

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8 ALBANY, NEW YORK

9
10 February 8, 2016

11 3:03 p.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR JOSEPH GRIFFO, Acting President

19 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 ask all present to please rise
5 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 that everyone please
11 bow your heads in a moment of silent reflection
12 and prayer.

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, Sunday,
18 February 7th, the Senate met pursuant to
19 adjournment. The Journal of Saturday,
20 February 6th, was read and approved. On motion,
21 Senate 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 Messages from the Governor.

3 Reports of standing committees.

4 Reports of select committees.

5 Communications and reports from
6 state officers.

7 Motions and resolutions.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Can we go to
10 reports of standing committees. I believe --
11 oh, okay, we'll do the motions first, excuse me.

12 I wish to call up the following
13 bills, which were recalled from the Assembly and
14 are now at the desk: Senate Print 6383, 6391,
15 6392, 6395, and 6427.

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will read the titles of the bills.

18 THE SECRETARY: Calendar Number
19 14, by Senator Flanagan, Senate Print 6383, an
20 act to amend the General Business Law.

21 Calendar Number 22, by Senator
22 Marcellino, Senate Print 6391, an act to amend
23 Chapter 672 of the Laws of 1993.

24 Calendar Number 23, by Senator
25 Little, Senate Print 6392, an act to amend the

1 Insurance Law.

2 Calendar Number 26, by Senator
3 Seward, Senate Print 6395, an act to amend the
4 Insurance Law.

5 And Calendar Number 38, by
6 Senator Lanza, Senate Print 6427, an act to
7 amend the Real Property Tax Law.

8 SENATOR DeFRANCISCO: I now move
9 to reconsider the votes by which these bills
10 were passed.

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

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 43.

15 SENATOR DeFRANCISCO: I now offer
16 the following amendments.

17 ACTING PRESIDENT GRIFFO: The
18 amendments are received.

19 Senator DeFrancisco.

20 SENATOR DeFRANCISCO:
21 Mr. President, on page 13 I offer the following
22 amendments to Calendar Number 40, Senate Print
23 6429, a bill by Senator Seward, and I ask that
24 said bill retain its place on the Third Reading
25 Calendar.

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

4 SENATOR DeFRANCISCO: Also, on
5 page 11, I offer the following amendments to
6 Calendar Number 27, Senate Print 6396, a Senator
7 Larkin bill, and ask that said bill retain its
8 place on the Third Reading Calendar.

9 ACTING PRESIDENT GRIFFO: The
10 amendments are received, and the bill shall
11 retain its place on third reading.

12 SENATOR DeFRANCISCO: On page
13 number 12, I offer the following amendments to
14 Calendar Number 34, Senate Print 6423, and ask
15 that said bill retain its place on the Third
16 Reading Calendar, a bill by Senator Ranzenhofer.

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

20 SENATOR DeFRANCISCO: Also on page
21 12, I offer the following amendments to
22 Calendar Number 35, Senate Print Number 6424, a
23 bill by Senator Bonacic, and ask that said bill
24 retain its place on the Third Reading Calendar.

25 ACTING PRESIDENT GRIFFO: The

1 amendments are received, and the bill will retain
2 its place on third reading.

3 SENATOR DeFRANCISCO: I now move
4 that the following bill be discharged from its
5 respective committee and be recommitted with
6 instructions to strike the enacting clause:
7 Senator O'Mara's bill, Number 3932.

8 ACTING PRESIDENT GRIFFO: So
9 ordered.

10 SENATOR DeFRANCISCO: I move that
11 the following bill of Senator Robach be
12 discharged from its respective committee and be
13 recommitted with instructions to strike the
14 enacting clause. That's Number 6359.

15 ACTING PRESIDENT GRIFFO: So
16 ordered.

17 SENATOR DeFRANCISCO: I also move
18 to amend Senate Bill 3908A by striking out the
19 amendments made on January 11, 2016, and
20 restoring it to its original print number, 3908,
21 a Senator Marchione bill.

22 ACTING PRESIDENT GRIFFO: So
23 ordered.

24 SENATOR DeFRANCISCO: Would you
25 please recognize Senator Gianaris.

1 ACTING PRESIDENT GRIFFO: Senator
2 Gianaris.

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

5 I move that the following bills be
6 discharged from their respective committees and
7 be recommitted with instructions to strike the
8 enacting clause: On behalf of Senator Panepinto,
9 Senate Numbers 3632A and 6301.

