

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 January 3, 2018

11 12:18 p.m.

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13
14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask everyone 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: His Eminence
9 Timothy Cardinal Dolan, archbishop of the Roman
10 Catholic Diocese of New York, is with us today to
11 give the invocation.

12 CARDINAL DOLAN: Let us pray.

13 We assemble for this historic event,
14 dear Lord, yes, as grateful citizens of the state
15 we're proud to call home, but also as humble
16 people of faith who simply yet sincerely profess,
17 as Americans, in God we trust.

18 Thus do we acclaim You as our
19 Creator who made us in Your own image and
20 likeness, thus rendering the human person and
21 human life as sacred, and thus endowing us with
22 rights calling for protection and with freedom --
23 not so much to do whatever we want, but what we
24 ought.

25 We profess You as our common Father

1 who unites us, a Lawgiver who has implanted
2 within a grasp of the truth and a thirst for
3 justice, and a belief that we are at our best
4 when our will is consonant with Your own.

5 To these distinguished legislators
6 we ask the gift of the wisdom only You can
7 bestow, and the reclaiming of the honor and
8 nobility of public service, a sensitivity to
9 those in need. Please illumine in a radiant way
10 our leaders: Senator Flanagan, Senator
11 Stewart-Cousins, and Senator Klein.

12 You never summon us to a duty
13 without supplying us the grace to do it, dear
14 God, and that blessed assurance consoles us
15 today. May all that we do and dream and dare and
16 decide in these hallowed chambers be only to our
17 credit, Lord, when one day we stand before You,
18 the omnipotent Lawgiver and supreme Judge, You
19 who live and reign forever and ever.

20 Amen.

21 (The Assemblage responded "Amen.")

22 THE PRESIDENT: The Secretary will
23 call the roll to ascertain a quorum.

24 THE SECRETARY: Senator Addabbo.

25 SENATOR ADDABBO: Here.

1 THE SECRETARY: Senator Akshar.
2 SENATOR AKSHAR: Present.
3 THE SECRETARY: Senator Alcantara.
4 SENATOR ALCANTARA: Here.
5 THE SECRETARY: Senator Amedore.
6 SENATOR AMEDORE: Here.
7 THE SECRETARY: Senator Avella.
8 SENATOR AVELLA: Here.
9 THE SECRETARY: Senator Bailey.
10 SENATOR BAILEY: Here.
11 THE SECRETARY: Senator Benjamin.
12 SENATOR BENJAMIN: Here.
13 THE SECRETARY: Senator Bonacic.
14 (No response.)
15 THE SECRETARY: Senator Boyle.
16 SENATOR BOYLE: Here.
17 THE SECRETARY: Senator Breslin.
18 SENATOR BRESLIN: Here.
19 THE SECRETARY: Senator Brooks.
20 SENATOR BROOKS: Here.
21 THE SECRETARY: Senator Carlucci.
22 SENATOR CARLUCCI: Present.
23 THE SECRETARY: Senator Comrie.
24 SENATOR COMRIE: Present.
25 THE SECRETARY: Senator Croci.

1 SENATOR CROCI: Present.
2 THE SECRETARY: Senator
3 DeFrancisco.
4 SENATOR DeFRANCISCO: Here.
5 THE SECRETARY: Senator Dilan.
6 SENATOR DILAN: Here.
7 THE SECRETARY: Senator Felder.
8 SENATOR FELDER: Aye.
9 THE SECRETARY: Senator Flanagan.
10 SENATOR FLANAGAN: Here.
11 THE SECRETARY: Senator Funke.
12 SENATOR FUNKE: Here.
13 THE SECRETARY: Senator Gallivan.
14 SENATOR GALLIVAN: Here.
15 THE SECRETARY: Senator Gianaris.
16 SENATOR GIANARIS: Here.
17 THE SECRETARY: Senator Golden.
18 SENATOR GOLDEN: Present.
19 THE SECRETARY: Senator Griffo.
20 SENATOR GRIFFO: Here.
21 THE SECRETARY: Senator Hamilton.
22 SENATOR HAMILTON: Present.
23 THE SECRETARY: Senator Hannon.
24 SENATOR HANNON: Here.
25 THE SECRETARY: Senator Helming.

