NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:22 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 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: Today's invocation will be offered by the Reverend Nathaniel Demosthene, senior pastor of First Timothy Christian Church in Spring Valley.

REVEREND DEMOSTHENE: Let's bow our heads to pray.

Heavenly Father, we are gathered here in this chamber to endeavor in enacting legislation towards forwarding this great state.

We thank You for the recognition and unity we celebrate here today in Albany, unity between Haitians and Americans. Help us to continue to support unity and embrace diversity.

Bless each and every Senator and their families. I pray that for the remainder of their session they will be focused,

energetic, willing and ready to compromise and negotiate for the advancement of our state -- fiscally, socially, technologically and foremost in education, we pray.

Amen.

ACTING PRESIDENT GRIFFO: Thank you, Pastor.

The reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 22nd, the Senate met pursuant to adjournment. The Journal of Saturday, May 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 of state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President, I wish to call up Senator Marcellino's bill, Print Number 6723, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 269, by Senator Marcellino, Senate Print 6723, an act authorizing.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT GRIFFO: Do you have amendments?

SENATOR DeFRANCISCO: Has the bill been restored to its place on Third Reading Calendar?

ACTING PRESIDENT GRIFFO: It has.

SENATOR DeFRANCISCO: In that

case, I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR DeFRANCISCO: Now I wish to call up Senator Hannon's bill, Print Number 6779A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

ACTING PRESIDENT GRIFFO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR DeFRANCISCO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR DeFRANCISCO: Next I wish to call up Senator Golden's bill, 5745A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 322, by Senator Golden, Senate Print 5745A, an act to amend the Workers' Compensation Law.

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

ACTING PRESIDENT GRIFFO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

SENATOR DeFRANCISCO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR DeFRANCISCO: I now wish to call up Senator LaValle's bill, Senate Print 3689, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 327, by Senator LaValle, Senate Print 3689, an act to amend the Town Law.

SENATOR DeFRANCISCO: I now would

like to reconsider the vote by which the bill was passed.

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

SENATOR DeFRANCISCO: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR DeFRANCISCO: Next I wish to call up Senator Amedore's bill, 6372, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 411, by Senator Amedore, Senate Print 6372, an act to amend the Highway Law.

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

SENATOR DeFRANCISCO: I now offer

the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR DeFRANCISCO: And amendments are now offered to the following Third Reading Calendar bills:

On page 17, Senator Croci's bill, Calendar 247, Senate Print 4909A;

My bill, on page 24, Calendar 525, Senate Print 2917;

Senator Ritchie's bill, on page 24, Calendar 533, Senate Print 7018;

Senator Golden's bill, on page 32, Calendar Number 698, Senate Print 6303;

Senator Little's bill, page 40, Calendar 809, Senate Print 6033.

And I move that these bills retain their place on the order of third reading.

ACTING PRESIDENT GRIFFO: The amendments are received, and the bills shall retain their place on the Third Reading Calendar.

SENATOR DeFRANCISCO: Would you now call on Senator Valesky.

ACTING PRESIDENT GRIFFO: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

I wish to call up my bill, 5720A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

ACTING PRESIDENT GRIFFO: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

SENATOR VALESKY: I now offer the following amendments.

ACTING PRESIDENT GRIFFO: The amendments are received.

SENATOR VALESKY: Mr. President, on page 27, and on behalf of Senator Avella, I offer the following amendments to Calendar 617, Senate Bill 7220, 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 DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President, I now ask that you take up a previously adopted resolution, Number 3279, by me, read its title only, and please call on me to say a few words.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3279, by Senator DeFrancisco, congratulating the East Syracuse Minoa Central School District Marching Band upon the occasion of capturing First Place in the Small School 1 Class at the 2015 New York State Field Band Conference Championships.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you.

We have the band here today. Sometimes it's chilly in the chambers, but we filled the chambers up today with the band and it's nice and warm and cozy for all of us.

This is an outstanding group of people. Sometimes -- you've heard the phrase the person can't walk and the chew gum at the same time? Well, they march and play music at the same time. And they're so good at it that they were able to win the state championship for the small schools, which is quite an honor when you understand the number of students who participate. And, more importantly, to keep the group together, not only in sound but also in motion, is truly an incredible accomplishment.

