

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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7  
8 ALBANY, NEW YORK

9  
10 February 13, 2018

11 11:19 a.m.

12  
13  
14 REGULAR SESSION

15  
16  
17  
18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

4 I ask all present to please rise  
5 and join with me as we recite the Pledge of  
6 Allegiance to our Flag.

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

9 ACTING PRESIDENT GRIFFO: In the  
10 absence of clergy, I ask all to please bow your  
11 head in a moment of silent reflection and/or  
12 prayer.

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

15 ACTING PRESIDENT GRIFFO: The  
16 reading of the Journal.

17 THE SECRETARY: In Senate, Monday,  
18 February 12th, the Senate met pursuant to  
19 adjournment. The Journal of Sunday,  
20 February 11th, was read and approved. On  
21 motion, Senate adjourned.

22 ACTING PRESIDENT GRIFFO: Without  
23 objection, the Journal will stand approved as  
24 read.

25 Presentation of petitions.

1 Messages from the Assembly.

2 The Secretary will read.

3 THE SECRETARY: On page 17,  
4 Senator Hamilton moves to discharge, from the  
5 Committee on Rules, Assembly Bill Number 8938  
6 and substitute it for the identical Senate Bill  
7 7294, Third Reading Calendar 22.

8 ACTING PRESIDENT GRIFFO: The  
9 substitution is so ordered.

10 Messages from the Governor.

11 Reports of standing committees.

12 Reports of select committees.

13 Communications and reports of state  
14 officers.

15 Motions and resolutions.

16 Senator DeFrancisco.

17 SENATOR DeFRANCISCO: Yes, I move  
18 to adopt the Resolution Calendar, with the  
19 exception of Resolutions 3748 and 3803.

20 ACTING PRESIDENT GRIFFO: All in  
21 favor of accepting the Resolution Calendar, with  
22 the exception of Resolutions 3748 and 3803,  
23 signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT GRIFFO: Opposed?

1 (No response.)

2 ACTING PRESIDENT GRIFFO: The  
3 Resolution Calendar is adopted as indicated.

4 Senator DeFrancisco.

5 SENATOR DeFRANCISCO: Could we now  
6 take up Resolution 3169 and read it in its  
7 entirety.

8 ACTING PRESIDENT GRIFFO: The  
9 Secretary will read.

10 And I ask for some order in the  
11 house.

12 THE SECRETARY: Legislative  
13 Resolution Number 3169, by Senator Hannon,  
14 memorializing Governor Andrew M. Cuomo to  
15 proclaim February 14, 2018, as Donor Day in the  
16 State of New York, in conjunction with the  
17 observance of National Donor Day.

18 "WHEREAS, It is the custom of this  
19 Legislative Body to recognize official days that  
20 are set aside to increase awareness of serious  
21 issues that affect the lives of citizens of  
22 New York State and across the nation; and

23 "WHEREAS, Attendant to such  
24 concern, and in full accord with its  
25 long-standing traditions, this Legislative Body

1 is justly proud to memorialize Governor Andrew M.  
2 Cuomo to proclaim February 14, 2018, as Donor Day  
3 in the State of New York, in conjunction with the  
4 observance of National Donor Day; and

5 "WHEREAS, National Donor Day was  
6 started in 1998 by the U.S. Department of Health  
7 and Human Services and many nonprofit health  
8 organizations to raise awareness for organ, eye,  
9 tissue, marrow, platelet, and blood donation; and

10 "WHEREAS, National Donor Day is a  
11 time to focus on five points of life -- organs,  
12 tissues, marrow, platelets, and blood -- by  
13 participating in blood/marrow drives or donor  
14 registration events; and

15 "WHEREAS, It is also a day to  
16 recognize our loved ones who have given the gift  
17 of donation, have received a donation, are  
18 currently waiting, or did not receive an organ in  
19 time; and

20 "WHEREAS, There is a tremendous need  
21 for organ donations in New York State, with more  
22 than 10,000 New Yorkers on waiting lists as the  
23 need for organ, tissue and blood donations far  
24 exceed the supply; and

25 "WHEREAS, More than 500 New Yorkers

1 died last year because an organ did not become  
2 available in time to save their lives; and

3 "WHEREAS, One person who donates  
4 their organs (heart, lungs, liver, kidneys,  
5 pancreas and intestines) can save up to eight  
6 lives; and

7 "WHEREAS, A tissue donor (corneas,  
8 bone, skin, heart valves, tendons, veins, etc.)  
9 can improve 12 or more lives by restoring  
10 eyesight, helping fight infections in burn  
11 patients, and preventing the loss of mobility and  
12 disability; and

13 "WHEREAS, It is possible to donate a  
14 kidney, partial liver, lung or pancreas as a  
15 living donor, and in fact, approximately 40  
16 percent of organ and tissue donations are from  
17 living donors; and

18 "WHEREAS, It is imperative that  
19 there be greater public awareness and educational  
20 initiatives offered regarding the decision to  
21 donate one's organs, eyes, tissues, marrow,  
22 platelet, and/or blood, and more must be done to  
23 increase activity at the local, state and  
24 national levels; now, therefore, be it

25 "RESOLVED, That this Legislative

1 Body pause in its deliberations to memorialize  
2 Governor Andrew M. Cuomo to proclaim February 14,  
3 2018, as Donor Day in the State of New York, in  
4 conjunction with the observance of National Donor  
5 Day; and be it further

6 "RESOLVED, That a copy of this  
7 resolution, suitably engrossed, be transmitted  
8 to the Honorable Andrew M. Cuomo, Governor of the  
9 State of New York."

