

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 June 5, 2018

11 12:29 p.m.

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14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 THE PRESIDENT: The Senate will
3 come to order.

4 I ask everyone present to please
5 rise and join with me in repeating the Pledge of
6 Allegiance.

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

9 THE PRESIDENT: In the absence of
10 clergy, may we bow our heads in a moment of
11 silence.

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

14 THE PRESIDENT: Thank you.
15 The reading of the Journal.

16 THE SECRETARY: In Senate, Monday,
17 June 4th, the Senate met pursuant to
18 adjournment. The Journal of Sunday, June 3rd,
19 was read and approved. On motion, Senate
20 adjourned.

21 THE PRESIDENT: Without objection,
22 the Journal stands approved as read.

23 Presentation of petitions.

24 Messages from the Assembly.

25 The Secretary will read.

1 THE SECRETARY: On page 43,
2 Senator Golden moves to discharge, from the
3 Committee on Civil Service and Pensions,
4 Assembly Bill Number 8006 and substitute it for
5 the identical Senate Bill 5815, Third Reading
6 Calendar 745.

7 On page 69, Senator Larkin moves to
8 discharge, from the Committee on Corporations,
9 Authorities and Commissions, Assembly Bill
10 Number 10452 and substitute it for the identical
11 Senate Bill 8296, Third Reading Calendar 1250.

12 On page 78, Senator Tedisco moves
13 to discharge, from the Committee on Finance,
14 Assembly Bill Number 9579A and substitute it for
15 the identical Senate Bill 7657, Third Reading
16 Calendar 1344.

17 On page 78, Senator Flanagan moves
18 to discharge, from the Committee on Finance,
19 Assembly Bill Number 10130 and substitute it for
20 the identical Senate Bill 8125, Third Reading
21 Calendar 1347.

22 On page 78, Senator Golden moves to
23 discharge, from the Committee on Finance,
24 Assembly Bill Number 10606 and substitute it for
25 the identical Senate Bill 8498, Third Reading

1 Calendar 1350.

2 And on page 81, Senator Flanagan
3 moves to discharge, from the Committee on
4 Finance, Assembly Bill Number 10131 and
5 substitute it for the identical Senate Bill
6 8126, Third Reading Calendar 1379.

7 THE PRESIDENT: So ordered.

8 Messages from the Governor.

9 The Secretary will read.

10 THE SECRETARY: The Governor
11 returned without executive approval Senate Bill
12 Number 700B, Veto Number 263, by Senator
13 Carlucci, an act to amend the Education Law in
14 relation to full-day kindergarten.

15 THE PRESIDENT: Senator
16 DeFrancisco.

17 SENATOR DeFRANCISCO: I move to
18 lay said bill on the table as vetoed by the
19 Governor.

20 THE PRESIDENT: So ordered.

21 Reports of standing committees.

22 Reports of select committees.

23 Communications and reports from
24 state officers.

25 Motions and resolutions.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: Madam
3 President, I move to take from the table Senate
4 Bill 700B, by Senator Carlucci, as vetoed by the
5 Governor.

6 THE PRESIDENT: So ordered.

7 SENATOR DeFRANCISCO: I now move to
8 override the Governor's veto of said bill.

9 (Pause.)

10 THE PRESIDENT: Senator
11 DeFrancisco, why do you rise?

12 SENATOR DeFRANCISCO: Yeah, I would
13 request the Secretary to read the bill that we
14 would like to vote on.

15 THE PRESIDENT: The Secretary will
16 read.

17 THE SECRETARY: Veto Number 263, by
18 Senator Carlucci, Senate Print 700B, an act to
19 amend the Education Law.

20 THE PRESIDENT: The bill is before
21 the house.

22 (Cross-talk.)

23 THE PRESIDENT: Senators --

24 SENATOR DeFRANCISCO: Yes, it's
25 Senator Carlucci's bill, I'm sure he could give a

1 wonderful explanation of it.

2 THE PRESIDENT: Senator Carlucci.

3 SENATOR CARLUCCI: Yes, thank you,
4 Madam President.

5 This legislation is pretty simple.
6 What it does is encourages districts to offer
7 full-day kindergarten across the State of
8 New York, something that unfortunately in
9 New York State we don't mandate kindergarten,
10 which is a real shame. And unfortunately, there
11 are still a few districts left in the State of
12 New York that don't offer full-day kindergarten.

13 The intent of this legislation is to
14 really entice and incentivize districts to offer
15 full-day kindergarten throughout the state. It
16 would expand the kindergarten Transition Aid from
17 currently what's in statute from one year -- in
18 the budget we were able to move forward with
19 three years. What this legislation does is phase
20 it out over a five-year period.

21 So on the fifth year, instead of
22 getting that 100 percent of Transition Aid, you
23 would have been whittled down to 20 percent. So
24 80 percent on Year 2; 60 percent, Year 3;
25 40 percent on Year 4; and then 20 percent on

1 Year 5.

2 So we're hopeful that every district
3 in the State of New York will offer full-day
4 kindergarten. So I'd like to see this
5 legislation passed.

6 Thank you.

7 THE PRESIDENT: Senator Funke on
8 the question.

9 SENATOR FUNKE: Thank you, Madam
10 President.

11 I just want to thank Senator
12 Carlucci for this legislation. Which, by the
13 way, passed both houses unanimously, in the
14 Assembly and the Senate. And to have five years
15 in place for full-day-K is critical for the five
16 school districts without full-day kindergarten
17 right now.

