (Whereupon, the Senate reconvened  
15   at 5:20 p.m.)

16          SENATOR LIBOUS:   Mr. President.

17          ACTING PRESIDENT CARLUCCI:   The  
18   Senate will come to order.

19          Senator Libous.

20          SENATOR LIBOUS:   Could we go to  
21   motions for a minute.

22          ACTING PRESIDENT CARLUCCI:  
23   Motions and resolutions.

24          SENATOR LIBOUS:   On behalf of  
25   Senator Ball, I wish to call up his bill,



1 Senate Print 5974, recalled from the Assembly,  
2 which is now at the desk.

3 ACTING PRESIDENT CARLUCCI: The  
4 Secretary will read.

5 THE SECRETARY: Calendar Number  
6 351, by Senator Ball, Senate Print 5974, an act  
7 to amend the Highway Law.

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

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

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 58.

15 SENATOR LIBOUS: I offer up the  
16 following amendments.

17 ACTING PRESIDENT CARLUCCI: The  
18 amendments are accepted.

19 SENATOR LIBOUS: Mr. President, on  
20 Supplemental Calendar 51A, Calendar Number 1440  
21 was laid aside for the day. With unanimous  
22 consent, I'd like to bring that back for a  
23 consent calendar and have it read and acted on.

24 ACTING PRESIDENT CARLUCCI: By  
25 unanimous consent, the Secretary will read

1 Calendar 1440.

2 THE SECRETARY: Calendar Number  
3 1440, by Senator Libous, Senate Print 5986B, an  
4 act to amend Chapter 56 of the Laws of 2012.

5 ACTING PRESIDENT CARLUCCI: Read  
6 the last section.

7 THE SECRETARY: Section 5. This  
8 act shall take effect immediately.

9 ACTING PRESIDENT CARLUCCI: Call  
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT CARLUCCI:  
13 Senator Libous to explain his vote.

14 SENATOR LIBOUS: Mr. President, a  
15 question was asked of me that on this  
16 legislation if indeed there would be changes in  
17 placements in the community settings, if that  
18 would also mean that additional people would be  
19 backfilling in the facilities.

20 And I don't believe that is the  
21 case. I think the overall design here is to  
22 place people with consent into the community  
23 when there are proper community placements  
24 available.

25 I vote aye.

1                   ACTING PRESIDENT CARLUCCI:     thank  
2     you, Senator.

3                   Senator Libous to be recorded in  
4     the affirmative.

5                   The Secretary will announce the  
6     results.

7                   THE SECRETARY:     Ayes, 58.

8                   ACTING PRESIDENT CARLUCCI:     The  
9     bill is passed.

10                  SENATOR LIBOUS:     Mr. President, is  
11     there any business before the Senate, any  
12     further business at the desk?

13                  ACTING PRESIDENT CARLUCCI:  
14     Senator Libous, there is no further business at  
15     the desk.

16                  SENATOR LIBOUS:     Mr. President,  
17     there being no further business, I move that the  
18     Senate adjourn until tomorrow, Wednesday,  
19     June 18th, at 10:30 a.m.

20                  ACTING PRESIDENT CARLUCCI:     On  
21     motion, the Senate stands adjourned until  
22     tomorrow, Wednesday, June 18th, at 10:30 a.m.

23                  (Whereupon, at 5:23 p.m., the  
24     Senate adjourned.)

25