

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 April 25, 2018

11 12:31 p.m.

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13  
14 REGULAR SESSION

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

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

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

17 THE SECRETARY: In Senate, Tuesday,  
18 April 24th, the Senate met pursuant to  
19 adjournment. The Journal of Monday, April 23rd,  
20 was read and approved. On motion, Senate  
21 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 36, Senator  
4 LaValle moves to discharge, from the Committee on  
5 Education, Assembly Bill Number 9918 and  
6 substitute it for the identical Senate Bill 7641,  
7 Third Reading Calendar 581.

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, on  
18 page 52 I offer the following amendments to  
19 Calendar 789, Senate Print 4007, by  
20 Senator Funke, and ask that said bill retain its  
21 place on the Third Reading Calendar.

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

25 SENATOR DeFRANCISCO: Please

1 recognize Senator Klein.

2 ACTING PRESIDENT GRIFFO: Senator  
3 Klein.

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

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

11 ACTING PRESIDENT GRIFFO: It is so  
12 ordered.

13 Senator DeFrancisco.

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

18 ACTING PRESIDENT GRIFFO: The  
19 Secretary will read.

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

23 ACTING PRESIDENT GRIFFO: Senator  
24 Tedisco.

25 SENATOR TEDISCO: Thank you,

1 Mr. President.

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

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

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

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

25 But every human being in every other

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

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

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

25           And one in particular I'm reminded

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

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

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

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

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

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

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



1 Blue Friday Director Bob Markel.

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

4 (Applause.)

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

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

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

17 Senator DeFrancisco.

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

21 ACTING PRESIDENT GRIFFO: Senator  
22 Tedisco for a brief introduction.

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

25 I'm proud and honored, on behalf of

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

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

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

19                   Thank you so much for being here.

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

22                   (Laughter.)

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

25                   (Laughter.)

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

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

7           (Applause.)

8           ACTING PRESIDENT GRIFFO:   Senator  
9   DeFrancisco.

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

14          ACTING PRESIDENT GRIFFO:   The  
15   Secretary will read.

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

22          ACTING PRESIDENT GRIFFO:   Senator  
23   Bailey.

24          SENATOR BAILEY:   Thank you,  
25   Mr. President.

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

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

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

1 the meaning of it was.

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

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

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

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

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

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

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

12 Thank you, Mr. President.

13 ACTING PRESIDENT GRIFFO: Thank  
14 you, Senator Bailey.

15 As indicated, the resolution has  
16 been previously adopted. It is open for  
17 cosponsorship. Should you choose to be a  
18 cosponsor, please notify the desk.

19 Senator DeFrancisco.

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

23 ACTING PRESIDENT GRIFFO: The  
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1     200, by Senator Hannon, Senate Print 6673, an act  
2     to amend the Public Health Law.

3             ACTING PRESIDENT GRIFFO:    Read the  
4     last section.

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

7             ACTING PRESIDENT GRIFFO:    Call the  
8     roll.

9             (The Secretary called the roll.)

10            THE SECRETARY:    Ayes, 58.

11            ACTING PRESIDENT GRIFFO:    The bill  
12     is passed.

13            THE SECRETARY:    Calendar Number  
14     581, substituted earlier by Member of the  
15     Assembly Glick, Assembly Print 9918, an act to  
16     amend Chapter 217 of the Laws of 2015.

17            ACTING PRESIDENT GRIFFO:    Read the  
18     last section.

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

21            ACTING PRESIDENT GRIFFO:    Call the  
22     roll.

23            (The Secretary called the roll.)

24            THE SECRETARY:    Ayes, 58.

25            ACTING PRESIDENT GRIFFO:    The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 664, by Senator Ritchie, Senate Print 1432, an  
4 act to amend the Agriculture and Markets Law.

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, 57. Nays, 1.  
13 Senator Montgomery recorded in the negative.

14 ACTING PRESIDENT GRIFFO: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 665, by Senator Gallivan, Senate Print 2937, an  
18 act to amend the Agriculture and Markets Law.

19 ACTING PRESIDENT GRIFFO: Read the  
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the  
24 roll.

25 (The Secretary called the roll.)



1                   ACTING PRESIDENT GRIFFO:    Senator  
2   Bailey to explain his vote.

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

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

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

21                  Thank you, Mr. President.

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

24                  Senator Kavanagh to explain his  
25  vote.

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

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

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

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

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

5 ACTING PRESIDENT GRIFFO: Senator  
6 Kavanaugh to be recorded in the negative.

7 Announce the results.

8 THE SECRETARY: Ayes, 56. Nays, 2.  
9 Senators Kavanaugh and Montgomery recorded in the  
10 negative.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

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

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

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

23 THE SECRETARY: Calendar Number  
24 202, by Senator Hannon, Senate Print 7354, an act  
25 to amend the Public Health Law.

1           ACTING PRESIDENT GRIFFO:   Read the  
2 last section.

3           THE SECRETARY:   Section 5.  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 Carlucci to explain his vote.

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

12                 Unfortunately, last year over 60,000  
13 Americans lost their lives to an opioid overdose.  
14 The Centers for Disease Control tells us that  
15 115 Americans lose their lives every day to an  
16 opioid overdose.  In fact, the problem is so  
17 severe that for the first time in over 55 years,  
18 we've seen the life expectancy of Americans drop  
19 for two years in a row.

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

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

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

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

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

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

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

1                   Thank you, Mr. President.

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

4                   Announce the results.

5                   THE SECRETARY:    Ayes, 58.

6                   ACTING PRESIDENT GRIFFO:    The bill  
7   is passed.

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

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

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

18                  (Applause.)

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

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

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

1 days.

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

6                   The Senate is adjourned.

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

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