18 Many are in a unique position, with
19 the 2 percent tax cap, to break through that and
20 have the necessary funding for full-day
21 kindergarten. And we have found out, as Senator
22 Carlucci has pointed out many times, that
23 children are falling behind in the classroom with
24 the new standards.

25 So I want to again thank Senator

1 Carlucci for this legislation. And, you know,
2 the districts are having trouble financially
3 catching up, and this will go a long way toward
4 helping that situation. Again, this has passed
5 both houses unanimously, and I'm looking forward
6 to the override here.

7 Thank you, Madam President.

8 THE PRESIDENT: The Secretary will
9 read the last section.

10 (Pause.)

11 SENATOR DeFRANCISCO: Madam
12 President, I believe it's time for a vote on a
13 veto override. And we just need the direction
14 that the bill become law notwithstanding the veto
15 of the Governor, and then read the last section,
16 so everyone who voted unanimously for this bill
17 can now vote whatever way they want to override
18 the veto. So we just need that direction from
19 the chair.

20 THE PRESIDENT: Senator
21 DeFrancisco, I'm well aware that you're looking
22 for that direction from the chair, and I'm not
23 prepared to give it at this particular moment.

24 SENATOR DeFRANCISCO: Well, I'm not
25 quite sure -- under what rule do you rely on to

1 basically do what you want to do rather than what
2 the rules provide?

3 THE PRESIDENT: I am prepared to
4 take this up at a later time.

5 SENATOR DeFRANCISCO: Well, this is
6 the time to take it up, because this bill is
7 before the house. It's a bill of Senator
8 Carlucci, sponsored by bipartisan sponsorship,
9 and everyone voted for it. We would like that to
10 be announced at this point in time. Or, if you
11 choose not to, we could have a member of the
12 Senate take the chair to give that direction,
13 which is required by the rules.

14 THE PRESIDENT: I understand,
15 Senator. I'm just going to review it one more
16 time before I take the steps you are requesting.

17 (Pause.)

18 THE PRESIDENT: Senators, ought the
19 same become law notwithstanding the veto of the
20 Governor?

21 The Secretary will read the last
22 section.

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

25 THE PRESIDENT: The Secretary will

1 call the roll.

2 (The Secretary called the roll.)

3 THE PRESIDENT: The Secretary will
4 announce the results.

5 THE SECRETARY: Ayes, 61.

6 THE PRESIDENT: The motion to
7 override the Governor's veto is carried.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Thank you,
10 Madam President.

11 Can we now -- I now move to adopt
12 the Resolution Calendar, with the exception of
13 Resolutions 5528 and 5501.

14 THE PRESIDENT: All in favor of
15 adopting the Resolution Calendar, with the
16 exception of Resolutions 5528 and 5501, signify
17 by saying aye.

18 (Response of "Aye.")

19 THE PRESIDENT: Opposed, nay.

20 (No response.)

21 THE PRESIDENT: The Resolution
22 Calendar is adopted.

23 Mr. Floor Leader.

24 SENATOR DeFRANCISCO: Yes, Madam
25 President, can we now take up previously adopted

1 Resolution 5267, by Senator Akshar, read it in
2 its entirety, and call on Senator Akshar to
3 speak.

4 THE PRESIDENT: The Secretary will
5 read.

6 SENATOR DeFRANCISCO: Title --
7 excuse me, title only.

8 THE PRESIDENT: The Secretary will
9 read.

10 THE SECRETARY: Legislative
11 Resolution Number 5267, by Senator Akshar,
12 celebrating the life of Cooper DeLello Busch, a
13 beloved little boy who changed the lives of so
14 many people for the better.

15 THE PRESIDENT: Senator Akshar.

16 SENATOR AKSHAR: Madam President,
17 thank you very much for your indulgence.

18 I rise --

19 SENATOR FLANAGAN: Madam President,
20 I want it quiet.

21 If people have conversations, take
22 them outside.

23 SENATOR AKSHAR: Thank you, Senator
24 Flanagan.

25 I rise this afternoon because I have

1 the distinct honor to celebrate the life of a
2 beautiful young boy, 4-year-old Cooper DeLello
3 Busch, a young boy who has certainly changed the
4 lives of many.

5 I carry a prayer card with me, it
6 has a picture of Cooper on it. And on the back,
7 if you'll indulge me, it says: Sometimes God
8 picks a flower that's still in bloom. Sometimes
9 the flower that is chosen, we feel He's picked
10 too soon. We're at peace knowing, in God's
11 heavenly garden, He has placed the ones we
12 treasure. You have changed our lives forever.

13 I told many of you several weeks ago
14 that Cooper Busch joined the angels in heaven on
15 May 6th.

16 I had the honor of getting to know
17 the Busch family over the last year or so. I
18 would describe Cooper to all of you as a young
19 boy who had an infectious smile. He had a
20 resounding laugh and a spirit that touched the
21 souls of so many people.

22 And Steve, who is with us, Cooper's
23 father, I had a chance to speak to him several
24 times in the waning hours of Cooper's life. And
25 I told you that undoubtedly Cooper changed the

1 lives of people for the better.

2 And through Cooper's entire battle,
3 I think you would all agree that our community
4 came together to rally behind Cooper and to rally
5 behind your entire family. And during that
6 time -- this really comes at a really important
7 time for all of us in this room -- we reminded
8 each other what was truly important.

9 Cooper's mom, Tara, she's with us as
10 well, you're the first one to say that Cooper
11 bravely fought his battle with cancer. He showed
12 astounding strength and he showed fearless
13 courage.

