NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 31, 2018

11:32 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 present to please bow their heads 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, Wednesday, May 30th, the Senate met pursuant to adjournment. The Journal of Tuesday, May 29th, 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.

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, Mr. President, on page 78 I offer the following amendments to Calendar 1136, Senate Print 5061A, by Senator Seward, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR DeFRANCISCO: On page 23, I offer the following amendments to Calendar Number 156, Senate Print 6428A, by Senator Hannon, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR DeFRANCISCO: On page 92,

I offer the following amendments to Calendar 1289, Senate Print 5549B, by Senator Griffo, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR DeFRANCISCO: I move to amend Senate Bill 6762B by striking the amendments made on March 8th and restoring it to its previous print number, 6762A. And that bill is by Senator Griffo.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR DeFRANCISCO: I move at this point to adopt the Resolution Calendar, with no exceptions.

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: May we stand at ease for a moment.

ACTING PRESIDENT GRIFFO: The Senate will stand temporarily at ease.

(Whereupon, the Senate stood at ease at 11:35 a.m.)

(Whereupon, the Senate reconvened at 11:36 a.m.)

ACTING PRESIDENT GRIFFO: The Senate will return to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now take up previously adopted Resolution 4446, by Senator Tedisco, title only, and call on Senator Tedisco to speak.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4446, by Senator Tedisco, congratulating the Union College Men's Basketball Team and Head Coach Chris Murphy upon the occasion of capturing the 2018 Liberty League Men's Basketball Championship on February 25, 2018.

ACTING PRESIDENT GRIFFO: May we have some order in the house, please.

Senator Tedisco.

SENATOR TEDISCO: Thank you, Mr. President.

Mr. President, I am proud to welcome back to the Senate chamber and honor today with a New York State Senate resolution, from my alma mater and the 49th Senatorial District, the Union College Men's Basketball Team.

If you're thinking to yourself didn't you recently honor the Union College Men's Basketball Team, you'd be absolutely right. That's because this is the second year in a row we've brought Union in, as they are repeat Liberty League champions and NCAA participants.

Union defeated Skidmore College in Saratoga Springs by a score of 82 to 65 in the 2018 Liberty League championship game held on February 25th at Bristol Gym in Geneva, New York. The victory earned Union College an automatic bid to the school's fifth NCAA Division III Men's Basketball Tournament.

In the tournament, the Union College Dutchmen advanced to the NCAA Division III round

of 32 following a first-round victory over the New Jersey City University Gothic Knights, before a hard-fought loss to Plattsburgh State in Round 2. And I was at that game, and they gave everything they had. It was a very good team. But that's an unbelievable event to get to the second round of the NCAAs.

Union finished the season with an overall record of 19 and 9. The whole season represented an outstanding team effort by a clearly well-prepared-and-coached group of athletes. Senior guard Kevin Weckworth earned an invitation to the 2018 Reese's NCAA Division III All-Star Game in Virginia.

As an alum and former basketball player at this great institution, it gives me great pride to see the program flourishing. And I think we'll see returning appearances in our Senate of these outstanding athletes and our Union College Men's Basketball Team.

In addition to the members of the team, with us today are the school's coaches -- and I wish they would all stand up, the coaches and the team, if we could see who they are up there -- Head Coach Chris Murphy, Assistant Coach

Nick Ciresi, Volunteer Assistant Coach Mark Traynor, and Sports Information Director Ross LaDue. And the team captains are Greg King and Matt Liquori.

Mr. President, please welcome to the Senate chamber and congratulate the 2018 Liberty League champions and the NCAA Tournament participants, the Union College Men's Basketball Team. And I'd ask you to extend them all the cordialities of this august body.

ACTING PRESIDENT GRIFFO: Thank you, Senator Tedisco.

On behalf of the New York State Senate, we're proud to recognize and congratulate the coach and the members of the Union Men's Hoops Team here today. We extend our best wishes for continued success. Again, our congratulations.

And I'd ask all the members to please rise and acknowledge these young student-athletes and coaches.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator Tedisco has opened up the resolution for cosponsorship. Should you choose to be a

cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you.

Mr. President, we have a -- not an active calendar, but we have a calendar with bills that are able to be voted upon.

