

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9 January 10, 2017

10 11:08 a.m.

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13
14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT GRIFFO: The
3 Senate will come to order.

4 I ask all present to please rise
5 and join with me as we recite the Pledge of
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: Today's
10 invocation will be offered by the Reverend Peter
11 Young, of the Mother Teresa Community here in
12 Albany.

13 Father Young.

14 REVEREND YOUNG: Let us pray.

15 Dear God, as we assemble in this
16 chamber, I think it's important to of course
17 notice the important logo that we've had in
18 New York State. It's "Ever Upward." Therefore,
19 I'm looking at optimists, looking at people who
20 have that spirit of God, as they had here in
21 1777.

22 We've been meeting here for
23 241 years, and I've enjoyed 59 of those. But in
24 this chamber, as we realize that we have hope,
25 we have to know that this is a symbol, "Ever

1 Upward." The crown that we have here on
2 Lady Liberty is a peasant cap representing
3 democracy, and the rule that -- her legacy of
4 putting her left foot on the king's crown,
5 representing democracy and the rule of
6 appointing citizens of the Empire State that
7 have been their leaders with our Constitution,
8 12 years ahead of the federal Constitution.

9 As a national leader, you have been
10 given a role, as a Senator, that has great power
11 and responsibility to go with it. We pray that
12 with this will you have to be elected and to
13 represent New York State and the citizens who
14 are your responsibility, we pray then for you
15 that you will have the courage and the
16 determination to represent the image and the
17 honor of all New Yorkers. We thank you and
18 praise God for your good health.

19 Amen.

20 ACTING PRESIDENT GRIFFO: Thank
21 you, Father Young.

22 The reading of the Journal.

23 THE SECRETARY: In Senate, Monday,
24 January 9th, the Senate met pursuant to
25 adjournment. The Journal of Sunday,

1 January 8th, was read and approved. On motion,
2 Senate adjourned.

3 ACTING PRESIDENT GRIFFO: Without
4 objection, the Journal will stand approved as
5 read.

6 Presentation of petitions.

7 Messages from the Assembly.

8 Messages from the Governor.

9 Reports of standing committees.

10 Reports of select committees.

11 Communications and reports of state
12 officers.

13 Motions and resolutions.

14 Senator DeFrancisco.

15 SENATOR DeFRANCISCO:

16 Mr. President, I move to suspend Senate Rule 12,
17 Section 1, to advance a privileged resolution to
18 amend the Senate rules.

19 ACTING PRESIDENT GRIFFO: Without
20 objection, so ordered. You may propose your
21 resolution, Senator DeFrancisco.

22 SENATOR DeFRANCISCO: Yes, I've
23 handed up a resolution of Senators Flanagan,
24 Klein, and Stewart-Cousins to amend the rules
25 to -- yes, do you have the resolution at the

1 desk?

2 ACTING PRESIDENT GRIFFO: We do.

3 The Secretary will read.

4 THE SECRETARY: Senate Resolution
5 by Senators Flanagan, Klein and Stewart-Cousins,
6 amending Rule 8 of the Senate Rules in relation
7 to the Ethics and Internal Governance Committee.

8 ACTING PRESIDENT GRIFFO: Senator
9 DeFrancisco.

10 SENATOR DeFRANCISCO: Yes, I'd just
11 like to mention, before I ask you to recognize
12 Senator Gianaris, that there was a debate at one
13 of the last Senate meetings about the rules
14 concerning the membership to the Ethics
15 Committee, and that upon discussion with the
16 other leaders, Senator Flanagan and they agreed
17 to change the rules so that there would be a
18 total of nine members on the Rules Committee,
19 three from the Democrat minority, three from the
20 Republican majority, and three from the IDC,
21 which seemed to be a better and clearly agreeable
22 solution.

23 And I thank those who spoke on that
24 issue for helping and leading to this change.

25 Thank you, Mr. President.

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Senator DeFrancisco.

