NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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February 25, 2016

12:01 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please stand and join with me as we recite the Pledge of Allegiance to our Flag.

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

ACTING PRESIDENT GRIFFO: Today's invocation will be offered by Dr. James A. Lewis, III, senior pastor, Miracle Missions Full Gospel Church in Buffalo, New York.

Pastor?

REVEREND LEWIS: Let us pray.

God of Time and Eternity, help us to look to the past with gratitude and to the future with hope. Let us remember those who have gone before us here, who labored not for themselves alone, but with visions of building for the future of a better world than they had ever known before, inspiring us also, like a vision, that we too may labor for things beyond ourselves, that our lives may be dedicated to high purposes and grand horizons.

Make us unafraid of hopes and

dreams. Release us from cynicism and despair. Teach us to be realistic about our limitations, but never lose hope in our potential to transcend them.

Heavenly Father, teach us to use our freedom to help preserve and strengthen the freedom of all by respecting and upholding its laws, by supporting our law enforcement agencies, by informing ourselves on current issues, by voting wisely, by respecting the differences of others, by honoring the rights of all people, asking for an end to AIDS and gun violence.

We seek blessings on the task before this Senate. Bless their efforts with clear insight and wisdom on every deliberation that they make for our community and state. May they use their best skills and judgment, keeping themselves impartial and neutral, acting in accordance with what is best for our fellow citizens. And may their own personal faiths give them strength to act honestly and well in all matters set before them.

Now come, Holy spirit, come.

Amen.

ACTING PRESIDENT GRIFFO: Thank you, Pastor.

The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, February 24th, the Senate met pursuant to adjournment. The Journal of Tuesday, February 23rd, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Flanagan moves to discharge, from the Committee on Rules, Assembly Bill Number 9207 and substitute it for the identical Senate Bill 6383A, Third Reading Calendar 14.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

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: I would like to move to adopt the Resolution Calendar, with the exception of Resolutions 3895 and 3943.

ACTING PRESIDENT GRIFFO: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 3895 and 3943, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you now take up Resolution Number 3943, by Senator Kennedy, and read the title only.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3943, by Senator Kennedy, commending Reverend Dr. James A. Lewis III upon the occasion of being named the January 2016 Erie

County Citizen of the Month by the Erie County Legislature on January 21, 2016.

ACTING PRESIDENT GRIFFO: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

Today I rise to honor a man who's dedicated his life to the church and our community, the Reverend Dr. James A. Lewis III. We all just heard from him. He gave a truly inspiring invocation here this afternoon. And he was recently honored as the Erie County Citizen of the Month, a well-deserved honor.

I'd also like to recognize the lovely wife of Pastor Lewis of nearly 34 years, Zandra Lewis, who also made the trip today to Albany on this special occasion. They have eight children together, many of them adopted, showing the caring and love Reverend Lewis and his wife both share.

Reverend Lewis was called to his ministry in 1988, after he noticed a pressing need for more people to serve. He received a doctorate in philosophy from the University of St. Moritz, in London, before being ordained a

bishop and beginning his long service to the Buffalo region.

Reverend Lewis is an extraordinary man, a man that feels it's his duty to use his God-given talents to help people in need. He understands that it's much better to live life bringing change from the inside instead of sitting on the sidelines. He's dedicated to the belief that it's better to be the change that you want to see instead of waiting and hoping that change just happens to take place.

You can see his dedication in his church, Miracle Mission Full Gospel Church in Buffalo, where his community of faithful gather each week to hear his preaching and to seek out the wise advice and counsel.

He has a special gift, and those of us here that know him, and those in the community that know him well, know that that gift is of interjecting humor into his ministry that not only magnifies his personality, but it engages his congregation, both in the church and in the community.

You see his dedication through his community service. Since 1990, he's been

director of pastoral care for the Erie County Medical Center. He's a certified chief master chaplain for the Buffalo Police Department. He is involved with the Upstate New York Transplant Services, otherwise known as UNYTS, and the founder of both the Vaughn House Shelter for Men and G.R.O.U.P. Ministries. Also, he's chair of the City of Buffalo Zoning Board of Appeals, he's chair of the Black Leadership Commission on AIDS, he's part of the board of directors of the Legal Aid Society, the Buffalo Philharmonic, the United Way of Western New York, just to name a few.

There's really not a hat that Pastor Lewis hasn't worn. And it's all to benefit other people, it's all to help other people and to help the community. A true leader in our midst.

And a little known fact about Pastor Lewis is that back in his heyday, he was a radio DJ. Some of you may know him or have heard his work as The Love Man. Well, today he's spreading that love in other ways, through service to the community.

You can see his dedication through music. Reverend Lewis sees beauty and healing in song, believing that barriers in this world can

be removed through music. He speaks fondly of his 10 years assisting the Buffalo Philharmonic, proud of the tremendous growth of public appreciation the orchestra has experienced in that time. He's incorporated music into his addiction recovery services, proud of the fact that many people have successfully treated their addiction through the power of song.

All of these selfless acts of dedication add up to show how truly remarkable Reverend Lewis is and how much of an asset he is to Buffalo, Western New York, and New York State.

Pastor Lewis, First Lady, we all owe you and your leadership and your family a tremendous debt of gratitude for all that you've given to each and every one of us and what you've bestowed on our community.

Congratulations on being named the Erie County Citizen of the Month, and it is extremely well deserved. I believe that you should get this award every single month, Pastor. For our sake and for Buffalo's sake, please keep up the great work.

