

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 11, 2019

11 3:28 p.m.

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14 REGULAR SESSION

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18 SENATOR JAMAAL BAILEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT BAILEY: The
3 Senate will come to order.

4 I ask everyone present to please
5 rise and repeat with me the Pledge of Allegiance.

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

8 ACTING PRESIDENT BAILEY: In the
9 absence of clergy, I ask that everyone bow their
10 head in a moment of silent reflection and/or
11 prayer.

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

14 ACTING PRESIDENT BAILEY: The
15 reading of the Journal.

16 THE SECRETARY: In Senate, Sunday,
17 March 10, 2019, the Senate met pursuant to
18 adjournment. The Journal of Saturday, March 9,
19 2019, was read and approved. On motion, Senate
20 adjourned.

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

23 Presentation of petitions.

24 Messages from the Assembly.

25 Messages from the Governor.

1 Reports of standing committees.
2 Reports of select committees.
3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 Senator Serrano.

7 SENATOR SERRANO: Thank you,
8 Mr. President.

9 I move that the following bills be
10 discharged from their respective committees and
11 be recommitted with instructions to strike the
12 enacting clause: Senate Bill 4002, by
13 Senator May.

14 ACTING PRESIDENT BAILEY: It is so
15 ordered.

16 SENATOR SERRANO: Mr. President, I
17 also move to have the following bills discharged
18 from their respective committees and be
19 recommitted with instructions to strike the
20 enacting clause: Senate Bill 3898, by
21 Senator Jackson.

22 ACTING PRESIDENT BAILEY: So
23 ordered.

24 SENATOR SERRANO: Mr. President.

25 ACTING PRESIDENT BAILEY: Senator

1 Flanagan.

2 SENATOR FLANAGAN: Thank you,
3 Mr. President.

4 By the way, Mr. President, you look
5 real good up there today. You look good every
6 day, but you look real good standing up there.

7 Thank you for recognizing me. And
8 thank you to Senator Serrano and to Senator
9 Stewart-Cousins.

10 In the absence of clergy, we
11 observed a moment of silence. I would
12 respectfully ask that we do the same in honor of
13 Speaker Mel Miller. I rise very quickly -- Mel
14 was an iconic figure in New York politics, and
15 he'll be memorialized on a separate occasion.

16 But great leader, great legislator,
17 great human being, revered and respected by
18 people for many, many years. And my father and
19 he were very good friends. My father served with
20 him in the New York State Assembly. And I
21 mentioned to some of my colleagues today there
22 was a point in time where they both got pilloried
23 by the press because they were working together
24 on criminal justice reform back in the eighties.
25 So there was camaraderie and bipartisanship on

1 things that could be important.

2 But the real point is that
3 New Yorkers and clearly the Miller family
4 suffered a tremendous loss with his passing. I
5 wish Godspeed to his family and join my
6 colleagues in mourning his passing.

7 Thank you.

8 ACTING PRESIDENT BAILEY: At the
9 request of Senator Flanagan, the body shall
10 observe a moment of silence. Please rise.

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

13 ACTING PRESIDENT BAILEY: May the
14 legacy of Speaker Miller last forever.

15 Thank you, Senator Flanagan, for
16 your kind words.

17 Senator Serrano.

18 SENATOR SERRANO: Thank you,
19 Mr. President.

20 Can we please take up previously
21 adopted Resolution 523, by Senator Kennedy. Can
22 you read the resolution title only and recognize
23 Senator Kennedy on this resolution.

24 ACTING PRESIDENT BAILEY: The
25 Secretary will read.

1 THE SECRETARY: Senate Resolution
2 Number 523, by Senator Kennedy, commending
3 Dr. Brian J. O'Dwyer, Esq., upon the occasion of
4 his designation as Grand Marshal of the New York
5 City St. Patrick's Day Parade.

