

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9 January 6, 2016

10 12:26 p.m.

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14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

19 FRANCIS W. PATIENCE, Secretary

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

2 THE PRESIDENT: The Senate will
3 come to order.

4 I ask everyone to once again 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 THE PRESIDENT: Today we are
10 joined by His Eminence Timothy Cardinal Dolan,
11 archbishop of the Roman Catholic Diocese of
12 New York. He will give our invocation.

13 CARDINAL DOLAN: You'll understand
14 my dependence for prayer at this historic
15 moment, and my dependence upon God's own
16 inspired word in the Bible, the Jewish author of
17 the Book of Wisdom, Chapter 9. Let us pray.

18 God of our ancestors, Lord of
19 mercy, You who have made all things by Your word
20 and in Your wisdom have established us to rule
21 and to serve the creatures produced by You, to
22 govern the world in holiness and justice, and to
23 render judgment with integrity of heart. Give
24 us wisdom, wisdom, the attendant at Your throne,
25 and reject us not from among Your people, for we

1 are but Your servants, weak and short-lived,
2 lacking in comprehension and judgment. Indeed,
3 though one be perfect among people, if wisdom,
4 who comes from You, be not with him, he shall be
5 held in no esteem.

6 With You is wisdom, who knows Your
7 works and was present when You made the world,
8 who understands what is pleasing in Your eyes
9 and what is conformable with Your commandments.
10 Send her forth from Your holy heaven and from
11 Your glorious throne dispatch her, that she may
12 be with us and work with us, that we may know
13 what is Your will. For she knows and
14 understands all things, and will guide us
15 discreetly in our affairs and safeguard us by
16 her glory.

17 Let us pray. You heard us, dear
18 Lord. We need wisdom as we open this
19 legislative session. Wisdom to know right from
20 wrong, to serve You and our people with
21 integrity and honor. Wisdom to work hard for
22 the sake of others, to keep our word and
23 vindicate the trust of our people. Wisdom to
24 listen attentively and speak civilly and
25 purposefully to pursue justice, with special

1 attention to babies and children, the poor, the
2 sick, our elders. Wisdom to pray often and ask
3 the forgiveness of You and people we might harm.

4 To admit we need Your help and
5 inspiration is the beginning of wisdom itself,
6 dear God, and that we do this historic afternoon
7 as we reverently open this legislative year.

8 You who live and reign forever and
9 ever, amen.

10 Happy New Year.

11 (Applause.)

12 THE PRESIDENT: The Secretary will
13 call the roll to ascertain a quorum.

14 THE SECRETARY: Senator Addabbo.

15 SENATOR ADDABBO: Here.

16 THE SECRETARY: Senator Akshar.

17 SENATOR AKSHAR: Here.

18 THE SECRETARY: Senator Amedore.

19 SENATOR AMEDORE: Here.

20 THE SECRETARY: Senator Avella.

21 SENATOR AVELLA: Here.

22 THE SECRETARY: Senator Bonacic.

23 SENATOR BONACIC: Here.

24 THE SECRETARY: Senator Boyle.

25 SENATOR BOYLE: Here.

1 THE SECRETARY: Senator Breslin.
2 SENATOR BRESLIN: Here.
3 THE SECRETARY: Senator Carlucci.
4 SENATOR CARLUCCI: Here.
5 THE SECRETARY: Senator Comrie.
6 SENATOR COMRIE: Present.
7 THE SECRETARY: Senator Croci.
8 SENATOR CROCI: Here.
9 THE SECRETARY: Senator
10 DeFrancisco.
11 SENATOR DeFRANCISCO: Here.
12 THE SECRETARY: Senator Díaz.
13 SENATOR DIAZ: Present.
14 THE SECRETARY: Senator Dilan.
15 SENATOR DILAN: Here.
16 THE SECRETARY: Senator Espaillet.
17 (No response.)
18 THE SECRETARY: Senator Farley.
19 SENATOR FARLEY: Here.
20 THE SECRETARY: Senator Felder.
21 SENATOR FELDER: Here.
22 THE SECRETARY: Senator Flanagan.
23 SENATOR FLANAGAN: Here.
24 THE SECRETARY: Senator Funke.
25 SENATOR FUNKE: Here.

1 THE SECRETARY: Senator Gallivan.
2 SENATOR GALLIVAN: Here.
3 THE SECRETARY: Senator Gianaris.
4 SENATOR GIANARIS: Here.
5 THE SECRETARY: Senator Golden.
6 SENATOR GOLDEN: Here.
7 THE SECRETARY: Senator Griffo.
8 SENATOR GRIFFO: Here.
9 THE SECRETARY: Senator Hamilton.
10 SENATOR HAMILTON: Here.
11 THE SECRETARY: Senator Hannon.
12 SENATOR HANNON: Here.
13 THE SECRETARY: Senator
14 Hassell-Thompson.
15 SENATOR HASSELL-THOMPSON: Here.
16 THE SECRETARY: Senator Hoylman.
17 (No response.)
18 THE SECRETARY: Senator Kennedy.
19 SENATOR KENNEDY: Here.
20 THE SECRETARY: Senator Klein.
21 SENATOR KLEIN: Here.
22 THE SECRETARY: Senator Krueger.
23 SENATOR KRUEGER: Here.
24 THE SECRETARY: Senator Lanza.
25 SENATOR LANZA: Here.