10 ACTING PRESIDENT GRIFFO: Senator  
11 Flanagan on the resolution.

12 SENATOR FLANAGAN: Thank you,  
13 Mr. President.

14 You know, I have this -- as many of  
15 you know, I'm being redundant, and I'm being  
16 redundant for a valuable purpose. I have this  
17 organ donation bracelet on, and it's in English  
18 and Spanish. "Donate," and "dona-vida" en  
19 Español.

20 And I wear this in memory of my dear  
21 friend and colleague, who many of you knew quite  
22 well, and that's former Assemblyman Jim Conte.  
23 And it's hard to believe that it's over five  
24 years since Assemblyman Conte passed away.

25 And at the time I remember telling

1 his wife, you know, "I'll wear this for a year."  
2 And a year came, and then I thought, What am I,  
3 an idiot? Like I should keep wearing this.

4 So I want to extend particular  
5 thanks to Senator Hannon for his expertise, his  
6 stick-to-itiveness, and his leadership in dealing  
7 with the Department of Health. I can't think of  
8 any more important subject in terms of how do you  
9 help someone. By becoming an organ donor.

10 And I've spoken to many people who  
11 are donors or who are recipients. And even  
12 things like bone marrow, it's just -- it's a  
13 cotton swab now. They can test you that easily  
14 to see if there's a match.

15 Chris read the resolution; think  
16 about it. Five hundred people died, 500 people  
17 died because there were not enough organs  
18 available. We have 10,000 people in the State of  
19 New York, just the State of New York, who are  
20 waiting for kidney and liver transplants, which  
21 are the most common, kidney being number one,  
22 liver being number two.

23 We have a golden opportunity to save  
24 lives. I really mean to save lives. So what I  
25 respectfully ask my colleagues -- because



1 everybody has Facebook, a lot of people have  
2 Twitter. I don't, but I do have Facebook, and we  
3 go to public events. Any time I'm in a room with  
4 150, 200, 250, 300 people, I always bring this  
5 up. Always bring this up. And I always say, "If  
6 you forget everything else that I've said, please  
7 remember this."

8                   And I'm telling you, invariably at  
9 the end of whatever that event may be, somebody  
10 comes up to me and they say, I'm a kidney  
11 recipient. Or I'm a donor. And to me, there's  
12 no simpler and yet more profound way to change  
13 the world, really. It was also mentioned that  
14 one person, by donating their organs, can save up  
15 to eight lives. That's pretty darn cool.

16                   So, ladies and gentlemen, today is a  
17 special day. The more we can do to get  
18 information out, the better off everyone will be.  
19 I don't want to hear 500 people died because they  
20 had to wait. I want to keep that number going  
21 down. I want it going down exponentially. With  
22 your help, because we're all good at marketing,  
23 we can all save people's lives. So please help  
24 in any, way shape or form that you can.

25                   Thank you, Mr. President.

1                   ACTING PRESIDENT GRIFFO:    Thank  
2   you, Senator Flanagan.

3                   Senator Hannon on the resolution.

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

6                   Thank you, Senator Flanagan for  
7   outlining that so cogently.

8                   I want to change people's thoughts  
9   about Valentine's Day.  The symbol of Valentine's  
10   Day is a heart.  And yet why did we pick Donor  
11   Day to be the 14th?  Because in a sense we can  
12   give life, we can give love, by virtue of being  
13   an organ donor.

14                  Last year, in 2017, the Organ Donor  
15   Registry in New York grew by about 12 percent,  
16   and it's the most it's ever grown.  And partially  
17   it's due to the different legislative and policy  
18   aspects that people in this chamber have  
19   championed and you all have voted for and passed,  
20   such things as the health plan marketplace, voter  
21   registration, online registry, motor vehicle  
22   licenses.

23                  So now that we have the registry at  
24   4.91 million -- but that's only 31 percent of  
25   New Yorkers who are 16 and older.  And you can do

1 live organ donation as well as when someone has  
2 passed away.

3 So as we celebrate Valentine's Day  
4 for our loved ones, think also how you can love  
5 society by participating in and promoting and  
6 being an organ donor.

7 Thank you, Mr. President.

8 ACTING PRESIDENT GRIFFO: Thank  
9 you, Senator Hannon.

10 Senator Carlucci.

11 SENATOR CARLUCCI: Thank you,  
12 Mr. President.

13 I want to just add my voice to  
14 Senator Flanagan and Senator Hannon on this  
15 resolution.

16 Like was said, over 10,000 men,  
17 women and children are currently waiting for a  
18 life-saving organ transplant. And in New York  
19 we've lagged behind almost every state in the  
20 nation for years when it comes to eligible people  
21 participating in the Organ Donor Program. But  
22 thanks to leaders like Senator Hannon and Senator  
23 Flanagan and other colleagues in this house who  
24 have put forth legislation, we've started to chip  
25 away at that.

1           Like Senator Hannon had said, we've  
2       made an improvement of 12 percent. That means  
3       we're saving people's lives.

4           On this floor we passed, a few years  
5       back, Lauren's Law, named after Lauren Shields, a  
6       young girl from Stony Point, New York, who  
7       received a heart transplant when she was 9 years  
8       old. And instead of sitting back, she used every  
9       opportunity she has to talk about her experience.

10          And like was said, that's what we  
11       can do in addition. We've got to continue to  
12       pass important policies. We've made Lauren's Law  
13       permanent, which now says when you go to the DMV,  
14       when you're getting your driver's license, you're  
15       asked the question, "Would you like to be an  
16       organ donor? Yes or skip the question."

