

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10

March 28, 2016

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3:16 p.m.

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REGULAR SESSION

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SENATOR PHIL M. BOYLE, Acting President

19

FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT BOYLE: The
3 Senate will come to order.

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

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

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

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

14 ACTING PRESIDENT BOYLE: The
15 reading of the Journal.

16 THE SECRETARY: In Senate, Sunday,
17 March 27th, the Senate met pursuant to
18 adjournment. The Journal of Saturday,
19 March 26th, was read and approved. On motion,
20 Senate adjourned.

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

23 Presentation of petitions.

24 Messages from the Assembly.

25 Messages from the Governor.

1 Reports of standing committees.

2 Reports of select committees.

3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO: Yes, would
8 you please recognize Senator Gianaris.

9 ACTING PRESIDENT BOYLE: Senator
10 Gianaris.

11 SENATOR GIANARIS: Thank you,
12 Mr. President.

13 I move that the following bill be
14 discharged from its respective committee and be
15 recommitted with instructions to strike the
16 enacting clause: Senate Bill 4888C.

17 ACTING PRESIDENT BOYLE: So
18 ordered.

19 Floor Leader.

20 SENATOR DeFRANCISCO: Yes,
21 Mr. President, can you now take up the
22 noncontroversial reading of the calendar.

23 ACTING PRESIDENT BOYLE: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 107, by Senator LaValle, Senate Print 1617, an
2 act to amend the Social Services Law.

3 ACTING PRESIDENT BOYLE: Read the
4 last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect on the 30th day.

7 ACTING PRESIDENT BOYLE: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BOYLE: Announce
11 the result.

12 THE SECRETARY: Ayes, 41. Nays,
13 1. Senator Dilan recorded in the negative.

14 ACTING PRESIDENT BOYLE: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 127, by Senator Robach, Senate Print 1965A, an
18 act to amend the Highway Law.

19 ACTING PRESIDENT BOYLE: Read the
20 last section.

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

23 ACTING PRESIDENT BOYLE: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BOYLE: Announce
2 the result.

3 THE SECRETARY: Ayes, 42.

4 ACTING PRESIDENT BOYLE: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 128, by Senator Robach, Senate Print 2682A, an
8 act to amend the Highway Law.

9 ACTING PRESIDENT BOYLE: Read the
10 last section.

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

13 ACTING PRESIDENT BOYLE: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BOYLE: Announce
17 the result.

18 THE SECRETARY: Ayes, 42.

19 ACTING PRESIDENT BOYLE: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 200, by Senator Hassell-Thompson, Senate Print
23 3818, an act to amend the Correction Law.

24 ACTING PRESIDENT BOYLE: Read the
25 last section.

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

3 ACTING PRESIDENT BOYLE: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BOYLE: Announce
7 the result.

8 THE SECRETARY: Ayes, 44.

9 ACTING PRESIDENT BOYLE: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 280, by Senator Nozzolio, Senate Print 6267, an
13 act to amend the Vehicle and Traffic Law.

14 ACTING PRESIDENT BOYLE: Read the
15 last section.

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

18 ACTING PRESIDENT BOYLE: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BOYLE: Announce
22 the result.

23 THE SECRETARY: Ayes, 44.

24 ACTING PRESIDENT BOYLE: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 281, by Senator Marchione, Senate Print 6482, an
3 act to amend the Highway Law.

4 ACTING PRESIDENT BOYLE: Read the
5 last section.

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

8 ACTING PRESIDENT BOYLE: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BOYLE: Senator
12 Marchione to explain her vote.

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

15 I rise for the purpose of speaking
16 on this legislation before us. I'm truly honored
17 to sponsor this bill designating the overpass at
18 Exit 14 of Route 87 North as the Assemblyman
19 Robert D'Andrea Bridge.

20 Naming a bridge in Saratoga County
21 after Assemblyman Robert "Bobby" D'Andrea truly
22 benefits his legacy of honorable, thoughtful
23 public service.

24 Because whether he was serving as
25 supervisor for the City of Saratoga Springs or in

1 the State Assembly, where he did for 27 years,
2 the true hallmark of Bobby D'Andrea is a service
3 of building bridges: Bridges of opportunity and
4 inclusion for the betterment of everyone; bridges
5 of kindness, cooperation, and collegiality to
6 advance the greater good. Those bridges, built
7 upon a strong foundation of tireless community
8 service and dedicated charitable involvement, led
9 the way for a brighter future.