14 Tara also told us, on the passing of
15 her son, that Cooper would no longer suffer.
16 Tara, for that I am thankful.

17 But as I said earlier, I want you to
18 please know, all of you that are with us, that
19 the people in our community back at home and the
20 people in this chamber, regardless of our
21 political persuasion, regardless of our
22 disagreement, we all want you to know that we
23 stand with you today and we send our deepest
24 condolences. We walk with you and we grieve with
25 you.

1 So we can sit here and ask ourselves
2 why. Right? Why would the good Lord take a
3 precious soul? Why did he have to suffer through
4 his battle with cancer? Or we could look through
5 the eyes of 4-year-old Cooper. Cooper would want
6 us to thank the good Lord for allowing us to
7 share in his company. He would want us to thank
8 the good Lord for allowing us to see all of the
9 light and love that he had.

10 And we should learn from Cooper that
11 no matter the trouble, no matter the adversity we
12 may face, we have the ability to choose
13 happiness. We have the ability to smile, to
14 love, to laugh. At the end of the day, that's
15 exactly what Cooper did during his four years on
16 this earth.

17 So Cooper, I say this. As you play
18 in heaven and you look down on us today -- your
19 mom and your dad and your grandma, your brother,
20 your little sister Hope, who's sleeping over
21 here -- I want to say thank you for personally
22 helping me and reminding me what's truly
23 important in life. And who would have thought
24 that a beautiful lesson like that would have come
25 from a 4-year-old boy.

1 So to Steve, to Tara, to Cole, to
2 Hope, to Maria, the rest of your family, wherever
3 they may be throughout this state or throughout
4 this nation, on behalf of everybody in this room,
5 sitting and standing, I send my deepest
6 condolences. And I pray that God will continue
7 to give you the strength that you need to deal
8 with the loss of your son.

9 And as I said several weeks ago,
10 Cooper, fly as high as you possibly can, because
11 you are a beautiful angel in heaven now.

12 Madam President, thank you.

13 THE PRESIDENT: Thank you, Senator.
14 And thank you for those heartwarming remarks.

15 And truly to the family, on behalf
16 of the people of the State of New York, we thank
17 you for having the gift of a child whose story
18 will now inspire other families who have to cope
19 with similar tragedies.

20 So I want to thank you for having
21 the courage to be here today. As a parent, I
22 know it must be very difficult. But little Hope
23 will grow up knowing her brother's story of how
24 he touched the lives of so many. Thank you very
25 much.

1 Floor Leader.

2 SENATOR DeFRANCISCO: Madam
3 President, this resolution is open for
4 cosponsorship. If anyone would like to
5 cosponsor, they should notify the desk.

6 (Standing ovation.)

7 THE PRESIDENT: The resolution is
8 open for cosponsorship. If you'd like to be a
9 cosponsor, please notify the desk.

10 Mr. Floor Leader.

11 SENATOR DeFRANCISCO: Madam
12 President, could you please take up
13 Resolution 5528, by Senator Griffo, have it read
14 in its entirety, and call on Senator Griffo to
15 speak.

16 THE PRESIDENT: The Secretary will
17 read.

18 THE SECRETARY: Legislative
19 Resolution Number 5528, by Senator Griffo,
20 commemorating the 25th Anniversary of the
21 Gaming Compact between the Oneida Indian Nation
22 and the State of New York.

23 "WHEREAS, Oneida Indian Nation
24 sovereignty is enshrined in state and federal law
25 and retains inalienable rights and privileges of

1 self-governance; and

2 "WHEREAS, Oneida Indian Nation was
3 America's first ally and the first Indian Nation
4 to fight alongside American soldiers in the
5 Revolutionary War, and its members have served in
6 the armed forces in every war since; and

7 "WHEREAS, In 1993, New York State
8 and Oneida Indian Nation created history by
9 signing a gaming compact in hopes of creating a
10 successful economic model for the Oneida people
11 and for upstate New Yorkers; and

12 "WHEREAS, Former New York Governor
13 Mario Cuomo defined Oneida Indian Nation as a
14 'rare model of economic success and
15 collaboration, during an era of economic turmoil
16 and divisiveness'; and

17 "WHEREAS, Oneida Indian Nation has
18 diligently worked to support a culture of
19 civility and respect that has led to state-tribal
20 relations that are a national model in Indian
21 Country and that led to the historic 2013
22 settlement between the tribe, Oneida County,
23 Madison County, and New York State; and

24 "WHEREAS, The 2013 settlement ended
25 all legal disputes between the Oneida Nation,

1 state, and local governments, and has created a
2 new era of collaboration and shared prosperity
3 for the Mohawk Valley; and

4 "WHEREAS, Oneida Indian Nation
5 enterprises have generated critical revenues for
6 infrastructure, education, healthcare, social
7 services and other public priorities, both for
8 the Oneida people and for surrounding communities
9 in Central New York; and

10 "WHEREAS, Oneida Indian Nation's
11 eternal commitment to its sacred homelands has
12 been illustrated by its unwavering commitment to
13 reinvesting resources in the local economy and
14 local businesses, rather than siphoning resources
15 out of New York State; and

16 "WHEREAS, Oneida Indian Nation
17 enterprises were projected in 1993 to create
18 1,400 jobs but have surpassed those projections,
19 now directly creating 4,500 jobs and supporting
20 thousands more throughout the region; and

