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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 19, 2015

4:02 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

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

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

4 I would ask all present to please  
5 rise and join with me as we recite the Pledge of  
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: In the  
10 absence of clergy, I ask everyone to please bow  
11 their heads in a moment of silent prayer and  
12 reflection.

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

15 ACTING PRESIDENT GRIFFO: The  
16 reading of the Journal.

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

22 ACTING PRESIDENT GRIFFO: Without  
23 objection, the Journal will stand approved as  
24 read.

25 Presentation of petitions.

1 Messages from the Assembly.

2 The Secretary will read.

3 THE SECRETARY: On page 29,  
4 Senator Murphy moves to discharge, from the  
5 Committee on Finance, Assembly Bill Number 4273  
6 and substitute it for the identical Senate Bill  
7 Number 3939, Third Reading Calendar 484.

8 On page 48, Senator Bonacic moves  
9 to discharge, from the Committee on Rules,  
10 Assembly Bill Number 866A and substitute it for  
11 the identical Senate Bill Number 1696, Third  
12 Reading Calendar 712.

13 On page 49, Senator Lanza moves to  
14 discharge, from the Committee on Rules,  
15 Assembly Bill Number 1460 and substitute it for  
16 the identical Senate Bill Number 2546,  
17 Third Reading Calendar 716.

18 ACTING PRESIDENT GRIFFO: The  
19 substitutions are so ordered.

20 Messages from the Governor.

21 Reports of standing committees.

22 Reports of select committees.

23 Communications and reports of state  
24 officers.

25 Motions and resolutions.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO:

3 Mr. President, on behalf of Senator Golden, I  
4 move that the following bill be discharged from  
5 its respective committee and be recommitted with  
6 instructions to strike the enacting clause.  
7 That's Bill Number 5327.

8 ACTING PRESIDENT GRIFFO: It is so  
9 ordered.

10 SENATOR DeFRANCISCO: On behalf of  
11 Senator Griffo, on page 49 I offer the following  
12 amendments to Calendar Number 724, Senate Print  
13 4467A, and ask that said bill retain its place  
14 on the Third Reading Calendar.

15 ACTING PRESIDENT GRIFFO: The  
16 amendments are received, and the bill shall  
17 retain its place on third reading.

18 SENATOR DeFRANCISCO: On behalf of  
19 Senator Nozzolio, on page 33 I offer the  
20 following amendments to Calendar Number 541,  
21 Senate Print 4728A, and ask that said bill  
22 retain its place on the Third Reading Calendar.

23 ACTING PRESIDENT GRIFFO: The  
24 amendments are received, and the bill shall  
25 retain its place on third reading.

1                   SENATOR DeFRANCISCO:    I wish to  
2 call up Senator Hannon's bill, Senate Print 676A,  
3 recalled from the Assembly, which is now at the  
4 desk.

5                   ACTING PRESIDENT GRIFFO:    The  
6 Secretary will read.

7                   THE SECRETARY:    Calendar Number 55,  
8 by Senator Hannon, Senate Print 676A, an act to  
9 amend the Public Health Law.

10                  SENATOR DeFRANCISCO:    I now move to  
11 reconsider the vote by which the bill was passed.

12                  ACTING PRESIDENT GRIFFO:    Call the  
13 roll on reconsideration.

14                               (The Secretary called the roll.)

15                  THE SECRETARY:    Ayes, 43.

16                  SENATOR DeFRANCISCO:    And I now  
17 offer the following amendments.

18                  ACTING PRESIDENT GRIFFO:    The  
19 amendments are received.

20                               On motions and resolutions, Senator  
21 DeFrancisco.

22                  SENATOR DeFRANCISCO:    As far as the  
23 Resolution Calendar, I request that it be  
24 adopted, with the exception of Resolutions 2221  
25 and 2171.

1           ACTING PRESIDENT GRIFFO:   All in  
2 favor of adopting the Resolution Calendar, with  
3 the exception of Resolutions 2171 and 2221,  
4 signify by saying aye.

5           (Response of "Aye.")

6           ACTING PRESIDENT GRIFFO:   Opposed?

7           (No response.)

8           ACTING PRESIDENT GRIFFO:   The  
9 Resolution Calendar is adopted as indicated.

10          Senator DeFrancisco.

11          SENATOR DeFRANCISCO:   Now can we  
12 take up a resolution by Senator Flanagan and ask  
13 that it be read in its entirety. This pertains  
14 to the Veterans Hall of Fame, and we have some  
15 veterans in the audience tonight.

16          ACTING PRESIDENT GRIFFO:   The  
17 Secretary will read.

18          THE SECRETARY:   Legislative  
19 resolution by Senators Flanagan, Klein and  
20 Stewart-Cousins, honoring the distinguished  
21 veterans of the State of New York upon the  
22 occasion of their induction into the New York  
23 State Senate Veterans Hall of Fame, to be  
24 celebrated on May 19, 2015.

25          "WHEREAS, Members of the Armed

1 Services from the State of New York, who have  
2 served so valiantly and honorably in wars in  
3 which this country's freedom was at stake, as  
4 well as in the preservation of peace in  
5 peacetime, deserve a special salute from this  
6 Legislative Body; and

7 "WHEREAS, Attendant to such concern,  
8 and in full accord with long-standing tradition,  
9 this Legislative Body is justly proud to honor  
10 the distinguished veterans from the State of  
11 New York upon the occasion of their induction  
12 into the New York State Senate Veterans Hall of  
13 Fame, to be celebrated on May 19, 2015; and

14 "WHEREAS, The New York State Senate  
15 Veterans Hall of Fame inductees are members of  
16 any branch of the United States Armed Forces,  
17 which include Army, Navy, Coast Guard, Air Force,  
18 and Marine Corps; these exceptional men and women  
19 are chosen for this prestigious honor based on  
20 either service in combat or notable work  
21 performed after discharge from the service; and

22 "WHEREAS, The 2015 inductees  
23 include: Roman Baca, Dr. Tony Baker, Jr.,  
24 Analiza Benjamin, Donald I. Bernstein, James  
25 Edward Blakely, Joseph D. Blanck, Arcangelo

1 Bollella, Deborah Bourne-Ally, Frank Casazza,  
2 Michael P. Cody Jr., Marc Coviello, Stephen  
3 Dennis, James H. Dunn, James A. Durkin, Barbara  
4 J. Exum, Bernard J. Farnan, Anthony M. Ferrarese,  
5 Donald 'Don' Fida, Joseph T. Fraccola, William  
6 Francis, Kathie Freston, Joan A. Furey, Anthony  
7 J. Gabriel, Jr., Russell A. Guthrie, Brian J.  
8 Hall, Franklin (Bob) R. Harder, Jr., Jack  
9 Harrington, Thomas J. Heron II, Wallace C.  
10 Higgins, Donald Keeney, Thomas J. Marinello,  
11 Nancy Marte, Karl W. Monson, Rodney K. Moore,  
12 Frank Morea, John L. Mosher, Francisco Muniz III,  
13 Paul Narson, Milton Nussdorf, Ben Osborne, Calvin  
14 Parker, George 'Lee' Peeney, Katharine Ragazzino,  
15 Benjamin Ralph Kimlau Post, Jorge M. Rodriguez,  
16 David Lawrence Roustum, Thomas Scardino, Patsy  
17 J. Scarpato, Joel Schumacher, Dominic Sciallo,  
18 Timothy Giles Serwinowski, Carol St. Pierre,  
19 Laura Stradley, George Sullivan, Carrie E. Taft,  
20 Robert Taitt, Ray Vaz, Patrick Vecchio, and James  
21 Earl Washington; and

22 "WHEREAS, The banner of freedom will  
23 always wave over our beloved New York and all of  
24 America, the land of the free and the home of the  
25 brave; and

1                   "WHEREAS, The freedoms and security  
2 we cherish as Americans comes at a very high  
3 price for those serving in the military in times  
4 of conflict; it is fitting and proper that we who  
5 are the beneficiaries of those who risk their  
6 lives must never forget the courage with which  
7 these men and women served their country; and

8                   "WHEREAS, Our nation's veterans  
9 deserve to be recognized, commended and thanked  
10 by the people of the State of New York for their  
11 service and for their dedication to their  
12 communities, their state and their nation; now,  
13 therefore, be it

14                   "RESOLVED, That this Legislative  
15 Body pause in its deliberations to honor the  
16 distinguished veterans from the State of New York  
17 upon the occasion of their induction into the  
18 New York State Senate Veterans Hall of Fame, to  
19 be celebrated on May 19, 2015; and be it further

20                   "RESOLVED, That copies of this  
21 resolution, suitably engrossed, be transmitted to  
22 the 2015 inductees."

23                   ACTING PRESIDENT GRIFFO:    Senator  
24 Croci.

25                   SENATOR CROCI:    Thank you,

1 Mr. President.

2 I'm very proud to rise to speak on  
3 this resolution and proud to be part of a body --

4 ACTING PRESIDENT GRIFFO: Excuse  
5 me, Senator Croci.

6 Can I have some order in the  
7 chamber, please. I know we have a number of  
8 guests here. But in deference and respect to the  
9 resolution and our Senator who is speaking.

10 Senator Croci, please continue.

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

13 I'm proud to be a part of a body  
14 that takes time in its busy schedule in our great  
15 state to recognize veterans from all over  
16 New York State. And I want to thank the  
17 participants in today's ceremony who took time to  
18 do so.

19 All of the members who showed up  
20 today to induct people from all over the state,  
21 as Senator Flanagan said during the ceremony, it  
22 truly is a picture of our state. Veterans from  
23 all over -- downstate, Hudson Valley, upstate,  
24 Southern Tier. It's not only a picture of who we  
25 are as a state but who we are as a people, as a

1 nation.

2           Certainly every name that was read  
3 today on that resolution, veterans that we've  
4 honored, both living and deceased, took an oath  
5 to defend the Constitution of the United States.  
6 That is why they serve.

7           The Internal Revenue Code could fill  
8 up this chamber in volumes of paper. But the  
9 oath that they took was to the Constitution of  
10 the United States; a very small and unassuming  
11 document, but a document of pure genius created  
12 by farmers, bankers, merchants, people who did  
13 not have an education in philosophy or in great  
14 governmental formation. They came together, they  
15 created this document.

