

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 March 13, 2017

11 3:20 p.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT GRIFFO: The
3 Senate will come to order.

4 I ask all present to please rise
5 and join with me as we recite the Pledge of
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: In the
10 absence of clergy, I ask everyone in the chamber
11 to please bow your head in a moment of silent
12 reflection and prayer.

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

15 ACTING PRESIDENT GRIFFO: The
16 reading of the Journal.

17 THE SECRETARY: In Senate, Sunday,
18 March 12th, the Senate met pursuant to
19 adjournment. The Journal of Saturday,
20 March 11th, was read and approved. On motion,
21 Senate adjourned.

22 ACTING PRESIDENT GRIFFO: Without
23 objection, the Journal will stand approved as
24 read.

25 Presentation of petitions.

1 Messages from the Assembly.
2 Messages from the Governor.
3 Reports of standing committees.
4 Reports of select committees.
5 Communications and reports of state
6 officers.
7 Motions and resolutions.
8 Senator DeFrancisco.
9 SENATOR DeFRANCISCO: Would you
10 please recognize Senator Gianaris.
11 ACTING PRESIDENT GRIFFO: Senator
12 Gianaris.
13 SENATOR GIANARIS: Thank you,
14 Mr. President.
15 I move that the following bill be
16 discharged from its respective committee and be
17 recommitted with instructions to strike the
18 enacting clause: Senate Bill 3495A, on behalf
19 of Senator Bailey.
20 ACTING PRESIDENT GRIFFO: It is so
21 ordered.
22 SENATOR GIANARIS: Also, I move
23 the following bills be discharged from their
24 respective committees and be recommitted with
25 instructions to strike the enacting clause:

1 Senate Bill 42 and Senate Bill 278, on behalf of
2 Senator Hoylman.

3 ACTING PRESIDENT GRIFFO: So
4 ordered.

5 SENATOR GIANARIS: And on behalf
6 of Senator Kaminsky, I move that the following
7 bill be discharged from its respective committee
8 and be recommitted with instructions to strike
9 the enacting clause: Senate Bill 173.

10 ACTING PRESIDENT GRIFFO: It is so
11 ordered.

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: Yes, can you
14 take up the noncontroversial reading of the
15 calendar, please.

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 117, by Senator Ortt, Senate Print 875A, an act
20 to amend the County Law.

21 SENATOR GIANARIS: Lay it aside.

22 ACTING PRESIDENT GRIFFO: Lay the
23 bill aside.

24 THE SECRETARY: Calendar Number
25 156, by Senator Peralta, Senate Print 468, an

1 act to amend the Penal Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 45.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 178, by Senator Ritchie, Senate Print 2898, an
14 act to amend the Agriculture and Markets Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 48.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 206, by Senator Golden, Senate Print 1666, an act
2 to amend the Multiple Dwellings Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: Senator
11 Hoylman to explain his vote.

12 SENATOR HOYLMAN: Thank you,
13 Mr. President. I rise to oppose this bill.

14 While I appreciate the intentions by
15 the sponsors, I believe there is concern that we
16 may be giving too much discretion to the New York
17 City Department of Buildings.

18 In particular, it's of concern for
19 my district, where I have the Special Clinton
20 District, the Special Hudson Yards District, and
21 the Special West Chelsea District. They were all
22 created to preserve the existing housing stock
23 and the character of these neighborhoods, but
24 unfortunately, due to administrative mishaps, at
25 various times the City Department of Buildings

1 has again and again issued permits to demolish
2 residential buildings in these neighborhoods.

3 In 2016 alone, Mr. President, the
4 Buildings Department gave permission to demolish
5 13 buildings, which includes 104 apartments.
6 Three of those buildings -- three buildings --
7 and 35 apartments were demolished illegally.

8 What can we do when a building is
9 demolished illegally? What is the redress for
10 the public at that point? Well, very little.

11 So I urge my colleagues to rethink
12 their position and vote against this bill, which
13 I think gives too much discretion to the
14 Buildings Department.