6 ACTING PRESIDENT BAILEY: Senator
7 Kennedy on the resolution.

8 SENATOR KENNEDY: Thank you,
9 Mr. President.

10 Let me start by wishing everybody a
11 Happy St. Patrick's Week; where I come from, a
12 Happy St. Patrick's Month.

13 I want to recognize and I rise to
14 honor a true patriot, Brian J. O'Dwyer, upon the
15 occasion of his designation as Grand Marshal of
16 the New York City St. Patrick's Day Parade. We
17 are graced with the presence of Mr. O'Dwyer. I
18 would ask him to rise. He's joined by two of his
19 great friends and colleagues, Michael Carroll, a
20 partner in the O'Dwyer & Bernstien law firm, as
21 well as Siobhan Dennehy, who is the director of
22 the Emerald Isle Immigration Center.

23 Brian is a native New Yorker who
24 comes from a legendary New York Irish-American
25 family. He's the son of Kathleen Rohan and

1 Paul O'Dwyer. Paul O'Dwyer was a civil rights
2 activist and president of the New York City
3 Council from 1974 to 1979, who emigrated to
4 New York from County Mayo, Ireland. And Brian is
5 the nephew of the Honorable William O'Dwyer, the
6 100th mayor of New York City.

7 Brian was educated in the New York
8 City public school system and graduated from the
9 High School of Music and Art and received a
10 Bachelor of Arts degree from George Washington
11 University and a Master of Arts degree from
12 Middlebury College in Madrid.

13 Additionally, he holds a Juris
14 Doctorate degree from Georgetown University and a
15 Master of Laws from George Washington University.
16 In July 2013 he was awarded an honorary degree of
17 Doctor of Philosophy by Dublin City University.

18 As a son of Irish immigrants, he has
19 been especially active in the American Irish
20 community and has been a consummate advocate for
21 immigrants rights. He was the founder of the
22 Emerald Isle Immigration Center, which is the
23 largest Irish immigrant center in the
24 United States.

25 In its 25 years of existence, the

1 center has helped thousands of Irish men and
2 women as they immigrated into New York City. The
3 immigration center is not exclusive to Irish
4 immigrants; it helps immigrants all over the
5 globe.

6 Brian was the founder of the Emerald
7 Isle Immigration Center, and on top of that his
8 extensive work in the scientific arena has
9 concentrated largely on promoting Irish and Irish
10 American interests, serving as national chairman
11 of Irish Americans for Clinton-Gore in 1992 and
12 in 1996.

13 Brian was also a member of the
14 delegation that accompanied President Clinton to
15 Ireland on each of his three trips, and served as
16 an advisor to the White House on Irish issues,
17 including the peace process. He was later
18 appointed by President Clinton as a commissioner
19 of the President's Commission on White House
20 Fellowships and was awarded the director
21 citation for exemplary public service by the
22 White House.

23 In June 2011, Secretary of State
24 Hillary Clinton appointed him as commissioner of
25 the United States National Commission for UNESCO.

1 Brian has actively worked to advance
2 Ireland's causes and interests in the
3 United States. He presently serves as chairman
4 of the Irish Chamber of Commerce USA, where he
5 works to facilitate American investment in
6 Ireland and Northern Ireland.

7 He has accompanied numerous U.S.
8 public officials on their trips to Ireland and
9 Northern Ireland, and he has served as a member
10 of the Board of Ireland West Airport in Knock,
11 County Mayo.

12 Brian has been recognized countless
13 times for his lifelong work on behalf of the
14 causes of Ireland, including being named a Knight
15 of the Holy Sepulchre, receiving the Child of
16 Peace Award by the Catholic Home Bureau, the Sean
17 MacBride Humanitarian Award by the Ancient Order
18 of Hibernians and the Ellis Island Medal of Honor
19 Award and the Outreach Project Annual Service
20 Award in 1994, just to name a few.

21 In June 2012 he was honored as one
22 of the top 25 Irish who have made a difference by
23 Irish Voice Magazine. And the Irish Echo, the
24 oldest Irish American newspaper, awarded him its
25 2013 Man of the Year Award.

1 Brian is married to the former
2 Marianna Page MacWilliam, and they have two
3 children, Brendan Keith O'Dwyer and Kathleen Page
4 O'Dwyer. They are the proud grandparents of four
5 grandchildren: Paul Ellis O'Dwyer, Patrick
6 Trescott O'Dwyer, Reilly Page O'Dwyer, and Hailey
7 Grace O'Dwyer. It doesn't get any more Irish
8 than that, Mr. President.