21 "WHEREAS, Oneida Indian Nation is
22 now the largest employer in Oneida and Madison
23 County, and the fifth largest employer in the
24 16 counties that make up Central New York; and

25 "WHEREAS, Oneida Indian Nation is a

1 national leader in Indian Country, and has used
2 its prominence to promote economic development
3 initiatives, fight for stronger civil rights and
4 environmental protections, speak out against
5 those who seek to demonize people of color, and
6 work with New York legislators to unanimously
7 pass a resolution in 2014 calling for the end of
8 Native-American-themed mascots; now, therefore,
9 be it

10 "RESOLVED, That this Legislative
11 Body pause in its deliberations to commemorate
12 the 25th Anniversary of the Gaming Compact
13 between the Oneida Indian Nation and the State of
14 New York; and be it further

15 "RESOLVED, That this Legislative
16 Body pauses further to encourage New Yorkers to
17 look to the Oneida Indian Nation's deportment,
18 business and tribal government success and record
19 of community investment as an exemplary model for
20 other businesses and communities to follow; and
21 be it further

22 "RESOLVED, That a copy of this
23 resolution, suitably engrossed, be transmitted to
24 the Oneida Indian Nation."

25 THE PRESIDENT: Senator Griffo.

1 SENATOR GRIFFO: Thank you, Madam
2 President.

3 I'd like to say it's my pleasure
4 today to introduce some of the guests we have
5 here from the Oneida Nation.

6 I first would like to introduce the
7 Oneida Nation representative and CEO of Nation
8 Enterprises, Mr. Ray Halbritter. Also with him
9 we have Oneida Nation Councilmembers Chuck
10 Fougner, of the Wolf Clan; Brian Patterson, of
11 the Bear Clan; and Dale Rood, of the Turtle Clan.

12 I want to thank them for being here
13 today as we have this resolution, which
14 commemorates the 25th anniversary of the Oneida
15 Nation's Gaming Compact with the State of
16 New York.

17 The Oneida Nation original homelands
18 consisted of over 6 million -- 6 million -- acres
19 that stretched from the St. Lawrence River to the
20 Susquehanna River, and it has had a rich history
21 throughout our country's history and our
22 continent's history. Nation villages have
23 thrived throughout Oneida and Madison County.

24 In 1794, after victory over the
25 British and the many hardships that the Oneidas

1 had endured, thanks to President Washington they
2 would sign the Treaty of Canandaigua, which
3 recognized the Oneidas as a sovereign entity.
4 And that treaty guaranteed over 300,000 acres.

5 And they faced many charges
6 throughout the years. But as a result of
7 determination and commitment to their homeland
8 and to Central New York, and through the
9 leadership of Mr. Halbritter and the clan members
10 here today, they have made significant
11 accomplishments and successes over the many years
12 that we have talked about through the resolution.

13 I just want to be thankful and
14 express our gratitude for their reinvestment, for
15 their commitment to Central New York. Over
16 4600 people employed at a time of fiscal
17 challenge. We were able to look to a partnership
18 with the Oneidas in creating jobs, not only in
19 the Turning Stone Casino and the Yellow Brick
20 Road and the Maple Leaf Market chains that they
21 have, but in all other areas, where they have not
22 only been extraordinary employers, but also very
23 philanthropic, very involved in all aspects of
24 our community, trying to make a difference and
25 bettering the quality of life.

1 So for that strong commitment to not
2 only its members but to the region and to the
3 state as a whole for that continuing reinvestment
4 in Central New York, in the State of New York,
5 today we are proud to have you all here to
6 acknowledge that success, to acknowledge your
7 concern, your commitment to not only the Oneidas
8 but to all of the area that you call home.

9 We appreciate your leadership, your
10 philanthropic concern for the communities that
11 surround you, and for your continued commitment,
12 and we look forward to many more years of
13 partnership. So congratulations.

14 Madam President, I would ask that
15 you extend the courtesies and the privileges of
16 the house to the guests from the Oneidas here
17 today.

18 THE PRESIDENT: Senator Valesky.

19 SENATOR VALESKY: Thank you, Madam
20 President.

21 Senator Griffo, thank you for
22 bringing this resolution to the floor today.
23 Senator Flanagan, thank you as well for allowing
24 us to have a few moments, as we begin our
25 deliberations, to congratulate our friends from

1 Central New York.

2 Oneida Nation leader Ray Halbritter,
3 members of the Men's Council, thank you for being
4 here. Thank you for the tremendous leadership
5 and work that you do back home in Central
6 New York.

7 I want to add some comments to those
8 of Senator Griffo's. Not only do we acknowledge
9 the 25th anniversary of the signing of the
10 Gaming Compact, but this year actually marks the
11 fifth anniversary of the signing of in many ways
12 an even more important compact -- not only the
13 signing, but the ratification by this
14 State Legislature. Five years ago, under the
15 leadership of Mr. Halbritter, Governor Cuomo, the
16 county executive in Oneida County and the
17 chairman of the Board of Supervisors in Madison
18 County coming together to negotiate a
19 comprehensive end to some extremely divisive
20 issues in both Madison and Oneida counties that
21 had extended for far too long.

22 And if not for the visionary
23 leadership of those individuals that I just
24 acknowledged, we may not be here in this position
25 that we are today. And we certainly would not

1 have the kind of economic success and true spirit
2 of partnership that we now have back home in
3 Central New York.

