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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 11, 2016

3:13 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

FRANCIS W. PATIENCE, Secretary

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

2 THE PRESIDENT: The Senate will
3 come to order.

4 I ask everyone present to please
5 rise for the Pledge of Allegiance as we have the
6 presentation of colors.

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

9 (Whereupon, the Color Guard entered
10 the chamber, advanced to the front and posted
11 the colors.)

12 THE PRESIDENT: I ask everyone
13 present to please repeat with me the Pledge of
14 Allegiance to our Flag.

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

17 THE PRESIDENT: In the absence of
18 any clergy, I ask everyone present to bow their
19 heads for a moment of silent prayer.

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

22 THE PRESIDENT: Please remain
23 standing while the Color Guard exits.

24 (Whereupon, the Color Guard
25 retrieved the colors and exited the chamber).

1 THE PRESIDENT: The reading of the
2 Journal.

3 THE SECRETARY: In Senate, Sunday,
4 January 10th, the Senate met pursuant to
5 adjournment. The Journal of Saturday,
6 January 9th, was read and approved. On motion,
7 Senate adjourned.

8 THE PRESIDENT: Without objection,
9 the Journal stands approved as read.

10 Presentation of petitions.

11 Messages from the Assembly.

12 Messages from the Governor.

13 Reports of standing committees.

14 Reports of select committees.

15 Communications and reports from
16 state officers.

17 Motions and resolutions.

18 Senator DeFrancisco.

19 SENATOR DeFRANCISCO: Yes, I have
20 several motions.

21 Madam President, I move that the
22 following bill be discharged from its respective
23 committee and be recommitted with instructions
24 to strike the enacting clause: Senate Bill
25 5809B, by Senator Ritchie.

1 THE PRESIDENT: So ordered.

2 SENATOR DeFRANCISCO: I'd also
3 request that this bill be discharged from its
4 respective committee and be recommitted with
5 instructions to strike the enacting clause:
6 Senator Lanza's bill, S3848.

7 THE PRESIDENT: So ordered.

8 SENATOR DeFRANCISCO: And I move
9 that the following bills be discharged from
10 their respective committees and be recommitted
11 with instructions to strike the enacting clause
12 as well: Senator Marchione, Senate 1196,
13 Senate 1198, and Senate 5839.

14 THE PRESIDENT: So ordered.

15 SENATOR DeFRANCISCO: Thank you.
16 Could you please recognize Senator
17 Gianaris for motions.

18 THE PRESIDENT: Senator Gianaris.

19 SENATOR GIANARIS: Thank you,
20 Madam President.

21 On behalf of Senator Rivera, I move
22 the following bill be discharged from its
23 respective committee and be recommitted with
24 instructions to strike the enacting clause:
25 Senate Bill 381A.

1 And on behalf of Senator Addabbo, I
2 move that the following bills be discharged from
3 their respective committees and be recommitted
4 with instructions to strike the enacting clause:
5 Senate Bills 2499, 3006, 3207, 3958, and 4539.

6 THE PRESIDENT: So ordered.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: Would you now
9 recognize Senator Valesky.

10 THE PRESIDENT: Senator Valesky.

11 SENATOR VALESKY: Thank you, Madam
12 President.

13 I move at this time that the
14 following bill be discharged from its respective
15 committee and be recommitted with instructions to
16 strike the enacting clause: Senator Carlucci's
17 bill, 5974A.

18 THE PRESIDENT: So ordered.

19 Senator DeFrancisco.

20 SENATOR DeFRANCISCO: Yes, can we
21 now take up Privileged Resolution Number 3237, by
22 Senator LaValle and Senator Seward. Please read
23 it in its entirety and then call on each of those
24 Senators, if you would, please.

25 THE PRESIDENT: The Secretary will

1 read.

2 THE SECRETARY: Resolution Number
3 3237, by Senators LaValle and Seward, commending
4 the Civil Air Patrol-New York Wing Suffolk Cadet
5 Squadron 10 Color Guard upon the occasion of
6 presenting the colors at the start of the session
7 of the New York State Senate.

8 "WHEREAS, It is the sense of this
9 Legislative Body to recognize that the quality
10 and character of life in the communities across
11 New York State are reflective of the concerned
12 and dedicated efforts of those organizations and
13 individuals who are devoted to the welfare of the
14 community and its citizenry; and

15 "WHEREAS, Attendant to such concern,
16 and in full accord with its long-standing
17 traditions, this Legislative Body is justly proud
18 to commend the Suffolk Cadet Squadron 10 Color
19 Guard from the Civil Air Patrol-New York Wing
20 upon the occasion of presenting the colors at the
21 start of the session of the New York State
22 Senate, to be held at the New York State Capitol
23 in Albany, New York; and

24 "WHEREAS, The Civil Air Patrol
25 enjoys a proud legacy of selfless sacrifice and

1 service to country and community that spans
2 decades; the organization was born one week prior
3 to the Japanese attack on Pearl Harbor; and whose
4 members serving in World War Two were awarded the
5 Congressional Gold Medal; and

6 "WHEREAS, Thousands of volunteer
7 members of the Civil Air Patrol answered
8 America's call to national service and sacrifice
9 by accepting and performing critical wartime
10 missions; and

