NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:37 a.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: In the absence of clergy, may we bow our heads in a moment of silence.

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

THE PRESIDENT: Thank you.

Reading of the Journal.

THE SECRETARY: In Senate, Monday, January 29th, the Senate met pursuant to adjournment. The Journal of Sunday, January 28th, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: 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.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Madam President, on page 24 I offer the following amendments to Calendar 156, Senate Print 6428, by Senator Hannon, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: On page number 28, I offer the following amendments to Calendar Number 201, Senate Print 6882, by Senator Tedisco, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: Thank you.

I now move to adopt the Resolution Calendar, with the exception of Resolutions 3644

and 3610.

THE PRESIDENT: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 3644 and 3610, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

SENATOR DeFRANCISCO: With apologies to our guests here, who we'll be recognizing shortly, there will be an immediate meeting of the Rules Committee in Room 332. As soon as we get there and back, we can honor some very special young people.

THE PRESIDENT: Immediate meeting of the Rules Committee in Room 332 of the Capitol.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:40 a.m.)

(Whereupon, the Senate reconvened at 11:50 a.m.)

ACTING PRESIDENT GRIFFO: The

Senate will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Is there a report of the Rules Committee at the desk, please?

ACTING PRESIDENT GRIFFO: There is a Rules Committee report at the desk.

The Secretary will read.

SENATOR DeFRANCISCO: Move to accept.

THE SECRETARY: Senator Flanagan, from the Committee on Rules, reports the following bill direct to third reading:

Senate Print 7588A, by Senator DeFrancisco, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT GRIFFO: There is a motion before the house to accept the Committee on Rules report. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Committee on Rules report is accepted and before

the house.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now take up Senate Supplemental Calendar Number 8A, which has that one bill on, Senate Calendar Number 335, and take up that bill.

ACTING PRESIDENT GRIFFO: The Secretary will read Senate Supplemental Calendar 8A, noncontroversial. The Secretary will read.

THE SECRETARY: Calendar Number 335, by Senator DeFrancisco, Senate Print 7588A, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

I want to commend the sponsor of this bill in particular. Senator DeFrancisco has

been a tireless champion of Lavern's Law, and it's great to see it finally happening.

I wish that the final version would not have limited the lookback period as much as it does, but this is still something that represents great progress for victims of malpractice and will provide real justice for people who have been suffering for a long time.

So thank you, I vote in the affirmative.

ACTING PRESIDENT GRIFFO: Senator Gianaris in the affirmative.

Senator Little to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

I too would like to commend Senator DeFrancisco for putting forth this piece of legislation for all of us who are having it before us today.

This is something that's been worked on for a very long time, and it's trying to be helpful to those who have cancer and have a silent cancer. Sometimes people, especially for women -- and we see more and more of these cases of breast cancer, uterine cancer, cervical cancer

that are taking place. And I'm very pleased that we at least have a little more time for a correction and time to have that lookback.

So a lot of work, a lot of compromise, but certainly a good bill in the end, and I thank you.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator Little in the affirmative.

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

I'd also like to congratulate the sponsor and his work and the work of our colleagues in the Assembly to finally get Lavern's Law passed, as well as all the advocates and the New York Daily News and other individuals and institutions that have pushed for this very important bill.

I will say that it does bring up the issue of time-barred claims and extending the statute of limitations. And I'm hoping it's a model that we can use to look at other cases in our civil and criminal justice system, including crimes of child sexual abuse.

I vote aye.

ACTING PRESIDENT GRIFFO: Senator Hoylman in the affirmative.

Senator Hannon to explain his vote.

SENATOR HANNON: Thank you very much, Mr. President.

Obviously it deals with an essential core element of healthcare delivery in this state. And I think the legislation itself is an artful balancing of dealing with the provisions from the original proposal, repealing, and it significantly narrows some of the original bill's revival provisions while keeping the right of patients, especially cancer patients who did not know they had the illness, to sue.

But this is the beginning of what ought to be -- not that it will be, but ought to be addressing the malpractice issue in this state, questions with regard to different parts of the system, different parts of the trials, and also a need to take a look at what we're doing systematically: Whether a hospital has or doesn't have malpractice insurance -- some just go on their own financial backing. Whether or not there should be a takeover of the state's

largest malpractice insurer by an outside corporation, and at what cost and at what price and at what contribution to the system itself. Whether or not we have malpractice companies that continue to exist that have been insuring our public hospitals, SUNY hospitals throughout the state.

Not much has been heard about them. They're all underlying undercurrents, crosscurrents as to what's happening -- but unless addressed, that someday we'll wake up and say, oh, my God, there's a crisis.

