

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9 January 26, 2016

10 11:24 a.m.

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13
14 REGULAR SESSION

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18 SENATOR PHIL M. BOYLE, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

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

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

16 THE SECRETARY: In Senate, Monday,
17 January 25th, the Senate met pursuant to
18 adjournment. The Journal of Sunday,
19 January 24th, was read and approved. On motion,
20 Senate adjourned.

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

23 Presentation of petitions.

24 Messages from the Assembly.

25 Messages from the Governor.

1 Reports of standing committees.

2 Reports of select committees.

3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 Senator DeFrancisco.

7 SENATOR DeFRANCISCO: Yes,

8 Mr. President. I move to amend Senate Bill
9 Number 5949B by striking out the amendments made
10 on January 21 and restoring it to its previous
11 print number, 5949A. And that's for Senator
12 Griffo.

13 ACTING PRESIDENT BOYLE: So
14 ordered.

15 SENATOR DeFRANCISCO: Thank you.

16 Can we now have the
17 noncontroversial -- excuse me, I forgot the
18 Resolution Calendar. One second. (Pause.)

19 All right, thank you. Now could we
20 please adopt the Resolution Calendar in its
21 entirety, except for -- nothing. Except for
22 nothing. Move to adopt the entire calendar.

23 ACTING PRESIDENT BOYLE: All in
24 favor of adopting the Resolution Calendar
25 signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT BOYLE: Opposed,
3 nay.

4 (No response.)

5 ACTING PRESIDENT BOYLE: The
6 Resolution Calendar is adopted.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: All right.
9 Now I believe there is a privileged resolution
10 previously adopted, by Senator Amedore -- that's
11 Number 3244 -- at the desk. I ask that it be
12 read in its entirety and to call on
13 Senator Amedore.

14 ACTING PRESIDENT BOYLE: The
15 Secretary will read.

16 THE SECRETARY: Legislative
17 Resolution Number 3244, by Senator Amedore,
18 memorializing Governor Andrew M. Cuomo to
19 proclaim January 31, 2016, as Omphaloccele
20 Awareness Day in the State of New York, in
21 conjunction with the observance of National
22 Omphaloccele Awareness Day.

23 "WHEREAS, It is the custom of this
24 Legislative Body to recognize official days that
25 are set aside to increase awareness of serious

1 health issues that affect the lives of citizens
2 of New York State; and

3 "WHEREAS, Attendant to such concern,
4 and in full accord with its long-standing
5 traditions, it is the sense of this Legislative
6 Body to memorialize Governor Andrew M. Cuomo to
7 proclaim January 31, 2016, as Omphalocele
8 Awareness Day in the State of New York, in
9 conjunction with the observance of National
10 Omphalocele Awareness Day as part of the Birth
11 Defects Prevention Month; and

12 "WHEREAS, An omphalocele is a birth
13 defect that occurs early in pregnancy in which
14 the abdominal wall does not close properly and
15 some or most of the abdominal organs protrude on
16 the outside of the fetus' body through the
17 umbilical cord; and

18 "WHEREAS, It is estimated that a
19 small omphalocele occurs in about 1 out of every
20 5,000 pregnancies, and a large or giant
21 omphalocele occurs in about 1 out of every 10,000
22 pregnancies; and

23 "WHEREAS, An omphalocele may be
24 isolated or may be associated with other defects
25 or chromosomal abnormalities; and

1 "WHEREAS, Despite the challenges a
2 baby born with an omphalocele may face, many
3 babies who are born with an omphalocele survive
4 and go on to live happy, healthy lives; and

5 "WHEREAS, Mothers of Omphaloceles
6 (MOO) is a group of over 1,400 parents from
7 around the world that was created to provide
8 hope, support and information to families with
9 babies diagnosed with an omphalocele; and

10 "WHEREAS, It is the sense of this
11 Legislative Body to recognize MOO for their
12 courageous efforts to advocate for their children
13 and raise awareness that an omphalocele is a
14 treatable condition; and

15 "WHEREAS, It is imperative that
16 there be greater public awareness of this serious
17 health issue, and more must be done to increase
18 activity at the state, local and national levels
19 to support the patients, as well as their
20 families; now, therefore, be it

21 "RESOLVED, That this Legislative
22 Body pause in its deliberations to memorialize
23 Governor Andrew M. Cuomo to proclaim January 31,
24 2016, as Omphalocele Awareness Day in the State
25 of New York, in conjunction with the observance

1 of National Omphalocele Awareness Day; and be it
2 further

3 "RESOLVED, That copies of this
4 resolution, suitably engrossed, be transmitted
5 to the Honorable Andrew M. Cuomo, Governor of the
6 State of New York, and Mothers of Omphaloceles."

