

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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7  
8 ALBANY, NEW YORK

9  
10 March 30, 2017

11 3:27 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR ELAINE PHILLIPS, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

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

14 ACTING PRESIDENT PHILLIPS: The  
15 reading of the Journal.

16 THE SECRETARY: In Senate,  
17 Wednesday, March 29th, the Senate met pursuant  
18 to adjournment. The Journal of Tuesday,  
19 March 28th, was read and approved. On motion,  
20 Senate adjourned.

21 ACTING PRESIDENT PHILLIPS:  
22 Without objection, the Journal stands approved  
23 as read.

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.  
2 Reports of standing committees.  
3 Reports of select committees.  
4 Communications and reports from  
5 state officers.

6 Motions and resolutions.  
7 Senator.

8 SENATOR DeFRANCISCO: Madam  
9 President, I move to adopt the  
10 Resolution Calendar, with the exception of  
11 Resolutions 1257 and 1307.

12 ACTING PRESIDENT PHILLIPS: All in  
13 favor of adopting the Resolution Calendar, with  
14 the exception of Resolutions 1257 and 1307,  
15 signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT PHILLIPS:  
18 Opposed, nay.

19 (No response.)

20 ACTING PRESIDENT PHILLIPS: The  
21 Resolution Calendar is adopted.

22 Senator.

23 SENATOR DeFRANCISCO: Yes, can we  
24 now take up Resolution 1257, by Senator  
25 Squadron, read the title only, and call on

1 Senator Squadron to speak.

2 ACTING PRESIDENT PHILLIPS: The  
3 Secretary will read.

4 THE SECRETARY: Legislative  
5 Resolution Number 1257, by Senator Squadron,  
6 commemorating the 25th anniversary of the  
7 Downtown Little League.

8 ACTING PRESIDENT PHILLIPS:  
9 Senator Squadron.

10 SENATOR SQUADRON: Thank you,  
11 Madam President.

12 I rise today to honor the Downtown  
13 Little League on its 25th year. The Downtown  
14 Little League is one of the great little leagues  
15 in our state. It has over 1,000 budding  
16 prospects in baseball and softball, from the  
17 ages of five to 18. An extraordinary community  
18 event at the opening of it, the parade every  
19 year.

20 And one of the really amazing  
21 things about Downtown Little League is if you  
22 think of the downtown Manhattan community over  
23 the last 25 years, Downtown has weathered the  
24 attacks of September 11, 2001, it has weathered  
25 the effects and the flooding from Superstorm

1 Sandy. And through that all, Downtown Little  
2 League has grown, has thrived, and has been a  
3 central community benefit for everyone in  
4 Downtown.

5 And amazingly, even with all that  
6 Downtown has faced in that time, even with the  
7 resilience that we showed after September 11th  
8 and after Sandy, Downtown Little League has grown  
9 in that time.

10 The other amazing thing is you think  
11 of Lower Manhattan -- a place that has Wall  
12 Street and the Financial district, it has the old  
13 original New York City, the Seaport, Old Fulton  
14 Fish Market -- you think of that area and it's  
15 sometimes hard to remember that it's a community  
16 like any other in this state, that on opening day  
17 for Little League, they parade to the field, they  
18 put on their gloves and start to play just like  
19 they would in any community across this state.

20 Now, it's true that that parade  
21 starts at City Hall in New York City and then  
22 proceeds into Battery Park City, created by the  
23 state. But it's also true that the kids growing  
24 up in Lower Manhattan, in the shadow of the  
25 now-rebuilding World Trade Center site, in a

1 community that is so often used as a central  
2 focus not just across the state, but nationally  
3 and globally, are just kids growing up in the  
4 neighborhood, families who love their community  
5 like they do across the state.

6           And it's always important to  
7 remember that on this floor, that each of us  
8 represents communities that have the same  
9 interests and the same needs -- people who want  
10 to be able to raise their families and have  
11 opportunity, they want to have a better life for  
12 the next generation than for the prior one,  
13 people who want to be able to age in place with  
14 respect and dignity. That is every bit as true  
15 of Lower Manhattan as it is of the western and  
16 northern and eastern parts of the state.

17           And it's absolutely represented  
18 every year with the Downtown Little League's  
19 great seasons, including the seasons in which its  
20 softball teams won city and state championships.  
21 The junior team won three city championships  
22 between 2013 and 2015, won the state title in  
23 2014. The under-11 team won a city and state  
24 title in 2014. They were the first softball  
25 teams from New York City to win a state

1 championship.

