NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 16, 2016

3:21 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I ask everyone present to please rise for the Pledge of Allegiance.

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

THE PRESIDENT: The Reverend Cessell Greenidge is with us today to give us the invocation. He is the pastor of Emmanuel Pentecostal Church in Brooklyn, New York.

Reverend.

REVEREND GREENIDGE: Shall we pray.

Eternal and most gracious and ever-loving Father, we thank You at this hour and time for life. And we thank You for bringing us here safely and for this gathering.

But I pray, God, even now, that You will touch life. As I lift up this house before You, mighty God, and every representative, I pray, God, that You will bring forth, God, the vision, O dear God, of Your people, that every issue, mighty God, laying across the table, You will bring resolution.

O Father and God, touch the life of Your people with wisdom, with knowledge, and with understanding, that at the end of this, Almighty God, the dream of the State of New York shall become a reality and men and women, mighty God, shall rejoice and be glad in You and in Your salvation.

We thank You even now for what You're going to do in the life of Your people, and we bless You in Jesus' mighty name.

Amen.

THE PRESIDENT: Thank you, Reverend.

The reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 15th, the Senate met pursuant to adjournment. The Journal of Saturday, May 14th, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 39,

Senator Avella moves to discharge, from the Committee on Elections, Assembly Bill Number 7817 and substitute it for the identical Senate Bill 6818, Third Reading Calendar 729.

THE PRESIDENT: Substitution so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFran.

SENATOR DeFRANCISCO: Madam President, I request that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause, all by Senator Flanagan: Senate Numbers 4216, 4217, 4218.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: I also move that the following bill by Senator LaValle, Senate Print 7576, be discharged from its respective committee and be recommitted with instructions to strike the enacting clause.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: I now wish to call up Senator LaValle's bill, Number 2926, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 169, by Senator LaValle, Senate Print 2926, an act in relation to authorizing.

SENATOR DeFRANCISCO: I now move to reconsider the vote by which this bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

SENATOR DeFRANCISCO: Madam President, I now offer the following amendments.

THE PRESIDENT: The amendments are accepted, and the bill is restored to its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: Next I wish to call up Senator LaValle's bill, Print 2928, recalled from the Assembly, which is now at the

desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 170, by Senator LaValle, Senate Print 2928, an act in relation to authorizing.

SENATOR DeFRANCISCO: I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is restored to its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: I now offer the following amendments.

THE PRESIDENT: The amendments are received, and the bill retains its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: Next I wish to call up Senator Croci's bill, Number 3137B, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will

read.

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

SENATOR DeFRANCISCO: I now move to reconsider the vote by which this bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

SENATOR DeFRANCISCO: I now offer the following amendments.

THE PRESIDENT: The amendments are received, and the bill retains its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: Madam President, on page 17 I offer the following amendments to Senator Marcellino's bill, Calendar Number 225, Senate Print 5795, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: Madam President, on page 19 I offer the following

amendments to Senator Ritchie's bill, Calendar Number 270, Senate Print 6756, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: On page 32, I offer the following amendments to Senator Ranzenhofer's bill, Calendar Number 637, Senate Print 6322, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: And the following motion is, on page 37, I offer the following amendments to Calendar Number 714, Senator Ritchie's bill, Print 6222B, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: Madam President, can we now take up previously adopted Resolution Number 5144, by Senator Amedore, read the title only, and call on Senator Amedore.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Legislative

Resolution Number 5144, by Senator Amedore, memorializing Governor Andrew M. Cuomo to proclaim May 15-21, 2016, as Prevention Week in New York State, in conjunction with the observance of National Prevention Week.

THE PRESIDENT: Senator Amedore.

SENATOR AMEDORE: Thank you, Madam President.

You know, this week is National Prevention Week, a time for communities to come together to increase awareness about substance abuse, problem gambling, mental health issues. Addiction comes in many shapes, but in one form or another it touches everyone in every community throughout the State of New York.