Now is the time. This bill being a balance allows us to take a look at other elements and try to see what packages may exist to move forward.

So I vote yes. Thank you.

ACTING PRESIDENT GRIFFO: Senator Hannon to be recorded in the affirmative.

Before I ask the sponsor to close, is there anybody else that wishes to explain their vote?

Senator DeFrancisco to close on explanations.

Senator Ortt to explain his vote?

SENATOR ORTT: Yes, Mr. President, thank you.

I'll be voting no on this bill. I think this bill has a ton of merit, and I actually think it does a lot of good and attempts to do a lot of good, especially when you talk about cancer patients, when you talk about women. My mother-in-law is a breast cancer survivor, thank God. And so I commend the sponsor and a lot of those who put a lot of time in.

My concern is that in this state we've been talking about tort reform or reform on the other side of this coin for a long time, and we never seem to get around to it. And so this is yet another additional cost. And I just thought this was the right time, this would have been a good time to also maybe have some tort format.

And failing that, my concern is this is going to drive up costs, and especially make it difficult for rural hospitals, where there's already a lot of poverty and a lack, sometimes, of healthcare options, as well as in some cases some inner city access.

So for those reasons I will be a no,

Mr. President.

ACTING PRESIDENT GRIFFO: Senator Ortt to be recorded in the negative.

Senator DeFrancisco to chose.

SENATOR DeFRANCISCO: Thank you, Mr. President.

I'm very happy that this bill passed. It was a compromise. The original bill I think was better. But it's really an important bill.

I know everybody wants to maintain affordable health insurance and not saddle hospitals and doctors with big malpractice bills and so forth. The fact of the matter is we could save insurance companies a lot of money -- maybe we could stop lawsuits in car accidents, and not allow recovery against the negligent party. We could save a lot of money. But there's also a principle that you've got to have honesty and common sense. And to me, the negligence system makes a lot of sense. Rather than the public paying generally for everybody's negligence, the individual responsible should pay. And that's why the person has insurance.

The concept that this bill is going

to create dramatic increases in medical malpractice insurance I think is the mantra I've heard on every single bill dealing with liability, and it is not going to happen. These are not usual cases.

But when you have a case where a woman gets a mammogram or a sonogram or -- and the lump is seen and she's not told about it, she's not told about it -- and what happens? Two and a half years later, the lump is bigger and the lump is Stage 4 as opposed to Stage 1, which is a death sentence. And you couldn't, before this bill, bring a lawsuit because she didn't know about it. She couldn't have brought a lawsuit. How can you bring a lawsuit about what you don't know about?

So this is a good compromise, because it holds responsible those people -- and you don't win automatically, by the way. You've got to prove that the doctor was negligent or the hospital was negligent and they didn't provide proper follow-up care. If they don't, there's no recovery. But if there was negligence, the recovery is something that should be done.

We talk about women's issues quite

frequently in government nowadays. This is truly a woman's issue. It's truly a real remedy for a woman for a real problem, because that's usually where this case turns up.

So I want to thank everybody for their compromise. And I believe there should be more discussion in other areas as far as whether liability should be expanded or retracted or the procedures should be changed. And to me, that's where the real money savings are, trying to get these cases moving, get them done efficiently so that you don't pay lawyers hundreds of thousands of dollars to delay cases so the day never comes when you're in trial.

So I think it's a great bill, and I appreciate the support of those that supported it. Those that don't, just keep track of what happens in the medical liability arena in the near future. MLMIC is the biggest insurer for doctors; they're selling their business to Berkshire Hathaway. Take a look to see the money that changed hands for this insurance company that is complaining of poverty and bankruptcy -- just see what the recovery is, and you'll see that some of these complaints truly are not

justified.

And I know I went well beyond my two minutes, so I won't talk anymore today.

Thank you.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco, you're entitled to five, so --

(Laughter.)

ACTING PRESIDENT GRIFFO: But I know you're succinct.

Senator DeFrancisco will be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 335: Ayes, 53. Nays, 1. Senator Ortt recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the noncontroversial reading of Senate Supplemental Calendar 8A.

SENATOR DeFRANCISCO: Can we take up the noncontroversial reading of today's calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read today's active-list calendar.

THE SECRETARY: Calendar Number 11, by Senator Robach, Senate Print 7283, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 469 of the Laws of 2017.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 26, by Senator Carlucci, Senate Print 7298, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 35, by Senator Golden, Senate Print 7307, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2017.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 1. Senator Felder recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 52, by Senator Klein, Senate Print 7324, an act to amend the General Business Law.