11 "WHEREAS, On July 1, 1946, President
12 Harry S. Truman signed Public Law 476
13 incorporating the Civil Air Patrol as a
14 benevolent, nonprofit organization; on May 26,
15 1948, Congress passed Public Law 557 permanently
16 establishing the Civil Air Patrol as the
17 auxiliary of the new United States Air Force; and

18 "WHEREAS, Three primary mission
19 areas were set forth at the inception of the
20 Civil Air Patrol: aerospace education, cadet
21 programs, and emergency services; and

22 "WHEREAS, Today, the Civil Air
23 Patrol handles 90 percent of inland search and
24 rescue missions, with approximately 75 lives
25 saved each year; its members are generally the

1 first on the scene, transmitting aerial digital
2 images along with providing disaster relief and
3 emergency services following natural and manmade
4 disasters, including such events as 9/11,
5 Hurricane Katrina, Hurricane Irene, Tropical
6 Storm Lee, Texas and Oklahoma wildfires,
7 tornadoes in the south and central United States,
8 North Dakota flash flooding and the October 2006
9 earthquake in Hawaii, as well as humanitarian and
10 homeland security missions along the United
11 States and Mexico border; and

12 "WHEREAS, In response to the
13 devastating effects of Hurricane Sandy, the Civil
14 Air Patrol's New York Wing promptly reacted by
15 flying 373 damage assessment sorties and
16 providing 143,360 aerial photographs to New York
17 disaster relief organizations, FEMA, and the
18 Army Corps of Engineers; providing air
19 transportation throughout the affected region for
20 disaster response teams; deploying 30 volunteers
21 to assist with shelter operations conducted by
22 the New York City Office of Emergency Management;
23 and installing 40 volunteers to assist the
24 Red Cross with the logistics of relief supplies;
25 and

1 "WHEREAS, In addition, Civil Air
2 Patrol members are dedicated to counterdrug
3 reconnaissance and to teaching a new generation
4 about aerospace and its impact on our future; its
5 cadet programs ensure our youth receive the
6 finest leadership training the nation has to
7 offer; and

8 "WHEREAS, The members from the
9 Suffolk Cadet Squadron 10 Color Guard Civil Air
10 Patrol-New York Wing include: Derek Profit,
11 C/Capt.; Michael Russo, C/2nd Lt.; Alison
12 Shumway, C/CMSgt.; Kevin Smith, C/CMSgt.;
13 Kyle Velez, C/CMSgt.; Nick Molinelli, C/SMSgt.;
14 Nicholas Volpe, C/MSgt.; Andrew Balistreri,
15 Lt. Col.; Joseph Volpe, Capt.; Andreas Niens,
16 1st Lt.; and New York Wing Staff Steven Perta,
17 Colonel; Thomas Carello, Lt. Col.; Andrew Liddle,
18 Lt. Col.; Patrick Magee, Lt. Col.; Gerald
19 Marketos, Lt. Col.; and Benjamin Nodar, Lt. Col.;
20 and

21 "WHEREAS, The Civil Air Patrol makes
22 a huge impact each and every day, going above and
23 beyond to make a profound difference in America's
24 communities; and

25 "WHEREAS, This occasion presents a

1 unique opportunity for this Legislative Body to
2 recognize and pay tribute to the members of the
3 Civil Air Patrol-New York Wing Suffolk Cadet
4 Squadron 10 Color Guard; and

5 "WHEREAS, It is the sense of this
6 Legislative Body that when organizations of such
7 noble aims and accomplishments are brought to our
8 attention, they should be recognized by all the
9 citizens of this great Empire State; now,
10 therefore, be it

11 "RESOLVED, That this Legislative
12 Body pause in its deliberations to commend the
13 Civil Air Patrol-New York Wing Suffolk Cadet
14 Squadron 10 Color Guard and its members upon the
15 occasion of presenting the colors at the start of
16 the session of the New York State Senate; and be
17 it further

18 "RESOLVED, That copies of this
19 resolution, suitably engrossed, be transmitted to
20 Colonel Steven Perta, New York Wing commander,
21 Civil Air Patrol, and the aforementioned members
22 of the Suffolk Cadet Squadron 10 Color Guard
23 Civil Air Patrol-New York Wing."

24 THE PRESIDENT: Senator LaValle on
25 the resolution.

1 SENATOR LaVALLE: Thank you,
2 Madam President.

3 I certainly, with the entire Senate,
4 want to thank the cadets for coming today, for
5 presenting the colors, and also want to thank you
6 for your service that is called upon by the
7 federal, state, and local agencies. Whether it
8 be homeland security or disaster relief or drug
9 interdiction missions, we want to thank you for
10 that service.

11 Obviously the work that you do
12 requires very special qualities to be a
13 successful cadet. And once achieved, these
14 qualities assist you being successful in life
15 today and in the future.

16 One of the things I came across was
17 the pledge that you make, and I just want to cite
18 it: "I pledge to serve faithfully in the Civil
19 Air Patrol Cadet Program and that I will attend
20 meetings regularly, participate actively in unit
21 activities, obey my officers, wear my uniform
22 properly, and advance my education and training
23 rapidly to prepare myself to be of service to my
24 community and to my nation."

25 And we can't thank you enough for

1 the responsibility that you take in making sure
2 that your local community is protected, and the
3 work that you do. Again, hopefully this will put
4 you in good stead in your future life. And we
5 wish you good luck in the future, but we thank
6 you today for your service and thank you again
7 for coming.