4 So congratulations not only to
5 25 years but also to five years on the signing of
6 that compact.

7 Thank you.

8 THE PRESIDENT: Thank you, Senator.
9 Senator Kennedy.

10 SENATOR KENNEDY: Thank you, Madam
11 President.

12 I too rise to congratulate the
13 Oneida Nation on 25 years this anniversary. And
14 it's something that we should celebrate. A great
15 welcome to you to this auspicious chamber, Ray
16 Halbritter as leader, councilors, and others. I
17 want to congratulate Senator Griffio for bringing
18 this to the floor.

19 This is something that we should all
20 take to heart, the Oneida Nation, the tremendous
21 relationship that they have had and continue to
22 have with the great State of New York, as one of
23 six members of the original Iroquois Nation.

24 Out in Western New York and Buffalo,
25 we often celebrate the relationship we have with

1 the Seneca Nation. I live on the original
2 Buffalo Creek territory. We have a history not
3 only in Western New York and in Central New York
4 and across this great state, but across this
5 nation, that is not always a good history, that
6 quite frankly has been built in blood and in
7 tears in many instances.

8 We stand on the shoulders of those
9 that have come before us in our own ethnicities.
10 But all of us are here in this great United
11 States of America following the original
12 inhabitants, the original natives. And it's
13 absolutely incumbent and imperative that we take
14 that into consideration in the decisions that we
15 make here in this chamber, across the hall, and
16 as a state government.

17 We thank you for your continued work
18 with our state government, with our national
19 leaders as well. I know that you have taken it
20 upon you, Mr. Halbritter, as a leader in this
21 nation to eradicate the racism that has plagued
22 us as a nation. And you have made great strides,
23 but our work continues. We are with you in that
24 fight. We look forward to our continued work
25 together.

1 Today we celebrate 25 years. Here's
2 to 25 more, seven generations ahead of us, and
3 many, many more years, decades, centuries and
4 generations to come of peace, tranquillity,
5 partnership and work together as we forge our
6 future.

7 Thank you, Madam President.

8 THE PRESIDENT: Thank you, Senator.
9 Senator DeFrancisco.

10 SENATOR DeFRANCISCO: Yes, thank
11 you, Madam President.

12 I've known these gentlemen longer
13 than the casino was being thought of. And back
14 in those days, it was -- they were not good days
15 for a lot of people in Central New York. Jobs
16 were down, people were trying to figure out how
17 to feed their families with decent jobs and
18 economic activity. And Ray Halbritter, the
19 leader, and these fine gentlemen that I've known
20 forever took a risk, an incredible risk, and
21 showed the initiative to make something amazing
22 happen, which we all are now benefiting from.

23 And each year there's something
24 else. It's not like they're just standing still
25 and hoping that the world will still be the same.

1 They're making changes, they're making
2 advancements in order to make sure that this
3 economic engine is going to continue as long as
4 we're around, anyway, and probably many, many
5 years thereafter.

6 So I rise and congratulate the
7 Oneida Nation, Leader Halbritter, and Brian
8 Patterson and Chuck Fougner and Dale Rood, all
9 of you for what you've done and all the members
10 of the board as well as the Oneida Nation.

11 So congratulations. Many, many more
12 great years to come.

13 THE PRESIDENT: Thank you, Senator.

14 I also want to extend my
15 congratulations on behalf of the people of the
16 State of New York for a spectacular 25 years of
17 collaboration.

18 But of course this builds on a long,
19 long history as the precursors to many of us
20 coming to this country, and our ancestors. So
21 thank you for being an important part of New York
22 State's story.

23 The question is on the resolution.

24 All those in favor signify by saying aye.

25 (Response of "Aye.")

1 THE PRESIDENT: Opposed?

2 (No response.)

3 THE PRESIDENT: The resolution is
4 adopted.

5 Mr. Floor Leader.

6 SENATOR DeFRANCISCO: Yes, this
7 resolution also is open for cosponsorship. If
8 you wish to cosponsor, please notify the desk.

9 THE PRESIDENT: The resolution is
10 opened up for cosponsorship. So if you'd like to
11 be a cosponsor, please notify the desk.

12 (Standing ovation.)

13 THE PRESIDENT: Mr. Floor Leader.

14 SENATOR DeFRANCISCO: Would you
15 please now recognize Senator Sepúlveda for an
16 introduction.

17 THE PRESIDENT: Senator Sepúlveda.

18 SENATOR SEPÚLVEDA: Thank you,
19 Madam Speaker, for allowing me the time to make
20 this introduction.

21 Next week myself, Senator Savino,
22 Senator Griffo, Senator Alcantara will be
23 proffering a resolution celebrating and
24 commemorating Russian Heritage Month.

25 Today we are joined by several

1 members of the Russian American community. We
2 have with us Marina Kovalyov, who is the
3 president and cofounder of the Russian American
4 Foundation, which is an organization whose goal
5 is to build a bridge between the United States
6 and former Soviet countries through art, cultural
7 initiatives, and youth programming.

8 Today we are also joined by former
9 soldiers who fought alongside our Allied forces
10 in World War II. They're up there, standing up
11 there. Please, gentlemen.

12 We're also joined by Ekaterina
13 Kotrikadze, who's the editor-in-chief of Russian
14 TV. Irina Olevsky, who's an attorney, founder
15 and manager of her own firm. Yerlan Shakibayev,
16 who's the founder of Humans Net, Inc. Michael
17 Belogorodsky, who's the past president of the
18 Russian American Officers Association. And
19 Evgeny Zhuravlev, who's the CEO and founder of
20 L'Adresse American Bistro.