15 Thank you, Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator
17 Hoylman to be recorded in the negative.

18 I would ask all those voting in the
19 negative to please raise your hands again.

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar 206, those recorded in the negative are
23 Senators Alcantara, Avella, Bailey, Brooks,
24 Comrie, Díaz, Hoylman, Klein, Krueger, Latimer,
25 Montgomery, Parker, Peralta, Persaud, Rivera,

1 Sanders, Savino, Serrano, Squadron, Stavisky and
2 Stewart-Cousins. Also Senator Gianaris.

3 Ayes, 33. Nays, 22.

4 ACTING PRESIDENT GRIFFO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 210, by Senator Young, Senate Print 3948, an act
8 to amend the Real Property Actions and
9 Proceedings Law.

10 ACTING PRESIDENT GRIFFO: Can I
11 have some order in the house, please.

12 Read the last section.

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

15 ACTING PRESIDENT GRIFFO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 55.

19 ACTING PRESIDENT GRIFFO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 217, by Senator Marcellino, Senate Print 1145, an
23 act to amend the Vehicle and Traffic Law.

24 ACTING PRESIDENT GRIFFO: Read the
25 last section.

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

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 54. Nays, 1.
7 Senator Hoylman recorded in the negative.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 249, by Senator Ortt, Senate Print 737, an act to
12 amend the General Business Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

15 THE SECRETARY: Section 6. This
16 act shall take effect on the first of September.

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 55.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 292, by Senator Díaz, Senate Print 506, an act to
25 amend the Banking Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 55.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 Senator DeFrancisco, that completes
12 the noncontroversial reading of today's
13 active-list calendar.

14 SENATOR DeFRANCISCO: Could you
15 please take up the controversial calendar.

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will ring the bell.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number
20 117, by Senator Ortt, Senate Print 875A, an act
21 to amend the County Law.

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

24 SENATOR GIANARIS: Mr. President, I
25 believe there's an amendment at the desk. I ask

1 that the reading of the amendment be waived and
2 that Senator Parker be heard on the amendment.

3 ACTING PRESIDENT GRIFFO: Senator
4 Gianaris, I have the amendment before me. Upon
5 review, I rule that it is not germane to the bill
6 and therefore out of order.

7 SENATOR GIANARIS: Mr. President, I
8 appeal from the decision of the chair, and I ask
9 that Senator Parker be heard on the appeal.

10 ACTING PRESIDENT GRIFFO: Your
11 appeal is in order, and I recognize Senator
12 Parker to be heard on the appeal.

13 SENATOR PARKER: Thank you,
14 Mr. President.

15 The underlying bill that
16 Senator Ortt has introduced relates to the
17 training programs for coroners. But before we
18 address this important topic, there's a much more
19 critical education issue that we must fix, and
20 that is Foundation Aid for public schools.

21 In the Campaign for Fiscal Equity
22 lawsuit case, the courts decided that the state
23 constitutionally owed school districts additional
24 funding to provide each student with a sound,
25 basic education, defined as a meaningful high

1 school education, one that prepares them to
2 function productively as civic participants.

3 In response, the state enacted
4 Foundation Aid in 2007, and this aid formula is
5 intended to provide a comprehensive, stable, and
6 equitable structure for state funding for a
7 four-year period. However, Foundation Aid was
8 frozen two years after it was enacted, due to the
9 recession.

10 School aid was further reduced by
11 the Gap Elimination Adjustment, the GEA. Paying
12 off the Gap Elimination Adjustment became the
13 priority of school funding increases. And as a
14 result, Foundation Aid remains significantly
15 underfunded to this very moment.

16 Today, districts across the State of
17 New York are owed approximately \$4.3 billion
18 throughout the full funding of Foundation Aid.
19 Despite efforts to invest nearly a billion
20 dollars over the last few years, of the
21 \$4.3 billion, 3.28 billion, or 76 percent, of
22 Foundation Aid is owed to high-needs districts;
23 \$762 million is owed to average-needs districts;
24 and \$274 million is owed to low-needs districts.

25 It is critical that we increase

1 investment to our highest-need districts in an
2 equitable fashion and begin moving with them
3 towards an adequate funding, something that they
4 were promised during the Campaign for Fiscal
5 Equity lawsuit. This settlement is critically
6 important, and we must settle it now.