And the first one I would like to take up, noncontroversial, is page 21, Calendar Bill 114, by Senator Ranzenhofer.

ACTING PRESIDENT GRIFFO: Okay, we will be taking up from the calendar, on page 21 of the calendar, Calendar Number 114.

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

First we need to call it up, Senator Klein, okay?

The Secretary will read.

THE SECRETARY: Calendar Number 114, by Senator Ranzenhofer, Senate Print 4279, an act to amend the Education Law.

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

Senator DeFrancisco.

SENATOR DeFRANCISCO: May we now have the controversial reading of that bill that was just laid aside.

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 114, by Senator Ranzenhofer, Senate Print 4279, an act to amend the Education Law.

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Can someone explain the bill, please?

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

SENATOR RANZENHOFER: Yeah, the purpose of this bill is to expand the current regulations concerning protocols for concussions suffered by public school students to nonpublic school students.

SENATOR KLEIN: Can the sponsor yield for a question?

SENATOR RANZENHOFER: Absolutely.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer yields.

SENATOR KLEIN: What is the genesis of this legislation, I guess the local concern for this bill?

SENATOR RANZENHOFER: Well, there's a local concern and a state concern and actually, quite frankly, a national concern. Everybody has read a lot about concussions in the NFL, which is where --

SENATOR KLEIN: I'm sorry, Mr. President, I can't hear the response of the sponsor of the bill.

ACTING PRESIDENT GRIFFO: I'd ask -- I know we have a number of members coming in and out of the chamber. I'd ask, if there's conversations, they be taken outside the chamber so that members can hear each other and exchange.

Senator Ranzenhofer, would you continue to explain to Senator Klein?

SENATOR RANZENHOFER: Yeah, I'll start from the beginning because of the noise in the chamber.

Not only is this a local concern and a state concern, but obviously everybody has read a lot about concussions in the NFL. But when you draw it down to the local level, what is actually

happening in public schools, the same rule does not apply to nonpublic schools.

The public school rule is a good rule. It's something that we all as legislators support, it's state law, and feel that this protection for our kids and our students should be applied across the board to nonpublic schools as well.

SENATOR KLEIN: Again through you, Mr. President, would the sponsor agree to yield for a question?

SENATOR RANZENHOFER: Yes, I will.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR KLEIN: Can the sponsor lay out, I guess, what the protocols presently are in public schools that you want private schools to adhere to?

SENATOR RANZENHOFER: Those are in state law. And I'm happy to have a discussion with you, but the purpose of the bill is to apply those same protections across the board to all schools.

SENATOR KLEIN: Again through you, Mr. President, if the sponsor can just explain

what those special protocols are that public schools are supposed to adhere to. Because again, I don't have a bill memo in front of me, unfortunately, because this bill was just pulled out.

SENATOR RANZENHOFER: And this bill memo would not help you.

But there is a law right now in state public education dealing with what those protocols are. And simply, to Senator Klein, this bill would apply those same protocols to nonpublic schools.

SENATOR KLEIN: Thank you, Mr. President. I have no further questions.

SENATOR RANZENHOFER: Thank you.

ACTING PRESIDENT GRIFFO: Seeing and hearing no other Senator that wishes to be heard, the debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect the first of July.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar Number 114, those recorded in the negative are Senators Addabbo, Alcantara, Avella, Bailey, Benjamin, Breslin, Brooks, Carlucci, Comrie, Dilan, Gianaris, Hoylman, Kaminsky, Kavanagh, Kennedy, Klein, Krueger, Mayer, Parker, Peralta, Persaud, Rivera, Sanders, Savino, Sepúlveda, Serrano, Stavisky, Stewart-Cousins and Valesky.

Absent from voting: Senators Hamilton and Montgomery --

ACTING PRESIDENT GRIFFO: Excuse me. Senator Lanza to explain his vote.

SENATOR LANZA: Yes, thank you, Mr. President.

First I rise to thank my colleague Senator Ranzenhofer for bringing this bill to the floor of the State Senate.

And it just -- it strikes me, Mr. President, this is what people hate around the state about what goes on in politics. It's sickening, it truly is, that we would put politics -- some would put politics above health,

some would put politics above safety, that people would look at an issue like this dealing with brain injury, brain injuries to young people in our state, and they would say we have an opportunity here politically, because of the numbers, so we can game this. We can make a mockery of justice. We can say to hell with safety, to hell with the kids.

