NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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12:31 p.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 today, I ask all present to please bow your heads in a moment of silent prayer and/or reflection.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 24th, the Senate met pursuant to adjournment. The Journal of Monday, April 23rd, 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 36, Senator LaValle moves to discharge, from the Committee on Education, Assembly Bill Number 9918 and substitute it for the identical Senate Bill 7641, Third Reading Calendar 581.

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, on page 52 I offer the following amendments to Calendar 789, Senate Print 4007, by Senator Funke, 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.

SENATOR DeFRANCISCO: Please

recognize Senator Klein.

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

On behalf of Senator Krueger, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Number 6378.

ACTING PRESIDENT GRIFFO: It is so ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, can you take up previously adopted Resolution 4173, by Senator Tedisco, read the title only, and call on Senator Tedisco to speak.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4173, by Senator Tedisco, recognizing April 27, 2018, as Blue Friday.

ACTING PRESIDENT GRIFFO: Senator Tedisco.

SENATOR TEDISCO: Thank you,

Mr. President.

Mr. President and my colleagues, as you may or may not know, this Friday is Blue Friday New York in New York State.

And as we discuss this commemorative resolution we passed to commemorate that day, those who we remember now -- maybe we should remember them all 365 days of the year, but especially this Friday -- I think we're reminded of why we always can say we live in the greatest nation, the greatest country in the whole world.

We had some unbelievable Founding Fathers who created some wonderful documents -- the Constitution of the United States of America, a great Bill of Rights. It continues to expand as we recognize all our freedoms and liberties.

But you and I understand no man, no women ever gave us those freedoms and liberties. No man, no woman can ever take them away from us. They're inalienable rights. We were born into this world with those freedoms and liberties. Great job by our Founding Fathers by chronicling them.

But every human being in every other

country in every corner of this world has those same freedoms and liberties. The difference is -- and it's one spectacular difference -- we can live those freedoms and liberties beyond every other human being in every other part of those countries. They may have better math scores, they may live longer than us, but we have the greatest gifts of all to live, and those are those freedoms and those liberties.

Having said that, I think there's two main groups which give us the opportunity to continue to do that, past, present and future -- what I call always the best, the brightest, most courageous and compassionate fighting force in the whole world for good, the men and women of our armed forces. And some of those same men and women of the armed forces, and others, who come back and become our law enforcement officials and our first responders.

It's only because of them, and them protecting those great documents, the Constitution and the Bill of Rights, those inalienable rights, that we can live, at the level we do, those freedoms and liberties.

And one in particular I'm reminded

of, because as they leave their home every morning, those law enforcement officials, they know and their families know that they may have to face the violence that is facing us and put themselves in harm's way so we can have the right to life, probably the most important freedom or liberty we have.

So today I'm proud to say, Mr. President, each and every day the brave and courageous men and women of law enforcement put their lives on the line to keep us safe and protect our community. These men and these women, we have to call them, in every sense of the word, our local heroes.

Sadly, each year 140 to 160 police officers are killed in the line of duty. And their families and coworkers and all of us are left to cope with these tragic losses. The mission of Blue Friday New York is to help rebuild the lives of survivors of law enforcement officers killed in the line of duty, by serving as a clearinghouse for federal and state benefits, information, and resources that may be available to families of our fallen police officers.

Blue Friday is a reminder to pay tribute to all those in law enforcement in their community who protect and serve, particularly those who have made the ultimate sacrifice.

In the Capital Region, radio station WGNA has joined forces with Blue Friday New York, Hannaford Supermarkets, the 99 Restaurant, and RC Lacy Ford Lincoln Subaru, to recognize April 27, 2018, as the 14th annual Blue Friday.

Mr. President and my colleagues, as we pass this and remember this resolution, we designate Friday, April 27th, as Blue Friday in the State of New York. I'm proud to be its sponsor. I ask you to join me in saluting all members of law enforcement and recognizing and thanking the family members of those who served in that Thin Blue Line and who have sacrificed everything for the protection of New York's families and for all we hold dear.

Lastly, Mr. President, I would ask you to join me and my colleagues in recognizing in the gallery, if they would stand, please, members of law enforcement who are here to support Blue Friday, including Vice President Lou Somma, vice president of Blue Friday, and

Blue Friday Director Bob Markel.

Thank you, gentlemen, for your service. God bless all of our law enforcement.

