NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 13, 2018

11:19 a.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports of state officers.

Motions and resolutions.

Senator DeFrancisco.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

And I ask for some order in the house.

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

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

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

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

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

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

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

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

"WHEREAS, More than 500 New Yorkers

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

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

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

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

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

"RESOLVED, That this Legislative

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

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

ACTING PRESIDENT GRIFFO: Senator Flanagan on the resolution.

SENATOR FLANAGAN: Thank you, Mr. President.

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

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

And at the time I remember telling

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Flanagan.

Senator Hannon on the resolution.

SENATOR HANNON: Thank you, Mr. President.

Thank you, Senator Flanagan for outlining that so cogently.

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Hannon.

Senator Carlucci.

SENATOR CARLUCCI: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

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

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

This saves lives. Check the right

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

Thank you, Mr. President.

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

Senator Flanagan.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. President, thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Flanagan.

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

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 78,

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

Jacobs to explain his vote.

Can we have some order, please.

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

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

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

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

donor registry.

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

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

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

Thank you very much.

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

Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill

is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 3.

Senators Gianaris, Montgomery and Kavanagh recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 245, by Senator LaValle, Senate Print 7237, an act to amend the Education 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, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 258, by Senator Marchione, Senate Print 175, an act to amend the Real Property Tax 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, 56. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 259, by Senator Marchione, Senate Print 212, an act to amend the Real Property Tax 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, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Senator Little to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

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

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

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

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

Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: The Secretary will announce the results.

THE SECRETARY: In relation to

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

Ayes, 51. Nays, 6.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the first of January.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

The Senate will stand temporarily at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator Croci.

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

ACTING PRESIDENT GRIFFO: Thank you, Senator Croci.

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

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

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

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

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

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

And Senate 7714, by Senator Little,

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

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: There is a motion on the floor 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 Rules Committee report is accepted and before the house.

Senator Croci.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

Calendar 484.

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

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

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, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

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

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.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

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

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, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you.

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

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

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

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

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

Thank you, Mr. President.

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

Senator Kavanagh to explain his vote.

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

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

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

sponsor for bringing this bill to the floor.

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

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

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: The substitution is so ordered.

The Secretary will read.

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

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, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR CROCI: Thank you, Mr. President.

May we please return to motions and resolutions.

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

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

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

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

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

stable household for these young people to thrive; and

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

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

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

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

"WHEREAS, Kinship Care Month honors

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Golden.

SENATOR GOLDEN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

Thank you very much.

(Applause.)

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

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

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

(Applause.)

ACTING PRESIDENT GRIFFO: Senator Croci.

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

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

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

Senator Croci.

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

(Pause.)

SENATOR CROCI: Mr. President.

ACTING PRESIDENT GRIFFO: Senator Croci.

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

please read it in its entirety.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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

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

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

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

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

accommodate a growing congregation; and

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

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

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

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Croci.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

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.

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

Senator Croci.

SENATOR CROCI: Mr. President, is

there any further business before the desk?

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

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

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

The Senate will stand adjourned.

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