10 Bobby D'Andrea's life, Bobby
11 D'Andrea's legacy, they transcended politics.
12 Always ready, willing and able to roll up his
13 sleeves and do the hard work, the real work of
14 public service, Bobby D'Andrea has resided in the
15 City of Saratoga Springs east of Interstate 87 at
16 Exit 14 for decades. And now this nearby bridge
17 will bear the name of a true bridge builder,
18 Bobby D'Andrea, to celebrate his honorable legacy
19 of service to our Saratoga-Washington community.

20 I congratulate Bobby, his wife
21 Theresa, their five children and six
22 grandchildren on this designation.

23 Thank you.

24 ACTING PRESIDENT BOYLE: Thank you,
25 Senator. Bobby was a great man.

1 Announce the result.

2 THE SECRETARY: Ayes, 48.

3 ACTING PRESIDENT BOYLE: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 286, by Senator Hannon, Senate Print 6779A, an
7 act to amend the Public Health Law.

8 ACTING PRESIDENT BOYLE: Read the
9 last section.

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

12 ACTING PRESIDENT BOYLE: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BOYLE: Announce
16 the result.

17 THE SECRETARY: Ayes, 48.

18 ACTING PRESIDENT BOYLE: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 287, by Senator Hannon, Senate Print 6800, an act
22 to amend the Public Health Law.

23 ACTING PRESIDENT BOYLE: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the 180th day.

2 ACTING PRESIDENT BOYLE: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BOYLE: Announce
6 the result.

7 THE SECRETARY: Ayes, 48.

8 ACTING PRESIDENT BOYLE: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 305, by Senator Lanza, Senate Print 3491, an act
12 to amend the Penal Law.

13 ACTING PRESIDENT BOYLE: Read the
14 last section.

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

17 ACTING PRESIDENT BOYLE: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BOYLE: Announce
21 the result.

22 THE SECRETARY: Ayes, 46. Nays, 2.
23 Senators Montgomery and Perkins recorded in the
24 negative.

25 ACTING PRESIDENT BOYLE: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 358, by Senator Ranzenhofer, Senate Print 877, an
4 act to amend the Elder Law.

5 ACTING PRESIDENT BOYLE: Read the
6 last section.

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

9 ACTING PRESIDENT BOYLE: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BOYLE: Announce
13 the result.

14 THE SECRETARY: Ayes, 48.

15 ACTING PRESIDENT BOYLE: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 363, by Senator Lanza, Senate Print 4627B, an act
19 to amend the Real Property Tax Law.

20 ACTING PRESIDENT BOYLE: Read the
21 last section.

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

24 ACTING PRESIDENT BOYLE: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BOYLE: Announce
3 the result.

4 THE SECRETARY: Ayes, 50.

5 ACTING PRESIDENT BOYLE: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 368, by Senator Serino, Senate Print 6925, an act
9 to amend the Public Health Law.

10 ACTING PRESIDENT BOYLE: Read the
11 last section.

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

14 ACTING PRESIDENT BOYLE: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BOYLE: Announce
18 the result.

19 THE SECRETARY: Ayes, 50.

20 ACTING PRESIDENT BOYLE: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 369, by Senator Klein, Senate Print 854, an act
24 to amend the Agriculture and Markets Law.

25 ACTING PRESIDENT BOYLE: Read the

1 last section.

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

4 ACTING PRESIDENT BOYLE: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BOYLE: Announce
8 the result.

9 THE SECRETARY: Ayes, 53.

10 ACTING PRESIDENT BOYLE: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 373, by Senator Valesky, Senate Print 5720A, an
14 act to amend the Agriculture and Markets Law.

15 ACTING PRESIDENT BOYLE: Read the
16 last section.

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

19 ACTING PRESIDENT BOYLE: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BOYLE: Senator
23 Espaillet to explain your vote.

24 SENATOR ESPAILLET: Thank you,
25 Mr. President. I rise to explain my vote.

1 The history of farmworker
2 disenfranchisement is rooted in the Jim Crow era.
3 And sadly, their unfair treatment continues to be
4 a lasting legacy of those times.

5 Farmworkers toil in hard conditions
6 from sunup to sundown to feed all of us. The
7 conditions they work in are often harsh and often
8 unsafe. The conditions they live in are often
9 unsanitary. And yet farmworkers do not have
10 access to workers' compensation, and they are not
11 allowed to organize.

12 The treatment of farmworkers is
13 abhorrent and unacceptable. And I, along with
14 many others, have advocated to end these shameful
15 practices that are a moral affront to everything
16 our state stands for.

17 As we get ready to approve next
18 year's budget this week, let's be sure not to
19 leave our farmworkers once again. Let's get \$15
20 an hour, let's be the first to do it, and let's
21 make sure farmworkers get in there too.

22 This is one of many bills that will
23 give the farm industry handsome benefits, and I,
24 as I've done in the last several years, will
25 continue to vote down on all of them. My vote is

1 in the negative, Mr. President.

