

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 January 4, 2017

11 12:26 p.m.

12
13
14 REGULAR SESSION

15
16
17
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 present to please
5 rise and repeat with me the Pledge of Allegiance.

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

8 THE PRESIDENT: Rabbi Shmuel
9 Zuckerman is with us today to give us the
10 invocation. He is the Rabbi of Young Israel of
11 Pelham Parkway Jewish Center in the Bronx.

12 Rabbi?

13 RABBI ZUCKERMAN: Good morning.
14 I'd like to begin with an invocation, but I'd
15 first like to affirm the presence of God already
16 in this room.

17 I'm standing in the presence of men
18 and women who are committed to serving and caring
19 for other human beings, for the people of the
20 State of New York. And there is very little
21 that's more ennobling and more dignified than
22 that.

23 In that vein, I'd like to bless you
24 all. I'd like to bless you with wisdom, I'd like
25 to bless you with compassion, and I'd like to

1 bless you with inspiration.

2 I'd like to bless you with wisdom to
3 understand the needs of the people of the State
4 of New York and, with wisdom, to craft
5 legislation to meet those needs.

6 I'd like to bless you with
7 compassion, compassion to understand, to
8 appreciate, to genuinely feel the needs of some
9 of the weakest and most vulnerable members of
10 society, and to help them to find creative ways
11 to help them care for their own needs.

12 And finally, I'd like to bless you
13 with inspiration -- inspiration to appreciate
14 that your role here today and every day, both
15 here and in your district, is not just a
16 responsibility and a job, but is a sacred duty.
17 Indeed, it's very inspiring.

18 I'd like to bless each and every one
19 of you, and as a group. I'd like to bless your
20 families, each of you with long life, with
21 prosperity, with success, with good health,
22 today, for the rest of the year, and forever.

23 And let us say amen.

24 (Response of "Amen.")

25 THE PRESIDENT: Thank you, Rabbi,

1 for those inspiring words.

2 The chair now hands down a message
3 from the State Board of Elections, being the duly
4 official certification of the members of the
5 Senate, and directs the same be filed. So
6 ordered.

7 I'd now like to ask if there's any
8 Senators present who have not taken their oaths
9 of office, to please rise.

10 (No response.)

11 THE PRESIDENT: The Secretary will
12 call the roll to ascertain that a quorum exists.

13 THE SECRETARY: Senator Addabbo.

14 SENATOR ADDABBO: Here.

15 THE SECRETARY: Senator Akshar.

16 SENATOR AKSHAR: Here.

17 THE SECRETARY: Senator Alcantara.

18 SENATOR ALCANTARA: Here.

19 THE SECRETARY: Senator Amedore.

20 SENATOR AMEDORE: Here.

21 THE SECRETARY: Senator Avella.

22 SENATOR AVELLA: Here.

23 THE SECRETARY: Senator Bailey.

24 SENATOR BAILEY: Here.

25 THE SECRETARY: Senator Bonacic.

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

1 SENATOR FUNKE: Here.
2 THE SECRETARY: Senator Gallivan.
3 SENATOR GALLIVAN: Here.
4 THE SECRETARY: Senator Gianaris.
5 SENATOR GIANARIS: Here.
6 THE SECRETARY: Senator Golden.
7 SENATOR GOLDEN: Here.
8 THE SECRETARY: Senator Griffo.
9 SENATOR GRIFFO: Here.
10 THE SECRETARY: Senator Hamilton.
11 SENATOR HAMILTON: Present.
12 THE SECRETARY: Senator Hannon.
13 SENATOR HANNON: Here.
14 THE SECRETARY: Senator Helming.
15 SENATOR HELMING: Here.
16 THE SECRETARY: Senator Hoylman.
17 SENATOR HOYLMAN: Here.
18 THE SECRETARY: Senator Jacobs.
19 SENATOR JACOBS: Here.
20 THE SECRETARY: Senator Kaminsky.
21 SENATOR KAMINSKY: Here.
22 THE SECRETARY: Senator Kennedy.
23 SENATOR KENNEDY: Here.
24 THE SECRETARY: Senator Klein.
25 SENATOR KLEIN: Here.

1 THE SECRETARY: Senator Krueger.

2 SENATOR KRUEGER: Present.

3 THE SECRETARY: Senator Lanza.

4 SENATOR LANZA: Here.

5 THE SECRETARY: Senator Larkin.

6 SENATOR LARKIN: Here.

7 THE PRESIDENT: A quorum is
8 present.

9 I'm honored to welcome all of you to
10 the 240th session of the Senate, especially our
11 newest members and their families, on this
12 incredibly proud day for all of you. I'm
13 grateful to have been given the courtesy to
14 extend a few remarks with all of you as we begin
15 this new session.

16 Sitting in these seats we have
17 members who have served with distinction, some
18 for years; in fact, some for decades. And
19 recently I was swapping stories with one of the
20 members about a former colleague of yours,
21 Senator Dale Volker, from my home area.

22 Dale was a conservative Republican
23 from rural upstate New York, but what was unique
24 about him was the camaraderie, the friendship,
25 and the spirit of teamwork that he developed with

1 another colleague, Deputy Speaker Arthur Eve from
2 the Assembly, at the time. Arthur was a staunch
3 Democrat representing the most underserved
4 high-need areas of the City of Buffalo.

5 Together, they were an amazing
6 force. Among their many collaborations, they
7 fought together to help make sure that students
8 in underserved communities like Buffalo had a
9 shot. For them, there were no party lines, no
10 geographic lines, no racial lines that they were
11 not willing to cross to help improve the lives of
12 others.

13 I thought of their legacy of service
14 as we open today and look at the new members,
15 seven new members in this chamber: Elaine
16 Phillips, from the 7th; John Brooks, from the
17 8th; Marisol Alcantara, from the 31st; Jamaal
18 Bailey, from the 36th; James Tedisco, from the
19 49th; Pam Helming, from the 54th; and my own
20 Senator, Chris Jacobs, from the 60th.

21 We can all learn from each other.
22 Veterans can look to the newcomers for that sense
23 of awe and inspiration, and the newcomers can
24 look to veterans for the incredible respect they
25 have for this institution. Regardless of where

1 they call home, we know we have to do the work of
2 the people.

3 And I'll digress for just a moment
4 to tell you on Monday I was having breakfast in
5 one of my favorite diners, in a place called
6 Lackawanna, a gritty steel town that rose and
7 fell with the fortunes of the steel industry.
8 Tim Kennedy knows it well.

9 I sat there and I looked in the
10 faces of the patrons, a reminder of the people
11 who look at all of us and ask us to never forget
12 their challenges -- that they have rent payments
13 to make, mortgages to keep, families to feed,
14 children to pay for college, and aging parents.
15 But what inspired me was their resiliency, their
16 willingness to get up every single day and do
17 their work, just as they expect all of us to do.
18 And all they ask of us is to just have their
19 backs and to be on their side.

20 And that is why I have been so proud
21 to travel the state carrying the Governor's
22 message of how together we're rebuilding the
23 economy and creating jobs, particularly in
24 hard-hit areas like upstate New York, making
25 infrastructure investments, the biggest in our

1 history, creating thousands more jobs in the
2 process, and striving to create the best
3 educational opportunities all the way through
4 college. Tackling the heroin crisis head on, as
5 we did. All the while protecting our
6 environment.

7 And I want to thank all of you, all
8 of you who have personally joined me on this
9 journey as I have visited you in your districts
10 and together we have represented this chamber and
11 this government so well.

12 And while the stories are endless,
13 and I won't go on, I also want to remind us that
14 we embark on the 100th anniversary of women's
15 right to vote in the State of New York. And I am
16 so proud, that's --

17 (Applause.)

18 THE PRESIDENT: And as we begin
19 this celebration, let's not just look back, let's
20 look forward and ask ourselves, What will our
21 legacy be 100 years from now when people judge
22 us? How will we improve the lives of families
23 and women, helping them assume their place, their
24 rightful place in the workforce, in boardrooms,
25 and indeed the corridors of power like before us?

1 Yes, we have much to do.

2 And I'll conclude by saying while it
3 may seem an eternity away, it won't be long
4 before a beautiful spring day, perhaps in June,
5 beckons us to leave these chambers. On that day,
6 my question is: How will we be judged, how will
7 this session be judged? And I'll tell you right
8 now, it won't be by political points scored, it
9 will be by the points we score for the people of
10 this state. And let our scorecards show the jobs
11 we created, how we gave our kids a first-rate
12 education, how we protected our environment, and
13 how we rebuilt our infrastructure. If we can
14 establish all that, all New Yorkers will be
15 winners.

16 And in the resilient spirit of true
17 New Yorkers, and in the spirit of statesmen like
18 Senator Volker and Assemblyman Art Eve, let us
19 embrace these challenges together. Let us
20 continue, through our words and in our deeds, to
21 let the men and women of the state know indeed we
22 do have their backs and we are on their side.

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

25 (Standing ovation.)

1 THE PRESIDENT: Senator
2 DeFrancisco.

3 SENATOR DeFRANCISCO: Yes, I have a
4 resolution at the desk. But before you read that
5 resolution, could you recognize Senator Gianaris.

6 THE PRESIDENT: Senator Gianaris,
7 why do you rise?

8 SENATOR GIANARIS: Thank you,
9 Madam President. There's a substitute resolution
10 at the desk. I ask that the reading be waived
11 and move for its immediate adoption, please.

12 THE PRESIDENT: The Secretary will
13 read.

14 THE SECRETARY: Senate Resolution
15 Number 2, by Senator Gianaris, providing for the
16 election of Andrea Stewart-Cousins as Temporary
17 President and Majority Leader of the Senate for
18 2017-2018.

19 THE PRESIDENT: Senator Gianaris.

20 SENATOR GIANARIS: Thank you,
21 Madam President.

22 My colleagues, first of all, Happy
23 New Year to everyone. It's good to see everyone
24 back here in the Senate chamber. And welcome to
25 our new colleagues.

1 Being a legislative leader is not
2 easy. And I'm sure Senator Flanagan can attest
3 that being a legislative leader in Albany is
4 particularly challenging. But we have, in the
5 Democratic Conference, the pride of our
6 conference is our leader, Andrea Stewart-Cousins.
7 She has done a tremendous job over the last four
8 years leading us -- leading us with dignity, with
9 grace, and with integrity, and doing so under
10 very difficult and challenging circumstances.
11 And getting things done, from a point where it's
12 not always easy to get things done.

13 Everybody knows -- well, I shouldn't
14 say everybody. We certainly all know the
15 complicated politics of the State Senate. It
16 takes a while to describe it to others. But in
17 that context, to be able to advance an agenda
18 that sees results. We all talk about how proud
19 we are -- on this side of the aisle, anyway -- of
20 the minimum wage hike that just went into effect,
21 of the paid family leave law that just went into
22 effect. And there are many people who can take
23 credit for it in this chamber, and they all
24 deserve it. But in my opinion, none more so than
25 the leader of our conference and our members who

1 have been pushing these issues for many years.
2 And to do so while sitting on this side of the
3 aisle instead of on that side of the aisle is
4 quite an achievement.

5 I'm incredibly proud of the great
6 work she has done and the leadership she has
7 provided. And I would ask my colleagues to
8 consider making history today. She already has
9 done so by being the first female legislative
10 leader in the history of New York State in either
11 chamber. Today we have the opportunity to make
12 the first female majority leader in the history
13 of either chamber in this state.