Here in New York we are doing everything possible that we need to do to tackle the issue of addiction, including the addiction of heroin and the crisis that we see throughout the State of New York with this. We are doing everything we can to make sure that treatment and recovery services and options are available to those who need them the most, and the proper support systems are in place to help those at risk so they won't relapse.

Of course, prevention and awareness are efforts that always are key to eradicating any addiction problem. So today we have on the Senate chamber floor some of the great organizations who are helping throughout all of our communities in the prevention efforts. Today we have with us, from New York City, the Prevention Resource Center. We have BOCES Educational Support Services. We have Schenectady County Substance Prevention Coalition. We have Hamilton-Fulton-Montgomery Prevention Council. And we have OASAS.

Some of these groups are doing an outstanding job -- or all of these groups are doing an outstanding job. And there are so many others throughout the state, but I don't think that the Senate floor would have been able to hold them all.

But if you could all rise so we can see who you are and we can congratulate your strong effort, your tireless work, and your passion and love to help those throughout our communities in great need.

Now, this year the theme for National Prevention Week is "Strong as one,

stronger together." We all know one person can make a difference in our community -- but when we all work together in one common purpose, we can achieve so much more.

So thank you so much for all that you have already achieved and the vision and the love and the goals that you have to help all of our constituents who struggle with addiction and to hopefully prevent them from ever being bound by it. Thank you all.

(Applause.)

THE PRESIDENT: Mr. Floor Leader.

SENATOR DeFRANCISCO: Yes, could we please open that resolution up for cosponsorship.

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

SENATOR DeFRANCISCO: Madam President, can we now introduce Senator Martins for an introduction of some very important people.

THE PRESIDENT: Senator Martins.

SENATOR MARTINS: Thank you, Madam President.

It's my honor to present our Cadet

Squadron 288 from Nassau and Suffolk Counties, members who are here with us today in the gallery.

The Civil Air Patrol serves an enormously important function. They were formed right at the beginning of World War II, and through that period to today, they account for 90 percent of all the inland searches that exist in our country. An average of 75 people are saved per year as a result of the Civil Air Patrol's efforts.

But most importantly, Madam President, I ask you to look up into the gallery and look at the young men and women who are here with us today and understand that these are kids who are in high school. These are volunteers who are not only working and go along with the Civil Air Patrols as they patrol the areas on the coasts of Long Island and areas of New York State, but they're actively involved in their local communities.

They work hard, they participate, and at a time when we have so few who volunteer for anything, how great is it to have a group of young men and women who not only care but care

enough to volunteer and to give of themselves to help others in an organized way.

So we have members who came up today, they've had the opportunity to tour the Capitol, to meet with many of our members. But it is a proud moment for us -- certainly for me and for my colleagues from Long Island and throughout New York State -- to recognize these young men, to thank them for being here.

And in particular I want to take the opportunity to recognize two of these members who are from my district. I have Cadet Master Sergeant David Giannitelli and Cadet Master Sergeant Matthew Ehrlein, who are both here.

Gentlemen, thank you very much for being here. Godspeed. You give us hope that there are people who are going to put the best interests of our communities and the country first and foremost as we go forward. Thanks for joining us today.

Madam President, thank you for the opportunity. And I know that I have my colleagues here from Long Island who would likewise like to recognize members from their communities as well.

Thank you.

THE PRESIDENT: Senator Venditto.

SENATOR VENDITTO: Madam President, thank you.

I would like to join my Senate colleagues, of course, in welcoming the members of the Civil Air Patrol who are joining us today, and thank them for their service, for their commitment, for all that they are putting into what they do.

You know, we're always looking for a bright spark to associate with our future. And getting to meet all of you and feel and see that potential that you have inside, I think we can all agree that the future of our country is looking much brighter thanks to the work that you are doing.

You make us all proud to be Americans. You certainly make people like me proud to be elected officials and preside over the communities which I do.