1 THE SECRETARY: Senator Larkin.

2 SENATOR LARKIN: Present.

3 THE SECRETARY: Senator Latimer.

4 SENATOR LATIMER: Here.

5 THE SECRETARY: Senator LaValle.

6 SENATOR LaVALLE: Here.

7 THE SECRETARY: Senator Little.

8 SENATOR LITTLE: Here.

9 THE PRESIDENT: Senator
10 DeFrancisco, a quorum is present.

11 SENATOR DeFRANCISCO: Thank you,
12 Madam President.

13 Could you please recognize
14 Senator Flanagan for a moment.

15 THE PRESIDENT: Senator Flanagan.

16 SENATOR FLANAGAN: Thank you,
17 Senator DeFrancisco. Thank you, Madam President.
18 And welcome back, everybody.

19 But, Cardinal, I'm going to
20 interrupt you for a moment. If you wouldn't mind
21 just coming into the middle of the chamber for a
22 moment, please.

23 Senator Akshar.

24 I understand that you have a
25 penchant for good food, and this is a --

1 CARDINAL DOLAN: (Inaudible.)

2 (Laughter.)

3 SENATOR FLANAGAN: I took a wild
4 guess.

5 Senator Akshar, who's our newest
6 member, just we want to, on behalf of the State
7 Senate, present you with a token of our
8 appreciation for your being with us today.

9 And just so everyone knows, these
10 are personalized M&Ms --

11 (Laughter.)

12 SENATOR FLANAGAN: -- that not only
13 say "Thank You," they say "Cardinal Dolan,"
14 there's a cross on a number of them. And most
15 importantly, there's a lot of cardinal-red M&Ms
16 in that bag.

17 CARDINAL DOLAN: Well, I'm still
18 going to eat them.

19 (Laughter; applause.)

20 SENATOR DeFRANCISCO: Madam
21 President, at this time would you please call on
22 Senator Stewart-Cousins to introduce a new member
23 of the Senate.

24 THE PRESIDENT: Senator
25 Stewart-Cousins.

1 SENATOR STEWART-COUSINS: Thank
2 you, Madam President.

3 It's my honor to introduce our
4 newest Senate Democratic Conference member,
5 Roxanne Persaud, 19th District in Brooklyn.

6 Senator Persaud.

7 (Applause.)

8 THE PRESIDENT: Floor Leader.

9 SENATOR DeFRANCISCO: Madam
10 President, would you now again recognize
11 Senator Flanagan for an introduction of a new
12 member on this side of the aisle.

13 THE PRESIDENT: Senator Flanagan.

14 SENATOR FLANAGAN: Thank you, Madam
15 President.

16 It is my privilege and honor and
17 great joy to welcome our newest colleague to our
18 conference, a gentleman who hails from the
19 Southern Tier, has distinguished himself already
20 as a great member of our conference. His name is
21 Fred Akshar, and he comes with a terrific
22 background, very diverse experience, terrific
23 family, steeped in law enforcement.

24 And the first time I met with Fred,
25 I'm just going to say this, I asked him what his

1 top priorities were. And the first thing he said
2 to me was heroin and opioid addiction. And I
3 thought that was very telling and compelling that
4 that would be what he would talk about, because
5 that is in some sense unconventional. That just
6 happened to be a private meeting.

7 He spent 15 years as a deputy
8 sheriff, has distinguished himself in the public
9 sector long before he joined the Senate.

10 So, Senator Akshar, welcome and
11 thank you for being part of our conference.

12 (Applause.)

13 SENATOR DeFRANCISCO: Madam
14 President, would you now proceed to the regular
15 order of business.

16 THE PRESIDENT: Thank you,
17 Mr. Floor Leader.

18 As is custom, I am honored as
19 Lieutenant Governor to have the courtesy extended
20 to me to deliver brief welcoming remarks to this
21 body. So I'm delighted to welcome all of you to
22 the 239th session of the Senate. And I also want
23 to tell you what a privilege it has been to work
24 with each of you and our Governor, Andrew Cuomo.

25 And I hope that as you walk into

1 this magnificent room that you never lose the
2 sense of awe that you must have felt your first
3 time coming here to represent the people of your
4 district. And whether you've been here 39 or so
5 years, like Senator Farley or Senator LaValle, or
6 just a matter of hours, like our newest members,
7 Senators Akshar and Persaud, I want to make sure
8 that you never lose that sense of honor and awe
9 that you have in this room.

10 And also never forget what first
11 drew you to public service, whether it was some
12 injustice in your district that you wanted to
13 right, whether it was some challenge your
14 community faced that you felt you needed to fight
15 for, or perhaps you simply had a desire to leave
16 the world a better place.

17 And I, for one, drew my inspiration
18 from my parents, who started life in a trailer
19 outside Buffalo, New York, near the Bethlehem
20 Steel plant. And on my refrigerator I'll never
21 forget there was a little sign that said "Go into
22 the world and do well. But more importantly, go
23 into the world and do good."

24 So perhaps we can all unite behind
25 the maxim of doing good for the world and doing

1 good for the people of this state, so we know
2 when we enter these halls we can remain true to
3 our values and to our constituents and to our
4 geographic boundaries.

5 But ultimately we do share a common
6 bond. And as the Governor frequently reminds us,
7 we share a name, and that is New Yorkers. And
8 through our willingness to set aside our
9 differences, roll up our sleeves and work
10 together, we will once again earn and deserve the
11 respect of the people who sent us to this body,
12 who put their faith in each of us.

