

1 NEW YORK STATE SENATE

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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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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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