Mr. President, I vote aye on this resolution. I would ask that this resolution be

opened up for each and every one of us to cosponsor. And if you could offer the honor of the house to Pastor Lewis and First Lady Zandra Lewis.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: Thank you, Mr. President. On the resolution.

First let me begin by thanking Senator Kennedy for his leadership and recognizing one of the great men, not just of Erie County or Buffalo, but of the State of New York.

Reverend James A. Lewis III -- I didn't know The Love Man -- is really, really an outstanding individual. And for me to be a state legislator from Brooklyn, to have a relationship and knowledge of his work, you know how great it is. He's somebody who is an exemplar, not just in the Buffalo community or the Erie County community, but in the State of New York.

I have gotten to know Reverend Lewis in my work with Buffalo. And, you know, particularly last year we shared a dais as I got

the opportunity to be the keynote speaker at the Grassroots Dinner in Buffalo, New York.

And so I've had an opportunity to visit his congregation numbers of years ago during my tenure with H. Carl McCall, when he was the State Comptroller and I was in his employ, and since then I have watched the amazing work that he does.

I think that Senator Kennedy, in all of the things that he talked about, talked about the kind of a renaissance man that Pastor Lewis is. And what he gives every single day made me tired just hearing all of the work that he's doing. I really want to just thank him for all he's doing and really push him to continue to do that kind of work again and share your gifts with the world.

Thank you so much for all that you do, and certainly you're a great example and a great benefit to the people of not just Buffalo and not just your church, but certainly to the people of the State of New York.

ACTING PRESIDENT GRIFFO: Pastor Lewis, thank you for your invocation.

Mrs. Lewis, Pastor Lewis, we welcome

you to the house and offer and extend the privileges of the house.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

(Applause.)

ACTING PRESIDENT GRIFFO: The resolution is open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. Could you now take up Resolution Number 3895, by Senator Peralta, read the title only, and recognize the Senator.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3895, by Senator Peralta, commemorating the 172nd Anniversary of the Dominican Republic Independence to be celebrated

on February 27, 2016.

ACTING PRESIDENT GRIFFO: Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President.

2016 marks the 172nd anniversary of the Dominican Republic independence. It occurred on February 27, 1844. A few years before that, in 1838, Juan Pablo Duarte, the nation's patriarch, formed La Trinitaria, a secret society founded with the objective of gaining independence from Haiti.

Duarte was joined by Matías Mella and Rosario Sánchez. The same way American independence is closely identified with the fearless leadership of George Washington, Ben Franklin, Thomas Jefferson and John Adams, Dominican independence would be remiss not to recognize La Trinitaria y los Trinitarios.

Six years after its formation, the Trinitarios declared independence from Haiti. That same year, in 1844, the Dominican Republic adopted its first constitution.

Duarte's historical significance is evident. Some of the noteworthy landmarks

honoring Juan Pablo Duarte are Pico Duarte, which is the highest mountain in the Caribbean, and Duarte Square, which is located in a park in New York City.

We celebrate Dominican independence, and we also celebrate the many contributions Dominicans and Dominican-Americans have made to our city, to our state, and to our nation. And in fact, Dominican-Americans are participating in a larger number in the electoral process in the State of New York, as evident by the rising number of Dominican electeds here not only in the Senate, but also in the New York State Assembly and in the City Council of New York City -- but also because of their contributions to the arts, the economy, culture, forming part of our great mosaic that defines our diversity, contributions that have enriched our lives and the lives of so many others.

Through their vital contributions and tireless work, Dominicans and Dominican-Americans have strengthened our communities, our neighborhoods and our economy.

I am proud to stand here celebrating the pride of being a Dominicano as we commemorate

our 172nd anniversary as a nation. By way of this resolution, we extend our best wishes to our Dominican-American friends throughout New York City and across New York State.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Peralta.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

At the request of Senator Peralta, the resolution is open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 14,

substituted earlier by Member of the Assembly Morelle, Assembly Print 9207, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect April 1, 2019.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 17, by Senator Carlucci, Senate Print 6386A, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 27, by Senator Larkin, Senate Print 6396A, an act to amend the Navigation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 38, by Senator Lanza, Senate Print 6427A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 39, by Senator Avella, Senate Print 6428A, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 59, by Senator Ortt, Senate Print 4973A, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 104, by Senator Bonacic, Senate Print 5303A, an act to amend the Racing, Parimutuel Wagering and Breeding Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 136, by Senator Peralta, Senate Print 1301A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 143, by Senator Avella, Senate Print 932A, an act to amend the Public Housing Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 145, by Senator Klein, Senate Print 4558A, an act to amend the Public Housing Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 147, by Senator Montgomery, Senate Print 6695, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 149, by Senator Ritchie, Senate Print 6706, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator Hoylman recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

150, by Senator Ritchie, Senate Print 6707, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 1. Senator Hoylman recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR DeFRANCISCO: I'd like to now call an immediate meeting of the Racing Committee, following session, in Room 123 of the Capitol.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting, following session, of the Racing and Wagering Committee in Room 123 of the Capitol.

SENATOR DeFRANCISCO: And also an

immediate meeting of the Cultural Affairs Committee, following session, in Room 904 of the LOB.

ACTING PRESIDENT GRIFFO: There will also be an immediate meeting, following session, of the Cultural Affairs Committee, which will meet in Room 904 in the Legislative Office Building.

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

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

SENATOR DeFRANCISCO: That being the case, I move to adjourn until Monday, February 29th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Monday, February 29th, at 3:00 p.m., intervening days being legislative days.

The Senate stands adjourned.

(Whereupon, at 12:20 p.m., the Senate adjourned.)