I'm very pleased that they're in my Senate district. Great students, great people. I spoke with them very briefly earlier today, and I know that our future is secure.

So on behalf of all the residents of our district, as well as on behalf of the entire State Senate, who voted unanimously to pass this resolution on a previous day, congratulations, best of everything in the future, and thank you for being here to share this with us today.

ACTING PRESIDENT GRIFFO: As noted, the resolution was adopted on January 21st of this year.

We want to welcome and congratulate

the East Syracuse Minoa Marching Band. All of the students and instructors and faculty are here today. Thank you so much. Our congratulations. Please stand and be recognized.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: Next, can we take up previously adopted Resolution 4449, by Senator Carlucci, read its title only, and then call on Senator Carlucci.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4449, by Senator Carlucci, memorializing Governor Andrew M. Cuomo to proclaim May 23, 2016, as Haitian Unity Day in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

It's an absolute honor and a privilege to be celebrating an annual tradition that we've started here in the Capitol, Haitian Unity Day, to celebrate the contributions that Haitian Americans have made to our local communities, to the state, and to our nation.

And I have the good fortune and blessing to represent a district that has one of the highest numbers of Haitian-Americans per capita in the nation, and that's something that we're extremely proud of in Rockland County.

And today we have joined with us a few guests from Rockland that are here celebrating with us. And we have in the gallery Henri Desrosiers, Davidson and Natasha Audin, Yola Moiso. And Eudson Francois was here, he had to leave, with Pastor Nathaniel Demosthene.

And Renold Julien, who's here, who is the head of the Rockland County Haiti task force, the Haitian Relief Task Force, and also the head of Konbit Neg Lakay, where we're going

to be having a Haitian unity celebration on Thursday.

So everyone is invited, that's in Spring Valley, starting at 5:30 p.m. We're going to be having Haitian cuisine, music. So we anticipate a great turnout, and everybody here is welcome.

But we also have with us former Rockland County legislator Reverend Jacques Michel, who gave us an opening prayer this morning when we did a celebration in 711.

But Haitian-Americans have made so many contributions to pretty much every corner of our society, whether it's in religion, politics, medicine, fashion, music, you name it. And Haitian-Americans have added and made all of these things better.

Now, we call it Haitian Unity Day because we think it's very important that we stay united.

And unfortunately, just a few months ago, right in Rockland County, we had a disturbing event where an organization, a healthcare organization, was advertising to hire a nurse but they said "No Haitian need apply."

Now, obviously we were very disturbed by that.

And we gathered together and we reached out to the Attorney General to say, Look, we've got to do something about this. We've got to make sure that this type of discrimination is not tolerated this day and age in the State of New York or anywhere.

And luckily the Attorney General followed through, hit the company with a large fine -- but more importantly, made them reform their practices. Because what we realized is that even though that was a blatant form of discrimination, how many times are people being discriminated against where they don't even know? Where a customer might say, "Look, I want a nurse, but not a Haitian nurse," and where a nurse might not ever know that they were discriminated against just for being Haitian.

So it's important that we celebrate the contributions that Haitian-Americans have made, that we stay united and talk about all the great things that have been added to our state, to our nation, because of Haitian-American culture.

So I want to thank our guests that

are here today, look forward to celebrating with you again on Thursday, and thank you again for Haitian unity.

Mr. President, I look forward to all of our colleagues cosponsoring the resolution.

Thank you very much.

ACTING PRESIDENT GRIFFO: Senator Hamilton.

SENATOR HAMILTON: Mr. President, I rise in order to honor our visitors today representing Haitian Unity Day.

As you know we celebrated Flag Day with City Councilman Mathieu Eugene, the first Haitian-American elected to the City Council of New York City.

And when you think about Haiti, I think about the strong republic that was the first slave colony to get its independence. Haiti beat the largest army known to man at the time, the French army. And today the spirit of the hard work of Haitian-Americans in my district, as far as being small business owners, is an asset to our community.