16           And every veteran that served took  
17 an oath to defend that Constitution -- not the  
18 Secretary of Defense, not the President, they  
19 took an oath to defend the Constitution of the  
20 United States. And for that, we are all able to  
21 sit in this chamber today and vote on a  
22 resolution to honor them.

23           So on behalf of certainly the Senate  
24 and Senator Flanagan, who spoke on this earlier,  
25 I want to congratulate the members of the Senate

1 for having this event yearly and I want to thank  
2 all the members of our armed forces, both those  
3 who have served and those who are serving now.

4 Thank you.

5 ACTING PRESIDENT GRIFFO: Thank  
6 you, Senator Croci.

7 Senator Klein.

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

10 Thank you, Senator Croci.

11 I rise today also to praise our  
12 veterans. This I think is one of our milestones  
13 every year when we have veterans from all of our  
14 Senate districts gather in Albany to be inducted  
15 into the Veterans Hall of Fame.

16 I think it's certainly true, and it  
17 should always be true, that a society should be  
18 judged on how they treat their veterans. So  
19 that's why I think it's incumbent upon us to  
20 always remember and never forgot, not only on  
21 Flag Day or Memorial Day, but each and every day.

22 You know, every year I've done a  
23 Valentines for Veterans, in the 20 years that  
24 I've been in public life, at the VA Hospital in  
25 Bronx County. And I make sure to have our young

1 people involved. I make sure to have all of the  
2 schoolchildren sort of adopt a veteran for that  
3 day.

4           And the best part of the day is to  
5 see the faces on the young people when those  
6 veterans describe their heroic acts, talk about  
7 what they've done, be it World War II,  
8 Afghanistan, Iraq. And that's what it's all  
9 about. Because I think we always have to  
10 remember the supreme sacrifice of our veterans.

11           And I know Abraham Lincoln once said  
12 that the coinage used to purchase the freedoms  
13 that we enjoy today is the life and limbs of  
14 American's veterans. And I think that always has  
15 to be remembered.

16           And I think coming up here today and  
17 reading all of those bios, how each and every one  
18 of them from different communities, different  
19 parts of our state, different walks of life all  
20 contributed to our freedoms in a very, very  
21 special way.

22           So I know some of our veterans left  
23 us, but the ones that are here, I thank you.  
24 Because I don't think we should ever forget your  
25 supreme sacrifice. God bless.

1                   ACTING PRESIDENT GRIFFO:    Thank  
2    you, Senator Klein.

3                   Senator Addabbo.

4                   SENATOR ADDABBO:    Thank you,  
5    Mr. President.

6                   As the ranking member of the Senate  
7    Veterans Committee, I am honored and humbled to  
8    speak on this resolution and to recognize the  
9    veterans who are here with us today as part of  
10   our celebration of the 2015 Veterans Hall of Fame  
11   inductions.

12                  These veterans are truly an  
13   indication and a representation of our state.  
14   Veterans of all ages, men and women, different  
15   backgrounds -- they're all different in many ways  
16   on the surface.  But underneath, where it really  
17   counts, they're all the same:  truly dedicated to  
18   our country and to serving our country.

19                  I thank Senator Croci, chair of the  
20   Veterans Committee.  I thank Senator Colonel Bill  
21   Larkin and all the members here who have served.  
22   Thank you for your dedication and commitment to  
23   our country, as we show our gratitude for your  
24   bravery in defense of our country and the  
25   freedoms that certainly we cherish.

1           Speaking of gratitude, I'm reminded  
2 of a quote from President Kennedy. President  
3 Kennedy once said: "As we express our gratitude,  
4 we must never forget the highest appreciation is  
5 not to utter words, but to live by them."

6           As you consider the service of these  
7 courageous men and women here with us today, as  
8 well as those who cannot be with us today because  
9 they made the ultimate sacrifice, I find  
10 President Kennedy's words very compelling. We as  
11 a government and as a society must act on our  
12 gratitude.

13           We must honor our veterans and  
14 families by making sure they have the jobs,  
15 education, healthcare, housing -- the basic  
16 amenities that we take for granted, we must make  
17 accessible to our veterans.

18           All our veterans have paid it  
19 forward for us, risking their health and their  
20 lives so that we can live in peace. And knowing  
21 that Veterans Day is not just one day on the  
22 calendar, but every day of the year, we must take  
23 the opportunity to pay it back for them and do  
24 what we can to assist our veterans.

25           Once again, I thank our veterans for

1 their service.

2 Thank you, Mr. President.

3 ACTING PRESIDENT GRIFFO: Thank  
4 you, Senator Addabbo.

5 Senator DeFrancisco.

6 SENATOR DeFRANCISCO: I know it's  
7 dangerous to do this, but I'm going to do it  
8 anyway.

9 Many of you had veterans here today  
10 that we honored for the Veterans Hall of Fame.  
11 But since my almost-92-year-old veteran stuck it  
12 out this whole time, Don Fida, sitting up there  
13 in the uniform -- stand up, Don. Don --

14 (Standing ovation.)

15 ACTING PRESIDENT GRIFFO: Don  
16 served with distinction in at least three  
17 theaters of war. He was captured, he was  
18 tortured, and he's still around at age 92. And  
19 I'll have him challenge any one of you to an arm  
20 wrestling match, because he's built like a rock.

21 And he's going to go on another  
22 91 years and show us how important it is to be a  
23 veteran and to learn those lessons and live your  
24 life in the right way.

25 So thank you for allowing me to

1 recognize Don Fida.

2 ACTING PRESIDENT GRIFFO: Thank  
3 you, Senator DeFrancisco.

4 The question is on the resolution.  
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 resolution is adopted.

11 The resolution is open for  
12 cosponsorship. Should you choose not to be a  
13 cosponsor, please notify the desk.

14 Let us all now stand and give a  
15 round of applause to all of those brave,  
16 courageous soldiers and men and women.

17 (Standing ovation.)

18 ACTING PRESIDENT GRIFFO: Thank you  
19 for your service, and God bless you.

20 Senator DeFrancisco.

21 SENATOR DeFRANCISCO: Could we  
22 please now take up a previously adopted  
23 resolution that's Number 1134, by Senator Serino.  
24 Can you please read it in its entirety.

25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2                   THE SECRETARY:     Legislative  
3 Resolution Number 1134, by Senator Serino,  
4 honoring Frank Rush upon the occasion of his  
5 designation as recipient of a Liberty Medal, the  
6 highest honor bestowed upon an individual by the  
7 New York State Senate.

8                   "WHEREAS, It is incumbent upon the  
9 people of the State of New York to recognize and  
10 acknowledge those within our midst who have made  
11 significant contributions to the quality of life  
12 therein; and

13                   "WHEREAS, It is the sense of this  
14 Legislative Body to recognize the caring concern  
15 and heroic acts of those exemplary citizens, who  
16 take prompt and appropriate action in emergency  
17 situations, disregarding their own safety, and in  
18 doing so, help others to avert life-threatening  
19 danger; and

20                   "WHEREAS, Attendant to such concern,  
21 and in full accord with its long-standing  
22 traditions, this Legislative Body is justly proud  
23 to honor Frank Rush upon the occasion of his  
24 designation as recipient of a Liberty Medal, the  
25 highest honor bestowed upon an individual by the

1 New York State Senate; the Putnam Valley Town  
2 Board recognized Frank on February 18, 2015, at a  
3 town board meeting for his heroic actions in  
4 saving a man who collapsed in Grand Central  
5 Station; and

6 "WHEREAS, The New York State Senate  
7 Liberty Medal was established by a resolution in  
8 2014 and is awarded to individuals who have  
9 merited special commendation for exceptional,  
10 heroic, or humanitarian acts on behalf of their  
11 fellow New Yorkers; and

12 "WHEREAS, On January 23, 2015,  
13 27-year-old Metro-North rider Frank Rush, a  
14 Marine, volunteer firefighter and trained EMT,  
15 took immediate action when a man collapsed due to  
16 cardiac arrest in Grand Central Station; and

17 "WHEREAS, Frank Rush instantly began  
18 administering CPR while an assistant station  
19 manager and fire brigade member kept the man's  
20 airway open until an MTA police officer arrived  
21 with a defibrillator, which was set up with  
22 Frank's assistance; and

23 "WHEREAS, After an initial shock  
24 with the defibrillator, FDNY and NY Presbyterian  
25 EMS units arrived at the scene and took over CPR;

1 after a second shock from the defibrillator, the  
2 man's pulse was restored; and

3 "WHEREAS, Even though this situation  
4 could have been a dire one, today the 70-year-old  
5 man is alive and well, and credits Frank Rush for  
6 his quick and astute heroic efforts in saving  
7 him; he is truly an inspiration for his courage  
8 and decisive action; and

9 "WHEREAS, Frank Rush, through his  
10 spontaneous and heroic actions, demonstrated his  
11 character and his compassion for the welfare of  
12 others, personifying, by virtue of his actions,  
13 the collective concern of ordinary citizens  
14 across the community of the State of New York  
15 who voluntarily respond when others are in need  
16 of help; now, therefore, be it

17 "RESOLVED, That this Legislative  
18 Body pause in its deliberations to honor Frank  
19 Rush upon the occasion of his designation as  
20 recipient of a Liberty Medal, the highest honor  
21 bestowed upon an individual by the New York State  
22 Senate; and be it further

23 "RESOLVED, That a copy of this  
24 resolution, suitably engrossed, be transmitted to  
25 Frank Rush."

1                   ACTING PRESIDENT GRIFFO:    Senator  
2   Serino.

3                   SENATOR SERINO:    Thank you,  
4   Mr. President.

5                   I rise today to honor a true hero  
6   from my district, Putnam Valley firefighter and  
7   Marine Reservist Frank Rush.

8                   Heroism comes in many forms, but  
9   often it's action in face of trouble that sets a  
10  hero apart from a complicit crowd. In January of  
11  this year, 70-year-old Moises Dreszer collapsed  
12  in Grand Central Station. It was there that  
13  Marine Reservist Frank Rush administered CPR  
14  compressions that kept Dreszer alive until help  
15  from the MTA police could arrive.

16                  Because of Frank's quick thinking,  
17  his ingenuity, and his selfless decision to act,  
18  Mr. Dreszer is alive and well today. For that,  
19  Frank is a true hero, and I am proud to recognize  
20  him as such by presenting him with this Liberty  
21  Medal, our state's highest honor.