14 And so with great honor, as I've
15 served alongside her and served under her
16 distinguished leadership, I submit to my
17 colleagues that we all vote to make Andrea
18 Stewart-Cousins the next president of the Senate
19 and majority leader. Thank you.

20 THE PRESIDENT: The question is on
21 the substitute resolution offered by Senator
22 Gianaris. All those in favor signify by saying
23 aye.

24 (Response of "Aye.")

25 THE PRESIDENT: Opposed?

1 (Response of "Nay.")

2 THE PRESIDENT: The nays have it.
3 The resolution is defeated.

4 SENATOR VALESKY: Madam President.

5 THE PRESIDENT: Senator Valesky,
6 why do you rise?

7 SENATOR VALESKY: I believe there's
8 another substitute resolution at the desk. I ask
9 that the reading of the resolution be waived and
10 have the opportunity to speak briefly on it.

11 THE PRESIDENT: The Secretary will
12 read the substitute resolution.

13 THE SECRETARY: Senate Resolution
14 Number 3, by Senator Valesky, providing for the
15 election of Jeffrey D. Klein as Temporary
16 President and Majority Leader of the Senate for
17 2017-2018.

18 SENATOR VALESKY: Madam President,
19 today Senator Jeff Klein joins us here in the
20 State Capitol for the 23rd time in his
21 legislative career to begin a legislative
22 session -- 10 in the New York State Assembly and
23 the last 13 in the State Senate. He represents
24 the 34th District, in the Bronx and
25 Westchester County, and represents that district

1 remarkably well.

2 But I think most importantly for me
3 and for many of my colleagues in the Independent
4 Democratic Conference, he begins his seventh
5 session today as the leader of the Independent
6 Democratic Conference.

7 You know, and not so long ago we go
8 back to those days, to that time, when Senator
9 Klein, under his leadership, not only recognized
10 that Albany needed a new way of doing business,
11 but he had a plan to accomplish that -- something
12 unheard-of before, an independent conference
13 consistent, in our case, with the principles and
14 values of the Democratic Party, yet understanding
15 that the people of the State of New York, the
16 19½ million people of the State of New York,
17 needed bipartisan solutions to problems that for
18 many, many years were not receiving solutions at
19 all.

20 And so he began that journey, and we
21 began the journey with him. And it has been a
22 journey of tremendous accomplishment. Senator
23 Klein -- I've said on this floor before, I've
24 never met a harder-working Senator. And let me
25 give you an example of what I mean.

1 Only a few days after the conclusion
2 of the 2016 session, Senator Klein joined myself
3 and Governor Cuomo in Syracuse for a ceremonial
4 bill signing of one of his signature
5 accomplishments earlier this year, the zombie
6 property legislation. And on a day that
7 certainly was one of a great celebration for the
8 people of the State of New York, many of whom who
9 have been so impacted by the mortgage crisis, you
10 would think that that would be a triumphant
11 moment for Senator Klein. And instead, he
12 immediately began speaking with me about what
13 more could be done, what more needed to be done.
14 And I knew back then six months ago that he was
15 already beginning to formulate a legislative
16 agenda for the 2017 session.

17 Always more that can be done, always
18 working not only on behalf of the people of the
19 34th Senate District but on behalf of each and
20 every New Yorker across the State of New York.

21 And that's why today, Madam
22 President, I am proud once again to stand here
23 and offer this resolution that, if adopted, would
24 elect Senator Jeff Klein the Temporary President
25 of the New York State Senate.

1 Thank you.

2 THE PRESIDENT: On the substitute
3 resolution offered by Senator Valesky, all in
4 favor signify by saying aye.

5 (Response of "Aye.")

6 THE PRESIDENT: Opposed?

7 (Response of "Nay.")

8 THE PRESIDENT: The nays have it.
9 The resolution is defeated.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Yes, can we
12 go back to Resolution Number 1 and have it read,
13 please, and I move its immediate adoption.

14 THE PRESIDENT: The Secretary will
15 read.

16 THE SECRETARY: Senate Resolution
17 Number 1, by Senator DeFrancisco, providing for
18 the election of John J. Flanagan as Temporary
19 President of the Senate for the years 2017-2018.

20 SENATOR DeFRANCISCO: Madam
21 President, I move the nomination of John Flanagan
22 for Temporary President of the New York State
23 Senate.

24 Just so Senator Gianaris doesn't
25 feel too bad, we're going to make history today

1 anyway. And the reason we're going to make
2 history today is that we're going to elect a
3 leader who was instrumental in bringing in the
4 most women of any of the three conferences in the
5 New York State Senate this year. And that's an
6 accomplishment.

7 (Applause.)

8 SENATOR DeFRANCISCO: But he's also
9 brought to the New York State Senate a brand of
10 leadership that is probably more open than I've
11 ever experienced in my 24 years here. In fact,
12 during these last six weeks since the election,
13 he's called me more times than I've talked to my
14 wife.

15 (Laughter.)

16 SENATOR DeFRANCISCO: And we've
17 discussed issue after issue. And the issues
18 seemed to get more and more complex as the time
19 went on. But he had the patience of Job. I'll
20 tell you, he was willing to listen, willing to
21 listen to everyone here on the Republican side,
22 and I'm sure with the Independent Conference as
23 well -- and probably even some of the Democrat
24 Conference -- to try to come to a resolution on
25 some very difficult issues before session began.

1 Well, it couldn't happen for many reasons, but
2 certainly not because of the lack of effort by
3 John Flanagan.

4 But we have another session, and
5 that's what we're starting today. And this open,
6 cordial leadership is really what the Senate
7 needs. And the Legislature needs the same thing,
8 both houses of the Legislature, so that we can
9 act like a separately elected body that has
10 checks and balances over the other bodies in
11 state government.

12 And I'm sure that's going to be
13 done. That's why I proudly nominate John
14 Flanagan as Temporary President of the New York
15 State Senate.

16 THE PRESIDENT: The question is on
17 the resolution. All those in favor signify by
18 saying aye.

19 (Response of "Aye.")

20 THE PRESIDENT: Opposed?

21 (Response of "Nay.")

22 SENATOR GIANARIS: Show of hands,
23 Madam President.

24 THE PRESIDENT: So ordered.

25 (A show of hands in the chamber.)

1 THE PRESIDENT: Announce the
2 results.

3 THE SECRETARY: Ayes, 32.

4 THE PRESIDENT: The ayes have it.
5 The resolution is adopted.

6 (Standing ovation.)

7 THE PRESIDENT: I now call on
8 Senator John Flanagan to come forward to be sworn
9 in as Temporary President of the Senate by
10 Secretary of the Senate Frank Patience, and
11 joined by your family.

12 MR. PATIENCE: Senator? I do
13 solemnly swear to uphold the Constitution of the
14 United States --

15 SENATOR FLANAGAN: I do solemnly
16 swear to uphold the Constitution of the United
17 States --

18 MR. PATIENCE: -- and the
19 Constitution of the State of New York --

20 SENATOR FLANAGAN: -- and the
21 Constitution of the State of New York --

22 MR. PATIENCE: -- and I will
23 faithfully discharge the duties --

24 SENATOR FLANAGAN: -- and I will
25 faithfully discharge the duties --

1 MR. PATIENCE: -- of Senate
2 Majority Leader and Temporary President --

3 SENATOR FLANAGAN: -- of Senate
4 Majority Leader and Temporary President --

5 MR. PATIENCE: -- of the New York
6 State Senate --

7 SENATOR FLANAGAN: -- of the New
8 York State Senate --

9 MR. PATIENCE: -- according to the
10 best of my ability --

11 SENATOR FLANAGAN: -- according to
12 the best of my ability --

13 MR. PATIENCE: -- so help me God.

14 SENATOR FLANAGAN: -- so help me
15 God.

16 (Standing ovation.)

17 THE PRESIDENT: Congratulations,
18 Senator Flanagan.

19 Senator DeFrancisco.

20 SENATOR DeFRANCISCO: Madam
21 President, there's a resolution at the desk
22 adopting the rules of the Senate. Could we have
23 that resolution taken up at this time.

24 THE PRESIDENT: The Secretary will
25 read.

1 THE SECRETARY: Senate Resolution
2 Number 4, by Senators Flanagan and Klein, to
3 adopt the rules of the Senate for the years
4 2017-2018.

5 THE PRESIDENT: Senator Gianaris,
6 why do you rise?

7 SENATOR GIANARIS: I would like the
8 sponsor or whoever is appropriate to yield for a
9 few questions about the rules, please.

10 SENATOR DeFRANCISCO: Yes.

11 THE PRESIDENT: Senator Gianaris.

12 SENATOR GIANARIS: Thank you.

13 I have a question, there's a section
14 of these rules that appears new, and I'd just
15 like some clarification. In Rule Number 8,
16 Section 3 lays out the responsibilities of the
17 Ethics and Internal Governance Committee. I
18 wonder if Senator DeFrancisco can describe what
19 the changes are in that section from the existing
20 functions of the Ethics Committee in the Senate.

21 SENATOR DeFRANCISCO: No, I won't.

22 But I'm going to call on
23 Senator Croci, who was instrumental in the
24 legislation last year that this rule mirrors.

25 Senator Croci.

1 THE PRESIDENT: Senator Croci.

2 SENATOR CROCI: Thank you, Madam
3 President.

4 The rules, the changes that have
5 been proposed seek to clarify the functions of
6 the committee. There was some confusion last
7 year about the role of our committee and that of
8 the committee in the Assembly. So what we're
9 trying to do is to create parity with our
10 Assembly chamber and to make sure that in this
11 house, in the Assembly, but in our state
12 government, some things -- as I'm sure the
13 Senator would agree -- should transcend politics.
14 And the institutions of our government, the
15 legitimacy of the institutions of our government
16 and the people who serve in that government
17 should be reflected in the rules of not only the
18 committee, but in the houses.

19 SENATOR GIANARIS: Thank you.

20 Would Senator Croci continue to
21 yield?

22 SENATOR CROCI: I will yield for a
23 question.

24 SENATOR GIANARIS: Thank you.

25 Senator Croci and I had a dialogue

1 last session about this very issue, so I'm
2 pleased to see that some clarification is coming
3 forward. And I couldn't agree with him more that
4 the issue of ethics scrutiny in particular should
5 be above politics and applied fairly and equally
6 to all.

7 I also heard him say that the model
8 of this structure was to some degree based on the
9 Assembly, to bring parity between how the two
10 houses deal with this issue.

11 So I guess the main question I have
12 is I'm concerned, in this language, that there's
13 a very big difference between what's in our
14 proposed rules and what the Assembly does as it
15 relates to the composition of the body. Ethics
16 committees have always, for the very reason of
17 taking them out of politics, had an equal
18 representation from the majority and the minority
19 in both houses. That's how the Assembly does it.
20 In fact, I have the Assembly rules here, and it
21 explicitly says "The Ethics and Guidance
22 Committee shall consist of an equal number of
23 majority and minority members."

24 Yet in these proposed rules, it
25 talks about an equal number of members from both

1 political parties. And as we know, the Majority
2 Coalition has members of the Democratic Party.