So again, thank you. Thank you all for being with us today. I'd be honored to recognize actually seven of the members of the Civil Air Patrol who are joining us from the

8th Senatorial District. We have Jared Del Orfano, from Merrick; Ricardo Gomez-Nieto, from Bellmore; Esther Sherry, from Farmingdale; Brendan Hondema, from Bellmore; Jacqueline Rathjen, from Massapequa; Michael Pinna, from Farmingdale; and Mark Del Orfano, from Merrick.

Once again, welcome to the chamber today. Thank you for the work that you're doing. May God continue to bless you in that work in the greatest, most beautiful country in the world, the United States of America.

Thank you, Madam President.

THE PRESIDENT: Mr. Floor Leader.

SENATOR DeFRANCISCO: Could you please call on Senator Amedore to introduce another group of fine people.

THE PRESIDENT: Senator Amedore.

SENATOR AMEDORE: Thank you, Madam President.

I want to introduce in the chamber, up in the gallery, a group of visiting students that drove up from Kingston, New York, today. And they are a group of students ranging in age of around 10 to 15 years old, and they are all home-schooled students who this past year have

been learning all about civics. And they're here today to learn about what's going on and what we do in state government and to get a tour of this great building and to see all of us.

And so congratulations for your field trip coming up. And we've spent some time talking about some of their vision and goals that they have in life, and I commend all of you never to give up. And I hope the very best for you, because I know your future is very bright.

Thank you.

THE PRESIDENT: Mr. Floor Leader.

SENATOR DeFRANCISCO: Yes, thank you. I believe we've handed up some committee assignments.

THE PRESIDENT: The assignments are received and will be filed with the Journal.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Madam President, I'd like to call an immediate meeting of the Rules Committee in Room 332. Immediate meeting of Rules, Room 332.

THE PRESIDENT: Immediate meeting of the Rules Committee in Room 332 of the Capitol.

The Senate will stand at ease.

SENATOR DeFRANCISCO: We will remain at ease until we return, and we will return very shortly if everyone leaves now.

Thank you.

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

(Whereupon, the Senate reconvened at 3:53 p.m.)

ACTING PRESIDENT AKSHAR: Mr. Floor Leader.

SENATOR DeFRANCISCO: Yes, if we can return to reports of standing committees.

Has the Rules Committee report been presented to the desk yet?

ACTING PRESIDENT AKSHAR: Yes, it has.

SENATOR DeFRANCISCO: Would you read that report, please.

ACTING PRESIDENT AKSHAR: Reports of standing committees.

The Secretary will read.

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

Senate Print 631, by Senator Carlucci, an act to amend the Mental Hygiene Law;

Senate 2346, by Senator Seward, an act to amend the Tax Law;

Senate 2484A, by Senator Gianaris, an act to amend the Penal Law;

Senate 2641, by Senator Savino, an act to amend the Penal Law;

Senate 2787, by Senator Parker, an act to amend the Public Health Law;

Senate 3458B, by Senator Carlucci, an act to direct;

Senate 3666, by Senator Savino, an act to amend the Penal Law;

Senate 3805, by Senator Parker, an act to amend the Domestic Relations Law;

Senate 5478, by Senator Griffo, an act to amend Chapter 19 of the Laws of 2014;

Senate 5506A, by Senator Savino, an act to amend the Personal Property Law;

Senate 5546A, by Senator Funke, an act to amend the Education Law;

Senate 6248B, by Senator Ortt, an act to amend the Mental Hygiene Law;

Senate 6317, by Senator DeFrancisco,

an act to amend the Criminal Procedure Law;

Senate 6632A, by Senator Croci, an act to amend the Public Health Law;

Senate 6719, by Senator Murphy, an act to amend the Public Health Law;

Senate 6962A, by Senator Hannon, an act to amend the Insurance Law;

Senate 7012, by Senator Ortt, an act to amend the Penal Law;