And when I think of Haiti, I think of America being great because of the Louisiana

Purchase. The only reason why the Louisiana Purchase happened was because Toussaint Louverture beat the French in Haiti. So America would not be what it is today if it was not for the Haitian-Americans and the great generals who fought the French army. Under duress, with less men, less ammunition and arms, but they beat a world power at the time.

So today I honor my brothers and sisters from Haiti. I want to say bonsoir, you know, and thank you for coming here today.

And I just want to say when we look at our history books in the State of New York and we have the Louisiana Purchase, there's no reference, there's no reference to Haiti, there's no reference to the French being beat in Haiti and the reason the Louisiana Purchase was made was because of a slave revolt that beat the French army. And because of that, it led to other countries gaining independence from people who were colonizing countries throughout the Caribbean.

So Haiti was the first republic to beat the yoke, to beat the most advanced army of its time, and we honor you for that. So I feel

that in New York State, in our history books, when we mention the Louisiana Purchase, we should mention the Haitian revolution and how we beat the French and how the Louisiana Purchase was done.

We should also acknowledge that Haiti was the first republic to beat its slavemasters under a brutal system of slavery that many died working in the fields.

So I honor the Haitian-Americans in our country, and I honor the three new Haitian-American Assemblywoman in the Assembly: Kimberly Jean-Pierre, Rodneyse Bichotte, and Michaelle Solages.

So we are seeing the emergence of Haitian-Americans in New York City, in New York State, and throughout the world. Congratulations. God bless Haiti. {in Haitian Creole}

ACTING PRESIDENT GRIFFO: Senator Sanders.

SENATOR SANDERS: I too must honor the Haitian people in my district and the nation and in the world. But it would not be right to not point out just two facts.

It is true that Haiti defeated the armies of France, but it has to be recognized that those armies were commanded by one of the world's greatest generals. That was Napoleon. That was Napoleon's army. Which he is of course studied every place where we study the military because he was one of the world's greatest minds in terms of military. So if you beat the world's greatest mind in military, in my books that makes you the greatest of the greatest.

There I go thinking again.

It would also -- right now, when we think of Haiti, we think of many different things, but we also think of a poor country. It would not be this poor had they not had to pay for their own freedom. Even after they won, they were forced to literally pay for the right to be free. They did pay. They already paid in blood, now they had to pay in treasure.

I believe that it is most appropriate that the monies that were taken from the Haitian people should be given back to the Haitian people, that the governments that took from Haiti need to give back to it. Then we can stop thinking of Haiti as a poor country and we

can see it as the rich country that it really is, and they would have enough money to do what they need to do and not need the charity of anyone. The Haitian people do not want charity, they want parity.

Thank you very much for being here. Thank you for being in New York State. Thank you for being in my district, which has the greatest Haitian people -- well --

SENATOR HAMILTON: Brooklyn!

(Laughter.)

SENATOR SANDERS: Of course, Brooklyn is a fine place. But I'm speaking of the greatest, and that of course is Southeast Queens. And I encourage you all to come to Southeast Queens right after my friend here comes.

So having said that, Mr. President, I will sit down and speak no more.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson.

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

Several of the delegation are sort of lost in the hall. I was out in the hall

greeting them, and many of them are legislators from Haiti, representatives. And I'm sorry somehow they didn't make it to the gallery.

But I am very pleased to stand with my colleagues today to congratulate you and thank you for coming to our chambers and being with us today.

I know that Brooklyn has the largest number. I know that Senator Sanders believes that he has the best people. But if you saw the devotion with which I am held with those that live in my district, you would understand that mine are par excellence.

But the reality is my first visit to Haiti was in 1972, and it was right after tourism first opened. And I had two very young children, a 4-year-old and a 6-year-old. And when I returned home, my husband said: "Oh, I did not know that the politics was such. Why would you take our children to Haiti?" And I said, "I needed our children to be in an environment that was controlled by people of color, the people that looked like them, and so that they would understand that what it meant to really be free.

And so you have continued to

struggle. And certainly I had the grand opportunity during the devastation that you experienced to be a part of the statewide effort for the Haiti disaster. And only two weeks ago, I just took down that poster that we had. And I understand one thing, though. There are still people living in tents since that disaster. And the terrible things that have happened -- first the hurricane came before the earthquake. Everybody thinks about the earthquake, but I was familiar with what -- the devastation that you experienced in terms of the first real crops that you had after that Hurricane Hanna.

