NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:23 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 everyone present to please rise and join with me as we recite the Pledge of Allegiance to our Flag. Please rise.

(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 their 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, Monday, April 4th, the Senate met pursuant to adjournment. The Journal of Friday, April 1st, 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: On page 21, Senator Golden moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9441 and substitute it for the identical Senate Bill 6935, Third Reading Calendar 448.

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

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, I move the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate Bill Number 5768A, by Senator Martins.

ACTING PRESIDENT GRIFFO: That is so ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, there is a privileged resolution by Senator Murphy, Number 4687, at the desk. Would you please read the title only and call on Senator Murphy to speak.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution 4687, by Senator Murphy, memorializing Governor Andrew M. Cuomo to proclaim April 2016 as Distracted Driving Month in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Murphy.

SENATOR MURPHY: Thank you, Mr. President.

This resolution sheds light on an important issue that we see each and every day as we drive around: Distracted driving. April is Distracted Driving Month.

And distracted driving isn't just something that we shrug our shoulders at, because it has proven to take lives. And one such life that was taken from us was Evan

Lieberman. In 2011, Evan was killed in a head-on car accident. The driver of the other car was on their cellphone.

Now, while I did not have the honor of meeting Evan, I did have the great privilege of getting to know his family. I remember meeting Mr. Lieberman in my office, and he told me about the tragic and avoidable death of his young son.

While Mr. Lieberman and his entire family will miss his son, they have turned a true tragedy into a positive mission of bringing awareness to distracted driving.

The facts are staggering. In 2014, we've had over 3,000 people die of distracted driving, more than 400 people injured due to distracted driving.

The cellphones, the texting -- I see a lot of young kids here today, please be careful in the cars -- turning on the radio. It has become a major problem. And as a father myself of three kids, I am teaching my kids about this distracted driving, and we are shedding light on this serious issue.

I would just like to acknowledge

Mr. Lieberman -- I believe he is here today -- and thank him and allow him the privilege of being in Senate chambers and keeping awareness to this very, very important issue.

I would also like to thank Town Supervisor Rob Greenstein, who's here today, who has taken initiative himself within his town on having magnets: "Hands off the phone and on the wheel. Please pay attention."

Mr. President, I thank you for the honor and courtesy.

ACTING PRESIDENT GRIFFO: Thank you, Senator Murphy.

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.

We welcome Mr. Lieberman and the town supervisor here today and extend the courtesies of the house.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, would

you please recognize Senator Robach for a brief introduction.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, I believe that on that previous resolution, the sponsor has offered it for cosponsorship. Without objection?

SENATOR DeFRANCISCO: Without objection, and that would be wonderful.

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

Senator Robach.

SENATOR ROBACH: Yes, Mr. President, I wanted to take a moment as we're here passing laws, talking about government -- we have a great group of people from LEAH here, parents, students, who are here to advocate for some laws that they would like, to learn a little bit more about government.

And LEAH is an acronym for Loving Education At Home. These are parents that homeschool their children, and we've worked very closely with them on a number of legislation, knowing that besides what I believe every parent

has a right to, what's in the best interests of their children, above and beyond anything else -- these folks quantifiably, whether it comes to testing, other things, are the highest-performing group of students we have in our state and really have been a joy to work with.

And I just wanted to welcome them, thank them for their advocation, participation in government, and, more importantly, putting what's first, making everything about their children.

So if you could welcome them to the chamber. I would just be remiss if I didn't note -- I think Patti Owens, who is the group leader from Rochester, their president Rudy and his wife Elizabeth, are here, as well as a number of advocates from across the state that some of my other colleagues may be acknowledging.

If you could welcome them, I would appreciate it greatly, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Robach.

Senator Little.

SENATOR LITTLE: Thank you, Mr. President.

I'd like to join Senator Robach in

welcoming all of those LEAH members here today and commend them for their interest and their dedication to homeschooling.

I had a privilege today of meeting with the four Sears boys, who are from Hartford, New York, as well as having Ryan Bailey, who is here, and also from my district.

So I really appreciate you being here. It is important to come to Albany to express your needs and your concerns and to allow us to hear more about what you are doing.

I thank you for your efforts, and thanks for being here today.

ACTING PRESIDENT GRIFFO: Thank you, Senator Little.

Senator Akshar.

SENATOR AKSHAR: Mr. President, thank you.

I too join my colleagues and want to thank and welcome the students and parents that are involved in the homeschool group LEAH, not only from the 52nd Senate District but throughout the state. We had a great meeting this afternoon, and I thank you for that.

I'm here to tell everyone in this

chamber these kids are incredibly intelligent and committed to doing well. They simply want to be treated equally. We need to honor and respect the work that they're doing.