17          We're putting that question in front  
18       of people. And we know when they're met with  
19       that decision, the majority of people are going  
20       to decide to be an organ donor.

21          Great legislation that was passed  
22       last year to allow 16- and 17-year-olds to  
23       preregister, to allow them to register when  
24       they're going to get their driver's license for  
25       the first time. It's a huge opportunity for us.

1                   So we've got to continue the  
2 momentum we have. Let's turn it around. Let's  
3 go from being last in the nation, let's go to  
4 being first in the nation. And in doing that, we  
5 will save the lives of so many people.

6                   To have Donor Day on Valentine's Day  
7 is so fitting. Lauren Shields, she received a  
8 heart. My good friend Roxanne Watson in Rockland  
9 County, she received a heart. And she carries  
10 around with her a picture of the person that  
11 donated that heart. And she shares her story.  
12 If you get within 10 feet of her, she will share  
13 with you her story and she'll make sure that she  
14 asks you to become an organ donor. She has  
15 personally signed up about 10,000 people to be an  
16 organ donor. She's broken records.

17                  But it's that example of how we can  
18 pass policy and we've got to continue to do that,  
19 but we've also got to use every opportunity we  
20 have to share the story about what being an organ  
21 donor, what does that mean. And I think that's  
22 our biggest potential, to share that story, break  
23 down myths, and make sure people are  
24 participating and entering the Organ Donor  
25 Program.

1                   So I enthusiastically support this  
2 resolution. I want to thank my colleagues for  
3 doing the same. Thank you, Mr. President.

4                   ACTING PRESIDENT GRIFFO: Senator  
5 Marcellino.

6                   SENATOR MARCELLINO: Thank you,  
7 Mr. President.

8                   Let me add my voice to Senator  
9 Flanagan, Senator Hannon, and Senator Carlucci.  
10 All you've got to do, take your driver's license,  
11 go down to the Department of Motor Vehicles, they  
12 will stamp it. There's a question, you check off  
13 the box, they put a little heart on your driver's  
14 license. So it's very easy to see and very easy  
15 to find and you can be part of the Organ Donor  
16 Program.

17                   This is a most important thing we  
18 can do. I agree with Senator Carlucci's  
19 statement, we shouldn't be last. New York State  
20 shouldn't be last in anything. We are the  
21 Excelsior State. We are first in the nation. We  
22 are first amongst all of our states. And we  
23 should be first in organ donations and saving  
24 lives.

25                   This saves lives. Check the right

1 box. If you look at your driver's license and  
2 you don't have the little heart, go back to the  
3 Department of Motor Vehicles and get it done  
4 again and check that box and make sure you have a  
5 license with the heart so you are part of the  
6 Organ Donor Program. It is a very important  
7 thing. And you can't do anything better than  
8 help save a fellow human being's life.

9 Thank you, Mr. President.

10 ACTING PRESIDENT GRIFFO: As noted,  
11 the resolution was previously adopted on  
12 January 9th of 2018.

13 Senator Flanagan.

14 SENATOR FLANAGAN: Yes,  
15 Mr. President, I appreciate the opportunity.

16 I wanted to raise a subject that is  
17 a little different. Last week I don't know how  
18 many of you had meetings like I did, but I had a  
19 visit from the corrections officers from the City  
20 of New York. Met with their lobbyist, met with  
21 their president, Elias Husamudeen -- a fine  
22 gentleman, has a very long, distinguished record  
23 as a leader of that organization.

24 And we talked about issues, we  
25 talked about dangers in the workplace, we talked

1 about pension issues and things of that nature.  
2 And lo and behold, after his visit I pick up the  
3 paper and see on the news, like many of you, that  
4 there was a corrections officer in Rikers who was  
5 beaten to a pulp. I mean beaten to a pulp. He  
6 was sucker-punched and beaten up by five members  
7 of the Bloods.

8                   This picture that I have makes me  
9 sick. Here's a 39-year-old Haitian man named  
10 Jean Souffrant, who has served with distinction,  
11 and unfortunately he's gaining notoriety and his  
12 name is out there because of a terrific and  
13 horrific tragedy. He has a bleed on the brain,  
14 he has to wear a neck brace, and he has a broken  
15 neck with multiple fractures to go along with it.  
16 Here's a guy who was doing his job -- really,  
17 even though the inmates are on the inside, he was  
18 protecting us for a variety of reasons.

19                   So I harken back to the discussion  
20 that I just had with their union. And these  
21 folks, men and women, are in harm's way every  
22 single day. So when they come up and they talk  
23 about disability and when they come up and talk  
24 about their pension and they come and talk about  
25 workplace environment and safety, we need to



1 listen. Not only do we need to listen, but we  
2 need to act.

3 Now, I saw some amendments that came  
4 out from the Governor, and I think the  
5 orientation certainly of our conference is if I'm  
6 going to choose between the bad guys and the good  
7 guys, I'm going with the good guys. Inmates  
8 should be treated humanely, but when people do  
9 something like this, there's got to be very, very  
10 serious repercussions.

11 Now, I rise to talk about this  
12 because I think it's important. I rise because I  
13 want to highlight this issue and underscore the  
14 fact that these people put themselves in harm's  
15 way every day. And everyone should take this the  
16 right way and thank God that they do, and thank  
17 God they're as professional as they are.

