NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 7, 2016

3:20 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 rise 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: In the absence of clergy, I ask everyone present to please bow your heads in a moment of silent prayer and reflection.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 6th, the Senate met pursuant to adjournment. The Journal of Saturday, March 5th, 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.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President, on page 25 I offer the following amendments to Calendar 247, Senate Print Number 4909, by Senator Croci, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR DeFRANCISCO: Would you please recognize Senator Valesky.

ACTING PRESIDENT GRIFFO: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

On behalf of Senator Savino, on page 23 I offer the following amendments to Calendar Number 217, Senate Bill 3243, and ask

that said bill retain its place on the Third Reading Calendar.

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please recognize Senator Gianaris.

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

On behalf of Senator Panepinto, I move the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Bill 6551.

ACTING PRESIDENT GRIFFO: It is so ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, there will be an immediate -- emphasized, immediate -- meeting of the Rules Committee off the floor in Room 332 of the Capitol. And please, everyone, go directly there so we don't keep everyone

waiting. Thank you.

ACTING PRESIDENT GRIFFO: There is an immediate meeting of the Rules Committee in Room 332, an immediate meeting of the Rules Committee in Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:23 p.m.)

(Whereupon, the Senate reconvened at 3:37 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, can we please return to reports of standing committees. I believe there's a report of the Rules Committee at the desk.

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

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

Senate Print 6747A, by Senator Avella, an act to amend the Education Law;

Senate 6854, by Senator LaValle, an act to amend the Education Law; and

Senate 6914, by Senator Funke, an act to amend Part SS of Chapter 58 of the Laws of 2015.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Rules Committee report is accepted.

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

ACTING PRESIDENT GRIFFO: The Secretary will read the active list, noncontroversial reading.

THE SECRETARY: Calendar Number 101, by Senator Ranzenhofer, Senate Print 2583, an act to amend the Not-For-Profit Corporation 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, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 121, by Senator Marchione, Senate Print 6431, an act to amend the Real Property 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, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

Hang on a minute. Hang on. We were on Calendar Number 121.

The Secretary will reannounce.

THE SECRETARY: In relation to Calendar 121: Ayes, 58. Nays, 1. Senator Espaillat recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 123, by Senator Marcellino, Senate Print 383, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 165, by Senator Avella, Senate Print 888A, an act

to amend the Volunteer Firefighters Benefit 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, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 171, by Senator Marchione, Senate Print 5857A, an act to authorize.

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, 58. Nays, 1. Senator Bonacic recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 173, by Senator Croci, Senate Print 6627A, an act to authorize.

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, 58. Nays, 1. Senator Bonacic recorded in the negative.

In relation to Calendar 173, those recorded in the negative are Senators Bonacic and Larkin.

Ayes, 57. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 174, by Senator Boyle, Senate Print 2936, an act to amend the Agriculture and Markets 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.)

ACTING PRESIDENT GRIFFO: Senator Boyle to explain his vote.

SENATOR BRESLIN: Mr. President, to explain my vote.

The need for this piece of legislation was recently highlighted in the tragedy in Florida, New York, in Montgomery County. Denise Krohn and her family returned home at 8:30 in the evening to find that their two goldendoodle dogs, Kirby and Quigley, had been shot dead by a burglar who had just come into their home in the hour preceding that.

Assemblyman Jim Tedisco has sponsored this legislation over in the Assembly, and my good friends and colleagues Senators Amedore and Marchione are big supporters here in this house.

I can tell you that for many of us, our pets are a member of our family. And to strengthen the criminal penalties -- anybody who commits a crime who injures an animal in the commission of a felony should be charged with

greater penalties. This bill will put them in jail for two years and fine them up to $5,000.

I certainly vote in the affirmative and urge my colleagues to do likewise.

ACTING PRESIDENT GRIFFO: Senator Boyle to be recorded in the affirmative.

Senator Amedore to explain his vote.

SENATOR AMEDORE: Mr. President, I rise to explain my vote on this very important legislation and thank Senator Boyle and Assemblyman Tedisco.

And as Senator Boyle mentioned, on February 17th, just a few weeks ago, the Krohn family came home, they found their house robbed and they found their two family members, their goldendoodles, shot dead at gunpoint.

Now, think about it. An unspeakable act, a crime. The perpetrators are still at large. It happened in my district in Montgomery County, in the Town of Florida, a nice rural, quiet, quaint county and town.

This bill here will make a big difference. And on behalf of the Krohn family -- which just two Saturdays ago, we had a public event at which over 400 people showed up in

support of the loss of their family members, as well as bringing advocacy for much-needed tougher, stronger penalties, as this bill would do.

So thank you, Senator Boyle and to Assemblyman Tedisco.

I vote in the affirmative.

ACTING PRESIDENT GRIFFO: Senator Amedore to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 184, by Senator Little, Senate Print 6650, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on July 20, 2016.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 197, by Senator Avella, Senate Print 712, an act to amend the Correction 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 213, by Senator LaValle, Senate Print 224, an act to amend the Education 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.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President. I rise to explain my vote no on this bill.