22                  As Senator Flanagan noted earlier  
23  during his address at the Veterans Hall of Fame,  
24  oftentimes those who have sacrificed so much to  
25  serve our country are the ones whose service goes

1 far beyond their military time. And clearly  
2 Frank is no exception. He's here today on a very  
3 short leave from the Reserves -- three days or  
4 so, I believe.

5 I hope my colleagues will join me  
6 now in honoring a true New York hero, Frank Rush.

7 (Standing ovation.)

8 ACTING PRESIDENT GRIFFO: As  
9 indicated, the resolution was previously adopted.

10 We welcome Mr. Rush to the chamber  
11 today and extend the courtesies of the house.

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: I understand  
14 the sponsor is opening it up for cosponsorship.  
15 If you don't want to be a cosponsor, please  
16 notify the desk.

17 ACTING PRESIDENT GRIFFO: So noted.

18 SENATOR DeFRANCISCO: Can we now  
19 take up previously adopted Resolution Number  
20 1198, by Senator Espaillet, and read it title  
21 only.

22 ACTING PRESIDENT GRIFFO: The  
23 Secretary will read.

24 THE SECRETARY: Legislative  
25 Resolution Number 1198, by Senator Espaillet,

1 memorializing Governor Andrew M. Cuomo to  
2 proclaim May 19, 2015, as Cesar Chavez Day in the  
3 State of New York.

4           ACTING PRESIDENT GRIFFO:     Senator  
5 Espaillat.

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

8           It's "yat," as in double L. You  
9 pronounce it like a Y: Espaillat. Thank you.

10           Yes, today I stand to recognize the  
11 legacy and the contributions of Cesar Chavez.  
12 Many of us may very often hear the phrase, the  
13 motto "Yes, we can," "Sí, se puede," not knowing  
14 that it was first started out on the West Coast  
15 by this mountain of a man who moved to organize  
16 farmworkers, grape pickers, out in the California  
17 region.

18           He was known for his keen leadership  
19 style and his constant struggle to protect the  
20 rights of farmworkers in California and  
21 throughout the United States.

22           Like Gandhi and Martin Luther King,  
23 Cesar Chavez believed in and carried out his  
24 struggle adhering to the principles of  
25 nonviolence. His many acts of protest and

1 particularly fasting served to unify workers  
2 across America and to alert America to their  
3 struggle.

4           Between 1952 and 1962, Cesar Chavez  
5 worked for the Community Services Organization.  
6 When they refused to organize farmworkers in  
7 1962, he left and cofounded the United Farmers  
8 Union. The United Farmers Union, under the  
9 leadership of Chavez, raised national  
10 consciousness about the life and struggles of  
11 farmworkers and their needs and desires for a  
12 better quality of life and education.

13           Today we commemorate his life, we  
14 honor his life and his accomplishments, his  
15 legacy. As a champion of democracy and human  
16 rights, his legacy remains in the hearts and  
17 minds of many of us.

18           It is fitting that New York, with a  
19 history rich in battles for civil, labor and  
20 human rights, joins in honoring this great  
21 leader.

22           Today we had a great number of  
23 advocates from farmworkers visit our offices.  
24 They had to leave to their respective regions of  
25 the state. But I know that in their spirit they

1 carry the motto, well-established in our nation  
2 by Cesar Chavez: Sí, se puede.

3 Thank you, Mr. President.

4 ACTING PRESIDENT GRIFFO: As noted,  
5 the resolution was adopted on March 26th of this  
6 year.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: Yes. If you  
9 could please call up Resolution 2171, by Senator  
10 Hassell-Thompson, and read the title only.

11 ACTING PRESIDENT GRIFFO: The  
12 Secretary will read.

13 THE SECRETARY: Legislative  
14 Resolution Number 2171, by Senator  
15 Hassell-Thompson, mourning the death of Reverend  
16 Dr. Richard H. Dixon, Jr., distinguished  
17 minister, civil rights leader, and devoted member  
18 of his community.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Hassell-Thompson.

21 SENATOR HASSELL-THOMPSON: Thank  
22 you, Mr. President.

23 I rise to ask for support of this  
24 resolution for Dr. Richard H. Dixon, Jr., who  
25 pastored the Macedonia Baptist Church for over

1 forty years.

2 Dr. Dixon was not only known for the  
3 work that he did within the walls of Macedonia,  
4 but he was truly a street preacher. And he would  
5 take his message out to the streets and bring  
6 young men and young women into the church, feed  
7 them if they were hungry, and provide shelter  
8 when they were homeless.

9 On a national level, he was a part  
10 of the Southern Christian Leadership movement,  
11 and he marched with Dr. King and several others  
12 from Selma to Montgomery.

13 Not only was he a national figure,  
14 but when Dr. King was awarded the Nobel Prize for  
15 Peace he was one of the pastors that was invited  
16 to go with Dr. King as he received this award.

17 Reverend Dixon was truly revered.  
18 He had a six-hour funeral, and pastors from  
19 across the country came to be there to celebrate  
20 the life of someone who was truly a giant in not  
21 only the Baptist community but across all  
22 denominations.

23 Dr. Dixon began the first United  
24 Black Clergy and the Interfaith Clergy throughout  
25 the County of Westchester, bringing together all

1 faiths to ensure that social justice was the  
2 order of the day.

3           So I stand here as someone who was  
4 the baptized by him, who was married by him,  
5 whose children were christened under his  
6 leadership in the church.

7           And thank you, Mr. President and  
8 this body, for supporting this resolution for a  
9 man who very few people could ever walk in his  
10 shoes or could walk in his shadow because of the  
11 kind of commitment that he made not only to his  
12 home community, but to people anywhere who needed  
13 not just religious counseling and religious  
14 comfort, but who gave a word of good cheer and  
15 peace in his heart to all who met him.

16           He, like another famous gentleman of  
17 yesteryear, said he never met a person who was a  
18 stranger. And so everyone he met, he befriended.  
19 And he was adored and respected by so many.

20           Thank you.

21           ACTING PRESIDENT GRIFFO: Thank  
22 you, Senator Hassell-Thompson. The question is  
23 on the resolution. All in favor signify by  
24 saying aye.

25           (Response of "Aye.")

1                   ACTING PRESIDENT GRIFFO:    Opposed?

2                   (No response.)

3                   ACTING PRESIDENT GRIFFO:    The  
4 resolution is adopted.

5                   Senator DeFrancisco.

6                   SENATOR DeFRANCISCO:    Yes, would  
7 you now take up Resolution 2221, by Senator  
8 Kennedy, and read the title only. Thank you.

9                   ACTING PRESIDENT GRIFFO:    The  
10 Secretary will read.

11                   THE SECRETARY:    Legislative  
12 Resolution Number 2221, by Senator Kennedy,  
13 mourning the death of James R. Hillery,  
14 distinguished citizen and devoted member of his  
15 community.

16                   ACTING PRESIDENT GRIFFO:    Before I  
17 call on Senator Kennedy, I'm going to ask for  
18 some order in the chamber again.

19                   We have a lot of people in the  
20 chamber. I'm going to ask staff to take their  
21 conversations outside the chamber, please.

22                   Senator Kennedy.

23                   SENATOR KENNEDY:    Mr. President, I  
24 rise today to remember an extraordinary member of  
25 my district and my dear friend, Mr. James

1 Hillery, who passed away on April 16th of this  
2 year.

3 Jim, a lifelong resident of South  
4 Buffalo, touched the lives of thousands and  
5 thousands of individuals in South Buffalo and  
6 Western New York over the course of his long and  
7 full life. After his passing, a touching tribute  
8 in the Buffalo News described him as "the Pope of  
9 South Buffalo and the Monsignor Martin Athletic  
10 Association."

11 A member of the second overall  
12 graduating class from Bishop Timon High School on  
13 McKinley Parkway, he was likely their proudest  
14 alumnus.

15 Jim believed in the importance of  
16 education for all students regardless of their  
17 family's income. For more than 50 years, he  
18 dedicated himself to raising money for  
19 underprivileged students in Western New York  
20 through the scholarship foundation named after  
21 his father, Judge John D. Hillery. Over 2,000  
22 students have had an education they may have  
23 never otherwise dreamed of, let alone  
24 experienced, because of the scholarships given by  
25 the Hillery Foundation.

1                   Beyond his involvement with the  
2 Hillery Foundation, Jim was a dedicated phys ed  
3 teacher for over 30 years. He also coached  
4 baseball, basketball, hockey, golf, and  
5 throughout his entire life was an amazing golfer.  
6 In addition, he officiated thousands of  
7 basketball games over 35 years.

8                   He loved sports, not only for the  
9 athleticism and competition, but for the way the  
10 game had of bringing our community together. If  
11 you participated in sports in any way in Buffalo  
12 and Western New York, or even if you were an avid  
13 fan, you knew Jim Hillery.

14                   But as much as he loved his high  
15 school sports and sports in general, Jim's true  
16 love and devotion was to his family, and in  
17 particular to his wife of 60 years, Kathleen.

18                   Kathleen and Jim had a beautiful  
19 family: Six sons, three daughters, and more than  
20 30 grandchildren. They all know how special Jim  
21 was, and we're grateful to them for sharing him  
22 with all of us in South Buffalo and beyond.

23                   In the days following his passing,  
24 the stories and memories of Jim were endless. I  
25 was lucky enough to know Jim. We reverently

1 referred to him as simply "Mr. Hillery." Others  
2 referred to him as "Coach." But whatever you  
3 called Jim, the experience of knowing him, what a  
4 wonderful person he was, that was expressed by so  
5 many people that showed up and talked about the  
6 stories of his life, and folks that were just so  
7 saddened through his passing.

8           While his infectious positivity, his  
9 spirit, his endless love for those around him  
10 will be greatly missed, his legacy will live on  
11 through the generations of students that he  
12 coached, countless people he befriended, and the  
13 community he so dearly treasured and loved.

14           I'm honored to have the opportunity  
15 to recognize and remember such a beloved figure  
16 in South Buffalo and, again, a very dear friend  
17 to myself and so many others in Western New York.  
18 I share my condolences with his wife, his  
19 children and grandchildren.

20           And so many of us know the great  
21 legacy that Jim Hillery leaves behind. May he  
22 rest in peace.

23           Thank you, Mr. President.

24           ACTING PRESIDENT GRIFFO: The  
25 question is on the resolution. All in favor

1 signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT GRIFFO: Opposed?

4 (No response.)