13 As I traveled the 62 counties this
14 past year, I can't forget the people whose faces
15 I saw who touched my life profoundly, giving me a
16 glimpse into their worlds. Sharing tears with
17 the wife and children of someone being deployed
18 from Fort Drum. Reading to a toddler in a
19 homeless shelter in Buffalo. Talking to
20 concerned business owners along Main Streets in
21 Long Island. And watching in awe of a 30-year
22 schoolteacher veteran as she embraced pre-K
23 students in Plattsburgh to give them a new
24 chance.

25 Those are the 19 million people that

1 we represent here today, not ourselves. They are
2 the reason we are here.

3 And I will close by saying last week
4 I watched as Cardinal Dolan welcomed all of us to
5 St. Patrick's Cathedral for a very sad occasion.
6 It was the mourners of Detective Joseph Lemm, who
7 we lost in conflict in Afghanistan. But
8 afterward I noticed that the Cardinal wrote a
9 column, and he called it "A year of trials gone
10 by, a year of hope ahead." Interesting title.

11 But His Eminence said: "We have a
12 God of second chances, a Lord who never tires of
13 giving us a fresh start." Well, that is why we
14 stand here today. We're closing the door on
15 2015, optimistic about the promise of this new
16 year, our fresh start.

17 And while it may seem an eternity
18 away on this cold day, let's look with
19 anticipation to that day six months from now when
20 we close this chapter and we ask ourselves, did
21 we make a positive difference in the lives of
22 New Yorkers while we sat in this room? And I say
23 let the answer be a resounding yes, we did.

24 Thank you for the privilege of
25 addressing you today.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: Yes, can we
3 now proceed to the regular order of business.

4 THE PRESIDENT: Presentation of
5 petitions.

6 Messages from the Assembly.

7 Messages from the Governor.

8 Reports of standing committees.

9 Reports of select committees.

10 Communications and reports from
11 state officers.

12 Motions and resolutions.

13 Floor Leader.

14 SENATOR DeFRANCISCO: Madam
15 President, there's a resolution at the desk. And
16 I'd ask that it be read in its entirety and move
17 for its immediate adoption.

18 THE PRESIDENT: The Secretary will
19 read.

20 THE SECRETARY: Senate Resolution
21 by Senators Flanagan and Klein, directing the
22 Temporary President to appoint a committee of
23 three to inform the Governor that the Senate is
24 organized and ready to proceed with business.

25 "RESOLVED, Directing the Temporary

1 President to appoint a committee of three
2 compromised of Senator Akshar, Senator Savino,
3 and Senator Comrie, for the purpose of informing
4 the Governor that the Senate is organized and
5 ready to proceed with business."

6 THE PRESIDENT: The question is on
7 the resolution. All those in favor signify by
8 saying aye.

9 (Response of "Aye.")

10 THE PRESIDENT: Opposed, nay.

11 (No response.)

12 THE PRESIDENT: The ayes have it.
13 The resolution is adopted.

14 Senators Akshar, Savino and Comrie
15 are appointed to inform the Governor that the
16 Senate is assembled and ready to proceed with
17 business.

18 Mr. Floor Leader.

19 SENATOR DeFRANCISCO: Madam
20 President, I believe there's another resolution
21 at the desk. I request that it be read in its
22 entirety and moved.

23 THE PRESIDENT: The Secretary will
24 read.

25 THE SECRETARY: Senate Resolution

1 by Senators Flanagan and Klein, directing the
2 Temporary President to appoint a committee of
3 three to wait upon the Assembly and inform that
4 body that the Senate is assembled and ready to
5 proceed with business.

6 "RESOLVED, Directing the Temporary
7 President to appoint a committee of three
8 comprised of Senator Croci, Senator Carlucci, and
9 Senator Persaud, for the purpose of waiting upon
10 the Assembly and informing that body that the
11 Senate is assembled and ready to proceed with
12 business."

13 THE PRESIDENT: The question is on
14 the resolution. All those in favor signify by
15 saying aye.

16 (Response of "Aye.")

17 THE PRESIDENT: Opposed, nay.

18 (No response.)

19 THE PRESIDENT: The ayes have it.
20 The resolution is adopted.

21 Senators Croci, Carlucci and Persaud
22 are appointed to wait upon the Assembly to inform
23 them that the Senate is assembled and ready to
24 proceed with business.

25 Mr. Floor Leader.

1 SENATOR DeFRANCISCO: Madam
2 President, would you now recognize Senator
3 Stewart-Cousins for opening remarks.

4 THE PRESIDENT: Senator
5 Stewart-Cousins.

6 SENATOR STEWART-COUSINS: Thank
7 you, Madam President.

8 And again, it's wonderful to be
9 back. And Happy New Year to all. It's certainly
10 an honor to welcome you, Senator Akshar, and to
11 once again welcome Senator Roxanne Persaud.

12 When we began the introduction, I
13 didn't tell you that she came to us by way of the
14 Assembly and by way, before that, of tremendous
15 community service. She has been a committed
16 advocate, and I think we might have even had an
17 opportunity to see how she conducts herself.
18 Because there's been a difficult time, and she's
19 been the topic of many conversations, and the
20 professionalism, the courage that she shows I
21 think is incredible.

22 So again, welcome her. Her family
23 is here. And we expect great things from you and
24 certainly from all of us here today.

25 Senator DeFrancisco, good to see you

1 in your new role. Congratulations. And look
2 forward to working with you as deputy leader
3 with, of course, my deputy.