1 SENATOR HELMING: Here.

2 THE SECRETARY: Senator Hoylman.

3 SENATOR HOYLMAN: Here.

4 THE SECRETARY: Senator Jacobs.

5 SENATOR JACOBS: Here.

6 THE SECRETARY: Senator Kaminsky.

7 SENATOR KAMINSKY: Here.

8 THE SECRETARY: Senator Kavanagh.

9 SENATOR KAVANAGH: Here.

10 THE SECRETARY: Senator Kennedy.

11 SENATOR KENNEDY: Here.

12 THE SECRETARY: Senator Klein.

13 SENATOR KLEIN: Here.

14 THE PRESIDENT: Senator, a quorum
15 is present.

16 In keeping with --

17 SENATOR FLANAGAN: Madam Present,
18 if I may, I can barely hear you. I don't know
19 what's going on. I can hear Chris fine. But
20 please, we've got to fix your mic, because what
21 you're saying and what you're doing is important.

22 THE PRESIDENT: Is it on high?

23 It's okay. Is that better, Senator?

24 SENATOR FLANAGAN: It depends on
25 what you said.

1 (Laughter.)

2 THE PRESIDENT: I come with high
3 praise for Senator Flanagan. Can you hear that?

4 (Laughter.)

5 THE PRESIDENT: There we go.

6 Well, in keeping with tradition, it
7 is my honor to welcome you to the 2018 session of
8 the New York State Senate, on behalf of Governor
9 Andrew Cuomo and the people of the State of
10 New York.

11 Like you, many of us journeyed
12 across this state. I came through blizzard
13 conditions, about a six-hour drive from Buffalo,
14 New York, but I had plenty of time to reflect on
15 my past year, going to so many of your districts
16 and sharing the experiences. And what I
17 witnessed firsthand so often was the incredible
18 pride that each of you have for the district and
19 the people you represent.

20 And as I heard from so many people,
21 each one of you tells me you have the very best
22 district in the State of New York. And all of
23 you are correct. I heard that so often.

24 But more than just the pride in
25 representing our districts, there's a profound

1 pride we all share in being New Yorkers. And it
2 is a pride that transcends party affiliation,
3 geographic boundaries, race, ethnicity and
4 gender. Therefore, it's a pride that compels us
5 to journey together in solidarity as New Yorkers
6 as we meet the new challenges.

7 And that's why we have to fight for
8 the people of New York to repel a tax burden that
9 is being levied by our federal government on our
10 citizens. And that is why we'll go to the mat
11 over cuts in programs that help needy children.
12 We'll fight together for affordable education,
13 Medicare, Medicaid, protecting our environment --
14 because from hurricanes in Long Island to floods
15 on Lake Ontario and upstate New York and the
16 crazy blizzards of Western New York, we know what
17 climate change is, and it's just getting worse.

18 And we will continue to address the
19 seismic societal shift in attitudes toward women
20 that is long overdue. And that will finally
21 result in equality of opportunity, equality in
22 pay, and equality in respect.

23 So as we know the constituents close
24 to our districts, people get up every day, they
25 go to work, they worry about their families, and

1 they think about "if only I could build a better
2 life." They keep their part of the bargain. As
3 elected officials, we must keep ours.

4 We share these goals, even if our
5 means of achieving them may differ. In 2017 we
6 had many bipartisan accomplishments, and all of
7 you should be very proud. We opened the year
8 honoring the 200th anniversary of the Erie Canal
9 and the 100th anniversary of women winning the
10 right to vote. We honored brave and courageous
11 individuals who were bold enough to dig a canal
12 and to pave the way for women to have the right
13 to vote.

14 To conclude, today as New Yorkers we
15 come together with a common purpose, to honor
16 those legacies but to create our own. So
17 100 years from now, when New Yorkers look back at
18 our time, I'd like them to say we dreamed big but
19 we built even bigger. We began movements that
20 changed the course of human history, and we left
21 New York and indeed the world a better place than
22 we found it. And we did it together.

