NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:23 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

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

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

THE PRESIDENT: Today the Reverend Victor T. Hall is with us this afternoon to give the invocation. He is the senior pastor of Calvary Baptist Church, in Jamaica.

Reverend?

REVEREND HALL: Let us pray.

Dear God, our heavenly Father, in whom we live, move and have our very being, this is the day that You have made. We rejoice and are glad in it.

We thank You for this august body of men and women who deliberate in this room. Father, I lift them before Your throne of grace.

I ask, O God, that You grant them courage, the same courage that you gave to young David when he stood before the giant Philistine. Give them that same courage that will not wince

and will not cower in the face of the giant task before them.

I ask, Father, that You give to them that passion and pursuit of justice that You gave to the eighth-century Hebrew prophets and that You gave to Martin and Mandela. May they deliberate in justice, in truth, and in righteousness.

And finally, Father, I ask that You give them that same spirit of love which was in Your holy server, Jesus Christ. Help them to love each other, to love their neighbors, to love even their enemies.

We ask these blessings in the name of Your son, our savior, we pray.

Amen.

THE PRESIDENT: Thank you, Reverend.

The reading of the Journal.

THE SECRETARY: In Senate, Sunday, January 31st, the Senate met pursuant to adjournment. The Journal of Saturday, January 30th, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: 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 from state officers.

Motions and resolutions.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Madam President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause -- these are both Senator Golden bills -- Senate Prints 1456 and 2269.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: I also move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. It's Senator DeFrancisco's bill -- it must be a terrific bill -- Senate Print 2932.

THE PRESIDENT: So ordered.

SENATOR DeFRANCISCO: Madam

President, I wish to call up Senator Griffo's bill, Print Number 2722B, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read the title of the bill.

THE SECRETARY: Calendar Number 6, by Senator Griffo, Senate Print 2722B, an act to amend the Legislative Law.

SENATOR DeFRANCISCO: I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

SENATOR DeFRANCISCO: Madam President, I now offer the following amendments.

THE PRESIDENT: The amendments are received, and the bill retains its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: Thank you.

I have one more, and that is I'd like to call up Senator Lanza's bill, Print Number 3709A, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will

read the title of the bill.

THE SECRETARY: Calendar Number 52, by Senator Lanza, Senate Print 3709A, an act to amend the General Municipal Law.

SENATOR DeFRANCISCO: Madam President, I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 45.

SENATOR DeFRANCISCO: I now offer the following amendments.

THE PRESIDENT: The amendments are received, and the bill retains its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: Thank you, Madam President.

Would you now recognize Senator Gianaris.

THE PRESIDENT: Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

I'm tempted to ask, if that aforementioned Senator DeFrancisco bill was so

great, why the enacting clause was stricken. But I'll spare us the explanation.

(Laughter.)

SENATOR GIANARIS: Madam President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause, on behalf of Senator Comrie: Senate Bills 5465, 5555, and 6544.

THE PRESIDENT: So ordered.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Madam President, there will be an immediate meeting of the Rules Committee in Room 332.

THE PRESIDENT: Immediate meeting of the Rules Committee in Room 332 of the Capitol.

SENATOR DeFRANCISCO: Thank you.

THE PRESIDENT: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:29 p.m.)

(Whereupon, the Senate reconvened at 3:46 p.m.)

ACTING PRESIDENT FUNKE: The Senate

will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Could we please return to reports of standing committees for a report of the Rules Committee.

ACTING PRESIDENT FUNKE: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Flanagan, from the Committee on Rules, reports the following bills:

Senate Print 851, by Senator Klein, an act to amend the Social Services Law;

Senate 5949A, by Senator Griffo, an act to amend the General Business Law;

And Senate 6601, by Senator Seward, an act to amend the Insurance Law.

All bills reported direct to third reading.

ACTING PRESIDENT FUNKE: Senator DeFrancisco.

SENATOR DeFRANCISCO: I move to accept the report of the Rules Committee.

ACTING PRESIDENT FUNKE: All in favor of accepting the report of the Rules

Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUNKE: Opposed, nay.

(No response.)

ACTING PRESIDENT FUNKE: The report is accepted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now go to today's calendar and do the noncontroversial reading.

ACTING PRESIDENT FUNKE: The Secretary will read.

THE SECRETARY: Calendar Number 46, by Senator Golden, Senate Print 1996, an act to amend the Public Officers Law.

ACTING PRESIDENT FUNKE: Read the last section.

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

ACTING PRESIDENT FUNKE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FUNKE: Announce the result.

THE SECRETARY: In relation to Calendar 46, those recorded in the negative are Senators Hamilton, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Perkins, Persaud, Rivera and Squadron.

Ayes, 51. Nays, 10.

