NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 16, 2016

11:24 a.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 to please bow your heads in a moment of silent reflection and prayer.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 15th, the Senate met pursuant to adjournment. The Journal of Monday, March 14th, 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: Would you please take up the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 1, by Senator Marcellino, Senate Print 455, 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, 44. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 2, by Senator Croci, Senate Print 2942, 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, 44. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 3, by Senator Croci, Senate Print 3404, 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: In relation to Calendar 3, those recorded in the negative are Senators Hassell-Thompson, Krueger and Perkins.

Ayes, 42. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 4, by Senator Gallivan, Senate Print 5349, 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.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 4, those recorded in the negative are Senators Comrie, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Perkins and Rivera.

Ayes, 40. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 119, by Senator Marchione, Senate Print 5845, 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, 48.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 138, by Senator Larkin, Senate Print 2207, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47. Nays, 1.

Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 152, by Senator DeFrancisco, Senate Print 2915, an act to amend the Election 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, 48.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 153, by Senator Funke, Senate Print 3131, an act to amend the Election 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, 48.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 198, by Senator Nozzolio, Senate Print 1583, 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, 46. Nays, 2. Senators Hassell-Thompson and Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 211, by Senator Gallivan, Senate Print 6058, an act to amend the Highway 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, 48.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 240, by Senator Funke, Senate Print 4786A, an act to amend the Military 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, 48.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 256, by Senator Addabbo, Senate Print 2495, 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 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm voting no. Not because I'm anti-veteran, because I am a veteran. I just don't see the rationale by giving veterans organizations a right to cure for 120 days and not include other organizations.

So that's the only reason I'm voting no.

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

Announce the results.

THE SECRETARY: Ayes, 47. Nays, 1. Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 262, by Senator Carlucci, Senate Print 5424, 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.)

ACTING PRESIDENT GRIFFO: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

Illegal housing throughout our state has become more and more pervasive. Putting our neighbors, our friends in harm's way when unscrupulous landlords are putting profits above people. Even worse, our firefighters that put their lives on the line, going into a smoke-filled room is hard enough, let alone have to worry about an illegal subdivision.

This legislation takes a no-nonsense approach to say we're going to fight back against illegal housing, we're going to fight back against unscrupulous landlords by adding unpaid code violations to the tax levy. Save our municipalities the trouble of being bill collectors or debt collectors. And by adding it

to the tax levy, we have more leverage on those unscrupulous landlords.

So I'll be voting in the affirmative for this legislation, and I want to thank my colleagues for doing the same.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 267, by Senator Savino, Senate Print 6696, an act to authorize.

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

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 299, by Senator Golden, Senate Print 802, 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 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 299, those recorded in the negative are Senators Hassell-Thompson, Montgomery, Parker, Peralta and Perkins.

Ayes, 47. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 302, by Senator Young, Senate Print 2990, 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, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 349, by Senator Ritchie, Senate Print 2305, 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, 52.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 351, by Senator Young, Senate Print 3087, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, I'm going to vote yes on this bill.

I just want to state something that hopefully will be -- well, rather than characterizing it, in trials, one of the main important rights you have under the Constitution is to confront witnesses. I guess I can understand why you want to protect a child or a domestic abuse victim. And there's different degrees of domestic abuse.

I'm just concerned that we don't ever expand this particular provision to include more and more special people, like we do with the assault in the second degree, where everybody but a passenger who's a victim goes up to assault second degree, whether it's a subway worker or somebody else. We've got it to the point where the exception has eaten up the rule out of assault in the second degree.

I think we've got to be careful with this as well, in view of the fact that there's a constitutional right to confront witnesses. And

this is getting close.

So with that said, I will vote yes, as I did last year on this bill.

ACTING PRESIDENT GRIFFO: The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco is recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

And, Senator DeFrancisco, in this remarkably quiet chamber today, that concludes the reading of the noncontroversial calendar.

SENATOR DeFRANCISCO: Well, I can explain that. They were listening carefully to my explanation.

Would you please take up previously adopted Resolution 4329, by Senator Boyle, title only, and call on Senator Boyle.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4329, by Senator Boyle,

commemorating the 40th anniversary of the New York Aviation Management Association and celebrating the benefits of aviation in New York State.

ACTING PRESIDENT GRIFFO: Senator Boyle.

SENATOR BRESLIN: Thank you, Mr. President. To explain my vote.

This is the 40th anniversary of the New York Aviation Management Association. As many of you know, we have an aviation caucus here in the State Legislature. There are 42 state Senators who are members of that caucus. And we work to promote the aviation industry in New York State.

The aviation management association is a key player in that regard. It has been the voice of aviation in New York State.

Just a couple of quick statistics about our aviation industry in New York State, and it is the strongest --

ACTING PRESIDENT GRIFFO: Senator Boyle.