8 THE PRESIDENT: Are there any other
9 Senators wishing to be heard on the resolution?

10 Hearing none, the question is on the
11 resolution. All in favor signify by saying aye.

12 (Response of "Aye.")

13 THE PRESIDENT: Opposed, nay.

14 (No response.)

15 THE PRESIDENT: The ayes have it.

16 The resolution is adopted.

17 Mr. Floor Leader.

18 SENATOR DeFRANCISCO: Madam
19 President, there's another privileged resolution
20 at the desk, Number 3238, by Senator Seward.
21 Could you just read the short title and recognize
22 Senator Seward.

23 THE PRESIDENT: The Secretary will
24 read.

25 THE SECRETARY: Legislative

1 Resolution Number 3238, by Senator Seward,
2 commending Lieutenant Colonel Andrew J. Liddle
3 for his many years of service to the New York
4 State Civil Air Patrol.

5 THE PRESIDENT: Senator Seward on
6 the resolution.

7 SENATOR SEWARD: Thank you,
8 Madam President.

9 I'm very pleased to stand in support
10 of this resolution. You know, we have a
11 wonderful new tradition, here in the Senate, of
12 one of the early days of our session to have the
13 Civil Air Patrol cadets coming here to present
14 the colors.

15 And I'm very sorry that Lieutenant
16 Colonel Andrew Liddle, who's a constituent of
17 mine, who was very key in initiating this
18 tradition a few years ago, is not able to be with
19 us today for health reasons.

20 But I'm very pleased to sponsor this
21 resolution commending Lieutenant Colonel Andrew
22 Liddle.

23 You know, we mainly think of the
24 Civil Air Patrol as being of great assistance to
25 New Yorkers, the New York Wing here in New York,

1 at a time when we need them most, whether it's a
2 search and rescue mission or a time of natural
3 disaster or even a manmade disaster. The Civil
4 Air Patrol is always there working on behalf of
5 New Yorkers and helping to protect us, fulfilling
6 important roles in the most recent years from the
7 disasters of 9/11 to Hurricane Sandy. Whatever
8 it is, the Civil Air Patrol is there to be of
9 assistance to New Yorkers.

10 But one of the additional services
11 that they provide is sponsoring the cadet
12 program, which is a wonderful program which is
13 designed for young adults and is aimed at helping
14 them to develop essential life skills and to
15 instill such values as teamwork, personal
16 integrity, leadership, respect, self-confidence,
17 and the list goes on. All great qualities that
18 will assist these cadets throughout their entire
19 life.

20 And this resolution before us, in
21 honoring Lieutenant Colonel Andrew Liddle -- who
22 as I said earlier was so instrumental in bringing
23 the cadets to us a few years ago for the
24 presentation of the colors -- he himself has had
25 a distinguished career as a New Yorker.

1 He graduated from the New York
2 Rangers School of the New York State College of
3 Forestry. After graduation, he attended the
4 New York State Police Academy here in Albany, and
5 in 1966 he successfully completed the New York
6 State Instructor Development Program.

7 He went on to serve his country as a
8 member of the United States Air Force. And
9 during his time in the military he graduated from
10 many Air Force colleges, completing various
11 courses which would enable him to become a strong
12 leader in our state. And throughout the years,
13 Andy Liddle held numerous positions in various
14 fields, utilizing his vast education and
15 experience.

16 In 1999, Andy Liddle became
17 affiliated with the Civil Air Patrol, holding the
18 title of United States Air Force Auxiliary
19 Lieutenant Colonel. And throughout his tenure he
20 acted as the government relations advisor to both
21 the New York Wing and the entire Northeast
22 Region.

23 And I'm very sorry he's not able to
24 be with us today for health reasons. But we,
25 through this resolution that we are adopting

1 today, this body sends to Lieutenant Colonel
2 Liddle our very best wishes and our deep respect
3 and admiration for his many years of service,
4 both as a New Yorker and particularly his service
5 through the Civil Air Patrol.

6 Madam President, I vote aye.

7 THE PRESIDENT: Thank you, Senator.

8 Senator Griffo on the resolution.

9 SENATOR GRIFFO: Thank you,
10 Madam President.

11 I want to join Senator Seward and
12 Senator LaValle in first commending Lieutenant
13 Colonel Liddle. As Senator Seward indicated, he
14 has had an exceptional career, and he's just an
15 extraordinary individual who's devoted himself to
16 our country and this state.

17 I also want to welcome all the
18 members of the Civil Air Patrol that are here
19 today. We appreciate that dedication and that
20 commitment and service that you have to our
21 nation, to the state, and to all of the
22 communities from which you come. Because this is
23 an important position and role that you have
24 undertaken willingly, and it will position you
25 well for any future endeavors. And we look to

1 you to be leaders of the future.

2 Also to all of the military leaders
3 who are here today, particularly to Lieutenant
4 Colonel Marketos, from my district, and
5 Wing Commander Colonel Steve Perta, thank you
6 very much for your leadership and your
7 involvement. It is so important and essential
8 not only for the Civil Air Patrol but for what we
9 all do here in this Legislature and as a
10 community and state as a whole. So I want to
11 thank you for that.

12 And Colonel Perta, he does double
13 duty, Lieutenant Governor. Not only is he
14 serving our country, but he's an employee of the
15 State of New York working at SUNY Poly. So we
16 appreciate his good work on state service as well
17 as at the Civil Air Patrol.