5 ACTING PRESIDENT GRIFFO: The  
6 resolution is adopted.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: Yes, I've  
9 been -- I notice that there's two former Senators  
10 here today in our hallowed chambers. Even though  
11 we want to leave as soon as possible in June,  
12 they want to come back and see us all again. And  
13 they'll be at the dinner tonight: Senator Franz  
14 Leichter, great debater; Senator Bob DiCarlo,  
15 great enforcer.

16 (Laughter.)

17 ACTING PRESIDENT GRIFFO: Welcome  
18 Senator Leichter, and welcome, Senator DiCarlo.

19 (Applause.)

20 SENATOR DeFRANCISCO: Judge Jeremy  
21 Weinstein is here as well. I didn't see him; he  
22 was behind Senator Leichter.

23 ACTING PRESIDENT GRIFFO: Senator  
24 Weinstein, welcome.

25 (Applause.)

1                   SENATOR DeFRANCISCO:    Okay, we'll  
2 now hand up committee assignments.

3                   ACTING PRESIDENT GRIFFO:    The  
4 committee assignments are received.

5                   SENATOR DeFRANCISCO:    They have  
6 been handed up.

7                   And now there will be an immediate  
8 meeting of the Finance Committee in Room 332, to  
9 be immediately followed by a Rules Committee in  
10 that same room.

11                  ACTING PRESIDENT GRIFFO:    There  
12 will be an immediate meeting of the Senate  
13 Finance Committee in Room 332. That will be  
14 followed by an immediate meeting of the Rules  
15 Committee in Room 332.

16                  The Senate will stand at ease.

17                  SENATOR DeFRANCISCO:    Another note.

18                  ACTING PRESIDENT GRIFFO:    Senator  
19 DeFrancisco.

20                  SENATOR DeFRANCISCO:    I understand  
21 Senator Lanza will have the Cities Committee  
22 meeting after Rules.

23                  And we'll now stand at ease.

24                  ACTING PRESIDENT GRIFFO:    There  
25 will be an immediate meeting of the Senate

1 Finance Committee in Room 332. That will be  
2 followed by an immediate meeting of the Senate  
3 Rules Committee in Room 332. And that will be  
4 followed by a Committee on Cities meeting in  
5 Room 332.

6 The Senate stands at ease.

7 (Whereupon, the Senate stood at ease  
8 at 4:37 p.m.)

9 (Whereupon, the Senate reconvened at  
10 5:18 p.m.)

11 SENATOR DeFRANCISCO:  
12 Mr. President.

13 ACTING PRESIDENT GRIFFO: Senator  
14 DeFrancisco.

15 SENATOR DeFRANCISCO: It's my  
16 understanding that the Rules Committee is over,  
17 it's been adjourned, and you have a report of the  
18 Rules Committee at the desk.

19 ACTING PRESIDENT GRIFFO: The  
20 Senate will come to order.

21 There is a Committee on Rules report  
22 before the desk.

23 SENATOR DeFRANCISCO: Can we accept  
24 the Rules Committee report.

25 ACTING PRESIDENT GRIFFO: We'll

1 read it and then move to accept it.

2 The Secretary will read.

3 THE SECRETARY: Senator Flanagan,  
4 from the Committee on Rules, reports the  
5 following bills:

6 Senate Print 235, by Senator Díaz,  
7 an act to amend the Banking Law;

8 Senate 438, by Senator Gallivan, an  
9 act to amend the Vehicle and Traffic Law;

10 Senate 537, by Senator Gallivan, an  
11 act to amend the Public Service Law;

12 Senate 623, by Senator Valesky, an  
13 act to amend the Education Law;

14 Senate 780, by Senator Hannon, an  
15 act to amend the Vehicle and Traffic Law;

16 Senate 956, by Senator Serrano, an  
17 act to amend the Parks, Recreation and Historic  
18 Preservation Law;

19 Senate 1199, by Senator Marchione,  
20 an act to amend the Executive Law;

21 Senate 1827, by Senator Golden, an  
22 act to amend the Penal Law;

23 Senate 2394, by Senator Ritchie, an  
24 act to amend the Correction Law;

25 Senate 2866, by Senator Felder, an

1 act to direct;

2 Senate 2895, by Senator Farley, an  
3 act to amend the Education Law;

4 Senate 2977, by Senator Funke, an  
5 act to amend the Penal Law;

6 Senate 3178, by Senator Klein, an  
7 act to amend the Penal Law;

8 Senate 3243, by Senator Savino, an  
9 act to amend the Penal Law;

10 Senate 4763, by Senator Funke, an  
11 act to amend the Social Services Law;

12 And Senate 5597, by Senator  
13 Flanagan, an act to amend Chapter 97 of the Laws  
14 of 2011.

15 All bills reported direct to third  
16 reading.

17 ACTING PRESIDENT GRIFFO: On  
18 motion, all in favor of accepting the Committee  
19 on Rules report signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT GRIFFO: Opposed?

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The  
24 Committee on Rules report has been accepted and  
25 is before the house.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: Could you  
3 please do the noncontroversial reading of today's  
4 calendar.

5 ACTING PRESIDENT GRIFFO: The  
6 Secretary will read today's active list,  
7 noncontroversial.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 134, by Senator Gallivan, Senate Print 1700A, an  
11 act in relation.

12 ACTING PRESIDENT GRIFFO: There is  
13 a home-rule message at the desk.

14 The Secretary will read the last  
15 section.

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

18 SENATOR GIANARIS: Lay it aside.

19 ACTING PRESIDENT GRIFFO: Lay the  
20 bill aside.

21 THE SECRETARY: Calendar Number  
22 209, by Senator Ranzenhofer, Senate Print 3353B,  
23 an act to repeal Chapter 154 of the Laws of 1921.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

1 SENATOR GIANARIS: Lay it aside.

2 ACTING PRESIDENT GRIFFO: Lay the  
3 bill aside.

4 THE SECRETARY: Calendar Number  
5 211, by Senator Ranzenhofer, Senate Print 1052,  
6 an act to amend the Education Law.

7 ACTING PRESIDENT GRIFFO: Read the  
8 last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect on the first of July.

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT GRIFFO: Announce  
15 the results.

16 THE SECRETARY: Ayes, 57. Nays, 5.  
17 Senators Avella, Carlucci, Hoylman, Krueger and  
18 Montgomery recorded in the negative.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 255, by Senator Hannon, Senate Print 3461A, an  
23 act to amend the Public Health 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 THE SECRETARY: Calendar Number  
10 290, by Senator O'Mara, Senate Print 4403A, an  
11 act to amend the Environmental Conservation Law.

12 ACTING PRESIDENT GRIFFO: Read the  
13 last section.

14 THE SECRETARY: Section 3.

15 SENATOR RIVERA: Lay it aside.

16 SENATOR DeFRANCISCO: Lay it aside  
17 for the day.

18 ACTING PRESIDENT GRIFFO: Lay the  
19 bill aside for the day.

20 THE SECRETARY: Calendar Number  
21 292, by Senator Dilan, Senate Print 997, an act  
22 to amend the Vehicle and Traffic Law.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT GRIFFO: Announce  
6 the results.

7 THE SECRETARY: Ayes, 59. Nays, 3.  
8 Senators DeFrancisco, Hoylman and Krueger  
9 recorded in the negative.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 301, by Senator Young, Senate Print 4267, an act  
14 to amend the Highway Law.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 302, by Senator Young, Senate Print 4268, an act  
2 to amend the Highway Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 383, by Senator Griffio, Senate Print 2265, an act  
15 to amend the Highway Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

18 THE SECRETARY: Section 4. This  
19 act shall take effect on the 120th day.

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT GRIFFO: The bill  
25 is passed.

1                   THE SECRETARY:     Calendar Number  
2     389, by Senator Klein, Senate Print 4311, an act  
3     to amend the Vehicle and Traffic Law.

4                   ACTING PRESIDENT GRIFFO:     Read the  
5     last section.

6                   SENATOR GIANARIS:     Lay it aside.

7                   ACTING PRESIDENT GRIFFO:     Lay the  
8     bill aside.

9                   THE SECRETARY:     Calendar Number  
10    435, by Senator Funke, Senate Print 3131, an act  
11    to amend the Election Law.

12                   ACTING PRESIDENT GRIFFO:     Read the  
13    last section.

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

16                   ACTING PRESIDENT GRIFFO:     Call the  
17    roll.

18                   (The Secretary called the roll.)

19                   THE SECRETARY:     Ayes, 62.

20                   ACTING PRESIDENT GRIFFO:     The bill  
21    is passed.

22                   THE SECRETARY:     Calendar Number  
23    441, by Senator Marchione, Senate Print 4370, an  
24    act to amend the Racing, Pari-Mutuel Wagering and  
25    Breeding Law.

1                   ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

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

5                   ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.

9                   ACTING PRESIDENT GRIFFO:    The bill  
10 is passed.

11                   THE SECRETARY:    Calendar Number  
12 449, by Senator Ortt, Senate Print 3408, an act  
13 to amend the Education Law.

14                   ACTING PRESIDENT GRIFFO:    Read the  
15 last section.

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

18                   ACTING PRESIDENT GRIFFO:    Call the  
19 roll.

20                   (The Secretary called the roll.)

21                   THE SECRETARY:    Ayes, 62.

22                   ACTING PRESIDENT GRIFFO:    The bill  
23 is passed.

24                   THE SECRETARY:    Calendar Number  
25 464, by Senator Klein, Senate Print 1524, an act

1 to amend the Penal Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 475, by Senator Young, Senate Print 1361, an act  
14 to amend the Executive Law.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 484, substituted earlier by Member of the  
2 Assembly Buchwald, Assembly Print 4273, an act to  
3 amend the Executive Law.

4 ACTING PRESIDENT GRIFFO. Read the  
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT GRIFFO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 501, by Senator Griffo, Senate Print 2263, an act  
16 to amend the Education Law.

17 ACTING PRESIDENT GRIFFO: Read the  
18 last section.

19 THE SECRETARY: Section 3. This  
20 act shall take effect on the first of July.

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 THE SECRETARY: Calendar Number  
3 502, by Senator Croci, Senate Print 2939, an act  
4 to amend the Military Law.

5 ACTING PRESIDENT GRIFFO: Read the  
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT GRIFFO: Announce  
13 the results.

14 THE SECRETARY: In relation to  
15 Calendar 502, those recorded in the negative are  
16 Senators Comrie, Gianaris, Hassell-Thompson,  
17 Hoylman, Krueger, Montgomery, Parker and Rivera.  
18 Also Senator Espaillat.