ACTING PRESIDENT FUNKE: The bill is passed.

THE SECRETARY: Calendar Number 48, by Senator Lanza, Senate Print 3731A, an act to amend the Tax Law.

ACTING PRESIDENT FUNKE: Read the last section.

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

ACTING PRESIDENT FUNKE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT FUNKE: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: That completes the noncontroversial reading?

ACTING PRESIDENT FUNKE: That does

complete the noncontroversial reading of the calendar.

SENATOR DeFRANCISCO: Okay. Can we now go to Senate Supplemental Calendar Number 7A and please do the noncontroversial reading.

ACTING PRESIDENT FUNKE: The Secretary will read.

THE SECRETARY: Calendar Number 84, by Senator Klein, Senate Print 851, an act to amend the Social Services Law.

ACTING PRESIDENT FUNKE: Read the last section.

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

ACTING PRESIDENT FUNKE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FUNKE: Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

This is a common-sense approach to making sure that our families -- especially our children -- who are residing in family homeless shelters are protected from dangerous sexual

predators.

What this legislation does is prohibits the placing of any Level 2 or Level 3 sex offender in any temporary emergency housing or homeless shelter that houses families with children.

Unfortunately, I've passed this bill probably for the last three years in the Senate, and it hasn't been taken up by the Assembly.

Last year we found that there were 11 dangerous sexual predators living in family shelters in New York City. Most of these individuals were already convicted and served long sentences for actual sexual abuse of minors.

Unfortunately, even though I was assured last year by the mayor of the City of New York that they were going to take care of this problem, we found that five of the same dangerous sexual predators that were found living in these family shelters last year are still there this year.

So I think the only way we're finally going to fix this problem is to pass this legislation.

I do want to say a special thank you

to Senator Comrie. We were together over the summer at a shelter in his district, a family shelter, that unfortunately housed dangerous sexual predators. Also Senator Peralta.

So this is a piece of legislation which I think impacts us greatly if we're really serious about making sure that dangerous sexual predators aren't living in homeless shelters with children.

I vote yes, Mr. President.

ACTING PRESIDENT FUNKE: Announce the result.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT FUNKE: The bill is passed.

THE SECRETARY: Calendar Number 85, by Senator Griffo, Senate Print 5949A, an act to amend the General Business Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT FUNKE: The bill is laid aside.

THE SECRETARY: Calendar Number 86, by Senator Seward, Senate Print 6601, an act to amend the Insurance Law.

ACTING PRESIDENT FUNKE: Read the

last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2015.

ACTING PRESIDENT FUNKE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT FUNKE: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Could we now do the controversial reading of the supplemental calendar, please.

ACTING PRESIDENT FUNKE: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 85, by Senator Griffo, Senate Print 5949A, an act to amend the General Business Law.

ACTING PRESIDENT FUNKE: Senator Krueger to speak on the bill.

SENATOR KRUEGER: Thank you, Mr. President.

I've been in budget hearings and I

haven't been here in a while, so it's nice to see everyone.

And I am standing here today to yet again explain why I oppose New York State legalizing commercial MMA. There are parts of this bill, as I have said in previous years, that are an improvement. I think the state must regulate amateur bouts, and right now some of the worst atrocities that go on go on in the amateur categories, where young children are participating, there are no standards for what fights are, and they take place all over the state.

But I continue to voice my objection to New York State choosing to legalize and endorse commercial MMA, or caged fighting. Research continues to come in that it's violent, dangerous, causes traumatic brain injury. While we still don't have enough years to evaluate the long-term damage that is done to the fighters, it's irrefutable, through research, that they are doing severe damage to themselves and others in these caged fights because of the type of hits they give, they take, the chokeholds.

And frankly, I continue to be

opposed to New York State approving, endorsing this kind of violent behavior between people. The message it sends to young people is wrong. The message it sends to people about the acceptance of violence in our culture is wrong. The damage that is done is real. I know we can't legislate no one ever watching, because I can turn on a TV and find mixed martial arts showing in many other locations, from other locations on our TV sets.

What I was hoping was New York State could be the perhaps one rational state, as other states realized they had made mistakes and reversed themselves. I don't think that's going to happen. I'm going to lose this vote today, and perhaps this year we'll finally get this bill passed in both houses and signed, although I hope not.

I hope not because I'm perfectly happy to stand here year in, year out, pointing out the facts to the people of New York State and to my colleagues that this is a brutal and dangerous sport that sends the wrong messages to our young people, our teenagers, that the athletes participating, as much as they may

believe these are great jobs for themselves, are not necessarily educated about the long-term damage they're doing to themselves. I don't believe that the insurance package included in this bill will in any way be adequate to address the health issues of fighters down the line.