18 Thank you very much, and welcome.

19 THE PRESIDENT: Thank you, Senator.

20 Senator Hassell-Thompson on the
21 resolution.

22 SENATOR HASSELL-THOMPSON: Thank
23 you, Madam President.

24 I rise to congratulate Lieutenant
25 Colonel Liddle, but also to state for the record

1 that as a former Civil Air Patrol cadet, I'm very
2 proud of this organization. Also I'm very proud
3 of the State of New York that it has finally put
4 them into the budget, as a recognition of the
5 work and the importance of what they do.

6 So I want to commend each of the
7 cadets and certainly send my regards and healing
8 message to the Lieutenant Colonel that he wasn't
9 able to be with us today. And thank you to the
10 sponsors of this resolution.

11 Thank you, Madam President.

12 THE PRESIDENT: Thank you, Senator.

13 Seeing no other members wishing to
14 speak, the question is on the resolution. All in
15 favor signify by saying aye.

16 (Response of "Aye.")

17 THE PRESIDENT: Opposed, nay.

18 (No response.)

19 THE PRESIDENT: The resolution is
20 adopted.

21 Mr. Floor Leader.

22 SENATOR DeFRANCISCO: Madam
23 President, I'd like to call an immediate meeting
24 of the Rules Committee in Room 332.

25 THE PRESIDENT: Immediate meeting

1 of the Rules Committee in Room 332 of the
2 Capitol.

3 The Senate will stand at ease.

4 (Whereupon, the Senate stood at ease
5 at 3:36 p.m.)

6 (Whereupon, the Senate reconvened at
7 4:01 p.m.)

8 ACTING PRESIDENT GRIFFO: The
9 Senate will come to order.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Can we please
12 return to reports of standing committees for the
13 report of the Rules Committee.

14 ACTING PRESIDENT GRIFFO: The
15 Senate will return to reports of standing
16 committees.

17 There is a report of the
18 Rules Committee at the desk. The Secretary will
19 read.

20 THE SECRETARY: Senator Flanagan,
21 from the Committee on Rules, reports the
22 following bills:

23 Senate Print 1976A, by Senator
24 Golden, an act to amend the Tax Law;

25 Senate 2722B, by Senator Griffo, an

1 act to amend the Legislative Law;

2 Senate 5507, by Senator Robach, an

3 act to amend the State Finance Law;

4 Senate 6377, by Senator Flanagan, an

5 act to amend the Education Law;

6 Senate 6378, by Senator Martins, an

7 act to amend the State Finance Law;

8 Senate 6379, by Senator Farley, an

9 act to amend the Business Corporation Law;

10 Senate 6380, by Senator Carlucci, an

11 act to amend the Correction Law;

12 Senate 6381, by Senator Little, an

13 act to repeal certain provisions of the Arts and
14 Cultural Affairs Law;

15 Senate 6382, by Senator Marchione,

16 an act to amend the State Law;

17 Senate 6383, by Senator Flanagan, an

18 act to amend the General Business Law;

19 Senate 6384, by Senator Amedore, an

20 act to amend the Social Services Law;

21 Senate 6385, by Senator LaValle, an

22 act to amend the Real Property Tax Law;

23 Senate 6386, by Senator Carlucci, an

24 act to amend Chapter 584 of the Laws of 2015;

25 Senate 6387, by Senator Martins, an

1 act to amend the State Finance Law;

2 Senate 6388, by Senator Lanza, an

3 act to amend the General City Law;

4 Senate 6389, by Senator Felder, an

5 act to amend the Family Court Act;

6 Senate 6390, by Senator Murphy, an

7 act to amend the Social Services Law;

8 Senate 6391, by Senator Marcellino,

9 an act to amend Chapter 672 of the Laws of 1993;

10 Senate 6392, by Senator Little, an

11 act to amend the Insurance Law;

12 Senate 6393, by Senator Seward, an

13 act to amend the Insurance Law;

14 Senate 6394, by Senator Ranzenhofer,

15 an act to amend the Public Authorities Law;

16 Senate 6395, by Senator Seward, an

17 act to amend the Insurance Law;

18 Senate 6396, by Senator Larkin, an

19 act to amend the Navigation Law;

20 Senate 6397, by Senator Carlucci, an

21 act to amend the Mental Hygiene Law;

22 Senate 6398, by Senator Seward, an

23 act to amend Chapter 412 of the Laws of 2015;

24 Senate 6399, by Senator Ritchie, an

25 act to amend Chapter 587 of the Laws of 2015;

1 Senate 6420, by Senator Croci, an
2 act to amend the Executive Law;

3 Senate 6421, by Senator Funke, an
4 act to amend the Public Health Law;

5 Senate 6422, by Senator Avella, an
6 act to amend the Vehicle and Traffic Law;

7 Senate 6423, by Senator Ranzenhofer,
8 an act to amend the Real Property Tax Law;

9 Senate 6424, by Senator Bonacic, an
10 act to amend Chapter 510 of the Laws of 2013;

11 Senate 6425, by Senator Croci, an
12 act to amend the General Municipal Law;

13 Senate 6426, by Senator Serrano, an
14 act to amend Chapter 899 of the Laws of 1984;

15 Senate 6427, by Senator Lanza, an
16 act to amend the Real Property Tax Law;

17 Senate 6428, by Senator Avella, an
18 act to amend the General Business Law; and

19 Senate 6429, by Senator Seward, an
20 act to amend the Insurance Law and Chapter 581 of
21 the Laws of 2015.

22 All bills reported direct to third
23 reading.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco.

1 SENATOR DeFRANCISCO: I move to
2 accept the Rules Committee agenda.

3 ACTING PRESIDENT GRIFFO: The
4 Committee on Rules report is before the house.
5 All in favor signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO: Opposed?