Senate 7187, by Senator Young, an act to amend Chapter 142 of the Laws of 2014;

Senate 7200, by Senator Akshar, an act to amend the Penal Law;

Senate 7315, by Senator Murphy, an act to amend the Mental Hygiene Law;

Senate 7317A, by Senator Murphy, an act to amend the Social Services Law;

Senate 7365, by Senator Akshar, an act to amend the Public Health Law;

Senate 7397, by Senator Murphy, an act to amend the Public Health Law;

Senate 7446, by Senator Amedore, an act to amend the Mental Hygiene Law;

And 7748A, by Senator Carlucci, an act to amend the Mental Hygiene Law.

All bills reported direct to third reading.

ACTING PRESIDENT AKSHAR: Mr. Floor Leader.

SENATOR DeFRANCISCO: Move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT AKSHAR: Opposed, nay.

(No response.)

ACTING PRESIDENT AKSHAR: The report is accepted.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Could we please return to motions and resolutions and take up the previously adopted resolution by Senator Hannon, Number 3831, read the title only, and call on Senator Hannon.

ACTING PRESIDENT AKSHAR: Motions and resolutions.

The Secretary will read.

THE SECRETARY: Legislative

Resolution Number 3831, by Senator Hannon, memorializing Governor Andrew M. Cuomo to proclaim May 2016 as Stroke Awareness Month in the State of New York.

ACTING PRESIDENT AKSHAR: Senator Hannon.

SENATOR HANNON: Thank you, Mr. President.

Today we just wanted to note that Stroke Awareness Month is this month, the month of May. Stroke awareness is the fifth leading cause of death in the United States, killing over 129,000 people each year.

We're visited today by members of the lobbying group for the American Heart Association, including Bob Elling, who is chair of their advocacy committee and an EMS advocate for years, lives here in the Albany area; along with Dr. Colum Amory, from the Albany Medical Center, who told us of some exciting new procedures that are literally 30 times more efficient in saving people's lives and actually curing them of the defects of stroke.

So that what we're trying to do is get some awareness for a bill that Senator Murphy

is carrying in this house that would lead to that adoption and improvement on a voluntary basis and help save lives. And so we just wanted to thank the people who are advocating for this today.

Thank you.

ACTING PRESIDENT AKSHAR: Thank you, Senator.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Can we please open this resolution for cosponsorship.

ACTING PRESIDENT AKSHAR: The resolution is open for cosponsorship. If you do not wish to cosponsor, you should notify the desk.

SENATOR DeFRANCISCO: Thank you.

Can we now take up Senator Bonacic's resolution, Number 4907, read the title only, and call on Senator Bonacic.

ACTING PRESIDENT AKSHAR: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4907, by Senator Bonacic, memorializing Governor Andrew M. Cuomo to proclaim May 15-17, 2016, as the 81st Annual 4-H Capital Days in the State of New York.

ACTING PRESIDENT AKSHAR: Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

I'm pleased to rise today to report that I had plenty of young farmers in training visiting with me from Orange County, Sullivan County, Delaware County, and Ulster County. And, you know, we're all striving to keep the agricultural industry strong and alive in spite of what our Governor has been doing. And I asked them, "Do you have an interest in going into farming?" Because what we're hearing is many of the younger generation wants to do something else because it's so difficult farming.

And when we look at our agricultural industry, for every farmer that's over 75 years of age, there's one farmer under 30 years of age. So we know we want to have more farmers. So I asked them, "Are you interested in staying in farming?" And I was surprised -- the majority of them said yes.

And in the 4-H they learn about the care of animals, they learn responsibility, they learn a work ethic, they learn respect for the

land.

And as a result, this resolution is statewide for all 4-H youth that are in our districts throughout the state. I'm here to welcome them and thank them very much for all that they do within the 4-H community.

Thank you, Mr. President.

