

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 24, 2017

10 11:23 a.m.

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13  
14 REGULAR SESSION

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18 SENATOR FRED AKSHAR, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT AKSHAR: In the  
10 absence of clergy, may we please bow our heads  
11 in a moment of silence.

12 (Whereupon, the assemblage  
13 respected a moment of silence.)

14 ACTING PRESIDENT AKSHAR: The  
15 reading of the Journal.

16 THE SECRETARY: In Senate, Monday,  
17 January 23rd, the Senate met pursuant to  
18 adjournment. The Journal of Sunday,  
19 January 22nd, was read and approved. On motion,  
20 Senate adjourned.

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

23 Presentation of petitions.

24 Messages from the Assembly.

25 The Secretary will read.

1           THE SECRETARY:   On page 8, Senator  
2 Klein moves to discharge, from the Committee on  
3 Rules, Assembly Bill Number 379 and substitute  
4 it for the identical Senate Bill 1067, Third  
5 Reading Calendar 21.

6           ACTING PRESIDENT AKSHAR:   The  
7 substitution is so ordered.

8           Messages from the Governor.

9           Reports of standing committees.

10          Reports of select committees.

11          Communications and reports from  
12 state officers.

13          Motions and resolutions.

14          Mr. Floor Leader.

15          SENATOR DeFRANCISCO:   Yes, I move  
16 to adopt the Resolution Calendar.

17          ACTING PRESIDENT AKSHAR:   All in  
18 favor of adopting the Resolution Calendar  
19 signify by saying aye.

20          (Response of "Aye.")

21          ACTING PRESIDENT AKSHAR:   Opposed,  
22 nay.

23          (No response.)

24          ACTING PRESIDENT AKSHAR:   The  
25 Resolution Calendar is adopted.

1 Mr. Floor Leader.

2 SENATOR DeFRANCISCO: Yes, I'd now  
3 like to ask for the reading of the  
4 noncontroversial calendar, please.

5 ACTING PRESIDENT AKSHAR: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number  
8 21, substituted earlier by Member of the  
9 Assembly Crespo, Assembly Print 379, an act to  
10 amend the Public Health Law.

11 ACTING PRESIDENT AKSHAR: Read the  
12 last section.

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

15 ACTING PRESIDENT AKSHAR: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT AKSHAR: Announce  
19 the results.

20 THE SECRETARY: Ayes, 44.

21 ACTING PRESIDENT AKSHAR: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 27, by Senator Robach, Senate Print 309, an act  
25 to amend the Highway Law.

1           ACTING PRESIDENT AKSHAR:   Read the  
2   last section.

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

5           ACTING PRESIDENT AKSHAR:   Call the  
6   roll.

7           (The Secretary called the roll.)

8           ACTING PRESIDENT AKSHAR:   Announce  
9   the results.

10          THE SECRETARY:   Ayes, 44.

11          ACTING PRESIDENT AKSHAR:   The bill  
12   is passed.

13          THE SECRETARY:   Calendar Number 28,  
14   by Senator Ortt, Senate Print 373, an act to  
15   amend the Vehicle and Traffic Law.

16          ACTING PRESIDENT AKSHAR:   Read the  
17   last section.

18          THE SECRETARY:   Section 3.  This  
19   act shall take effect on the 90th day.

20          ACTING PRESIDENT AKSHAR:   Call the  
21   roll.

22          (The Secretary called the roll.)

23          ACTING PRESIDENT AKSHAR:   Announce  
24   the results.

25          THE SECRETARY:   Ayes, 44.

1                   ACTING PRESIDENT AKSHAR:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number 32,  
4   by Senator Funke, Senate Print 1346, an act to  
5   amend the Highway Law.

6                   ACTING PRESIDENT AKSHAR:    Read the  
7   last section.

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

10                  ACTING PRESIDENT AKSHAR:    Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT AKSHAR:    Announce  
14   the results.

15                  THE SECRETARY:    Ayes, 44.

16                  ACTING PRESIDENT AKSHAR:    The bill  
17   is passed.

18                  THE SECRETARY:    Calendar Number 34,  
19   by Senator Little, Senate Print 137, an act to  
20   amend the Social Services Law.

