NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:11 a.m.

REGULAR SESSION

SENATOR DAVID CARLUCCI, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT CARLUCCI: The Senate will come to order.

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

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

ACTING PRESIDENT CARLUCCI: In the absence of clergy, may we please bow our heads in a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT CARLUCCI: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT CARLUCCI: Substitutions ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

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

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

But Room 332, Crime and Corrections, right now.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Libous.

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

Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President.

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

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

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

ACTING PRESIDENT CARLUCCI: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

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

ACTING PRESIDENT CARLUCCI: The amendments are accepted.

Thank you, Senator Serrano.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

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

ACTING PRESIDENT CARLUCCI: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

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

ACTING PRESIDENT CARLUCCI: The amendments are accepted.

Senator Libous.

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

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Senator Latimer.

SENATOR LATIMER: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Latimer.

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

Senator Libous.

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

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

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

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

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

ACTING PRESIDENT CARLUCCI: Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Kennedy.

Senator Stavisky on the resolution.

SENATOR STAVISKY: On the resolution, Mr. President.

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Stavisky.

The question is on the resolution.

All in favor of adopting the resolution please say aye.

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The resolution is adopted.

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

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

"WHEREAS, It is the sense of this

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

things. A job well done. Rest in peace.

Thank you.

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

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

Senator Montgomery on the resolution.

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Montgomery.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The resolution is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

I think the leader would like the

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

ACTING PRESIDENT CARLUCCI: So ordered.

Senator Libous.

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Senator Breslin on the resolution.

SENATOR BRESLIN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT CARLUCCI: Thank

you, Senator Breslin.

Are there members wishing to be heard on the resolution?

Senator Kennedy on the resolution.

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

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

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

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

(Laughter.)

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Kennedy.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The resolution is adopted.

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

(Standing ovation.)

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

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

ACTING PRESIDENT CARLUCCI: The

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

Senator Libous.

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

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

Senator Libous.

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read

the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

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

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

Thank you, Mr. President.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Krueger.

Senator Krueger, how do you vote?

SENATOR KRUEGER: No.

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

Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI:

Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

act to amend the Agriculture and Markets Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

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

Ayes, 38. Nays, 19.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank my colleagues for supporting this legislation.

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

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

Mr. President, I vote aye. Thank

you.

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

Announce the results.

THE SECRETARY: Ayes, 56. Nays. 1. Senator Zeldin recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Zeldin recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Ayes, 55. Nays, 2. Senators Ball and Zeldin recorded in the negative.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

Law.

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The

bill is passed.

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

SENATOR SERRANO: Lay it aside.

ACTING PRESIDENT VALESKY: The bill is laid aside.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read

the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

THE SECRETARY: Calendar Number

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

ACTING PRESIDENT VALESKY: Read the last section.

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

ACTING PRESIDENT VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT VALESKY: The bill is passed.

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

Senator Libous.

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

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

(Pause.)

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

ACTING PRESIDENT VALESKY: The Secretary will ring the bell.

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

(Pause.)

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: The Secretary will announce the result.

THE SECRETARY: In relation to --

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

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

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

(Pause.)

ACTING PRESIDENT CARLUCCI: The Secretary will announce the result.

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

ACTING PRESIDENT CARLUCCI: Senator Bonacic to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

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

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

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

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

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

I vote aye. Thank you, Mr. President.

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

The Secretary will announce the result.

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

Absent from voting: Senator Addabbo.

Ayes, 34. Nays, 23.

ACTING PRESIDENT CARLUCCI: The bill is passed.

Senator Libous.

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

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

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

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

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

The Senate will stand at ease.