ACTING PRESIDENT AKSHAR: Thank you, Senator Bonacic.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Could we please open that resolution up for cosponsorship.

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

SENATOR DeFRANCISCO: Can you please now call on Senator Hamilton to introduce a group of members from the Asian Civilian Observation Patrol.

ACTING PRESIDENT AKSHAR: Senator Hamilton.

SENATOR HAMILTON: Yes, Mr. President, I rise with pleasure today to introduce a group of volunteers from the

20th Senatorial District in Kings County -- God's country -- which is one of the most premier patrol groups in Brooklyn. And it's the Brooklyn Asian Civilian Observation Patrol.

And they do this patrol out of the goodness of their heart. They don't get paid to do this. They have long hours in the community, and they have tours from 7 p.m. to 4 a.m. in the morning. We have one of the largest growing immigrant populations from China in our district, and they are the link between the police department and the Asian community.

And I want to thank all my brothers up there -- ni hao ma -- and to Captain Louie Lou for doing a phenomenal job in the community. Every time we have an event, they're always there in the park, they're always there on the street. And they patrol the street. And they don't have guns, but they apprehend criminals.

And they have one of the quickest response times of any local civilian patrol. Within one minute -- no, one hour -- no, one minute, sorry, one minute of them making a call to the precincts -- they actually work with five precincts in Brooklyn. And within a minute of

them making a telephone call, they have coordinated and synchronized with the NYPD to apprehend people.

So I just commend them for putting their lives on the line to protect us, to keep us safe, and for doing a great job.

And we just want to congratulate you on keep doing the hard work that you're doing in the community, and we thank you for that. Xie xie.

(Applause.)

ACTING PRESIDENT AKSHAR: Thank you, Senator Hamilton.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Yes, would you now take up the noncontroversial reading of the calendar.

ACTING PRESIDENT AKSHAR: The Secretary will read.

THE SECRETARY: Calendar Number 62, by Senator Addabbo, Senate Print 4233C, an act to amend the Education Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of July.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 226, by Senator Marcellino, Senate Print 6514, an act to amend the Education Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number

301, by Senator Klein, Senate Print 1356, an act to amend the Penal Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of November.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the result.

THE SECRETARY: In relation to Calendar Number 301, those recorded in the negative are Senators Comrie, Hamilton, Hassell-Thompson, Hoylman, Krueger, Montgomery, Perkins, Persaud, Rivera, Sanders and Squadron.

Ayes, 48. Nays, 11.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 372, by Senator Comrie, Senate Print 4945, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 378, by Senator Marcellino, Senate Print 422, an act to amend the Penal Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the results.

THE SECRETARY: In relation to Calendar 378, those recorded in the negative are Senators Comrie, Dilan, Gianaris, Hamilton, Hoylman, Krueger, Montgomery, Parker, Peralta, Perkins, Persaud, Rivera, Serrano and Squadron.

Ayes, 45. Nays, 14.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 427, by Senator Griffo, Senate Print 2720, an act to amend the Penal Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the result.

THE SECRETARY: In relation to Calendar 427, those recorded in the negative are Senators Comrie, Dilan, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Perkins, Persaud, Rivera, Sanders, Serrano and Squadron. Also Senator Montgomery. Also Senator Peralta.

Ayes, 44. Nays, 15.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 442, by Senator Little, Senate Print 6088A, an

act to amend the Correction Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the result.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Comrie recorded in the negative.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 443, by Senator Farley, Senate Print 6849, an act to amend the Correction Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce

the result.

THE SECRETARY: Ayes, 57. Nays, 2. Senators Comrie and Montgomery recorded in the negative.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 472, by Senator LaValle, Senate Print 2099, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 472, those recorded in the negative are Senators Comrie, Dilan, Krueger, Montgomery, Perkins and Rivera. Also Senator Hoylman.

Ayes, 52. Nays, 7.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 478, by Senator Ritchie, Senate Print 3104, an

act to amend the Criminal Procedure Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the result.