8 (No response.)

9 ACTING PRESIDENT GRIFFO: The
10 report is accepted.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Yes, now I'd
13 like to go to Calendar Number 5, Senate 1976A, by
14 Senator Golden.

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number 5,
18 by Senator Golden, Senate Print 1976A, an act to
19 amend the Tax Law.

20 SENATOR GIANARIS: Lay it aside.

21 ACTING PRESIDENT GRIFFO: Lay the
22 bill aside.

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: At this time
25 I'd like to have the controversial reading of

1 that bill.

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

4 The Secretary will read.

5 THE SECRETARY: Calendar Number 5,
6 by Senator Golden, Senate Print 1976A, an act to
7 amend the Tax Law.

8 ACTING PRESIDENT GRIFFO: Senator
9 Krueger.

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

12 So this is the same bill we've seen
13 and I believe passed in this house I don't even
14 know how many times now, since we tend to pass
15 bills over and over again as one-house bills.

16 I continue to object to this bill.
17 It would be establishing a radically higher tax
18 deduction for a certain form of philanthropic
19 giving, leaving the State of New York with a
20 situation where philanthropic giving for most
21 nonprofit purposes would have X percentage for
22 tax deductibility and for this purpose having
23 something like 10, 20, 30 times that tax
24 deductibility. So as a precedent, it's a
25 dangerous one of uneven treatment under the law

1 for charitable giving.

2 Second, it actually moves taxpayers'
3 dollars away from the state to determine where
4 they ought to go and into selected private
5 educational facilities, directed by the donor. I
6 don't think that's how we ought to fund education
7 in the State of New York with taxpayers' dollars.

8 It challenges a series of
9 potentially constitutional questions about uses
10 of public monies for religious purposes which
11 have never been fully addressed in all the
12 different debates that we have had in this house.

13 I suspect this won't be the last
14 time I see this bill this year. I hope before
15 the next time I see it we try something called
16 the committee process, where it goes through
17 appropriate committees. I would think this bill
18 ought to go through, at minimum, the
19 Investigations Committee, because it's a tax
20 bill; the Education Committee, because it
21 directly impacts education; and the Finance
22 Committee, because it's taking of state taxpayer
23 money.

24 So maybe we will have committees
25 evaluate this bill. Maybe this is even the kind

1 of bill we ought to be requiring a hearing on,
2 because it is such a controversial topic that has
3 been floating around now for several years.

4 So I'm going to vote no,
5 Mr. President, and urge my colleagues to take
6 seriously my challenge that we function like a
7 legislative body ought to. It's only day one --
8 well, I guess if you count last week, it's day
9 two. We have time to do a committee process on
10 important complex bills. We have time to do
11 public hearings. This bill cries out for exactly
12 that.

13 Thank you, Mr. President.

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Senator Krueger.

16 Seeing and hearing no other Senator
17 that wishes to be heard, debate is closed and the
18 Secretary will ring the bell.

19 Read the last section.

20 THE SECRETARY: Section 12. This
21 act shall take effect immediately.

22 ACTING PRESIDENT GRIFFO: The
23 Secretary will call the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT GRIFFO: Some

1 order in the house, please.

2 Senator Montgomery to explain her
3 vote.

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

6 Whereas the New York State
7 Legislature and New York State already spends
8 funds on health and mental health services for
9 private and parochial schools, on welfare, social
10 services, on food services, on textbook and
11 transportation aid, and whereas this bill will
12 cost the State of New York \$675 million in
13 education funding over the next three years, I am
14 voting no on this legislation.

15 ACTING PRESIDENT GRIFFO: Senator
16 Montgomery to be recorded in the negative.

17 Senator Hoylman to explain his vote.

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

20 I'll be voting no. I think it's
21 wrong to give some of the wealthiest New Yorkers
22 almost a dollar-for-dollar tax credit, up to
23 90 percent of their \$1 million contribution, not
24 just to religious schools, which many of us
25 understand and sympathize are struggling, but to

1 some of the wealthiest, most elite schools in the
2 State of New York -- the Brearleys, the Trinitys,
3 the Horace Manns. That's not right.

4 I'll be voting against it,
5 Mr. President, also because there is a deficit
6 that the State of New York owes the New York
7 public school system to the tune of \$4 billion
8 that is still owed from the Campaign for Fiscal
9 Equity lawsuit.

10 So for those reasons, I'll be voting
11 no. Thank you.

12 ACTING PRESIDENT GRIFFO: Senator
13 Hoylman to be recorded in the negative.

14 Senator Sanders to explain his vote.

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

17 Welcome back to everyone who I
18 haven't said welcome back to.

19 I wish that this bill were not one
20 of the first to come out the gate. I wish that
21 we had gone through the committee processes so
22 that we could speak about it. I wish that we
23 could work with some type of collaboration to
24 figure out how do we do these things if we are to
25 do them.