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

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

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT CARLUCCI: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

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

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

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

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

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

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

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

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

Senate 3516A, by Senator O'Brien,

an act to amend the Vehicle and Traffic Law;

Senate 3644A, by Senator Squadron, an act to amend the Vehicle and Traffic Law;

Senate 3828, by Senator Gallivan, an act to amend the Alcoholic Beverage Control Law;

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

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

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

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

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

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

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

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

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

Senate 6558A, by Senator Hannon, an

act to amend the Vehicle and Traffic Law;

Senate 6627, by Senator Maziarz, an act to amend the Transportation Law;

Senate 6670, by Senator Seward, an act to amend the Insurance Law;

Senate 6782B, by Senator Klein, an act to amend the Insurance Law;

Senate 7139, by Senator Hannon, an act to amend the Public Health Law;

Senate 7306A, by Senator Marcellino, an act to amend the Highway Law;

Senate 7362, by Senator Carlucci, an act to amend the Vehicle and Traffic Law;

Senate 7490, by Senator Golden, an act to amend the Public Authorities Law;

Senate 7613, by Senator Marcellino, an act to amend the Vehicle and Traffic Law;

Senate 7615A, by Senator Bonacic, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

Senate 7637, by Senator Lanza, an act to amend the Public Authorities Law;

Senate 7699, by Senator Young, an act to amend the Private Housing Finance Law;

Senate 7779A, by Senator Maziarz,

an act to authorize;

Senate 7781, by Senator Carlucci, an act to authorize;

Senate 7788, by Senator Carlucci, an act in relation to authorizing;

Senate 7798, by Senator Young, an act to amend the Mental Hygiene Law;

And Senate 7850A, by Senator LaValle, an act to amend the Real Property Tax Law.

All bills reported direct to third reading.

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

ACTING PRESIDENT CARLUCCI: All in favor of accepting the report from Rules signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The Rules report is adopted.

Senator Libous.

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

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

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

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

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

(Pause.)

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT CARLUCCI: Senator Libous.

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

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

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Senator Serrano to explain his vote.

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

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

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

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

effort to help deal with this in a holistic way.

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

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

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

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

ACTING PRESIDENT CARLUCCI: Thank you, Senator Serrano.

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

Seeing none, the Secretary will announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read

the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you,

Mr. President.

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

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

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

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

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

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

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

Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

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

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

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

act to amend the Transportation Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

commencing after the 180th day.

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 56. Nays, 2. Senators Ball and Díaz recorded in the negative.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 1449, by Senator Carlucci, Senate Print 7362, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

SENATOR LIBOUS: Lay the bill aside temporarily.

ACTING PRESIDENT CARLUCCI: The bill is laid aside temporarily.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI:

Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

SENATOR SERRANO: Lay it aside.

ACTING PRESIDENT CARLUCCI: The bill is laid aside.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

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

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

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

ACTING PRESIDENT CARLUCCI: The Senate will stand at ease.

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

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

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT CARLUCCI: The Senate will come to order.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

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

ACTING PRESIDENT CARLUCCI: the Secretary will read.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

Senator Libous.

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

ACTING PRESIDENT CARLUCCI: Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President,

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The Resolution Calendar is adopted.

Senator Libous.

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

ACTING PRESIDENT CARLUCCI: The Senate will stand at ease.

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

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

ACTING PRESIDENT CARLUCCI: The Senate will come to order.

Senator Libous.

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

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

As members of the Behavioral Health

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

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

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

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

As members of the Long Island State

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT CARLUCCI: Senator DeFrancisco.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nominations carry.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I now move

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Those opposed?

(No response.)

ACTING PRESIDENT CARLUCCI: The members are hereby confirmed.

Senator DeFrancisco.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

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

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The appointments are confirmed.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

SENATOR DeFRANCISCO: I'd now move

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nominations are confirmed.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The members are confirmed.

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

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

All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

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

Preservation Commission named earlier.

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nominations are confirmed.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nominations are confirmed.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

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

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

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

for Historic Preservation named earlier.

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

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

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

Senator Squadron to explain his vote.

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Squadron.

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

Seeing none, all in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

SENATOR SQUADRON: Nay.

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

Senator DeFrancisco.

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

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

in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

Senator DeFrancisco.

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

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

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

SENATOR DEFRANCISCO: I move the nomination.

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

Senator Breslin to speak on the nomination.

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

ACTING PRESIDENT CARLUCCI: So ordered.

SENATOR BRESLIN: Thank you, Mr. President.

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The nomination is confirmed.