4 And it's wonderful again to be back,
5 Senator Flanagan and Senator Klein. I'm looking
6 forward to a very, very good year. It's clearly
7 the time that we have to come together. It's a
8 new year, it's a new session. And as always, it
9 serves as a restart button. It's a time to
10 refresh our commitment to this great state
11 and to the people we serve.

12 And we are pressing a restart from a
13 year that -- last year was extremely interesting.
14 And I don't have to tell you it was a year that
15 was filled with scandal. And I believe it was a
16 year that would make all of us, as elected
17 officials, angry.

18 The people of this State of New York
19 are looking at us to take concrete action. So we
20 have a responsibility and an opportunity, once
21 again, not to bury our heads in the sand and act
22 like nothing is wrong. This is the time to get
23 serious. This is the time to express our anger
24 and to turn that anger into legislative action.
25 It's time for us to have a major rehaul of our

1 Ethics Law and finally -- finally -- let Albany
2 be an example of good government.

3 We have to restrict, limit outside
4 income, because we're here to serve the public.
5 We need to do that. We have to stop using our
6 campaign funds as ATM machines, those of us who
7 do. Again, the majority of us are here doing
8 what we have to do for the public. But the
9 public needs to know that we hear what they're
10 saying and that we reflect what they're thinking.

11 We have to close the outrageous LLC
12 loopholes, and we have to change our campaign
13 finance system. We can move on ethics right
14 away. We can show the people of New York we're
15 about doing their business and deserving of their
16 trust. You know, year after year our conference
17 presents new ethics -- we have so many different
18 things we could do. We've just got to come
19 together and start doing something. This is the
20 time.

21 And when we do that and when we
22 prove that we can come together because we
23 recognize what people care about, we can also,
24 also do the other things people care about. We
25 know what we're dealing with in terms of raising

1 the minimum wage yet again, because we are still
2 talking about millions of New Yorkers in
3 bone-crushing poverty. And we have to lift
4 people up.

5 And I'm happy that the Governor has
6 joined this fight and is leading it. I hope that
7 we will not disappoint impoverished working
8 New Yorkers once again. Let's raise the minimum
9 wage, let's index it, let's make work dignified.

10 We also have to go back, dare I say,
11 to health and equality of women in New York. I'd
12 like to pass a real -- not watered-down -- entire
13 Women's Equality Act.

14 We need to -- and I know, Senator
15 Akshar, you care about addiction. And so we have
16 to help those struggling with addiction,
17 including the horrible heroin scourge that's
18 devastating our communities across the state. I
19 hope we can get together and do those things.

20 And then we have our children. We
21 have to make sure that all New York children have
22 access to quality education. They deserve
23 everything we can do to help them build a
24 foundation in this global economy. And we have
25 to make sure that higher education is accessible

1 and affordable to all of our kids.

2 We have to make sure that everyone
3 has an affordable roof over their heads that they
4 can call home. And when we invest in crumbling
5 infrastructure, let's not forget to rebuild not
6 only our roads and bridges but our schools across
7 New York State, and truly make New York the
8 Empire State.

9 Senator Flanagan, the Democratic
10 Conference stands ready to work with you on these
11 and all of the issues. Together we will give all
12 New Yorkers the responsible and productive
13 government they deserve. The Democratic
14 Conference stands ready to work with all of our
15 Senators regardless of party affiliation.

16 So that being said, let's get to
17 work. Happy New Year. Thank you.

18 (Standing ovation.)

19 THE PRESIDENT: Thank you, Senator
20 Stewart-Cousins.

21 Senator DeFrancisco.

22 SENATOR DeFRANCISCO: Madam
23 President, would you please recognize Senator
24 Klein for a brief -- I don't know if they're
25 brief or not, but for opening remarks. Thank

1 you.

2 (Laughter.)

3 THE PRESIDENT: Yes. Senator
4 Klein.

5 SENATOR KLEIN: Thank you,
6 Madam President. Thank you very much.

7 I want to say a very special thank
8 you to our Majority Leader, John Flanagan. I
9 want to thank him most of all for his spirit of
10 bipartisanship, and also for the new furniture.

11 (Laughter.)

12 SENATOR KLEIN: I also want to
13 thank the Minority Leader of our institution,
14 Senator Andrea Stewart-Cousins, for her
15 leadership as well.

16 And I too want to welcome the new
17 members of the Senate. First, Senator Roxanne
18 Persaud, I thank you for your leadership and your
19 courage, and I look forward to working with you
20 on Day One on meaningful and effective gun
21 control laws. I thank you for that.

22 I also want to welcome Senator Fred
23 Akshar. Your law enforcement background I think
24 is going to prove very, very useful in making
25 sure New Yorkers are safer when they go to sleep

1 at night. Thank you for your service.

2 I also want to thank our Lieutenant
3 Governor, Kathy Hochul, who has spent, I think
4 since we left here, each and every day visiting
5 every area of the state. She truly is probably
6 one of the most hardest-working public officials
7 I ever met.

8 I also want to thank Cardinal Dolan
9 for addressing us today. He's certainly an
10 inspiration to all of us.

11 And I also want to thank the
12 hardest-working members, I believe, of the
13 New York State Senate, the members of the
14 Independent Democratic Conference. I want to
15 thank Senators Valesky, Savino, Carlucci and
16 Avella. Thank you for your dedicated service.

17 I think it was said before, but I
18 think we are really entering, I think, sort of a
19 turning point in the State Senate. And I think
20 it's incumbent upon all of us to work together to
21 sort of regain the voters' trust. I think the
22 way we do that is by getting to work and doing
23 the people's business. But I also think we need
24 to reform this very institution, both the Senate
25 as well as the Assembly.