23 Mr. Floor Leader.

24 SENATOR DeFRANCISCO: May we please
25 proceed with the regular order of business.

1 THE PRESIDENT: Presentation of
2 petitions.

3 Messages from the Assembly.

4 Messages from the Governor.

5 There is a message from the
6 Governor, which the Secretary will read.

7 THE SECRETARY: "Dear Majority
8 Leader Flanagan: I would appreciate the
9 privilege of the presence of all the Members of
10 the New York State Senate at the Empire State
11 Plaza Convention Center on January 3, 2018, at
12 1:00 p.m. Very truly yours, Andrew M. Cuomo."

13 THE PRESIDENT: To be filed in the
14 Journal.

15 Reports of standing committees.

16 Reports of select committees.

17 Communications and reports from
18 state officers.

19 Motions and resolutions.

20 Mr. Floor Leader.

21 SENATOR DeFRANCISCO: I believe
22 there's a resolution at the desk by Senators
23 Flanagan and Klein. May we please have it read
24 in its entirety and move for its immediate
25 adoption. Thank you.

1 THE PRESIDENT: The Secretary will
2 read.

3 THE SECRETARY: Senate Resolution
4 Number 3324, by Senators Flanagan and Klein,
5 directing the Temporary President to appoint a
6 Committee of three to inform the Governor that
7 the Senate is organized and ready to proceed with
8 business.

9 "RESOLVED, Directing the Temporary
10 President to appoint a Committee of three
11 comprised of Senator Jacobs, Senator Hamilton,
12 and Senator Benjamin, for the purpose of
13 informing the Governor that the Senate is
14 organized and ready to proceed with business."

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

18 (Response of "Aye.")

19 THE PRESIDENT: Opposed, nay.

20 (No response.)

21 THE PRESIDENT: The resolution is
22 adopted.

23 Mr. Floor Leader.

24 SENATOR DeFRANCISCO: Yes, there's
25 another resolution at the desk by Senators

1 Flanagan and Klein. May we please have it read
2 in its entirety and move for its immediate
3 adoption.

4 THE PRESIDENT: The Secretary will
5 read.

6 THE SECRETARY: Senate Resolution
7 Number 3325, by Senators Flanagan and Klein,
8 directing the Temporary President to appoint a
9 Committee of three to wait upon the Assembly and
10 inform that body that the Senate is assembled and
11 ready to proceed with business.

12 "RESOLVED, Directing the Temporary
13 President to appoint a Committee of three
14 comprised of Senator Tedisco, Senator Alcantara,
15 and Senator Kavanaugh, for the purpose of waiting
16 upon the Assembly and informing that body that
17 the Senate is assembled and ready to proceed with
18 business."

19 THE PRESIDENT: The question is on
20 the resolution. All in favor signify by saying
21 aye.

22 (Response of "Aye.")

23 THE PRESIDENT: Opposed, nay.

24 (No response.)

25 THE PRESIDENT: The resolution is

1 adopted.

2 Mr. Floor Leader.

3 SENATOR DeFRANCISCO: Yes, we have
4 some very important visitors here from the
5 Assembly, Assemblywoman Weinstein and my favorite
6 Assemblyman, Bob Oaks.

7 (Laughter.)

8 SENATOR DeFRANCISCO: Would you
9 please recognize them and welcome them to our
10 chambers.

11 THE PRESIDENT: Assemblymembers
12 Oaks and Weinstein are very welcome in our
13 chambers.

14 ASSEMBLYWOMAN WEINSTEIN: We are
15 here to say that the Assembly has adjourned the
16 2017 session and we have convened and we are
17 organized and ready for 2018. And I think we
18 beat you once this -- for a while.

19 (Laughter.)

20 ASSEMBLYWOMAN WEINSTEIN: Look
21 forward to a fruitful year.

22 THE PRESIDENT: Mr. Floor Leader.

23 SENATOR DeFRANCISCO: Yes, Madam
24 President, at this time would you please call on
25 Senator Stewart-Cousins for opening remarks.

1 THE PRESIDENT: Senator
2 Stewart-Cousins.

3 SENATOR STEWART-COUSINS: Thank you
4 so much, Madam President.

5 And I just -- I understand our
6 remarks at this moment are going to be brief
7 because we obviously have the State of the State.
8 But certainly I wanted to begin by saying "Happy
9 New Year" and "Welcome back" to everyone.