21 I want to thank you all for being
22 present today.

23 And I ask you, Madam Speaker, to
24 offer them the cordialities of the house.

25 THE PRESIDENT: Thank you, Senator.

1 We do welcome you very much to the
2 house and hope you take a message of peace and
3 friendship back.

4 And I want to at this time call on
5 the house to recognize them.

6 (Standing ovation.)

7 THE PRESIDENT: Senator
8 DeFrancisco.

9 SENATOR DeFRANCISCO: Yes, if we
10 can now go to the active list for today and call
11 up Calendar Number 662.

12 THE PRESIDENT: The Secretary will
13 read.

14 THE SECRETARY: Calendar Number
15 662, by Senator Murphy, Senate Print 299, an act
16 to amend the Agriculture and Markets Law.

17 SENATOR KLEIN: Lay it aside,
18 please.

19 THE PRESIDENT: The bill is laid
20 aside.

21 SENATOR DeFRANCISCO: Can we now
22 take up Calendar 702.

23 THE PRESIDENT: The Secretary will
24 read.

25 THE SECRETARY: Calendar Number

1 702, by Senator Boyle, Senate Print 594, an act
2 to amend the Penal Law.

3 SENATOR KLEIN: Lay it aside,
4 please.

5 THE PRESIDENT: The bill is laid
6 aside.

7 SENATOR DeFRANCISCO: Can we now
8 take up the controversial reading of those two
9 bills that were just laid aside, 662 and 702.

10 THE PRESIDENT: The Secretary will
11 ring the bell.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 662, by Senator Murphy, Senate Print 299, an act
15 to amend the Agriculture and Markets Law.

16 SENATOR DeFRANCISCO: Madam
17 President --

18 THE PRESIDENT: Senator Klein, why
19 do you rise?

20 SENATOR KLEIN: Madam President, I
21 believe there's an amendment at the desk. I ask
22 that the reading of the amendment be waived and
23 that Senator Krueger be heard on the said
24 amendment.

25 THE PRESIDENT: Senator Krueger to

1 be heard on the amendment.

2 SENATOR DeFRANCISCO: Excuse me,
3 Madam President.

4 THE PRESIDENT: Senator
5 DeFrancisco, why do you rise?

6 SENATOR DeFRANCISCO: We accept the
7 amendment.

8 (Laughter.)

9 THE PRESIDENT: So ordered. The
10 amendment is agreed to. The bill-in-chief is now
11 before the house.

12 So ordered. The bill is high, due
13 to the bill being amended on the Third Reading
14 Calendar, and it will be laid aside for the day.

15 Senator DeFrancisco.

16 SENATOR DeFRANCISCO: Let me
17 clarify. The bill has been amended, it's laid
18 aside since it's high, and can we go on to
19 Bill Number 702.

20 THE PRESIDENT: Senator Krueger,
21 why do you rise?

22 SENATOR KRUEGER: Thank you, Madam
23 President.

24 I was hoping to speak on the
25 amendment, explaining why I'm so glad that the

1 amendment has been accepted. May I speak on the
2 amendment?

3 SENATOR DeFRANCISCO: Point of
4 order, Madam President.

5 THE PRESIDENT: Senator
6 DeFrancisco, why do you rise?

7 SENATOR DeFRANCISCO: Yes, although
8 all of us are waiting to hear such an
9 explanation, if the -- this is Rule 9,
10 Section 4A: If the sponsor accepts the
11 amendment, such amended bill shall be ordered
12 amended without a vote, debate or explanation,
13 and such bill shall retain its place on the
14 Third Reading Calendar.

15 So because of that, there's no --
16 the rules preclude an explanation at this time.

17 THE PRESIDENT: Senator
18 DeFrancisco, thank you.

19 Senator Klein, why do you rise?

20 SENATOR KLEIN: Madam President,
21 you did call on Senator Krueger to speak on the
22 amendment. Even though it was adopted, Senator
23 Krueger still has an opportunity to be called
24 upon to speak on the amendment.

25 SENATOR DeFRANCISCO: Madam

1 President.

2 THE PRESIDENT: Senator
3 DeFrancisco.

4 SENATOR DeFRANCISCO: I don't know
5 where that rule is, because it's not in the rules
6 of the State Senate. The rule in the State
7 Senate is present exactly the way I read it. You
8 can have time to read it. But simply because
9 someone was recognized when it was not proper
10 does not mean that the rules are to be ignored.

11 SENATOR KLEIN: Madam President,
12 you are the chair. You have the ability to call
13 on anyone you want to speak.

14 THE PRESIDENT: That is correct,
15 Senator Klein. I had called on Senator Krueger
16 to speak. I gave you a courtesy, but that was
17 not to preclude the Senator from speaking. And
18 if you wish to appeal the ruling of the chair,
19 you may.

20 SENATOR DeFRANCISCO: Madam
21 President, first of all, the -- can you tell us
22 what rule you're relying on that you could just
23 ignore the rules at this point in time?

24 THE PRESIDENT: The fact that I
25 had, prior to recognizing you, had recognized

1 Senator Krueger to address this body. I think
2 that's a courtesy that should be extended to the
3 Senator.

4 SENATOR DeFRANCISCO: Well, that's
5 fine, but it violates the rules. And I believe
6 that it's improper to do what you're suggesting
7 here, and it may have consequences on further
8 things that might come up at this point in time.