2 ACTING PRESIDENT BOYLE: Senator
3 Espaillat in the negative.

4 Announce the result.

5 THE SECRETARY: Ayes, 56. Nays, 2.
6 Senators Dilan and Espaillat recorded in the
7 negative.

8 ACTING PRESIDENT BOYLE: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 380, by Senator Golden, Senate Print 1060A, an
12 act to amend the Civil Rights Law.

13 ACTING PRESIDENT BOYLE: Read the
14 last section.

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

17 ACTING PRESIDENT BOYLE: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BOYLE: Announce
21 the result.

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

24 ACTING PRESIDENT BOYLE: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 387, by Senator Ortt, Senate Print 2693A, an act
3 to amend the Public Authorities Law.

4 ACTING PRESIDENT BOYLE: Read the
5 last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect January 1, 2017.

8 ACTING PRESIDENT BOYLE: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BOYLE: Announce
12 the result.

13 THE SECRETARY: Ayes, 58.

14 ACTING PRESIDENT BOYLE: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 392, by Senator Young, Senate Print 2316, an act
18 to amend the Private Housing Finance Law.

19 SENATOR DeFRANCISCO: Please lay
20 the bill aside for the day.

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

23 Floor Leader, that completes the
24 noncontroversial reading of the calendar.

25 SENATOR DeFRANCISCO: Yes, can we

1 go back to motions and resolutions and take up
2 previously adopted Resolution Number 3192, by
3 Senator Venditto, and read the title only and
4 then call on Senator Venditto.

5 ACTING PRESIDENT BOYLE: The
6 Secretary will read.

7 THE SECRETARY: Legislative
8 Resolution Number 3192, by Senator Venditto,
9 congratulating C.J. Marie of North Bellmore,
10 New York, upon the occasion of being named 2015
11 Ms. New York Senior America.

12 ACTING PRESIDENT BOYLE: Senator
13 Venditto.

14 SENATOR VENDITTO: Mr. President,
15 thank you very much.

16 I have the distinct honor of
17 introducing a very important and distinguished
18 guest to our chamber today. Her name is C.J.
19 Marie, and she is also known as Ms. New York
20 Senior America.

21 You know, whatever side of the
22 political ledger we may stand on, ladies and
23 gentlemen, I think we can all agree that the men
24 and women who are members of our senior
25 population here in New York State, they have made

1 great sacrifices to build, cultivate and maintain
2 the communities where we live and raise our
3 families.

4 And they also helped pave the way
5 for all of us to enjoy the freedoms, the
6 privileges and the opportunities that we have
7 each and every day. They're continuing to work
8 to make sure that those freedoms, privileges and
9 opportunities are preserved for generations to
10 come.

11 And we have with us today a terrific
12 spokeswoman for our senior population in New York
13 in Ms. Marie. She has amassed a tremendous
14 amount of professional success in her life: a
15 teacher of over 35 years at the elementary school
16 level. She has written, get this, 14 books, all
17 of which provide valuable lessons for living.
18 She has dedicated a great part of her life to
19 physical fitness and dance and sharing what she's
20 learned in those fields with others so that they
21 can better their lives. The accomplishments just
22 go on and on.

23 And on a personal level, she has
24 also achieved so much success, using her time,
25 her talents, her treasures -- and, yes, her

1 beauty -- to travel across the state to help
2 people, particularly those who are most in need.

3 So, Ms. Marie, on behalf of all my
4 colleagues, I would like to welcome you to the
5 chamber today and thank you for being with us.

6 Ladies and gentlemen, the one and
7 only Ms. New York Senior America, C.J. Marie.

8 (Applause.)

9 ACTING PRESIDENT BOYLE: Floor
10 Leader.

11 SENATOR DeFRANCISCO: Yes, Senator
12 Venditto has offered this resolution for
13 sponsorship. Anyone who does not want to sponsor
14 should notify the desk.

15 ACTING PRESIDENT BOYLE: The
16 resolution is open for cosponsorship. If you do
17 not wish to be a cosponsor, please notify the
18 desk.

19 Floor Leader.

20 SENATOR DeFRANCISCO: Is there any
21 further business at the desk?

22 ACTING PRESIDENT BOYLE: No further
23 business.

24 SENATOR DeFRANCISCO: That being
25 the case, I move to adjourn until Tuesday,

1 March 29th, at 3:00 p.m. sharp.

2 ACTING PRESIDENT BOYLE: On motion,
3 the Senate stands adjourned until Tuesday,
4 March 29th, at 3:00 p.m. sharp.

5 (Whereupon, at 3:29 p.m., the Senate
6 adjourned.)

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