Senator Libous.

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

And I believe it would be Calendar

Number 1455, by Senator Maziarz.

ACTING PRESIDENT CARLUCCI: The Secretary will ring the bell.

The Secretary will read Calendar Number 1455.

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

SENATOR KRUEGER: Explanation.

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

Senator Maziarz to give an explanation.

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

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

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

acquire this particular land.

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

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

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

Senator Maziarz to continue.

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Maziarz.

Senator Krueger on the bill.

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

ACTING PRESIDENT CARLUCCI: Does the sponsor yield?

SENATOR MAZIARZ: Certainly, Mr. President.

ACTING PRESIDENT CARLUCCI: Senator Krueger, the sponsor yields.

SENATOR KRUEGER: I appreciate the explanation.

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

ACTING PRESIDENT CARLUCCI: Senator Maziarz.

SENATOR MAZIARZ: I believe there

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

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

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT CARLUCCI: The sponsor yields.

Senator Krueger.

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

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

ACTING PRESIDENT CARLUCCI: Senator Maziarz.

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

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

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

ACTING PRESIDENT CARLUCCI: Senator Krueger.

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

ACTING PRESIDENT CARLUCCI: The sponsor yields?

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT CARLUCCI: Senator Krueger.

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

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

ACTING PRESIDENT CARLUCCI:

Senator Maziarz.

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

ACTING PRESIDENT CARLUCCI: Senator Krueger.

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

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT CARLUCCI: The sponsor yields.

Senator Krueger.

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

ACTING PRESIDENT CARLUCCI: Senator Maziarz.

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

several years, Senator.

ACTING PRESIDENT CARLUCCI: Senator Krueger.

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

SENATOR MAZIARZ: Certainly, Mr. President.

ACTING PRESIDENT CARLUCCI: The sponsor yields.

Senator Krueger.

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

ACTING PRESIDENT CARLUCCI: Senator Maziarz.

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

ACTING PRESIDENT CARLUCCI: Senator Krueger.

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

yield.

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

ACTING PRESIDENT CARLUCCI: Thank you, Senator Maziarz.

SENATOR MAZIARZ: And I will continue to yield.

ACTING PRESIDENT CARLUCCI: The sponsor yields.

Senator Krueger.

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

ACTING PRESIDENT CARLUCCI: Senator Maziarz.

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

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

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

ACTING PRESIDENT CARLUCCI: Senator Krueger.

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

ACTING PRESIDENT CARLUCCI: Senator Krueger on the bill.

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

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

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

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

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

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

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

And again, saying that they

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

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

I'll vote no, Mr. President.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Krueger.

Senator Krueger to be recorded in the negative.

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

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

(Pause.)

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

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Senator Stavisky to explain her vote.

SENATOR STAVISKY: To explain my vote.

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

I vote no.

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

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

Please keep conversations outside

the chamber. We have important business to discuss.

Senator Stavisky will be recorded in the negative.

Are there other members wishing to explain their vote?

Seeing none, the Secretary will announce the result.

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

Absent from voting: Senator Addabbo.

Ayes, 49. Nays, 8.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

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

ACTING PRESIDENT CARLUCCI: Motions and resolutions.

Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

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

ACTING PRESIDENT CARLUCCI: So ordered.

Senator Libous.

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

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

(Outburst from protestors in the gallery.)

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

(Protestors chanting loudly.)

ACTING PRESIDENT CARLUCCI: Senator Breslin, why do you rise?

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

(Protestors chanting loudly.)

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

ACTING PRESIDENT CARLUCCI: Senator Libous.

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

ACTING PRESIDENT CARLUCCI: You did.

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

ACTING PRESIDENT CARLUCCI: The Secretary will read the resolution.

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

distinguished military service.

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

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

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

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

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

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

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

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

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

"WHEREAS, The freedoms and security

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

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

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

ACTING PRESIDENT CARLUCCI: Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you, Mr. President.

