NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 28, 2016

3:16 p.m.

REGULAR SESSION

SENATOR PHIL M. BOYLE, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT BOYLE: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

ACTING PRESIDENT BOYLE: In the absence of clergy, may we please bow our heads in a moment of silence.

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

ACTING PRESIDENT BOYLE: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 27th, the Senate met pursuant to adjournment. The Journal of Saturday, March 26th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT BOYLE: Without objection, the Journal stands 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 DeFrancisco.

SENATOR DeFRANCISCO: Yes, would you please recognize Senator Gianaris.

ACTING PRESIDENT BOYLE: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Bill 4888C.

ACTING PRESIDENT BOYLE: So ordered.

Floor Leader.

SENATOR DeFRANCISCO: Yes, Mr. President, can you now take up the noncontroversial reading of the calendar.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Calendar Number

107, by Senator LaValle, Senate Print 1617, an act to amend the Social Services Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 41. Nays, 1. Senator Dilan recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 127, by Senator Robach, Senate Print 1965A, an act to amend the Highway Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 128, by Senator Robach, Senate Print 2682A, an act to amend the Highway Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 200, by Senator Hassell-Thompson, Senate Print 3818, an act to amend the Correction Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 280, by Senator Nozzolio, Senate Print 6267, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 281, by Senator Marchione, Senate Print 6482, an act to amend the Highway Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Marchione to explain her vote.

SENATOR MARCHIONE: Thank you, Mr. President.

I rise for the purpose of speaking on this legislation before us. I'm truly honored to sponsor this bill designating the overpass at Exit 14 of Route 87 North as the Assemblyman Robert D'Andrea Bridge.

Naming a bridge in Saratoga County after Assemblyman Robert "Bobby" D'Andrea truly benefits his legacy of honorable, thoughtful public service.

Because whether he was serving as supervisor for the City of Saratoga Springs or in

the State Assembly, where he did for 27 years, the true hallmark of Bobby D'Andrea is a service of building bridges: Bridges of opportunity and inclusion for the betterment of everyone; bridges of kindness, cooperation, and collegiality to advance the greater good. Those bridges, built upon a strong foundation of tireless community service and dedicated charitable involvement, led the way for a brighter future.

Bobby D'Andrea's life, Bobby D'Andrea's legacy, they transcended politics. Always ready, willing and able to roll up his sleeves and do the hard work, the real work of public service, Bobby D'Andrea has resided in the City of Saratoga Springs east of Interstate 87 at Exit 14 for decades. And now this nearby bridge will bear the name of a true bridge builder, Bobby D'Andrea, to celebrate his honorable legacy of service to our Saratoga-Washington community.

I congratulate Bobby, his wife Theresa, their five children and six grandchildren on this designation.

Thank you.

ACTING PRESIDENT BOYLE: Thank you, Senator. Bobby was a great man.

Announce the result.

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 286, by Senator Hannon, Senate Print 6779A, an act to amend the Public Health Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 287, by Senator Hannon, Senate Print 6800, an act to amend the Public Health Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 180th day.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 305, by Senator Lanza, Senate Print 3491, an act to amend the Penal Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 46. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT BOYLE: The bill

is passed.

THE SECRETARY: Calendar Number 358, by Senator Ranzenhofer, Senate Print 877, an act to amend the Elder Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 48.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 363, by Senator Lanza, Senate Print 4627B, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 368, by Senator Serino, Senate Print 6925, an act to amend the Public Health Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 369, by Senator Klein, Senate Print 854, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BOYLE: Read the

last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 373, by Senator Valesky, Senate Print 5720A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Senator Espaillat to explain your vote.

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

The history of farmworker disenfranchisement is rooted in the Jim Crow era. And sadly, their unfair treatment continues to be a lasting legacy of those times.

Farmworkers toil in hard conditions from sunup to sundown to feed all of us. The conditions they work in are often harsh and often unsafe. The conditions they live in are often unsanitary. And yet farmworkers do not have access to workers' compensation, and they are not allowed to organize.

