

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 22, 2018

11 10:53 a.m.

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13
14 REGULAR SESSION

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18 SENATOR PAMELA HELMING, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT HELMING: 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 HELMING: 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 HELMING: The
15 reading of the Journal.

16 THE SECRETARY: In Senate,
17 Wednesday, March 21st, the Senate met pursuant
18 to adjournment. The Journal of Tuesday,
19 March 20th, was read and approved. On motion,
20 Senate adjourned.

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

23 Presentation of petitions.

24 Messages from the Assembly.

25 Messages from the Governor.

1 Reports of standing committees.

2 Reports of select committees.

3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 Floor Leader.

7 SENATOR DeFRANCISCO: Madam
8 President, I move to adopt the Senate Resolution
9 Calendar.

10 ACTING PRESIDENT HELMING: All in
11 favor of adopting the Resolution Calendar, with
12 no exceptions, please signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT HELMING:
15 Opposed?

16 (No response.)

17 ACTING PRESIDENT HELMING: The
18 resolution is adopted.

19 SENATOR DeFRANCISCO: Can we now
20 take up previously adopted Resolution 3136, by
21 Senator Marchione, read the title only, and call
22 on Senator Marchione to speak.

23 ACTING PRESIDENT HELMING: The
24 Secretary will please read.

25 THE SECRETARY: Legislative

1 Resolution Number 3136, by Senator Marchione,
2 memorializing Governor Andrew M. Cuomo to
3 proclaim April 9, 2018, as Yellow Ribbon Day in
4 the State of New York.

5 ACTING PRESIDENT HELMING: Senator
6 Marchione on the resolution.

7 SENATOR MARCHIONE: Thank you,
8 Madam President.

9 I rise to speak on my resolution
10 memorializing Governor Cuomo to proclaim
11 April 9, 2018, as Yellow Ribbon Day in our
12 state.

13 On April 9th, yellow ribbons will
14 be placed across the region to show support for
15 those serving in our armed forces. Many
16 patriotic individuals have devoted countless
17 hours distributing yellow ribbons around our
18 state to heighten awareness of and express
19 support for our servicemen and -women who serve
20 our country, as well as to promote unity and
21 respect for our brave military members who
22 defend our liberty.

23 One of those patriotic individuals
24 who is devoted to and leading this important
25 cause is with us today. That individual is

1 Carol Pingelski Hotaling, popularly known as the
2 Yellow Ribbon Lady.

3 Carol Pingelski Hotaling, who's
4 sitting up front, is a tireless, passionate and
5 powerful advocate of Yellow Ribbon Day. She is a
6 true patriot who always puts our country and our
7 men and women who defend it first. She shared
8 with me that former Senate Republican Majority
9 Leader and my good friend Senator Joe Bruno
10 advanced the first Senate resolution on this
11 issue back on March 21, 2006.

12 Carol Pingelski Hotaling also
13 mentioned that March 21, 2008, is the anniversary
14 of the finding of the remains of Matt Maupin, a
15 POW in Iraq, and the first since the Vietnam War.

16 She is advocating for Yellow Ribbon
17 Day to become a national day, and she has been
18 urging members of Congress to support this
19 important nonpartisan effort.

20 Many in this chamber will recall
21 that during the Iranian hostage crisis, when
22 52 of our fellow Americans were held captive for
23 444 days, yellow ribbons were tied around trees
24 as a symbol of national unity and remembrance for
25 our fellow Americans. And during the first

1 Persian Gulf War, Americans again tied yellow
2 ribbons around trees and wore yellow ribbons on
3 their lapels also to showcase our solidarity and
4 support for our troops serving in harm's way.

5 We must never forget the servicemen
6 and -women who heroically, faithfully and
7 courageously serve our country. No greater debt
8 is owed than that owed to those who gave their
9 lives for their beloved nation and to those who
10 continue to be missing in action. American
11 former prisoners of war are heroes whose service
12 to our country will never be forgotten. These
13 brave men and women fought for their country and
14 endured cruelties and deprivation as they helped
15 protect our nation, liberating millions from
16 tyranny and terror, advancing the cause of
17 freedom worldwide.

18 We are the land of the free because
19 of our brave, the courageous men and women who
20 defend our nation and preserve the liberties
21 enshrined in our Constitution. These are the
22 true heroes that dedicated patriots like Carol
23 Pingelski Hotaling and Yellow Ribbon Day seek to
24 honor. I thank her for her dedication, devotion
25 and leadership on this important cause.

1 With Carol Pingelski Hotaling
2 today -- and I would ask if you would stand --
3 are Staff Sergeant John Cox and Staff Sergeant
4 Stephanie Lambert, both of whom are with Stratton
5 Air National Guard's 109th Air Lift Wing in
6 Scotia; United States Army recruiter Staff
7 Sergeant Leonard W. Doan; and my constituent,
8 Jamie Margelot, of East Nassau, who has been a
9 strong supporter of this effort.