10 I also wanted to note the changes in
11 my conference. Not with us -- I expected him to
12 be here -- but Senator Latimer is now County
13 Executive Latimer. Is he here? Oh, there you
14 are.

15 (Standing ovation.)

16 SENATOR STEWART-COUSINS: You know,
17 we remember everything from the kumquats to --

18 (Laughter.)

19 SENATOR STEWART-COUSINS: -- and
20 those late nights. And I'm glad you're here.

21 We also certainly recognize you as a
22 great leader. And he's threatened already to
23 bring a tin cup; I don't know if you have that
24 with you yet.

25 (Laughter.)

1 SENATOR STEWART-COUSINS: But we
2 expect great leadership from you. And certainly
3 our best wishes go with you as you become the
4 great county executive for my home county,
5 Westchester. So thank you, Senator Latimer.

6 And also not with us is former
7 Senator Díaz, who has now joined the City
8 Council, and we also wish Senator Díaz the best.

9 And, you know, we have two seats
10 that are available. And we are certainly hoping
11 that we get those seats filled as quickly as
12 possible, because we know that our democracy
13 depends on representation.

14 Now, speaking about a seat that has
15 been filled, we had an opportunity to swear in
16 this morning Senator Brian Kavanagh, who replaces
17 again another great friend, Senator Daniel
18 Squadron.

19 Senator Kavanagh is no stranger,
20 obviously, to Albany. He's spent 10 years in the
21 Assembly. He's a champion for certainly voters'
22 rights and sensible gun laws and advocacy for
23 tenants, and he's a great addition to our great
24 body.

25 Welcome, Senator Kavanagh.

1 (Standing ovation.)

2 SENATOR STEWART-COUSINS: So again,
3 we are beginning a new year. And the more
4 extended remarks will be next week, but I just
5 want to make sure that Governor Cuomo knows that
6 we are looking forward to working with him and
7 certainly looking forward to his address in the
8 next half-hour or so.

9 And for my partners Senator Flanagan
10 and Senator Klein, we just want to assure you
11 that our conference is here to work with you and
12 to get the people's work of New York done.

13 So, good, I hope we'll have a very,
14 very productive session. Thank you.

15 (Applause.)

16 THE PRESIDENT: Senator
17 DeFrancisco.

18 SENATOR DeFRANCISCO: Would you now
19 recognize Senator Klein for opening remarks.

20 THE PRESIDENT: Senator Klein.

21 SENATOR KLEIN: Thank you, Madam
22 President.

23 I too want to thank the Democratic
24 Leader, Andrea Stewart-Cousins -- looking forward
25 to working with her during this session -- and of

1 course my friend and colleague, our Majority
2 Leader, John Flanagan, who continues to work with
3 all of us, Democrats and Republicans, to get the
4 people's business done.

5 As was said before, I too have some
6 remarks prepared for next week, I guess, but I
7 also want to congratulate George Latimer, the new
8 Westchester county executive. I know his
9 intelligence, his know-how, his understanding of
10 how to get things done is going to suit the
11 people of Westchester County extremely well.

12 I too want to welcome Senator
13 Kavanagh. I know we worked together over the
14 years to freeze rents for senior citizens and the
15 disabled, and I know we'll be able to work on
16 those types of things again in the upcoming
17 session.

18 I know Senator Díaz is not here, but
19 I do see my good friend, sort of a Senator in
20 waiting, Assemblyman Sepúlveda. Let's give him a
21 round of applause too for joining us today.

22 (Applause.)

23 SENATOR KLEIN: And most of all, I
24 want to say a very special thank you to all of
25 the members of the Independent Democratic

1 Conference. We certainly worked very hard in the
2 out-session in serving our districts, in working
3 together, and each and every day it's my honor to
4 call you friends as well as colleagues.

5 I think the best thing that we can
6 do this year is, once again, not knowing -- or
7 actually knowing some of the ramifications that
8 are coming down from the national government,
9 which are not going to suit New Yorkers very,
10 very well, that we here in the Senate should put
11 politics aside, at least during the budget
12 process, to make sure we can all work together
13 and do the people's business in making sure that
14 New Yorkers don't shoulder the burden of some of
15 the damage that was done on the national level.