THE SECRETARY: In relation to Calendar 478, those recorded in the negative are Senators Dilan, Hoylman, Krueger, Perkins and Squadron. Also Senator Comrie.

Ayes, 53. Nays, 6.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 527, by Senator Martins, Senate Print 4879C, an act in relation to permitting.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the result.

THE SECRETARY: Ayes, 57. Nays, 2. Senators Bonacic and Larkin recorded in the negative.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 585, by Senator Lanza, Senate Print 3316A, an act to amend the Tax Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 585, those recorded in the negative are Senators Dilan, Hamilton, Hoylman, Krueger, Parker, Perkins, Sanders and Squadron. Also Senator Montgomery.

Ayes, 50. Nays, 9.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 604, by Senator Venditto, Senate Print 4778A, an act to amend the General Business Law.

ACTING PRESIDENT AKSHAR: Read the last section.

SENATOR DeFRANCISCO: Lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 634, by Senator O'Mara, Senate Print 7197, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Senator LaValle to explain his vote.

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

Within the last 10 months or so, I had the opportunity of meeting with the fishermen, commercial fishermen out off of Dune Road. And one of the things that we talked about is the reports that the DEC requests our fishermen to fill out.

And I was also informed that this information that is supposed to help the DEC set size limitations, those are put into a box -- what the fishermen fill out -- put in a box and those boxes are put down in a basement or a storehouse without anyone looking at them.

As many of you know, over the years I have voted no on these bills dealing with fish because it affects the commercial fishermen. And it should be based on something -- on some science, on some statistics. And at this meeting I was like my feet weren't on the ground, and I said: "I knew I was right in voting no on those bills." Because it was based on nothing, on nothing but someone just saying "Well, I think, you know, it should be this size or that size."

And so, Senator O'Mara, I -- not here.

(Laughter.)

SENATOR LaVALLE: I just am not voting no to be indifferent or contrary, but I'm basing it now on the evidence I had with the meeting of my commercial fishermen. So I vote both no on this bill and the next one.

Mr. President, I vote no.

ACTING PRESIDENT AKSHAR: Senator LaValle, you'll be recorded in the negative.

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar 634 are Senators Hassell-Thompson and LaValle.

Ayes, 57. Nays, 2.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 635, by Senator O'Mara, Senate Print 7222, an act to amend Chapter 305 of the Laws of 2013.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the result.

THE SECRETARY: Ayes, 57. Nays, 2. Senators Hassell-Thompson and LaValle recorded in the negative.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 676, by Senator Golden, Senate Print 783, an act to amend the Executive Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 687, by Senator Young, Senate Print 3013, an act to amend the Tax Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 687, those recorded in the negative are Senators Comrie, Dilan, Gianaris, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Perkins, Rivera, Serrano and Squadron.

Ayes, 47. Nays, 12.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 701, by Senator Lanza, Senate Print 7109, an act to amend Chapter 890 of the Laws of 1982.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 704, by Senator Lanza, Senate Print 7332, an act to amend Chapter 306 of the Laws of 2011.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 711, by Senator Robach, Senate Print 1963, an act to amend the Correction Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT AKSHAR: The bill

is laid aside.

THE SECRETARY: Calendar Number 717, by Senator Young, Senate Print 6259, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the result.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 718, by Senator Lanza, Senate Print 2544, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 719, by Senator Lanza, Senate Print 3391, an act to amend Chapter 47 of the Laws of 1931.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 2. This act shall take effect upon the enactment into law.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 729, substituted earlier by Member of the Assembly Cusick, Assembly Print 7817, an act to amend the Election Law.

ACTING PRESIDENT AKSHAR: Read the

last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 730, by Senator Savino, Senate Print 6833A, an act to amend the Election Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Croci and DeFrancisco recorded in the negative.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number

739, by Senator Gallivan, Senate Print 6309, an act to authorize.

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

The Secretary will read.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT AKSHAR: The bill is passed.