7 ACTING PRESIDENT BOYLE: Senator
8 Amedore.

9 SENATOR AMEDORE: Well, thank you,
10 Mr. President.

11 And today I am pleased to introduce
12 to this chamber a champion, who is a mighty
13 champion because she is three years old, and
14 Reegan Crawford is one that has been diagnosed
15 with omphalocele when she was born. And that is,
16 as we just heard, literally having some of your
17 organs -- your intestines, liver -- kind of
18 outside of your body.

19 But through the advancements of
20 medicine and our great physicians we have, there
21 are cures. And we can announce today that along
22 with Reegan Crawford are her dad, Jacob; her mom,
23 Kellen; and her one-year-old sister, Delaney,
24 along with the MOOs up in the gallery.

25 And the MOOs are Moms of

1 Omphaloceles, fighting for the awareness and
2 making sure that we all are aware of this
3 disease, because it does happen in births. And
4 we can make sure that we are aware of this and do
5 everything we can to help fight this scary
6 diagnosis and disease for our future generations.

7 So to the Crawfords, thank you so
8 much for your mighty endeavor and continuing your
9 advocacy.

10 And to all the MOOs up in the
11 gallery, thank you for your travels here and for
12 your support.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BOYLE: Thank you,
15 Senator.

16 (Applause.)

17 ACTING PRESIDENT BOYLE: Floor
18 Leader.

19 SENATOR DeFRANCISCO:
20 Mr. President, would you now recognize Senator
21 Stavisky.

22 ACTING PRESIDENT BOYLE: Senator
23 Stavisky.

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

1 Very briefly, I too want to commend
2 the Crawford family. I've known Jake Crawford
3 from his days when he was a student -- in fact,
4 Student President at SUNY Albany. And he has
5 shown tremendous leadership on this issue, which
6 I'd like to think he learned from his days
7 working in the State Senate.

8 We lead by example. And I know the
9 Crawford family has been through difficult times,
10 but I congratulate them on helping other people,
11 because that is what we do.

12 Thank you very much.

13 ACTING PRESIDENT BOYLE: Thank you,
14 Senator.

15 Floor Leader.

16 SENATOR DeFRANCISCO: Would you now
17 take up the noncontroversial reading of the
18 calendar.

19 ACTING PRESIDENT BOYLE: The
20 Secretary will read.

21 THE SECRETARY: Calendar Number 18,
22 by Senator Martins, Senate Print 6387, an act to
23 amend the State Finance Law.

24 ACTING PRESIDENT BOYLE: Read the
25 last section.

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

3 ACTING PRESIDENT BOYLE: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BOYLE: Announce
7 the result.

8 THE SECRETARY: Ayes, 46.

9 ACTING PRESIDENT BOYLE: The bill
10 is passed.

11 THE SECRETARY: Calendar Number 23,
12 by Senator Little, Senate Print 6392, an act to
13 amend the Insurance Law.

14 ACTING PRESIDENT BOYLE: Read the
15 last section.

16 THE SECRETARY: Section 6. This
17 act shall take effect on the same date and in the
18 same manner as Chapter 536 of the Laws of 2015.

19 ACTING PRESIDENT BOYLE: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BOYLE: Announce
23 the result.

24 THE SECRETARY: Ayes, 46.

25 ACTING PRESIDENT BOYLE: The bill

1 is passed.

2 THE SECRETARY: Calendar Number 52,
3 by Senator Lanza, Senate Print 3709A, an act to
4 amend the General Municipal Law.

5 ACTING PRESIDENT BOYLE: Read the
6 last section.

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

9 ACTING PRESIDENT BOYLE: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BOYLE: Senator
13 Golden to explain your vote.