19 Ayes, 53. Nays, 9.

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 503, by Senator Croci, Senate Print 3134, an act  
24 to amend the Real Property Tax Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 508, by Senator Croci, Senate Print 4852, an act  
12 to amend the Military Law.

13 ACTING PRESIDENT GRIFFO: Read the  
14 last section.

15 THE SECRETARY: Section 3. 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 THE SECRETARY: Calendar Number  
24 526, by Senator Funke, Senate Print 4561, an act  
25 to amend the Highway Law.

1                   ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

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

5                   ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.

9                   ACTING PRESIDENT GRIFFO:    The bill  
10 is passed.

11                   THE SECRETARY:    Calendar Number  
12 527, by Senator Funke, Senate Print 4564, an act  
13 to amend the Highway Law.

14                   ACTING PRESIDENT GRIFFO:    Read the  
15 last section.

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

18                   ACTING PRESIDENT GRIFFO:    Call the  
19 roll.

20                   (The Secretary called the roll.)

21                   THE SECRETARY:    Ayes, 62.

22                   ACTING PRESIDENT GRIFFO:    The bill  
23 is passed.

24                   THE SECRETARY:    Calendar Number  
25 528, by Senator Funke, Senate Print 4565, an act

1 to amend the Highway Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 529, by Senator Ranzenhofer, Senate Print 4679,  
14 an act to amend the Highway Law.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 530, by Senator Gallivan, Senate Print 4687, an  
2 act to amend the Highway Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 556, by Senator Libous, Senate Print 831, an act  
15 to amend the State Finance Law.

16 SENATOR GIANARIS: Lay it aside.

17 ACTING PRESIDENT GRIFFO: Lay the  
18 bill aside.

19 THE SECRETARY: Calendar Number  
20 569, by Senator Young, Senate Print 1916, an act  
21 to amend the Agriculture and Markets Law.

22 ACTING PRESIDENT GRIFFO: Read the  
23 last section.

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

1                   ACTING PRESIDENT GRIFFO:    Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 61.  Nays, 1.  
5 Senator Espaillat recorded in the negative.

6                   ACTING PRESIDENT GRIFFO:    The bill  
7 is passed.

8                   THE SECRETARY:    Calendar Number  
9 699, by Senator Díaz, Senate Print 165, an act to  
10 amend the State Finance Law.

11                   ACTING PRESIDENT GRIFFO:    Read the  
12 last section.

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

15                   ACTING PRESIDENT GRIFFO:    Call the  
16 roll.

17                   (The Secretary called the roll.)

18                   THE SECRETARY:    Ayes, 62.

19                   ACTING PRESIDENT GRIFFO:    The bill  
20 is passed.

21                   THE SECRETARY:    Calendar Number  
22 700, by Senator Marcellino, Senate Print 415, an  
23 act to amend the Education Law.

24                   ACTING PRESIDENT GRIFFO:    Read the  
25 last section.

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

3                   ACTING PRESIDENT GRIFFO:   Call the  
4 roll.

5                   (The Secretary called the roll.)

6                   ACTING PRESIDENT GRIFFO:   Announce  
7 the results.

8                   THE SECRETARY:    In relation to  
9 Calendar 700, those recorded in the negative are  
10 Senators Comrie, Díaz, Dilan, Espailat,  
11 Hamilton, Hassell-Thompson, Hoylman, Krueger,  
12 Montgomery, Parker, Peralta, Perkins, Rivera,  
13 Serrano, Squadron and Stavisky.  Also Senator  
14 Stewart-Cousins.

15                   Ayes, 45.  Nays, 17.

16                   ACTING PRESIDENT GRIFFO:   The bill  
17 is passed.

18                   THE SECRETARY:    Calendar Number  
19 701, by Senator Marcellino, Senate Print 424, an  
20 act to amend the Penal Law.

21                   ACTING PRESIDENT GRIFFO:   Read the  
22 last section.

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

25                   ACTING PRESIDENT GRIFFO:   Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 59. Nays, 3.  
4 Senators Comrie, Hamilton and Montgomery recorded  
5 in the negative.

6 ACTING PRESIDENT GRIFFO: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 702, by Senator Marcellino, Senate Print 449, an  
10 act to amend the Executive Law.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61. Nays, 1.  
19 Senator Montgomery recorded in the negative.

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 704, by Senator Robach, Senate Print 862, an act  
24 to amend the Domestic Relations Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 705, by Senator Robach, Senate Print 871, an act  
12 to amend the Penal Law.

13 ACTING PRESIDENT GRIFFO: Read the  
14 last section.

15 THE SECRETARY: Section 5. This  
16 act shall take effect on the first of November.

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 THE SECRETARY: Calendar Number  
24 706, by Senator Avella, Senate Print 932, an act  
25 to amend the Public Housing Law.

1                   ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

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

5                   ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.

9                   ACTING PRESIDENT GRIFFO:    The bill  
10 is passed.

11                   THE SECRETARY:    Calendar Number  
12 707, by Senator Ranzenhofer, Senate Print 1051,  
13 an act to amend the Education Law.

14                   ACTING PRESIDENT GRIFFO:    Read the  
15 last section.

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

18                   ACTING PRESIDENT GRIFFO:    Call the  
19 roll.

20                   (The Secretary called the roll.)

21                   THE SECRETARY:    Ayes, 59.  Nays, 3.  
22 Senators Comrie, Hoylman and Krueger recorded in  
23 the negative.

24                   ACTING PRESIDENT GRIFFO:    The bill  
25 is passed.

1 THE SECRETARY: Calendar Number  
2 708, by Senator Squadron, Senate Print 1121, an  
3 act to amend the Vehicle and Traffic Law.

4 ACTING PRESIDENT GRIFFO: Read the  
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT GRIFFO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 709, by Senator O'Mara, Senate Print 1440, an act  
16 to amend the Penal Law.

17 ACTING PRESIDENT GRIFFO: Read the  
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT GRIFFO: Announce  
25 the results.

1                   THE SECRETARY:    In relation to  
2   Calendar 709, those recorded in the negative are  
3   Senators Comrie, Hamilton, Hassell-Thompson,  
4   Hoylman, Krueger, Montgomery, Perkins and  
5   Serrano.

6                   Ayes, 54.   Nays, 8.

7                   ACTING PRESIDENT GRIFFO:    The bill  
8   is passed.

9                   THE SECRETARY:    Calendar Number  
10   710, by Senator Libous, Senate Print 1478, an act  
11   to amend the Highway Law.

12                   ACTING PRESIDENT GRIFFO:    Read the  
13   last section.

14                   SENATOR GIANARIS:    Lay it aside.

15                   ACTING PRESIDENT GRIFFO:    Lay the  
16   bill aside.

17                   THE SECRETARY:    Calendar Number  
18   711, by Senator Seward, Senate Print 1581, an act  
19   to amend the Public Authorities Law.

20                   ACTING PRESIDENT GRIFFO:    Read the  
21   last 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 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 712, substituted earlier by Member of the  
7 Assembly Jaffee, Assembly Print 866A, an act to  
8 amend the Mental Hygiene Law.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT GRIFFO: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 713, by Senator Griffo, Senate Print 1974, an act  
21 to amend the Penal Law.

22 ACTING PRESIDENT GRIFFO: Read the  
23 last section.

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

1                   ACTING PRESIDENT GRIFFO:    Call the  
2 roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT GRIFFO:    Senator  
5 DeFrancisco to explain his vote.

6                   SENATOR DeFRANCISCO:    I vote no. I  
7 do on all of these because it elevates, depending  
8 on who you are, an assault 3rd to an assault  
9 2nd.

10                  We're almost there; I think there's  
11 a clerk at 7-11 who hasn't been covered by one of  
12 these specific bills. And as soon as that's  
13 done, I'll be supporting all of them.

14                  Thank you.

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

17                  Announce the results.

18                  THE SECRETARY:    In relation to  
19 Calendar 713, those recorded in the negative are  
20 Senators DeFrancisco, Montgomery, Parker and  
21 Perkins.

22                  Ayes, 58. Nays, 4.

23                  ACTING PRESIDENT GRIFFO:    The bill  
24 is passed.

25                  THE SECRETARY:    Calendar Number

1 714, by Senator Larkin, Senate Print 2203, an act  
2 to amend the Vehicle and Traffic Law.

3 SENATOR GIANARIS: Lay it aside.

4 ACTING PRESIDENT GRIFFO: Lay the  
5 bill aside.

6 THE SECRETARY: Calendar Number  
7 715, by Senator Young, Senate Print 2318, an act  
8 to amend the Civil Rights Law.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61. Nays, 1.  
17 Senator Krueger recorded in the negative.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 716, substituted earlier by Member of the  
22 Assembly Cusick, Assembly Print 1460, an act to  
23 amend Chapter 306 of the Laws of 2011.

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 THE SECRETARY: Calendar Number  
10 717, by Senator Felder, Senate Print 2698, an act  
11 to amend the Vehicle and Traffic Law.

12 ACTING PRESIDENT GRIFFO: Read the  
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT GRIFFO: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 718, by Senator Lanza, Senate Print 2819, an act  
24 to amend the Penal Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 719, by Senator Ritchie, Senate Print 3306, an  
12 act to amend the Correction Law.

13 ACTING PRESIDENT GRIFFO: Read the  
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: We're on  
21 Calendar Number 719.

22 Announce the results.

23 THE SECRETARY: In relation to  
24 Calendar 719, those recorded in the negative are  
25 Senators Comrie, Hassell-Thompson, Montgomery and

1 Perkins.

2 Ayes, 58. Nays, 4.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 720, by Senator Lanza, Senate Print 3317, an act  
7 to amend the Penal Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

10 THE SECRETARY: Section 5. This  
11 act shall take effect on the first of November.

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO: Announce  
16 the results.

17 THE SECRETARY: In relation to  
18 Calendar 720, those recorded in the negative are  
19 Senators Hassell-Thompson, Krueger, Montgomery,  
20 Perkins and Squadron.

21 Ayes, 57. Nays, 5.

22 ACTING PRESIDENT GRIFFO: The bill  
23 is passed.

24 Can I have some order in the house,  
25 please.

1           The Secretary will continue.

2           THE SECRETARY:   Calendar Number  
3   721, by Senator Serino, Senate Print 3694A, an  
4   act to amend the Penal Law.