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

Private Pernatt now joins the ranks of American servicemen and women who have received the Purple Heart, one of our nation's most prestigious awards and proud honors. Private Pernatt served with distinction, honor and bravery. The Purple Heart is awarded in the name of the President of the United States to any member of the armed forces who, while serving with the United States armed services, has been wounded or killed. He made great sacrifice for our nation, and now he's receiving the full recognition that he is due.

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT CARLUCCI: Thank you, Senator Kennedy.

Senator Sanders on the resolution.

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

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

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

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

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

ACTING PRESIDENT CARLUCCI: Thank you, Senator Sanders.

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

Seeing none, this resolution was previously adopted.

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

(Standing ovation.)

ACTING PRESIDENT CARLUCCI: Senator Libous.

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

ACTING PRESIDENT CARLUCCI: Senator Serrano.

SENATOR SERRANO: Thank you, Mr. President.

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

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

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

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

SENATOR LIBOUS: The Senate will stand at ease.

ACTING PRESIDENT CARLUCCI: The Senate will stand at ease.

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

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

ACTING PRESIDENT CARLUCCI: The Senate will come to order.

Senator Hannon.

SENATOR HANNON: Mr. President,

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

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

SENATOR HANNON: Thank you.

ACTING PRESIDENT CARLUCCI: The Senate will stand at ease.

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

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

ACTING PRESIDENT CARLUCCI: The Senate will come to order.

Senator Libous.

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

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

The Secretary will read.

THE SECRETARY: Senator Skelos,

from the Committee on Rules, reports the following bills:

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

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

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

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

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

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

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

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

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

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

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

Senate 7173B, by Senator Lanza, an

act to amend the General Business Law;

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

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

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

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

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

Senate 7745, by Senator Valesky, an act creating;

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

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

All bills reported direct to third reading.

ACTING PRESIDENT CARLUCCI: Senator Libous.

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

Committee.

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

(Response of "Aye.")

ACTING PRESIDENT CARLUCCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CARLUCCI: The Rules report is accepted.

Senator Libous.

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read

the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The

bill is passed.

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

ACTING PRESIDENT CARLUCCI: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

Number 6825A, Third Reading Calendar 1472.

ACTING PRESIDENT CARLUCCI: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1472, by Member of the Assembly Lifton, Assembly Print 9618A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

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

ACTING PRESIDENT CARLUCCI: Substitution ordered.

The Secretary will read.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: There

is a home-rule message at the desk.

The Secretary will read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Substitution ordered.

The Secretary will read.

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

of the Laws of 2013.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

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

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the 120th day.

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

THE SECRETARY: Calendar Number 1481, by Senator Ranzenhofer, Senate Print 7799A, an act to amend Chapter 549 of the Laws of 2013.

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

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

ACTING PRESIDENT CARLUCCI: The Senate will stand at ease.

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

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

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT CARLUCCI: The Senate will come to order.

Senator Libous.

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

ACTING PRESIDENT CARLUCCI: Motions and resolutions.

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

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

ACTING PRESIDENT CARLUCCI: The Secretary will read.

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

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

ACTING PRESIDENT CARLUCCI: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

SENATOR LIBOUS: I offer up the following amendments.

ACTING PRESIDENT CARLUCCI: The amendments are accepted.

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

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

Calendar 1440.

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

ACTING PRESIDENT CARLUCCI: Read the last section.

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

ACTING PRESIDENT CARLUCCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CARLUCCI: Senator Libous to explain his vote.

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

And I don't believe that is the case. I think the overall design here is to place people with consent into the community when there are proper community placements available.

I vote aye.

ACTING PRESIDENT CARLUCCI: thank you, Senator.

Senator Libous to be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT CARLUCCI: The bill is passed.

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

ACTING PRESIDENT CARLUCCI: Senator Libous, there is no further business at the desk.

SENATOR LIBOUS: Mr. President, there being no further business, I move that the Senate adjourn until tomorrow, Wednesday, June 18th, at 10:30 a.m.

ACTING PRESIDENT CARLUCCI: On motion, the Senate stands adjourned until tomorrow, Wednesday, June 18th, at 10:30 a.m.

(Whereupon, at 5:23 p.m., the Senate adjourned.)