3 So I'm curious what the intention or
4 the purpose of those words were. Will the
5 Minority Leader, the recently reelected Andrea
6 Stewart-Cousins, get to appoint an equal number
7 of members as the Majority Coalition, or is the
8 language somehow structured in a way to create an
9 unfair imbalance in this important committee?

10 SENATOR CROCI: Through you, Madam
11 President. The proposed question changes
12 reflect, I think, this body, which is very much a
13 New York institution. We in this body, those who
14 serve, consider ourselves I think Americans
15 first, New Yorkers second, and everything else
16 third, including party. I think we've done a
17 good job of showing the state that.

18 The proposed structure shows an
19 equal representation by both Republicans and
20 Democrats. So that there is an equal number,
21 it's an eight-member panel, and there will be
22 four from each party. That is, I believe, and
23 the constructing assistants who helped construct
24 this, I think we believe that that is the best
25 way to ensure fairness and to remove any

1 political injects in this system. It's best to
2 have an equal representation from both parties.

3 In fact, we have in our conference,
4 very proudly, a member who bears your party's
5 designation.

6 SENATOR GIANARIS: Exactly.

7 SENATOR CROCI: And I believe you
8 have a newly elected member who was just recently
9 from our party's designation. So the best and
10 most fair way is to ensure that the leadership
11 has discretion to work together to achieve a
12 consensus.

13 And again, when we're dealing with
14 ethics, Madam President, it should be something
15 that we can discuss in transcendency from our
16 political parities but also in a way that builds
17 consensus on very important issues.

18 SENATOR GIANARIS: Madam President,
19 would Senator Croci continue to yield?

20 SENATOR CROCI: I will yield for a
21 question.

22 THE PRESIDENT: Will the Senator
23 yield?

24 SENATOR GIANARIS: I guess I'll
25 revisit my question and put it a different way.

1 Because we are trying to remove this from
2 politics, and everyone who pays attention knows
3 that the politics of the State senate run
4 majority versus minority, not necessarily
5 Democrat versus Republican.

6 So why is there an imbalance in the
7 appointments, if that is the case? I'm asking
8 for clarification as to who gets to make these
9 appointments, and I haven't gotten that answer
10 yet. But why was the words changed from the
11 Assembly rules, which you suggested were what we
12 were trying to achieve parity with, where they
13 specifically say an equal number of majority and
14 minority members, and somehow in the drafting
15 process it now says an equal number from each
16 party? And as you pointed out, you have members
17 of our party that sit on your side; you have
18 other members of your Majority Coalition that are
19 Democrats.

20 So I'm just trying to make sure this
21 doesn't end up being some kind of way to create
22 an imbalance over a particular subject area where
23 there has always been great care to make sure
24 that majority and minority have equal
25 representation, exactly so that no political

1 shenanigans could take place in the context of
2 that committee. Yet you have deviated from what
3 the Assembly has done over the years. And I'm
4 asking, who gets to make these appointments and
5 why was it distinct from how the Assembly treats
6 this?

7 SENATOR CROCI: Madam President,
8 through you. The point I made with regard to the
9 parity we seek to achieve with the Assembly
10 structure is in the clarification of roles and
11 functions. Because indeed there was some
12 misclarification among members of our own
13 committee last year, those who had served with
14 more tenure.

15 What we're talking about is no
16 deviation from the representation. So the
17 proposed rule change does not have a change in
18 the number of representatives from either side.
19 So there is no change in that representation.
20 And any reference to the Assembly structure was
21 to clarify the roles. For instance, the
22 housekeeping and member issues that come up, the
23 security of the chamber, et cetera.

24 SENATOR GIANARIS: If the sponsor
25 would yield for another question.

1 SENATOR CROCI: Yes, I yield for a
2 question.

3 SENATOR GIANARIS: I guess let me
4 just boil it down to the simplest way I can ask
5 the question. Who gets to appoint the members of
6 the Democratic Party who sit on this committee?

7 SENATOR CROCI: Through you,
8 Madam President, that is through consultation by
9 the leadership, consultation among the leaders of
10 the different conferences.

11 SENATOR GIANARIS: Will Senator
12 Croci continue to yield.

13 SENATOR CROCI: I yield for a
14 question.

15 SENATOR GIANARIS: I guess that's a
16 vague enough answer that I don't quite understand
17 it.

18 Every other committee in the Senate,
19 the Minority has a certain amount of members, the
20 Minority Leader gets to make those appointments,
21 and we hand them up to the desk. I don't see
22 anything in -- I see lots of places in these
23 proposed rules where there's discussion of
24 consultation between Majority Coalition leaders.
25 I don't see anything that indicates how these

1 members are going to be appointed to this
2 critical committee.

3 SENATOR CROCI: Madam President,
4 through you. There is no change to the
5 membership or the way that they're appointed from
6 last year's rules, which were approved, I
7 believe, with overwhelming support.

8 SENATOR GIANARIS: Would Senator
9 Croci continue to yield, please?

10 SENATOR CROCI: I will yield for a
11 question.

12 THE PRESIDENT: Will the Senator
13 still yield?

14 SENATOR CROCI: Yes.

15 SENATOR GIANARIS: I beg to differ.
16 There is nowhere in the rules that talk about --
17 until this day and this draft -- that talk about
18 an equal number of members from both major
19 parties as determined by the State Board of
20 Elections. So with respect, I think your
21 previous answer was just flatly incorrect.

22 So I ask again, why is this
23 committee being treated differently? Why is it a
24 break from the tradition of both houses going
25 back as far as anyone can remember? And who gets

1 to make these appointments?

2 SENATOR CROCI: Madam President,
3 through you. What we sought to do is, again,
4 take best practices and mirror that which we have
5 implemented in the Legislative Ethics Commission.

6 And with regard to who makes the
7 determinations on the appointments, that is
8 something that has not changed. So I don't know
9 what your reading is, but the same process by
10 which members of the panel, the committee, are
11 selected will be the case for the coming rules
12 changes.

13 SENATOR GIANARIS: Would Senator
14 Croci continue to yield.

15 THE PRESIDENT: Will the sponsor
16 yield?

17 SENATOR CROCI: I yield for a
18 question, yes.

19 SENATOR GIANARIS: As I understood
20 your answer, since this is not changing the
21 process of appointing members to these various
22 committees, am I correct in assuming that the
23 Democratic Conference leader will get to appoint
24 the Democratic members to this committee?

25 SENATOR CROCI: Madam President,

1 through you, that is a decision that will be made
2 in consultation with the leadership of the
3 different conferences, which have functioned very
4 well together in previous years.

5 And it's a change in the number.
6 Proportionality, as they do in the Assembly,
7 would require -- actually, if we did
8 proportionality for your conference,
9 Senator Gianaris, that would actually decrease
10 your membership. So this -- we sought to do
11 something that would bring equal representation
12 among both parties. That way there is no
13 partisan injects into this process.

14 SENATOR GIANARIS: Would Senator
15 Croci continue to yield, Madam President?

16 SENATOR CROCI: I'll yield for a
17 question.

18 SENATOR GIANARIS: Thank you.

19 The Ethics Committee -- and, you
20 know, you raised the Assembly as your model in
21 your previous answer, so you can't use them when
22 you want to and not when you don't.

23 Ethics committees have always been
24 treated differently, regardless of the makeup of
25 bodies, because of their very sensitive nature

1 and the possibility of using an ethics overview
2 committee for political reasons. It has always
3 been, and continues to be in the Assembly, an
4 equal number of majority and minority members.
5 There's twice as many Democrats as Republicans in
6 the Assembly. So if you want to use them as the
7 example, that's what I would like to do. There
8 should be an equal number of majority and
9 minority members on this committee.

10 And you can't say that, Well, we're
11 making it equal parties. You yourself pointed
12 out that sitting somewhere near you -- I guess
13 you moved your seats -- but is a registered
14 member of our party. So someone who sits with
15 your conference getting appointed by you as a
16 Democrat isn't exactly fair.

17 So I'm asking again, don't you think
18 the proper way to do this, the way it's been done
19 traditionally, the way it's done in the
20 Legislative Ethics Committee, which you also
21 raised, the way it's done in the Assembly, is an
22 equal number of members appointed by the majority
23 and by the minority? And that's the best way to
24 prevent political shenanigans from interfering
25 with the important work of the Ethics Committee.

1 SENATOR CROCI: Madam President, I
2 can't speak to what Senator Gianaris would like
3 to do, in his opinion. But I can tell you that
4 in this body we have three conferences made up of
5 individuals who are of different parties. Again,
6 it is a uniquely New York institution. And in
7 the Assembly they have two conferences, which
8 makes it more simplified.

9 So in this case, having equal
10 representation, which this rule proposes -- four
11 Republicans and four Democrats. I don't know how
12 you can get more equal than four and four.

13 SENATOR GIANARIS: Would
14 Senator Croci continue to yield, Madam President?

15 THE PRESIDENT: Senator, will you
16 yield?

17 SENATOR CROCI: For a question,
18 yes.

19 SENATOR GIANARIS: I will give an
20 answer to his question of how it can be made
21 better, and then I'll move on to another question
22 because I don't want to belabor this point.

23 But one way it could be made fair is
24 have all three conferences equally represented
25 and require a member of each conference to

1 participate and approve any action of the
2 committee. That's the way it's done in other
3 ethics bodies that we have in this state. That
4 would be a way that would be fair to all and
5 prevent one side, for political reasons, seeking
6 to highlight and punish one of the other -- of
7 either of the other two conferences, for that
8 matter.

9 So this is drafted in a way that is
10 a dramatic break from tradition and opens the
11 door to some pretty dangerous stuff in terms of
12 politicizing what should be an independent ethics
13 body.

14 Let me ask one other line of
15 questioning on this subject. What exactly would
16 this ethics and internal governance body have the
17 power to do?

18 THE PRESIDENT: Would the Senator
19 yield for a question?

20 SENATOR CROCI: Yes, I yield for a
21 question. Well, I've yielded for the question, I
22 guess, so now I'll respond.

23 To look at items that have
24 traditionally, long before many of us got to this
25 body, have plagued the reputation of the

1 institution itself -- issues of member
2 misconduct, specific member misconduct, issues of
3 travel expenses and per diem, issues that
4 traditionally have been a housekeeping function,
5 which the Assembly -- again, I will use the
6 reference to the Assembly -- committee does right
7 now and does very well. So it's -- that has
8 always been the function of the committee.

9 It is not a committee of original
10 jurisdiction where rules for, say, our historic
11 pension forfeiture bill, bills that do not come
12 through -- that went through the Judiciary
13 Committee and then the Rules Committee. So it
14 remains not a committee of original jurisdiction,
15 but a membership and housekeeping committee which
16 will also look at not only member conduct but the
17 security of the chamber as well.

18 SENATOR GIANARIS: Thank you.

19 Would Senator Croci continue to
20 yield?

21 SENATOR CROCI: For a question,
22 yes.

23 THE PRESIDENT: Senator, will you
24 continue to yield for a question?

25 SENATOR GIANARIS: Thank you.

1 I guess what I'm trying to get at is
2 after reviewing the conduct of members that might
3 be considered by this committee, what action
4 would the committee have the power to do? Would
5 they have the power of sanction? Would they just
6 have the power to refer it to ethics bodies?
7 What are we trying to do with this committee once
8 it concludes any investigative work?