18 So I would ask that people, to the  
19 extent that you can, keep this fine gentleman in  
20 your thoughts and prayers.

21 And every now and then, we need a  
22 dose of reality and keeping life in perspective.  
23 I was getting aggravated this morning because I  
24 was not tying my tie properly. Then I thought  
25 about this and I'm thinking to myself, I'm like

1 an idiot, this -- it means nothing. This poor  
2 gentleman is lying in a bed immobile, and who  
3 knows for how long.

4 So it's unusual for me to do this,  
5 but I don't think it's inappropriate. I think  
6 people should know things like this and we should  
7 honor all of our men and women who serve in law  
8 enforcement because they make our lives safer,  
9 better, and happier.

10 Mr. President, thank you.

11 ACTING PRESIDENT GRIFFO: Thank  
12 you, Senator Flanagan.

13 The previous resolution by Senator  
14 Hannon is open for cosponsorship. If you would  
15 like to be a cosponsor, please notify the desk.

16 Senator DeFrancisco.

17 SENATOR DeFRANCISCO: Would you  
18 please take up the noncontroversial reading of  
19 the calendar.

20 ACTING PRESIDENT GRIFFO: The  
21 Secretary will read.

22 THE SECRETARY: Calendar Number 19,  
23 by Senator Ortt, Senate Print 7291, an act to  
24 amend a chapter of the Laws of 2017.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the  
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 57.

9 ACTING PRESIDENT GRIFFO: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number 22,  
12 substituted earlier by Member of the Assembly  
13 Zebrowski, Assembly Print 8938, an act to amend a  
14 chapter of the Laws of 2017.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 57.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number 78,

1 by Senator Klein, Senate Print 2078, an act to  
2 amend the Penal Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

5 THE SECRETARY: Section 3. This  
6 act shall take effect on the first of November.

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 53. Nays, 4.  
11 Senators Bailey, Benjamin, Kavanagh and  
12 Montgomery recorded in the negative.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 116, by Senator Jacobs, Senate Print 5283C, an  
17 act to amend the Public Health Law.

18 ACTING PRESIDENT GRIFFO: Read the  
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT GRIFFO: Senator

1       Jacobs to explain his vote.

2                       Can we have some order, please.

3                       SENATOR JACOBS:     Mr. President, I  
4       rise in support of this legislation that has the  
5       potential for saving countless lives.

6                       This piece of legislation would make  
7       it possible for those enrolling in a SUNY or CUNY  
8       institution, or just simply getting a library  
9       card, to at that time sign up to become an organ  
10      donor.

11                      This is modeled after the very  
12      successful program at local auto bureaus and DMVs  
13      throughout the State of New York, where drivers  
14      can easily sign up while getting or renewing  
15      their driver's licenses.   Currently the majority  
16      of New Yorkers that sign up to the Organ Donor  
17      Registry do so at a local auto bureau because of  
18      this easy process.

19                      The challenge is that there are  
20      many people in our state who do not drive and  
21      thus are not presented with the opportunity to  
22      sign up at an auto bureau, especially in our  
23      largest population center of New York City.   This  
24      legislation will just provide more venues for New  
25      Yorkers who do not drive to easily sign up to the

1 donor registry.

2           Currently New York State has one of  
3 the lowest percentages of residents in the nation  
4 signed up as organ donors -- just 31 percent,  
5 compared to the national average of 56 percent.  
6 We can and must do better, and I believe this  
7 legislation will be a major advancement in this  
8 effort.

9           And again, what was mentioned  
10 earlier, just one organ donor can save eight  
11 lives.

12           Mr. President, we unfortunately have  
13 many life-threatening diseases in our society for  
14 which we still are in search for a cure. That is  
15 not the case here. We have the cure if we have  
16 the organs. Currently 10,000 New Yorkers are  
17 currently on a waiting list for life-saving  
18 organs. And it is my belief that this  
19 legislation, if implemented, will save lives.

20           Thank you very much.

21           ACTING PRESIDENT GRIFFO:    Senator  
22 Jacobs to be recorded in the affirmative.

23           Announce the results.

24           THE SECRETARY:    Ayes, 57.

25           ACTING PRESIDENT GRIFFO:    The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 127, by Senator Avella, Senate Print 1301, an act  
4 to amend the Family Court Act.

5 ACTING PRESIDENT GRIFFO: Read the  
6 last section.

7 THE SECRETARY: Section 2. This  
8 act shall take effect on the 60th day.

9 ACTING PRESIDENT GRIFFO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 57.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 182, by Senator Little, Senate Print 1379D, an  
17 act to establish.

18 ACTING PRESIDENT GRIFFO: Read the  
19 last section.

20 THE SECRETARY: Section 5. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT GRIFFO: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 54. Nays, 3.

1 Senators Gianaris, Montgomery and Kavanagh  
2 recorded in the negative.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 226, by Senator Seward, Senate Print 425, an act  
7 to amend the Insurance Law.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

10 THE SECRETARY: Section 9. This  
11 act shall take effect immediately.

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 57.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 245, by Senator LaValle, Senate Print 7237, an  
20 act to amend the Education Law.

21 ACTING PRESIDENT GRIFFO: Read the  
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the



1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 57.

4 ACTING PRESIDENT GRIFFO: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 258, by Senator Marchione, Senate Print 175, an  
8 act to amend the Real Property Tax Law.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

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

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 56. Nays, 1.  
17 Senator Montgomery recorded in the negative.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 259, by Senator Marchione, Senate Print 212, an  
22 act to amend the Real Property Tax Law.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT GRIFFO: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 261, by Senator Croci, Senate Print 931, an act  
10 to amend the Real Property Tax Law.