SENATOR BOYLE: I'm sorry?

ACTING PRESIDENT GRIFFO: Senator

Boyle, excuse me.

It was so quiet.

(Laughter.)

ACTING PRESIDENT GRIFFO: If we could just have some order, please.

Senator Boyle, please continue.

SENATOR BOYLE: Thank you very much, Mr. President.

New York's aviation industry is responsible for over $50 billion in annual economic activity here in the State of New York. It's responsible for $2.8 billion in state and local taxes generated from the aviation industry. And there's over 400,000 jobs directly and indirectly associated with the aviation industry.

Compared to the entire United States, New York State makes up 7 percent of the aviation activity economically in the entire country. Aviation is a major player. And all of us, if we don't have airports or aviation workers in our districts, we have them nearby. Some big ones downstate, medium-sized, regional, small ones -- whatever the case may be, it is a vital industry, and we want to thank and congratulate the New York Aviation Management Association for

their 40th anniversary. Keep up the good work being the voice of aviation.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Boyle.

As noted, this resolution was adopted on March 15th, yesterday.

We want to welcome those who are here from the Aviation Management Association. Thank you so much for being here. We extend the courtesies of the house. Let's give them a round of applause.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Senator Boyle has offered to open this resolution up for cosponsorship.

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

SENATOR DeFRANCISCO: Can we now take up previously adopted Resolution 4065, by Senator Montgomery, read the title only and call

on Senator Montgomery.

ACTING PRESIDENT GRIFFO: The Secretary will read.

And again, I'm going to ask for some order in the house.

THE SECRETARY: Legislative Resolution Number 4065, by Senator Montgomery, congratulating the Brooklyn Technical High School Women's Varsity Volleyball Team upon the occasion of capturing the PSAL Class A City Championship.

ACTING PRESIDENT GRIFFO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I have the great honor and pride to present to our chamber, our colleagues here today, the Brooklyn Technical High School Women's Varsity Volleyball Team. They are the PSAL Class A City Championship Team of 2016.

They are joining us today. And I want to say how proud I am of these young women, who some of them -- some of whom are taller than the tallest member.

(Laughter.)

SENATOR MONTGOMERY: And I have

heard from some of the members that they would really hate to meet these women on the court. Even though they claim to be good basketball players, they are not so good when it comes to the Brooklyn Tech High School Women's Varsity Volleyball Team.

Brooklyn Tech High School, as we all know, is one of the top 10 best high schools in the State of New York. And the high school, which is in my district in Brooklyn, has, in addition to this group of women who are top volleyball champions, they are also high academic achievers. Fourteen of them are scholar athletes, with an overall impressive GPA of 93.24, and 10 of those have a GPA of 92.2 to 100.1. These are young women who have achieved excellence academically, and they are also young women who are excellent athletes.

Today we have an opportunity to applaud them, to honor them, and certainly I want to say to them that you are certainly, for us -- those of us women here, we strive to be as good as you are.

And they are now accompanied by the wonderful principal of Brooklyn Tech High School,

Mr. Randy Asher. We thank him so much because he is an exemplary administrator and is really making sure that we're preparing the next generation of not only athletes but excellent young people who will be in the forefront of our next generation of young leaders.

Let me see if I can give you the names of the team members. Luanna Chan -- Luanna Chan. Thank you.

Chellsa Ferdinand. Thank you.

Zoe Hockenberry. Thank you.

Cody Fung. Thank you.

Jane Lynn. Thank you.

Victoria Plonski. Thank you.

That's a tall one, ladies and gentlemen.

(Laughter.)

SENATOR MONTGOMERY: Sarah Flynn.

TEAM MEMBERS: She's not here.

SENATOR MONTGOMERY: Haeji Hwang. Thank you.

Halna -- Halyna --

{Inaudible comment from gallery.}

(Laughter.)

SENATOR MONTGOMERY: Thank you.

Anais Mewha. Thank you.

Su Aray.

Gabriella Kahulsky. Thank you.

Jessica Krupa. Thank you.

Gigliello -- excuse me. Alexandra Kusa.

And Head Coach Rosanne D'Augusta.

Assistant Coach Stephen.

And I do see and know and thank our principal, Randy Asher.

(Applause.)

SENATOR MONTGOMERY: Thank you.

Mr. President, this is one of the premier high schools in our state. Certainly it is a flagship school as it relates to technology, science, all of those areas that we rely on so much to bring us into the future. And by the way, it is the alma mater of my son.

So congratulations. Thank you very much, young ladies. I honor you today. Thank you.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Hamilton.