2                   So to the rest of the state, I'm  
3 sorry we beat you those years. We look forward  
4 to competing with you in future years. And it's  
5 a great reminder of the fact that in every corner  
6 of this great diverse state, we have diverse  
7 communities and things like Little League can  
8 bring us together.

9                   Congratulations to the Downtown  
10 Little League on its 25th anniversary.

11                   Thank you, Madam President.

12                   ACTING PRESIDENT PHILLIPS: Thank  
13 you, Senator Squadron.

14                   The question is on the resolution.  
15 All in favor signify by saying aye.

16                   (Response of "Aye.")

17                   ACTING PRESIDENT PHILLIPS:  
18 Opposed, nay.

19                   (No response.)

20                   ACTING PRESIDENT PHILLIPS: The  
21 resolution is adopted.

22                   Senator.

23                   SENATOR DeFRANCISCO: Before we go  
24 on, I'm just going to make an early announcement  
25 so that we don't lose members.

1           Immediately following session, there  
2     will be a meeting of the Republican Conference in  
3     Room 332. And I'll make that announcement again,  
4     but I just don't want to lose anybody in case  
5     they thought this was going to be a short  
6     session.

7           With that said, could we now,  
8     Madam President, take up previously adopted  
9     Resolution 1208, by Senator Tedisco, and read the  
10    title only and call on the Senator.

11           ACTING PRESIDENT PHILLIPS:    The  
12    Secretary will read.

13           THE SECRETARY:    Legislative  
14    Resolution Number 1208, by Senator Tedisco,  
15    recognizing April 2017 as National School Library  
16    Month.

17           ACTING PRESIDENT PHILLIPS:    Senator  
18    Tedisco.

19           SENATOR TEDISCO:   Thank you, Madam  
20    President.

21           And my colleagues, what would we do  
22    in New York State without our libraries? Two  
23    days ago we passed a resolution declaring April  
24    as National School Library Month. Our libraries  
25    are extremely important for opening doors to a



1 world of information for people of all ages.  
2 They encourage literacy, help people obtain  
3 skills they need to find jobs, and are so  
4 important for community centers.

5           The libraries that are housed in our  
6 schools are particularly important to encouraging  
7 young people to read and to learn. Going to a  
8 school library is a vital part of a child's daily  
9 educational experience. School libraries empower  
10 students in many ways. They provide a safe haven  
11 for all students to think, create, share and  
12 grow.

13           School libraries can be a hub of  
14 learning and a favorite spot for many students.  
15 Thanks to the dedication of our school  
16 librarians, teachers, and staff, children from  
17 all walks of life have access to books, computer  
18 technology, and information they need to enhance  
19 their overall educational experience.

20           Madam President and my colleagues, I  
21 ask you to please join me in recognizing April as  
22 National School Library Month and extend special  
23 recognition to school library programs and the  
24 role of certified school librarians throughout  
25 the State of New York.

1                   Thank you, Madam President and my  
2                   colleagues.

3                   ACTING PRESIDENT PHILLIPS:    Thank  
4                   you, Senator.

5                   Anyone else?   Senator Marchione.

6                   SENATOR MARCHIONE:    I'd like to  
7                   thank Senator Tedisco for this resolution and  
8                   just talk about some of the libraries within my  
9                   own community.

10                  You are so absolutely right.   You  
11                  know, whether you're two years old or you're  
12                  80 years old, whether you're looking to have fun,  
13                  social, or you're looking to learn and read or  
14                  just enjoy yourself with a newspaper or on a  
15                  computer, our libraries offer it all.   They offer  
16                  it all to people who are two, 10, 15, 50.   And  
17                  it's a great place to socialize.

18                  And I'm just always so pleased to be  
19                  able to support our libraries, knowing that they  
20                  do so much for everyone in our community.

21                  Thank you.

22                  ACTING PRESIDENT PHILLIPS:    Thank  
23                  you, Senator Marchione.

24                  Senator Helming.

25                  SENATOR HELMING:    I rise, Madam

1 President, to recognize this important resolution  
2 commemorating April as National School Library  
3 Month. As the daughter of a school librarian, I  
4 learned early on just how much of an important  
5 role school libraries play in the lives of  
6 students. Our school libraries help to prepare  
7 students for educational success by providing  
8 them with materials, equipment, technology and  
9 knowledge they need for success in the years  
10 K through 12 and beyond.

11 School libraries provide students  
12 with information technology services such as  
13 access to be computers, high-speed Internet,  
14 online databases for research, and audiovisual  
15 equipment. This is critically important for  
16 students in rural areas, like in my district, who  
17 may not otherwise have access to this technology  
18 and high-speed Internet service at home.

