NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 22, 2018

3:33 p.m.

REGULAR SESSION

SENATOR ROBERT G. ORTT, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT ORTT: 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.)

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

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

ACTING PRESIDENT ORTT: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, January 21st, the Senate met pursuant to adjournment. The Journal of Saturday, January 20th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT ORTT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, it's great to see you up there at the top.

I have a couple of motions. One is that I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause -- it's by Senator Boyle -- Senate Number 634.

ACTING PRESIDENT ORTT: So ordered.

SENATOR DeFRANCISCO: And similarly, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause. These are Senate Bills 5362 and 5495, by Senator Griffo.

ACTING PRESIDENT ORTT: So ordered.

SENATOR DeFRANCISCO: And could you now recognize Senator Valesky, please.

ACTING PRESIDENT ORTT: Senator

Valesky.

SENATOR VALESKY: Thank you, Mr. President.

On behalf of Senator Avella, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Bill 1512A.

ACTING PRESIDENT ORTT: So ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now take up the noncontroversial reading of the calendar.

ACTING PRESIDENT ORTT: The Secretary will read.

THE SECRETARY: Calendar Number 53, by Senator Phillips, Senate Print 7325, an act to amend the Labor Law.

ACTING PRESIDENT ORTT: Read the last section.

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

ACTING PRESIDENT ORTT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT ORTT: The bill is passed.

THE SECRETARY: Calendar Number 56, by Senator Ortt, Senate Print 7328, an act to amend the Social Services Law.

ACTING PRESIDENT ORTT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2017.

ACTING PRESIDENT ORTT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT ORTT: The bill is passed.

THE SECRETARY: Calendar Number 72, by Senator LaValle, Senate Print 3003, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT ORTT: Read the last section.

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

ACTING PRESIDENT ORTT: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT ORTT: The bill is passed.

THE SECRETARY: Calendar Number 73, by Senator Griffo, Senate Print 3156, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT ORTT: Read the last section.

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

ACTING PRESIDENT ORTT: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ORTT: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President, yes.

I am continuing to vote no on this legislation, as I have frequently done in the past, because frankly I don't think 12- and 13-year-olds should be using large dangerous weapons going after big game. I think it's a child welfare issue.

And I think that once children hit the age of 14, they are physically and mentally in a different place to handle dangerous weapons and being confronted perhaps with a bear in the woods when they are not able to handle themselves. So I continue to believe 14 should be lowest age in the New York State.

I vote no. Thank you, Mr. President.

ACTING PRESIDENT ORTT: Thank you, Senator Krueger.

Senator Krueger to be recorded in the negative.

Announce the result.

THE SECRETARY: In relation to Calendar 73, those recorded in the negative are Senators Alcantara, Gianaris, Hoylman, Kavanagh, Krueger, LaValle, Marcellino, Parker, Peralta, Rivera, Sanders, Serrano and Stavisky.

Ayes, 42. Nays, 13.

ACTING PRESIDENT ORTT: The bill is passed.

THE SECRETARY: Calendar Number 86, by Senator Ritchie, Senate Print 2479, an act to authorize.

ACTING PRESIDENT ORTT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT ORTT: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT ORTT: Senator Sanders to explain his vote.

SENATOR SANDERS: I just wanted to congratulate Senator Ritchie for a good move. We really need to do more study to ensure farming in New York State.

Thank you.

ACTING PRESIDENT ORTT: Senator Sanders, how do you vote?

SENATOR SANDERS: Absolutely yes.

ACTING PRESIDENT ORTT: Senator Sanders to be recorded in the affirmative.

Announce the result.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ORTT: The bill is passed.

THE SECRETARY: Calendar Number 137, by Senator Peralta, Senate Print 336B, an

act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ORTT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of September.

ACTING PRESIDENT ORTT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ORTT: The bill is passed.

THE SECRETARY: Calendar Number 139, by Senator Ortt, Senate Print 706, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT ORTT: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT ORTT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ORTT: The bill is passed.

THE SECRETARY: Calendar Number

147, by Senator Lanza, Senate Print 7112, an act to amend Chapter 154 of the Laws of 1921.

ACTING PRESIDENT ORTT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect upon the enactment into law by the State of New Jersey.

ACTING PRESIDENT ORTT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT ORTT: The bill is passed.

Senator DeFrancisco, that completes the noncontroversial reading of the calendar.

SENATOR DeFRANCISCO: Yes, could you please recognize Senator Kennedy for a very brief introduction.

ACTING PRESIDENT ORTT: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

I would just like to take the opportunity to introduce a guest of ours here in this auspicious chamber, our Erie County District

Attorney John Flynn, who is here on business with us today. Not only is this the beginning of his second year as district attorney, for 27 years prior to being elected district attorney in Erie County, he served as an officer in the United States Navy.

Please welcome our great district attorney from Erie County.

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT ORTT: It's a pleasure to welcome a local elected official. Mr. District Attorney, we welcome you to the Senate and extend the full courtesies of the house to you, even as a former naval officer.

(Laughter.)

DISTRICT ATTORNEY FLYNN: Thank you, sir.

(Laughter.)

ACTING PRESIDENT ORTT: Senator DeFrancisco.

SENATOR DeFRANCISCO: We'll stand at ease for a few minutes. But to let everyone know, we're just waiting to make an introduction, if the person can be found.

(Laughter.)

SENATOR DeFRANCISCO: There will be no other business here, and we will be adjourning the session till 12 o'clock tomorrow on January 23rd as soon as that introduction is made. So if you're interested in the introduction, you may stick around.

ACTING PRESIDENT ORTT: The Senate will stand at ease temporarily.

(Whereupon, the Senate stood at ease at 3:41 p.m.)

(Whereupon, the Senate reconvened at 3:42 p.m.)

ACTING PRESIDENT ORTT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Is there any further business at the desk?

ACTING PRESIDENT ORTT: There is no more further business at the desk.

SENATOR DeFRANCISCO: That being the case, I move to adjourn until Tuesday, January 23rd, at 12:00 p.m.

ACTING PRESIDENT ORTT: On motion, the Senate stands adjourned until Tuesday, January 23rd, at 12:00 p.m.

(Whereupon, at 3:43 p.m., the Senate adjourned.)