It's an interesting proposal, because on the one hand it's actually calling for transparency and explanation of who's going to pay for what when you change rules in higher education.

But I would argue the only way I could justify supporting this bill is if we actually applied the same rules to ourselves whenever we're passing a law outside of the budget that increases a cost to the locality.

And we don't apply this to ourselves -- in fact, we barely meet the standards for fiscal notes -- so I don't see how we could apply this to someone else.

I vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger to be recorded in the negative.

Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President. I rise to explain my vote.

Just to follow up on what my colleague said, it's questionable whether this bill itself should have a fiscal note. And it's a little ironic that it doesn't.

And I was just counting at least three votes in the last couple of weeks that should have had fiscal notes: One, to provide a property tax exemption to commercial horse boarding operations, another to create a permanent racing fan advisory council, and yet another to rename a portion of the state highway system as the North Country Craft Beer Trails -- none of which have fiscal notes.

If we're going to impose this rule on the Regents, as Senator Krueger aptly said, we should do it ourselves.

I'll be voting no.

ACTING PRESIDENT GRIFFO: Senator Hoylman to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 213, those recorded in the negative are Senators Avella, Dilan, Hamilton, Hassell-Thompson, Hoylman, Krueger, Montgomery, Perkins, Persaud, Rivera, Sanders, Serrano,

Squadron and Stavisky.

Ayes, 46. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 215, by Senator Montgomery, Senate Print 965, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 58. Nays, 2. Senators Croci and Murphy recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 216, by Senator Ritchie, Senate Print 1796B, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 218, by Senator Marcellino, Senate Print 6503, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Bonacic to explain his vote.

SENATOR BONACIC: Thank you, Mr. President.

I certainly support this bill today. I've supported it in the past.

You know, everything is about transparency for us. Anything we do, any financial reports we file, asking for more and more transparency for elected officials, and accountability.

And now I read in the paper that the Board of Regents wants to allow illegals to become certified teachers. Now, I for one don't support giving illegals the right to vote. That's a right for legals. And I sure as heck don't want to see illegals certified as teachers.

If it's argued that there's a shortage of teachers in a specific area, then we can raise the salary in those areas to entice lawful applicants to apply for those teaching jobs.

So for all of those reasons -- and if the Board of Regents would have to post these things, it wouldn't be a surprise on all of us and people could come in and weigh in on how they feel, like I'm expressing my feeling on the floor.

Thank you, Mr. President. I vote yes on the bill.

ACTING PRESIDENT GRIFFO: Senator

Bonacic to be recorded in the affirmative.

Senator Espaillat to explain his vote.

SENATOR ESPAILLAT: No, I wanted -- I'm rising, Mr. President, to get -- to ask a question of --

ACTING PRESIDENT GRIFFO: Senator Espaillat, we're on explanation of votes right now.

SENATOR ESPAILLAT: Well, let me just explain my vote.

I don't know what the previous member of this chamber meant by the term "illegal." Some feel that anybody that's a human being, doesn't have any papers, is undocumented; others may want to call them illegal.

But I know that the New York City Board of Education and the State Department of Education have for a long time, for many, many years, recruited teachers outside of our borders.

When there has been a scarcity of, for example, bilingual teachers, because we do not have enough certified bilingual teachers, they've gone to Spain, to Chile, to the Dominican

Republic. They've even gone to the Commonwealth of Puerto Rico to recruit teachers that would then train our children in bilingual education.

I know that even when there's a scarcity in an area, a discipline of great need like physics or a particular part of science, that the New York City Board of Education has gone abroad to recruit teachers that may be trained in those particular areas.

So I don't know whether my colleague is referring to those teachers that came from abroad through a process, a formal process established by the Board of Education, or someone that may have come here and just overstayed their visa, like I did as a kid. Maybe at that time I was undocumented. Certainly not illegal. At least I'm not illegal right now.

So I just wanted to get some clarification on this particular bill, because the Board of Education in the City of New York and the New York State Department of Education have a long-lasting policy of recruiting educators from abroad whenever there's a scarcity here in our state or in the country.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Espaillat. How do you vote?

SENATOR HAMILTON: I will be voting in the negative.

ACTING PRESIDENT GRIFFO: Senator Espaillat to be recorded in the negative.

As I indicated, that the vote is being conducted and we are on explanation of votes.

Announce the results.

THE SECRETARY: Ayes, 58. Nays, 2. Senators Espaillat and Latimer recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 222, by Senator Klein, Senate Print 1947B, an act to amend the Education 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.)

ACTING PRESIDENT GRIFFO: Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President. I'm going to be brief.

But I urge my colleagues to support this legislation, which is entitled Erin Merryn's Law.

Erin Merryn has been spending the last couple of years fighting for a piece of legislation in every state of the union to simply educate young people about the telltale signs of sex abuse. Erin was abused as a child by a neighbor, a cousin. And she has turned her life around through educating the public nationwide.