3 Senator Gianaris.

4 SENATOR GIANARIS: Thank you,
5 Mr. President.

6 I too want to thank Senator Flanagan
7 and the Republican Conference for listening to
8 the debate last week and making the changes that
9 we requested. I think this is a better way to
10 move forward and appreciate the cooperation and
11 the cooperative spirit from the other side of the
12 aisle.

13 Thank you.

14 ACTING PRESIDENT GRIFFO: Thank
15 you, Senator Gianaris.

16 The question is on the resolution.
17 All in favor say aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT GRIFFO: Opposed?

20 (No response.)

21 ACTING PRESIDENT GRIFFO: The
22 resolution is adopted.

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: Yes, I move
25 to adopt the Resolution Calendar, with the

1 exception of Resolutions 47 and 192.

2 ACTING PRESIDENT GRIFFO: All in
3 favor of adopting the Resolution Calendar, with
4 the exception of Resolutions Number 47 and 192,
5 signify by saying aye.

6 (Response of "Aye.")

7 ACTING PRESIDENT GRIFFO: Opposed?
8 (No response.)

9 ACTING PRESIDENT GRIFFO: The
10 Resolution Calendar is adopted as indicated.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Yes, I now
13 request that you take up Resolution 192 and call
14 on Senator Ritchie.

15 ACTING PRESIDENT GRIFFO: The
16 Secretary will read.

17 THE SECRETARY: Legislative
18 Resolution Number 192, by Senator Ritchie,
19 memorializing Governor Andrew Cuomo to proclaim
20 January 10, 2017, as Canada Day in the State of
21 New York.

22 "WHEREAS, Canada is New York's
23 primary export market, with \$12.4 billion in
24 exports and \$30.4 billion in bilateral trade; and

25 "WHEREAS, New York exports to Canada

1 include \$663 million in aluminum products,
2 \$558 million in paper products, \$436 million in
3 exports of natural gas and other gases,
4 \$380 million in plastics, and \$322 million in
5 motor vehicle parts; and

6 "WHEREAS, In addition, New York
7 exports services to Canada in such areas as
8 travel, financial services, business,
9 professional and technical services, royalties
10 and license fees, and telecommunications,
11 computer and information services; and

12 "WHEREAS, New York and Canada share
13 an international border measuring 445 miles in
14 length, with 17 international border crossings
15 including three of the United States' top 10
16 busiest border crossings, and featuring the
17 important international trade corridors, the
18 Quebec-New York Corridor, the Capitol Corridor,
19 and Continental One, as well as the
20 second-busiest crossing between Canada and the
21 United States at the Peace Bridge; and

22 "WHEREAS, The New York-Canada
23 partnership boasts the largest bilateral tourism
24 industry in the United States with over
25 5.9 million Canadians visiting New York,

1 accounting for over \$1.7 billion in expenditures
2 in 2015; and

3 "WHEREAS, Reflective of this strong
4 security relationship, the Eastern Air Defense
5 Sector, headquartered in Rome, New York, is
6 staffed by active-duty New York Air National
7 Guardsmen and a Canadian Forces Detachment; this
8 unit supports NORAD's integrated warning and
9 attach assessment mission and the U.S. Northern
10 Command's homeland defense mission; and

11 "WHEREAS, Millions of New Yorkers
12 depend on Canada and its vast energy reserves to
13 fuel our state, importing over \$3.6 billion worth
14 of energy from Canada in 2015; and

15 "WHEREAS, The economies of Canada
16 and New York are tightly linked through
17 integrated cross-border supply chains that keep
18 our firms competitive, including auto parts
19 products which cross the border sometimes several
20 times before completion; and

21 "WHEREAS, In 2017, as Canada marks
22 150 years of confederation, it is appropriate to
23 highlight the deep economic, cultural and
24 familial ties shared by Canada and New York; now,
25 therefore, be it

1 "RESOLVED, That this Legislative
2 Body pause in its deliberations to memorialize
3 Governor Andrew M. Cuomo to proclaim January 10,
4 2017, as Canada Day in the State of New York; and
5 be it further

6 "RESOLVED, That copies of this
7 resolution, suitably engrossed, be transmitted to
8 the Honorable Andrew M. Cuomo, Governor of the
9 State of New York, and Consul General Phyllis
10 Yaffe of the Consulate General of Canada in
11 New York."