1 I am concerned, however, about the
2 amount of money that is owed to schools under
3 laws that we are supposed to be paying and yet we
4 are not paying. I believe the figure is
5 \$4 billion and growing. Under those conditions,
6 before we can start speaking about taking away
7 more money out of the kitty, we need to speak
8 about paying what we owe.

9 So if there had been more
10 collaboration, perhaps even I could have gotten
11 to the place. But there wasn't, so I must vote
12 no on this one. Thank you.

13 ACTING PRESIDENT GRIFFO: Senator
14 Sanders to be recorded in the negative.

15 Senator Stavisky to explain her
16 vote.

17 SENATOR STAVISKY: Yes, thank you,
18 Mr. President.

19 I will vote no on this bill because
20 I think it has very significant constitutional
21 issues, particularly as it involves Article 10 or
22 Article 11, Section 3, the prohibition on using
23 aid directly or indirectly for nonpublic schools.

24 Thank you, Mr. President.

25 ACTING PRESIDENT GRIFFO: Senator

1 Stavisky to be recorded in the negative.

2 Senator Panepinto to explain his
3 vote.

4 SENATOR PANEPINTO: Yes, I'm also
5 voting no on this bill. This bill does not
6 create access for low-income children in New York
7 State, it's simply a tax break for the rich. And
8 it takes \$100 million out of education, which we
9 can't afford to do.

10 So I'm voting no.

11 ACTING PRESIDENT GRIFFO: Senator
12 Panepinto to be recorded in the negative.

13 Senator Golden to explain his vote.

14 SENATOR GOLDEN: Thank you,
15 Mr. President.

16 I want to thank my colleagues for
17 voting yes on this bill. This is an important
18 bill.

19 And to make some corrections, this
20 bill is a bill split evenly down the middle,
21 50 percent towards public schools and 50 percent
22 towards private and parochial schools.

23 And I can't -- in my district I know
24 I hear it all the time about arts programs, music
25 programs, stuff that's being cut back in our

1 public schools. This would help to bring more
2 additional dollars to our public school system
3 and to our parochial system.

4 When a parochial system closes down,
5 where do those kids go? They go into the public
6 school system. And we have a continuous
7 overcrowding system, and we are only impacting
8 our communities by not allowing for tax dollars
9 to flow in here. But the tax dollars are flowing
10 in here at both the public level and the private
11 level, and they are the taxpayer giving a tax
12 credit for the money that they've paid in for
13 their corporation or as individuals.

14 So I think this is a good tax credit
15 that works. There are constitutional -- I dare
16 to say that the constitutional issues here that
17 are being raised have not been given. I'd love
18 to see them and we'd love to discuss them in the
19 future, to Senator Krueger and to others that may
20 see constitutional issues with this bill.

21 And as Senator Krueger has pointed
22 out, this bill -- she will see it before the end
23 of the year, and I'm sure we will have
24 discussions with the Assembly and with the
25 Governor as we move along through the course of

1 this year to make sure we get the right bill
2 giving the right dollars to our taxpaying
3 families across this great city and state, from
4 Brooklyn to Buffalo.

5 It's the right thing to do. We
6 spend \$22 billion today on education, almost
7 \$20,000 a child. And guess what? I still hear
8 of all these programs being closed in our
9 schools. We need more money, we need to direct
10 more money, we need to direct more money into not
11 only our public but into our parochials and
12 privates as well.

13 Thank you. I will be voting yes.

14 ACTING PRESIDENT GRIFFO: Senator
15 Golden to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 5, those recorded in the negative
19 are Senators Breslin, Comrie, Espaillet,
20 Gianaris, Hoylman, Krueger, Montgomery,
21 Panepinto, Peralta, Perkins, Rivera, Sanders,
22 Serrano, Squadron and Stavisky.

23 Ayes, 47. Nays, 15.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: Would you now
3 call up Supplemental Calendar Number 8, Senate
4 Bill 6377.

5 ACTING PRESIDENT GRIFFO: The
6 Secretary will call, from the Rules report,
7 Calendar Number 8, by Senator Flanagan.

8 THE SECRETARY: Calendar Number 8,
9 by Senator Flanagan, Senate Print 6377, an act to
10 amend the Education Law.

11 SENATOR GIANARIS: Lay it aside.

12 ACTING PRESIDENT GRIFFO: Lay the
13 bill aside.

14 Senator DeFrancisco.

15 SENATOR DeFRANCISCO: We're going
16 to take that up right now.

17 ACTING PRESIDENT GRIFFO: The
18 Secretary will ring the bell.

19 And the Secretary will read.

20 THE SECRETARY: Calendar Number 8,
21 by Senator Flanagan, Senate Print 6377, an act to
22 amend the Education Law.

23 ACTING PRESIDENT GRIFFO: Senator
24 Krueger.

25 SENATOR KRUEGER: How are you,

1 Mr. President?

2 ACTING PRESIDENT GRIFFO: Happy New
3 Year.

4 SENATOR KRUEGER: Happy New Year.

5 So this bill one could argue, yes,
6 we want money for education, we want more money
7 for education. I think probably every member of
8 the Senate would agree on that. The dilemma I
9 have with this bill is by pulling out one section
10 of public education funding and saying, in a
11 freestanding bill outside the parameters of the
12 budget, we're going to commit \$440 million to
13 filling the Gap Elimination Adjustment remaining
14 cuts that we had to do in earlier years. What it
15 means, if we do it as a freestanding bill, is
16 we've taken the \$440 million off the table of the
17 entire question of education funding, which we
18 will need to deal with very soon in the budget
19 process.