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

SENATOR DeFRANCISCO: Would you please take up the controversial reading.

ACTING PRESIDENT AKSHAR: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 711, by Senator Robach, Senate Print 1963, an act to amend the Correction Law.

ACTING PRESIDENT AKSHAR: Senator Sanders.

SENATOR SANDERS: Thank you, Mr. President.

Will the sponsor yield to a question?

ACTING PRESIDENT AKSHAR: Will you yield to a question?

SENATOR ROBACH: I certainly will.

SENATOR SANDERS: It's common knowledge that good time credit in prison reduces infractions in prison and therefore reduces violence, and that some of the major people who are behind good time are actually the prison unions.

I'm trying to find why this bill -- why would we get rid of or hurt that system which is helping to reduce the violence in prison? Some have said, of course, that it has to do with keeping bodies in prison so that the prisons can -- so that they can keep jobs. I refuse to believe that that's the reason for this. There must be some more.

So I'm asking the sponsor if he would give me a reason for this.

Thank you, Mr. President.

SENATOR ROBACH: Absolutely,

Senator Sanders. And good question.

You are right in your remarks. This has nothing to do with employment but really has come from several high-profile cases directly in Monroe County, but we know it's going on all across the state.

Where we do think time should be off for good behavior, but it should start at 100 percent of your time and live up to what the Department of Corrections says, which is that just for violent felons, that every violent felon -- and I quote right from DOCCS's press release -- does 80 percent of their time 100 percent of the time. That is absolutely a falsehood.

We have had very violent predicate felons released into my community at 60 percent, 50 percent of their time, who have gone out and killed and revictimized more people. And these are the most violent of violent offenders.

So while I'd like them to be eligible for some good time, I believe it is a statement of criminal justice to stop more recidivism, to make less victims as well as be fair to those families and those who have already

been victimized.

These people should be doing 80 percent of their time, which ironically is what people in state government who run these facilities are saying they're doing now. But we know from activities, murders, additional rapes, that's actually not being utilized while it's being talked about.

This bill would put into statute what they're saying they're doing, by their own words and actions. And I think this would be a very good bill. This is not about whether jail is good or bad. This is the most violent people and should they serve 80 percent of their sentence, which has been suggested, will that lead to more incarceration at will. But what it will lead to more is a fairer system and less people being victimized.

This isn't Rockefeller drug laws, this isn't nonviolent felons. This is violent felons, oftentimes predicate felons. And I don't want to give you too lengthy of an answer. I would have liked to make this bill even bigger.

One case in Rochester where they had -- an already previous shooter got stopped,

they didn't revoke his parole. Six days later he shot six people, one of whom died -- which wasn't the person he was trying to kill -- in a very good nice establishment where people were there, most of them, to listen to music, have a good time and relax.

So the purpose of this really is to balance the scales of justice back to a little more fairness for our most violent. And again, I think there's so much frustration from victims' rights groups, people at every level of government, because they keep being told that we're imagining this because, again, it's being told to them that 100 percent of the time 80 percent of the time is being done for violent felons. That's just not the case.

We want to put it into statute so there can be a little iron in the words they're saying and that really can occur.

SENATOR SANDERS: Will the sponsor yield for a question?

ACTING PRESIDENT AKSHAR: Senator Robach, do you continue to yield?

SENATOR ROBACH: I will.

SENATOR SANDERS: Has the sponsor

done any type of study on -- everything we do has a positive and a negative. Have you weighed to see getting rid of good time, will that do more damage than this?

I agree with you some of these crimes are horrendous, and we need to do something about it.

SENATOR ROBACH: This would simply say -- I haven't done any research other than to work with the community, victims, and pay attention to what's going on.

All's this says is good time won't start till 80 percent of the time. I can tell you what research I've done is people don't care how good people are in jail or what model inmate they are when they're let out at 50 percent of their sentence, after they've already killed one person, and now kill a number of others.