10 Also with us on the Senate floor
11 today are Halfmoon Town Supervisor Kevin Tollisen
12 and Halfmoon Deputy Town Supervisor and Town
13 Councilman Paul Hotaling, who is Carol Pingelski
14 Hotaling's son. Both Supervisor Tollisen and
15 Deputy Supervisor Hotaling are also from my
16 hometown of Halfmoon.

17 Madam President and my colleagues,
18 please give Carol Pingelski Hotaling and all of
19 these guests a round of applause for their
20 support of Yellow Ribbon Day.

21 Thank you, and thank you for your
22 support.

23 (Standing ovation.)

24 ACTING PRESIDENT HELMING: Senator
25 Tedisco.

1 SENATOR TEDISCO: Thank you, Madam
2 President.

3 I want to welcome Carol and her
4 outstanding military personnel, our councilman
5 and our supervisor.

6 I had the opportunity to represent
7 Halfmoon, albeit for a very short period of time.
8 But it's a wonderful town, it's got wonderful
9 leadership. And of course it's got a wonderful
10 First Lady, who I believe does live in my
11 district.

12 And you know, we have the best, the
13 brightest, most courageous and compassionate
14 fighting force for good in the world, and these
15 are a part of them. Yesterday we saluted the
16 UMAC organization, which is all our military
17 bases in the Capital Region, not only protecting
18 our freedom and liberty, but \$1 billion is put
19 into the economy because of the work they do in
20 this particular region.

21 But that pales in terms of the
22 sacrifice that these individuals make for us,
23 putting their total lives on the line, their
24 families, who they have to leave, who stand up
25 for them and support them all the way.

1 And Carol is an example of always
2 giving us the opportunity to remember and be
3 reminded. We may not think about them being in
4 harm's way, but every single day around this
5 globe there are men and women representing the
6 foundation that makes us the greatest nation in
7 the world, and that's our freedom and liberty.
8 And they're willing to sacrifice everything so we
9 can have everything. And that's all the glorious
10 parts of the great Constitution that gives us
11 those freedoms and liberties from a higher power
12 up above.

13 So Carol, thank you so much for
14 doing that, for starting that a while back and
15 prevailing and continuing to do it every year,
16 and reminding us every year that before we put
17 our feet on the ground maybe when we say our
18 prayers, even before we get out of our napping,
19 our sleeping and get up in the morning, we should
20 thank God for our veterans, our men and women who
21 are in the past, present and in the future will
22 retain the great freedoms and liberties we have.

23 So God bless you, Carol, and God
24 bless our men and women of the armed forces. And
25 God bless the United States of America.

1 Thank you for being here today.

2 ACTING PRESIDENT HELMING: Senator
3 Little on the resolution.

4 SENATOR LITTLE: Thank you, Madam
5 President.

6 You know, when this first began,
7 whether you tied a yellow ribbon around a big oak
8 tree or wore a yellow ribbon, it reminded
9 everyone that we had men and women who were
10 serving our country and were a long ways from
11 home.

12 The good news today is we don't have
13 as many who are as far away from home -- Iraq,
14 Syria, all of those places, as we did then. But
15 we still have men and women who are dedicating
16 their lives to our country and putting themselves
17 at risk. And each of these men who are here
18 today, and those who are serving, know that in
19 any given day they may be called upon to make the
20 ultimate sacrifice. And they're willing to do
21 it.

22 So I thank them, I thank Carol for
23 this wonderful opportunity that people have
24 through the years to be able to express our
25 support for our men and women who are serving our

1 country a long ways from home. Thank you very
2 much.

3 ACTING PRESIDENT HELMING: Thank
4 you, Senator Little.

5 Seeing there are no other members
6 wishing to speak on this resolution, I'd like to
7 extend, on behalf of New York State Senate, our
8 warmest welcome to our guests today. Thank you
9 for your service and your sacrifice to this great
10 country of ours.

11 And Carol, thank you so much for
12 carrying on the tradition of the yellow ribbon.
13 As a mother-in-law with my son-in-law serving
14 overseas, I just want to thank you so much. It
15 means so much that people remember our servicemen
16 and -women.

17 To all of you, I extend the
18 privileges and courtesies of this floor. And
19 again, thank you.

20 (Applause.)

21 ACTING PRESIDENT HELMING: Senator
22 DeFrancisco.

23 SENATOR DeFRANCISCO: That
24 resolution is open for cosponsorship. Anybody
25 who would like to cosponsor, please provide your

1 name at the desk.

2 ACTING PRESIDENT HELMING: If you'd
3 like to cosponsor this resolution, please notify
4 the desk. Thank you.

5 SENATOR DeFRANCISCO: Now can we
6 take up the noncontroversial reading of the
7 calendar.

8 ACTING PRESIDENT HELMING: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 292, by Senator Boyle, Senate Print 5243A, an act
12 to amend the Tax Law.

13 ACTING PRESIDENT HELMING: Read the
14 last section.

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

17 ACTING PRESIDENT HELMING: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT HELMING: Announce
21 the result.

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT HELMING: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 435, by Senator Jacobs, Senate Print 6696, an act
2 to amend the Alcoholic Beverage Control Law.