12 ACTING PRESIDENT GRIFFO: Senator
13 Ritchie.

14 SENATOR RITCHIE: Thank you,
15 Mr. President.

16 I'd like to welcome our visitors who
17 are here today to celebrate Canada Day at the
18 Capitol: Ms. Phyllis Yaffe, who is the Consul
19 General of Canada in New York, and we also have
20 Constable Cormier, who is a Royal Canadian
21 Mounted Police.

22 This year Canada celebrates its
23 150th birthday as a nation. And as they mark
24 this important milestone, we celebrate too and
25 reflect the special bond our state has with our

1 neighbors to the north.

2 As someone who gets to represent a
3 175-mile stretch of the Canadian-New York border,
4 it affords me a special opportunity and a
5 relationship with our friends from the north. I
6 know many times when people ask where my district
7 is, they have no idea until I say I live
8 practically in Canada, three miles to the border.

9 And I often joke that I can make it
10 to the nation's capital in Canada in under an
11 hour, but it takes me 4½ hours to get to work in
12 Albany.

13 (Laughter.)

14 SENATOR RITCHIE: So that usually
15 gets the point across.

16 But not just to our area, though,
17 our partnership with Canada is important for all
18 of New York State, because Canada is our
19 number-one trading partner and the relationship
20 that exists drives the economy in both areas.

21 I know at home, growing up there, we
22 would think nothing of jumping in the car and
23 going across the border for dinner or to hockey
24 practice or many other events that are there.

25 And on any given occasion when I

1 have to go, unfortunately, to the grocery store,
2 my ritual is to drive up and down the aisles to
3 make sure to see how many of our Canadian
4 friends are over either at dinner, shopping at
5 our shopping centers, or are participating in
6 some of the tourist attractions that are there.

7 So we are very lucky to have such
8 special friends that come here from Canada but
9 also who welcome us on any given day when we
10 travel across the Canadian bridge.

11 So for all of my colleagues who
12 haven't been to Canada, I would offer it's a
13 great place to go. This past year the New York
14 Times named Canada the number-one place to go in
15 2017. But as you go to Canada, I would ask that
16 you take a trip and stop in the North Country and
17 see what we have to offer there too.

18 And to our Canadian friends, once
19 again, thank you being here today, thank you for
20 your partnership, and we look forward to working
21 together in the future.

22 Thank you, Mr. President.

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator Ritchie.

25 Senator Little.

1 SENATOR LITTLE: Thank you,
2 Mr. President.

3 I too would like to speak on this
4 resolution and thank our consul general, Phyllis
5 Yaffe, for being here today.

6 I represent the northeast corner of
7 New York State, Clinton County and Franklin
8 County and parts of St. Lawrence County which
9 border the Canadian border. And I too actually
10 live in Glens Falls, closer to Montreal than I am
11 to New York City.

12 But more importantly to that and its
13 location is what an important partner to the
14 United States Canada is. We have within my
15 district so many Canadian companies. We have
16 Bombardier; Nova Bus, making New York City buses.
17 We have subway cars that come down the Northway.
18 I have to say I toot the horn when I see them go
19 by, just to rejoice that they're being made in
20 Plattsburgh.

21 We have Irving Tissue that makes
22 Scotties tissue. It also makes tissue for
23 Wegman's, for Target. It has contracts all over
24 the country and employs about 400 people in the
25 tiny village of Fort Edward, New York. So it's

1 very, very important to me.

2 The city of Plattsburgh calls itself
3 Montreal's suburb, because it is. We see so many
4 visitors who come from Canada to spend time in
5 Plattsburgh. I will tell you that T.J.Maxx in
6 Plattsburgh is the greatest place to shop because
7 the turnover is tremendous -- more turnover there
8 than anyplace.

9 It is just a real, real partnership
10 and something that we are very fortunate for. In
11 Plattsburgh alone, 15 percent of the workforce
12 gets up and goes to work for a Canadian company.