9 (Laughter.)

10 SENATOR KENNEDY: Brian will lead
11 the marchers up Fifth Avenue on Saturday,
12 March 16, 2019, in the 258th New York City
13 St. Patrick's Day Parade.

14 He has encouraged and I now
15 encourage anyone attending to take a moment to
16 stop at Fifth Avenue and 54th Street to honor his
17 maternal grandmother, Mary Rohan, who came from
18 Galway in the 1890s and was a housemaid at that
19 location, who helped pave the way for a great
20 lineage of Irish Americans.

21 The parade is the world's oldest and
22 largest civic parade and celebrates the faith of
23 Ireland, Irish heritage and culture.

24 Brian O'Dwyer is a man who is
25 beloved in New York's Irish American community

1 and in Ireland and all across this great
2 United States of America. He is an outstanding
3 Irish American who has devoted a huge amount of
4 his considerable energy and charisma to building
5 enduring ties between Ireland and America. His
6 work in the cause of peace, justice and the
7 economic well-being of the Irish people and all
8 people across this nation, across the pond and
9 across the globe, is unmatched.

10 I am proud to call him my friend. I
11 am proud to have him grace us with his presence
12 here today in this chamber. And I would ask you,
13 Mr. President, to give him all the honors this
14 chamber has to bestow upon him.

15 Mr. President, I present to you the
16 Grand Marshal of the New York City St. Patrick's
17 Day Parade, Mr. Brian O'Dwyer.

18 (Standing ovation.)

19 ACTING PRESIDENT BAILEY: Thank
20 you, Senator Kennedy.

21 Senator Liu on the resolution.

22 SENATOR LIU: Thank you,
23 Mr. President.

24 Senator Kennedy has already
25 articulated excerpts of his book about Brian

1 O'Dwyer --

2 (Laughter.)

3 SENATOR LIU: -- including
4 mentioning him as a beloved figure in the
5 Irish American community. I will only say that
6 Brian O'Dwyer is loved far beyond the
7 Irish American community.

8 You know, truth be told, I cannot
9 claim to be Irish, but Brian has always mentioned
10 that he and I hail -- both are natives of
11 relatively small green islands with a very large
12 neighbor off our coast.

13 (Laughter.)

14 SENATOR LIU: And so we share that
15 in common.

16 He and I have traveled up and down
17 Ireland, from Dublin to Belfast and everything in
18 between. And notwithstanding his forewarnings,
19 there never rained a drop. In fact, it was sunny
20 every single day I was there. And so I refuse to
21 this day to believe that it ever rains in
22 Ireland.

23 But I do want to thank Mr. O'Dwyer
24 for all the service that he has rendered for
25 Americans all throughout, but certainly for the

1 people of New York City, as he has been an
2 incredible advisor on a number of issues. And
3 with respect to my former responsibilities, his
4 advice on the wise use of our pension funds,
5 including adherence to the MacBride Principles to
6 help further and promote peace in the North.

7 And with that, Brian, great to see
8 you. And thank you, Senator Kennedy, for this
9 wonderful resolution.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BAILEY: Thank
12 you, Senator Liu.

13 Senator Kavanagh on the resolution.

14 SENATOR KAVANAGH: Thank you,
15 Mr. President. I already -- I will join my
16 colleague Senator Liu in deferring to the
17 characteristic thoroughness of my colleague
18 Senator Kennedy, in this case justifiably so,
19 laying out the extraordinary career of
20 Brian O'Dwyer.

21 But I would be remiss if I did not
22 just join, first of all, in saying to Senator Liu
23 that this time of the year anybody can claim to
24 be Irish. So all of you who want to join us
25 either tonight at the American Irish Legislators

1 Society Dinner, where Mr. O'Dwyer will I believe
2 also be joining us and being honored there, is
3 welcome, and welcome to claim Irishness today and
4 throughout the next week and a half or so.