1 The Independent Democratic
2 Conference this summer has been working on a
3 whole host of different issues, but one thing I
4 want to single out is something I got involved
5 in, along with my colleague Senator Valesky, in
6 fighting K2, otherwise known as synthetic
7 marijuana. This is something that is killing our
8 young people throughout our state, unfortunately
9 is still legal in New York.

10 I have passed in the State Senate
11 overwhelmingly for the past three years a way we
12 can ban all types of synthetic drugs. But now I
13 think the clarion call has to go to the Assembly
14 to finally pass this analog bill and keep our
15 young people safe.

16 The Independent Democratic
17 Conference also laid out this year -- and we're
18 officially doing it tomorrow, but this is sort of
19 a preview of a blueprint for a better New York
20 which we're calling New York 2020. We have
21 Educate New York 2020, House New York 2020,
22 Work New York 2020 and of course Live New York
23 2020.

24 And I think one of the things that
25 we start off with is our bold education plan. I

1 think it's a way to invest in our students, a
2 very important way to invest in our students,
3 through expanding after-school opportunities.
4 Our program will allow 1.2 million children in
5 New York State to attend an after-school program
6 of real, meaningful activity, which they don't
7 have right now.

8 We also have to make sure that we
9 don't stop just with lower-level education, but
10 with college. I think we've been saying this
11 time and time again, it's not only a New York
12 problem, but probably a problem across the
13 United States, of the high cost of college
14 education. We're proposing something that I
15 think is going to finally deal with the problem.

16 We're introducing a zero-interest
17 loan program called the New York Achieve Loan
18 Program, which will actually create no-interest
19 loans for students to actually achieve the
20 American dream of a college education.

21 We also have a House New York plan
22 which calls for more investment in the New York
23 City Housing Authority developments, as well as
24 to revamp the Mitchell-Lama 2020 program, which
25 we effectively got into the budget last year.

1 The best way we can actually make sure that we
2 have affordable housing is to reinvigorate this
3 very important program, which allows various
4 income levels, different tiers, to live under one
5 roof and live affordably.

6 One of the things that I think is
7 extremely important, that we can no longer
8 ignore, is making sure we get more and more
9 New Yorkers back to work. We need to do paid
10 family leave. It's become, I think, something
11 that is crucial to New Yorkers. This is a
12 national issue. I've been pushing it now for the
13 past three years. And I think what we need to do
14 is finally get it done now.

15 There's no way we should put
16 New Yorkers in a position to act accordingly to
17 what their heart tells them to do but what their
18 pocketbook allows them to do. They have to be
19 able to take care of a sick loved one -- a
20 parent, a grandparent. They have to be able to
21 bond with a newborn. This is something that's
22 crucial. So we're calling for a 12-week paid
23 family leave program to happen finally here in
24 New York State.

25 Last year we were probably one of

1 the first that talked about the infrastructure
2 needs, not only in downstate but upstate and
3 really everywhere in between. And I think the
4 way we actually finally invest in our
5 infrastructure across the State of New York is to
6 do it in a way where we create a revolving loan
7 fund so the money is there year after year and we
8 tie it to good-paying jobs.

9 This is the New Deal. I know some
10 of my Republican colleagues maybe don't like that
11 word. But you know something, I think now is the
12 time to not only create or recreate the New Deal,
13 but actually improve our infrastructure statewide
14 and make sure we create good-paying jobs in the
15 process.

16 We have to do something about
17 childcare. Childcare is beyond the reach of most
18 couples. And at the same time we have to not
19 only guarantee that childcare is affordable, we
20 have to make sure it's safe. That's something
21 that the Independent Democratic Conference is
22 pushing for as well.

23 As I said before, I think this is
24 the way we restore the voters' trust, by truly
25 doing the people's business in a bipartisan way.

1 But at the same time we really have to
2 restructure our institution.

3 When we left here I called for a ban
4 on outside income. I tried to lead by example by
5 divesting from my law firm which I had for
6 15 years. I love practicing law, and I know many
7 of you love it as well. But at the same time, I
8 think we've come to a time where we have to make
9 a choice: Are we going to be full-time
10 legislators and serve the people full-time, or
11 are we going to do it part-time? I think clearly
12 what the voters want and what the people deserve
13 is a full-time legislature and banning all
14 outside income.

15 So I think we laid out, I think, a
16 robust agenda. I think if any year is the year
17 that we have to truly get to work, it's now.

18 So again, I want to thank my
19 colleagues on both sides of the aisle. And I
20 think the way we restore the voters' trust is to
21 once again do the people's business and do it
22 quickly.

23 Thank you, Senator Flanagan.

24 (Standing ovation.)

25 THE PRESIDENT: Thank you,

1 Senator Klein.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: Madam
4 President, would you now recognize
5 Senate Majority Leader John Flanagan for his
6 opening remarks.

7 THE PRESIDENT: Senator Flanagan.

8 SENATOR FLANAGAN: Thank you.
9 Thank you, Senator DeFrancisco.

10 Madam President, it's nice to see
11 you presiding today. I wish good things for you
12 this year and for your colleague, commonly known
13 as Governor Andrew Cuomo. We have proven that we
14 can work together, and when we do so on behalf of
15 the people of this great state, things tend to
16 work out much more positively.

17 I don't know if he -- I don't see
18 him in here, but I want to speak about a couple
19 of people first.

20 Senator Persaud, I apologize for not
21 properly recognizing you before. Welcome. I
22 hope you have a prosperous 2016.