9 If we're going to violate the rules,
10 we'll have to get a ruling as to whether that
11 rules violation is legitimate or not, is legal or
12 not, and that will affect what else we're
13 planning on doing today to be productive in the
14 State of New York, in the State Senate.

15 THE PRESIDENT: Rule 4, Section 1
16 allows the presiding officer to determine what is
17 in order, and I had declared her comments in
18 order, and we'll proceed.

19 And if you wish to appeal, you may
20 do so, Senator.

21 SENATOR DeFRANCISCO: One moment,
22 please.

23 All right, go ahead. And just to
24 make a point, we're objecting. And it will be
25 decided later on by another authority.

1 THE PRESIDENT: Thank you, Senator.

2 Senator Krueger, you may speak.

3 Senator Flanagan, why do you rise?

4 SENATOR FLANAGAN: I just want to
5 make sure we're -- do you have a a copy of the
6 rules of the Senate up there?

7 SENATOR RIVERA: Point of order,
8 Madam President. I believe that Senator Krueger
9 had the floor, if you recognized her.

10 THE PRESIDENT: If you're asking
11 whether or not I have a copy of the rules,
12 Senator, the answer is yes.

13 Senator Krueger.

14 SENATOR FLANAGAN: Madam President,
15 I'm still speaking. Point of order.

16 THE PRESIDENT: Senator Flanagan,
17 Senator Krueger was speaking.

18 SENATOR FLANAGAN: Madam President,
19 you recognized me. I have the floor and am
20 raising a point of order.

21 Senator DeFrancisco a moment ago
22 recognized with you that Senator Krueger will be
23 speaking. At this moment I am speaking by virtue
24 of the fact that you recognized me and I'm
25 raising a legitimate point of order.

1 THE PRESIDENT: Senator --

2 SENATOR FLANAGAN: May I continue?

3 THE PRESIDENT: You may continue.

4 I just want to establish that I did answer your
5 question. You asked if I had a copy of the rules
6 before us. That, to me, transitioned the
7 conversation back to the Senator --

8 SENATOR FLANAGAN: Well, it may
9 have transitioned it in your mind, but I still
10 have the floor and I have a further comment to
11 make.

12 THE PRESIDENT: All right. You may
13 continue to speak, Senator --

14 SENATOR FLANAGAN: Okay.

15 THE PRESIDENT: -- followed by
16 Senator Krueger.

17 SENATOR FLANAGAN: You may
18 interpret this as being rhetorical; it's not.
19 I'm asking you a question. I have here Rule 9,
20 Section 4A. If the sponsor accepts the
21 amendment, such amended bill shall be ordered
22 amended without a vote, debate or explanation,
23 and such bill shall retain its place on the
24 Third Reading Calendar.

25 I would ask you to read Rule 9,

1 Section 4A, because I want to make sure that we
2 have the same rules before us.

3 THE PRESIDENT: I do see that,
4 Senator. And I also want to point out that
5 Rule 4, Section 1 allows me to recognize
6 individuals on the floor. And I had done that.

7 So I think in the interests of
8 moving this body forward, which is what the
9 people of the State of New York are looking for
10 us to continue working together, let us give the
11 Senator the opportunity to continue speaking
12 before I cut her off to recognize Senator
13 DeFrancisco. Then we can move on. I think this
14 will be resolved very amicably, and that is our
15 intention here.

16 SENATOR FLANAGAN: Yeah, I think --
17 I would make two points. Number one, I do
18 actually want to hear what you have to say. So
19 whoever is controlling the mike, Madam President,
20 if you would either get closer or raise the
21 volume, because I think a number of our members
22 are having some difficulty hearing you.

23 Number two, I would remind you that
24 the sponsor controls the bill. And the bill is
25 high, so it is out of order for these comments to

1 be taking place. And a specific rule trumps a
2 general rule in the rules of the Senate.

3 THE PRESIDENT: Thank you, Senator.
4 Senator Krueger.

5 SENATOR KRUEGER: Thank you, Madam
6 President.

7 For the record, I'm not speaking on
8 a vote, I'm not asking for a debate, and I'm not
9 actually commenting. I am speaking on the --
10 excuse me, the amendment that has been accepted.
11 And I appreciate the respect you've shown me to
12 allow me to speak.

13 Current law allows for criminal
14 prosecution of women who have abortions and
15 doctors who provide them. This amendment, which
16 has been accepted -- thank you very much,
17 sponsor --

18 SENATOR DeFRANCISCO: Madam
19 President. Madam President.

20 THE PRESIDENT: Senator Krueger --
21 Senator DeFrancisco.

22 SENATOR DeFRANCISCO: Point of
23 order.

24 If this isn't speaking about the
25 bill and the amendment, I don't know what it is.

1 The whole -- what's the purpose of
2 it? The purpose of speaking on an amendment is
3 to be in a position to argue that the amendment
4 is appropriate. We agreed to the amendment. So
5 if it's agreed to, the bill is automatically
6 high. In accordance to the rules of this Senate
7 that have been here a lot longer than we have
8 been, this is inappropriate to start a discussion
9 about the bill which has already been amended and
10 is now high.

11 THE PRESIDENT: Senator, I truly
12 appreciate where you're coming from.

13 But from the point of view of the
14 chair, the presiding officer of the Senate, I had
15 recognized Senator Krueger to be able to speak on
16 this issue. I deferred her time to allow you the
17 courtesy to speak. And I'm simply asking that
18 you recognize her the opportunity to conclude her
19 remarks, and then we can finish the business of
20 the people, which is what everyone in this state
21 would like to see occur, Senator.