ACTING PRESIDENT GRIFFO: 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 GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 63, by Senator Young, Senate Print 524, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 64, by Senator O'Mara, Senate Print 881A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT GRIFFO: Call the roll.

THE SECRETARY: Ayes, 53. Nays, 1. Senator Benjamin recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 76, by Senator Peralta, Senate Print 468, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 87, by Senator Ritchie, Senate Print 3015, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 89, by Senator Golden, Senate Print 1617, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 91, by Senator Young, Senate Print 3948, an act to amend the Real Property Actions and Proceedings

Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 95, by Senator Ranzenhofer, Senate Print 3144, an act to amend the Public Authorities Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 99,

by Senator Serino, Senate Print 2138, an act to amend the Economic Development Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 102, by Senator Funke, Senate Print 6276A, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to

Calendar 102, those recorded in the negative are Senators Benjamin, Breslin, Hoylman, Kavanagh and Stewart-Cousins.

Ayes, 49. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 144, by Senator Serino, Senate Print 2162A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 159, by Senator Hannon, Senate Print 7408, an act to amend the Public Health Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the same date and in the same manner as Section 1 of Chapter 401 of the Laws of 2017.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Hannon to explain his vote.

SENATOR HANNON: Thank you, Mr. President.

The original bill -- this is a chapter amendment. The original bill was designed to address the problem of mortality rates among the newborn. We would have conducted a study immediately -- a pilot project immediately in regard to baby boxes, a concept of safe sleeping habits, education to parents, and a movement that has taken root in a number of other countries and states.

After passage, we found out the total disparity of opinion about how to accomplish such a goal with the State Health Department, City Health Department, professional societies.

So this is now going to be a pilot

project for a study and then a pilot project to be implemented, because New York, for all that it does well with healthcare, is not doing well in regard to its infant mortality rates. Hopefully this will lead to a sharp improvement in that and help our population.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Hannon to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Senator DeFrancisco, that completes the noncontroversial calendar of today's active-list calendar.

SENATOR DeFRANCISCO: Thank you. May we go back to motions and resolutions.

ACTING PRESIDENT GRIFFO: We will return to motions and resolutions.

SENATOR DeFRANCISCO: There's a resolution at the desk by Senator Tedisco, Resolution 3385. Could you read the short title and then recognize Senator Tedisco.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Legislative Resolution Number 3385, by Senator Tedisco, congratulating the Burnt Hills-Ballston Lake Boys Varsity Cross Country Team and Head Coach Chip Button upon the occasion of capturing the New York State Federation Cross Country Team Championship on November 18, 2017.

ACTING PRESIDENT GRIFFO: Senator Tedisco.

SENATOR TEDISCO: Thank you, Mr. President and my colleagues.

They say that all good things are worth waiting for, and so I appreciate the patience of the outstanding student athletes who have been very patient today. But if you're going to be a tremendous individual athlete or team member, you've got to have patience, because it's a tremendous amount of training.

And I want to welcome to this august chamber these outstanding student-athletes. They're in the center upstairs here; they're from Burnt Hills-Ballston Lake. And they are the New York State Federation Cross Country Champions for 2017.

They're a big part of the reason why I can say and always do say all good things emanate from the 49th Senatorial District. And they are one of those great things and good things that has emanated from the 49th Senatorial District.

Now, you may look up there and have some déjà vu because you may recognize some of them. Because they were here last year as the New York State Cross Country Federation Champions. And I was suggesting to them earlier today that I would just schedule them for the next five years, because they've got seven members coming back from this same team.

And it's an unbelievable accomplishment. To win it once, any state or federation championship, is a big accomplishment. But to win it two years in a row and to have that many members coming back, I think we're going to see some outstanding achievements continue in the future.

It's a great academic school. They've got great leadership with their coaches and their administration out there, and we're very proud that they've done this, not only this

year but last year. And I know this is just the beginning of a tremendous number of future successes to come forth for them.

So if I could, I'd like to just introduce them and have them stand up and we can recognize who these outstanding champions are from Burnt Hills-Ballston Lake, Cross Country Federation champions.

Tyler Berg is here with us. We have Kevin Board who is here with us. Evan Brennan, Aidan Gillooley, Nick Hunziker, Michael Messere, David Metacarpa, Logan Short, Colin Swain, and Dante Ubriaco.