10 ACTING PRESIDENT GRIFFO: It is so
11 ordered.

12 SENATOR DeFRANCISCO: Please
13 recognize Senator Valesky.

14 ACTING PRESIDENT GRIFFO: Senator
15 Valesky.

16 SENATOR VALESKY: Thank you,
17 Mr. President.

18 On behalf of myself, I move that the
19 following bills be discharged from their
20 respective committees and be recommitted with
21 instructions to strike the enacting clause:
22 Senate Bills 621 and 5128.

23 ACTING PRESIDENT GRIFFO: So
24 ordered.

25 SENATOR VALESKY: Also, on behalf

1 of Senator Avella, I wish to call up his bill,
2 6422, recalled from the Assembly, which is now at
3 the desk.

4 ACTING PRESIDENT GRIFFO: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number 33,
7 by Senator Avella, Senate Print 6422, an act to
8 amend the Vehicle and Traffic Law.

9 SENATOR VALESKY: I now move to
10 reconsider the vote by which this bill passed.

11 ACTING PRESIDENT GRIFFO: The
12 Secretary will call the roll on reconsideration.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 47.

15 SENATOR VALESKY: I now offer the
16 follow amendments.

17 ACTING PRESIDENT GRIFFO: The
18 amendments are received.

19 SENATOR VALESKY: Also on behalf of
20 Senator Avella, I wish to call up his bill,
21 Number 6428, recalled from the Assembly and it's
22 now at the desk.

23 ACTING PRESIDENT GRIFFO: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number 39,

1 by Senator Avella, Senate Print 6428, an act to
2 amend the General Business Law.

3 SENATOR VALESKY: I now move to
4 reconsider the vote by which this bill was
5 passed.

6 ACTING PRESIDENT GRIFFO: The
7 Secretary will call the roll on reconsideration.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 47.

10 SENATOR VALESKY: I now offer the
11 following amendments.

12 ACTING PRESIDENT GRIFFO: The
13 amendments are received.

14 Senator DeFrancisco.

15 SENATOR DeFRANCISCO: Yes, could we
16 go to reports of standing committees.

17 I believe there's a report from the
18 Judiciary Committee at the desk.

19 ACTING PRESIDENT GRIFFO: Reports
20 of standing committees.

21 There is a report of the Judiciary
22 Committee before the desk, and the Secretary will
23 read.

24 THE SECRETARY: Senator Bonacic,
25 from the Committee on Judiciary, reports the

1 following nomination:

2 Michael Garcia, as an Associate
3 Judge of the New York State Court of Appeals.

4 SENATOR DeFRANCISCO: Please
5 recognize Senator Bonacic.

6 ACTING PRESIDENT GRIFFO: May I
7 have some order in the house, please.

8 Senator Bonacic.

9 SENATOR BONACIC: Thank you,
10 Mr. President.

11 Earlier today the Judiciary
12 Committee met and considered the nomination of
13 Michael Garcia to serve as an Associate Judge of
14 the Court of Appeals, for a term commencing
15 February 8, 2016, and expiring February 7, 2030.

16 Mr. Garcia is with us today in the
17 gallery.

18 He's a resident of Irvington,
19 New York, in Senator Stewart-Cousins' district.

20 Pursuant to the provisions of
21 Section 2 of Article 6 of the Constitution and
22 the provisions of Section 68 of the Judiciary
23 Law, the Judiciary Committee has reported the
24 nomination to the floor with no opposition.

25 Joined in the gallery with Michael

1 Garcia are his two beautiful children Sofia and
2 Michael.

3 And I would like to mention that his
4 bride, Liana Davila, and his other son, Manuel
5 Garcia, were supposed to leave from Puerto Rico
6 yesterday to be here, but their flight was
7 canceled because of bad weather. But I know that
8 your bride and your son are here in spirit
9 applauding you today, Mr. Garcia.

10 Now, just to give you a brief
11 profile of Michael Garcia's experience.

12 He served as a clerk to Judge Judith
13 Kaye for a couple of years.

14 He also served nine years as a
15 federal prosecutor in the U.S. Attorney's office
16 in Manhattan, from 1992 to 2001. There he
17 prosecuted a number of high-profile cases
18 involving national security, including the 1993
19 terrorist bombing of the World Trade Center and
20 the 1998 bombings of the U.S. Embassies in
21 East Africa. For his work on these cases, he was
22 twice awarded the Department of Justice's
23 Exceptional Service Award, the DOJ's highest
24 honor.