9 SENATOR CROCI: Through you,
10 Madam President, they would have the ability to
11 refer that matter to the Legislative Ethics
12 Commission.

13 SENATOR GIANARIS: Thank you. And
14 one final question to clarify that, if the
15 sponsor would yield.

16 THE PRESIDENT: Will the Senator
17 yield for a question?

18 SENATOR CROCI: For a question,
19 yes.

20 SENATOR GIANARIS: So just to be
21 crystal clear, so the committee, after conducting
22 its business, would have the power to make a
23 referral to an appropriate body, would not have
24 the power itself to issue sanctions against
25 anyone under its --

1 SENATOR CROCI: Through you,
2 Madam President, that is correct. As is the case
3 with the other legislative body, the Assembly,
4 the Legislative Ethics Commission remains the
5 appropriate jurisdiction for those kinds of
6 actions.

7 SENATOR GIANARIS: Okay, thank you.
8 And, I'm sorry, I did think of one
9 other final question, if the --

10 THE PRESIDENT: One final question.
11 (Laughter.)

12 SENATOR GIANARIS: -- Senator Croci
13 would continue to yield.

14 SENATOR CROCI: Indeed. I will
15 yield for a question.

16 SENATOR GIANARIS: Just -- the
17 question, because it's not outlined in these
18 rules, is how would the committee treat the
19 confidentiality of matters referred to it? Is it
20 presumed confidential? Is it open to the public?
21 What exactly would be the process through which
22 you would investigate any allegations?

23 SENATOR CROCI: Well, since --
24 Madam President, through you. Since there are no
25 proposed changes to that, it would remain the

1 same as it is.

2 SENATOR GIANARIS: Which is what?

3 If the Senator would yield.

4 THE PRESIDENT: The Senator will
5 yield for a question.

6 SENATOR CROCI: Madam President,
7 through you, the confidentiality will be
8 maintained and referred to the committees, as it
9 is in the Assembly.

10 SENATOR GIANARIS: So just for
11 clarification, if the Senator would yield.

12 THE PRESIDENT: Will the Senator
13 yield?

14 SENATOR GIANARIS: So matters
15 before the committee -- and the reason I ask is
16 to say it's how it's been done. The committee
17 hasn't actually met in several years, so there is
18 no real track record here.

19 The question is, are matters just
20 presumed confidential when they're before the
21 committee, or are they available to the public?

22 SENATOR CROCI: Madam President,
23 through you. As I said, the matters are
24 confidential. Once the Legislative Ethics
25 Commission referral is made, that decision to

1 make a referral is a public item.

2 And as far as the meetings of the
3 committee, Madam President, the Senator has more
4 tenure on the committee, so he would definitely
5 have the history on that. I do think that
6 hopefully the things that we have discussed have
7 resulted in constructive changes that we can both
8 live with.

9 SENATOR GIANARIS: Thank you.

10 On the resolution, Madam President.

11 I think putting some teeth into this
12 committee and giving it more defined purpose is a
13 good idea. I'm glad to have gotten some of the
14 clarification about the jurisdiction of the
15 committee and how it will function.

16 But I remain extremely concerned and
17 opposed to the composition of this body and who
18 will be making the appointments. And as we sit
19 here voting on these rules, it sounds to me like
20 we don't have an answer as to who's going to be
21 making these appointments, which is deeply
22 concerning given the tradition and the history of
23 keeping ethics bodies bipartisan, by majority and
24 minority as well as by party.

25 And given the fact that it's not

1 beyond the realm of possibility in the course of
2 history that ethics bodies have been used for
3 political ends, the best way to remove that is to
4 make sure everyone has an equal say. And if we
5 have three conferences and that's unique, then
6 all three conferences should have an equal say
7 and have a requirement that they have to approve
8 any action the committee takes.

9 So I remain very opposed to this. I
10 will be opposing these rules for a number of
11 reasons, but particularly because I'm concerned
12 that the wording of how this ethics committee is
13 going to be made up is nothing but a political
14 power grab when we should be doing the opposite
15 and making this as independent and equal as
16 possible.

17 Thank you.

18 THE PRESIDENT: Senator Hoylman,
19 why do you rise?

20 SENATOR HOYLMAN: Would the sponsor
21 yield to some questions on the resolution,
22 Madam President?

23 THE PRESIDENT: Will the sponsor
24 yield?

25 SENATOR DeFRANCISCO: Yes.

1 SENATOR HOYLMAN: Through you,
2 Madam President, I'm referring to specifically
3 Section 10-4, on cellphone usage.

4 First, Happy New Year to all my
5 colleagues, and welcome to the new members of the
6 Senate and new staff who join us this year.

7 Would the sponsor yield? My first
8 question, could the sponsor explain the purpose
9 of Section 10-4 on cellphone usage?

10 SENATOR DeFRANCISCO: The purpose
11 is to maintain some level of decorum in the
12 chambers while we're discussing and passing
13 legislation.

14 SENATOR HOYLMAN: Would the sponsor
15 continue to yield?

16 SENATOR DeFRANCISCO: Yes.

17 SENATOR HOYLMAN: Through you,
18 Madam President. So it's fair to say that these
19 changes will help ensure that order and decorum
20 are preserved?

21 SENATOR DeFRANCISCO: It will make
22 it easier to do so. Nothing can ensure decorum.

23 SENATOR HOYLMAN: Would the sponsor
24 continue to yield?

25 SENATOR DeFRANCISCO: Yes.

1 SENATOR HOYLMAN: Thank you.

2 Are there -- I might add that the
3 idea that these rule changes will help ensure
4 that order and decorum are preserved are the
5 exact reasons that House Speaker Ryan set forth
6 for restrictions on cellphone usage in the U.S.
7 Congress this week.

8 Are there examples that the sponsor
9 can cite of lack of decorum or order because of
10 cellphone usage?

11 SENATOR DeFRANCISCO: Well, I can't
12 cite chapter and verse. But it's pretty logical
13 that if you're debating a bill and someone's got
14 a cellphone taking photographs of you or people
15 around you and participating in activities that
16 would in some way distract speakers, distract the
17 chair in conducting the business, I think it
18 makes sense.

19 It's not like we're operating in a
20 vacuum here. There's a camera there
21 (indicating), and there's a camera there
22 (indicating). And every single moment of this
23 session is being videoed live, live stream, to
24 the entire state and the world, if anyone's
25 interested.

1 So the fact of the matter is that
2 it's not that we've got to be transparent, we are
3 as transparent as could possibly be. And there's
4 opportunities for individuals to -- the press,
5 for example, they can take photographs and videos
6 from the galleries. Only if there's -- the
7 Secretary of the Senate provides that authority.
8 And there can be exceptions provided by the
9 Secretary of the Senate, as was today, because
10 today was a special day and the special day
11 required or was perfect for photographs of people
12 being sworn in on this very important occasion.

13 So I think individuals can certainly
14 withhold the -- certainly not be -- be so
15 important, while things are going on in the
16 Senate chambers, to take videos of everything
17 that's going on.

18 SENATOR HOYLMAN: Through you,
19 Madam President, would the sponsor continue to
20 yield?

21 SENATOR DeFRANCISCO: Yes.

22 THE PRESIDENT: Will the sponsor
23 yield?

24 SENATOR HOYLMAN: So would the
25 sponsor be able to cite a single incident where

1 the use of a camera, cellphone camera, has led to
2 a lack of decorum or order in the chamber?

3 THE PRESIDENT: Will the sponsor
4 yield for a question?

5 SENATOR DeFRANCISCO: I can't cite
6 a specific instance. But I think it's pretty
7 logical, if there's people taking videos in the
8 session while people are speaking and trying to
9 respond -- maybe there's someone doing it right
10 now, in view of the fact that the rules have not
11 been adopted yet.

12 It doesn't seem to me and it doesn't
13 seem to the people proposing these rules, the
14 Majority, that it's a substantial inconvenience
15 for someone to actually view it in person what's
16 happening, view it on a video what's happening,
17 rather than have people milling around the
18 chambers taking videos of their favorite joke
19 that may be told or their favorite line that may
20 be told. And it just seems to be a practical way
21 to have less confusion in the chambers while
22 we're doing business.

23 SENATOR HOYLMAN: Through you,
24 Madam President, would the sponsor continue to
25 yield?

1 THE PRESIDENT: Will the sponsor
2 continue to yield?

3 SENATOR DeFRANCISCO: Yes.

4 SENATOR HOYLMAN: So since the
5 sponsor can't cite a single incident of lack of
6 decorum or order because of the use of a
7 cellphone, would he agree that this is to
8 anticipate such disorder and disruption because
9 of cellphone use?

10 SENATOR DeFRANCISCO: No. I'm not
11 suggesting that at all. What I'm suggesting is
12 that -- I'm -- you know, I'm at advanced years.
13 And I've been doing this for a long time. And I
14 don't necessarily remember everything that
15 happens. And you don't have to wait for
16 something to happen in order to provide a rule
17 that would provide for decorum.

18 So this isn't anticipatory, it just
19 makes for good government when we are constantly
20 live to anybody who wants to watch us. And if
21 someone wants their personal memento of a Senator
22 speaking or a Senator saying something foolish, I
23 guess you could pick it off the video camera or
24 you could wait till you're outside of the
25 chambers, in some other location, in order to

1 provide whatever video feed you want to provide.

2 And by the way, I don't know what
3 Speaker Ryan's done. I haven't really paid much
4 attention. So I don't know if that comment has
5 anything to do with anything about the debate.
6 But I don't know if that's true or not.

7 SENATOR HOYLMAN: Would the sponsor
8 continue to yield?

9 THE PRESIDENT: Will the sponsor
10 yield?

11 SENATOR DeFRANCISCO: Yes. Yes.
12 Yes.

13 SENATOR HOYLMAN: So is it fair to
14 say that the -- a hypothetical breach of decorum
15 and order outweighs freedom of speech in this
16 chamber?

17 SENATOR DeFRANCISCO: Well, taking
18 a photograph has nothing to do with freedom of
19 speech, unless I'm misinterpreting the
20 Constitution. But I know that some cameras have
21 flashes and things like that that could result in
22 a lack of decorum. And no one who is a Senator
23 can -- I don't think it's a reasonable suggestion
24 to claim that it in any way impairs freedom of
25 speech.

1 SENATOR HOYLMAN: Will the sponsor
2 continue to yield, Madam President?

3 THE PRESIDENT: Will the sponsor
4 yield?

5 (Laughter, applause as
6 Senator Felder ostentatiously uses his cellphone
7 camera.)

8 SENATOR FELDER: The rule's not in
9 yet.

10 (Laughter.)

11 SENATOR DeFRANCISCO: I rest my
12 case.

13 (Laughter, applause.)

14 SENATOR HOYLMAN: Through you,
15 Madam President.

16 THE PRESIDENT: Will the sponsor
17 continue to yield?

18 SENATOR DeFRANCISCO: Yes.

19 SENATOR HOYLMAN: So, Senator
20 Felder, this may be the last time you can do that
21 and share that information with your
22 constituents, whether it's live-streamed or
23 photographed from a cellphone.

