NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 27, 2018

3:48 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: In the absence of clergy, I ask all present to please bow your heads in a moment of silent reflection and/or prayer.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Monday, February 26th, the Senate met pursuant to adjournment. The Journal of Sunday, February 25th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: Without objection, the Journal stands 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: Mr. President, I move to recommit Senate Print 1111, Calendar 299 on the order of third reading, to the Committee on Veterans, Homeland Security and Military Affairs -- this is a Senator Felder bill -- with instructions to said committee to strike the enacting clause.

ACTING PRESIDENT GRIFFO: It is so ordered.

SENATOR DeFRANCISCO: I move that the following bill, Senate 5581, by Senator Murphy, be discharged from its respective committee and be recommitted with instructions to strike the enacting clause.

ACTING PRESIDENT GRIFFO: It is so ordered.

SENATOR DeFRANCISCO: Amendments are offered to the following Third

Reading Calendar bills:

Senator Phillips, page 24, Calendar 211, Senate Print 5974;

Senator Tedisco, page 36, Calendar 340, Senate Print 4462;

Another bill by Senator Tedisco, page 37, Calendar 354, Senate Print 7388;

Another bill by Senator Tedisco, page 38, Calendar Number 362, Senate Print 4149;

A bill by Senator Ritchie, page 40, Calendar 383, Senate Print 3022;

And another bill by Senator Ritchie, page 45, Calendar 433, Senate Print 5853.

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

ACTING PRESIDENT GRIFFO: The amendments are received as presented, and all bills shall retain their place on third reading.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please recognize Senator Valesky.

ACTING PRESIDENT GRIFFO: Senator Valesky.

SENATOR VALESKY: Thank you,

Mr. President.

On behalf of Senator Carlucci, I move that Bill 1167 be discharged from its respective committee and be recommitted with instructions to strike the enacting clause.

ACTING PRESIDENT GRIFFO: It's so ordered.

SENATOR VALESKY: On behalf of Senator Klein, on page 39 I offer the following amendments to Calendar 371, Senate Bill 5643, 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 VALESKY: Also on behalf of Senator Klein, on page 25 I offer the following amendments to Calendar 222, Senate Bill 5619, and I ask that that bill also retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are also received, and the bill shall retain its place on third reading.

SENATOR VALESKY: Thank you.

ACTING PRESIDENT GRIFFO: Senator

DeFrancisco.

SENATOR DeFRANCISCO: Can we take up previously adopted resolution --

ACTING PRESIDENT GRIFFO: Senator -- Senator DeFrancisco --

SENATOR DeFRANCISCO: You have motions? She didn't tell me you had motions.

Lisa Harris made a big mistake --

(Laughter.)

SENATOR DeFRANCISCO: -- so I would now ask you to recognize Senator Gianaris.

ACTING PRESIDENT GRIFFO: I think Lisa is incapable of making mistakes.

But Senator Gianaris.

SENATOR GIANARIS: I don't even know what to say.

Thank you, Mr. President. On behalf of Senator Brooks, on page 29 I offer the following amendments to Calendar 275, Senate 6757, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are received. The bill shall retain its place on third reading.

SENATOR GIANARIS: And on behalf of

Senator Rivera, on page 38 I offer amendments to Calendar 368, Senate 169, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are also received, and the bill shall retain its place on third reading.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Now can we take up previously adopted Resolution 3752, by Senator Peralta, read the title only, and call on Senator Peralta to speak.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3752, by Senator Peralta, commemorating the 174th anniversary of the Dominican Republic Independence to be celebrated on February 27, 2018.

ACTING PRESIDENT GRIFFO: Senator Peralta.

Can I have some order in the chamber, please.

Senator Peralta.

SENATOR PERALTA: Thank you, Mr. President.

This year we mark the 174th anniversary of the Dominican Republic's independence. And as the first Dominican-American to be elected to this chamber, it is a privilege and an honor to be here today, standing on the floor to commemorate our independence.

It happened February, 27, 1844, a day like today, 174 years ago. Now, prior to 1844, specifically in 1838, Juan Pablo Duarte formed La Trinitaria, a secret society founded with the objective of gaining independence from Haiti.

As you probably know, Juan Pablo Duarte is the nation's patriarch. His historical significance is evident. Landmarks honoring the patriarch include Pico Duarte, which is the highest mountain in the Caribbean, and Duarte Square, a park in New York City.

When forming La Trinitaria, Juan Pablo Duarte was joined by Matías Mella and Rosario Sánchez. The same way we identify American independence with the leadership of George Washington, Ben Franklin, Thomas Jefferson, and John Adams, the Dominican

independence is identified with La Trinitaria, or Los Trinitarios.

Just six years after its foundation, Los Trinitarios declared independence from Haiti. In 1844, the Dominican Republic adopted its first constitution.

While today we celebrate Dominican independence, we also celebrate the many contributions Dominicans and Dominican-Americans have made to our city, our state, and to our great nation -- contributions to the economy, the arts, politics, culture, sports.

