NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 3, 2018

12:18 p.m.

REGULAR SESSION

LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

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

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

THE PRESIDENT: His Eminence Timothy Cardinal Dolan, archbishop of the Roman Catholic Diocese of New York, is with us today to give the invocation.

CARDINAL DOLAN: Let us pray.

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

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

We profess You as our common Father

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

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

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

Amen.

(The Assemblage responded "Amen.")

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

THE SECRETARY: Senator Addabbo.

SENATOR ADDABBO: Here.

THE SECRETARY: Senator Akshar.
SENATOR AKSHAR: Present.
THE SECRETARY: Senator Alcantara.
SENATOR ALCANTARA: Here.
THE SECRETARY: Senator Amedore.
SENATOR AMEDORE: Here.
THE SECRETARY: Senator Avella.
SENATOR AVELLA: Here.
THE SECRETARY: Senator Bailey.
SENATOR BAILEY: Here.
THE SECRETARY: Senator Benjamin.
SENATOR BENJAMIN: Here.
THE SECRETARY: Senator Bonacic.
(No response.)
THE SECRETARY: Senator Boyle.
SENATOR BOYLE: Here.
THE SECRETARY: Senator Breslin.
SENATOR BRESLIN: Here.
THE SECRETARY: Senator Brooks.
SENATOR BROOKS: Here.
THE SECRETARY: Senator Carlucci.
SENATOR CARLUCCI: Present.
THE SECRETARY: Senator Comrie.
SENATOR COMRIE: Present.
THE SECRETARY: Senator Croci.

SENATOR CROCI: Present.
THE SECRETARY: Senator DeFrancisco.
SENATOR DeFRANCISCO: Here.
THE SECRETARY: Senator Dilan.
SENATOR DILAN: Here.
THE SECRETARY: Senator Felder.
SENATOR FELDER: Aye.
THE SECRETARY: Senator Flanagan.
SENATOR FLANAGAN: Here.
THE SECRETARY: Senator Funke.
SENATOR FUNKE: Here.
THE SECRETARY: Senator Gallivan.
SENATOR GALLIVAN: Here.
THE SECRETARY: Senator Gianaris.
SENATOR GIANARIS: Here.
THE SECRETARY: Senator Golden.
SENATOR GOLDEN: Present.
THE SECRETARY: Senator Griffo.
SENATOR GRIFFO: Here.
THE SECRETARY: Senator Hamilton.
SENATOR HAMILTON: Present.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: Here.
THE SECRETARY: Senator Helming.

SENATOR HELMING: Here.
THE SECRETARY: Senator Hoylman.
SENATOR HOYLMAN: Here.
THE SECRETARY: Senator Jacobs.
SENATOR JACOBS: Here.
THE SECRETARY: Senator Kaminsky.
SENATOR KAMINSKY: Here.
THE SECRETARY: Senator Kavanagh.
SENATOR KAVANAGH: Here.
THE SECRETARY: Senator Kennedy.
SENATOR KENNEDY: Here.
THE SECRETARY: Senator Klein.
SENATOR KLEIN: Here.
THE PRESIDENT: Senator, a quorum is present.
In keeping with --
SENATOR FLANAGAN: Madam President, if I may, I can barely hear you. I don't know what's going on. I can hear Chris fine. But please, we've got to fix your mic, because what you're saying and what you're doing is important.
THE PRESIDENT: Is it on high? It's okay. Is that better, Senator?
SENATOR FLANAGAN: It depends on what you said.

(Laughter.)

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

(Laughter.)

THE PRESIDENT: There we go.

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

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

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

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

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

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

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

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

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

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

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

Mr. Floor Leader.

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

THE PRESIDENT: Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

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

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

THE PRESIDENT: To be filed in the Journal.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Mr. Floor Leader.

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

THE PRESIDENT: The Secretary will read.

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

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

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Mr. Floor Leader.

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

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

THE PRESIDENT: The Secretary will read.

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

"RESOLVED, Directing the Temporary President to appoint a Committee of three comprised of Senator Tedisco, Senator Alcantara, and Senator Kavanagh, for the purpose of waiting upon the Assembly and informing that body that the Senate is assembled and ready to proceed with business."

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is

adopted.

Mr. Floor Leader.

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

(Laughter.)

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

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

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

(Laughter.)

ASSEMBLYWOMAN WEINSTEIN: Look forward to a fruitful year.

THE PRESIDENT: Mr. Floor Leader.

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

THE PRESIDENT: Senator Stewart-Cousins.

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

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

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

(Standing ovation.)

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

(Laughter.)

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

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

(Laughter.)

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

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

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

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

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

Welcome, Senator Kavanagh.

(Standing ovation.)

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

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

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

(Applause.)

THE PRESIDENT: Senator DeFrancisco.

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

THE PRESIDENT: Senator Klein.

SENATOR KLEIN: Thank you, Madam President.

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

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

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

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

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

(Applause.)

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

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

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

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

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

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

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

(Applause.)

THE PRESIDENT: Senator DeFrancisco.

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

THE PRESIDENT: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Senator DeFrancisco.

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

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

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

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

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

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

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

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

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

(Laughter.)

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

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

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

But just to be clear, we have

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

Senator Kavanagh, welcome to you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And I thank you for your indulgence.

(Applause.)

THE PRESIDENT: Thank you, Senator.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Just a point

of clarification about that 593 years of service. If you exclude Ken LaValle, it's 99 total years.

(Laughter.)

SENATOR DeFRANCISCO: Just to make it clear.

Is there any further business at the desk?

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

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

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

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