5           SENATOR GIANARIS:   Lay it aside.

6           ACTING PRESIDENT GRIFFO:   Lay the  
7   bill aside.

8           THE SECRETARY:   Calendar Number  
9   722, by Senator Lanza, Senate Print 3725, an act  
10  to establish.

11          ACTING PRESIDENT GRIFFO:   Read the  
12  last section.

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

15          ACTING PRESIDENT GRIFFO:   Call the  
16  roll.

17                           (The Secretary called the roll.)

18          THE SECRETARY:   Ayes, 62.

19          ACTING PRESIDENT GRIFFO:   The bill  
20  is passed.

21          THE SECRETARY:   Calendar Number  
22  725, by Senator Venditto, Senate Print 4777, an  
23  act to amend the Penal Law.

24          ACTING PRESIDENT GRIFFO:   Read the  
25  last section.

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

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                   THE SECRETARY:    Calendar Number  
10 726, by Senator Young, Senate Print 5056A, an act  
11 to amend the Real Property Tax Law.

12                  SENATOR GIANARIS:   Lay it aside.

13                  ACTING PRESIDENT GRIFFO:  Lay the  
14 bill aside.

15                  Senator DeFrancisco, that completes  
16 the noncontroversial reading of today's calendar.

17                  SENATOR DeFRANCISCO:   Can we go  
18 back to motions and resolutions, please.

19                  ACTING PRESIDENT GRIFFO:  We'll  
20 return to motions and resolutions.

21                  SENATOR DeFRANCISCO:   On behalf of  
22 Senator Golden, on page 30 I offer the following  
23 amendments to Calendar 496, Senate Print 4642,  
24 and ask that said bill retain its place on the  
25 Third Reading Calendar.

1                   ACTING PRESIDENT GRIFFO:    The  
2 amendments are received, and the bill shall  
3 retain its place on third reading.

4                   SENATOR DeFRANCISCO:    Could you  
5 please recognize Senator Valesky.

6                   ACTING PRESIDENT GRIFFO:    Senator  
7 Valesky.

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

10                   On behalf of Senator Klein, on  
11 page 44 I offer the following amendments to  
12 Calendar 632, Senate Print 4542, and ask that  
13 said bill retain its place on the Third Reading  
14 Calendar.

15                   ACTING PRESIDENT GRIFFO:    The  
16 amendments are received, and the bill shall  
17 retain its place on third reading.

18                   Senator DeFrancisco.

19                   SENATOR DeFRANCISCO:    Could we now  
20 go to Senate Supplemental Calendar Number 42A.

21                   ACTING PRESIDENT GRIFFO:    We will  
22 now go to Senate Supplemental Calendar 42A.

23                   SENATOR DeFRANCISCO:    And the first  
24 bill we'd like to call up is Calendar 847, by  
25 Senator Marchione.

1                   ACTING PRESIDENT GRIFFO:    The  
2   Secretary will read.

3                   THE SECRETARY:    Calendar Number  
4   847, by Senator Marchione, Senate Print 1199, an  
5   act to amend the Executive 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                  ACTING PRESIDENT GRIFFO:    Senator  
14   Kennedy to explain his vote.

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

17                               I rise as a strong supporter and  
18   cosponsor of this bill, which seeks to lift the  
19   cap on compensation for Gold Star parents and  
20   allows for the annual payment to these families  
21   to be increased as Social Security benefits  
22   increase.

23                               Gold Star families are among our  
24   nation's finest parents, who raise their children  
25   to be brave enough to fight on the front lines

1 for our country and have given the ultimate  
2 sacrifice.

3 Last year I had the privilege of  
4 walking in the July 4th parade in Cheektowaga,  
5 alongside Gold Star mothers. And let me tell  
6 you, it was one of the greatest honors I've ever  
7 had in my life.

8 The most amazing and inspiring thing  
9 about Gold Star parents is that they're always  
10 channeling their grief into positive action that  
11 helps thousands of veterans and military families  
12 here in New York State and across this great  
13 nation. Despite their loss, their mission is to  
14 take care of others -- other veterans, other  
15 families -- so that their son's or their  
16 daughter's memory and efforts are never lost.

17 And just as they offer their  
18 support, it should be our mission to take care of  
19 them. By increasing the compensation of  
20 Gold Star parents as the cost of living  
21 increases, we're making a promise to these fallen  
22 brave men and women that we won't forget about  
23 their families and the ones that they love the  
24 most.

25 These soldiers made tremendous

1 sacrifices. And even though our gratitude will  
2 never be able to truly match the magnitude of  
3 those sacrifices, we must always make our  
4 greatest effort.

5 To all the veteran families and  
6 military families whose sons and daughters have  
7 made the ultimate sacrifice, we thank them for  
8 everything that they have sacrificed on our  
9 behalf, my family, our families across this state  
10 and across this nation.

11 With that said, Mr. President, I  
12 vote aye.

13 ACTING PRESIDENT GRIFFO: Senator  
14 Kennedy to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT GRIFFO: The bill  
18 is passed.

19 Senator DeFrancisco.

20 SENATOR DeFRANCISCO: And the only  
21 other bill I'd like to take off of Supplemental  
22 Calendar 42A is 857, by Senator Flanagan.

23 ACTING PRESIDENT GRIFFO: The  
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 857, by Senator Flanagan, Senate Print 5597, an  
2 act to amend Chapter 97 of the Laws of 2011.

3 SENATOR GIANARIS: Lay it aside.

4 ACTING PRESIDENT GRIFFO: Lay the  
5 bill aside.

6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO: Could you  
8 please go to the controversial reading of that  
9 bill, 857, from the supplemental calendar.

10 ACTING PRESIDENT GRIFFO: The  
11 Secretary will ring the bell on Calendar Number  
12 857 of Supplemental Calendar 42A.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 857, by Senator Flanagan, Senate Print 5597, an  
16 act to amend Chapter 97 of the Laws of 2011.

17 ACTING PRESIDENT GRIFFO: Senator  
18 Latimer.

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

21 Will the sponsor or his  
22 representative be available for a few questions?

23 ACTING PRESIDENT GRIFFO: Senator  
24 DeFrancisco, do you yield?

25 SENATOR DeFRANCISCO: Yes.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2 DeFrancisco yields.

3                   SENATOR LATIMER:    Thank you,  
4 Senator.

5                   The bill before us today is intended  
6 to make the tax cap permanent.  May I ask the  
7 Senator when the current bill is scheduled to  
8 expire.

9                   SENATOR DeFRANCISCO:    I think  
10 sometime next year, if I'm not mistaken.

11                   SENATOR LATIMER:    If the Senator  
12 will continue to yield, I do believe it expires  
13 in 2016, the Senator is correct.

14                   The intent here is to make this  
15 permanent.  Isn't it correct that at any point in  
16 time this Legislature could vote to modify or  
17 change this tax cap between now and then, or  
18 renew it for any other set period of time, that  
19 there is no deadline that requires us to deal  
20 with this particular proposal today?

21                   SENATOR DeFRANCISCO:    Yeah, that's  
22 true.

23                   But, you know, why not the present?  
24 Why would we wait to get up against the deadline  
25 and try to get something passed at the last

1 minute, like we do sometimes with the budget? We  
2 want to be proactive because it's such a great  
3 feature of state government, the 2 percent tax  
4 cap.

5                   SENATOR LATIMER: Thank you. Will  
6 the Senator continue to yield?

7                   SENATOR DeFRANCISCO: Yes.

8                   ACTING PRESIDENT GRIFFO: The  
9 Senator yields.

10                   SENATOR LATIMER: Thank you,  
11 Senator.

12                   Senator, we have heard from  
13 municipal governments, those that represent  
14 villages, towns, cities and counties -- many of  
15 which we have served on ourselves as councilman,  
16 county executive, county legislator, village  
17 trustee, and so forth -- that the current  
18 property tax cap, which has been in effect for  
19 four years, exempts capital projects on the  
20 school district side but does not exempt those  
21 capital projects on the municipal government  
22 side.

23                   And that a number of our communities  
24 are telling us that the tax cap makes it very  
25 difficult for them to undertake the kind of

1 capital improvements that are necessary from  
2 aging infrastructure, that winds up going into  
3 the cap and making it more difficult for them to  
4 be tax-cap compliant.

5           Before advancing this bill today,  
6 was there a discussion about the possibility of a  
7 modification that would satisfy that which we've  
8 heard from our villages, towns, cities and  
9 counties?

10           SENATOR DeFRANCISCO: Yeah, there's  
11 been discussions about modifying it in many  
12 different ways. Some don't want 2 percent. Some  
13 districts, local municipalities don't want any  
14 cap so they can continue to spend at whatever  
15 rate they choose to.

16           But it's important to our conference  
17 that this 2 percent cap continue. We could  
18 always make modifications sometime later if the  
19 consensus is to do that.

20           And the amount of money, from the  
21 information I've got, that we've saved property  
22 owners in school taxes alone by the cap is  
23 \$1.3 billion. And, you know, that's real money.

24           And most people are very concerned  
25 about high property taxes. And the great

1 consensus is that we should keep this thing  
2 going. If it could be working better and there's  
3 a consensus made, we can make modifications like  
4 that.

5 SENATOR LATIMER: Will the Senator  
6 continue to yield.

7 SENATOR DeFRANCISCO: Yes.

8 ACTING PRESIDENT GRIFFO: The  
9 Senator yields.

10 SENATOR LATIMER: Thank you,  
11 Senator.

12 Given the fact that we have the  
13 opportunity not to have the tax cap expire for at  
14 least another year, and there have not been  
15 detailed public hearings to listen to the  
16 experiences, now that we've had the cap in place  
17 for four years -- there may be things that you  
18 want to point to specifically about the benefits  
19 of it, but we have heard that there are very  
20 specific concerns about it.

21 Another example of that would be  
22 that in the 2011 bill, when this was passed,  
23 there was a commitment made for significant  
24 mandate relief. Has there been any mandate relief  
25 over and above what we have talked about in

1 general that is attached to the extension of this  
2 tax cap that's before us today?

3 SENATOR DeFRANCISCO: Well, I think  
4 our moves as far as our state's now  
5 responsibility as far as Medicaid costs, that to  
6 me is a very significant mandate relief. It's  
7 one of the biggest mandates that we have for  
8 local government.

9 So I think that's been done. More  
10 can definitely be done. But the state should be  
11 paying for mandates, and I agree with you.