25 He led various Executive Branch

1 enforcement agencies, including as Secretary for
2 Immigration and Customs Enforcement, within the
3 Department of Homeland Security, where he oversaw
4 20,000 employees between 2001 and 2005.

5 In addition, he served as the U.S.
6 Attorney from 2005 to 2008, where he supervised
7 numerous public corruption matters involving
8 state and local officials, fraud, and chaired the
9 Attorney General's Advisory Committee on
10 Terrorism and National Security.

11 He's currently a partner in the law
12 firm of Kirkland & Ellis, in New York, where he
13 has been for 6 and a half years.

14 He also served as independent chair
15 of the investigatory chamber of the ethics
16 committee of FIFA, investigating corruption in
17 world soccer, from 2012 to 2014.

18 He's been a vice president of the
19 Americas for Interpol, the international police
20 organization.

21 I think this is probably the most
22 outstanding and diverse and exceptional resume
23 that I have ever seen for a nominee to the Court
24 of Appeals, and I want to thank our Governor for
25 this outstanding and impressive nominee. He has

1 a wealth of experience and intellect to bring to
2 the highest court.

3 And the other thing I'd like to
4 mention, when we vetted these Court of Appeals
5 judges as they came before us -- and this, as I
6 said, is the sixth one since 2013. And next year
7 in January of 2017, when Judge Pigott has to
8 retire, we will have had seven new Court of
9 Appeals judges in roughly a little over a
10 four-year span, which is quite historic.

11 But in addition, he brings a wealth
12 of commercial litigation experience. And that
13 was a void in all of the six judges before us
14 that went up to the Court of Appeals. So we were
15 very impressed with his background in regulatory
16 and commercial litigation.

17 I urge all of my colleagues to
18 confirm the nomination of Michael Garcia to serve
19 as an Associate Judge of the Court of Appeals.

20 Thank you, Mr. President.

21 ACTING PRESIDENT GRIFFO: Thank
22 you, Senator Bonacic.

23 Senator Stewart-Cousins.

24 SENATOR STEWART-COUSINS: Thank
25 you, Mr. President.

1 I rise to also second the nomination
2 of our new Court of Appeals judge. He is a
3 constituent of mine, and we just had the
4 opportunity to meet today. And I know that he's
5 with his two children, and we talked about the
6 busy life that he's been having, from clerking
7 very early in your career with Chief Justice Kaye
8 before she was the chief justice, and also work
9 that he'd done in -- pro bono work, frankly, that
10 his firm has done with regard to legal defense
11 for indigent clients.

12 He is obviously a man, as Senator
13 Bonacic said, who's had a diverse amount of
14 experience. And I certainly look forward to your
15 continued service with great dignity and
16 integrity on the Court of Appeals.

17 So I am so happy, this is the second
18 Westchester resident I've had the chance to
19 applaud in the past few weeks, and I am very,
20 very proud that you, as my constituent, will be
21 such an important part in our state history and
22 our state judicial system.

23 Congratulations.

24 ACTING PRESIDENT GRIFFO: Senator
25 DeFrancisco.

1 SENATOR DeFRANCISCO: Yes. Despite
2 the fact that the nominee could not explain to me
3 the rule against perpetuities in the Judiciary
4 Committee, I do wholeheartedly support his
5 confirmation.

6 I'm not going to repeat what's been
7 mentioned already about his qualifications, but
8 it's such a broad experience that he brings to
9 the bench. Because the Court of Appeals hears
10 every single type of case known to the law, and
11 to have somebody with that broad experience there
12 to share with the other judges is simply
13 outstanding.

14 The Governor should be complimented
15 for this nominee. And I agree with John Bonacic,
16 I believe that this is probably the most diverse
17 and impressive resume that I've seen, and I've
18 been here a few years.

19 I can't help but comment that your
20 term expires in the year 2030. Senator Larkin
21 will be 102 on that day, and he will -- oh, he's
22 gone -- and he will be here, he will be here to
23 vote for your next 14 years.

24 So congratulations, and best of
25 luck.

1 Oh, here he is.

2 SENATOR LARKIN: What are you
3 hollering at me now?

4 (Laughter.)