And so I continue to be very much a part of the delegation that wants to help to rebuild and restore. And two of my very young friends who have grown up with my children have returned to Haiti, which is their homeland, to help to rebuild and to restore.

So there is hope. Our young people are returning to Haiti to help to rebuild and to bring your country back after its successive devastations. But the bravery with which you face the challenges that continue to mark your country, for that I have a great deal of respect

and regard.

And I am very appreciative that the delegation finally found their way to the gallery. And I wanted to publicly welcome all of you to the State of New York, the greatest state in the world.

(Applause from gallery.)

ACTING PRESIDENT GRIFFO: Senator Parker.

SENATOR PARKER: Thank you, Mr. President. On the resolution.

ACTING PRESIDENT GRIFFO: On the resolution.

SENATOR PARKER: I want to stand and add my voice to those today in this chamber who are celebrating Haitian Flag Day, which was May 18th.

And we celebrate this holiday in my district very hard, Mr. President. I don't know if you know I represent the largest concentration of the Haitian people outside of Haiti in the entire world -- a larger number in Florida, a larger concentration in my district.

And what we find when we look at the history of this great island is it is a history

that resembles the history of the United States. It's a history of people who were yearning to be free, who were looking for life, liberty and the pursuit of happiness. And had to literally fight their oppressors in the French in order to make that happen.

So much so that when they threw them out the first time, the French came back and they had to burn down Port-au-Prince in order to keep them out the second time. And so that's the kind of determination that we see in the folks from this wonderful island.

I had a great opportunity to visit Haiti this past November and spend some time in Port-au-Prince during the election and to see, in a place that has gone through so much hardship, the real commitment to building democracy. A real democratic country is really, really amazing.

And so I want to acknowledge the delegation that is here from Haiti, many of which are elected officials, members of their parliament and some of their local leaders who have joined us and thank them for coming and honoring us with their presence. And really,

when we talk about Haiti, we should always remember they are the first place to get freedom in the Western Hemisphere.

And so really, you know, in a lot of ways it was Haiti that led the way for the U.S. to seek its freedom. And so we thank you for all that you've done for this world, but then also what you've done for the people of the State of New York.

We have a number of very notable people of Haitian descent, most notably in the State Legislature: My Assemblywoman, Rodneyse Bichotte, from the 42nd Assembly District; we have Assemblywoman Michaelle Solages from Long Island; and also, out in Suffolk, Kimberly Jean-Pierre, all serving in the body.

And so we honor them and their commitment and their representation for our community. But we have numbers of judges, now City Councilmembers, including Mathieu Eugene, Councilman Mathieu Eugene in my district from Haiti. And so they have contributed to the great wealth, not just of diversity culturally, but really in building our city and our state.

So again, thank you. Welcome to the

State of New York. And I enjoy both entertaining you today but also working with you in the future.

Thank you so much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Parker.

The resolution was adopted on March 22nd of this year.

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

We'd like to extend the courtesies of the house to the delegation here to celebrate Haitian Unity Day, and to the members of the Haitian-American community. Welcome to all of you.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I understand you have a list of committee assignments that has been handed up.

ACTING PRESIDENT GRIFFO: The committee assignments are at the desk, and they shall be filed in the record.

SENATOR DeFRANCISCO: Okay. As you all know, the Senate has paid a considerable amount of money to go into the high-technology business.

And we're going to be calling an immediate meeting of the Rules Committee in Room 332. Bring your computer, because we're not going to have paper bills, so that we can start using these more effectively.

So thank you.

ACTING PRESIDENT GRIFFO: There is an immediate meeting of the Rules Committee. Please take your electronic tablets with you.

There's an immediate meeting of the Rules Committee in Room 332. Those members of the Rules Committee, please bring your tablets with you. And then also bring them back to the chamber.

(Laughter.)

ACTING PRESIDENT GRIFFO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:49 p.m.)

(Whereupon, the Senate reconvened at 4:18 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will come to order.