I guess I hope that if we finally get a bill passed, we can turn to our State Athletic Association and urge them to be very, very, very restrictive and cautious about what they do allow to happen in New York State.

I would prefer that we not legalize. But if we do, I am going to hold the State Athletic Association accountable for hopefully having the most protective and restrictive regulations in this country to ensure less damage from MMA when it comes to our shores.

I vote no. Thank you, Mr. President.

ACTING PRESIDENT FUNKE: Thank you, Senator Krueger.

Senator Hoylman on the bill.

SENATOR HOYLMAN: Thank you, Mr. President. On the bill.

I concur with my colleague. You

know, this bill has been to the floor so many times, I feel like we've been beaten into submission, which I guess is a misplaced metaphor, but apt on some level, given what we're discussing.

You know, there are a number of reasons why we should be scrutinizing this bill very closely. The concerns about the message it sends to our population, the concerns about the way the UFC, the major organizing entity, has depicted some members of our community in their advertising and marketing.

But I'm going to focus on the fact that we still don't have adequate protections for the MMA fighters. It's something I've been speaking about for a number of years. We have an injury compensation fund for horse jockeys, but we don't have it for MMA fighters. And the science I think would show that you're more likely to get injured in a UFC ring than riding a horse.

But I'll also say that there's a big Hollywood movie out about the issue I'm most concerned about: CTE, the brain injuries caused by mixed martial arts and other sports. And the

movie, starring Will Smith -- maybe you've seen it -- tells the story of a physician who found that the NFL for decades covered up the impact of CTE on NFL players. And that resulted in a $1 billion settlement very recently among NFL players, their family members and loved ones.

And I hope that the UFC understands that they're going into this business with their eyes wide open. We know what the impact of CTE is on -- we know that it can cause dementia, Alzheimer's, Parkinson's disease, and other neurological conditions. We know that a study by the American Journal of Sports Medicine showed that knockouts during MMA fights result in a higher rate of brain trauma than knockouts in similar sports. And a separate study we know shows that MMA fighters -- the correlation between the number of years fighting and reduced brain functionality.

So we don't have the excuse that the NFL had in making certain that the participants of mixed martial arts are protected. So while I appreciate the fact that the bill has been modified to include a study, and there is more money available for certain health protections,

that's only when the fighter's actually in the ring. I'm concerned, Mr. President, about years later, when the fighter will show -- as the studies have shown -- the impact of CTE in what he or she does at that point.

I'll close on this. Just last week an autopsy performed on a former New York Giants safety, Tyler Sash, confirmed that he was suffering from CTE at the time of his death at age 27 -- 27 -- due to an accidental overdose of pain medication.

We're seeing this in more and more sports. I think we should, Mr. President, be amending this bill to lay the framework -- if we're going to legalize professional mixed martial arts, we should have an injury compensation fund to make certain that the fighters are well cared for and looked after years after they retire from the ring.

So I'll be voting in the negative. Thank you.

ACTING PRESIDENT FUNKE: Senators Hoylman and Krueger to be recorded in the negative.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

I stand in support of this bill today. I want to thank the bill's sponsor for moving this once again in a very expeditious manner through the process on this side of the chamber. I think it's extremely important that we get out in front of this.

This is a sport where some of the best athletes in the entire world take part. They take part everywhere in the United States. Forty-nine states in this great nation have mixed martial arts legalized and regulated. Canada has it legalized and regulated. Mexico, legalized and regulated. New York State is the only place in the entire nation -- I'm sorry, in North America, New York State is the only place in North America where mixed martial arts is not legal and regulated.

That has to change. And the message that we're sending today does just that. It begins to move this in the right direction once again.

Time after time we hear these compelling arguments about the economic impact

that legalizing and regulating mixed martial arts will have in the State of New York. And those numbers are profound. Tens of millions of dollars, in particular, pouring into upstate New York, into Buffalo, Rochester, Syracuse, Albany and everywhere in between. And of course New York City.

People pouring across the borders from other states, other countries, by the tens of thousands to attend these events, bringing with them that economic activity that we are all working to enhance here in the State of New York. Filling our bars, filling our restaurants, filling our hotels, filling our sports arenas. Selling them out one after another, putting New York State on the center of the map across the globe.

I'd love to attend a legal, regulated mixed martial arts event at First Niagara Center. I know that it will bring in tens of thousands of people into the great City of Buffalo. I know that it will pour millions of dollars into the local economy. And right now we're missing out, and that has to change.

I think one of the most compelling

arguments that I've seen thus far, in the five years that we've voted on this since I've been here -- this being the sixth since I've been here, and I know that this is the seventh year in a row -- one of the most compelling arguments I've seen was last week from Chris Weidman, a New Yorker, a Long Island resident, and a UFC mixed martial arts champion. Here's a guy, a world-class athlete at the top of his game, and he can't fight for the crown in the Empire State, the great State of New York? That is unconscionable. That needs to change.