Unfortunately, right now in New York State we're a little antiquated when it comes to educating young people about sexual abuse. Right now we still use what's known as "stranger danger." You know, don't get in a chair with a stranger, don't take candy from a stranger.

I think most of us know that the majority of individuals who sexually abuse young people are usually those who you know -- family members, in some cases teachers, caretakers.

So I think it's important that we

sort of update our method of educating our young people. And this is not what's known as an unfunded mandate. We're giving school districts the opportunity, if they choose, to opt in to this program.

Unfortunately, this bill -- and I thank my colleagues here -- has passed the Senate, this will be the fifth year in a row. The Assembly has yet to take it up.

So I'm hopeful that this is the year and we finally update our laws and protect our young people in making sure we teach our children properly about sexual abuse.

Thank you, Mr. President. I vote yes.

ACTING PRESIDENT GRIFFO: Senator Klein to be recorded in the affirmative.

Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, thank you, Mr. President.

I rise certainly to support Senator Klein's legislation. But I would like to say this, that I have introduced for many years, and I still believe that there is an opportunity to

do so -- and this would really improve greatly this particular legislation.

Senator Klein's bill would require that schools instruct children in child abuse prevention, and I certainly agree with that. But I also have legislation that would require schools to offer appropriate instruction in sex education, broadly speaking, appropriate for every grade from kindergarten through the 12th grade. So it would be for the entire life of those young people.

And I have also advocated very, very furiously for the expansion of school-based health clinics, where we would have a professional staff that would in fact be able to implement Erin's Law as well as to provide sex education, to provide health, preventive health, mental health to young people in our schools. And it would improve greatly the prospect of young people having access to healthcare in our state, in the State of New York.

So I am supporting this legislation, I vote yes, but I would like to see if we could work out a way that my ideas about sex education -- and a way to institutionalize a good

healthcare education and health-providing system in our schools.

So, Mr. President, with that, I vote aye.

ACTING PRESIDENT GRIFFO: Senator Montgomery to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the noncontroversial reading of today's active-list calendar of March 7, 2016.

SENATOR DeFRANCISCO: Yes, I believe we have a supplemental calendar, Number 16A.

And I'd like to just take one bill off that supplemental calendar. And if you'd please call up Calendar Number 316.

ACTING PRESIDENT GRIFFO: Senate Supplemental Calendar 16A is before the house, and the Secretary will read Calendar Number 316.

THE SECRETARY: Calendar Number 316, by Senator LaValle, Senate Print 6854, an act to amend the Education 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.)

ACTING PRESIDENT GRIFFO: The Secretary will announce the results.

THE SECRETARY: In relation to Calendar 316, those recorded in the negative are Senators Addabbo, Breslin, Comrie, Dilan, Espaillat, Gianaris, Hamilton, Hassell-Thompson, Hoylman, Kennedy, Krueger, Latimer, Montgomery, Panepinto, Peralta, Perkins, Persaud, Rivera, Sanders, Serrano, Squadron, Stavisky and Stewart-Cousins. Also Senator Díaz.

Ayes, 37. Nays, 24.

ACTING PRESIDENT GRIFFO: The bill is passed.

That completes, Senator DeFrancisco, the noncontroversial reading of Senate Supplemental Calendar 16A.

SENATOR DeFRANCISCO: I'd like to lay aside Calendars 315 and 317, lay them aside

for the day.

ACTING PRESIDENT GRIFFO: Calendar Numbers 315 and 317 will be laid aside for the day.

SENATOR DeFRANCISCO: Would you please recognize Senator Ortt for a brief introduction of some important people that are with us today.

ACTING PRESIDENT GRIFFO: Can I have some order in the house, please.

Senator Ortt.

SENATOR ORTT: Thank you, Mr. President.

I'd like to take this opportunity to welcome some students from Barker High School in Niagara County, who have left sunshine and 75-degree weather in Niagara County to come here to Albany and learn how our government works, how our state government works.

They spent the afternoon with Assemblywoman Corwin in the Assembly learning how that house functions, and now they are here in the Senate chamber watching the proceedings here today.

And so I'd like to thank them for

being here. I hope they take away something from this experience. And I'd like to thank the teachers as well who are here, who have accompanied them, who are doing a great job as well.

So thank you, and I'd like to extend the privileges of the house.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Ortt.

We welcome the teachers and students with us today, and we extend the courtesies of the house to you.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Could you now please recognize Senator Gianaris for another important announcement.

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Mr. President, we have yet another birthday among us today. Please wish a happy birthday to Senator Marc Panepinto.

ACTING PRESIDENT GRIFFO: Happy birthday, Senator Panepinto.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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 Tuesday, March 8th, at 3:00 p.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Tuesday, March 8th, at 3:00 p.m.

Senate is adjourned.

(Whereupon, at 4:00 p.m., the Senate adjourned.)