20 Now, why should we care if we do GEA
21 but perhaps then don't have as much money for the
22 other education funding formulas, particularly
23 the Foundation Aid, which is the largest portion
24 of education aid? Here's why. If you take that
25 \$440 million for GEA and you apply it where GEA

1 funds go, your funding, 23 percent that's owed to
2 high-needs districts versus the Foundation Aid,
3 we still are \$4.4 billion short -- is that right,
4 \$4.4 billion? -- \$4.4 billion short, where
5 77 percent of what they don't get is needed by
6 the high-needs districts.

7 So that means, just an example or
8 two, in Cathy Young's district her schools are
9 owed 19 times the Foundation Aid that they're
10 owed GEA money. But if we make our decision
11 independently to put the money into GEA, we'll
12 potentially have less for Cathy Young's districts
13 that have a 19 times hole in their budgets from
14 Foundation Aid. In Senator Larkin's district,
15 it's a 15 times hole.

16 So making the decision now in a
17 vacuum, so to speak, to just put money back in
18 one of the education funding formulas means we
19 don't have the money within the budget context to
20 evaluate where the whole set of educational
21 funding should go.

22 And it does matter as far as which
23 districts get which money. So you have winners
24 and losers. And I fear that putting GEA separate
25 and in front of and done before the rest of the

1 education funding formulas will
2 disproportionately hurt those districts in many
3 of your areas that are the most in need.

4 So I do think this is putting the
5 cart before the horse or the chicken before the
6 egg or however you want to say it, but that doing
7 this as a freestanding bill limits our ability to
8 address the much bigger issues we have in
9 education funding formulas -- which we're not
10 ignoring, we're going to get to in the budget
11 process. Probably the bell starts on Wednesday
12 to deal with that issue.

13 So I would urge my colleagues to
14 leave ourselves the room to do the right thing
15 for education in an across-the-board way through
16 the entire education budget, not tie our own
17 hands by saying, No, this \$440 million must be
18 spent this way now.

19 And to be honest, if you look at the
20 big picture, going back to the previous bill, if
21 we take \$300 million for education tax credits as
22 are being proposed in the bill that did just pass
23 this house despite my opposition, that's another
24 \$300 million that we won't have for GEA or the
25 Foundation Aid.

1 So again, looking at these questions
2 piecemeal doesn't really allow us to make the
3 best right decisions for the entire population of
4 schoolchildren and school districts in New York
5 State. It's not really the way we should do it.
6 And I'm going to vote no.

7 Thank you, Mr. President.

8 ACTING PRESIDENT GRIFFO: Seeing
9 and hearing no other Senator that wishes --
10 Senator Marcellino.

11 SENATOR MARCELLINO: Can I explain
12 my vote?

13 ACTING PRESIDENT GRIFFO: Yeah,
14 would you want to explain your vote?

15 SENATOR MARCELLINO: Yes.

16 ACTING PRESIDENT GRIFFO: Okay. I
17 would ask, then, hearing and seeing no other
18 Senator that wishes to be heard, debate would be
19 closed and the Secretary would ring the bell.

20 The Secretary will read the last
21 section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT GRIFFO: Senator
3 Marcellino to explain his vote.

4 SENATOR MARCELLINO: Yes,
5 Mr. President. I thank you very much for that,
6 and I thank my colleagues.

7 I know you were expecting to see a
8 tall, dark and handsome, good-looking guy stand
9 up and defend this bill, but you're going to have
10 to settle for me.

11 It would have been nice to hear
12 Senator Krueger speak the way she spoke this
13 evening some years ago when this bill was passed,
14 when the GEA was first passed. There was no
15 thought given to the fact that we'd have to pay
16 it back someday. There was no worry about going
17 to low-needs districts versus high-needs
18 districts. It was just we needed to fill a
19 \$10 billion deficit gap that was created when
20 they were in power, when they were in the
21 majority, with a Democrat governor.

22 It was interesting, we have NYSUT
23 memoing in support of this legislation. This
24 bill has restored money over the last six years
25 to the high-needs districts, to the effect of the

1 New York City school districts, 90 percent has
2 been restored to them. To the low-needs
3 districts -- in other words, the wealthier
4 districts -- only 58.9 percent has been restored
5 to them. So to say that all the money is going
6 to districts that don't need it simply isn't the
7 case. It simply isn't the case. The money
8 hasn't been going where it's supposed to be
9 going.

10 And we're going to eliminate this
11 travesty -- which never should have been
12 perpetrated on our schools to begin with -- this
13 year. And we can do this bill to set the tone,
14 and then we'll do the budget the way we have to.
15 We see no reason why we can't do both. And it's
16 important that we do both. This one sets the
17 tone. This one tells the school districts we
18 mean business. We're not just talking up a storm
19 here. We're saying we want to get rid of the GEA
20 because it should never have been enforced in the
21 first place.

22 And we're going to do that. That is
23 our statement. Senator Flanagan said it on the
24 floor the other day, there will be no budget
25 without the elimination of the GEA. That's his

1 pledge, and we're going to stick to that.