12 But this is so important, we believe  
13 it's got to be continued. And if changes have to  
14 be made at a later date -- and by the way, just  
15 for my own personal district, I get more comments  
16 on the property tax cap than anything else.  
17 People want to keep it going because they don't  
18 want to go back in that cycle that we've been  
19 going into where there are ever-increasing  
20 property taxes.

21 Also, to the credit of state  
22 government, we've been -- even though not  
23 mandated by law, we've been keeping our state  
24 budgets below the 2 percent cap as well,  
25 voluntarily, which provides other savings to the

1 State of New York taxpayers as well.

2 SENATOR LATIMER: Will the Senator  
3 continue to yield.

4 SENATOR DeFRANCISCO: Yes.

5 ACTING PRESIDENT GRIFFO: The  
6 Senator yields.

7 SENATOR LATIMER: Thank you.

8 Senator, there is a bill which  
9 Senator Gallivan carries which would phase out,  
10 over a defined period of time, that Medicaid  
11 mandate that you spoke of.

12 Any of us with any experience in  
13 county government know that that portion of  
14 mandate relief that has been experienced so far  
15 on Medicaid is merely to cap the growth of  
16 Medicaid, but that the base charge of Medicaid  
17 still runs somewhere between 20 to 25 percent of  
18 the property tax levy of county governments,  
19 whether they're a large county government or a  
20 small county government.

21 And I'm wondering if in if the  
22 decision to extend the tax cap as is there was  
23 any discussion of Senator Gallivan's bill, and  
24 perhaps take some of those provisions and build  
25 that in as mandate relief to accompany the

1 extension of the cap.

2           SENATOR DeFRANCISCO: Well, that is  
3 also a good bill.

4           But on the other hand, counties --  
5 in order to balance the budget, we have to stay  
6 under 2 percent too, according to our voluntary  
7 2 percent cap. There are a lot of needs by a lot  
8 of people in this room that we try to fill the  
9 gaps on, and sometimes you can't justify hundreds  
10 of millions of dollars of additional spending to  
11 lower the cost for counties.

12           And the other thing, too, and  
13 everybody forgets about this, when Medicaid first  
14 became a responsibility of county governments,  
15 there was a corresponding permission to enact  
16 their own sales tax. And the sales tax revenues  
17 that are coming in are substantial.

18           So if we're going to go that logical  
19 step where we pick up the entire cost of  
20 Medicaid, maybe that sales tax revenue, in  
21 return, should be given to the State of New York  
22 or stopped completely.

23           So it's not like we left the county  
24 governments in the lurch. If you look at their  
25 sales tax revenues, that's probably their biggest

1 revenue of all. So it's not -- you don't just  
2 get everything -- namely, pay the Medicaid -- and  
3 continue to have the benefit you got when the  
4 rule for Medicaid payments was made.

5 SENATOR LATIMER: Will the Senator  
6 continue to yield.

7 SENATOR DeFRANCISCO: Yes.

8 ACTING PRESIDENT GRIFFO: The  
9 Senator yields.

10 SENATOR LATIMER: Thank you,  
11 Senator.

12 My understanding from most of the  
13 counties I speak to is they would gladly give us  
14 back the sales tax revenue if we took back their  
15 Medicaid mandate. Now, that may not be true for  
16 every single county, but everyone I've talked to  
17 thinks that that would be a lot better, because  
18 the reality of it is that you're paying property  
19 tax expenditures for the Medicaid mandate.

20 But I appreciate your answer on the  
21 issue. The bottom line is that the extension  
22 does not include any additional aid on the  
23 Medicaid issue.

24 May I ask -- in terms of school  
25 districts, the tax cap does not make any

1 respectful modification for school districts when  
2 they have increasing enrollments. So that year  
3 over year, if a school district has many more  
4 students coming in, as some do, there is no  
5 exception or consideration made for that.

6 Was that a discussion before the  
7 extension was put before us?

8 SENATOR DeFRANCISCO: No. Because  
9 when you get increased enrollment, you get  
10 increased state aid to education.

11 And with respect to your last point,  
12 I think it's a good point. Maybe Senator  
13 Gallivan, I'd join with him to see if we could  
14 get a quid pro quo from the counties and get the  
15 sales tax in return for some further relief on  
16 Medicaid.

17 SENATOR LATIMER: Will the Senator  
18 continue to yield.

19 SENATOR DeFRANCISCO: Yes.

20 ACTING PRESIDENT GRIFFO: The  
21 Senator yields.

22 SENATOR LATIMER: Thank you,  
23 Senator.

24 In many cases, Senator, as we know,  
25 there are school districts that receive as little

1 as 5 percent of direct state aid. So when they  
2 have an increasing enrollment, no modification to  
3 the tax cap, and a very small amount of state  
4 aid, it in fact costs them a great deal whenever  
5 they have increasing enrollments. And we've seen  
6 that in many of the high-growth suburbs in  
7 Westchester and on Long Island.

8 Let me ask, has there been any  
9 discussion or consideration about a modification  
10 to the tax cap to take into account significant  
11 refunds on tax certiorari proceedings, which many  
12 times has had a significant impact on county  
13 governments, on school districts and on municipal  
14 governments, and it has been argued by those  
15 local officials that those should not be  
16 calculated as part of their tax cap obligation.

17 SENATOR DeFRANCISCO: Okay.

18 ACTING PRESIDENT GRIFFO: Senator  
19 DeFrancisco.

20 SENATOR DeFRANCISCO: I don't know  
21 if there -- was that a question?

22 SENATOR LATIMER: Yes.

23 SENATOR DeFRANCISCO: Oh, okay. I  
24 missed it. Would you tell me the question part?

25 SENATOR LATIMER: I think I

1 started, as they do on Jeopardy, in the form of  
2 "what is."

3 (Laughter.)

4 ACTING PRESIDENT GRIFFO: Senator  
5 Latimer, could you pose a question, please.

6 SENATOR LATIMER: I will. Thank  
7 you, Mr. President.

8 Was there consideration made for the  
9 reality that tax certiorari settlements, which  
10 have significant dollar impacts, have not been  
11 taken into account in the calculation of the  
12 tax cap for those governments that give back  
13 certioraris that are covered under the tax cap --  
14 counties, villages, towns, cities?

15 SENATOR DeFRANCISCO: I'm sure  
16 there were discussions, but it didn't get in this  
17 particular bill.

18 And in addition, there's another  
19 remedy for those school districts. Namely, they  
20 can, by a more-than-majority vote, they can  
21 actually raise their taxes a greater part. And  
22 if they're larger than 2 percent, and if it's  
23 Westchester County, usually that's pretty  
24 high-value-property area, I think.

25 SENATOR LATIMER: Will the Senator

1 continue to yield.

2 SENATOR DeFRANCISCO: Yes.

3 ACTING PRESIDENT GRIFFO: The  
4 Senator yields.

5 SENATOR LATIMER: Thank you,  
6 Senator.

7 Was there any discussion before  
8 putting this bill before us as a straight  
9 extension about the fact that the tax cap does  
10 not take into account if there is a significant  
11 DEC consent order upon a municipal government  
12 that would require a significant expense to the  
13 municipal government, where capital is not  
14 excluded from the tax cap, and the State DEC has  
15 required Community A or Community B to spend an  
16 inordinate amount of money to fix some particular  
17 item as part of a settlement?

18 SENATOR DeFRANCISCO: There was  
19 never really any discussion about that.

20 But if you could look at any  
21 jurisdiction -- school district, municipality or  
22 whatever -- there's always special circumstances.  
23 And if we did a bill which included every  
24 circumstance where you could violate the 2  
25 percent, you wouldn't have the 2 percent cap any

1 longer.

2                   SENATOR LATIMER: Will the Senator  
3 continue to yield.

4                   SENATOR DeFRANCISCO: Yes.

5                   SENATOR LATIMER: Thank you,  
6 Senator.

7                   Similarly, was there any discussion  
8 about the impact of PILOT agreements, payment in  
9 lieu of tax agreements that occur that work in  
10 also against the tax cap when those come into  
11 play?

12                   SENATOR DeFRANCISCO: Well, there's  
13 a bill that Senator O'Mara has that would do just  
14 that.

15                   But once again, it's a local  
16 decision whether to do a PILOT or not. If the  
17 PILOT is something that's important enough to  
18 bring in new business, then obviously the tax  
19 revenues are going to go up. If it's not enough  
20 to justify doing with a 2 percent tax cap, the  
21 decision should be made not to do the project.

22                   SENATOR LATIMER: Thank you,  
23 Senator.

24                   Mr. President, on the bill.

25                   ACTING PRESIDENT GRIFFO: Senator

1 Latimer on the bill.

2 SENATOR LATIMER: Thank you.

3 Thank you very much, Senator  
4 DeFrancisco.

5 What we have here is an extremely  
6 popular issue. We understand that tax stress  
7 exists everywhere in this state, from people who  
8 have low income to people who have high incomes.  
9 If they have property, they feel stressed by  
10 their property taxes.

11 It is also true that when this tax  
12 cap was created four years ago, it was sunset for  
13 a reason. Why do we sunset bills? Because we  
14 want there to be an evaluation as to what that  
15 bill impact will be.

16 And at that time that that bill was  
17 voted on in both houses and passed in both  
18 houses, there was a promise made that there would  
19 be significant, robust mandate relief that would  
20 accompany the bill. The actual bill in 2011 had  
21 very little of that.

22 A year later, there was an argument  
23 that the pension-smoothing proposal was that tax  
24 relief that would come, tax relief which was used  
25 by one community in the state and no others.

1                   What I would argue is we have had  
2 the opportunity to look at four years of the  
3 impact of the tax cap. And the municipal  
4 officials, the NYSAC officials, the town  
5 officials are not arguing that they want to see  
6 the tax cap disappear. They don't like it, but  
7 they have raised some legitimate issues that need  
8 to be considered before an extension.

9                   And to extend it without having that  
10 robust debate is not to be fair to the local  
11 governments. They are people who have run for  
12 public office as we have. They've been elected  
13 by the people in their jurisdiction to use their  
14 judgment, much the same as we have in being sent  
15 here, and much the way that most of us have who  
16 served in other levels of government before we  
17 got here.