19 Much like my mother did for 30  
20 years, school librarians work to enrich the lives  
21 of students they serve. School librarians  
22 provide students with assistance on research,  
23 homework help, and guidance on how to best  
24 navigate the technology at the library.

25 In addition, our libraries and

1 librarians also promote and develop reading  
2 abilities and interest in school-aged children.  
3 This often leads to a lifelong love of reading.

4 I'd like to thank my colleague  
5 Senator Tedisco for introducing this important  
6 resolution and to thank and recognize all of our  
7 school librarians.

8 Thank you.

9 ACTING PRESIDENT PHILLIPS: Thank  
10 you, Senator Helming.

11 Senator Stavisky.

12 SENATOR STAVISKY: Thank you, Madam  
13 President.

14 I thank the Senator for sponsoring  
15 the resolution on libraries, but I would like to  
16 remind the Senate that there is a Select  
17 Committee on Libraries, to which I was appointed  
18 probably about 10 years ago, and it's met once in  
19 the last, oh, probably 10 years. It was chaired  
20 by Senator Farley.

21 And unfortunately, this is such an  
22 important issue that's been neglected,  
23 particularly in terms of meetings of the Select  
24 Committee on Libraries.

25 Thank you, Madam President.

1                   ACTING PRESIDENT PHILLIPS:    Thank  
2   you, Senator.

3                   Seeing no other members wishing to  
4   be heard, Senator DeFrancisco.

5                   SENATOR DeFRANCISCO:    Yes, I just  
6   want to speak very briefly.  Everybody's said  
7   what has to be said.

8                   But I have my library with me.  
9   There are always at least two books from  
10  different libraries in this machine.  So all of  
11  you, when you're listening to somebody drone on  
12  on the floor and you're losing your attention,  
13  rather than dozing off, take out your iPad, go to  
14  your personal library, and read.

15                  And I'm going to make a confession  
16  and tell you something that's really helped me.  
17  When I was chairman of the Finance Committee,  
18  people asked me over and over, How did you sit  
19  there 15 days for nine hours a day?

20                  So this was my trick.  When  
21  people -- I'd ask them to please don't read your  
22  testimony, I can read it.  Please don't.  And  
23  they never would listen.  So as they were reading  
24  their testimony, I underlined the important  
25  parts, made a couple of question marks, and I

1 read some books.

2 And one year, during that entire  
3 stretch of hearings, 13 days, I read seven books.

4 (Laughter.)

5 SENATOR DeFRANCISCO: So it's just  
6 a tip from someone who's been here for a long  
7 time: Bring your library with you, you can  
8 always use it in this business.

9 Thank you.

10 (Laughter.)

11 ACTING PRESIDENT PHILLIPS: Senator  
12 DeFrancisco.

13 SENATOR DeFRANCISCO: You're ready  
14 for me again.

15 ACTING PRESIDENT PHILLIPS: Yes,  
16 sir.

17 SENATOR DeFRANCISCO: All right.  
18 Now can we take up Resolution 1307, by Senator  
19 Brooks, read the title only, and call on  
20 Senator Brooks to speak, please.

21 ACTING PRESIDENT PHILLIPS: The  
22 Secretary will read.

23 THE SECRETARY: Legislative  
24 Resolution Number 1307, by Senator Brooks,  
25 congratulating the Baldwin High School Girls

1 Basketball team and Head Coach Tom Catapano upon  
2 the occasion of capturing the New York State  
3 Class Public High School Athletic Association  
4 Class AA Championship on March 18, 2017.

5 ACTING PRESIDENT PHILLIPS: Senator  
6 Brooks.

7 SENATOR BROOKS: Thank you, Madam  
8 President.

9 Today I rise to honor a remarkable  
10 group of young women who have excelled not only  
11 in the classroom, but on the basketball court.

12 On Saturday, March 18th, the Baldwin  
13 High School Lady Bruins Basketball Team captured  
14 the New York State Public High School Athletic  
15 Association Class AA championship in a decisive  
16 73-45 victory over Ossining High School, proving  
17 not only does hard work and dedication pay off,  
18 but anyone can accomplish anything they set out  
19 to accomplish.

20 This is the team's first ever state  
21 title. And speaking on behalf of the entire  
22 community, I would like to say to the Bruins that  
23 this title has brought us immense pride and joy,  
24 and we commend you for your persistence, passion,  
25 and exemplary teamwork.

1                   We all know that any accomplishment  
2     by a team that exhibits such athletic ability  
3     must also have an exceptional coach that helps to  
4     hone the skills of these champions. Head coach  
5     Tom Catapano has done just that. I am sure that  
6     the journey of this team has given these young  
7     women some great and invincible skills that they  
8     can use off the court.