5 SENATOR LARKIN: He doesn't respect
6 his elders.

7 (Laughter.)

8 ACTING PRESIDENT GRIFFO: Senator
9 Nozzolio.

10 SENATOR NOZZOLIO: Thank you,
11 Mr. President. On the nomination.

12 I look forward to the day when
13 Senator Larkin's here; I know I won't be.

14 But I thank the Governor for this
15 tremendous nomination. It will have lasting
16 impact on the citizens of our state.

17 The nominee, Michael Garcia, brings
18 to this job a wonderful history of employment
19 and, before that, a wonderful record of academic
20 and scholastic achievement. First in his class
21 from Albany Law School. I talked to a number of
22 members of that class, who are still so
23 impressed -- but not so much with his academic
24 performance but his demeanor, his collegial
25 attitude, his focus on those who weren't in maybe

1 the top 5 or 10 percent of the class, but the
2 entire class.

3 Most importantly, I believe, besides
4 the wonderful academic and professional
5 experiences, this nominee has a compelling
6 personal story, one that began with his family
7 deciding they were going to be coming to America
8 to seek a better life. That's a story that is
9 the story of all of us, but in Michael Garcia's
10 case it's the subject of recent history. And
11 that compelling story is about how people can
12 come to New York, a place of opportunity, work
13 hard, study hard, be involved hard in terms of
14 their own work ethic, and that work ethic
15 translated into the success of this fine
16 New Yorker.

17 He carries with him that legacy. He
18 carries with him that story, a story that's a
19 story of all of us, but one that can never be
20 overtold.

21 With that, Mr. President, I
22 wholeheartedly endorse this wonderful nomination.
23 I wish him a long and successful tenure on the
24 most important court, arguably, in all of these
25 United States short of the United States

1 Supreme Court.

2 Thank you, Mr. President. Godspeed
3 to the nominee.

4 ACTING PRESIDENT GRIFFO: Senator
5 Hassell-Thompson.

6 SENATOR HASSELL-THOMPSON: Thank
7 you, Mr. President.

8 I rise to also congratulate the
9 Governor on his appointment of Mr. Garcia.

10 We had a chance to talk with him
11 before and certainly ask questions of him today.
12 I too am very pleased, as is Senator DeFrancisco,
13 at the fact that we talk about who's on the bench
14 and the qualification of who's on the bench, but
15 there's several levels of diversity besides
16 gender and ethnicity that become important.

17 And I think because he brings a
18 talent that no one of the judges that I've had
19 the good fortune to help to confirm has the broad
20 spectrum that he does, I listened to his answers
21 and I listened to his understanding of
22 cyber-intelligence and some of the other concerns
23 that were raised by Senator Nozzolio. And we
24 need someone who has a much broader perspective
25 than just what I call common law.

1 And so I was very pleased with this
2 nomination. I was very pleased to give my
3 affirmation to him being appointed. But
4 certainly he has a breadth of knowledge that's
5 important, but I also understood that he has a
6 humanity and a caring about public service that
7 someone in a position as he has been, making the
8 kind of money that he can make, would choose to
9 leave and come back into public service. And
10 that said a great deal for me.

11 So I do appreciate, Mr. President,
12 the opportunity to speak on behalf of this
13 candidate today, and hope that, like me, my
14 colleagues here will see in him what I saw and
15 vote yes.

16 Thank you, Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator
18 Murphy.

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

21 Mr. Garcia, from one Westchester
22 resident to another, congratulations. We now
23 have two Court of Appeals judges here. We're
24 doing pretty good in Westchester, huh?

25 God bless, to you and your family.

1 After reading your resume, I'll say one word:
2 Wow. Very impressive. We are lucky to have you.
3 God bless.

4 ACTING PRESIDENT GRIFFO: Senator
5 Díaz.

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

8 Ladies and gentlemen, today I'm
9 supposed to be the happiest man here, I'm
10 supposed to be the happiest person because a
11 Hispanic is being appointed, a Hispanic is being
12 nominated. So me, as a Puerto Rican, born in
13 Puerto Rica, in Bayamón, Puerto Rico, in
14 {Spanish}, I should be proud.

15 Also because we minorities, we
16 fight, we struggle so our people get considered.
17 But every time that someone in our community gets
18 nominated or appointed, I would like to feel, I
19 would like to feel that everybody else, that
20 everyone else has approved that person as the
21 best one in the group.