And I also -- you know, you don't win just as a team, and I told them every part of your life is a team. Your government is a team, your family is a team. But the most important part of a team, and the biggest lessons I learned playing on teams, was that if the individuals don't care who gets the credit, the team itself can achieve unbelievable successes. And that's a good lesson for all of us, and I think they exemplify that.

And the coach that got them to this point is Coach Chip Button. And their athletic

director, Joe Scalise, who directs athletics at Burnt Hills-Ballston Lake, is with us.

So I want to congratulate you. And I guess see you next year, guys, some of you. And best of luck to those who will go on to do great things in the future.

Mr. President, I ask you to welcome them and offer them all the cordialities of this august body for their tremendous achievements.

ACTING PRESIDENT GRIFFO: Thank you, Senator Tedisco.

This resolution was adopted on January 9th of 2018.

We extend our congratulations and continued best wishes to all of the teammates and the coaches from the Burnt Hills-Ballston Lake Boys Varsity Cross Country Team. Congratulations, quite an accomplishment. We wish you the best, as Senator Tedisco says, in all of your future pursuits.

Please continue to stand, and let's acknowledge and recognize these young men.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: We extend to you all the privileges and courtesies of the

Senate. Thank you.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I'd like to make a quick announcement for the Republican Conference. The conference that was going to resume after session cannot resume due to unavoidable conflicts. So I thought they should know that, rather than hang around waiting for a meeting that might not take place. The topics will continue to be discussed next week.

Now there's also another resolution of Senator Tedisco and -- I think. And yes, that is correct. That's Resolution 3350. Could you read the short title and call on Senator Tedisco.

ACTING PRESIDENT GRIFFO: Can I have some order in the chamber, please.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3350, by Senator Tedisco, congratulating Olivia Jack upon the occasion of capturing the New York State Public High School Athletic Association Girls 100-Yard Breast Stroke Championship on November 18, 2017.

ACTING PRESIDENT GRIFFO: Senator Tedisco.

SENATOR TEDISCO: Thank you, Mr. President and my colleagues.

Olivia Jack is from another outstanding school in the 49th Senatorial District, and another outstanding student-athlete. She's from Scotia-Glenville.

And many years ago I did my first job, Scotia-Glenville was a part of it. I was a substitute teacher for a whole year when I got out of Union College and substitute-taught at Scotia-Glenville School. It's an outstanding academic school, and she's an outstanding athlete and great with the academics also.

And Olivia, I have to tell you, every day I get on a treadmill, whether I get home at night or try to do it earlier in the morning, and I walk on that treadmill. When I get to 100 yards -- I guess that's 300 steps -- it's almost time for me to get off. I can't imagine a 100-yard breast stroke in the speed that she has done it. I don't think many of us could walk it or even run it, in the speed she's done it, in the pool swimming. So she has illustrated she is an outstanding athlete and tremendous in terms of academics.

Let me tell you a little bit about her. Olivia earned her first state championship at the New York State Public High School Athletic Association swim meet on Sunday, November 18, 2017, in Ithaca. She won the 100-yard championship with an incredible time of 1:02:06. Olivia is the Section II recordholder in the 100-yard breast stroke and has won 11 Section II titles, including eight individual events.

Even more important than her great athletic achievements, Olivia has -- and this boggles my mind -- a 96 grade point average and participates in Advanced Placement courses. And I would have loved to have a 96 point average, either in high school or at Union College, but it wasn't to be. But she illustrates not only outstanding athletics but academics.

She is also skilled as a musician as well. Now, Olivia plays the viola. And the athletic director told me to make sure I let you understand what a viola is. This is not a violin. The viola is a string instrument that is bowed or played with varying techniques. It is slightly larger than a violin and has a lower and deeper sound.

So she makes great music in the pool, in the classroom, and with the viola.

Olivia earned All American status for the fourth straight year with this monumental win, and she will attend Penn State University this fall.

Her dad is with her, and I kind of kidded him and I said he had the genes which gave her that swimming ability. Dads always try to take credit for what our sons and daughters do. But I'm sure he had a lot to do with her success. And his name is Osborne Jack, and it's great to have her dad here with her.

Coach Dirk Francois is here, and Athletic Director Jamian Rockhill, and Principal Peter Bednarek is here.

And I would ask them to stand, if we could, and we'd love to have you salute them, welcome them, and provide them all the cordialities of this august body. And we say this is just the beginning, Olivia, of what I know are going to be a bunch of tremendous successes in your future. Best of luck in your college and in all your future.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Olivia, we welcome you to the Senate, we extend the privileges and courtesies of the house to you, we congratulate you on this significant accomplishment and wish you the best of luck. Congratulations.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, we also have a resolution by Senator Larkin, it's 3644. Please read the title only and call on Senator Larkin.