24 And I want to go to the question of
25 cellphones, because Section 4, Part A refers only

1 to cellphones. It says cellular telephones -- by
2 the way, we just got these rules, you know, an
3 hour ago. "Cellular telephones shall not be used
4 to take photographs, videos, or perform any other
5 recording function in the Senate chamber,
6 galleries, or lobbies, except those photographic
7 and recording functions performed by official
8 Senate photographers and videographers, without
9 the permission of the Secretary of the Senate."

10 So what about an iPad, a Brownie
11 camera, a Polaroid? My daughter got, for
12 Hanukkah, a six-year-old's wristwatch that
13 actually takes photos. Would those be prohibited
14 by this rule?

15 SENATOR DeFRANCISCO: Madam
16 President, first of all, I know it's been a
17 constant lament in legislative bodies, especially
18 in the State of New York, about the lack of
19 notice so that people don't have a chance to read
20 things that are being debated.

21 These proposed rules, despite what
22 the Senator mentioned, were not handed to them an
23 hour ago, they were sent out about 8 o'clock this
24 morning.

25 (Laughter.)

1 SENATOR DeFRANCISCO: And the fact
2 that he got it an hour ago, we can give him more
3 time to read it. If he wants to read what he's
4 already asking me about before he asks me about
5 it, I'll be happy to wait for him to read it.
6 But that's not the case.

7 As far as the interpretation of the
8 rule --

9 SENATOR HOYLMAN: Would you suspend
10 this discussion, then, and the discussion on the
11 rules so we would have time to review the --

12 SENATOR DeFRANCISCO: No. No. No.
13 Because I -- I know from your educational
14 experience you're able to get through these rules
15 at a relatively reasonable period of time. And I
16 think you've had that time.

17 But as far as cellular phones, the
18 rules are interpreted by the Temporary President
19 of the Senate. And "cellular telephones" means
20 cellular telephones. If we wanted to have iPads,
21 it would have said "iPads." And I don't think
22 there's any confusion as to what plain language
23 means.

24 SENATOR HOYLMAN: Through you,
25 Madam President, would the sponsor continue to

1 yield?

2 THE PRESIDENT: Will the sponsor
3 continue to yield?

4 SENATOR HOYLMAN: So photographs by
5 other mechanisms will be permitted, including
6 Polaroids, Brownies, iPads, my daughter's
7 wristwatch?

8 SENATOR DeFRANCISCO: Let me read
9 the language again.

10 SENATOR HOYLMAN: If not, how does
11 that further the decorum of the Senate chamber?

12 SENATOR DeFRANCISCO: It says
13 cellular phones shall not be used to take
14 photographs, videos, or perform any other
15 functions. And other recording function in the
16 New York State chambers, galleries or lobbies,
17 except those photographic and recording functions
18 performed by official Senate photographers and
19 videographers, without the permission of the
20 Secretary of the Senate.

21 And permission has been granted in
22 the past on many occasion to have people in the
23 galleries take photographs and -- by other means.
24 And so that's the way I interpret it, and I think
25 it's the plain language.

1 SENATOR HOYLMAN: Through you,
2 Madam President, would the sponsor continue to
3 yield?

4 THE PRESIDENT: Will the sponsor
5 continue to yield?

6 SENATOR HOYLMAN: Is the rationale
7 for this rule change the same for members of the
8 public who also take photos? And secondly, can
9 you cite an incident of disruption or lack of
10 decorum because members of the public are
11 videotaping, taking photos, learning about the
12 proceedings of the Senate chamber through the
13 transmission of video and photographs?

14 SENATOR DeFRANCISCO: Yes, during
15 session. When session is not going on, there's
16 often people here who are coming to visit the
17 Capitol, they go on tours, they come up here,
18 they take photographs as much as they want.
19 We're just talking about during Senate sessions.

20 SENATOR HOYLMAN: Would the sponsor
21 continue to yield?

22 THE PRESIDENT: I will pose the
23 question, does the sponsor wish to yield?

24 SENATOR DeFRANCISCO: Yes. Yes.
25 Yes.

1 SENATOR HOYLMAN: Through you,
2 Madam President, can the sponsor cite a single
3 incident of members of the public causing a lack
4 of decorum because they've taken photographs
5 or --

6 SENATOR DeFRANCISCO: Yeah,
7 there's -- periodically, there's demonstrations
8 in the chambers, in the galleries, where people,
9 in order to emphasize a point or try to get some
10 preferred legislation more attention -- there's
11 been many instances of that. And I recall many
12 times where people were taking photographs and
13 laughing and joking like this was basically a fun
14 time in the playground. And that's the type of
15 thing we're trying to avoid.

16 SENATOR HOYLMAN: Through you,
17 Madam President, would the sponsor continue to
18 yield?

19 THE PRESIDENT: Does the sponsor
20 wish to continue to yield?

21 SENATOR DeFRANCISCO: Yes. Yes.

22 SENATOR HOYLMAN: I think -- does
23 the sponsor acknowledge that there's a difference
24 between a demonstration in the gallery and a
25 citizen taking a photo? One does not necessarily

1 relate to the other.

2 SENATOR DeFRANCISCO: You asked me
3 if I remember any instances where that happened,
4 and I explained the instances I remember.

5 SENATOR HOYLMAN: Through you,
6 Madam President, would the sponsor continue to
7 yield?

8 THE PRESIDENT: Will the sponsor
9 continue to yield?

10 SENATOR DeFRANCISCO: Yes.

11 SENATOR HOYLMAN: What is the
12 punishment for breaking this rule for members of
13 the Senate.

14 SENATOR DeFRANCISCO: Life
15 imprisonment without parole.

16 (Laughter.)

17 SENATOR DeFRANCISCO: It's --
18 obviously someone from the Senate, a designee of
19 the Secretary of the Senate, would go to that
20 person, explain the rules of the Senate and ask
21 them to please leave. If they're willing to
22 please leave or stop the photographs, that's the
23 end of the punishment.

24 If, on the other hand, they won't
25 stop, then we have individuals here who will help

1 them leave or stop taking the photographs.

2 SENATOR HOYLMAN: Will the sponsor
3 continue to yield?

4 THE PRESIDENT: Will the sponsor
5 yield?

6 SENATOR DeFRANCISCO: Yes.

7 SENATOR HOYLMAN: Through you,
8 Madam President. So members will be expelled
9 from the chamber -- what about -- if they break
10 the rule repeatedly. That's what you said. What
11 about members of the press or public?

12 SENATOR DeFRANCISCO: The public I
13 think is what we just talked about, when you say
14 the press and the public. So I think we've
15 talked about the public. And I didn't say they'd
16 be immediately expelled. The public would be
17 notified of the rules, if they hadn't known them
18 before, and asked to stop. If they stop, then
19 that's it. If they don't stop, then they would
20 be escorted out for not abiding by the rules.

21 As far as the press is concerned,
22 the press, with permission of the Secretary of
23 the Senate -- as has been granted permission as
24 long as I've been here -- can take photographs
25 from the gallery.

1 SENATOR HOYLMAN: Would the sponsor
2 continue to yield, Madam President?

3 THE PRESIDENT: Will the sponsor
4 yield?

5 SENATOR DeFRANCISCO: Yes.

6 SENATOR HOYLMAN: Through you,
7 Madam President. So in terms of our press, our
8 free press, do they have to see the Secretary of
9 the Senate every time they want to bring a camera
10 onto the floor of the Senate or into the gallery,
11 for that matter? Or is it a blanket license from
12 the Senate?

13 SENATOR DeFRANCISCO: No, they
14 don't need a license. But they do not have to
15 ask permission. And I don't think any member of
16 the press has been prohibited in my time here
17 from taking photographs from the gallery. But
18 it's just -- the wording is just an opportunity
19 in case something happens during the course of a
20 session where there's disruption, that there's at
21 least an avenue for the Secretary of the Senate
22 to maintain some type of decorum, even for the
23 press.

24 SENATOR HOYLMAN: Through you,
25 Madam President, would the sponsor continue to

1 yield?

2 THE PRESIDENT: Will the sponsor

3 yield?

4 SENATOR DeFRANCISCO: Yes.

5 SENATOR HOYLMAN: Through you,
6 Madam President. So it is agreed that the
7 Secretary of the Senate could, in theory, revoke
8 permission for a member of the press to be on the
9 floor or in the gallery of the Senate with a
10 camera?

11 SENATOR DeFRANCISCO: Yes, the
12 Secretary of the Senate could do that. But I'll
13 ask you if you'll yield to a question.

14 SENATOR HOYLMAN: I'm still --
15 still have a few more questions, and I'm happy to
16 take some at the end.

17 SENATOR DeFRANCISCO: I'll hold it.

18 SENATOR HOYLMAN: Thank you.

19 And does the -- through you,
20 Madam President, would the sponsor continue to
21 yield?

22 THE PRESIDENT: Will the sponsor
23 continue to yield?

24 SENATOR DeFRANCISCO: Yes. Yes.

25 Yes. Yes.

1 SENATOR HOYLMAN: Does the sponsor
2 recognize that when a show of hands is taken in
3 this Senate chamber that the result of that show
4 of hands is not publicly available? It is
5 recorded at the desk but not available for the
6 public's view.

7 SENATOR DeFRANCISCO: I wasn't
8 paying attention. I was getting kind of tired.
9 And so can you try it again?

10 SENATOR HOYLMAN: Does the sponsor
11 acknowledge that when a show of hands is taken in
12 this chamber, as it was earlier today or as it
13 was, for example, when we set forth a hostile
14 amendment on the Child Victims Act, that the show
15 of hands is not recorded for the public's view?

16 SENATOR DeFRANCISCO: Well, we've
17 got the live video stream that would pick up -- I
18 don't know how much of it it would pick up --
19 number one.

20 Number two, there are members of the
21 press throughout the gallery, and some on the
22 floor, that are here to witness what's happening,
23 and there's no -- what I was going to ask you is,
24 I'll just state it, there's never been a time in
25 24 years when I've seen the Secretary of the

1 Senate, no matter who it was, to exclude members
2 of the press from being here to record whatever
3 they want to record.

4 So I think there's plenty of
5 safeguards for the show of hands to be viewed by
6 the general public and observed in a transparent
7 way.

8 SENATOR HOYLMAN: Would the sponsor
9 continue to yield, Madam President?

10 THE PRESIDENT: Would the sponsor
11 yield?

12 SENATOR DeFRANCISCO: Yes.

13 SENATOR HOYLMAN: So we do have
14 these two cameras that record some of our
15 activity. That is decided by, presumably, Senate
16 operations. It is their prerogative to show what
17 they wish. And I'm not certain at all that they
18 show when members do raise their hands or not.

19 But I'm interested to know if the
20 issue of -- does the Senator know who is in fact
21 in charge of these cameras? And under whose
22 aegis is that office?

23 SENATOR DeFRANCISCO: First of
24 all --

25 THE PRESIDENT: Will the Senator

1 yield?

2 SENATOR DeFRANCISCO: -- I've been
3 only looking at these two cameras. I didn't
4 realize my rear end was being videoed as well.

5 (Laughter.)

6 SENATOR DeFRANCISCO: But there's
7 three more videos here, so there's a lot of
8 angles.

9 Somebody designated by the Secretary
10 of the Senate controls the cameras. I was going
11 to say the Russians, but I didn't think you'd
12 laugh at that.

13 (Scattered laughter.)