9                   This weekend I hope to join the  
10    Bruins and their family and friends in the  
11    community to celebrate their big win. But most  
12    of all, I look forward to the Bruins'  
13    accomplishments next year and the accomplishments  
14    of these young women in the future.

15                  Thank you, Madam President.

16                  ACTING PRESIDENT PHILLIPS: Thank  
17    you, Senator Brooks.

18                  The question is on the resolution.  
19    All in favor signify by saying aye.

20                  (Response of "Aye.")

21                  ACTING PRESIDENT PHILLIPS:  
22    Opposed, nay.

23                  (No response.)

24                  ACTING PRESIDENT PHILLIPS: The  
25    resolution is adopted.



1 Senator.

2 SENATOR DeFRANCISCO: Madam  
3 President, may we now go to the noncontroversial  
4 reading of the calendar.

5 ACTING PRESIDENT PHILLIPS: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number  
8 293, by Senator Griffo, Senate Print 2421, an act  
9 to amend the Banking Law.

10 ACTING PRESIDENT PHILLIPS: Read  
11 the last section.

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

14 ACTING PRESIDENT PHILLIPS: Call  
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PHILLIPS:  
18 Announce the result.

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT PHILLIPS: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 294, by Senator Savino, Senate Print 3756, an act  
24 to amend the Banking Law.

25 ACTING PRESIDENT PHILLIPS: Read

1 the last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the 60th day.

4 ACTING PRESIDENT PHILLIPS: Call  
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PHILLIPS: Senator  
8 Gianaris to explain your vote, please.

9 SENATOR GIANARIS: Thank you, Madam  
10 President.

11 I have voted for this bill in the  
12 past, and I just want to explain why I'm changing  
13 my vote this year.

14 In light of recent efforts from the  
15 federal government to ease regulation on the  
16 banking industry, I think it's prudent not to  
17 remove powers of the state to continue its  
18 regulatory process over those same banks, and so  
19 I will be voting in the negative.

20 Thank you.

21 ACTING PRESIDENT PHILLIPS: Senator  
22 Gianaris to be recorded in the negative.

23 Announce the result.

24 THE SECRETARY: In relation to  
25 Calendar 294, those recorded in the negative are

1 Senators Brooks, Gianaris, Montgomery, Parker,  
2 Rivera, Squadron, and Stewart-Cousins.

3 Ayes, 52. Nays, 7.

4 ACTING PRESIDENT PHILLIPS: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 305, by Senator Gallivan, Senate Print 2130, an  
8 act to amend the Social Services Law.

9 ACTING PRESIDENT PHILLIPS: Read  
10 the last section.

11 THE SECRETARY: Section 2. This  
12 act shall take effect on the 60th day.

13 ACTING PRESIDENT PHILLIPS: Call  
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT PHILLIPS:  
17 Announce the result.

18 THE SECRETARY: Ayes, 59.

19 ACTING PRESIDENT PHILLIPS: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 307, by Senator Larkin, Senate Print 2390, an act  
23 to amend the General Business Law.

24 ACTING PRESIDENT PHILLIPS: Read  
25 the last section.

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

3           ACTING PRESIDENT PHILLIPS:   Call  
4   the roll.

5           (The Secretary called the roll.)

6           ACTING PRESIDENT PHILLIPS:  
7   Announce the result.

8           THE SECRETARY:    Ayes, 59.

9           ACTING PRESIDENT PHILLIPS:   The  
10   bill is passed.

11          THE SECRETARY:    Calendar Number  
12   465, by Senator Golden, Senate Print 226A, an act  
13   to amend the Vehicle and Traffic Law.

14          ACTING PRESIDENT PHILLIPS:   Read  
15   the last section.

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

18          ACTING PRESIDENT PHILLIPS:   Call  
19   the roll.

20          (The Secretary called the roll.)

21          ACTING PRESIDENT PHILLIPS:  
22   Announce the result.

23          THE SECRETARY:    Ayes, 59.

24          ACTING PRESIDENT PHILLIPS:   The  
25   bill is passed.

1                   Senator, that completes the  
2 noncontroversial reading of the calendar.

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

5                   ACTING PRESIDENT PHILLIPS:   There  
6 is no further business at the desk.

7                   SENATOR DeFRANCISCO:   There will be  
8 a Republican conference immediately following  
9 session in Room 332.

10                  And I now move to adjourn until  
11 Friday, March 31st, at 3:00 p.m.

12                  ACTING PRESIDENT PHILLIPS:   On  
13 motion, the Senate stands adjourned until Friday,  
14 March 31st, at 3:00 p.m.

15                  (Whereupon, at 3:46 p.m., the Senate  
16 adjourned.)

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