5 And I just would be remiss also if I
6 didn't join in saying that, you know, for those
7 of us in public service, for those of us who are
8 trying to figure out complicated problems that
9 our city and our state and our country face --
10 and for those of us trying to make sure that
11 Irish Americans live up to the great tradition of
12 standing up for justice not just for
13 Irish Americans, but for all Americans and all
14 people -- Brian O'Dwyer, through all of his work,
15 particularly his work for immigrants, is a great
16 example and a great model, and it's a great honor
17 to have him here with us today.

18 So thank you, Mr. President.

19 ACTING PRESIDENT BAILEY: Thank
20 you, Senator Kavanagh.

21 Senator Biaggi on the resolution.

22 SENATOR BIAGGI: Thank you,
23 Mr. President.

24 I want to -- I stand -- actually, I
25 rise today to congratulate Mr. O'Dwyer. And I

1 want to congratulate you and thank you for all of
2 your outstanding efforts on peace, on public
3 service, on justice.

4 And I thank you on behalf not only
5 of myself and my colleagues and my constituents
6 in District 34, but also on behalf of the Biaggi
7 family and my grandfather Mario, who would not go
8 a day without speaking about the Irish issue and
9 how important it was to fight for peace in
10 Northern Ireland.

11 And because of that, it has become
12 important to myself, to my entire family, and I
13 also will not let a day go by where we don't
14 speak about the importance of keeping the
15 awareness on that issue alive and understanding
16 what happens when two -- what happens when the
17 wrong people are in the wrong places at the wrong
18 time. But we have wonderful advocates like
19 yourself, and I just really am very grateful.

20 So thank you. Congratulations. And
21 we're very happy to have you here today.

22 ACTING PRESIDENT BAILEY: Thank
23 you, Senator Biaggi.

24 Senator Jackson on the resolution.

25 SENATOR JACKSON: Thank you,

1 Mr. President.

2 I rise to congratulate Brian. I've
3 known him for many years. As a member of the
4 City Council, I had the opportunity to go with
5 Brian and many other leaders of the City Council
6 to Ireland and Northern Ireland, and I got to see
7 the differences and some of the situations which
8 are not the most positive, but obviously that's
9 life.

10 But I say to Brian: Thank you for
11 your leadership, and knowing that you have been
12 an inspiration to so many people, and in
13 especially the most northern part of my district,
14 Inwood, which was the bedrock of the Irish
15 community and still is -- some of the old-timers
16 are still living there.

17 I just want to congratulate you on
18 being a leader in our great City of New York and
19 our country. Congratulations.

20 ACTING PRESIDENT BAILEY: Thank
21 you, Senator Jackson.

22 On the resolution, Senator Krueger.

23 SENATOR KRUEGER: Thank you.

24 I represent the 28th District on the
25 East Side of Manhattan. And whenever the parade

1 ends, I feel that there are more Irish people in
2 my district than in the entire country of
3 Ireland. And we always have an amazing
4 celebration in the restaurants and bars and on
5 the streets, and I guess we're going to be doing
6 so again this weekend. And hopefully we'll all
7 have good weather for the parade.

8 Thank you, Mr. President.

9 ACTING PRESIDENT BAILEY: Thank
10 you, Senator Krueger.

11 Senator Gounardes on the resolution.

12 SENATOR GOUNARDES: Thank you,
13 Mr. President.

14 You know, a lot's been said about
15 Brian and all of his accolades and achievements.
16 But on a personal note, Brian knows my brother
17 very well. They've known each other for many,
18 many years.

19 And the thing that gets lost in
20 talking about his achievements and his
21 accomplishments and his record of service is that
22 he doesn't forget about the generation behind him
23 or the generations behind him. And he is a
24 mentor and a friend to so many people, younger
25 people.

1 My brother knows him through the
2 fraternity they both pledged -- a couple of years
3 apart. But he never forgot. And he's never
4 forgotten to turn around and help someone else up
5 the ladder with himself.

6 So that can't be forgotten, and I
7 think we need to call attention to that on top of
8 all the other great things that Senator Kennedy
9 listed in his remarks, as did the rest of my
10 colleagues.

11 So Brian, thank you very much for
12 being a friend and a mentor to my family and to
13 countless other young people who are trying to
14 follow in your footsteps in public service.