22 Today we have a problem that
23 concerns me. As Puerto Rican, as Hispanic, I
24 have a problem. The New York State Trial
25 Association, the trial lawyers, has recommended,

1 among the candidates, four non-Hispanic
2 candidates, and they recommended them as highly
3 qualified and highly recommended, four of them.
4 Then the only minority in the whole group is
5 being sent to us as just qualified and just
6 recommended. Against four non-Hispanics, no
7 minorities, highly qualified and highly
8 recommended.

9 Today we should feel proud because
10 there is a minority on, but the question is when
11 the Governor chose a minority, they're being
12 appointed, they're being recommended as just
13 recommended and just qualified, against four
14 highly recommended and highly qualified, it takes
15 away, it takes away our pride. Because many of
16 you might be thinking, oh, he's being just
17 appointed just because he's Hispanic, because the
18 Governor jump, jump not only one, not two, not
19 three, four non-Hispanics or non-minorities,
20 highly qualified, highly recommended. Why? Why?
21 Why?

22 If I could assure you, ladies and
23 gentlemen, I could assure you that if it were on
24 the other side and there were a black or Hispanic
25 be recommended as highly qualified and highly

1 recommended, and they choose one on the other
2 side of the spectrum, only qualified and only
3 recommended, against a minority, highly qualified
4 and highly recommended, I could assure you that
5 the buses from New York City and from all black
6 and Hispanic communities would be picketing and
7 calling this racism.

8 So I should be proud, and I'm proud
9 as a Hispanic, and we are appointing a Hispanic.
10 But I'm going to call on Governor Cuomo,
11 Mr. Governor Cuomo, stop doing this. Every time
12 that you -- that we -- then don't use, then don't
13 use the trial lawyers or any other group, don't
14 ask for their recommendation. Just go and do
15 what you have to do, but don't put us through
16 this.

17 Because this is -- this is -- this
18 is -- it's like saying, ah, let me give you a
19 Hispanic so the Hispanic community could be
20 satisfied. All of you are saying that he's
21 highly qualified, that he's the best in the
22 world. Why come the trial lawyers didn't say
23 that? That's my concern, Mr. President, and
24 that's what disturbs me. And that's how I don't
25 even know how to do today.

1 Thank you very much.

2 ACTING PRESIDENT GRIFFO: Senator
3 Crocì.

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

6 Mr. President, I rise today to
7 support the nomination of Mr. Michael Garcia.
8 It's so -- it's refreshing, quite frankly, to
9 read a lifetime of service to the United States
10 and see that individual come back to his home in
11 New York and want to serve the residents and the
12 people of New York again. It is indeed
13 refreshing, given his vast experience.

14 As we look to the issues that are
15 going to be facing our legislative session this
16 year, the security of America and New Yorkers and
17 the legitimacy of our government and institutions
18 in the form of ethics reform are going to be
19 topics. Mr. Garcia's life represents truly an
20 in-depth knowledge of both of those areas.

21 I'd like to draw specific attention,
22 Mr. President, to his work in the United States
23 Attorney's office. You know, in 1992 and '93,
24 when our enemies overseas decided that they would
25 declare war on the United States, the first

1 battles in that war were in Lower Manhattan at
2 the World Trade Center, and in places like Kenya
3 and Tanzania, and then later the U.S.S. Cole,
4 Khobar Towers.

5 But the first battles were fought in
6 a courtroom, and the United States Attorney's
7 office and Mr. Michael Garcia were on the
8 front lines at that point. So much of what we
9 learned as an intelligence community to fight the
10 global war on terror in the years subsequent were
11 gleaned from the information that that U.S.
12 Attorney's office and that man sitting in the
13 balcony was able to get.

14 And we're still using it today.
15 Some of the information that we were able to take
16 from those open court cases and the American
17 judicial system are still being used today to put
18 together the network. Ramzi Yousef, Omar
19 Abdel-Rahman, these are individuals involved in
20 those attacks that later went on to lead a larger
21 network. And we all know what happened on
22 September 11, 2001.

23 So when I look to the balcony, I
24 don't see a great lawyer or a great prosecutor, I
25 see a great patriot. And everyone in this

1 chamber today is safer as an American because of
2 that man and the fine work of the career
3 prosecutors at the U.S. Attorney's office in the
4 Southern District.