SENATOR DeFRANCISCO: Could we please return to the reports of standing committees for a report from the Rules Committee.

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

There is a report of the Rules Committee before the desk, and the Secretary will read.

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

Senate Print 93A, by Senator Gallivan, an act to amend the Environmental Conservation Law;

Senate 317, by Senator LaValle, an act to amend the Town Law;

Senate 397A, by Senator Gallivan, an act to amend the Penal Law;

Senate 421, by Senator Marcellino, an act to amend the Public Health Law;

Senate 424, by Senator Marcellino, an act to amend the Penal Law;

Senate 532, by Senator Gallivan, an

act to amend the Civil Service Law;

Senate 736, by Senator Marcellino, an act to amend the Vehicle and Traffic Law;

Senate 870, by Senator Ranzenhofer, an act to amend the Real Property Tax Law;

Senate 871A, by Senator Robach, an act to amend the Penal Law;

Senate 893A, by Senator Avella, an act to amend the Real Property Tax Law;

Senate 1026, by Senator Little, an act to amend the Town Law;

Senate 1095, by Senator Avella, an act to amend the Administrative Code of the City of New York;

Senate 1293A, by Senator Ranzenhofer, an act to amend the Tax Law;

Senate 1295A, by Senator Ranzenhofer, an act to amend the Tax Law;

Senate 1440, by Senator O'Mara, an act to amend the Penal Law;

Senate 1468, by Senator Golden, an act to amend the Public Authorities Law;

Senate 1485, by Senator LaValle, an act to amend the Vehicle and Traffic Law;

Senate 1603, by Senator Bonacic, an

act to amend the Public Health Law;

Senate 1736, by Senator Carlucci, an act to amend the Real Property Tax Law;

Senate 1798A, by Senator Ritchie, an act to amend the Tax Law;

Senate 1804B, by Senator Marcellino, an act to amend the Tax Law;

Senate 1827B, by Senator Golden, an act to amend the Penal Law;

Senate 1849, by Senator Marchione, an act to amend the Penal Law;

Senate 1901, by Senator Bonacic, an act to amend the Criminal Procedure Law;

Senate 1922, by Senator Marcellino, an act to amend the Alcoholic Beverage Control Law;

Senate 2212A, by Senator Larkin, an act to amend the Vehicle and Traffic Law;

Senate 2357, by Senator Seward, an act to amend the Insurance Law;

Senate 2780, by Senator O'Mara, an act to amend the Tax Law;

Senate 2918, by Senator DeFrancisco, an act to amend the Vehicle and Traffic Law;

Senate 2964B, by Senator Ortt, an

act to amend the Penal Law;

Senate 2975, by Senator Ortt, an act to amend the Penal Law;

Senate 2977, by Senator Funke, an act to amend the Penal Law;

Senate 3025, by Senator Larkin, an act to amend the Environmental Conservation Law;

Senate 3154, by Senator Stavisky, an act to amend the Criminal Procedure Law;

Senate 3162, by Senator Stavisky, an act to amend the Criminal Procedure Law;

Senate 3239A, by Senator Golden, an act to amend the Penal Law;

Senate 3345A, by Senator DeFrancisco, an act to amend the Vehicle and Traffic Law;

Senate 3505A, by Senator Young, an act to authorize;

Senate 3517B, by Senator Marcellino, an act to amend the Environmental Conservation Law;

Senate 4038, by Senator Seward, an act to amend the Environmental Conservation Law;

Senate 4242, by Senator O'Mara, an act to amend the Environmental Conservation Law;

Senate 4260, by Senator Avella, an act to amend the Penal Law;

Senate 4317A, by Senator Little, an act to amend the Civil Service Law;

Senate 4351, by Senator Hamilton, an act to amend the Penal Law;

Senate 4376A, by Senator Martins, an act to amend the Tax Law;

Senate 4487A, by Senator Bonacic, an act to authorize;

Senate 4722, by Senator Young, an act to amend the Mental Hygiene Law;

Senate 4900A, by Senator Seward, an act to amend the Penal Law;

Senate 4986, by Senator Martins, an act to amend the Tax Law;

Senate 5308, by Senator Marcellino, an act to amend the Tax Law;

