

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 31, 2017

11 3:35 p.m.

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14 REGULAR SESSION

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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 to please bow
11 their heads in a moment of silent reflection and
12 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,
18 Thursday, March 30th, the Senate met pursuant to
19 adjournment. The Journal of Wednesday,
20 March 29th, was read and approved. On motion,
21 Senate adjourned.

22 ACTING PRESIDENT GRIFFO: Without
23 objection, the Journal stands approved 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 of state
5 officers.
6 Motions and resolutions.
7 Senator DeFrancisco.
8 SENATOR DeFRANCISCO: Yes, would
9 you please call on Senator Valesky.
10 ACTING PRESIDENT GRIFFO: Senator
11 Valesky.
12 SENATOR VALESKY: Thank you,
13 Mr. President.
14 On behalf of Senator Avella, on
15 page 22 I offer the following amendments to
16 Calendar 391, Senate Bill 1576, and ask that
17 said bill retain its place on the Third Reading
18 Calendar.
19 ACTING PRESIDENT GRIFFO: So
20 ordered.
21 Senator DeFrancisco.
22 SENATOR DeFRANCISCO: Yes, can we
23 now take up the reading of the noncontroversial
24 calendar.
25 ACTING PRESIDENT GRIFFO: The

1 Secretary will read.

2 THE SECRETARY: Calendar Number
3 351, by Senator Funke, Senate Print 3892, an act
4 to amend the Parks, Recreation and Historic
5 Preservation Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

8 SENATOR DeFRANCISCO: Lay the bill
9 aside for the day, please.

10 ACTING PRESIDENT GRIFFO: The bill
11 will be laid aside for the day.

12 THE SECRETARY: Calendar Number
13 358, by Senator Carlucci, Senate Print 4048, an
14 act to amend the General Business 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 ACTING PRESIDENT GRIFFO: Senator
23 Carlucci to explain his vote.

24 SENATOR CARLUCCI: Thank you,
25 Mr. President.

1 This legislation will strengthen
2 New York's laws to protect consumers. What we
3 will be doing here is preventing itinerant
4 vendors from selling products like baby formula
5 and over-the-counter medications. Unfortunately,
6 those products we've seen be some of the
7 highest-targeted from theft organizations. So
8 not only are they stealing these products, but
9 they're also counterfeiting them.

10 We know that over one-third of
11 infants in New York State receive formula, so
12 we've got to make sure that that formula is what
13 it says it's supposed to be.

14 This legislation will help us to
15 protect and make sure that the formula that young
16 infants are getting is appropriate, and make sure
17 that they are kept safe and healthy. So,
18 Mr. President, this legislation would ban
19 itinerant vendors from selling those products,
20 cut down on the theft of these products, and also
21 keep consumers safe.

22 So I'll be voting in the
23 affirmative. Thank you, Mr. President.

24 ACTING PRESIDENT GRIFFO: Senator
25 Carlucci in the affirmative.

1 Announce the results.

2 THE SECRETARY: Ayes, 50.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 364, by Senator Marcellino, Senate Print 1692, an
7 act to amend the Education Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 50.

16 ACTING PRESIDENT GRIFFO: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 427, by Senator Little, Senate Print 2414,
20 Concurrent Resolution of the Senate and Assembly.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll on the resolution.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT GRIFFO: Senator
25 Little to explain her vote.

1 SENATOR LITTLE: Thank you,
2 Mr. President.

3 This bill is second passage of a
4 proposed constitutional amendment which passed
5 this body last year. And as a result of passage
6 today and then passage in the Assembly, it will
7 be before the voters in November.

8 Unlike some of my bills, this bill
9 has the support of the Adirondack Mountain Club,
10 The Nature Conservancy, and the Adirondack
11 Council. It's a really good bill for the
12 Adirondack Park. It's the result of multiple
13 hours of meetings with the town representatives,
14 county representatives, the Adirondack
15 environmental groups, to say that we don't need
16 to do a constitutional amendment for everything
17 that we try to do in the Park.

18 As you know, I have sponsored --
19 this is my sixth constitutional amendment I have
20 sponsored since I've been here. We had to do one
21 for a cemetery expansion, Township 40, to do a
22 well in Raquette Lake, utility lines, and other
23 things.

24 This will allow for the proper use
25 of the Forest Preserve and have a land bank which

1 would be used, when necessary, for major projects
2 within the Adirondack Park. It also will allow
3 for the use of the right-of-way along roads
4 within the Adirondack Park for the purpose of
5 having any kind of water lines, road and utility
6 projects. Any kind of broadband could be
7 along -- if it has to go across Forest
8 Preserve -- within the right-of-way of a road, as
9 well as bicycle paths.

10 There will be 250 acres. This is
11 out of a 6 million acre park, 3 million acres
12 owned by the state. We're talking about
13 250 acres being available for such important
14 things where there would be actual land
15 alienation for the elimination of bridge hazards,
16 relocation reconstruction, maintenance of
17 existing town and county highways.

18 There is a DOT land bank that's been
19 in existence for a number of years throughout the
20 state that can be used, but that's only on state
21 roads. This would allow this on town and county
22 roads within the park; public water supply
23 projects, when necessary, to meet drinking water
24 standards; public utility lines -- and it would
25 exclude, there would not be allowed any natural

1 gas or oil pipelines; the construction of bike
2 paths within the right-of-way of the road.

3 So it's a good bill. I appreciate
4 your support. And I look forward to it being on
5 the ballot this November and hopefully have your
6 support at that time.

7 Thank you.

8 ACTING PRESIDENT GRIFFO: Senator
9 Little in the affirmative.

10 Announce the results.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT GRIFFO: The
13 resolution is adopted.

14 And Senator DeFrancisco, that
15 completes the noncontroversial reading of today's
16 active list.

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

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

21 SENATOR DeFRANCISCO: That being
22 the case, I move to adjourn to a time to be
23 announced by the Temporary President of the
24 Senate.

25 His belief, strongly, was rather

1 than sitting around as the final touches are
2 being made on the budget while we get bills
3 printed, and so we don't have to do an
4 all-nighter, that we leave at -- at least we
5 adjourn at the call of the leader. And as soon
6 as everything is buttoned up and we can do the
7 bills actually on a logical and hopefully during
8 the daylight time frame, we'll be back here and
9 give everyone plenty of knowledge to do that.

10 I know many of us will be staying
11 here who are still working on various parts of
12 the budget. But rather than everyone sitting
13 around, that was the determination by the
14 Temporary President.

15 ACTING PRESIDENT GRIFFO: So on
16 motion, the Senate will stand adjourned subject
17 to the call of the Temporary President.

18 The Senate stands adjourned.

19 (Whereupon, at 3:43 p.m., the Senate
20 adjourned.)

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