18                   The thought that having been elected  
19 mayor of Mineola Village or having been elected a  
20 county clerk in Saratoga County or having been  
21 elected town supervisor in New Windsor or having  
22 been elected to the Rye City Council, that  
23 somehow those elected officials can't function  
24 intelligently in their respective governments  
25 without the state telling them what to do and how

1 to do it, works against everything that we hear  
2 all the time in this chamber, that we want to  
3 take power and push it down to the local level.

4 So what I would argue, I'm sure  
5 unsuccessfully, is that we have a tax cap that is  
6 in place for another year. We have identified  
7 just the tip of the iceberg of sensible  
8 discussions that ought to be held about  
9 modifications that could be made.

10 If we vote today to extend the tax  
11 cap today, we add no benefit to the taxpayer  
12 because the tax cap is already in place for the  
13 next 12 months.

14 But what we will do is turn our back  
15 on our local officials. And we will be telling  
16 those village mayors who we're going to see this  
17 weekend, we'll be telling those town councilmen  
18 that we're going to see this weekend: We didn't  
19 hear. We didn't care what you had to say. We  
20 didn't care that we were willing to try to modify  
21 and adjust and make some considerations because  
22 of that reality.

23 I think what we have today is acting  
24 prematurely, and I think acting unfairly to our  
25 local governments. I don't think we're treating

1 our local governments and their officials and the  
2 school districts with the respect they properly  
3 deserve.

4           Having said that, Mr. President, I  
5 appreciate your time. Senator DeFrancisco, I  
6 appreciate your time. And I will relinquish my  
7 time.

8           ACTING PRESIDENT GRIFFO: Senator  
9 Panepinto.

10           SENATOR PANEPINTO: Yes,  
11 Mr. President. Will the sponsor yield to a  
12 couple of questions on the issue?

13           ACTING PRESIDENT GRIFFO: Senator  
14 DeFrancisco, do you yield?

15           SENATOR DeFRANCISCO: Yes.

16           ACTING PRESIDENT GRIFFO: The  
17 Senator yields.

18           SENATOR PANEPINTO: Yes. I'd like  
19 to know if there's been any consideration given  
20 to giving municipalities some relief from capital  
21 debt expenditures in the consideration of this  
22 bill.

23           SENATOR DeFRANCISCO: It's not in  
24 this bill.

25           SENATOR PANEPINTO: It's not in

1 this bill.

2 I represent a district --

3 ACTING PRESIDENT GRIFFO: Senator  
4 Panepinto, do you want him to yield?

5 SENATOR PANEPINTO: Yes, will the  
6 Senator continue to yield.

7 ACTING PRESIDENT GRIFFO: Yes, the  
8 Senator yields.

9 SENATOR PANEPINTO: Senator, I  
10 represent a district much like you do --  
11 suburban, urban, six towns, seven villages. I  
12 have talked to all of those supervisors and  
13 village mayors.

14 Capital expenditures that towns  
15 engage in for roads and sewers and  
16 infrastructure, has there been any consideration  
17 for exemptions for capital expenditures in the  
18 present bill?

19 SENATOR DeFRANCISCO: Not in this  
20 bill, no.

21 SENATOR PANEPINTO: Not in this  
22 bill. Thank you.

23 On the bill.

24 ACTING PRESIDENT GRIFFO: Senator  
25 Panepinto on the bill.

1                   SENATOR PANEPINTO:    I have talked  
2 to, you know, Republican, independent,  
3 conservative municipal leaders in my district.  
4 There are great concerns as, you know, Senator  
5 Latimer has discussed on the part of village  
6 mayors and town supervisors about their inability  
7 to provide services for their towns and villages.

8                   The Town of Tonawanda is an example.  
9 It has an EPA requirement that, you know, has got  
10 them spending \$5 million to come into compliance,  
11 and that is not a capital expenditure that can be  
12 counted against the tax cap. So they have  
13 problems.

14                   I've got the Town of Grand Island  
15 which, you know, would like to purchase  
16 additional equipment to deal with snow removal.  
17 Those things haven't been taken into account.

18                   So while this is a very popular  
19 measure with the electorate, it's a wonderful  
20 talking point of a tax cap, it really has  
21 handicapped towns and municipalities across my  
22 district.

23                   I'll be voting in the affirmative,  
24 but I believe that this body needs to take up the  
25 considerations on this bill about giving

1 municipalities some relief on capital  
2 expenditures and on equipment expenditures and on  
3 relief from debt service.

4 ACTING PRESIDENT GRIFFO: Seeing  
5 and hearing no other Senator that wishes to be  
6 heard, debate is closed -- Senator Bonacic.

7 SENATOR BONACIC: I'll try to be  
8 brief.

9 First of all, I appreciated Senator  
10 Latimer's very intelligent presentation of  
11 dissecting this legislation.

12 I recall that prior to 2011, in the  
13 mid-Hudson area, the biggest complaint we had was  
14 the escalation of property taxes on homeowners.  
15 The increases were anywhere from 5 to 10 percent,  
16 probably five years in a row. So if you owned a  
17 home that was worth 300 grand, 350, you were  
18 close to paying double-digit property taxes,  
19 close to 10 grand.

20 If I go to the Island, the rich  
21 people, supposedly, if their homes were assessed  
22 at \$500,000, they were paying \$25,000 worth of  
23 taxes.

24 Now, the homeowners had to choose:  
25 Are they going to pay their mortgage or are they

1 going to pay their property taxes? That's a heck  
2 of a choice for a homeowner. Excellence for  
3 education for their children, or keeping their  
4 home? Because wages were not keeping up with  
5 that escalation that we saw in property taxes.

6 We were the tax hellhole in the  
7 country. And I think Westchester County to this  
8 day pays the highest taxes in the nation, I  
9 think. You can correct me if I'm wrong.

10 Now, we saved over \$7 billion, by  
11 this tax cap, for taxpayers.

12 Now, on your point of mandate  
13 relief, I remember it --

14 SENATOR GIANARIS: Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Gianaris, why do you rise?

17 SENATOR GIANARIS: Would you just  
18 remind members to speak through the presiding  
19 officer instead of addressing each other  
20 directly.

21 ACTING PRESIDENT GRIFFO: He's  
22 speaking on the bill, Senator Gianaris.

23 SENATOR BONACIC: I'm speaking on  
24 the bill.

25 ACTING PRESIDENT GRIFFO: You may

1 continue, Senator Bonacic.

2 SENATOR BONACIC: Yeah, I'm  
3 speaking on the bill.

4 In terms of mandate relief, I  
5 remember Senator Meier, who was here prior to  
6 Senator Griffo. In the Senate we put forth  
7 \$2 billion of mandate relief in a position paper.  
8 We could not get the Governor to do anything on  
9 mandate relief. Because that was the component,  
10 like you said. Take the property tax cap, we're  
11 going to do mandate relief. And that's a  
12 loose -- that term is used loosely. You have  
13 federal mandates, you have Board of Education  
14 mandates, and we have state mandates. And as you  
15 know, we don't control any of the other two.

16 So I will just say, in conclusion,  
17 that part about being exempt on capital  
18 expenditures, I think that's something we should  
19 look at down the road. I think that's a valid  
20 point. Because my municipalities tell me the  
21 same thing as they're telling some of the other  
22 members. So that's something that I'm prepared  
23 to work with anyone that wants to take that up,  
24 to visit that subject.

25 But when we complain that enough is

1 not being done, I see money coming into  
2 municipalities in a variety of areas. We have  
3 this \$1.5 billion economic development, it's a  
4 competition. It's going to be divided to  
5 counties, it filters down, municipalities pick up  
6 on that. There's Governor Cuomo always  
7 announcing capital grants for everything and  
8 anything that filters down to municipalities.

9           So we put a limit on Medicare  
10 increases that we pick up the tab where it's  
11 frozen. As Senator DeFrancisco said, that was a  
12 huge, huge mandate relief. But it's still very  
13 expensive, I grant you that.

14           So since this recession that's hit  
15 this country and hit New York since 2007 -- and  
16 we have not come out of it yet -- and wages are  
17 not keeping up, everybody and his brother's uncle  
18 is being squeezed. And to your point that  
19 there's pain out there, yes, there's pain out  
20 there. But in my mind, this is generally good  
21 legislation. It helps the taxpayers. They are  
22 under assault on all aspects.

23           And I think it's a good bill, I'm  
24 going to support it. But I thank you both for  
25 making those points about exemption from the

1 capital expenses.

2 ACTING PRESIDENT GRIFFO: Hearing  
3 and seeing no other Senator that wishes to be  
4 heard, debate is closed and the Secretary will  
5 ring the bell.

6 Read the last section.

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

9 ACTING PRESIDENT GRIFFO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT GRIFFO: Announce  
13 the results.

14 THE SECRETARY: In relation to  
15 Calendar 857, those recorded in the negative are  
16 Senators Comrie, Dilan, Espaillet, Hamilton,  
17 Hoylman, Krueger, Montgomery, Peralta, Perkins,  
18 Rivera, Serrano, Squadron and Stavisky.

19 Absent from voting: Senators  
20 Sampson and Sanders.

21 Ayes, 47. Nays, 13.

22 ACTING PRESIDENT GRIFFO: The bill  
23 is passed.

24 Senator DeFrancisco.

25 SENATOR DeFRANCISCO: Can we stand

1 at ease for a moment, please.

2 ACTING PRESIDENT GRIFFO: The  
3 Senate will temporarily stand at ease.

4 (Whereupon, the Senate stood at ease  
5 at 6:11 p.m.)

6 (Whereupon, the Senate reconvened at  
7 6:13 p.m.)

8 SENATOR DeFRANCISCO:  
9 Mr. President.

10 ACTING PRESIDENT GRIFFO: The  
11 Senate will return to order.

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: Could we  
14 please lay aside the remaining bills that are  
15 before the house for the day.

16 ACTING PRESIDENT GRIFFO: All the  
17 bills on the both the active list and the  
18 supplemental active list will be laid aside for  
19 the day.

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

22 ACTING PRESIDENT GRIFFO: There is  
23 no further business before the desk.

24 SENATOR DeFRANCISCO: There being  
25 none, I move to adjourn until Wednesday,

1 {shouting} May 20th, at 11:00 a.m.

2 (Laughter.)

3 ACTING PRESIDENT GRIFFO: On  
4 motion, the Senate will stand adjourned until  
5 Wednesday, May 20th, at 11:00 a.m.

6 The Senate is adjourned.

7 (Whereupon, at 6:13 p.m., the Senate  
8 adjourned.)

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