11 ACTING PRESIDENT GRIFFO: Read the  
12 last section.

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

15 ACTING PRESIDENT GRIFFO: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT GRIFFO: Senator  
19 Little to explain her vote.

20 SENATOR LITTLE: Thank you,  
21 Mr. President.

22 This is a really difficult bill to  
23 vote no on, and yet I -- at a time when we're  
24 trying to reduce property taxes and are concerned  
25 about them, I would prefer if this -- I would

1 vote yes in a heartbeat if this was a tax credit  
2 rather than having the other taxpayers have to  
3 carry the burden on this.

4 So right now I just cannot vote yes  
5 on this bill. So thank you.

6 ACTING PRESIDENT GRIFFO: Senator  
7 Little to be recorded in the negative.

8 Announce the results.

9 THE SECRETARY: Ayes, 56. Nays, 1.  
10 Senator Little recorded in the negative.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 263, by Senator Funke, Senate Print 1347A, an act  
15 to amend the General Municipal Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

18 THE SECRETARY: Section 5. This  
19 act shall take effect immediately.

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT GRIFFO: The  
24 Secretary will announce the results.

25 THE SECRETARY: In relation to

1 Calendar 263, those recorded in the negative are  
2 Senators Alcantara, Bailey, Hoylman, Kavanagh,  
3 Montgomery and Peralta.

4 Ayes, 51. Nays, 6.

5 ACTING PRESIDENT GRIFFO: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 317, by Senator Gallivan, Senate Print 2130, an  
9 act to amend the Social Services Law.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

12 THE SECRETARY: Section 2. This  
13 act shall take effect on the 60th day.

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 57.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 333, by Senator Bonacic, Senate Print 6244, an  
22 act to amend.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the first of January.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 57.

6 ACTING PRESIDENT GRIFFO: The bill  
7 is passed.

8 Senator DeFrancisco, that concludes  
9 the noncontroversial reading of today's  
10 active-list calendar.

11 SENATOR DeFRANCISCO: There will be  
12 an immediate meeting of the Rules Committee in  
13 Room 332 to take up a few bills, which will come  
14 to the floor for a vote. The sooner we get  
15 there, the sooner we vote, the sooner we get  
16 back, the sooner we vote on the floor and the  
17 sooner we leave.

18 ACTING PRESIDENT GRIFFO: There's  
19 an immediate meeting of the Rules Committee in  
20 Room 332, an immediate meeting of the Rules  
21 Committee in Room 332.

22 The Senate will stand temporarily at  
23 ease.

24 (Whereupon, the Senate stood at ease  
25 at 11:46 a.m.)

1                   (Whereupon, the Senate reconvened at  
2 11:53 a.m.)

3                   ACTING PRESIDENT GRIFFO:    The  
4 Senate will come to order.

5                   Senator Croci.

6                   SENATOR CROCI:    Mr. President, may  
7 we please accept the report of the Rules  
8 Committee. I move to accept the report of the  
9 Rules Committee.

10                  ACTING PRESIDENT GRIFFO:    Thank  
11 you, Senator Croci.

12                  There is a Rules Committee report  
13 before the house. The Secretary will read.

14                  THE SECRETARY:    Senator Flanagan,  
15 from the Committee on Rules, reports the  
16 following bills:

17                  Senate Print 7428, by Senator  
18 Felder, an act making an appropriation;

19                  Senate 7429, by Senator Gallivan, an  
20 act making an appropriation;

21                  Senate 7430, by Senator Comrie, an  
22 act making an appropriation;

23                  Senate 7597, by Senator Felder, an  
24 act to amend the Election Law;

25                  And Senate 7714, by Senator Little,

1 an act to amend Part P of Chapter 54 of the Laws  
2 of 2016.

3 All bills reported direct to third  
4 reading.

5 ACTING PRESIDENT GRIFFO: There is  
6 a motion on the floor to accept the Committee on  
7 Rules report. All in favor signify by saying  
8 aye.

9 (Response of "Aye.")

10 ACTING PRESIDENT GRIFFO: Opposed?

11 (No response.)

12 ACTING PRESIDENT GRIFFO: The Rules  
13 Committee report is accepted and before the  
14 house.

15 Senator Croci.

16 SENATOR CROCI: Mr. President, may  
17 we now have the noncontroversial reading of  
18 Calendar 12A, the supplemental calendar just  
19 voted on.

20 ACTING PRESIDENT GRIFFO: The  
21 Secretary will read.

22 THE SECRETARY: Senator Felder  
23 moves to discharge, from the Committee on Rules,  
24 Assembly Bill Number 9007 and substitute it for  
25 the identical Senate Bill 7428, Third Reading

1 Calendar 484.

2 ACTING PRESIDENT GRIFFO: The  
3 substitution is so ordered, and the Secretary  
4 will read.

5 THE SECRETARY: Calendar Number  
6 484, by Member of the Assembly Cusick, Assembly  
7 Print 9007, an act making an appropriation.

8 ACTING PRESIDENT GRIFFO: Read the  
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 57.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is passed.

18 THE SECRETARY: Senator Gallivan  
19 moves to discharge, from the Committee on Rules,  
20 Assembly Bill Number 9008 and substitute it for  
21 the identical Senate Bill 7429, Third Reading  
22 Calendar 485.