3 ACTING PRESIDENT HELMING: Read the
4 last section.

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

7 ACTING PRESIDENT HELMING: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT HELMING: Please
11 announce the result.

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT HELMING: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 565, by Senator Phillips, Senate Print 6806, an
17 act authorizing.

18 ACTING PRESIDENT HELMING: Read the
19 last section.

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

22 ACTING PRESIDENT HELMING: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT HELMING: Announce

1 the result.

2 THE SECRETARY: Ayes, 55. Nays, 3.
3 Senators Akshar, Bonacic and O'Mara recorded in
4 the negative.

5 ACTING PRESIDENT HELMING: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 606, by Senator Tedisco, Senate Print 5369, an
9 act to amend the Vehicle and Traffic Law.

10 ACTING PRESIDENT HELMING: Read the
11 last section.

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

14 ACTING PRESIDENT HELMING: Please
15 call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT HELMING: Announce
18 the result.

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT HELMING: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 647, by Senator Alcantara, Senate Print 793, an
24 act to amend the Public Housing Law.

25 ACTING PRESIDENT HELMING: Read the

1 last section.

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

4 ACTING PRESIDENT HELMING: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT HELMING: Announce
8 the result.

9 THE SECRETARY: Ayes, 57. Nays, 1.
10 Senator Gallivan recorded in the negative.

11 ACTING PRESIDENT HELMING: The bill
12 is passed.

13 That completes the noncontroversial
14 reading of the calendar.

15 Senator DeFrancisco.

16 SENATOR DeFRANCISCO: Yes, would
17 you please call an immediate meeting of the
18 Finance Committee in Room 332.

19 ACTING PRESIDENT HELMING: There
20 will be an immediate meeting of the Finance
21 Committee in Room 332 of the Capitol.

22 The Senate will stand at ease.

23 SENATOR DeFRANCISCO: And for
24 information purposes, there will be one bill
25 coming out of the Finance Committee that we'll

1 take up today.

2 (Whereupon, the Senate stood at ease
3 at 11:08 a.m.)

4 (Whereupon, the Senate reconvened at
5 11:17 a.m.)

6 ACTING PRESIDENT HELMING: Senator
7 DeFrancisco.

8 SENATOR DeFRANCISCO: Can we go
9 back to motions and resolutions.

10 ACTING PRESIDENT HELMING: Motions
11 and resolutions.

12 SENATOR DeFRANCISCO: Thank you.

13 On page 50, I offer the following
14 amendments to Calendar Number 646, Senate Print
15 631, by Senator Boyle, and ask that that bill
16 retain its place on the Third Reading Calendar.

17 ACTING PRESIDENT HELMING: So
18 ordered.

19 SENATOR DeFRANCISCO: Now,
20 Madam President, is there a report of the
21 Finance Committee at the desk?

22 ACTING PRESIDENT HELMING: Yes,
23 there is.

24 SENATOR DeFRANCISCO: And could we
25 hear that report.

1 ACTING PRESIDENT HELMING: The
2 Secretary will read.

3 THE SECRETARY: Senator Young, from
4 the Committee on Finance, reports the following
5 bill direct to third reading:

6 Senate Print 7502, Senate Budget
7 Bill, an act making appropriations.

8 SENATOR DeFRANCISCO: I move to
9 accept the report of the Finance Committee.

10 ACTING PRESIDENT HELMING: All
11 those in favor?

12 (Response of "Aye.")

13 ACTING PRESIDENT HELMING: Opposed?

14 (No response.)

15 ACTING PRESIDENT HELMING: The
16 report is accepted.

17 SENATOR DeFRANCISCO: All right.
18 Now can we go to Senate Supplemental Calendar
19 Number 24A, please, and do the noncontroversial
20 reading.

21 ACTING PRESIDENT HELMING: The
22 Secretary will read.

23 THE SECRETARY: On page 1, Senator
24 Young moves to discharge, from the Committee on
25 Finance, Assembly Bill Number 9502 and substitute

1 it for the identical Senate Bill 7502, Third
2 Reading Calendar 726.

3 ACTING PRESIDENT HELMING: The
4 substitution is ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number
7 726, Assembly Budget Bill, Assembly Print 9502,
8 an act making appropriations.

9 ACTING PRESIDENT HELMING: Read the
10 last section.

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

13 ACTING PRESIDENT HELMING: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT HELMING: Please
17 announce the results.

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT HELMING: The bill
20 is passed.

21 SENATOR DeFRANCISCO: Madam
22 President, is there any further business at the
23 desk?

24 ACTING PRESIDENT HELMING: There is
25 no further business before the desk.

1 SENATOR DeFRANCISCO: In that case,
2 I move to adjourn until Monday, March 26th, at
3 3:00 p.m., intervening days being legislative
4 days.

5 ACTING PRESIDENT HELMING: On
6 motion, the Senate stands adjourned until Monday,
7 March 26th, at 3:00 p.m., intervening days being
8 legislative days.

9 (Whereupon, at 11:20 a.m., the
10 Senate adjourned.)
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