21                  ACTING PRESIDENT AKSHAR:    Read the  
22   last section.

23                  THE SECRETARY:    Section 5.  This  
24   act shall take effect on the first of January.

25                  ACTING PRESIDENT AKSHAR:    Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT AKSHAR: Senator  
4 Little.

5 SENATOR LITTLE: Thank you,  
6 Mr. President. And thank you all for supporting  
7 this piece of legislation.

8 Nothing is sadder than seeing a  
9 child die. But seeing a child die because of  
10 neglect or abuse by a parent or a guardian, the  
11 person in charge of them, is really distressful.

12 This bill addresses a situation we  
13 had where a 13-month-old child was being given  
14 heroin in her bottle and died of an overdose by  
15 the parent and her boyfriend. The parents have  
16 been convicted and all, but the district attorney  
17 in Washington County brought a point to us that a  
18 child under the age of 3 can't answer, can't tell  
19 you what's going on, doesn't speak to you. And  
20 so this would help social services.

21 It would actually give social  
22 services a tool that they could use when the  
23 person in control, supervision, parent, guardian  
24 of a child under the age of 3 is arrested,  
25 charged with serious drug abuse -- heroin, all of

1 those controlled substances -- that this would  
2 allow social services to go in and do a hair  
3 follicle test on that 3-year-old child to see if  
4 that child has any drugs in their system.

5 It's a social services change to  
6 their law giving them a tool, and they would then  
7 have a regular process where they would be able  
8 to take that child away from that situation for  
9 endangering the welfare of a child.

10 I think this is an important thing.  
11 The district attorney was amazed as he went  
12 through and found out that this has happened more  
13 often than we'd like to think about. And it can  
14 be happening here as we speak.

15 So I really appreciate the passage  
16 of this bill, and I vote aye.

17 Thank you.

18 ACTING PRESIDENT AKSHAR: Senator  
19 Little to be recorded in the affirmative.

20 Can we just get a little order in  
21 the house, please? If you have a conversation,  
22 take it outside.

23 Announce the results.

24 THE SECRETARY: Ayes, 48.

25 ACTING PRESIDENT AKSHAR: The bill



1 is passed.

2 THE SECRETARY: Calendar Number 38,  
3 by Senator Avella, Senate Print 1195, an act to  
4 amend the Volunteer Firefighters' Benefit Law.

5 ACTING PRESIDENT AKSHAR: Read the  
6 last section.

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

9 ACTING PRESIDENT AKSHAR: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT AKSHAR: Announce  
13 the results.

14 THE SECRETARY: Ayes, 48.

15 ACTING PRESIDENT AKSHAR: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number 40,  
18 by Senator Griffo, Senate Print 1411, an act to  
19 amend the Volunteer Firefighters' Benefit Law.

20 ACTING PRESIDENT AKSHAR: Read the  
21 last section.

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

24 ACTING PRESIDENT AKSHAR: Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT AKSHAR: Senator  
3 Kaminsky.

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

6 I'm proud to record a vote in the  
7 aye for this important bill to help our volunteer  
8 firefighters. Expanding presumptive cancer  
9 coverage is a must. Our volunteer firefighters  
10 run into danger, keep our communities protected  
11 while we are sleeping at night. Unfortunately,  
12 we take them too much for granted.

13 I've talked to firefighters in my  
14 district who have come down with cancer after  
15 obviously years of breathing in air of burning  
16 chemicals, and this is the least we owe them.  
17 The least we owe them is to give them the  
18 healthcare they deserve who got sick protecting  
19 us.

20 I'd like to thank the sponsor of  
21 this bill, Senator Griffo, for putting this  
22 forward. This is bipartisan. It is good law.  
23 And we need to be there to protect our  
24 firefighters; they are there for us.

25 Thank you.

1                   ACTING PRESIDENT AKSHAR:    Senator  
2 Kaminsky to be recorded in the affirmative.

3                   Senator Brooks.

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

6                   I rise in support of this bill and  
7 thank Senator Griffo for introducing the bill.

8                   I've had an opportunity to serve in  
9 a volunteer fire service since 1969. I'm a  
10 former chief. I'm well aware of the hazards that  
11 these individuals across our state face as a  
12 result of their exposure to various toxins in a  
13 fire.