23 I want to thank my colleagues
24 Senator Andrea Stewart-Cousins, Senator Jeff
25 Klein, the leader of the IDC, Floor Leader Mike

1 Gianaris for their work in the past. And I think
2 there are a number of things that we need to
3 reflect on and keep in mind.

4 But before I go into that, there's a
5 gentleman who actually helps run this place.
6 He's commonly known as the Secretary of the
7 Senate. Frank Patience does a great job on
8 behalf of all the members, and a lot of the good
9 things that you've seen done are with he and his
10 crew. So to the Secretary of the Senate, who is
11 now coming right back into the chamber.

12 (Sustained applause.)

13 SENATOR FLANAGAN: The Cardinal is
14 in his office, so the Cardinal heard his name
15 being taken out, so he made him come out here.
16 But, Frank, thank you for all the work that you
17 do.

18 And we have -- I'm reflecting on a
19 number of different things. I'm going to focus
20 on some very positive things. First of all, we
21 have proven that we can work together. Not a
22 hundred percent, but we have proven we can work
23 together. And that's a good thing. When we
24 listen to our constituents, when we listen to the
25 taxpayers, when we work in a collegial capacity,

1 good things happen for the people of the State of
2 New York.

3 And I know we can do it because
4 we've done it already. We've proven that we can
5 have an on-time budget. We've proven that we can
6 have a spending cap at the state level which is
7 self-imposed but not statutorily imposed. Those
8 are things that we need to be focusing on.

9 I can look back to last year, see
10 some things that we did really well. I believe
11 that one of the things we need to do is take
12 credit for the things that we actually get done.
13 A perfect example: We extended the property tax
14 cap last year for another four years. That is
15 still wildly popular with the taxpayers. It
16 saves billions of dollars for New York State
17 residents. And that was a very good thing, and
18 we should talk about it.

19 We also gave a record increase in
20 aid to education, \$1.4 billion, 6 percent, the
21 largest increase in the history of the State of
22 New York, I believe. We commit over \$27 billion
23 a year in aid to education, appropriately so.
24 And we will continue to have debates on that. So
25 no one should apologize for that.

1 And by the way, we all know this.
2 That's where we put all our money. That's where
3 the single largest increase is every year. So we
4 do have accomplishments that we can and should
5 point to.

6 And in that vein, I want to talk
7 about public service for a moment. I actually
8 believe in public service. I come from a family
9 steeped in public service, and I'm very proud of
10 it. I'm proud to serve in the Legislature, proud
11 to work with my colleagues even when we have our
12 differences. So when I look around the room, I
13 see faces of integrity. I see people who really
14 care about the communities that they represent.
15 And that includes the elected officials and the
16 incredibly hardworking staff that happens to be
17 with us.

18 So we should not apologize for the
19 good work that gets done. We should not
20 apologize for the fact that we've chosen a noble
21 profession and being involved in public service.
22 And I think we need to stand up for the
23 traditions of the Senate in particular and speak
24 proudly about this institution and the good
25 things that we actually do do.

1 We'll take the body blows. I get
2 it. And that's going to come even when we're
3 doing good things.

4 But I'm going to talk about my
5 colleagues. So I did a little homework. You're
6 going to have to bear with me a second; I've got
7 to put the glasses on for this.

8 I know everyone has pride in their
9 districts, so I'm just going to run off -- I'm
10 not including or excluding anybody on purpose,
11 but I did some checking on everybody's district,
12 notable parts of everyone's district.

13 Senator Bonacic, Roscoe, New York,
14 commonly known as Trout Town, USA. It's very
15 popular. I know it is.

16 Senator Espaillat, Riverside Park.
17 I happen to know Riverside Park quite well
18 because my daughter lives in Washington Heights.

19 Senator Felder, Sunset Park.

20 Senator Funke, Wegmans, Wegmans'
21 flagship Pittsford store. Everybody knows
22 Wegmans.

23 Senator Gallivan, home to one of my
24 favorite places in the world, Letchworth State
25 Park.

1 Senator Gianaris, Astoria Park.

2 Senator Griffo, Utica tomato pie.

3 Senator Hannon, Bethpage State Park.

4 Senator Klein, Pelham Bay Park.

5 We've got a heck of a lot of parks
6 in the State of New York.

7 Senator Lanza, Royal Crown Bakery.

8 (Laughter.)

9 SENATOR FLANAGAN: The fact that
10 you live there is worthy enough. But just
11 picking out things in people's districts.

12 Senator LaValle, the Hamptons.

13 Senator Little, Lake George.

14 Senator Marchione, Saratoga
15 Racetrack.

16 Senator Montgomery, Brooklyn
17 Children's Museum.

18 Senator Ortt, Niagara Falls State
19 Park.

20 Senator Parker, Prospect Park Zoo.

21 Senator Peralta, a very proud year
22 to be representing Citi Field. A great year for
23 the Mets. So Senator Peralta.

24 (Laughter; applause.)

25 SENATOR FLANAGAN: Now, we had a

1 very interesting debate not too long ago about
2 yogurt. But now I have learned that in LeRoy,
3 New York, which is represented by Senator
4 Ranzenhofer, that is where Jell-O was created, in
5 1897.

6 (Laughter.)