People like Juan Luis Guerra, an international singer; Cándido Bidó, a great painter; Luis Martínez Richiez, a magnificent sculptor; Johnny Ventura, for those of you who love merengue, a merenguero; and many baseball players. Many of you have been honored to be in their presence: Pedro Martínez -- right, Mr. President? -- and Vladimir Guerrero, who are two Major League Hall of Famers.

And of course I want to point out and give a special shout-out to the first Dominican female Senator, Marisol Alcantara.

I am proud to stand here, I am proud

to stand here as a Dominicano, as a Dominican-American, especially today more than ever. We're a nation of immigrants, but unfortunately some people conveniently tend to forget that fact. Immigrants are under attack, and that is just unreasonable and unconscionable.

And that's why we need to recommit ourselves to protect their rights, but also allowing them the opportunity to excel academically, an opportunity to dream, an opportunity to turn that dream into reality. Because we're all immigrants or children of immigrants. Let's not ever forget that reality.

And by this resolution, I'd like to extend our best wishes to our Dominican-American friends throughout the City of New York and the State of New York. Que viva La República Dominicana!

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Peralta.

The resolution, as indicated, was previously adopted on February 13th of 2018.

The sponsor has opened up the resolution for cosponsorship. If a member

chooses to be a cosponsor, they should notify the desk. Feliz dia de la Independencia Dominicana.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now take up the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 97, by Senator Ortt, Senate Print 244, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th 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 100, by Senator Murphy, Senate Print 3751A, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 7. 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 112, by Senator Marcellino, Senate Print 3479A, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Results?

THE SECRETARY: In relation to Calendar Number 112, those recorded in the negative are Senators Alcantara, Avella and Carlucci.

Ayes, 56. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 171, by Senator Ortt, Senate Print 690A, an act to amend the Mental Hygiene 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.

THE SECRETARY: Calendar Number 191, by Senator Bonacic, Senate Print 2059, an act to amend the Judiciary 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, 58. Nays, 1. Senator Avella recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 282, by Senator Amedore, Senate Print 6960A, an act to require.

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 356, by Senator Peralta, Senate Print 479, an act to amend the Tax 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. Nays, 1. Senator Kavanagh recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 358, by Senator Marcellino, Senate Print 1748, an act to amend the Legislative 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 359, by Senator Gallivan, Senate Print 1983, an act to amend the Public Officers 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 386, by Senator Marchione, Senate Print 210, an act to amend the County 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 394, by Senator Larkin, Senate Print 2388, an act to amend the General Municipal 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. Nays, 1. Senator Kaminsky recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 412, by Senator Golden, Senate Print 29, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: 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, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 415, by Senator Little, Senate Print 389, an act

to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 418, by Senator Avella, Senate Print 1566, an act in relation to.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately and shall expire February 2, 2020.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 421, by Senator Amedore, Senate Print 4310, an act to amend the Vehicle and Traffic Law.

SENATOR DeFRANCISCO: Please lay it aside for the day.

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

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

SENATOR DeFRANCISCO: Mr. President, would you please recognize Senator Comrie to introduce a student government class, a very, very important one, from his district and a district in Queens where I was yesterday.

(Laughter.)

ACTING PRESIDENT GRIFFO: Could I please have some order in the house.

Senator Comrie.

SENATOR COMRIE: Thank you, Mr. President.

I would have loved to have visited with Senator DeFrancisco yesterday, so next time you're in Queens, please let me know.

(Laughter.)

SENATOR COMRIE: I'm happy to introduce -- or acknowledge, because they had to leave due to the fact that their bus was leaving.

But we had over 40 young people from Junior High School 109, which is a school in my district that is doing well and is just starting a Gifted and Talented Program. And as they're growing in stature and growing in reputation, they're bursting at the seams from parents that want to be at a great school.

These young people today, the 40 students that came to Albany, wanted to come to lobby their elected officials. They were actually elected to leadership positions in their classrooms within their school by their fellow students. And today they had an opportunity to get a practical knowledge of state government. They were excited to be here.

And I just want to acknowledge them and, for their friends and family, thank the parents that came up and the teachers that made sure that they were able to be here.

Unfortunately, they had to leave, but I just wanted, for the record, to acknowledge that they did spend time in the gallery, they did

visit the Assembly, they went and lobbied some elected officials that were here, and they had an opportunity to do a tour. And hopefully we can encourage more young people to come up to Albany to be involved in government.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Comrie.

The record will note that the students from Junior High 109 were present today. We hope they had an informative and an enjoyable experience here in the State Capitol.

Thank you, Senator Comrie.

Senator DeFrancisco.

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

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

SENATOR DeFRANCISCO: That being the case, I move to adjourn until Wednesday, February 28th, at 11:00, 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Wednesday, February 28th, at 11:00 a.m.

The Senate is adjourned.

(Whereupon, at 4:04 p.m., the Senate adjourned.)