And my hope is that we have a chance this year to vote on a series of bills that are very important to this community. I would encourage my colleagues to support these measures as they arrive.

So thank you to my colleagues, and thank you to this group who is here today. It was a great event.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Akshar.

Senator Hamilton.

SENATOR HAMILTON: Yes, Mr. President, I rise for the LEAH bill. I wasn't that well-informed about the LEAH bill until actually today, when I had a family come to my office who wanted to homeschool their children.

Education is a key component to our children's lives and them being successful, and being taught at home is essential to a child's

development. There are different paths to education -- school-based, parent-based.

But what really struck a chord in me is that if your child is parent-based, you cannot play sports in a public school, which to me is a form of discrimination. If a parent chooses to homeschool their child and they want that child to play sports in the school, the school should avail themselves so these kids can be a part of playing sports.

So I congratulate the sponsor of this bill. I congratulate the parents of this bill for advocating for their children to make sure that their children can play sports, can play musical instruments, and could avail themselves to the public schools as far as extracurricular activities for their children.

So prior to today I wasn't sure about the LEAH bill, but seeing these young women and fathers and their children who are just so energized by being up here in Albany -- they were, you know, eager to learn, they were eager to express themselves. And I'm saying today education is a key component for all our children. And hopefully one day in the State of

New York we will be the number-one state for education rather than the 45th.

So we have a long way to go with education, and the parents see that our schools are failing some of our children. And if our schools weren't failing some of our children, maybe these parents wouldn't have to take matters into their own hands. They're saying that the schools are failing our kids, we have to make sure our children are educated, and they're keeping them at home to educate their children.

So hopefully one day we will enhance our schools so parents will feel good that their children will go to school and not be bullied, they will go to school and no one will harass them, they will not have to go to school and be exposed to drugs.

So these are the things that are facing our children in schools today and why many of our schools are failing throughout the state, and these parents are saying, No, my child will be successful, my child will get a great education, I'm keeping my child at home but I do want my child to play sports, and they should be able to do so.

So I commend the parents and the children who are homeschooled. Thank you very much.

ACTING PRESIDENT GRIFFO: We welcome to the chamber today all of the parents and students who are with us. Welcome, and we extend the courtesies of the house to you.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, could you please recognize Senator Carlucci for an introduction of a very important group of people.

ACTING PRESIDENT GRIFFO: Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

I rise with great honor to introduce a delegation of about 25 Ukrainians from the Ukraine. They're here today visiting with lawmakers, visiting Albany to really learn about Western democracy.

And it's an interesting time in Ukraine's history. Just in November of 2013, they went through a revolution where they're

starting the democratization of the Ukraine. And so it's very fitting, the 25 diplomats who are here today, some are elected officials, some are journalists, students, some are from nonprofit organizations. We have one that's from a chamber of commerce in the Ukraine.

So I hope that the lawmakers here today will have an opportunity hopefully to talk with some of the diplomats and that we can share what we've learned here in New York State and in the United States. We talk about democracy, how it's an imperfect process and we've got to continue to strive to make it better. And every day I think we all have to collectively do that, to work together to say, hey, it's not a perfect system, but I think it's the best thing we've got going.

And the Ukraine is here to learn from us here today, and we're here also to learn from you.

So, Mr. President, it's with great honor that I rise to introduce our Ukrainian diplomats that are here today, and I ask that we offer them the courtesies of the house.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Carlucci.

We extend our welcome, warmest welcome to the delegation from Ukraine. Welcome. We extend the courtesies of the house to you.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, is it me or does it look like they're much younger in Ukraine than the leaders here in New York State?

(Laughter.)

SENATOR DeFRANCISCO: Thank you, Mr. President.

Will you now take up the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 230, by Senator Serrano, Senate Print 705A, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect January 1, 2018.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 230, those recorded in the negative are Senators Amedore, DeFrancisco, Griffo, Marchione, Murphy, O'Mara and Serino.

Ayes, 52. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 401, by Senator Boyle, Senate Print 6860A, an act authorizing.

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 402, by Senator Farley, Senate Print 6869, an act to authorize.

ACTING PRESIDENT GRIFFO: There is a home-rule message present at the desk.

The Secretary will 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 406, by Senator Ortt, Senate Print 2966A, an act to amend the Vehicle and Traffic 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, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 411, by Senator Amedore, Senate Print 6372, 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.)

ACTING PRESIDENT GRIFFO: Senator Amedore to explain his vote.

SENATOR AMEDORE: Thank you, Mr. President.

I rise to explain my vote on this legislation to rename a portion of Route 32 in Ulster County after a brave young man who made the ultimate sacrifice while serving our nation overseas: Private First Class Douglas Cordo. He was just 20 years old when he was struck and

killed by an IED in Afghanistan in August of 2011.