Senate 5396, by Senator Hannon, an act to amend the Penal Law;

Senate 5514, by Senator Avella, an act to authorize;

Senate 5757B, by Senator Murphy, an act to amend the Vehicle and Traffic Law;

Senate 5774, by Senator Murphy, an

act to require;

Senate 5794, by Senator O'Mara, an act to amend the Transportation Law;

Senate 5849, by Senator Golden, an act to amend the Penal Law;

Senate 5888, by Senator Ortt, an act to amend the Penal Law;

Senate 5907, by Senator Hannon, an act to amend the Public Health Law;

Senate 5947, by Senator Marchione, an act to amend the Penal Law;

Senate 6005, by Senator Young, an act to authorize;

Senate 6562, by Senator Seward, an act to amend the Insurance Law;

Senate 6745, by Senator Venditto, an act to amend the Vehicle and Traffic Law;

Senate 6852, by Senator Little, an act to amend Chapter 368 of the Laws of 2008;

Senate 6884, by Senator Stewart-Cousins, an act to amend the Alcoholic Beverage Control Law;

Senate 6996, by Senator Parker, an act to amend the Public Health Law;

Senate 7039, by Senator Seward, an

act to amend the Insurance Law;

Senate 7535, by Senator Seward, an act to amend the Insurance Law;

Senate 7536, by Senator Seward, an act to amend the Insurance Law;

Senate 7614, by Senator Klein, an act to amend the Penal Law;

Senate 7671, by Senator Valesky, an act to amend the Onondaga Lake Amphitheater Infrastructure and Revitalization Project Act;

Senate 7838, by Senator Serino, an act to amend the Tax Law;

Senate 7867, by Senator Seward, an act to amend the Insurance Law;

And Senate 7879, by Senator Robach, an act to amend the Vehicle and Traffic Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Committee on Rules report is accepted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you please take up the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: We will now begin with today's active-list calendar, noncontroversial.

The Secretary will read.

THE SECRETARY: Calendar Number 78, by Senator Carlucci, Senate Print 2198, an act to amend the Public Health 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 78, those recorded in the negative are Senators Breslin, Comrie, Dilan, Gianaris, Hoylman, Krueger, Perkins, Rivera, Sanders, Serrano and Stavisky. Also Senator Peralta.

Ayes, 47. Nays, 12.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 118, by Senator Ortt, Senate Print 5013A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

259, by Senator LaValle, Senate Print 374, an act to amend the Village 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, 58. Nays, 1. Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 282, by Senator Serino, Senate Print 5803A, an act to amend the Public Health 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.

THE SECRETARY: Calendar Number 312, by Senator Griffo, Senate Print 3618, an act to amend the Banking Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Perkins and Sanders recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 313, by Senator Griffo, Senate Print 4305, an act to amend the Banking Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

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 379, by Senator Boyle, Senate Print 608, 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 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Squadron to explain his vote.

SENATOR SQUADRON: Thank you, Mr. President.

I'd like to point out that among other things in this bill, if you have a small amount of an opiate controlled substance, including a controlled prescription drug, and it is in your vehicle and you travel from Staten Island to Brooklyn or from Brooklyn to Manhattan, between any two counties, it's a

felony right there.

The idea, I thought, was to focus on treatment for addicts and prevention and punishment for dealers. This mixes those up in the worst possible way, and that's why I'm a no, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 379, those recorded in the negative are Senators Comrie, Dilan, Hoylman, Krueger, Perkins, Persaud, Rivera, Sanders, Serrano and Squadron. Also Senator Savino.

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 48. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 405, by Senator Rivera, Senate Print 775A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect one year after it shall have become a law.

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 430, by Senator Golden, Senate Print 3365B, 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: In relation to Calendar 430, those recorded in the negative are Senators Comrie, Hoylman, Krueger, Perkins and Sanders.

Ayes, 54. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 581, by Senator Golden, Senate Print 2691, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 730th day after it shall have become a law.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 597, by Senator Boyle, Senate Print 5844, an act in relation to 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, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 611, by Senator Marcellino, Senate Print 387A, an act to amend the Navigation 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.