7 SENATOR FLANAGAN: I'm telling you,
8 I did some homework here, all right?

9 Senator Rivera, the Bronx Zoo.

10 Senator Robach, Ontario Beach Park.

11 Senator Savino, Coney Island.

12 Senator Serino, Culinary Institute
13 of America.

14 Senator Serrano, Yankee Stadium.

15 Senator Squadron, the famous Peter
16 Luger Steak House.

17 Senator Stewart-Cousins, the
18 Untermyer Gardens Conservancy.

19 Senator Valesky, Liverpool-Onondaga
20 Lake.

21 And last but by no means least,
22 Senator Young, who has the hometown of Lucille
23 Ball in her district.

24 Fun facts about the Senate and our
25 districts. But my point, in fairness, is

1 everybody's proud of where they represent, and we
2 should be. And when we fight for our districts,
3 that's what our calling is. So we have a lot of
4 things that we should be speaking about.

5 So let me just touch on a couple of
6 priorities, if I may. I believe that we have to
7 do a lot more in terms of economic development.
8 Our sort of one-dimensional focus, from our
9 Republican conference, is going to be about jobs
10 and jobs and jobs. We want economic opportunity
11 for every single New Yorker. No matter what
12 their ethnicity, no matter what their venue,
13 their demography, their geography, their income,
14 we want to have everyone have equal opportunity.
15 That's our fundamental job.

16 Because I look at it this way. The
17 more jobs we create, the more we stimulate
18 economic development, the more revenue we
19 generate for the State of New York. We can
20 invest in wise and prudent programs. And if we
21 do it properly, we may be actually able to do
22 things like tax cuts, real tax cuts. I love the
23 idea of a rebate check, but frankly I'd like to
24 be doing tax cuts instead of giving people back
25 their own money which they should have had in the

1 first place.

2 So the priority is jobs. That's
3 incredibly important.

4 We're also going to be talking about
5 the GEA. It is very, very, very important that
6 we eliminate the GEA in its entirety. That has
7 been a priority of this conference. It will be
8 our number-one priority in terms of education.
9 And I have said this very clearly, we will not
10 have a budget if the GEA is not eliminated. It's
11 been there way too long.

12 (Applause.)

13 SENATOR FLANAGAN: So the GEA.

14 Now, in terms of other stuff, I had
15 a chance to travel a lot around this state. And
16 it's a big state and, by gosh, it's a beautiful
17 state. There are so many wonderful areas. And I
18 just think of all the trips that I've made going
19 out to Buffalo, going out to Rochester. I was up
20 in Betty Little's district recently, visiting
21 Bombardier and Nova Bus. So there's a lot of
22 good things going on in the State of New York.

23 And I have to say, here's a perfect
24 example. Had no idea how much interaction we
25 have with Quebec and Montreal. But by going up

1 to Plattsburgh and hanging out with Betty Little
2 and listening to her local residents, learned a
3 lot. You can read about it, but going and seeing
4 it and meeting the people makes all the
5 difference in the world.

6 So our priorities, again, are going
7 to be jobs, the GEA. We believe there should be
8 a spending cap. The Senate has passed a
9 statutory state spending cap, the Assembly has
10 not. With all due respect, Madam President, the
11 Governor has not offered the state spending cap,
12 although we have lived within an artificially
13 imposed one. Which is good, but it's time that
14 we passed a state spending cap. And we will pass
15 that again this year in the Senate.

16 I want to just talk about one or two
17 other things. There was a lot discussed about
18 ethics and budget priorities and things of that
19 nature. The minimum wage is a very important
20 issue, and we should all be clear that the
21 Senate, in a bipartisan capacity, has passed
22 increases in the minimum wage. Because it sounds
23 like everybody's talking about the minimum wage
24 as if we've done nothing. The minimum wage has
25 gone up 75 percent since 2004. And that was done

1 working with the Governor, working with
2 Republicans and Democrats.

3 Are we going to have a healthy
4 discussion about this? Of course we are. But it
5 can't be done in isolation. If we're not talking
6 about the regulatory environment, the economic
7 development environment, if we're not looking for
8 relief for businesses on energy taxes,
9 manufacturing taxes, all those kinds of things --
10 we have to have a complete discussion. And I
11 know we will.

12 But it's very interesting because a
13 lot of people have been opining on this subject,
14 and I have been circumspect and judicious in
15 large part because nobody has seen a proposal.
16 Until we see an actual proposal and get to digest
17 what's in there, and perhaps more importantly
18 what is not, we have to be careful in terms of
19 what we say.

20 We, as I said before, we want to
21 have economic opportunity for everyone. And in
22 that vein, Senators Amedore and Martins have done
23 great work on workforce development. I was up in
24 Rochester in Senator Robach's district. We met
25 with the Rochester Business Alliance. And I

1 remember very clearly they talked about the fact
2 that they have a number of significant job
3 openings but they don't have the people with the
4 skills to fill the jobs. So when we're talking
5 about minimum wage, we should be talking about
6 job training, retraining, workforce development.
7 All that has to go together.

8 The quality of life issues I'll
9 touch on very briefly, and they are all very
10 important. Every person in this chamber has
11 spoken about addiction and how pervasive and
12 terrible it is. We need to do more. That's one
13 example.

14 Second issue, Senator Serino,
15 quality of life, she heads up a task force on
16 Lyme disease. That's a very significant issue.
17 And we will do more in that area. It is very
18 problematic in many of our communities -- Senator
19 LaValle's district, Senator Serino's district.
20 She showed us a map; it's scary to see what's out
21 there.