(Applause.)

ACTING PRESIDENT GRIFFO: On behalf of Senator Tedisco and the entire house, we welcome Lou and Bob to the chamber. We extend the courtesies of the house. We appreciate your dedication to the well-being of all men and women throughout all communities in this state and across the nation.

And as indicated, the resolution was previously adopted on March 20th of 2018.

The resolution is open for cosponsorship. Should you choose to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, could you call on Senator Tedisco again, but this is for a very brief introduction.

ACTING PRESIDENT GRIFFO: Senator Tedisco for a brief introduction.

SENATOR TEDISCO: Thank you. Thank you, Mr. President.

I'm proud and honored, on behalf of

myself and Senator Marchione in this body, to welcome here today, and they're up in the gallery -- maybe they could stand up -- a wonderful group from Saratoga County, a woman's group, led by President Dianne Freestone. They do wonderful, unbelievable work in Saratoga County in a whole variety of ways in our community.

They're here to visit, take a tour, visit with myself and Senator Marchione and all our elected officials, and look on this august body.

I would ask you to welcome them, thank them for their service to their community in Saratoga County and our state. And I wish them the very best today and look forward to maybe having a bite to lunch with them later on, on behalf of Senator Marchione.

Thank you so much for being here.

ACTING PRESIDENT GRIFFO: I thought you would be buying lunch, Senator Tedisco.

(Laughter.)

SENATOR TEDISCO: Well, maybe I'll sing a song for them or something, you know.

(Laughter.)

ACTING PRESIDENT GRIFFO: We want to welcome our guests, for Senator Marchione and Senator Tedisco, from Saratoga.

And thank you for all your efforts in the local community. Thank you, and welcome to the Senate.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now take up a previously adopted resolution by Senator Bailey, that's 4779, title only, and call on Senator Bailey to speak.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4779, by Senator Bailey, memorializing Governor Andrew M. Cuomo to proclaim April 26, 2018, as Take Our Children to Work Day, in conjunction with the observance of National Take Our Children to Work Day.

ACTING PRESIDENT GRIFFO: Senator Bailey.

SENATOR BAILEY: Thank you, Mr. President.

"What do you do?" It's a question that's posed to many of us. I know I asked my father and mother that when I was a child: "What do you do?" And Take Your Children to Work Day is a perfect opportunity for those of us in this body and those of us who may be watching and our friends and families to let our children know exactly what it is that we do.

Why do you go to work, Dad? Why do you go to work, Mom? In this body, in this house, we say it's to help people, it's for public service. And our children deserve to know why we do what we do. And we should be exposing them to that not just in conversation -- like I have with my oldest, Giada, and my youngest, Carina, about what it is that daddy does -- but let them see what we do. That's why this day is so important.

It's on the fourth Thursday of every April. And the first iteration of this was Take Your Daughter to Work Day, which took place on April 22, 1993. And I remember being 11 years old and -- whoa, Take Your Daughter to Work Day? How come I can't go to work with my dad or my mom? But at the time I didn't understand what

the meaning of it was.

And the meaning of it rings true now more than ever: It's to expose young women to the workplace so that they can see a path forward. And I believe that through internships and through more exposure to the workplace, I believe our young women will be better served.

But I'm glad in 2003 that they expanded it to say Take Your Children to Work, because our sons need to make sure that they know what it is to go where mom and dad work as well.

And, you know, this has been an issue on the national stage, with Senator Tammy Duckworth recently bringing her daughter to the U.S. Senate floor. And that's probably the most -- the earliest exposure to the Senate that any child has ever had. And I think that's going to bode well for that young individual.

And, you know, I was looking through some of the websites, and they said dos and don'ts about what to do on this day. And I'd just encourage my colleagues, if you have the opportunity as we're in our districts tomorrow, if we get a chance, to bring our children to work, if they're interested. And I know I have

younger kids who are interested, and as they get older, I understand they get less interested in what mommy and daddy do for work.

But rest assured, Giada, you will be with daddy in the office tomorrow. I expect you to be prompt and on time.

And to my colleagues, I encourage you once again to ensure that we're doing our best to make sure that young minds in our great city, state and country are doing our best to cultivate that.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Bailey.