THE SECRETARY: Calendar Number 637, by Senator Ranzenhofer, Senate Print 6322A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 666, by Senator Funke, Senate Print 4732, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th --

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

THE SECRETARY: Calendar Number 678, by Senator Marchione, Senate Print 1199A, 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.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 697, by Senator Lanza, Senate Print 4631, an act to amend the Administrative Code of the City of New York.

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 697, those recorded in the negative are Senators Dilan, Gianaris, Montgomery, Peralta, Perkins, Persaud, Rivera, Stavisky and Stewart-Cousins.

Ayes, 50. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

797, by Senator Marchione, Senate Print 1487, an act to amend the Alcoholic Beverage Control 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 802, by Senator Martins, Senate Print 288A, an act to amend the State Finance Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 2. Senators Perkins and Rivera recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 820, by Senator Avella, Senate Print 1125B, an act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 839, by Senator Seward, Senate Print 2346, an act to amend the Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as Part A of Chapter 59 of the Laws of 2014.

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 865, by Senator Carlucci, Senate Print 7748A, an act to amend the Mental Hygiene 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 Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank my colleagues for supporting this very important piece of legislation. We have a package of bills that are on the calendar today that go to curb the heroin and opiate abuse and addiction that we've seen rampant across our state.

In fact, what this legislation will do is create a wraparound service for people, once they complete treatment, that they then have nine months of wraparound services. This is complete, comprehensive, person-centered care to help people finally rid this addiction.

This could be services helping them with childcare, financial services, employment services, transportation, you name it. This is the way that we can truly help people to overcome their addiction.

We need to treat addiction for what it is, a disease. And unfortunately, we all have seen this recent report from the New York State Department of Health which documents what most of us already know, that this is a crisis. In fact, the data that we have for a complete year in 2013 showed that 1,589 New Yorkers lost their lives to opiate and heroin addiction. That means that two people every day are dying from a heroin overdose, and another three people every day in New York State are dying from an opiate overdose.

So this is so important. I appreciate my colleagues for supporting this legislation. And I think this legislation will

make a difference and will save lives.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 873, by Senator Ortt, Senate Print 4001B, an act to amend the Retirement and Social Security 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, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR DeFRANCISCO: May we return

to motions and resolutions.

ACTING PRESIDENT GRIFFO: We will return to motions and resolutions.

SENATOR DeFRANCISCO: On page 38, I offer the following amendments to Calendar Number 780, Senate Print 5641B, by Senator Griffo, 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 DeFRANCISCO: Could you now take up the controversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 666, by Senator Funke, Senate Print 4732, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Senator Gianaris, why do you rise?

SENATOR GIANARIS: Mr. President, I believe there's an amendment at the desk. I ask that the reading be waived and that Senator

Hoylman be heard on the amendment.

ACTING PRESIDENT GRIFFO: Senator Gianaris, there is an amendment before the desk.

Upon review of the amendment, I rule that it is nongermane to the bill and is therefore out of order.

SENATOR GIANARIS: I would like to appeal the decision of the chair and ask that Senator Hoylman be heard on the appeal.

ACTING PRESIDENT GRIFFO: Senator Gianaris has requested an appeal of the chair. It is so ordered.

I will recognize Senator Hoylman and, in accordance with Rule 10, Section 3, the desk will designate time.

Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

My amendment to this legislation is in fact germane because it maintains the same purpose as the underlying bill.

The bill before the house, Mr. President, addresses the issue of child victims of sexual assault and human trafficking. In order to better help our child victims, we

should instead consider my legislation that we have proposed as an amendment to this legislation.

Mr. President, child sexual abuse is a widespread problem. I think it's not an overstatement to say that it's a cancer that has metastasized at every level of our society, from our local schools to our churches to our Little Leagues, all the way up to the U.S. Capitol.

I am not the first person to discover this issue. A number of my colleagues have spoken about the child sexual assault issue many times on the floor -- Senator Hassell-Thompson, my predecessor, State Senator Duane, Senator Lanza. Of course in the Assembly, Assemblywoman Marge Markey has been a champion for over a decade. And my colleague and Democratic Conference Leader Senator Stewart-Cousins.