5 So, Mr. President, I have to
6 compliment Governor Cuomo. Regardless of
7 criticism or recommendations, the Governor has
8 made an outstanding choice, not only as the
9 governor but as an American. And we are
10 nominating and confirming to the bench today a
11 great patriot who I'm sure will be a great jurist
12 for the State of New York.

13 Thank you.

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

16 We'd like to welcome the nominee as
17 well as Sofia and Michael to the chamber today.

18 The question will be on the
19 nomination of Michael Garcia as Associate Judge
20 of the New York State Court of Appeals. All in
21 favor signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT GRIFFO: Opposed?

24 (No response.)

25 ACTING PRESIDENT GRIFFO: Senator

1 Avella, why do you rise?

2 SENATOR AVELLA: Thank you,
3 Mr. President.

4 I wish to be recorded as abstaining
5 from the vote on the nominee. I am the lead
6 plaintiff in a suit against the City of New York,
7 which we won at the Appellate Division, but some
8 of the defendants are appealing to the Court of
9 Appeals. And since this nominee will be hearing
10 the case, I think it's appropriate to abstain
11 from the vote.

12 ACTING PRESIDENT GRIFFO: Without
13 objection, and in accordance with Rule 10, your
14 abstention is so designated and so noted.

15 The nomination of Michael Garcia as
16 Associate Justice of the New York State Court of
17 Appeals is hereby confirmed and approved.

18 Congratulations, Judge Garcia.
19 (Standing ovation.)

20 ACTING PRESIDENT GRIFFO: Senator
21 DeFrancisco.

22 SENATOR DeFRANCISCO: There will be
23 an immediate meeting of the Rules Committee in
24 Room 332.

25 ACTING PRESIDENT GRIFFO: There

1 will be an immediate meeting of the Senate Rules
2 Committee in Room 332, an immediate meeting of
3 the Senate Rules Committee in Room 332.

4 The Senate will stand at ease.

5 (Whereupon, the Senate stood at ease
6 at 3:34 p.m.)

7 (Whereupon, the Senate reconvened at
8 3:45 p.m.)

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

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Yes. At this
13 point in time could we return to reports of
14 standing committees for a report of the
15 Rules Committee.

16 ACTING PRESIDENT GRIFFO: There is
17 a Rules Committee report before the desk, and the
18 Secretary will read.

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

22 Senate Print 932A, by Senator
23 Avella, an act to amend the Public Housing Law;

24 Senate 3969, by Senator Ranzenhofer,
25 an act to amend the Private Housing Finance Law;

1 Senate 4558A, by Senator Klein, an
2 act to amend the Public Housing Law;

3 Senate 6694, by Senator Seward, an
4 act to amend the Insurance Law;

5 Senate 6695, by Senator Montgomery,
6 an act to amend the Correction Law;

7 Senate 6699, by Senator Perkins, an
8 act to amend the Administrative Code of the City
9 of New York;

10 Senate 6706, by Senator Ritchie, an
11 act to amend the Tax Law;

12 And Senate 6707, by Senator Ritchie,
13 an act to amend the Tax Law.

14 All bills reported direct to third
15 reading.

16 ACTING PRESIDENT GRIFFO: Senator
17 DeFrancisco, would you like to make a motion?

18 SENATOR DeFRANCISCO: I move that
19 you accept the report of the Rules Committee.

20 ACTING PRESIDENT GRIFFO: All in
21 favor of accepting the Committee on Rules report
22 signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT GRIFFO: Opposed?

25 (No response.)

1 ACTING PRESIDENT GRIFFO: The
2 Committee on Rules report has been accepted.

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: Can we now
5 take up the noncontroversial reading of the
6 calendar for today.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will beginning the reading of today's
9 active list, February 8, 2016.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number 10,
12 by Senator Farley, Senate Print 6379A, an act to
13 amend the Business Corporation Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

16 THE SECRETARY: Section 3. This
17 act shall take effect on the same date and in the
18 same manner as a chapter of the Laws of 2015.

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 54.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number 11,

1 by Senator Carlucci, Senate Print 6380A, an act
2 to amend the Correction Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect on the same date and in the
7 same manner as a chapter of the Laws of 2015.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT GRIFFO: Senator
12 Carlucci to explain his vote.