16 So I think we really have to sort of
17 get down to business, make sure we have a subway
18 mass transit system that's second to none, make
19 sure that homeowners and taxpayers who are losing
20 deductions don't have to shoulder the burden on
21 their own, that our state and especially we right
22 here have to come to their defense.

23 But most of all, I look forward to a
24 productive budget session. I think we in the
25 Senate especially, we rise to the occasion. And

1 as difficult as it may be, I think working
2 together, Democrats and Republicans, in a
3 bipartisan fashion, we can continue to deliver
4 for New Yorkers.

5 So again, I look forward to a
6 productive session, and a happy and healthy
7 New Year to all.

8 (Applause.)

9 THE PRESIDENT: Senator
10 DeFrancisco.

11 SENATOR DeFRANCISCO: Madam
12 President, would you now recognize Senator
13 Flanagan for opening remarks.

14 THE PRESIDENT: Senator Flanagan.

15 SENATOR FLANAGAN: Thank you,
16 Senator DeFrancisco.

17 And Madam President, it's nice to
18 see you here. You always conduct yourself with
19 class and elegance. And I'm sorry you got into a
20 little scuffle there with, well, somebody
21 probably in government, somebody probably in
22 government. But it's nice to have you here
23 presiding today.

24 And, you know, we opened our session
25 with something that to me is like personally very

1 cool. How many times do you get to have a
2 cardinal come and open session? I'm not talking
3 about a baseball player, I'm talking about the
4 real deal.

5 Having the cardinal here, he has a
6 presence that we all respect and admire. And
7 when I listen to him pray on our behalf, I feel
8 good. I actually really feel good. And I'm
9 always grateful, always grateful when we have
10 people of faith who come and deliver opening
11 prayers.

12 But the cardinal spoke about
13 something that I think is -- no pun intended --
14 eminently important. He used the phrase "the
15 honor and nobility of public service."

16 So I want to thank my friend and my
17 colleague -- and I'm going to make it crystal
18 New York clear: Jeff Klein and I work very well
19 together. He knows how to govern, he knows how
20 to lead. He knows how to comport himself with
21 diplomacy and professionalism, both publicly and
22 privately. And that's something I deeply
23 appreciate.

24 I can say that very clearly as well
25 about Senator Stewart-Cousins. She, Madam

1 President, has many of your admirable qualities,
2 and she acts as a leader.

3 And I'll say this pretty clearly:
4 The day the three of us all agree on everything,
5 that's when everyone should start to worry.

6 (Laughter.)

7 SENATOR FLANAGAN: We're going to
8 have our differences, but we can do so in a way
9 that is important.

10 When I look at how we run our house,
11 I think of Senator DeFrancisco, Senator Gianaris,
12 and Senator Valesky, who help make the day-to-day
13 operations actually work. Actually work.

14 So the honor and nobility of public
15 service. I did a little fact-checking this
16 morning. And I'm going to be off by a hair, and
17 Parker will correct me at some point. See,
18 that's what he does. He'll correct me at some
19 point. And this does not include staff time,
20 school board service, City Council service,
21 serving in other capacities. I can think of
22 Toby Stavisky and think of the longevity of the
23 Stavisky family and public service, not unlike my
24 own family.

25 But just to be clear, we have

1 presently 593 years of service in the Senate from
2 all the people, all the people that are serving
3 right here.

4 Senator Kavanagh, welcome to you.

5 That doesn't include my 16 years in
6 the Assembly, it doesn't include Kemp Hannon's
7 longevity in the Assembly, Betty Little, Cathy
8 Young, a whole bunch of our colleagues.

9 And I am not going to apologize; I'm
10 going to speak proudly of this institution and
11 the fact that we all are engaged in public
12 service. Because the last time I checked -- I
13 don't have to canvass all 62 other members to
14 know nobody's doing this for the money. Nobody's
15 doing it for the money.

16 Speaking of money, Latimer, he
17 brought a tin cup, a silk bag, he's trying to --
18 he sounds like Rainman now. He's saying:
19 Mandate relief, mandate relief, mandate relief,
20 help me out here.

