NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 23, 2016

11:59 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 bow their 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.

Senator LaValle.

SENATOR LaVALLE: Mr. President, can we stand at ease before we go into the repertoire. Just stand at ease for a moment.

ACTING PRESIDENT GRIFFO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:59 a.m.)

(Whereupon, the Senate reconvened

at 12:05 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise again and join us in a moment of silence for all those who lost their lives in the terror attacks in Belgium, as we reflect in solidarity and express our sorrow.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 22nd, the Senate met pursuant to adjournment. The Journal of Monday, March 21st, 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 from state officers.

Motions and resolutions.

Senator LaValle.

SENATOR LaVALLE: Mr. President, on Senator Martin's behalf, on page 21 I offer the following amendments to Calendar Number 331, Senate Print Number 6688, 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 LaValle.

SENATOR LaVALLE: Mr. President, there will be an immediate meeting of the Finance Committee off of the floor, Room 332.

ACTING PRESIDENT GRIFFO: There will be an immediate meeting of the Senate Finance Committee in Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 12:06 p.m.)

(Whereupon, the Senate reconvened at 12:14 p.m.)

ACTING PRESIDENT GRIFFO: The

Senate will come to order.

Senator LaValle.

SENATOR LaVALLE: Mr. President, can we return to reports of standing committees for the report from the Finance Committee.

ACTING PRESIDENT GRIFFO: We will return to reports of standing committees.

There is a report of the Finance Committee. The Secretary will read.

THE SECRETARY: Senator Young, from the Committee on Finance, reports the following bill:

Senate Print 6402, Senate Budget Bill, an act making appropriations.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator LaValle.

SENATOR LaVALLE: Mr. President, can we move to the noncontroversial -- excuse me. First we need to return to reports of standing committees for the report of the Finance Committee.

ACTING PRESIDENT GRIFFO: We will entertain a motion to accept the report of the

Finance Committee.

All in favor of accepting the report of the Finance Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The report is accepted and before the house.

Senator LaValle.

SENATOR LaVALLE: Mr. President, now can we go to the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will begin the noncontroversial reading of the active-list calendar, March 23rd.

THE SECRETARY: Calendar Number 177, by Senator Comrie, Senate Print 5026A, 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.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 210, by Senator Serino, Senate Print 5545A, an act to amend the Public Authorities 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 239, by Senator Marchione, Senate Print 3826, an act to amend the Executive 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 Marchione to explain her vote.

SENATOR MARCHIONE: Thank you, Mr. President.

I am really proud to sponsor this legislation before us today that would establish March 13th as "K9 Veterans Day" here in New York State.

In making this formal designation, our state can officially recognize all K9 heroes who courageously protect and serve New Yorkers. K9 Veterans Day is intended to honor the service and sacrifice of dogs that aid members of America's armed forces, law enforcement, and public safety.

But why March 13th? Well, March 13th is recognized as a milestone day in American service dog history. It's reported that on March 13, 1942, the United States Army created its K9 corps.

March 13th is also the day that Ape, a beloved 2-year-old Czech German shepherd -- he was a tactical service dog that had only been working for the FBI for two weeks -- was

tragically shot and killed in the line of duty during a law enforcement raid in upstate New York.

Currently, at least 11 other states, including Florida and New Jersey, officially recognize March 13th as K9 Veterans Day, and it is time that the Empire State join them.

I give attribution to the late Joseph White, a retired military dog handler who pioneered the nationwide effort to recognize March 13th as K9 Veterans Day.

You know, today police dogs, bomb-sniffing dogs, and search-and-rescue dogs are hard at work protecting and serving all New Yorkers. They're loyal, brave, hardworking and dependable. These words can only begin to describe our courageous K9 heroes.

So I ask my colleagues today to support this measure, just as you did last year. And it's my hope that this bipartisan bill, which is sponsored in the Assembly by Assemblyman Angelo Santabarbara, will become law this year so we can honor our K9 heroes.

Thank you.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Marchione. You will be recorded in the affirmative.

Senator Croci to explain his vote.

SENATOR CROCI: Thank you, Mr. President.

Whether it's in New York State in our subway stations, our train stations, our airports, or it's overseas ensuring that IEDs don't harm our troops on bases -- and regardless of the breed, whether it's a German shepherd or a Belgian Malinois or if it's a Labrador retriever or the mutt, which is -- in the traditional American sense, the mutts sometimes seem to be smarter and better, which is an American tradition, I think. But these dogs become part of your family, they become part of your unit, they become part of your life, your daily life.

And I think what we've seen in Brussels highlights how important it is that we have protective measures and that we continue to honor service dogs.

But I would say that we have a higher duty in this state. What happened in Brussels, what happened in Paris, what happened in San Bernardino will happen in New York again.

And the question is, as a Legislature -- and the question to our Governor, and the question to the Assembly -- is what to we want to do before the next attack.

Mr. President, the working dog is on the last line of defense, because the bomb is has already been planted, the event has already happened. I think that we should, as a Legislature, continue to be supportive and not only honor our working dogs, but maybe have the intelligence, have the resources, put the resources into ensuring that we're not ill-prepared for the next attack, and that we as a Legislature, every one of us, can go back our districts and look our residents in the face and say we have done everything we possibly can.

Thank you, Mr. President. I'll be voting aye.

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

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

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

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 352, by Senator Klein, Senate Print 3178A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 360, by Senator Croci, Senate Print 3137B, an act to amend the Executive 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator LaValle, that completes the noncontroversial reading of today's active list for March 23rd.

SENATOR LaVALLE: Mr. President, can we now go to the noncontroversial reading of the supplemental calendar that is on your desk.

ACTING PRESIDENT GRIFFO: The Secretary will read Senate Supplemental Calendar 25A, noncontroversial.

THE SECRETARY: Calendar Number 435, Senate Budget Bill, Senate Print 6402, an

act making appropriations.

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.

Senator LaValle, that completes the noncontroversial reading of today's supplemental calendar.

SENATOR LaVALLE: Mr. President, I believe you have a privileged resolution by Senator Seward. And can we have a reading of the title.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution by Senator Seward, mourning the death of Charles Joseph Hebert III, superintendent of Cooperstown Central School.

ACTING PRESIDENT GRIFFO: All in

favor of the resolution before the house signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator LaValle.

SENATOR LaVALLE: Mr. President, would you please open that resolution for cosponsorship. And if someone does not wish to be a cosponsor, they should contact the desk.

ACTING PRESIDENT GRIFFO: Senator Seward's resolution is open for cosponsorship. Should you choose not to be on the resolution, please notify the desk.

Senator LaValle.

SENATOR LaVALLE: Mr. President, do we have any further business at the desk?

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

SENATOR LaVALLE: I move that we adjourn until Monday, March the 28th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Monday, March 28th, at 3:00 p.m., with intervening days being legislative days.

The Senate will stand adjourned.

(Whereupon, at 12:23 p.m., the Senate adjourned.)