13 So I can't say enough about it,
14 about our relationship and to have the
15 Consul General come down and be here at the
16 beginning of the session before we get started so
17 that we all know her, can have a relationship,
18 can discuss things and stay in contact with her.

19 I also want to commend our
20 Constable Cormier from the Royal Canadian Mounted
21 Police. I had the pleasure of having my picture
22 taken with him last night at the reception. My
23 daughter-in-law is from Vancouver and has a
24 nephew who's in the Mounted Police, so it was fun
25 to be able to text the picture and say this is

1 what we're doing here, honoring RCMP in New York
2 State.

3 Thank you for being here. Thanks
4 for being our partners. And just love visiting
5 with you.

6 Thank you.

7 ACTING PRESIDENT GRIFFO: Thank
8 you, Senator Little.

9 Senator Kennedy.

10 SENATOR KENNEDY: Thank you very
11 much, Mr. President.

12 I just want to extend a very warm
13 welcome to the Consul General of Canada.
14 Representing a district that is a direct neighbor
15 to the extraordinary country where you reside and
16 serve is an amazing thing. We call Buffalo the
17 City of Good Neighbors. We undoubtedly have a
18 good neighbor right across the Niagara River in
19 the country of Canada. And our relationship
20 between not only our two great countries but
21 specifically the State of New York and the
22 Province of Ontario is historic in so many
23 different ways.

24 I just wanted to extend my gratitude
25 for the work that you have done over the years,

1 the work that you continue to do and will do well
2 into the future.

3 I also want to recognize the senior
4 diplomatic advisor to the Canadian consulate who
5 used to run my office in Buffalo and here in
6 Albany, Rachel Homewood. It's great to see you
7 here as well.

8 Thank you so much for everything
9 that you all do.

10 ACTING PRESIDENT GRIFFO: Thank
11 you, Senator Kennedy.

12 Senator Jacobs.

13 SENATOR JACOBS: Thank you,
14 Mr. President.

15 I just also wanted to stand in
16 support of this resolution. I represent Western
17 New York, and the majority of my district goes
18 along the Niagara River, so I see Canada from my
19 district.

20 (Laughter.)

21 SENATOR JACOBS: But, you know, we
22 have always talked in Western New York, the
23 Buffalo area, that we are one region, two
24 countries. And certainly our region is very much
25 dependent upon the success of a thriving Ontario.

1 And you have been a great partner
2 with us, and it is my hope that we continue to do
3 that and substantively work on issues of common
4 goals in terms of such things as I know right now
5 the Peace Bridge, which is a big issue, and
6 making sure that that bridge is functional and we
7 maximize the ease with which Canadians can come
8 to such things as Buffalo Bills games and Sabres
9 games and we can go up and enjoy all the
10 wonderful things in Canada.

11 And in terms of other infrastructure
12 issues of mutual concern and benefit -- because
13 again, your area in Ontario and the metro Toronto
14 area is one of the fastest-growing areas probably
15 in the world, and we want to make sure that we
16 benefit from that as well.

17 Thank you very much.

18 ACTING PRESIDENT GRIFFO: Thank
19 you, Senator Jacobs.

20 Senator Krueger.

21 SENATOR KRUEGER: Good afternoon.

22 I also rise to welcome you to New York, to
23 Albany. I represent Manhattan Island, a small
24 island off the coast of New York.

25 (Laughter.)

1 SENATOR KRUEGER: And I just want
2 to say how much we appreciate you as our
3 neighbors. If anybody tries to build a wall,
4 we're not doing it, between New York and Canada,
5 I just want to let you know.

6 And if anybody decides to build that
7 wall, maybe we can become a southeast province of
8 Canada rather than be on the other side of that
9 wall. I think many of us noticed the day after
10 the election the number-one search in Google was
11 how do Americans move to Canada.

12 So I don't think you want us all,
13 but I know that New York wants to continue its
14 wonderful relationship with the great country of
15 Canada.