We want to see Chris Weidman fight in the State of New York, we want to see people like Ronda Rousey, who's come back here over and over again, fight back here in the State of New York. Holly Home, we want to see her fight. The great Tim Kennedy --

(Laughter.)

SENATOR KENNEDY: The fighter Tim Kennedy. We want to see the fighter, UFC fighter Tim Kennedy. I don't know what's so funny about that.

(Laughter.)

SENATOR KENNEDY: Mr. President,

I'm honored to stand on this floor and support such an idea that, to me, makes more sense, figuratively and literally, than any other bill focused on economic development that we've championed thus far this year and over the course of the last several years. To me, this is a no-brainer, and it needs to move forward.

I vote aye.

ACTING PRESIDENT FUNKE: Thank you, Senator Kennedy.

Senator Sanders on the bill.

SENATOR SANDERS: Thank you, sir.

Mr. President, I have previously been against this bill for many of the reasons that my esteemed colleague Senator Hoylman has mentioned. And I do believe that the arguments and proposals that the Senator has raised are quite profound and we would do well to make sure that they are incorporated. I think that the safety provisions and the funds that he has spoken of bringing together would do not just the state but the fighters a world of good.

But I'm also thinking that this sport is taking place in the shadows right now, that it's not being regulated, that there are

people doing this all over. And there's no talk of regulations and there's no talk of helping them.

And I'm hoping that perhaps if we can regulate this sport, if we can talk about paddings and helmets and things that should be taking place, we can do something better for them. The argument that, A, that this is taking place already and that New York State is the only state in the Union that is not doing this, I must admit is compelling to me. It is perhaps with a heavy heart that I'm going to agree that we should do these things, but agree we must.

Thank you. I'm going to vote yes on this issue.

ACTING PRESIDENT FUNKE: Thank you, Senator Sanders.

Are there any other members wishing to be heard?

Seeing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the first day of the first month next succeeding the 120th day after

it shall have become a law.

ACTING PRESIDENT FUNKE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FUNKE: Senator Griffo to explain his vote.

SENATOR GRIFFO: Thank you, Mr. President.

I respect different perspectives that have been voiced here today, and I want to extend my appreciation for all those who are supporting the bill this year, the seventh time that this has come before this house. And we continue to grow the support, not only in this chamber, but across the State of New York.

I think the importance of this bill, though, is not only the economic benefit that the State of New York and communities across the state will receive, and also the opportunity for athletes to participate in their own state, but beyond that, this bill has become a better bill in a lot of ways. It not only makes necessary improvements for protections, both from healthcare and medical supervision, but it also codifies additional sports. We have not changed

some of the statutes relative to boxing in this state since 1920.

So in this bill there are a number of things to regulate the mixed martial arts, the boxing profession. And I think as a result of everything put in here, giving to the New York State Athletic Commission that opportunity to regulate -- and we believe and have confidence in the athletic commission -- that we will be a state where the participants and the spectators will have a safe experience, a better experience, because of all the provisions in this bill.

I am hopeful that the Assembly Speaker will allow this bill to come up for a vote this year. I think it deserves that in that chamber after seven years, and I am hopeful we will see that vote. I appreciate that the Governor has recognized this significance and has joined in now to support this effort through inclusion in the budget.

So again, to all of you, thank you for your support. And hopefully this fall we will see the first -- we will see activity across the state, but I think this fall in New York City, in Madison Square Garden, you may get that

premier match, the mecca of all sports.

And I want to again thank everyone for their support here today, particularly those who have turned around to see the improvements that have been made and what this can mean to the State of New York.

I will be voting aye, Mr. President.

ACTING PRESIDENT FUNKE: Senator Griffo to be recorded in the affirmative.

Announce the result.

THE SECRETARY: In relation to Calendar 85, those recorded in the negative are Senators Bonacic, Breslin, Díaz, Felder, Hoylman, Krueger, Lanza, Larkin, LaValle, Marcellino, Montgomery, Perkins, Savino and Young.

Ayes, 48. Nays, 14.

ACTING PRESIDENT FUNKE: The bill is passed.

Senator DeFrancisco, that completes the controversial reading of the supplemental calendar.

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

ACTING PRESIDENT FUNKE: There is not.

SENATOR DeFRANCISCO: That being the case, we are adjourned until Tuesday, February 2nd, at 11:00 a.m.

ACTING PRESIDENT FUNKE: On motion, the Senate stands adjourned until Tuesday, February 2nd, at 11:00 a.m.

(Whereupon, at 4:13 p.m., the Senate adjourned.)