And you know what? I know this to be true. I know that many of my friends across the aisle there, if you were to ask them do you think this is a good bill -- and I won't name who I know they are -- they would tell you this is a very good bill. They would tell you, yes, I do care about children. Yes, I do believe we should protect children from concussions. They would tell you that.

But instead, because of politics, they vote no. On a bill that if you asked them what they think on the merits, they would tell you it's a good bill.

And I think it's disgraceful. It's precisely what's wrong with politics in America.

I vote aye, Mr. President.

ACTING PRESIDENT GRIFFO: Senator

Lanza to be recorded in the affirmative.

Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

I have been in this chamber about eight years now, and this is the first time in eight years I have had a bill presented to me with absolutely no notice, not knowing what it is, what's in it, or that it's coming to the floor.

So if my colleagues want to talk about what's disgraceful, let's talk about the fact that they are concerned they don't have the votes to pass a single thing in this chamber, and their answer to that is to jam us with things that we have no idea, we haven't had a chance to read, talk about, discuss as a conference or deliberate as a democratic body would be. And I mean democratic with a small D.

So let's -- Senator Lanza is correct. Let's stop the shenanigans, let's stop the politics. A democratic institution is supposed to be controlled by whoever has the most votes after discussion, debate and deliberation.

You want to do it right? Tell us what we're voting on, and we'll come out here and discuss it and vote on it. Not this nonsense that's going on today.

So we know who's -- we know who's playing politics here. We know who's trying to act responsibly. The majority is trying to avoid taking votes on things they don't want to be known where they stand. And their answer is to throw bills at us that we don't even have the opportunity to discuss or know what's happening.

That is what's disgraceful, Mr. President. I vote no.

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, that's a point well-taken. This list that I'm reading from is really the list that was the active list that was on the calendar yesterday. And everybody had that on their desks well before session. We didn't add any bills to that list.

So for further information, the next bills we're going to take up are the ones we gave notice of for yesterday.

Thank you.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco in the affirmative.

Senator Savino to explain her vote.

I'm going to remind members, I'm going to keep you to the two-minute explanation, too.

SENATOR SAVINO: I will do my level best, Mr. President.

I have been a member of this chamber for 14 years now, and I have tremendous respect for the institution, I have genuine affection for the majority of the members in this chamber. In fact, I could say I might actually have genuine love for some of them, including my good colleague Senator Lanza.

But for any of us to pretend that politics doesn't exist in a political body is somewhat disingenuous. Politics exists here every day. So let's not pretend to be outraged by it.

What we should be outraged by is that yes, in fact, politics does exist. And if you want to get outraged by some of us using politics to block a piece of legislation that

might have something to do with health, then we should be equally outraged by the fact that politics has blocked the effect of delivering on women's health and wellness here in this chamber for every year that I have been a member of the New York State Senate.

So if we want to put aside politics and address the issues of good pieces of legislation that affect health, we can pass the Reproductive Health Act and we can pass the Contraceptive Coverage Act, and we can do it jointly together with mutual affection for one another and respect for this institution.

I vote in the negative on this bill, but I still do so with an admiration and affection and genuine love for some of you.

Thank you, Mr. President.

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

Senator Krueger to explain her vote.

SENATOR KRUEGER: I'd like to perhaps just rephrase my colleague Diane Savino's comments.

I don't think we come up here for love or affection. Whatever we do is our own

business privately. But we do come up here to participate in a democratic process, which of course is a political process.

And the highlight today is, because this chamber refuses to allow a vote on the health and safety of women in this state, we take objection to other bills being moved when a simple amendment to attempt a vote on reproductive health is stymied and stopped and even the lights are turned off and we leave with nothing happening.

That is what is unacceptable, not a no vote as a protest over the fact that important bills don't get the chance to be voted on.

No guarantee any of our bills will pass if they are brought to the floor. That's not what the people expect of us. They expect us to debate, deliberate and take votes on legislation. And when one-half of this house's bills are not given the same respect and opportunity as the other half, that's politics, and that's what's wrong.

Thank you, Mr. President. I vote no.