22 Another thing. I'm wearing -- you
23 guys have all heard me talk about this. If I'm a
24 one-note Johnny, everyone's got to get used to
25 it. I have my green bracelet on for organ

1 donation. Senator Hannon has been a leader in
2 this area. And we've done a little better, but
3 this is an area where we can make so much
4 improvement. And this is one thing we can do
5 that will actually and truly save people's lives.

6 Lastly, going back to ethics. Let's
7 be clear about some of the things that we have
8 done. And I am not going to apologize, I'm going
9 to be unabashed in suggesting that in the last
10 seven or eight years we have made major sweeping
11 changes in our laws in the State of New York.

12 I believe that all the members in
13 this body and the Assembly provide more
14 transparency and more disclosure and more
15 personal and more professional information than
16 any other Legislature in the country. We made
17 significant changes where there was a lot more
18 disclosure. And that's part of what we do in
19 terms of being here.

20 We've also made changes in the
21 Senate. We made changes that are important to
22 the running of this body. Much to my chagrin, we
23 have imposed term limits for legislative leaders.
24 We have done it in our rules, and we will pass
25 legislation to do that. So we've already taken

1 positive steps.

2 And last year, by way of example, we
3 had a three-way agreement on pension forfeiture.
4 And by the way, we've already enacted laws to
5 protect in that area, and they are good, hard,
6 stringent laws. But we had a three-way
7 agreement, and the Senate passed what was agreed
8 upon. The Assembly chose not to. They need to
9 do better. Because if we're going to be talking
10 about restoring the public trust, it's our
11 actions that speak much louder than our words.

12 So in terms of ethics and
13 professional responsibility, I believe a couple
14 of things. Number one, if we're doing our job in
15 meeting the needs of the people of this state,
16 that is the most important thing that we can do.
17 Do it collegially, do it the right way, and
18 things will generally take care of themselves.

19 We have -- we just have a lot more
20 work that we need to do. We will engage in
21 whatever discussions that are necessary and have
22 them appropriately. I listened carefully to
23 Senator Klein and Senator Stewart-Cousins.

24 I'll give you a perfect example.
25 Our conference has been philosophically and

1 stridently opposed to public financing of
2 campaigns. We're not going to change that
3 position. I'd rather spend \$300 million on
4 education or highways, roads, bridges, the
5 environment, healthcare, than funding political
6 campaigns. So that's -- for us, that's something
7 we just want to make clear that we still are
8 stridently opposed to.

9 Having said that, the obligations in
10 terms of the public's view of this institution
11 and government generally, it's incumbent on every
12 one of us -- Senator Stewart-Cousins, you, me,
13 Senator Gianaris, Senator Klein, Senator Valesky,
14 Senator Young, everyone who serves in this
15 chamber -- we have to keep our house in good
16 order. And if we do so and we do it properly,
17 the confidence that the people have in us will
18 not only be restored, it should grow.

19 I am desperately proud to be working
20 in the Senate. I still feel very humbled and
21 privileged to be able to serve as legislative
22 leader. I enjoy working with Senator
23 Stewart-Cousins and Senator Klein, have every
24 reason to believe that we're going to have a very
25 prosperous and productive year.

1 And think about it -- I said this to
2 Senator LaValle before -- how bad a year could it
3 possibly be when we have Cardinal Dolan open our
4 session? So I look at that as an auspicious
5 beginning.

6 I thank everyone for their patience
7 and indulgence. And as some of our colleagues
8 said, let's get to work.

9 Thank you, Madam President.

10 (Standing ovation.)

11 THE PRESIDENT: Thank you, Senator
12 Flanagan.

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Yes. On
15 behalf of Senator Flanagan, I ask that the
16 following committee assignments be handed up and
17 such assignments be filed in the Journal.

18 THE PRESIDENT: So ordered.

19 Floor Leader.

20 SENATOR DeFRANCISCO: Before I ask
21 if there's any further business, something that
22 Senator Flanagan said troubles me greatly. I
23 can't understand why, if Senator Ranzenhofer's
24 district is the home of Jell-O, that yogurt is
25 our state snack.

1 (Laughter.)

2 SENATOR DeFRANCISCO: I just -- I
3 can't understand it.

4 With that said, is there any further
5 business at the desk?

6 THE PRESIDENT: Nothing that
7 important.

8 (Laughter.)

9 THE PRESIDENT: No further business
10 at the desk.

11 SENATOR DeFRANCISCO: That being
12 the case, the Senate -- excuse me. Okay, we have
13 guests. We have members of the Assembly here to
14 inform this body of who will be greeting the
15 Governor as well as they're greeting the Senate.

16 So if you'd like to say anything,
17 gentlemen.

18 ASSEMBLYMAN OAKS: Thank you,
19 Senator DeFrancisco.

20 Assemblyman Farrell and I would like
21 to inform you have that the Assembly has convened
22 for the new year -- after adjourning, actually,
23 sine die, I guess, for last year, taking care of
24 that business. But we are organized and ready to
25 conduct business for the year ahead.

1 SENATOR DeFRANCISCO: Thank you,
2 gentlemen. We appreciate that. We're looking
3 forward to working with you and the rest of the
4 members of the Assembly.

5 That being said, there being no
6 further business, I move that we adjourn until
7 Monday, January 11th, at 3:00 p.m.

8 THE PRESIDENT: On motion, the
9 Senate stands adjourned until Monday,
10 January 11th, at 3:00 p.m., intervening days
11 being legislative days.

12 SENATOR DeFRANCISCO: Intervening
13 days being legislative days.

14 (Whereupon, at 1:13 p.m., the Senate
15 adjourned.)

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