2 So I would respectfully consider
3 that we look at the real facts instead of making
4 up a story. The story simply is that the money
5 has been going back to those districts that
6 require it, effectively and efficiently, and not
7 just to those that don't.

8 Thank you, Mr. Chairman. I vote
9 aye.

10 ACTING PRESIDENT GRIFFO: Senator
11 Marcellino to be recorded in the affirmative.

12 Senator Serino to explain her vote.

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

15 While GEA might not be a buzzword,
16 the bottom line is this. It's bad for our
17 schools, it's bad for our taxpayers, and most
18 importantly it puts our local students at a real
19 disadvantage. Since taking office I've heard
20 from countless residents who are absolutely
21 appalled when they learn just how negatively
22 schools in our community have been impacted by
23 the devastating cut in aid.

24 While I believe wholeheartedly that
25 our state as a whole needs to tighten our belt

1 and cap state spending, taking dollars away from
2 our schools and our children to fill budget gaps
3 is absolutely irresponsible.

4 Last year myself and many of my
5 colleagues made a promise to work tirelessly to
6 eliminate the GEA. And as a result, in the state
7 budget we succeeded in restoring almost
8 60 percent of it. Today, once again, we are
9 going beyond rhetoric to make the promise of
10 eliminating the GEA a reality.

11 As the budget process gets underway,
12 I thank my colleagues for continuing to make this
13 issue a priority, and I urge my colleagues in the
14 Assembly to do the same. Our kids cannot afford
15 to wait.

16 Thank you.

17 ACTING PRESIDENT GRIFFO: Senator
18 Serino to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar Number 8, those recorded in the negative
22 are Senators Comrie, Hassell-Thompson, Hoylman,
23 Krueger, Montgomery, Parker, Perkins, Rivera and
24 Sanders.

25 Ayes, 53. Nays, 9.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: Before we go
5 on to the next bill, I just want to clarify
6 something. The individual who Senator Marcellino
7 described as far as people thought they were
8 going to speak, I just want you to know I was not
9 going to be speaking on that bill.

10 (Laughter.)

11 SENATOR DeFRANCISCO: Next bill,
12 Calendar Number 16.

13 ACTING PRESIDENT GRIFFO: The
14 Secretary will read Calendar Number 16, by
15 Senator LaValle.

16 THE SECRETARY: Calendar Number 16,
17 by Senator LaValle, Senate Print 6385, an act to
18 amend the Real Property Tax Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: Next,
6 Calendar Number 17, Senator Carlucci.

7 ACTING PRESIDENT GRIFFO: Senator
8 Carlucci's bill, Calendar Number 17, the
9 Secretary will read.

10 THE SECRETARY: Calendar Number 17,
11 by Senator Carlucci, Senate Print 6386, an act to
12 amend Chapter 584 of the Laws of 2015.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: Would you now
25 call up Calendar Number 19, a Lanza bill.

1 ACTING PRESIDENT GRIFFO: The
2 Secretary will read.

3 THE SECRETARY: Calendar Number 19,
4 by Senator Lanza, Senate Print 6388, an act to
5 amend the General City Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 Senator DeFrancisco.

17 SENATOR DeFRANCISCO: Next please
18 call up Calendar Number 31, Senator Croci.

19 ACTING PRESIDENT GRIFFO: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number 31,
22 by Senator Croci, Senate Print 6420, an act to
23 amend the Executive Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT GRIFFO: The bill
8 is passed.

9 Senator DeFrancisco.

10 SENATOR DeFRANCISCO: Please call
11 up Calendar Number 35, Senator Bonacic.

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will read Calendar Number 35.

14 THE SECRETARY: Calendar Number 35,
15 by Senator Bonacic, Senate Print 6424, an act to
16 amend Chapter 510 of the Laws of 2013.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 SENATOR DeFRANCISCO: Lastly,
3 Calendar 37, Senator Serrano.

4 ACTING PRESIDENT GRIFFO: Calendar
5 Number 37, by Senator Serrano, the Secretary will
6 read.

7 THE SECRETARY: Calendar Number 37,
8 by Senator Serrano, Senate Print 6426, an act to
9 amend Chapter 899 of the Laws of 1984.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 SENATOR DeFRANCISCO: We're going
21 to deal with the rest of the calendar tomorrow or
22 sometime in the future.

23 ACTING PRESIDENT GRIFFO: The
24 remainder of the calendar will be laid aside.

25 SENATOR DeFRANCISCO: Would you

1 please recognize Senator Gianaris.

2 ACTING PRESIDENT GRIFFO: The chair
3 recognizes Senator Gianaris.

4 SENATOR GIANARIS: Mr. President,
5 on behalf of Leader Stewart-Cousins, I hand up
6 the following committee assignments.

7 ACTING PRESIDENT GRIFFO: The
8 committee assignments are received and will be
9 filed in the Journal.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Is there any
12 further business at the desk?

13 ACTING PRESIDENT GRIFFO: There is
14 no further business before the desk.

15 Some order in the house, please.

16 SENATOR DeFRANCISCO: There being
17 no further business, I move to adjourn until
18 January 12th -- that's tomorrow -- at 11:00 a.m.

19 ACTING PRESIDENT GRIFFO: On
20 motion, the Senate will stand adjourned until
21 Tuesday, January 12th, 11:00 a.m.

22 The Senate stands adjourned.

23 (Whereupon, at 4:35 p.m., the Senate
24 adjourned.)

25