ACTING PRESIDENT GRIFFO: Senator

Krueger to be recorded in the negative.

Senator Ranzenhofer to explain his vote.

SENATOR RANZENHOFER: Thank you, Mr. President.

I rise for two reasons. One is that I'm just astounded that a bill that has gone through committee that was on the calendar yesterday, and everybody in their respective caucuses had an opportunity to discuss this very bill, this was the number-one bill on the calendar yesterday -- but for a member of the Senate, on the Senate floor, to stand up and say they were not prepared for the bill that was on the calendar yesterday, where there was full opportunity to discuss, so it's been here for 24 hours, to make an admission of not being prepared is just astounding.

But more importantly, I don't know how a member of the Senate goes back to their district, and when they're talking to a mom or a dad in their community and their child goes to a private school or Catholic school or yeshiva, and they tell the mom that, you know, we wanted to -- we were trying to pass some legislation that

would protect your child if he gets a concussion playing soccer or if she gets a concussion playing soccer, or if they have a football game and they can get a concussion -- because I've had children that have participated in sports and have had concussions -- how do you tell that mom or dad that I voted no, I voted against allowing your child to have the same protections as a child that's going to another school in the community because of a greater political reason or a debate on another bill?

How do you tell that to a mom or dad, that I don't care about your kid? I mean, we're supposed to care about people, and especially our kids and our grandkids. How do you look into the mom's eyes and say I just don't care about your kid and that's why I voted no?

Mr. President, I vote aye.

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer votes aye.

Results.

THE SECRETARY: Also in the negative, Senator Hamilton.

Absent from voting: Senator Montgomery.

Ayes, 31. Nays, 30.

ACTING PRESIDENT GRIFFO: The bill is defeated.

(Inaudible cross-talk.)

ACTING PRESIDENT GRIFFO: The bill is defeated.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, I would like to continue on with the noncontroversial reading of Senator Amedore's bill, Calendar 280, on page 28, noncontroversial.

ACTING PRESIDENT GRIFFO: On page 28, Calendar Number 280. The Secretary will read.

THE SECRETARY: Calendar Number 280, substituted earlier by Member of the Assembly Fahy, Assembly Print 8806, an act to amend the Real Property Tax Law.

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

SENATOR DeFRANCISCO: Next can we take up the noncontroversial reading, on page 28, of Senator Young's bill, Calendar Number 285.

ACTING PRESIDENT GRIFFO: Page 28,

Calendar Number 285. The Secretary will read.

THE SECRETARY: Calendar Number 285, by Senator Young, Senate Print --

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

SENATOR DeFRANCISCO: Mr. President.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, if we could now take up Senator Ranzenhofer's bill on page 34, Calendar Number 396, noncontroversial.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 396, by Senator Ranzenhofer, Senate Print 3878, an act to amend the Real Property Tax Law.

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

SENATOR DeFRANCISCO: Next noncontroversial, page 34, Calendar Number 403, by Senator Serino.

ACTING PRESIDENT GRIFFO: The

Secretary will read.

THE SECRETARY: Calendar Number 403, substituted earlier by Member of the Assembly Gunther, Assembly Print 9019A, an act to amend the Public Health Law.

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

SENATOR DeFRANCISCO: Next, the noncontroversial reading of page 35, Senator Bonacic's bill, Calendar 405.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 405, by Senator Bonacic, Senate --

UNIDENTIFIED MEMBER: Lay it aside.

THE SECRETARY: -- Print 7601, an act to amend Chapter --

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

I'm going to let them read the bill first before I entertain motions being made on the bill.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. On page 37, please take up Calendar 452, by Senator Golden.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 452, by Senator Golden, Senate Print 223, an act to amend the Election Law.

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President. In view of what is occurring right now, is there any other further business at the desk?

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

SENATOR DeFRANCISCO: In that case, I move to adjourn until Monday, June 4th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Monday, June 4th, at 3:00 p.m., intervening days

being legislative days.

The Senate is adjourned.

(Whereupon, at 12:02 p.m., the Senate adjourned.)

SENATOR DeFRANCISCO: Mr. President, there is a Health Committee meeting in Room 124 of the Capitol.

ACTING PRESIDENT GRIFFO: There is a Health Committee meeting in Room 124 of the Capitol, as an announcement.