As indicated, the resolution has been previously adopted. It is open for cosponsorship. Should you choose 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

200, by Senator Hannon, Senate Print 6673, an act to amend the Public Health 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, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 581, substituted earlier by Member of the Assembly Glick, Assembly Print 9918, an act to amend Chapter 217 of the Laws of 2015.

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: Calendar Number 664, by Senator Ritchie, Senate Print 1432, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 665, by Senator Gallivan, Senate Print 2937, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Bailey to explain his vote.

SENATOR BAILEY: I will be voting in the affirmative on this bill. I would just like to -- I'm voting in the affirmative because the overarching issue of animal cruelty is very important.

But I would just like to indicate to the sponsor that some of our greatest advocates in prison reform are those who have been formerly incarcerated. So just simply because one has committed an offense, we shouldn't preclude them from advocating whatsoever against that whatsoever.

I understand animal cruelty is very offensive -- and again, that's why I'm voting for this legislation. But let's just keep in mind, individuals who have done offenses in the past shouldn't be precluded in the future from doing anything related to the subject.

Thank you, Mr. President.

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

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Yeah, I share some of the concerns expressed by my colleague just now.

I will be voting in the negative on this bill. I think it's important that animal shelters and other facilities maintain standards for who's working there, but this bill goes too far. It says that if you've ever been convicted of a wide range of offenses involving animals, including abandoning an animal, that for the rest of your life, if you work or volunteer in an animal facility, even incidentally, you're committing a Class A misdemeanor.

The sponsor's memo likens this to situations where somebody has committed offenses against children and is trying to work in a daycare center. But we've created a wide range of protections for children in those settings, including background checks and a variety of other things.

So again, this bill just, by virtue of just creating a Class A misdemeanor, goes too far. And in a time when, as my colleague has mentioned, we're trying to reconsider the status of people who are incarcerated and make sure our

justice system is truly just, although I have great respect for the sponsor and am a very strong advocate of animal protection, I'll be voting no on this bill.

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

Announce the results.

THE SECRETARY: Ayes, 56. Nays, 2. Senators Kavanagh and Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that concludes the active-list calendar noncontroversial reading.

SENATOR DeFRANCISCO: There's a one-bill Supplemental Active List 35A, and that bill is Calendar 202, a Senator Hannon bill, Senate Number 7354. I request that you call that up at this point.

ACTING PRESIDENT GRIFFO: The Secretary will read Supplemental 35A.

THE SECRETARY: Calendar Number 202, by Senator Hannon, Senate Print 7354, an act to amend the Public Health 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: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

Unfortunately, last year over 60,000 Americans lost their lives to an opioid overdose. The Centers for Disease Control tells us that 115 Americans lose their lives every day to an opioid overdose. In fact, the problem is so severe that for the first time in over 55 years, we've seen the life expectancy of Americans drop for two years in a row.

This is an absolute epidemic. The sirens should be ringing, and we should be doing everything we can to end this opioid epidemic that we've seen.

And I want to thank my colleagues for supporting this important legislation,

because the Drug Enforcement Agency is now telling us that a majority of the people that get addicted to opioids get their first opioids not from a drug dealer, not from a doctor -- from someone's medicine cabinet.

And in New York State, in the vast majority of our state, there are few places where you can safely dispose of your unused pharmaceutical products.

This is something that the pharmaceutical industry should have been doing for a long time, and it's a shame that we have to pass legislation to force them to do this when we've seen people lose their lives every day.

This is an important step in the right direction. It will allow people to safely dispose of their unused pharmaceutical products. And we need to continue to do everything we can, all hands on deck, to make sure that in the future this opioid epidemic only exists in the history books.

So I want to thank my colleagues for supporting this legislation and look forward to working with all of you to continue this momentum to end the opioid epidemic.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that concludes the noncontroversial reading of Supplemental 35A.

SENATOR DeFRANCISCO: Yes, I'd like to introduce an important individual here today, an individual who made Joe Griffo what he is today, the acting president of the New York State Senate.

Lorraine, his wife, is present today, and I wanted to just give her our greetings and our best wishes.

(Applause.)

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

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

SENATOR DeFRANCISCO: There being none, I move to adjourn until Monday, April 30th, at 3:00 p.m., intervening days being legislative

days.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Monday, April 30th, at 3:00 p.m., intervening days being legislative days.

The Senate is adjourned.

(Whereupon, at 12:50 p.m., the Senate adjourned.)