7 The amendment that we are
8 introducing today would follow the
9 recommendations of the New York State Board of
10 Regents by fully phasing in Foundation Aid over
11 three years, including \$1.47 billion in new
12 Foundation Aid for this year. The Foundation Aid
13 formula ensures a fair distribution of all
14 resources to all of our schools and their
15 students.

16 Fairly funding our school districts
17 is a bipartisan issue. This proposal was
18 supported by members of the Senate majority in a
19 letter written by Senator Tedisco in February,
20 which notes that past failure to live up to the
21 Foundation Aid commitment has left students in
22 overcrowded classrooms with limited access to
23 essential education programs and services.

24 We must prioritize Foundation Aid
25 inequity. When we continuously underfund our

1 school systems, we are sacrificing the economic
2 future of our state and, more importantly,
3 sacrificing our children and their futures in the
4 mix.

5 Increasing the funding for
6 Foundation Aid by \$4.3 billion over a three-year
7 period will begin to ensure a sound, basic
8 education, Mr. President, for all New York State
9 public school students.

10 Thank you.

11 ACTING PRESIDENT GRIFFO: Thank
12 you, Senator Parker.

13 The vote will be a procedural vote
14 on the ruling of the chair. All in favor of
15 overruling the ruling of the chair say aye.

16 SENATOR GIANARIS: Show of hands,
17 please.

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

20 Announce the results.

21 THE SECRETARY: Ayes, 21.

22 ACTING PRESIDENT GRIFFO: The
23 ruling of the chair is affirmed.

24 The bill is before the house.

25 Read the last section.

1 THE SECRETARY: Section 2. This
2 act shall take effect on the 180th day.

3 ACTING PRESIDENT GRIFFO: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 57. Nays, 3.
7 Senators Croci, Funke and Gallivan recorded in
8 the negative.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 Senator DeFrancisco, that concludes
12 the controversial reading of today's active-list
13 calendar.

14 SENATOR DeFRANCISCO: Is there any
15 business at the desk?

16 ACTING PRESIDENT GRIFFO: One
17 second, Senator DeFrancisco.

18 SENATOR DeFRANCISCO: And while
19 you're checking that out, after we adjourn there
20 will be an immediate meeting of the Health
21 Committee in the Capitol, Room 124, immediately
22 after the session.

23 ACTING PRESIDENT GRIFFO:
24 Immediately after Senate session today, there
25 will be a meeting of the Senate Health Committee

1 in Room 124 of the Capitol.

2 There is no further business before
3 the desk.

4 SENATOR DeFRANCISCO: That being
5 the case, I move to adjourn until Tuesday,
6 March 14th, at 3:00 p.m.

7 ACTING PRESIDENT GRIFFO: On
8 motion, the Senate will stand adjourned until
9 Tuesday, March 14th at 3:00 p.m.

10 The Senate stands --

11 SENATOR DeFRANCISCO: Excuse me.
12 Excuse me one moment before you gavel out.

13 ACTING PRESIDENT GRIFFO: Could I
14 have order in the house, please.

15 He's consulting with the
16 meteorologist.

17 (Laughter.)

18 ACTING PRESIDENT GRIFFO: Shall the
19 Senate stand temporarily at ease, Senator
20 DeFrancisco?

21 SENATOR DeFRANCISCO: Just for a
22 moment.

23 ACTING PRESIDENT GRIFFO: The
24 Senate will temporarily stand at ease.

25 SENATOR DeFRANCISCO: As I was

1 saying --

2 ACTING PRESIDENT GRIFFO: The
3 Senate will come to order.

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: -- I move to
6 adjourn until Tuesday, March 14th, at 3:00 p.m.

7 ACTING PRESIDENT GRIFFO: On
8 motion, the Senate will stand adjourned until
9 Tuesday, March 14th, at 3:00 p.m.

10 The Senate stands adjourned.

11 (Whereupon, at 3:38 p.m., the Senate
12 adjourned.)

13

14

15

16

17

18

19

20

21

22

23

24

25