14                  All across our state, men and women  
15 volunteer to protect the community day in and day  
16 out. It's critical that they get this protection  
17 to protect not only them and their health but the  
18 financial status of their families should they  
19 become ill or injured.

20                  So I urge everyone to support this  
21 bill and vote in the affirmative. Thank you.

22                  ACTING PRESIDENT AKSHAR:    Senator  
23 Brooks to be recorded in the affirmative.

24                  Announce the results.

25                  THE SECRETARY:    Ayes, 48.

1                   ACTING PRESIDENT AKSHAR:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number 61,  
4   by Senator Golden, Senate Print 3146, an act to  
5   amend the Social Services Law.

6                   ACTING PRESIDENT AKSHAR:    Read the  
7   last section.

8                   THE SECRETARY:    Section 4.   This  
9   act shall take effect on the 730th day after it  
10   shall have become a law.

11                   ACTING PRESIDENT AKSHAR:    Call the  
12   roll.

13                   (The Secretary called the roll.)

14                   ACTING PRESIDENT AKSHAR:    Senator  
15   Golden.

16                   SENATOR GOLDEN:    Thank you,  
17   Mr. President.   I rise on this bill.

18                   This past Sunday in Queens, Michael  
19   Guzman was found dead, unresponsive, with vomit  
20   around his mouth.   When Michael was discovered,  
21   he was already dead 12 hours.   Prior to his  
22   death, the workers had been to the home, the  
23   investigators, and had found evidence of abuse.  
24   But they were overworked and had a heavy  
25   caseload.

1           Last year this bill passed both  
2 houses of the Legislature and was vetoed by the  
3 Governor. In his 2016 veto message, the Governor  
4 stated that OCFS cannot mandate a caseload, a  
5 standard, without a proper study and adequate  
6 funding.

7           The caseload study and funding were  
8 discussed by OCFS on May 14th of 2015 in a local  
9 commissioner's memorandum. In that memorandum,  
10 OCFS discussed funds allocated to the 2015-2016  
11 budget to provide additional funding to  
12 localities that can hire additional caseworkers  
13 in order to achieve the recommended CPS casework  
14 size of 12 active reports per month.

15           Not all localities have achieved  
16 this recommended caseload size. One of the  
17 successful counties is Erie County. On  
18 September 12, 2016, the Erie County Department of  
19 Social Services announced that two-thirds of  
20 their caseworkers had 15 or fewer cases, and  
21 95 percent had a casework load of 25 or less.

22           Oneida County has not been  
23 successful. On May 22, 2016, the  
24 Observer-Dispatch reported the caseload in  
25 Oneida County was averaging 25 cases per month.

1 In the article about Oneida County, the  
2 Observer-Dispatch highlighted statistics from the  
3 OCFS report of the period July 2015 through  
4 December of 2015. And during that period, more  
5 than half the caseworkers of Herkimer and  
6 Oneida County had caseloads exceeding 12 cases  
7 per month.

8 Almost half of the caseworkers in  
9 Schenectady County have caseloads exceeding  
10 12 cases. And in Broome, Madison and Sullivan  
11 Counties, more than a third of the caseworkers  
12 had caseloads exceeding 12.

13 CPS workers protect our children.  
14 And when they are overburdened, children are  
15 placed at risk. We need to protect our  
16 vulnerable children like Michael Guzman, and this  
17 bill does just that.

18 I vote aye, Mr. President, and I ask  
19 all of my colleagues to vote aye as well.

20 ACTING PRESIDENT AKSHAR: Senator  
21 Golden to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 49.

24 ACTING PRESIDENT AKSHAR: The bill  
25 is passed.

1                   Mr. Floor Leader, that completes the  
2 noncontroversial reading of the calendar.

3                   SENATOR DeFRANCISCO:    Could we now  
4 go back to motions and resolutions, please.

5                   ACTING PRESIDENT AKSHAR:   Motions  
6 and resolutions.

7                   SENATOR DeFRANCISCO:    Could we take  
8 up previously adopted Resolution Number 247, by  
9 Senator Marchione, read the title only, and call  
10 on Senator Marchione, please.