22 SENATOR DeFRANCISCO: You did not
23 defer her time, you recognized me to make an
24 objection based upon the rules. That wasn't
25 deferring her time. It gave me, as floor leader,

1 the opportunity to explain why what you were
2 about to do violated the rules.

3 So I'm not quite sure what the
4 benefit is to you, to this chamber of going
5 forward and having a discussion on the bill when
6 it's already been amended and the object of the
7 amendment has been accomplished. Why allow
8 a clear violation of the rules in this house for
9 courtesy purposes or whatever rule you came up
10 with?

11 That's not the rule of this house.
12 Otherwise, we can get up and talk about anything
13 we want on another bill, whether it's germane,
14 whether the bill is high. Every high bill that
15 comes up here that can't be voted on and can't be
16 debated, you're going to allow us the courtesy of
17 just talking about them because you want to be
18 courteous? That's wrong. It's against the
19 rules.

20 And I'm giving you one last
21 opportunity to --

22 SENATOR KLEIN: Madam President.

23 SENATOR DeFRANCISCO: -- do what
24 you're supposed to do as the presiding officer.

25 SENATOR KLEIN: Madam President --

1 THE PRESIDENT: Thank you, Senator.

2 Senator Klein.

3 SENATOR KLEIN: -- you cited
4 Rule Number 4, Section 1, which certainly gives
5 you the ability to call on anyone you choose to
6 speak. Senator DeFrancisco should have made a
7 motion denying you that opportunity in order to
8 stop Senator Krueger from explaining her
9 amendment which is before us today.

10 So I just request that Senator
11 Krueger be allowed to continue to explain her
12 amendment.

13 THE PRESIDENT: Thank you, Senator.

14 Senator Krueger, please continue.

15 SENATOR GRIFFO: Point of order,
16 Madam President.

17 THE PRESIDENT: Senator Griffi.

18 SENATOR GRIFFO: In accordance with
19 Section 1 -- or Rule 4, Section 1, you have to
20 assign a reason for the decision that you're
21 making. That decision has to be made upon rules
22 that exist. And on Rule 9, it is clear. Senator
23 DeFrancisco has articulated very eloquently and
24 clearly to you what Section 9 {sic} states. And
25 you're in violation of Section 9. So how can you

1 use Section 1 where you have to give a reasoning
2 as to a ruling of the chair in defiance of a rule
3 that exists? You can't pick and choose the rules
4 that you want to enforce in this chamber.

5 Four, Section 9 -- Article -- Rule 9
6 gives you specific requirements as to handling
7 legislation, even though you have the rule of the
8 presiding officer where you can give a reason.
9 Your reason cannot be detrimental to the rules of
10 the Senate.

11 THE PRESIDENT: Senator, my reading
12 of Section 4 is not as limited as yours. But I
13 certainly encourage any member who wishes to
14 challenge the ruling of the chair to do so. And
15 you can appeal my decision at any time. I will
16 accord you that ability.

17 SENATOR KLEIN: Madam President,
18 again, I think I stated it correctly. If the
19 Majority wants to prevent you from calling on
20 anyone, according to the section, they should
21 make a motion to prevent that. But that said --
22 and if they choose not to do that, you should let
23 Senator Krueger proceed and speak on the said
24 amendment.

25 THE PRESIDENT: Senator

1 DeFrancisco, do you have a motion to make?

2 SENATOR DeFRANCISCO: Yes, I have a
3 motion. I move to withdraw our approval of the
4 amendment and lay this bill aside.

5 THE PRESIDENT: Senator, the bill
6 is laid aside.

7 SENATOR DeFRANCISCO: Now I call an
8 immediate meeting of the Rules Committee.

9 THE PRESIDENT: There will be an
10 immediate meeting of the Rules Committee in
11 Room 332 of the New York State Capitol.

12 The Senate stands at ease.

13 (Whereupon, the Senate stood at ease
14 at 1:17 p.m.)

15 (Whereupon, the Senate reconvened at
16 3:25 p.m.)

17 ACTING PRESIDENT GRIFFO: The
18 Senate will come to order.

19 SENATOR FLANAGAN: Mr. President,
20 thank you.

21 I know the Democrats are in
22 conference. There will be an immediate
23 Republican conference in Room 332, and the Senate
24 will continue to stand at ease.

25 Thank you.

1 ACTING PRESIDENT GRIFFO: The
2 Democrat Conference is in conference, and there
3 is an immediate Republican conference in
4 Room 332.

5 The Senate will continue to stand at
6 ease.

7 (Whereupon, the Senate stood at ease
8 at 3:25 p.m.)

9 (Whereupon, the Senate reconvened at
10 5:43 p.m.)

11 ACTING PRESIDENT GRIFFO: The
12 Senate will come to order.

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: I move to
15 adjourn until Wednesday, June 6th, at 1:00 p.m.

16 SENATOR DeFRANCISCO: The Senate
17 stands adjourned until Wednesday, June 6th, at
18 1:00 p.m.

19 SENATOR DeFRANCISCO: There are two
20 committee meetings -- just an announcement -- two
21 committee -- one committee meeting. Just the
22 Finance Committee is meeting in Room 332
23 immediately following session.

24 ACTING PRESIDENT GRIFFO: The
25 Finance Committee will meet immediately in

1 Room 332.

2 The Senate stands adjourned until
3 tomorrow, June 6th, at 1:00 p.m.

4 (Whereupon, at 5:43 p.m., the Senate
5 adjourned.)

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