ACTING PRESIDENT GRIFFO: We may also want to add that the previous resolution was previously adopted on January 9, 2018.

And the Secretary will now read.

THE SECRETARY: Legislative Resolution Number 3644, by Senator Larkin, memorializing Governor Andrew M. Cuomo to proclaim February 3, 2018, as Four Chaplains Day in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Larkin.

SENATOR LARKIN: Thank you,

Mr. President.

This resolution is about somebody that isn't here. On Saturday of this week, the 3rd of February, will be the 75th anniversary of the sinking of the troop ship Dorchester, with 700 troops on board who were headed to a battleground. And there were four chaplains on a that ship, a Protestant, a Methodist, a Catholic, and a Jewish. And each one of those young lieutenants took their own lifesaver and gave it to the troops. They walked all over. And the stories that you hear about it are true.

Just think about it -- the North Atlantic, February 3, 1943. I don't think anybody in here was around -- it must have been me and John D.

(Laughter.)

SENATOR LARKIN: But here's -- this is something that I think we in our history failed to realize and educate our people about what happened. Those four chaplains had their own gear; they might have survived. But they did not care about themselves, they cared about the troops that were on it.

The stories that we have read have

told of greatness, of love of fellow man, and God answering their call.

I would ask everybody to stand in a moment of silence for those 700 who gave their lives in defense of this country.

ACTING PRESIDENT GRIFFO: Thank you, Senator Larkin.

Please rise for a moment of silence.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, we have one other resolution, by Senator Persaud. It's Resolution 3610. Please read the title only and call on Senator Persaud.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3610, by Senator Persaud, recognizing February 1, 2018, as World Hijab Day.

ACTING PRESIDENT GRIFFO: Senator Persaud.

SENATOR PERSAUD: Thank you, Mr. President.

As a person with friends of various ethnic and religious backgrounds, it is my privilege to stand here and sponsor a resolution supporting women who hear the hijab. On February 1st, the world -- actually, 140 countries across the world will recognize World Hijab Day.

World Hijab Day is just acknowledging that the women who are wearing the hijab are just regular women. They're wearing their religious garb to show their modesty. They're wearing their religious garb to show that they are part of a community.

World Hijab Day wishes -- they're sharing with everyone. They're asking people to stand and acknowledge them. Looking at someone wearing a hijab does not mean that you should look down on them. They are not an enemy. It's

about tolerance. We preach tolerance every day to our children. So we are asking that when you look at someone with a hijab, that you accept that.

Hijab is an expression of the faith for women. There are over 3.3 million Muslims in the United States. And for the women amongst that population, they're showing that they're covering their hair, their chest, their bodies -- they're sending a silent message showing that that's how they respect the vessel of their body.

The woman who is hearing a hijab, she's showing that she should not be judged by her physical traits but instead by the content of her character. As we all know, that's how we should be judged. They should be judged by the content of their character, their mind, and their goals and ambitions.

In the United States we were founded on the principles of religious freedom, but women who wear hijabs are daily targeted. They walk around in fear. We're showing -- when we stand on February 1st, we're standing in solidarity with them, telling them they should not walk around in fear.

Women wearing hijabs daily are targeted. Some people try to rip their hijabs off of them because they see them as inferior, not as equal. They are afraid of them. We are always afraid of the unknown. We're standing on February 1st to say we should not be afraid of women in hijabs, it's just their expression of their culture. That's what we're asking for.

So on February 1st, when 140 countries come together and stand in solidarity with women across the world, we're standing together.

As a woman, a minority, I understand what the women in hijabs feel, because many of us have gone through the same things. We are looked upon as unequal. On February 1st, again, we are standing, I am standing with my friends who are wearing hijabs, showing them that I am in solidarity with them. They are not our enemies.

So when you see a woman in a hijab, acknowledge her as a person, as a woman, as an equal. She is not inferior. She is not your enemy. She is expressing her religion.

Thank you all very much.

ACTING PRESIDENT GRIFFO: Thank

you, Senator Persaud.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

At the request of the sponsors, both Resolutions 3644 and 3610 are open for cosponsorship. Should you choose to be a cosponsor, please notify the desk.

Senator DeFrancisco, that completes motions and resolutions before the desk.

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

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR DeFRANCISCO: That being the case, I move to adjourn until Monday, February 5th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Monday, February 5th, at 3:00 p.m., intervening

days being legislative days.

The Senate is adjourned.

(Whereupon, at 12:25 p.m., the Senate adjourned.)