Mr. Cordo was a graduate of Kingston High School in 2009. While he planned on continuing to serve his nation and community after his Army service, pursuing a career in law enforcement, he paid the ultimate sacrifice.

I'd like to thank Private First Class Cordo's family, and the members of the Rolling Thunder, for helping and working with me and my office on this important legislation.

You see, renaming this highway in his name is just a small way that we can pay tribute to a young man who put duty, honor and country above all else. And this bill will ensure that his legacy is remembered.

So, Mr. President, I vote aye with a great deal of pride and appreciation for this young soldier. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 426, by Senator Flanagan, Senate Print 2083, 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: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 429, by Senator Avella, Senate Print 3199A, an act to amend the Penal 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.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 429, those recorded in the negative are Senators Amedore, Lanza, Marchione, Ortt and Parker.

Ayes, 54. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 436, by Senator Ranzenhofer, Senate Print 869, an act to amend the Correction 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 436, those recorded in the negative are Senators Comrie, Dilan, Hamilton, Hassell-Thompson, Krueger, Montgomery, Parker, Perkins, Persaud, Rivera and Sanders.

Ayes, 48. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 437, by Senator Klein, Senate Print 1520, an act to amend the Executive 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 rise in favor of this legislation.

This is a piece of legislation that I've passed before in this house, and I believe that it's an important way we can close a very dangerous loophole that exists.

I think most of us know that right now the law of the land in New York State bans sexual predators from living within a thousand feet of a school. Unfortunately, now with the

proliferation of UPK around the state, especially in the City, right now they are not covered.

So in other words, a sexual predator, under the law, can now live within a thousand feet of a UPK program or a standalone kindergarten. As we know, sometimes kindergarten programs are housed within traditional schools that actually go from K to 8; those are covered. But if it's a standalone kindergarten or UPK, it's not covered.

That's something that's extremely important. And I think we need to close this loophole and make sure our youngest people are protected as well.

The next issue we find, that there really isn't an exchange between the Department of Education and the Division of Criminal Justice Services. Especially downstate, where we see more and more schools opening up, for some reason they're not in the database of DOCCS, and they're not actually policing individuals who are living within a thousand feet of the school.

I had a case in my district that a school that's three years old was not part of the law; in other words, individuals were still

allowed to live near that school.

So I think a sharing of information between the Department of Education and DOCCS is something that I think will go a long way towards protecting our youngest citizens.

I vote yes, Mr. President.

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

Senator Hassell-Thompson to explain her vote.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

While I listened very carefully to the rationale that Senator Klein has presented for this bill, in looking at and asking for an interpretation from the courts and the family courts on this issue, the law that is in place, 1520, very clearly already states that the victims of such offense under the age of 18 -- also included in that language is within a thousand feet of any facility or prekindergarten or kindergarten instruction as provided, or any other facility or institution primarily used for the care or treatment of persons under the age of 18, which should more than adequately cover it.

And while there may be other stipulations in that bill, I think that we are becoming so -- I'm at a loss for a word for it. But we are becoming so fascinated with the whole issue of sexual assault upon -- whether it's adult or the elderly, that we are making it totally impossible without creating alternative situations for the lifestyle and the living of those who have perpetrated these offenses against society.

So under those circumstances, Mr. President, I will be voting no.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 437, those recorded in the negative are Senators Hassell-Thompson, Montgomery and Perkins.

Ayes, 56. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 438, by Senator Ranzenhofer, Senate Print 2885, 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.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 438, those recorded in the negative are Senators Comrie, Dilan, Hassell-Thompson, Krueger, Montgomery, Parker, Perkins, Persaud and Rivera.

Ayes, 50. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 440, by Senator LaValle, Senate Print 4153, 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, 57. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 448, substituted earlier by Member of the Assembly Abbate, Assembly Print 9441, an act to amend the Civil Service 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.

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

And I might add that you did look as

young as our Ukrainian friends before the budget.

(Laughter.)

SENATOR DeFRANCISCO: Before the budget.

Well, before we close, I just wanted to apologize to our friends from the Ukraine. Usually we have much more spirited debates. If you'd been here last week, you could have seen that debate from about 4:00 in the afternoon till 10:00 the following morning. But we all needed a rest today.

So thank you for being here today, and we're really pleased that you were able to be in the New York State Legislature today.

With that said, is there any further business before the desk?

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

SENATOR DeFRANCISCO: That being the case, I now move to adjourn until Wednesday, April 6th, at 10:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Wednesday, April 6th, at 10:00 a.m.

The Senate stands adjourned.

(Whereupon, at 3:50 p.m., the Senate adjourned.)