The treatment of farmworkers is abhorrent and unacceptable. And I, along with many others, have advocated to end these shameful practices that are a moral affront to everything our state stands for.

As we get ready to approve next year's budget this week, let's be sure not to leave our farmworkers once again. Let's get $15 an hour, let's be the first to do it, and let's make sure farmworkers get in there too.

This is one of many bills that will give the farm industry handsome benefits, and I, as I've done in the last several years, will continue to vote down on all of them. My vote is

in the negative, Mr. President.

ACTING PRESIDENT BOYLE: Senator Espaillat in the negative.

Announce the result.

THE SECRETARY: Ayes, 56. Nays, 2. Senators Dilan and Espaillat recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 380, by Senator Golden, Senate Print 1060A, an act to amend the Civil Rights Law.

ACTING PRESIDENT BOYLE: Read the last section.

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

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 387, by Senator Ortt, Senate Print 2693A, an act to amend the Public Authorities Law.

ACTING PRESIDENT BOYLE: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2017.

ACTING PRESIDENT BOYLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BOYLE: Announce the result.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BOYLE: The bill is passed.

THE SECRETARY: Calendar Number 392, by Senator Young, Senate Print 2316, an act to amend the Private Housing Finance Law.

SENATOR DeFRANCISCO: Please lay the bill aside for the day.

ACTING PRESIDENT BOYLE: The bill is laid aside for the day.

Floor Leader, that completes the noncontroversial reading of the calendar.

SENATOR DeFRANCISCO: Yes, can we

go back to motions and resolutions and take up previously adopted Resolution Number 3192, by Senator Venditto, and read the title only and then call on Senator Venditto.

ACTING PRESIDENT BOYLE: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3192, by Senator Venditto, congratulating C.J. Marie of North Bellmore, New York, upon the occasion of being named 2015 Ms. New York Senior America.

ACTING PRESIDENT BOYLE: Senator Venditto.

SENATOR VENDITTO: Mr. President, thank you very much.

I have the distinct honor of introducing a very important and distinguished guest to our chamber today. Her name is C.J. Marie, and she is also known as Ms. New York Senior America.

You know, whatever side of the political ledger we may stand on, ladies and gentlemen, I think we can all agree that the men and women who are members of our senior population here in New York State, they have made

great sacrifices to build, cultivate and maintain the communities where we live and raise our families.

And they also helped pave the way for all of us to enjoy the freedoms, the privileges and the opportunities that we have each and every day. They're continuing to work to make sure that those freedoms, privileges and opportunities are preserved for generations to come.

And we have with us today a terrific spokeswoman for our senior population in New York in Ms. Marie. She has amassed a tremendous amount of professional success in her life: a teacher of over 35 years at the elementary school level. She has written, get this, 14 books, all of which provide valuable lessons for living. She has dedicated a great part of her life to physical fitness and dance and sharing what she's learned in those fields with others so that they can better their lives. The accomplishments just go on and on.

And on a personal level, she has also achieved so much success, using her time, her talents, her treasures -- and, yes, her

beauty -- to travel across the state to help people, particularly those who are most in need.

So, Ms. Marie, on behalf of all my colleagues, I would like to welcome you to the chamber today and thank you for being with us.

Ladies and gentlemen, the one and only Ms. New York Senior America, C.J. Marie.

(Applause.)

ACTING PRESIDENT BOYLE: Floor Leader.

SENATOR DeFRANCISCO: Yes, Senator Venditto has offered this resolution for sponsorship. Anyone who does not want to sponsor should notify the desk.

ACTING PRESIDENT BOYLE: The resolution is open for cosponsorship. If you do not wish to be a cosponsor, please notify the desk.

Floor Leader.

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

ACTING PRESIDENT BOYLE: No further business.

SENATOR DeFRANCISCO: That being the case, I move to adjourn until Tuesday,

March 29th, at 3:00 p.m. sharp.

ACTING PRESIDENT BOYLE: On motion, the Senate stands adjourned until Tuesday, March 29th, at 3:00 p.m. sharp.

(Whereupon, at 3:29 p.m., the Senate adjourned.)