23 ACTING PRESIDENT GRIFFO: The  
24 substitution is so ordered.

25 The Secretary will read.



1                   THE SECRETARY:    Calendar Number  
2    485, by Member of the Assembly DiPietro, Assembly  
3    Print 9008, an act making an appropriation.

4                   ACTING PRESIDENT GRIFFO:   Read the  
5    last section.

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

8                   ACTING PRESIDENT GRIFFO:   Call the  
9    roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT GRIFFO:   Announce  
12    the results.

13                   THE SECRETARY:    In relation to  
14    Calendar 485, those recorded in the negative are  
15    Senators Brooks, Gianaris and Kaminsky.   Also  
16    Senator Dilan.   Ayes, 54.   Nays, 4.

17                   ACTING PRESIDENT GRIFFO:   The bill  
18    is passed.

19                   THE SECRETARY:    Senator Comrie  
20    moves to discharge, from the Committee on Rules,  
21    Assembly Bill Number 9006 and substitute it for  
22    the identical Senate Bill 7430, Third Reading  
23    Calendar 486.

24                   ACTING PRESIDENT GRIFFO:   The  
25    substitution is so ordered.

1                   The Secretary will read.

2                   THE SECRETARY:   Calendar Number  
3   486, by Member of the Assembly Nolan, Assembly  
4   Print 9006, an act making an appropriation.

5                   ACTING PRESIDENT GRIFFO:   Read the  
6   last section.

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

9                   ACTING PRESIDENT GRIFFO:   Call the  
10   roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:   Ayes, 58.

13                   ACTING PRESIDENT GRIFFO:   The bill  
14   is passed.

15                   THE SECRETARY:   Senator Felder  
16   moves to discharge, from the Committee on Rules,  
17   Assembly Bill Number 8917A and substitute it for  
18   the identical Senate Bill 7597, Third Reading  
19   Calendar 487.

20                   ACTING PRESIDENT GRIFFO:   The  
21   substitution is so ordered.

22                   The Secretary will read.

23                   THE SECRETARY:   Calendar Number  
24   487, by Member of the Assembly Carroll, Assembly  
25   Print 8917A, an act to amend the Election Law.

1                   ACTING PRESIDENT GRIFFO:   Read the  
2   last section.

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

5                   ACTING PRESIDENT GRIFFO:   Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT GRIFFO:   Senator  
9   Kaminsky to explain his vote.

10                  SENATOR KAMINSKY:   Thank you.

11                  This year the primary voting date  
12   turns out to be on a sacrosanct day for  
13   New Yorkers and some Americans for two reasons.  
14   One is it falls on September 11th.  And certainly  
15   in many of our districts there are very sacred  
16   ceremonies remembering that awful day and  
17   commemorating the lives of the victims of that  
18   attack that we feel compelled to attend and that  
19   would certainly get in the way of voting.

20                  And it's also the second day of Rosh  
21   Hashanah, which for many Jewish New Yorkers is  
22   one of the holiest days of the year and must be  
23   observed as well.

24                  So it is fitting and proper that we  
25   pass this bill today, like the Assembly has

1 already done, and move the primary to a different  
2 date so we could have the most participation on  
3 that day while allowing New Yorkers to observe  
4 that sacred day in the ways that they wish.

5 So I commend the sponsor for doing  
6 this, and I'm glad that we're making this  
7 important change. I vote in the affirmative.

8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Kaminsky to be recorded in the affirmative.

11 Senator Kavanagh to explain his  
12 vote.

13 SENATOR KAVANAGH: Thank you,  
14 Mr. President. I mostly rise to echo the  
15 sentiments of my colleague.

16 I represent the district that was  
17 the site of the 9/11 attacks, and it is still,  
18 for many people in our community, a day of  
19 mourning and remembrance. So that is one benefit  
20 of this bill.

21 But I also recognize that the  
22 primary motivation of this is one that I very  
23 strongly support. We should not be having  
24 elections on the day of very important religious  
25 observations. So again, I thank and commend the

1 sponsor for bringing this bill to the floor.

2 I also would just express, in that  
3 spirit, we have many bills that are intended to  
4 allow voting to occur at a time that does not  
5 conflict with our many obligations and  
6 responsibilities, whether it be to our religion  
7 or to our family or to our employment, and I do  
8 hope that as this session goes on, we will  
9 consider those as well.

10 But again, I thank and commend the  
11 sponsor for bringing this bill today.

12 ACTING PRESIDENT GRIFFO: Senator  
13 Kavanagh to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT GRIFFO: The bill  
17 is passed.

18 THE SECRETARY: Senator Little  
19 moves to discharge, from the Committee on Rules,  
20 Assembly Bill Number 9814 and substitute it for  
21 the identical Senate Bill 7714, Third Reading  
22 Calendar 488.

23 ACTING PRESIDENT GRIFFO: The  
24 substitution is so ordered.

25 The Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2    488, by Member of the Assembly Jones, Assembly  
3    Print 9814, an act to amend Part P of Chapter 54  
4    of the Laws of 2016.

5                   ACTING PRESIDENT GRIFFO:   Read the  
6    last section.

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

9                   ACTING PRESIDENT GRIFFO:   Call the  
10   roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:    Ayes, 58.

13                   ACTING PRESIDENT GRIFFO:   The bill  
14   is passed.

15                   Senator Croci, that completes  
16   today's noncontroversial reading of Senate  
17   Supplemental Calendar 12A.

18                   SENATOR CROCI:    Thank you,  
19   Mr. President.

20                   May we please return to motions and  
21   resolutions.

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

24                   SENATOR CROCI:    If we could please  
25   take up previously adopted Resolution Number

1 3413, by Senator Golden, please read it in its  
2 entirety, and then recognize Senator Golden.