21 So when I think of these things, you
22 know, I go back, Madam President, to something
23 else you said. Last night we had some time to
24 socialize with some of our members, and I came
25 back to the Capitol last night to grab some

1 stuff. And I want to describe to you how I
2 personally feel. And we'll get into our agenda;
3 we're going to talk about all kinds of things --
4 property tax cap permanency, spending cap,
5 regulatory reform, making sure that there's money
6 for Lake Ontario and places all across the State
7 of New York. All those type of things we're
8 going to talk about.

9 But when I come through the Capitol,
10 whether it's in the morning or the night, I have
11 a sense of reverence. I do. And the dean of our
12 conference and the dean of the Senate reminds me
13 of this all of the time. This is a special
14 place, a special place. And when I walk through,
15 I think about that. And when I hear --
16 literally, when I hear my name, each time it
17 makes me take a step back. And I think that's a
18 good thing.

19 So, Madam President, you mentioned
20 something that -- the person I think of more than
21 anyone else -- anyone else -- is my father. So
22 when I watch Helene Weinstein come in here as the
23 new chair of the Ways and Means Committee, who
24 served after her father in the New York State
25 Assembly -- I think of Joe Robach and people with

1 legacy. But my father, my father was way ahead
2 of his time. And I'm doing this just a little
3 personally to make this point.

4 In 1986, my father was a co-prime
5 sponsor on legislation, with Bill Passannante, on
6 discrimination based on one's sexual orientation
7 for housing. That was over 30 years ago.

8 But my father was also cutting edge.
9 Because when women got the vote -- there were two
10 women that were elected the first year that women
11 got the vote. One of them happened to be a woman
12 named Ida Sammis. Ida Sammis was from the Town
13 of Huntington, and she had a legendary but short
14 career. So he did a historical perspective, over
15 30 years ago, of every woman -- and I repeat,
16 every woman -- that had been elected to the
17 Legislature. That was cutting edge.

18 So when we talk about these issues,
19 I feel like I come from a good lineage, and I'm
20 very privileged and lucky to be able to say that.

21 So as we move forward, I'm going to
22 tell everyone again, I'm proud of who we are, I'm
23 proud of the work that we do. Can we do things
24 better? Of course. Will we try and do things
25 better? Yes. Will we work with the Governor?

1 Yes, we will. Have we proven that we know how to
2 govern? Yes. Yes.

3 So as we move forward, I'm going to
4 reiterate, I'm a state senator, I'm a public
5 official, I'm a public servant, and I'm very,
6 very happy to be working with all of you. So as
7 we move into next week, we're going to -- I think
8 I told Senator Klein this, Senator
9 Stewart-Cousins, and I will speak more about
10 this. I want to have January be very productive.
11 I don't want to be wasting anyone's time,
12 including the taxpayers'.

13 So I am deeply grateful to all of
14 you for who you are and what you do. And as we
15 go downstairs, let's distinguish ourselves again
16 by showing the class and dignity that this house
17 exemplifies and listen carefully to what the
18 Governor has to say. Whether or not we agree
19 with him will certainly be open to question. But
20 we will do the people's business.

21 And I thank you for your indulgence.
22 (Applause.)

23 THE PRESIDENT: Thank you, Senator.
24 Mr. Floor Leader.

25 SENATOR DeFRANCISCO: Just a point

1 of clarification about that 593 years of service.

2 If you exclude Ken LaValle, it's 99 total years.

3 (Laughter.)

4 SENATOR DeFRANCISCO: Just to make
5 it clear.

6 Is there any further business at the
7 desk?

8 THE PRESIDENT: There is no further
9 business at the desk.

10 SENATOR DeFRANCISCO: That being
11 the case and there being no further business, I
12 move we adjourn until Monday, January 8th, at
13 3:00 p.m., intervening days being legislative
14 days.

15 THE PRESIDENT: On motion, the
16 Senate stands adjourned until Monday,
17 January 8th, at 3:00 p.m., intervening days being
18 legislative days.

19 (Whereupon, at 12:45 p.m., the
20 Senate adjourned.)

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25