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

15 Our correctional officers have one
16 of the hardest jobs there is. The beat that they
17 walk is one of the toughest beats in the nation.
18 And we know that right now in New York State we
19 have over 8500 inmates that have been formally
20 diagnosed with some form of mental health
21 disorder. And we know that there's far more that
22 are living with mental illness in our
23 correctional facilities but have just been
24 undiagnosed.

25 That's why it's so important that

1 our correctional officers have the tools, have
2 the resources they need to do their job
3 successfully.

4 What this legislation does is it
5 requires correctional officers to have mental
6 health training. They'll be able to have the
7 training to develop the skills to deescalate
8 situations. They'll be able to develop the
9 skills to see the signs in inmates, to see that
10 they might be needing of treatment.

11 By passing this legislation, I
12 believe we'll be making our prisons safer and
13 making strides towards reducing the recidivism
14 rate here in New York State.

15 So I want to thank my colleagues for
16 supporting this important legislation. And,
17 Mr. President, I'll be voting in the affirmative.

18 Thank you.

19 ACTING PRESIDENT GRIFFO: Senator
20 Carlucci to be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: Ayes, 54.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number 12,

1 by Senator Little, Senate Print 6381B, an act to
2 repeal certain provisions.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

5 THE SECRETARY: Section 3. This
6 act shall take effect on the same date and in the
7 same manner as a chapter of the Laws of 2015.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 54.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number 15,
15 by Senator Amedore, Senate Print 6384A, an act to
16 amend the Social Services Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 THE SECRETARY: Section 4. This
20 act shall take effect on the same date and in the
21 same manner as a chapter of the Laws of 2015.

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 54.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number 20,
4 by Senator Felder, Senate Print 6389A, an act to
5 amend the Family Court Act.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on the same date and in the
10 same manner as a chapter of the Laws of 2015.

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 54.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number 25,
18 by Senator Ranzenhofer, Senate Print 6394A, an
19 act to amend the Public Authorities Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

22 THE SECRETARY: Section 3. This
23 act shall take effect on the same date and in the
24 same manner as a chapter of the Laws of 2015.

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 54.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number 29,
7 by Senator Seward, Senate Print 6398A, an act to
8 amend a chapter of the Laws of 2015.

9 ACTING PRESIDENT GRIFFO: Read the
10 last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect on the same date and in the
13 same manner as a chapter of the Laws of 2015.

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 54.

18 ACTING PRESIDENT GRIFFO: The bill
19 is passed.

20 THE SECRETARY: Calendar Number 37,
21 by Senator Serrano, Senate Print 6426A, an act to
22 amend Chapter 899 of the Laws of 1984.

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 THE SECRETARY: Ayes, 54.

6 ACTING PRESIDENT GRIFFO: The bill
7 is passed.

8 Senator DeFrancisco, that completes
9 the noncontroversial reading of the today's
10 active list calendar.

11 SENATOR DeFRANCISCO: Yes. Would
12 you please recognize Senator Hassell-Thompson for
13 the purposes of an introduction.

14 ACTING PRESIDENT GRIFFO: Senator
15 Hassell-Thompson.

16 SENATOR HASSELL-THOMPSON: Thank
17 you, Mr. President.

18 I rise to introduce a young woman
19 into our chambers today who originated in the
20 State of Alabama and who, before Rosa Parks,
21 refused to get up as a civil rights act of
22 disobedience on a bus in Alabama.

23 Hopefully one day we'll do a
24 resolution on behalf of Ms. Claudette Colvin, but
25 she is here being honored by a group of students

1 who are part of a group called Peace December.
2 It's a group that I began, and 15 years later
3 that group originates in 15 countries across the
4 world.

5 Peace December is really about
6 bringing peace and order to any system that
7 segregates against its citizens. And so
8 Ms. Colvin has been such a prime example of what
9 it means to be peaceful demonstrator, but
10 determined, as an A student and a woman who one
11 day wanted to be President. But I know that even
12 though she did not make it, she is so proud of
13 our President. And we are so proud of her for
14 all of the initiatives and the things that she
15 has done and for the role modeling that she does
16 for our young people.

17 So I just wanted to ask my
18 colleagues to just recognize her with me today,
19 welcome her to the chambers in the New York State
20 Senate, and let her know that we appreciate all
21 that she has sacrificed -- being arrested, being
22 handcuffed, being in prison, and being tormented
23 just because she is a woman of color.