3 ACTING PRESIDENT GRIFFO: The  
4 Secretary will read.

5 THE SECRETARY: Legislative  
6 Resolution Number 3413, by Senator Golden,  
7 memorializing Governor Andrew M. Cuomo to  
8 proclaim September 2018 as Kinship Care Month in  
9 the State of New York.

10 "WHEREAS, It is the custom of this  
11 Legislative Body to recognize official months  
12 that are set aside to increase awareness of  
13 issues that affect the lives of residents of  
14 New York State; and

15 "WHEREAS, Attendant to such concern,  
16 and in full accord with its long-standing  
17 traditions, this Legislative Body is moved to  
18 memorialize Governor Andrew M. Cuomo to proclaim  
19 September 2018, as Kinship Care Month in the  
20 State of New York; and

21 "WHEREAS, Kinship Care Month is  
22 observed in September to recognize children in  
23 kinship families, and the grandparents and other  
24 relatives who raise them, ensuring their safety,  
25 promoting their well-being, and establishing a

1     stable household for these young people to  
2     thrive; and

3                 "WHEREAS, In kinship families, a  
4     caregiver cares for a child or children who were  
5     biologically born to another family member or  
6     close friend because the biological parents are  
7     unable to raise them; and

8                 "WHEREAS, Nationally, approximately  
9     2.7 million children are living with grandparents  
10    and other relatives in kinship care; more than  
11    150,000 of these young people reside in the State  
12    of New York; and

13                "WHEREAS, One in 11 of all children,  
14    and one in five African-American children, will  
15    live within a kinship family sometime during  
16    their childhood; and

17                "WHEREAS, Kinship caregivers reside  
18    in urban, rural and suburban households in every  
19    county of this great Empire State, stepping  
20    forward out of love and loyalty to care for their  
21    young relatives, offering much needed continuity  
22    and security, and providing the best opportunity  
23    to retain a child's cultural heritage and  
24    community ties; and

25                "WHEREAS, Kinship Care Month honors



1 the priceless role these grandparents and other  
2 relatives play in the lives of the children they  
3 love; famous kinship caregivers include President  
4 George Washington; and

5 "WHEREAS, Kinship Care Month also  
6 recognizes the accomplishment of countless youth  
7 throughout this great Empire State, and across  
8 the nation, who, with the unconditional support  
9 of grandparents and other relatives, have  
10 successfully navigated the emotional trauma of  
11 losing their parents; famous youth who were  
12 raised in kinship care include Maya Angelou,  
13 Sandra Day O'Connor, and former President Barack  
14 Obama; and

15 "WHEREAS, It is vitally important  
16 that the public grow in awareness of the  
17 challenges faced by children, grandparents and  
18 other relatives in kinship families; partnerships  
19 among the education, legal, social services,  
20 mental health, justice, and other systems are  
21 necessary to ensure access to the services that  
22 can enable kinship youth to flourish in all  
23 facets of their life; and

24 "WHEREAS, Kinship Care Month is  
25 reflective of the values of family, community,

1 and the welfare of children shared by citizens  
2 across New York State; now, therefore, be it

3 "RESOLVED, That this Legislative  
4 Body pause in its deliberations to memorialize  
5 Governor Andrew M. Cuomo to proclaim September  
6 2018 as Kinship Care Month in the State of  
7 New York; and be it further

8 "RESOLVED, That a copy of this  
9 resolution, suitably engrossed, be transmitted to  
10 the Honorable Andrew M. Cuomo, Governor of the  
11 State of New York."

12 ACTING PRESIDENT GRIFFO: Senator  
13 Golden.

14 SENATOR GOLDEN: Thank you,  
15 Mr. President.

16 I rise in support of this  
17 resolution. And there are some people that are  
18 upstairs in the audience in the gallery that  
19 deserve some real thanks for the work that they  
20 have done. That's Jerry Wallace and Ryan  
21 Johnson, from the New York State Kinship  
22 Navigators, who are players in this key  
23 organization. And we should thank them for their  
24 efforts, talents and dedication that you both  
25 have done for this great, great state.

1           The resolution before the Senate  
2       proclaims September 2018 as Kinship Care Month.  
3       You'll ask, Well, why now? Why are we doing this  
4       today? With so much going on in our lives, we're  
5       in the process of negotiating a state budget.

6           However, it's because there's so  
7       much going on that it's even more important that  
8       we pause and we reflect on what kinship care is  
9       all about. Why? Because kinship care is the  
10      unsung heroes of our families and us. Kinship  
11      care acts as a safety net for the most  
12      fundamental building blocks of New York and our  
13      families.

14           As it was said in the resolution,  
15      2.7 million people across this great country are  
16      in kinship care. Here in this great state,  
17      150,000 families, kinship care.

18           The organization is always important  
19      in keeping the fabric of our families strong.  
20      And especially in these times today with the  
21      opiate and the heroin epidemic, their role  
22      has become even more important.

23           Kinship care provides a partnership  
24      between the families and educational, legal,  
25      social and mental health services. They are

1 doing the work that nobody else does, and they do  
2 it as nobody else could.

3 The challenges faced by some of the  
4 families are staggering. And it is kinship care  
5 that helps those families bridge those gaps.

6 We owe kinship care a thank you.  
7 And I'm proud to sponsor this resolution that  
8 recognizes kinship care and all the great work  
9 that they do and honoring this great  
10 organization.

