NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 26, 2016

11:24 a.m.

REGULAR SESSION

SENATOR PHIL M. BOYLE, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT BOYLE: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BOYLE: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFrancisco.

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

ACTING PRESIDENT BOYLE: So ordered.

SENATOR DeFRANCISCO: Thank you.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT BOYLE: Opposed, nay.

(No response.)

ACTING PRESIDENT BOYLE: The Resolution Calendar is adopted.

Senator DeFrancisco.

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

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3244, by Senator Amedore, memorializing Governor Andrew M. Cuomo to proclaim January 31, 2016, as Omphalocele Awareness Day in the State of New York, in conjunction with the observance of National Omphalocele Awareness Day.

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

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

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

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

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

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

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

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

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

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

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

of National Omphalocele Awareness Day; and be it further

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

ACTING PRESIDENT BOYLE: Senator Amedore.

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

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

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

And the MOOs are Moms of

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT BOYLE: Thank you, Senator.

(Applause.)

ACTING PRESIDENT BOYLE: Floor Leader.

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

ACTING PRESIDENT BOYLE: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

Thank you very much.

ACTING PRESIDENT BOYLE: Thank you, Senator.

Floor Leader.

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

ACTING PRESIDENT BOYLE: The Secretary will read.

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

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT BOYLE: The bill is passed.

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

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT BOYLE: The bill

is passed.

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

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Golden to explain your vote.

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

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

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

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

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

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

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

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

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

I will be voting yes, sir.

ACTING PRESIDENT BOYLE: Senator Golden in the affirmative.

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

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

Ayes, 38. Nays, 10.

ACTING PRESIDENT BOYLE: The bill is passed.

Senator DeFrancisco.

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

(Laughter.)

SENATOR DeFRANCISCO: -- former

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

ACTING PRESIDENT BOYLE: Welcome, Mr. Mayor.

(Applause.)

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

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

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

ACTING PRESIDENT BOYLE: Motions and resolutions.

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

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

Senator DeFrancisco.

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

ACTING PRESIDENT BOYLE: No further business.

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

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

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