The problem, Mr. President, is that the statute of limitations for child sexual abuse are just too short. In a word, they're broken.

The amendment is germane because when you are discussing the issue of sex trafficking, the group that is most often sex

trafficked, in fact, are kids. Over 100,000 kids a year in the U.S., according to the Department of Justice, are trafficked. That's also the statistic, Mr. President, in terms of the number of potential victims, survivors of child sexual abuse in New York. Over 100,000, according to the Department of Justice. That's one in four girls and one in six boys.

What this bill would do, Mr. President, is threefold. The amendment would, first, lift the statute of limitations in instances of criminal and civil cases. Currently, Mr. President, if you don't file a case in a civil or criminal court essentially by the time you're 23 years old, the courthouse doors are shut, that's not fair.

Secondly, it provides a retroactive window to give current survivors one year to file civil claims. We estimate that hundreds of potential perpetrators would be identified through such a one-year lookback period. This has been tried successfully in other states, including California.

Three -- and this is so important because this is the part of the amendment that

Senator Stewart-Cousins and I redrafted in response to concerns from colleagues. It treats public and private institutions the same. Whether you're a public school or a church school, you would be treated fairly under this amendment, Mr. President. That's why we call it the Omnibus Child Victims Act. No institution is unfairly targeted under this amendment, Mr. President.

What's important, though, is that we give survivors the chance at justice. If you're a survivor and you're dealing with an issue of having been assaulted as a child, first, let's just understand: It wasn't your fault.

Secondly, can you imagine how frustrating, how upsetting it would be knowing that you have no recourse if you hadn't filed a claim by the age of 23.

Instead, what the reality is is that your abuser in many instances is scot-free and, even worse -- and this should be of great concern to my colleagues -- potentially still has access to kids.

Unless we fix that, Mr. President, and allow current survivors an opportunity to sue

retrospectively in civil court, then we will have done a great injustice to that important group of New Yorkers.

We've seen in other states, Mr. President, that this has worked extremely well. We should end the handwringing over the fact that we think our courthouse doors will be flooded with hundreds of unproven cases that have no basis in fact.

The reality is that there is not a single instance where a reviver window, a lookback window, has been instituted where a case has been filed falsely. It just doesn't happen. And I'm very confident that our judicial system is prepared to handle those cases.

I also want to relay one anecdote about a constituent who came to me in terms of his own survivor story. This is a man who was very successful in his high school; he was the top of his class. He went on to an Ivy League school. He understand fully, as many survivors do, that he'd been abused only later in life. In fact, this man is approaching his 50th birthday. He could not seek out his abuser in civil or criminal court because the statute of limitations

had passed.

And even worse than that, in addition to his dealing with a host of personal issues caused by this abuse -- drug abuse, joblessness, problems with personal relationships that are caused by this horrific crime -- his abuser, Mr. President, was still teaching, was still teaching at the high school he attended.

We can do something about that, Mr. President. We can do something about it today in this body. We can remove the statute of limitations. We can provide a one-year lookback window to allow civil claims to be filed. And we can treat public and private institutions fairly as they should be.

For those reasons, Mr. President, I would strongly urge my colleagues to vote in support of overturning the chair in the issue of germaneness to the underlying bill.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Hoylman.

The vote is a procedural vote on the ruling appealing the ruling of the chair. All in

favor of overruling --

SENATOR GIANARIS: Show of hands, Mr. President.

ACTING PRESIDENT GRIFFO: A show of hands has been so requested and is so ordered.

All those in favor of overruling the ruling of the chair please raise your hands.

THE SECRETARY: Ayes, 29.

ACTING PRESIDENT GRIFFO: The ruling of the chair stands.

Senator DeFrancisco, the original bill is before the house.

SENATOR DeFRANCISCO: Yes, would you please call the roll.

ACTING PRESIDENT GRIFFO: The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

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 calendar.

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

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

SENATOR DeFRANCISCO: In that case, I move to adjourn until tomorrow, Tuesday, May 24th, at 3:00 p.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Tuesday, March 24th, at 3:00 p.m.

The Senate will stand adjourned.

(Whereupon, at 4:44 p.m., the Senate adjourned.)