The only way I can say it, Senator Sanders, is this. No one knows what somebody is going to do the first time, regardless of what the motivation is. But as a system, we do have to take some responsibility for what we do the second time.

And I would even go further to say

in my book, in my estimation, I would think many of the sentences these people get, considering the havoc they've wreaked on families, communities, sometimes whole neighborhoods, I think their sentences are too short to begin with. But then to compound that and let them out at half the time and let good behavior or other things kick in -- I almost think it's the opposite. I think that there's a little quota going on that we're letting out some violent people for the first time so we can let a certain amount of people out to save money at the expense of public safety. And I think that's a bad mistake.

So again, this really would say -- not take away any of the things you're talking about, but say for our most violent predicate felons, that won't kick in until they've served 80 percent of their time before they can become eligible for those programs.

And we've done bills like this before. We've had some inmates who are in life for multiple life sentences in a family reunification program. Why spend the tax dollars, why do you do that when they're never

getting out? To me, this is just another one of those.

The punishment has to fit the crime. But more importantly, it's our job, the second time around, to make sure we can save the public. We're trying to strike that right balance and make sure no one gets victimized again to the best of our ability.

SENATOR SANDERS: I thank the sponsor.

Mr. President, I believe that the sponsor's ideas are quite fitting in one sense. I share the --

ACTING PRESIDENT AKSHAR: Are you on the bill, Senator Sanders?

SENATOR SANDERS: On the bill. I'm sorry, on the bill.

I share the outrage of the sponsor on many of these points. However, I think that we're going to make the prison guard situation even more dangerous. Good time is one of their main inducements that they use to make sure that people behave themselves in prison.

I think that that and, while we may stop one or two, I think that we're making it

more dangerous for hundreds more. So under those conditions, I'm going to vote no on this one, sir.

Thank you, Mr. President.

ACTING PRESIDENT AKSHAR: Senator Sanders to be recorded in the negative.

Are there any other members wishing to be heard?

Seeing none, the debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, thank you, Mr. President. I just want to explain my vote.

I will be voting no on this bill. And I just want to remind Senator Robach that there is already in place a major rationale for keeping people in prison far beyond the time that

they would ordinarily be eligible for parole, and that is the use of -- the excuse of instant offense. So your bill just adds one more layer to that issue and denies people who would otherwise be eligible for parole.

And I also want to just remind my colleagues that the fact of the matter is most of the people who are admitted into prison, who come into prison in any given year right now are people who violated technical parole issues. They did not commit new crimes.

So we have now created in our state a problem with recidivism that is not related to new crimes but is related to people who are returned to prison because of so-called technical violations. That is a statistic that comes from the Department of Corrections themselves.

So I am going to vote no on this legislation because I do not believe it addresses the issue that you may be trying to talk about, using instances outside of the prison to come up with an excuse for denying people -- one more excuse for denying people parole when they should actually ordinarily be eligible for it.

So I vote no, Mr. President.

ACTING PRESIDENT AKSHAR: Senator Montgomery to be recorded in the negative.

Announce the result.

THE SECRETARY: In relation to Calendar 711, those recorded in the negative are Senators Comrie, Dilan, Gianaris, Hamilton, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Perkins, Rivera, Sanders, Squadron and Stavisky.

Absent from voting: Senators Espaillat, Larkin, Marchione, Panepinto and Savino.

Ayes, 40. Nays, 14.

ACTING PRESIDENT AKSHAR: The bill is passed.

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

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

ACTING PRESIDENT AKSHAR: There is not.

SENATOR DeFRANCISCO: There being none, I move to adjourn until tomorrow, Tuesday, May 17th, at 3:00 p.m.

ACTING PRESIDENT AKSHAR: On

motion, the Senate stands adjourned until Tuesday, May 17th, at 3:00 p.m.

(Whereupon, at 4:34 p.m., the Senate adjourned.)