11                  ACTING PRESIDENT AKSHAR:   The  
12 Secretary will read.

13                  THE SECRETARY:   Legislative  
14 Resolution Number 247, by Senator Marchione,  
15 mourning the death of Robert M. Horan, Jr.,  
16 distinguished citizen and devoted member of his  
17 community.

18                  ACTING PRESIDENT AKSHAR:   Senator  
19 Marchione.

20                  SENATOR MARCHIONE:    Thank you,  
21 Mr. President and my colleagues. I rise to speak  
22 on the resolution honoring the life and  
23 celebrating the legacy of Robert "Bob" Horan, Jr.

24                         Bob Horan served as the  
25 superintendent of the Schodack Central School

1 District. As superintendent, Bob distinguished  
2 himself through hard work and tireless dedication  
3 to his students, the community, and its cause of  
4 education.

5 As Senator, I had many opportunities  
6 to work with Bob, and one of the things that I  
7 always remember is when many of the  
8 superintendents were complaining -- and maybe  
9 rightly so -- their monies were cut and it was  
10 very difficult, that was not Bob Horan. Bob  
11 Horan talked about nothing but how he could do  
12 better, how he could work with what he had, how  
13 he could help his students. And he did just  
14 that.

15 ACTING PRESIDENT AKSHAR: Senator  
16 Marchione, excuse me one second.

17 Could I have some order in the  
18 chamber, please. If you have conversations, take  
19 them outside.

20 Thank you, Senator Marchione.

21 SENATOR MARCHIONE: Thank you.

22 Bob Horan was a graduate of the  
23 Shenendehowa High School, SUNY Oswego, and the  
24 College of St. Rose. He also served as principal  
25 at Maple Hill High School for five years. He was



1 department administrator of the Shenendehowa High  
2 School for three years, technology instructor at  
3 Mohonasen High School for 16 years, and an  
4 adjunct professor at the College of St. Rose.

5 His commitment to academic  
6 excellence, his spirit of humanity, decency and  
7 community carried over into his charitable and  
8 scientific endeavors. He was a board member of  
9 the Rensselaer County Chamber of Commerce, served  
10 as legislative chairman for Questar III BOCES,  
11 and was a member of the Kiwanis Club and the  
12 Rotary Club.

13 Bob Horan is survived by his  
14 dedicated, beloved wife of 28 years, Margery --  
15 and his family is in the gallery -- his children,  
16 Patricia, Robert and Thomas; Lydia, that he  
17 considered a daughter. He has two sisters,  
18 Christine Cassidy and Cathleen Schoeppler, and  
19 many nieces and nephews. And Peter Mooney and  
20 his wife were cousins to Bob Horan.

21 I'm honored to have all of them here  
22 joining as my guests. I want you all to know  
23 that your husband, your father, your brother,  
24 your uncle, your cousin, our superintendent Bob  
25 Horan was admired, respected, and loved and is

1 truly missed. We honor his legacy and his life  
2 in service to others.

3 Thank you, Mr. President.

4 ACTING PRESIDENT AKSHAR: Thank  
5 you, Senator Marchione.

6 Mr. Floor Leader.

7 SENATOR DeFRANCISCO: Yes, Senator  
8 Marchione has offered to open up this important  
9 resolution for cosponsorship. And would you  
10 announce that, please.

11 ACTING PRESIDENT AKSHAR: The  
12 resolution is open for cosponsorship. If you do  
13 not wish to be a cosponsor, please notify the  
14 desk.

15 Mr. Floor Leader.

16 SENATOR DeFRANCISCO: Thank you,  
17 Mr. President.

18 Is there any further business at the  
19 desk?

20 ACTING PRESIDENT AKSHAR: There is  
21 no further business at the desk.

22 SENATOR DeFRANCISCO: That being  
23 the case, I move to adjourn until Monday,  
24 January 30th, at 3:00 p.m., intervening days  
25 being legislative days.

1                   ACTING PRESIDENT AKSHAR:    On  
2    motion, the Senate stands adjourned until Monday,  
3    January 30th, at 3:00 p.m., intervening days  
4    being legislative days.

5                   (Whereupon, at 11:38 a.m., the  
6    Senate adjourned.)

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