14 SENATOR DeFRANCISCO: But the
15 Secretary of the Senate has a person doing that,
16 and we've never had a complaint from all the
17 public that hinges on every one of our words at
18 home while they're watching it on video, live
19 stream.

20 SENATOR HOYLMAN: On the
21 resolution, Madam President.

22 THE PRESIDENT: On the resolution.

23 SENATOR HOYLMAN: Thank you to the
24 sponsor. I appreciate his explanation.

25 Let me first say that I think we

1 should all shudder at the thought of our First
2 Amendment rights being curtailed in any context,
3 in particular a hypothetical one where the
4 sponsor is unable to cite a single instance of
5 disruption or lack of decorum due to the use of a
6 cellphone. Particularly today, Madam President,
7 when we all just took an oath of office to uphold
8 the Constitution of the United States.

9 Secondly, cellphones are important
10 not just for like group selfies, but it's a way
11 for a lot of us to connect with our constituents.
12 I don't know how many of our colleagues actually
13 have constituents who watch the state channel,
14 but I venture it's not very many. We have a
15 responsibility and, frankly, a responsibility to
16 communicate activity on the Senate floor with our
17 constituents.

18 And in particular, Madam President,
19 that is when we often will raise a show of hands,
20 and those votes are not publicly available to
21 know how Senators in fact voted on a number of
22 actions that we take on this floor.

23 This, in pure and simple terms, is a
24 violation of our free speech. I think it's an
25 insult to New Yorkers that we are curtailing the

1 opportunity to bring transparency to this
2 chamber. No one has accused us of being too
3 transparent, but apparently that's the
4 hypothetical problem that we're dealing with
5 today.

6 I would urge our colleagues to
7 reject these rules based on the fact that we are
8 limiting speech in one of the most important
9 forums, not just of members but of members of the
10 public and, most importantly, members of the
11 press.

12 Thank you, Madam President.

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: I'm sorry. Senator
18 Krueger.

19 SENATOR KRUEGER: Thank you very
20 much, Lieutenant Governor.

21 I have to say I've been listening to
22 this discussion, and what is perturbing me
23 immensely is both the continuation of the
24 partisan and political design of a number of the
25 rules.

1 The concept that the Ethics
2 Committee will now be picked by we still don't
3 know who, and in what combination. And you would
4 think the Ethics Committee would be the committee
5 we would absolutely very much want to know the
6 details about before that committee started its
7 business.

8 The concept that they now have more
9 authority to actually tell the public and the
10 press where they can be, where they cannot be,
11 what they can hear, what they can record, video
12 or audio.

13 The concept that we are actually
14 saying, for everyone who listened to the back and
15 forth between Senator Hoylman previously, that
16 the public and the press, even in the lobby,
17 couldn't record a conversation going on. Well,
18 that's not on the TV cameras here. Maybe the
19 Russians are recording and listening; I don't
20 know how to get access to their recordings.

21 But the concept that we would be
22 shutting ourselves off even further from public
23 access and information about what goes on in
24 discussions on this floor, in the lobby, in the
25 surrounding areas is completely unacceptable.

1 These rules put us back further in
2 time from some of the reforms that we had made in
3 the past. They continue to shut out the
4 Democratic members in the way the rules are
5 designed to allow bills to come to the floor or
6 move through committees. And now we are shutting
7 out and making more political both the access to
8 information and the potential most important
9 reviews by an Ethics Committee, yes, that never
10 meets, and it would be lovely if it actually had
11 a function and did something, but it's also
12 critical in these times that it not be turned
13 into a political and partisan game.

14 I am voting no and I urge my
15 colleagues to vote no on these rules.

16 Thank you, Madam President.

17 THE PRESIDENT: Seeing no one else
18 wishing to be heard, the question is on the
19 resolution. All those in favor signify by saying
20 aye.

21 (Response of "Aye.")

22 THE PRESIDENT: Opposed, nay.

23 (Response of "Nay.")

24 THE PRESIDENT: The resolution is
25 adopted.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: Yes, there's
3 a resolution at the desk calling for the election
4 of the Secretary of the Senate. Will you call
5 that up, please.

6 THE PRESIDENT: The Secretary will
7 read.

8 THE SECRETARY: Senate Resolution
9 Number 5, by Senators Flanagan and Klein, that
10 Francis W. Patience of Latham, New York, be, and
11 he hereby is elected Secretary of the Senate for
12 the years 2017-2018.

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 resolution is
20 adopted.

21 Mr. Patience, I ask that you please
22 come forward to receive your oath of office. You
23 will be accompanied by Father James Walsh of
24 St. Pius X of Loudonville.

25 (Applause.)

1 THE PRESIDENT: Senator Flanagan
2 will do the honors.
3 SENATOR FLANAGAN: I do solemnly
4 swear --
5 MR. PATIENCE: I do solemnly
6 swear --
7 SENATOR FLANAGAN: -- to uphold the
8 Constitution of the United States --
9 MR. PATIENCE: -- to uphold the
10 Constitution of the United States --
11 SENATOR FLANAGAN: -- the
12 Constitution of the State of New York --
13 MR. PATIENCE: -- the Constitution
14 of the State of New York --
15 SENATOR FLANAGAN: -- and to
16 faithfully discharge the duties --
17 MR. PATIENCE: -- and to faithfully
18 discharge the duties --
19 SENATOR FLANAGAN: -- of the office
20 of the Secretary of the Senate --
21 MR. PATIENCE: -- of the office of
22 the Secretary of the Senate --
23 SENATOR FLANAGAN: -- to the best
24 of my abilities --
25 MR. PATIENCE: -- to the best of my

1 abilities --

2 SENATOR FLANAGAN: -- so help me

3 God.

4 MR. PATIENCE: -- so help me God.

5 SENATOR FLANAGAN: Congratulations.

6 (Standing ovation.)

7 THE PRESIDENT: Congratulations,
8 Mr. Patience. Look forward to continuing to work
9 together. Thank you.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: There's a
12 resolution pertaining to the appointment of the
13 Sergeant-at-Arms. Could you please take up that
14 resolution.

15 THE PRESIDENT: The Secretary will
16 read.

17 THE SECRETARY: Senate Resolution
18 Number 6, by Senators Flanagan and Klein, that
19 Stephen F. Slagen be, and he hereby is elected
20 Sergeant-at-Arms of the Senate for the years
21 2017-2018.

22 THE PRESIDENT: The question is on
23 the resolution. All in favor signify by saying
24 aye.

25 (Response of "Aye.")

1 THE PRESIDENT: Opposed?

2 (No response.)

3 THE PRESIDENT: The resolution is
4 adopted.

5 (Standing ovation.)

6 THE PRESIDENT: For the record,
7 Stephen F. Slagen has been elected
8 Sergeant-at-Arms for the years 2017 to 2018.
9 It's my honor to present to you the
10 Sergeant-at-Arms.

11 Congratulations. Look forward to
12 continuing to see you in this chamber.

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Yes, there's
15 a resolution at the desk appointing probably the
16 hardest-working person in this chamber who gets
17 least recognized, Catherine Kirkland. Could you
18 take that up for her nomination for Senate
19 Stenographer.

20 THE PRESIDENT: The Secretary will
21 read.

22 THE SECRETARY: Senate Resolution
23 Number 7, by Senators Flanagan and Klein, that
24 Catherine Kirkland be, and she hereby is elected
25 the Official Stenographer of the Senate for the

1 years 2017-2018.

2 THE PRESIDENT: The question is on
3 the resolution. All in favor signify by saying
4 aye.

5 (Response of "Aye.")

6 THE PRESIDENT: Opposed?

7 (No response.)

8 THE PRESIDENT: The resolution is
9 adopted.

10 For the record, Catherine Kirkland
11 has been elected Senate Stenographer for the
12 years 2017 to 2018. It's my honor to present to
13 you Catherine Kirkland, Senate Stenographer.

14 Congratulations.

15 (Standing ovation.)

16 THE PRESIDENT: Senator
17 DeFrancisco.

18 SENATOR DeFRANCISCO: Now would you
19 please take up the resolution appointing a
20 committee of three to inform the Governor.

21 THE PRESIDENT: The Secretary will
22 read.

23 THE SECRETARY: Senate Resolution
24 Number 9, by Senators Flanagan and Klein,
25 directing the Temporary President to appoint a

1 committee of three to inform the Governor that
2 the Senate is organized and ready to proceed with
3 business.

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

7 (Response of "Aye.")

8 THE PRESIDENT: Opposed?

9 (No response.)

10 THE PRESIDENT: The resolution is
11 adopted.

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: And the next
14 resolution, please take up the committee of three
15 to inform the Assembly.

16 THE PRESIDENT: The Secretary will
17 read.

18 SENATOR DeFRANCISCO: Madam
19 President, will you postpone that request of
20 mine? Because I missed one.

21 There's a resolution at the desk
22 setting forth the hours of the Senate for
23 2017-2018. Could we take that up first, please.

24 THE PRESIDENT: The Secretary will
25 read.

1 THE SECRETARY: Senate Resolution
2 Number 8, by Senators Flanagan and Klein,
3 providing for the hours of meeting by the Senate
4 for the years 2017-2018.

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

8 (Response of "Aye.")

9 THE PRESIDENT: Opposed?

10 (No response.)

11 THE PRESIDENT: The resolution is
12 carried.

13 SENATOR DeFRANCISCO: Next would
14 you take up the resolution concerning the
15 committee of three to inform the Assembly.

16 THE PRESIDENT: The Secretary will
17 read.

18 THE SECRETARY: Senate Resolution
19 Number 10, by Senators Flanagan and Klein,
20 directing the Temporary President to appoint a
21 committee of three to wait upon the Assembly and
22 inform that body that the Senate is assembled and
23 ready to proceed with business.

24 THE PRESIDENT: The question is on
25 the resolution. All in favor signify by saying

1 aye.

2 (Response of "Aye.")

3 THE PRESIDENT: Opposed?

4 (No response.)

5 THE PRESIDENT: The resolution is
6 adopted.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: Yes, can you
9 now recognize Senator Stewart-Cousins, the
10 conference leader for the Democrat Conference,
11 for remarks.

12 THE PRESIDENT: Senator
13 Stewart-Cousins.

14 SENATOR STEWART-COUSINS: Thank
15 you, Madam President.

16 And Happy New Year to all of my
17 colleagues. It's good to have you back.

18 I want to thank my Democratic
19 colleagues for once again electing me as the
20 Democratic leader, and assure you that it is an
21 honor to serve you and to serve in this position.

22 I'd also like to congratulate
23 Senator Flanagan for his reelection, as well as
24 Senator Klein for his reelection, to their
25 respective conferences.

1 And of course I want to welcome all
2 of the new members into the chamber, and
3 specially highlight our two members. I want to
4 highlight Jamaal Bailey, who is from Senate
5 District 36, representing Mount Vernon and parts
6 of the Bronx.

7 You should know that Senator Bailey
8 is an attorney, and he's worked very, very
9 closely with a lot of people, but certainly with
10 speaker Heastie over the years. And he's been a
11 longtime fighter for education and social
12 justice. And most importantly, he's here with
13 his family, including his wife and his older
14 daughter. He is a brand-new father as of a few
15 weeks ago. So if he looks a little tired, it's
16 because -- which he does not -- it's because of
17 the birth of beautiful Carina.