SENATOR HAMILTON: Yes, Chairman, I rise to congratulate the women scholar athletes

of Brooklyn Tech. To get into Brooklyn Tech is a task in itself. It's academic excellence, it's a rigorous process, and it's the best school in Kings County, the Brooklyn of New York. It's ranked seventh in the City of New York, and I think it's 70th in the State of New York. It's a premier school.

I happened to visit the school this past week. As you know, my daughter was accepted to Brooklyn Tech and to the Beacon Program, as was the mayor of the City of New York; his daughter went to Beacon, his son went to Brooklyn Tech. And I spoke to Mayor de Blasio and I said, you know, which school should I choose from?

So I did go to Brooklyn Tech and visit the school. And Principal Asher, you have done a phenomenal job with that school -- from the robotics program, the team always scoring high on national championships; to your architectural program, where in the school itself you're building a home, literally a home in the school; to your biology program, which is a great program; to your legal program. You have an actual courtroom in the school, which is phenomenal in itself. You have a solar panel

laboratory by Con Ed.

Your school is the epitome of what all our high schools should be in the State of New York, and I wish we could duplicate it throughout the state.

Yesterday I stood here on the floor and I mentioned how one school in Brooklyn has the reading scores of only 2.1 percent, and that's one extreme of what's happening. And maybe one day you'll become the chancellor and change that in New York City.

So I just want to say Brooklyn Tech is a beacon of hope for many students. And to the volleyball team, you're doing a great job. I'm not sure about the basketball team, but thank God for the volleyball team, that you're doing a great job. Keep up the great work that you're doing.

You have 128 student activities. That's unheard of for a school, to have 128. You have an engineering program. You have a music program that travels to China. Your high school is doing so many things. It may be a large school, 5,000 students, but it's doing wonderful things in the community. When I went to the

school, I felt that I was part of a larger family. And hopefully by the end of this week my daughter will be going to Brooklyn Tech and I'll be advocating even more strongly for the school.

God bless you all. Thank you very much.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you, Mr. President.

And I too want to congratulate the girls' volleyball team.

Many, many years ago I was a teacher at Brooklyn Tech. And times have changed, fortunately, because when I taught at Brooklyn Tech, there was no girls' volleyball team. In fact, there were no girls. It was all boys.

And secondly, I was in the social studies department, and there were two women teachers out of -- I don't know how many. So times have changed.

And I think that is a testimony to the faculty and the administration, the teachers, obviously. But also to the parents -- an

involved parent association -- to the students, obviously, but an involved alumni association also. Because your alumni groups have done a remarkable job to promote not just the mission and the tradition of Brooklyn Technical High School, but the mission of educational excellence throughout our state.

So I too offer my congratulations.

Thank you.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: My district is in Central New York. And many of us here played high school sports, some played college sports.

And the one thing that you don't realize now, but an old guy like I understands it clearly. The people you play with on this team will be your lifelong friends. You'll be talking about some of your games when you're in your 70s. It will be embellished a lot --

(Laughter.)

SENATOR DeFRANCISCO: -- because you'll remember more than really happened. But

it's the greatest experience in the world to be involved with a team, especially a championship team, for your life's experience.

And secondly, it's not surprising that you're outstanding athletes and also excellent students, because it goes hand in hand. It's the hard work to achieve both. And the fact that you can achieve both says you know how to use your time efficiently, you're going to be the leaders of tomorrow. Some of you, God forbid, may be in this chamber some day. No, I'm kidding. It's a wonderful place to be.

But seriously, some of you may be here some day or even higher.

So good luck in the rest of your lives, and enjoy these relationships that are forever.

Thank you.

(Applause.)

ACTING PRESIDENT GRIFFO: As noted, the resolution was passed on March 8, 2016.

We want to again welcome the faculty, administrators, and students from Brooklyn Tech. We congratulate the Women's Varsity Volleyball Team on achieving that

championship.

And Senator Montgomery has opened the resolution up for cosponsorship. Should anyone choose not to be a cosponsor, you may address the desk.

Senator Hamilton, do you want to add something quickly?

SENATOR HAMILTON: Yes. I made a mistake. I said it was ranked seventh in the city. But actually it's ranked seventh in the state, and it's 80th in the country. I'd like to make that correction.

ACTING PRESIDENT GRIFFO: So let's give a big round of applause to everybody here.

(Applause.)

SENATOR DeFRANCISCO: Senator Montgomery has offered the resolution for cosponsorship.

ACTING PRESIDENT GRIFFO: So noted and so instructed.

SENATOR DeFRANCISCO: So if you don't want to be a cosponsor, just notify the desk.

Is there any other business at the desk?

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

SENATOR DeFRANCISCO: In that case, I move to adjourn until Thursday, March 17th, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Thursday, March 17th -- the commemoration of St. Patrick's Day -- at 11:00 a.m.

The Senate will stand adjourned.

(Whereupon, at 11:50 a.m., the Senate adjourned.)