16 Thank you for all you do every day.

17 ACTING PRESIDENT GRIFFO: Senator
18 DeFrancisco.

19 SENATOR DeFRANCISCO: I'm from
20 Syracuse, New York. And in Syracuse, New York,
21 among other things, is a big mall. It used to be
22 called Carousel, and now it's the Destiny. And
23 many, many Canadians come down and purchase a lot
24 of goods and provide a lot of tax money for us.
25 And we're appreciative, and we welcome you again

1 to come anytime you'd like and do the same.

2 In order to reciprocate, I heard
3 great things about Niagara-on-the-Lake, so this
4 summer my wife and I went to Niagara-on-the-Lake
5 and had a wonderful time. It's a great place to
6 visit, we had a lot of fun in a beautiful old
7 hotel. And so you know, we restored the balance
8 of payments when my wife went shopping there, and
9 it balances all the shopping done by Canadians at
10 the Destiny Mall. So if we can keep this going,
11 it will add to our friendship.

12 Thank you very much.

13 ACTING PRESIDENT GRIFFO: Thank
14 you, Senator DeFrancisco.

15 We welcome Consul General Yaffe.
16 The members of the Canadian delegation are here;
17 welcome, bienvenu. We extend to you the
18 privileges and courtesies of the house here in
19 the Senate.

20 We also wish you a great
21 sesquicentennial celebration this year and a
22 healthy and prosperous New Year for both Canada
23 and the United States.

24 The question is on the resolution.
25 All in favor say aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT GRIFFO: Opposed?

3 (No response.)

4 ACTING PRESIDENT GRIFFO: The
5 resolution is adopted.

6 Welcome. Please stand and be
7 recognized.

8 (Standing ovation.)

9 ACTING PRESIDENT GRIFFO: The
10 resolution is open for cosponsorship. Should you
11 choose not to be a cosponsor, please notify the
12 desk.

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Would you
15 please call on Senator Kennedy for an
16 introduction.

17 ACTING PRESIDENT GRIFFO: Senator
18 Kennedy.

19 SENATOR KENNEDY: Yes,
20 Mr. President, thank you very much.

21 I'd like to recognize and introduce
22 to this chamber Emmet Cahill, who is visiting
23 this great State of New York all the way from
24 Mullingar, County Westmeath, Ireland.

25 Emmet is a world-traveling,

1 accomplished tenor, starting his vocal training
2 at the age of 7. He demonstrated immediate
3 talent throughout his school age, and in high
4 school he received a five-year Scola Cantorum
5 music scholarship, before receiving formal
6 training at the Royal Irish Academy of Music.

7 Emmet is an award-winning singer
8 honored with the John McCormack Young Tenor Award
9 at the age of 20, and was named the Most
10 Promising Young Singer at the Royal Irish Academy
11 of Music.

12 Since graduating from the Royal
13 Irish Academy of Music, Emmet has performed with
14 the international Irish music group
15 Celtic Thunder, traveling to hundreds of shows
16 across the United States, Canada, and Australia,
17 and has performed on PBS, QVC, The Today Show,
18 and for the Joint Chiefs of Staff at the
19 Pentagon.

20 If his time with Celtic Thunder
21 wasn't impressive enough, Emmet also is an
22 accomplished soloist. He has performed in Dublin
23 at the Gaiety Theater and the National Concert
24 Hall. Emmet performed in Croke Park in front of
25 90,000 people and for the president of Ireland,

1 Mary McAleese.

2 Currently, Emmet is traveling across
3 the United States and Canada on a solo tour. He
4 performed in front of a sold-out concert at the
5 Boston Cathedral last December and will continue
6 to travel the nation before appearing at Carnegie
7 Hall in the spring of 2018 -- and he has invited
8 all of us to join him.

9 In recognition of his Emmet Cahill's
10 cultural and music contributions to the Irish
11 community in New York and across the nation, I'd
12 like to welcome him to the New York State Senate,
13 look forward to the music he will create far into
14 the future.

15 Mr. President, please extend the
16 honor of the house to this impressive young man,
17 Emmet Cahill.

18 ACTING PRESIDENT GRIFFO: Emmet
19 Cahill, we welcome you, extend the privileges of
20 the house, and we wish you the best of luck in
21 your career.