18 So welcome, Jamaal.

19 (Applause.)

20 SENATOR STEWART-COUSINS: And of
21 course our second Senator from Long Island, I'd
22 like to welcome John Brooks from Senate District
23 8. John is a longtime public servant who has
24 done so much to serve the people of Long Island,
25 from being a fire chief to a school board member.

1 Senator Brooks, thank you for
2 continuing to serve with our conference.
3 Congratulations.

4 (Applause.)

5 SENATOR STEWART-COUSINS: Senator
6 Flanagan, Senator Klein, the Democratic
7 Conference stands ready to work with you.
8 Obviously when we agree, we will work together.
9 And of course, if we disagree, we won't be shy
10 about it.

11 A new year and a new session should
12 serve as a restart button and a time to refresh
13 our commitment to this great state. And last
14 year, I think we can all agree, was a very
15 interesting year.

16 In light of that, I believe it's
17 fair to say that many in this great progressive
18 state of New York look to Washington and the new
19 Trump administration with grave concern. The
20 national Republican Party has made it clear that
21 they are looking at rolling back so many hard-won
22 victories for the working men and women of the
23 country and certainly here in New York.

24 And of course I look at that chamber
25 of 32 Democrats, 31 Republicans, and once again

1 we are denied our rightful place leading the
2 Senate. Democrats must be true to their values,
3 especially in an atmosphere that we will likely
4 be facing. Democrats should be united.

5 In the African-American tradition,
6 in their church on New Year's Eve they have
7 what's called watch service. And the watch
8 service is born of the days when the enslaved
9 people were waiting for the signing of the
10 Emancipation Proclamation. It still goes on
11 every year.

12 This year, however, led by Reverend
13 Barber out of North Carolina, he went to
14 Washington, D.C., and had kind of a National
15 Watch Night. And the National Watch Night was
16 about telling Americans to revile hate, to push
17 back on any strategies that would be extreme, and
18 to really call forth this spirit of a
19 people-centered political agenda, a
20 people-centered public policy agenda.

21 I look at us here and I know that
22 all of us should know and understand that for
23 people in New York State, we are those watchers.
24 We are their eyes, their ears, their voice. But
25 fortunately, we are more than watchers. We're

1 workers. So not only can we talk, we can act, we
2 can do.

3 So the Senate Democrats want to
4 assure you and all New Yorkers that we will work
5 to increase economic opportunity for all, we will
6 work to ensure equal rights for all, we will work
7 to protect a woman's right to choose, we will
8 work to protect our elections and its franchise,
9 make sure it's easier to register to vote. It
10 amazes me that we still don't have early voting
11 here. We will work to fix our criminal justice
12 system and pass things, yes, like Raise the Age.
13 We will work to restore trust in government, pass
14 real ethics reforms, like closing the LLC
15 loophole, regulating campaign funds. We will
16 work to continue to lower our tax burden, our
17 mandates on local governments, help our small
18 businesses thrive. We'll work to make sure all
19 New York children have access, from pre-K, to
20 quality education they deserve, and that our
21 children have access to affordable, quality
22 higher education. We will work to make sure we
23 protect our environment and not give in to those
24 who actually doubt climate change.

25 So Senators, Senator Flanagan,

1 Senator Klein, as I said before, the Senate
2 Democrats will support you when we agree and we
3 will challenge you when we disagree. We'll not
4 allow partisan bickering to obstruct our efforts
5 because we understand we're here to serve our
6 constituents and together we give all New Yorkers
7 the responsible and protective government we
8 deserve.

9 And to my fellow New Yorkers, the
10 Senate Democratic Conference will not only be
11 watching for injustices and working to stop them,
12 we will continue to move the ball forward. Let's
13 get to work.

14 Thank you.

15 (Standing ovation.)

16 THE PRESIDENT: Thank you, Senator.

17 I'd like to recognize the members of
18 the Assembly who are present. Do you have
19 something to report?

20 ASSEMBLYMAN OAKS: I'm here with
21 Assemblyman Farrell to inform the Senate that
22 Carl Heastie has been reelected as speaker, the
23 Assembly is organized and prepared to proceed
24 with business for 2017.

25 THE PRESIDENT: Thank you.

1 Senator DeFrancisco.

2 (Applause.)

3 SENATOR DeFRANCISCO: Thank you,
4 Assemblyman Farrell and Assemblyman Oaks. And I
5 want to compliment you on your straight and
6 to-the-point message. Thank you.

7 (Laughter.)

8 SENATOR DeFRANCISCO: Madam
9 President, would you now please recognize Senator
10 Klein.

11 THE PRESIDENT: Senator Klein.

12 SENATOR KLEIN: Thank you, Madam
13 President.

14 Thank you, my colleagues.

15 The start of session is usually a
16 very exciting one, and I think this is certainly
17 the year where I think we all need to continue
18 down the road of getting things done. I think
19 certainly New Yorkers expect, regardless of
20 outcomes of elections, for us to roll up our
21 sleeves, work together to get things done.

22 Certainly the start of session this
23 year for the Independent Democratic Conference,
24 which expanded to seven members, is a good one.

25 First I want to welcome our very

1 special new member, State Senator Marisol
2 Alcantara, who will join our chamber as the first
3 Dominican-American woman ever to serve in the New
4 York State Senate.

5 (Applause.)

6 SENATOR KLEIN: I also want to
7 welcome Senator Jesse Hamilton to our conference.
8 Certainly he's not new to this chamber. His hard
9 work is something we all respect.

10 And of course I want to welcome back
11 and thank all of my colleagues in the IDC: My
12 deputy leader, David Valesky; Senator Diane
13 Savino; Senator David Carlucci, and Senator Tony
14 Avella.

15 You know, these are members who
16 never shy away from doing the people's business.
17 They are constantly looking for ways -- I really
18 do believe that they get up every morning with a
19 very simple truth: How do we make a positive
20 difference in the lives of New Yorkers? And I
21 want to give them all a round of applause.

22 (Applause.)

23 SENATOR KLEIN: I want to say a
24 very special thank you to John Flanagan, our
25 President of the Senate.

1 I want to tell you, last year I
2 think was the best example of anyone who can
3 actually talk about what we did in the State
4 Senate is coming together and work together in a
5 bipartisan fashion. On minimum wage, which
6 reflected the hard work of the hardest-working
7 New Yorkers. The most comprehensive, best paid
8 family leave program anywhere in the nation. We
9 took on the blight of zombie properties which was
10 affecting our state. We can go on and on. But I
11 think it was really because of the role that John
12 plays in understanding that this institution is
13 something that's very, very important to us.

14 And when we enter this chamber we
15 enter this chamber as Senators, Democrats,
16 Republicans, members of the Independent
17 Democratic Conference. But I think we all
18 recognize and John, I think, is the leader among
19 us that makes sure this all happens, that we get
20 things done. And I want to thank him and I want
21 to congratulate him on getting reelected as the
22 President of the Senate.

23 (Applause.)

24 SENATOR KLEIN: You know, like
25 every year, the Independent Democratic Conference

1 is not shy about putting forth a very robust
2 agenda, and I think this year is no different.
3 This year our mantra is changing New York for the
4 better, and it starts with a college education.
5 I applaud the Governor for what he put forth
6 yesterday. But last week the Independent
7 Democratic Conference put forth a program which
8 we want to make sure that college is affordable
9 for all.

10 You know, we talk a lot about
11 college education, but I think we miss the point
12 when we don't help the many instead of just the
13 few. There is no one that we represent, there is
14 no young person that isn't hit by the high cost
15 of college tuition. So our program is going to
16 increase TAP awards, increase the eligibility for
17 TAP, and make sure that any individual, even
18 regardless of their immigration status, has a
19 right for TAP and their ability to go to college.
20 That's something that's extremely important.

21 We also want to make sure, as we
22 talked about earlier this year, we put together a
23 robust proposal again a couple of weeks ago, we
24 want to Raise the Age. Besides being an issue of
25 fairness, too many of our young people are

1 suffering with a criminal background, needlessly
2 so. And we actually put sort of an economic
3 twist showing how much we can save by not
4 incarcerating young people for minor offenses,
5 and put that money where it belongs -- for
6 education, drug treatment, and other things that
7 are disturbing and really putting away our youth
8 needlessly.

9 We also put together a very robust
10 proposal to create jobs. You know something, one
11 of the things that I think we have to be mindful
12 of is that we have to get back to basics in the
13 State of New York. We can't turn around and say
14 that we can no longer compete for manufacturing
15 jobs here in New York. That's why the IDC put
16 forth a program, Made by New Yorkers, where we
17 want to encourage manufacturers to come back to
18 New York and manufacture here again, creating
19 jobs.

20 You know, it's very hard to tell
21 someone who's in their 40s and 50s who did
22 manufacturing their entire life, that somehow
23 they're now going to be trained for high-tech
24 work, high-tech industries. That's something
25 that really shouldn't be.

1 So again, we can go on and on -- and
2 I'm sure I will, and my colleagues, during this
3 session. But at the same time, I welcome
4 everyone back. And I'm so happy that we're here
5 again rolling up our sleeves and getting things
6 done for all New Yorkers.

7 Thank you all.

8 (Standing ovation.)

9 THE PRESIDENT: Thank you, Senator.
10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Please
12 recognize Senator Flanagan.

13 THE PRESIDENT: Senator Flanagan.

14 SENATOR FLANAGAN: Thank you very
15 much. And Lieutenant Governor, it's nice to see
16 you here.

17 And I want to welcome everyone, wish
18 everyone a Happy New Year. And I enjoy listening
19 to my colleagues, whether it's rule changes or
20 not. And I have a tick list of things that I
21 just want to touch on that I think are extremely
22 important.

23 I want to return the favor in kind.
24 I want to say good and nice things about Senator
25 Stewart-Cousins. And when we do speak, as I've

1 always said, she comports herself as a very fine
2 human being, and for that alone I should be
3 grateful.

4 (Laughter.)

5 SENATOR FLANAGAN: I didn't mean it
6 that way. I meant it in a good way.

7 Also to Mike Gianaris, who has done
8 a terrific job on the floor working cordially,
9 especially with Senator DeFrancisco. And that
10 makes for a smooth operation of our house.

11 So two very bright individuals who
12 work on behalf of getting our business done here
13 in the New York State Senate. Neither one of
14 them believes what I just said, but that's okay.

15 (Laughter.)

16 SENATOR FLANAGAN: And then I also
17 want to tell you how much I deeply appreciate
18 Jeff Klein. Jeff has proven to be a very
19 valuable ally, he's a very smart colleague, and I
20 would agree with Dave Valesky, I think the only
21 one -- I might have to say Cathy Young rivals
22 Jeff Klein for work ethic, but we'll have it as a
23 tossup.

24 I just know that he always comes up
25 with very unique ideas, and they engender and

1 generate discussion, and a lot of times it ends
2 up in results. So that's a good thing. That's a
3 good thing for this body, for the New York State
4 Assembly, and most importantly, for the people of
5 the State of New York.

6 A gentleman was here earlier today,
7 he was standing with his good friend and
8 colleague the newly elected Senator Bailey, and
9 that is Carl Heastie. And I'm going to be so
10 abundantly New York clear. Over the course of
11 the latter part of the session and through the
12 fall, and more importantly after the election,
13 between Election Day and New Year's, he proved to
14 be a gentleman-plus, a leader, a class act.