11 Ladies and gentlemen, please give  
12 kinship care a round of applause for their great  
13 work in this great state and keeping families  
14 together, something that we should be extremely  
15 proud of.

16 Thank you very much.

17 (Applause.)

18 ACTING PRESIDENT GRIFFO: As noted,  
19 the resolution was adopted on January 17, 2018.

20 We extend the courtesies of the  
21 house and extend our best wishes to Mr. Wallace  
22 and Mr. Johnson and all those who are here today.

23 Again, let's acknowledge those and  
24 thank them for all their efforts.

25 (Applause.)

1                   ACTING PRESIDENT GRIFFO:    Senator  
2   Crocì.

3                   SENATOR CROCI:    Mr. President, on  
4   behalf of Senator Bonacic, on page 13 I offer the  
5   following amendments to Calendar Number 407,  
6   Senate Print 1030, and ask that said bill retain  
7   its place on the Third Reading Calendar.

8                   ACTING PRESIDENT GRIFFO:    The  
9   amendments are received, and the bill shall  
10   retain its place on third reading.

11                   May I also add, at Senator Golden's  
12   request, the prior resolution which was  
13   previously adopted is open for cosponsorship.  
14   Should you choose to be a cosponsor, please  
15   notify the desk.

16                   Senator Croci.

17                   SENATOR CROCI:    Can we hold for one  
18   moment, stand at ease for one moment,  
19   Mr. President.

20                   (Pause.)

21                   SENATOR CROCI:    Mr. President.

22                   ACTING PRESIDENT GRIFFO:    Senator  
23   Crocì.

24                   SENATOR CROCI:    Can we take up  
25   Resolution Number 3748, by Senator Murphy, and

1 please read it in its entirety.

2 ACTING PRESIDENT GRIFFO: The  
3 Secretary will read.

4 THE SECRETARY: Legislative  
5 Resolution Number 3748, by Senator Murphy,  
6 commemorating the 125th anniversary of  
7 Mount Olivet Baptist Church.

8 "WHEREAS, The State of New York  
9 takes great pride in acknowledging significant  
10 milestones in the distinguished histories of its  
11 esteemed places of worship; and

12 "WHEREAS, Mount Olivet Baptist  
13 Church, in Peekskill, New York, will celebrate  
14 its 125th anniversary during a dinner gala to be  
15 held at the Villa Barone Hilltop Manor on  
16 March 2, 2018; there will also be two worship  
17 services on March 4th; and

18 "WHEREAS, Mount Olivet Baptist  
19 Church was formed in 1893 by five founding  
20 members; and

21 "WHEREAS, Services were first held  
22 at a storefront on Main Street; Reverend Henry  
23 Melvin Limas officiated; and

24 "WHEREAS, Services were eventually  
25 moved to a rented hall on Nelson Avenue to

1 accommodate a growing congregation; and

2 "WHEREAS, Reverend Dr. Robert E.  
3 Young has served as pastor of Mount Olivet  
4 Baptist Church since April of 2015; he is the  
5 church's 15th pastor; and

6 "WHEREAS, Mount Olivet Baptist  
7 Church has a long and distinguished history of  
8 sincere fellowship, worship, and community  
9 involvement; now, therefore, be it

10 "RESOLVED, That this Legislative  
11 Body pause in its deliberations to commemorate  
12 the 125th anniversary of Mount Olivet Baptist  
13 Church; and be it further

14 "RESOLVED, That a copy of this  
15 resolution, suitably engrossed, be transmitted to  
16 Reverend Dr. Robert E. Young, Mount Olivet  
17 Baptist Church."

18 ACTING PRESIDENT GRIFFO: All in  
19 favor of adopting the resolution signify by  
20 saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT GRIFFO: Opposed?

23 (No response.)

24 ACTING PRESIDENT GRIFFO: The  
25 resolution is adopted.

1 Senator Croci.

2 SENATOR CROCI: Mr. President, may  
3 we now take up Resolution Number 3803, by Senator  
4 Murphy, and read the title only.

5 ACTING PRESIDENT GRIFFO: The  
6 Secretary will read.

7 THE SECRETARY: Legislative  
8 Resolution Number 3803, by Senator Murphy,  
9 honoring Kacey Morabito Grean upon the occasion  
10 of her installment as Grand Marshal of the  
11 Peekskill St. Patrick's Day Parade.

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

15 (Response of "Aye.")

16 ACTING PRESIDENT GRIFFO: Opposed?

17 (No response.)

18 ACTING PRESIDENT GRIFFO: The  
19 resolution is adopted.

20 At Senator Murphy's request, both  
21 this and the previous resolution are open for  
22 cosponsorship. If a member would like to be a  
23 cosponsor, please notify the desk.

24 Senator Croci.

25 SENATOR CROCI: Mr. President, is



1       there any further business before the desk?

2                   ACTING PRESIDENT GRIFFO:     Outside  
3       of extending our best wishes for the Mardi Gras  
4       and a happy St. Valentine's Day, there are none.

5                   SENATOR CROCI:     Then I would move  
6       to adjourn until Tuesday, February 27th, at  
7       3:00 p.m., intervening days being legislative  
8       days.

9                   ACTING PRESIDENT GRIFFO:     On  
10      motion, the Senate will stand adjourned until  
11      Tuesday, February 27th, at 3:00 p.m., intervening  
12      days being legislative days.

13                   The Senate will stand adjourned.

14                   (Whereupon, at 12:10 p.m., the  
15      Senate adjourned.)

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