22 (Applause.)

23 ACTING PRESIDENT GRIFFO: Thank
24 you, Senator Kennedy.

25 Senator DeFrancisco.

1 SENATOR DeFRANCISCO: Will you now
2 take up Resolution 47 and call on Senator
3 Stavisky.

4 ACTING PRESIDENT GRIFFO: The
5 Secretary will read.

6 THE SECRETARY: Legislative
7 Resolution Number 47, by Senator Stavisky --

8 SENATOR DeFRANCISCO: Excuse me.
9 Excuse me, I'm sorry to interrupt. Senator
10 Stavisky indicated only the title need be read.

11 ACTING PRESIDENT GRIFFO: At
12 Senator Stavisky's request, the title only will
13 be read.

14 The Secretary will read.

15 THE SECRETARY: Legislative
16 Resolution Number 47, by Senator Stavisky,
17 memorializing Governor Andrew M. Cuomo to
18 proclaim January 13, 2017, as Korean American Day
19 in the State of New York.

20 ACTING PRESIDENT GRIFFO: Senator
21 Stavisky.

22 SENATOR STAVISKY: Thank you,
23 Mr. President.

24 This resolution commemorates the
25 December 1902 voyage of 102 Korean people to the

1 United States. They arrived on January 13th.
2 And this resolution, which we pass each year,
3 memorializes January 13th as Korean American Day
4 in New York State.

5 And there are many, many
6 Korean American organizations throughout the
7 city and the state, but particularly focused in
8 Queens: The Korean American Association of
9 Greater New York, the Korean American Association
10 of Queens, the Korean American Civic Empowerment
11 Association, Korean American Community Services,
12 and the Korean American Family Service Center.

13 So I thank you, Mr. President, and I
14 request that the proclamation be opened for
15 cosponsorship.

16 ACTING PRESIDENT GRIFFO: Thank
17 you, Senator Stavisky.

18 The question is on the resolution.
19 All in favor signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT GRIFFO: Opposed?

22 (No response.)

23 ACTING PRESIDENT GRIFFO: The
24 resolution is adopted.

25 The resolution is open for

1 cosponsorship. Should you choose not to be a
2 cosponsor, please notify the desk.

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: Yes, we have
5 one other item that's not quite ready. It's on
6 committee assignments, and we're going to hand
7 that up as soon as we get it.

8 And so we're at ease at the moment.

9 ACTING PRESIDENT GRIFFO: The
10 Senate will stand temporarily at ease.

11 (Whereupon, the Senate stood at ease
12 at 11:32 a.m.)

13 (Whereupon, the Senate reconvened at
14 2:51 p.m.)

15 ACTING PRESIDENT AKSHAR: The
16 Senate will come to order.

17 Mr. Floor Leader.

18 SENATOR JACOBS: Mr. President, in
19 consultations with Senator Klein, Senator
20 Flanagan hands up the following committee
21 assignments, leadership assignments and
22 conference membership.

23 ACTING PRESIDENT AKSHAR: So
24 ordered.

25 Floor Leader.

1 SENATOR JACOBS: In consultation
2 with Senator Stewart-Cousins, the following
3 Democratic assignments are handed up.

4 ACTING PRESIDENT AKSHAR: So
5 ordered.

6 SENATOR JACOBS: In consultation
7 with Senator Klein, the following IDC
8 assignments are handed up.

9 ACTING PRESIDENT AKSHAR: So
10 ordered.

11 Mr. Floor Leader.

12 SENATOR JACOBS: Is there any other
13 further business at the desk?

14 ACTING PRESIDENT AKSHAR: There is
15 none.

16 SENATOR JACOBS: There being no
17 further business, I move we adjourn until
18 Tuesday, January 17th, at 3:00 p.m., intervening
19 days being legislative days.

20 ACTING PRESIDENT AKSHAR: On
21 motion, the Senate stands adjourned until
22 Tuesday, January 17th, at 3:00 p.m., intervening
23 days being legislative days.

24 (Whereupon, at 2:52 p.m., the Senate
25 adjourned.)