15 And as Senator DeFrancisco spoke to,
16 we didn't get done some of the things that we
17 wanted to, but I'm going to tell you, it's not
18 for lack of trying. And I can say with the
19 utmost clarity that Speaker Heastie acted as a
20 gentleman and as a legislator and a leader and
21 made it ways -- made it a lot easier to try and
22 get things done.

23 Frank Patience. Everybody loves
24 Frank; right? Everybody loves Frank. So, Frank,
25 I just want to wish you congratulations and say

1 thank you for all your fantastic work. You
2 deserve it.

3 (Applause.)

4 SENATOR FLANAGAN: To our new
5 members, as we welcome every one of you, we get
6 to know Senator Bailey, Senator Brooks,
7 Senator -- and I'm going to have to try and
8 learn, is it Al-cantra or Al-cantara? Okay,
9 Al-cantra. Bonacic's going to need a little
10 extra help figuring that one out.

11 But to the colleagues on our side of
12 the aisle, I see Elaine Phillips, who had a
13 distinguished record at the local government
14 level, fantastic family, all of whom are here
15 today. We are delighted to have her join us.

16 Where is Pam? Pam, okay. Pam
17 Helming, from Canandaigua. I've been there so
18 many times I'm saying it properly. And she has a
19 background that I just realized, in looking at
20 some of her bio, working with group homes. So
21 working with people like Rob Ortt on the mental
22 health issues and things of that nature.

23 We have people on both sides of the
24 aisle who come to this house with a great deal of
25 experience, which is inherently valuable.

1 And Mr. Jacobs, a distinguished
2 member from Western New York. A great family,
3 great philanthropy, great benevolence. Just a
4 very good person. County clerks -- and we all
5 know we love our county clerks, we have a county
6 clerk caucus.

7 And last but by no means least,
8 Senator -- newly elected Senator Jim Tedisco, who
9 served with aplomb and insanity and just
10 on-driving energy for 34 years in the New York
11 State Assembly. And you know, Jim, I know,
12 having served there, I know the role that gets
13 played on a lot of the members of our conference,
14 can attest to that as well.

15 So to all of you, I certainly wish
16 you the best. And I want -- this is going to
17 take a little bit of an explanation. Senator
18 Kennedy gave everybody a little token of candy
19 from the western part of the state. I have to
20 explain this, because I already see that Senator
21 Serrano has put the candy in his mug. The candy
22 came from Senator Kennedy. The mug was given to
23 me by one of my staff.

24 And if you look at the mug that's on
25 your desk, to me, this is the theme I want to

1 stress. This is one New York. It's one
2 New York. Ken LaValle was a little annoyed
3 because I didn't get Montauk written in on the
4 East End there. But it's one New York.

5 And yes, it's a big mug. It's a big
6 mug. And everyone got a heads-up lucky penny on
7 the inside. So we can all use good luck. And if
8 we maintain that theme in terms of how we do our
9 business, we will be in a very good spot.

10 We have done a couple of things.
11 We've proven that we can lead, collectively.
12 We've proven that we can govern. And I think
13 we've done that in many ways that we can be very
14 proud of -- not perfectly. I'll never suggest
15 that it's perfectly. But reality is now the
16 elections are over. And I'm watching everything
17 just the way you are, not only here but down in
18 Washington. Everybody, everybody, including the
19 members in this house and the new members,
20 deserves a chance to cut their teeth, to grow, to
21 do the public's business. And I don't care if
22 it's in Washington or here in the great State of
23 New York, we all need to work together. So
24 that's going to be very important.

25 And like I said, elections are over,

1 so let's get about the people's business. And
2 when I think of things that we have advocated and
3 come to resolution through negotiation and
4 compromise with our Democratic colleagues -- a
5 property tax cap. We've pushed for a spending
6 cap at the state level. Record investments in
7 education. Trying to do as much as humanly
8 possible in the area of higher ed.

9 Ken LaValle -- and I was remiss in
10 not doing this properly. Ladies and gentlemen,
11 Ken LaValle is now starting his 41st year in the
12 New York State Senate. He is the dean of the
13 Senate.

14 (Applause.)

15 SENATOR FLANAGAN: And the amazing
16 thing to me is I'm starting my 31st year, and I
17 still feel like a rookie when I'm sitting next to
18 him.

19 But it's also wonderful to have
20 back, it's wonderful to see Senator Marcellino
21 and Senator Hannon, who both are recovering from
22 hip surgery. So gentlemen, it is awesome,
23 awesome to have you back here with us today.

24 (Applause.)

25 SENATOR FLANAGAN: There are so

1 many other areas that we could touch on. People
2 talk about infrastructure -- Joe Robach's work on
3 transportation, Betty Little's work on housing,
4 Jim Seward's work on insurance. There are so
5 many different aspects to the work that we do
6 that we need to keep talking about.

7 And I'm going to do my normal
8 thing -- Senator Stewart-Cousins, I know she'll
9 allow me to do this -- organ donation. Let's
10 keep talking about organ donation. Let's save
11 lives. Let's get awareness out to the public.
12 You can actually save somebody's life by doing
13 that.

14 So please, if you are not
15 registered, make sure you register. To me, I
16 have a passion because of a personal friend, as
17 everybody knows. But it's something that inures
18 to the benefit of people all across this state.
19 So anything you can do to help in that regard
20 would be extremely important.

21 So now I want to talk about human
22 capital. Human capital. We can build buildings,
23 we can do all kinds of different things. And I
24 listened carefully to my colleagues, and whether
25 it's college affordability or Raise the Age or

1 things like that, what people need are jobs.
2 They need jobs more than anything else. Senator
3 Klein spoke to the issue of jobs. We need to do
4 a lot more. Our tax policy I don't think is
5 working. I already see people talking about
6 raising taxes this year already, coming out of
7 the gate.

8 We should be talking about how we
9 come up with a better tax policy, a better
10 regulatory environment, a better business
11 structure. And at this point it ain't going to
12 be so easy, because revenues are not where
13 everyone wants them to be. Our personal income
14 tax collections are down, and that means a lot of
15 different things. That has an effect on jobs, it
16 has an effect on our ability to make investments
17 in different areas, whether it's veterans or the
18 environment or things like that.

19 So if we don't have jobs and we
20 don't have the right environment -- and I'm
21 talking about clean water, clean air, but I'm
22 talking about a business and regulatory
23 environment that is more friendly than it is
24 now -- all those other issues -- I think of Raise
25 the Age. One of the problems with Raise the Age

1 is a lot of these kids are getting in trouble
2 because they don't have jobs. So if people had
3 good, solid jobs, no opioid and heroin
4 addiction -- workforce development, job training,
5 small-business people like George Amedore and a
6 lot of people similarly situated in this Senate.
7 So we're going to stay very, very, very focused
8 on job creation.

9 Now, having said that, I think I
10 want to segue and end at relatively the same
11 time. We're going to have our priorities and
12 yeah, we'll battle, we'll go back and forth. But
13 at the end of the day, we'll get the people's
14 business done.

15 But I really want to make this
16 distinction, because what happens is when we get
17 up and we start asking tough questions, some
18 people freak out. Some people that work in
19 Albany and work in Washington, they get all very
20 upset about the fact that we're asking tough
21 questions. So if the EPA is allowing dumping in
22 Long Island Sound and we go after them, I'm not
23 going to apologize for that, nor should anybody
24 in this chamber.

25 So when we talk about START-UP NY,

1 we talk about Regional Economic Development
2 Councils, we talk about all those types of
3 things, we have an obligation to ask hard
4 questions. Senator Young sat through almost a
5 hundred hours of hearings last year in the budget
6 process, and so did a lot of other people. Not
7 quite as many. But we have a process.

8 And if we're asking those questions,
9 Joe Griffo has every right in the world to get up
10 and say, "There were 1100 jobs coming to Utica;
11 now they're not." That's not good for anybody.
12 That's not good for anybody. That's not good for
13 Kevin Parker's district; that's not good for my
14 district.

15 So if people get uptight because
16 you're all acting like public servants and
17 elected officials, get over it. Get over it.

18 (Applause.)

19 SENATOR FLANAGAN: I serve -- I'm
20 going to have a unique distinction. Jim Seward
21 and I got elected the same year. I served
22 16 years in the New York State Assembly, and at
23 the end of this term I will have had the good
24 fortune and privilege to have served 16 years
25 here. Which is pretty unique. Not a lot of

1 people get that chance. And sure as heck, not a
2 lot of people get the chances that I've had.

3 So a couple of people -- there's a
4 gentleman here, because I want to talk about
5 public service, I asked him to come back today.
6 I don't know where he is. But Michael Paoli
7 retired recently as secretary to the
8 Finance Committee. Great, great public servant.
9 He's the type of person that deserves accolades
10 and our praise and our friendship. And, ladies
11 and gentlemen, there are tens of thousands of
12 people like that who work in New York State
13 government.

14 So let's stand up for public
15 people and -- well, go ahead. Please stand up,
16 Michael.

17 (Applause.)

18 SENATOR FLANAGAN: He deserves a
19 round of applause just because he had to work
20 with Mujica for all those years. I'm sure he
21 heard that. Okay, Robert, it's okay.

22 (Laughter.)

23 SENATOR FLANAGAN: And I'm also
24 blessed because I had a surprise today. And when
25 I watched people's families and people getting

1 sworn in, I had a really pleasant surprise. My
2 mother was here, and I knew she was going to be
3 coming. People that I work with locally came.
4 But my sister and my niece showed up as a
5 complete surprise, not only to me but to my
6 mother.

7 So we all are fortunate to have
8 people who love us and who embrace us. And I
9 just want to say thank you personally to my
10 family.

11 (Applause.)

12 SENATOR FLANAGAN: Okay, Article 3
13 of the New York State Constitution, it's very
14 simple. Kemp Hannon, this is so short, it's
15 perfect. "The legislative power of the State is
16 vested in the Senate and the Assembly." Not the
17 Attorney General, not the Comptroller, and not
18 Governor.

19 So I'm going to close on this. I
20 work in the New York State Senate, as do all of
21 you. And I'm going to stand up for the primacy
22 and independence of this body. It is long
23 overdue.

24 (Tumultuous standing ovation.)

25 SENATOR FLANAGAN: On that note,

1 thank you from the bottom of my heart. Let's get
2 back to the people's business. And I'm proud to
3 work with all of you, and I'm going to be proud
4 to make sure that we create jobs and get the
5 people's business done.

6 Thank you very much.

7 (Applause.)

8 THE PRESIDENT: Thank you, Senator.
9 Senator DeFrancisco.

10 SENATOR DeFRANCISCO: Yes, is there
11 any further business at the desk?

12 THE PRESIDENT: There is no further
13 business at the desk.

14 SENATOR DeFRANCISCO: There being
15 no further business, I move we adjourn until
16 Monday, January 9th, at 3:00 p.m., intervening
17 days being legislative days.

18 THE PRESIDENT: On motion, the
19 Senate stands adjourned until Monday,
20 January 9th, at 3:00 p.m., intervening days being
21 legislative days.

22 (Whereupon, at 2:10 p.m., the Senate
23 adjourned.)

24

25