24 Thank you, Ms. Colvin, for all that
25 you have done for us.

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Ms. Colvin. We welcome you and extend the
3 privileges and courtesies of the house.

4 Thank you for being here.

5 (Standing ovation.)

6 ACTING PRESIDENT GRIFFO: Senator
7 DeFrancisco, Senator Díaz has asked permission to
8 speak. Without objection?

9 SENATOR DeFRANCISCO: If he's nice,
10 no objection.

11 (Laughter.)

12 ACTING PRESIDENT GRIFFO: Senator
13 Díaz.

14 SENATOR DÍAZ: I'm always nice.

15 Thank you, Mr. Chairman, but I
16 raised my hand before you cut me off.
17 Mr. Chairman, ladies and gentlemen --

18 ACTING PRESIDENT GRIFFO: You look
19 like a conductor there, Senator Díaz.

20 SENATOR DÍAZ: -- today, today I
21 have to join my colleague Senator Ruth
22 Hassell-Thompson in honoring the person of
23 Claudette Colvin.

24 Here in the Senate chamber, on the
25 Senate floor, we have a few distinguished members

1 of the community. We have Lisa Allen, director
2 of the Peace December movement. We have Edna
3 Thomas-Granger, executive director of Peace
4 December, and Sheikh Drammeh, chairman of Peace
5 December. So also they are joining and they came
6 with Ms. Colvin today, with Claudette. So thank
7 you for being here today.

8 In the gallery we have a group also
9 of distinguished members of the community. We
10 have Shireena Drammeh, the wife of Sheikh
11 Drammeh, and members of the community. So I also
12 would like to extend my welcoming to you and
13 thank you for being in Albany today and bringing
14 Ms. Claudette Colvin to us. Thank you.

15 Mr. Chairman, ladies and gentlemen,
16 two years ago, two years ago on February 21,
17 2014, I -- every year I do something in the Bronx
18 called the Abrazos, called "the embraces." We
19 have Abrazo Boricua, that's called an embrace for
20 the Puerto Rican community. We have Abrazo
21 Dominicana, for the Dominican community. We have
22 Abrazo Honduran, for the Honduran community. And
23 also we have Abrazo Bangladesh.

24 In one of those Abrazos two years
25 ago, Ms. Beverly Roberts -- Beverly Roberts,

1 ladies and gentlemen, is the president of the
2 NAACP, the Parkchester branch in the Bronx. So
3 Ms. Beverly Roberts brought to us the person of
4 Claudette Colvin, that's two years ago, and
5 informed me of the outstanding, the exemplary
6 example and all the things that Ms. Claudette
7 Colvin did in those times.

8 And even though other people have
9 been widely recognized and widely applauded,
10 Ms. Claudette Colvin has been in the back seat
11 taking time and everybody is taking recognition.

12 But today this chamber, thanks to
13 Ruth Hassell-Thompson, we're here, I'm here. We
14 did it in the Bronx two years ago, the Abrazo
15 Afro-Americano. But today, Ms. Claudette Colvin,
16 thank you for all your efforts.

17 I remember I went to Columbia,
18 South Carolina in 1960, 1960, a young guy
19 18 years old, from Puerto Rico. Didn't know
20 anything. And I joined the Army, and I went to
21 Columbia, to Fort Jackson, Columbia, South
22 Carolina, and I knew and I learned what was going
23 on in that time.

24 And knowing what you did, thank you.
25 We all appreciate that. Because of what you did,

1 other people follow you, and here we are. Here
2 we are. Thank you very much. Thank you very
3 much. And thank you very much.

4 Thank you, Mr. Chairman.

5 (Applause from gallery.)

6 ACTING PRESIDENT GRIFFO: We
7 welcome our guests and extend our best wishes to
8 everyone.

9 Senator DeFrancisco.

10 SENATOR DeFRANCISCO: Yes. Is
11 there any further business at the desk?

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

14 SENATOR DeFRANCISCO: That being
15 the case, I move to adjourn until Tuesday,
16 February 9th, at 11:00 a.m.

17 ACTING PRESIDENT GRIFFO: On
18 motion, the Senate stands adjourned until
19 Tuesday, February 9th, at 11:00 a.m.

20 Senate is adjourned.

21 (Whereupon, the Senate adjourned at
22 3:57 p.m.)

23

24

25