14 SENATOR GOLDEN: On the bill, thank
15 you, sir.

16 Without this property tax cap, in
17 New York City the property tax levy rose
18 7.7 percent in 2014. Property taxes increased by
19 6.3 percent in the last two years, and
20 conservative estimates see them further
21 increasing by an average of over 6 percent each
22 for the next three years.

23 In the city fiscal year 2019, the
24 city will collect \$27 billion in property taxes,
25 \$4.5 billion more than the city currently

1 receives and at least \$4 billion more than if
2 New York City had been subject to the provisions
3 of the cap.

4 This bill means at least \$1,000 more
5 per year per each residential homeowner if these
6 taxes were capped.

7 New York businesses will get hit
8 with another \$3.5 billion more in property taxes
9 without the cap. Rising property taxes are the
10 biggest impediment to economic growth in the
11 city. The cap provides certainty for investment
12 and growth in New York City and will help keep us
13 more competitive with our neighboring states.

14 If we look at what's going on today
15 with the Governor trying to -- going after
16 Medicare \$200 million this year, CUNY
17 \$400 million plus -- almost a billion dollars
18 that the state is trying to claw back. And if
19 you look at the clawbacks over the next two to
20 three years, it goes up to \$2 billion to
21 \$3 billion. That means the state is taking this
22 money back and giving it out across the state.

23 This money belongs in the taxpayers'
24 pockets in the City of New York. And if we'd put
25 that money in the taxpayers of the City of

1 New York and give them the edge that they need to
2 be able to stay and live and raise their families
3 in the greatest city and the greatest nation in
4 the world, that's what they deserve, and nothing
5 less.

6 I will be voting yes, sir.

7 ACTING PRESIDENT BOYLE: Senator
8 Golden in the affirmative.

9 Seeing no other Senators wishing to
10 speak, announce the result.

11 THE SECRETARY: In relation to
12 Calendar 52, those recorded in the negative are
13 Senators Breslin, Comrie, Gianaris, Hamilton,
14 Hassell-Thompson, Parker, Peralta, Sanders,
15 Serrano and Squadron.

16 Ayes, 38. Nays, 10.

17 ACTING PRESIDENT BOYLE: The bill
18 is passed.

19 Senator DeFrancisco.

20 SENATOR DeFRANCISCO: Yes,
21 Mr. President. I'd just like to acknowledge a
22 former colleague that's in the chamber disrupting
23 the proceedings here --

24 (Laughter.)

25 SENATOR DeFRANCISCO: -- former

1 Senator Byron Brown, now mayor of the City of
2 Buffalo.

3 ACTING PRESIDENT BOYLE: Welcome,
4 Mr. Mayor.

5 (Applause.)

6 ACTING PRESIDENT BOYLE: Floor
7 Leader, that completes the noncontroversial
8 reading of the calendar.

9 SENATOR DeFRANCISCO: Is there any
10 further business at the desk? (Pause.)

11 I believe there's more business at
12 the desk. We should return to motions and
13 resolutions.

14 ACTING PRESIDENT BOYLE: Motions
15 and resolutions.

16 SENATOR DeFRANCISCO: And we would
17 like to indicate that Senator Amedore's
18 previously adopted resolution that he discussed
19 today should be opened up to all members of this
20 body. And if you do not want to cosponsor it,
21 please notify the desk. Otherwise, you'll be on.

22 ACTING PRESIDENT BOYLE: The
23 resolution is open for cosponsorship. If you do
24 not wish to cosponsor Senator Amedore's
25 resolution, please notify the desk.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: And now is
3 there any further business at the desk?

4 ACTING PRESIDENT BOYLE: No further
5 business.

6 SENATOR DeFRANCISCO: That being
7 the case, we will now adjourn until Monday,
8 February 1st, at 3:00 p.m., intervening days
9 being legislative days.

10 ACTING PRESIDENT BOYLE: On motion,
11 the Senate stands adjourned until Monday,
12 February 1st, at 3:00 p.m., intervening days
13 being legislative days.

14 (Whereupon, at 11:38 a.m., the
15 Senate adjourned.)

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