15 Thank you.

16 ACTING PRESIDENT BAILEY: Thank
17 you, Senator Gounardes.

18 The resolution was previously
19 adopted on February 27th.

20 And Mr. O'Dwyer, on behalf of the
21 New York State Senate, I wanted to thank you for
22 not only being a leader for your community but
23 for people as well.

24 We extend all the cordialities of
25 this chamber and house. And once again, please

1 receive a round of applause.

2 Please rise and give him a round of
3 applause.

4 (Standing ovation.)

5 ACTING PRESIDENT BAILEY: Senator
6 Serrano.

7 SENATOR SERRANO: Mr. President,
8 can we please take up previously adopted
9 Resolution 313, by Senator Kennedy, read the
10 resolution in title only, and recognize
11 Senator Kennedy on the resolution.

12 ACTING PRESIDENT BAILEY: The
13 Secretary will read.

14 THE SECRETARY: Senate Resolution
15 Number 313, by Senator Kennedy, memorializing
16 Governor Andrew M. Cuomo to proclaim January 21,
17 2019, as Irish Declaration of Independence Day in
18 the State of New York.

19 ACTING PRESIDENT BAILEY: Senator
20 Kennedy on the resolution.

21 SENATOR KENNEDY: Thank you,
22 Mr. President.

23 'Tis the season. Today I rise in
24 honor of the 100th anniversary of Irish
25 independence, marked by the first meeting of the

1 Irish Republic, the first Dail Eireann in the
2 Round Room of the Mansion House, the residence of
3 the Lord Mayor of Dublin.

4 In the December 1918 election to the
5 Parliament of the United Kingdom, the Irish
6 Republican Party, Sinn Fein, won a landslide
7 victory in Ireland. The landslide victory for
8 Sinn Fein was seen by Irish Republicans as an
9 overwhelming endorsement of the principle of a
10 united, independent Ireland.

11 On January 21, 1919, 27 members of
12 Parliament assembled in Dublin and, in line with
13 the Sinn Fein manifesto, refused to take their
14 seats. And on that day they founded a separate
15 Parliament in Dublin called the Dail Eireann, or
16 the Assembly of Ireland.

17 They declared Irish independence,
18 ratifying the Dail Constitution; the Declaration
19 of Independence; the Message to the Free Nations
20 of the World, calling for international
21 recognition of Irish independence; and the
22 Democratic Programme, a declaration of social and
23 economic policy. These documents were the
24 foundation to the independent Irish Republic. It
25 stated that the elected representatives of the

1 Irish people alone have power to make laws
2 binding on the people of Ireland, and that the
3 Irish Parliament is the only parliament to which
4 that people will have its allegiance.

5 The Dail Eireann went on to form a
6 32-county Irish Republic Parliament. The first
7 Dail Eireann unilaterally declared sovereignty
8 over the entire island. The first Dail met 21
9 times, and its main business was establishing the
10 Irish Republic. It created the beginnings of an
11 independent Irish government and state.

12 I stand here today to pay tribute to
13 the rich cultural heritage that comes with being
14 an Irish American, and those who served in the
15 first Dail, leading the way to Irish independence
16 and helping to make Ireland the country that it
17 is today.

18 As almost all of you know, our Irish
19 heritage is held near and dear to our hearts.
20 All of our veteran colleagues have heard us stand
21 up on this floor and talk about how important it
22 is to recognize where we come from, as all of our
23 respective heritages and ethnicities do.

24 Myself, I was born and raised in
25 South Buffalo, where there's a deep cultural

1 kinship to Ireland, and the relationship has
2 existed with our state for centuries. Irish
3 immigrants were some of the earliest settlers in
4 this great state and in this great nation and
5 have played a major role in the growth of the
6 economy and the fight for the rights that
7 continue today.

8 By the mid-1800s, in my hometown of
9 Buffalo, there were thousands of Irish that were
10 living in the First Ward, and then it gave way to
11 South Buffalo and spread throughout the region.

12 From Bishop Tymann High School to
13 the James Joyce Collection at the University of
14 Buffalo, the connection of Buffalonians to their
15 Irish heritage remains visible and is an
16 important part of our city's heritage.

17 I'd like to thank the Ancient Order
18 of Hibernians of New York and the Ladies of the
19 Ancient Order of Hibernians of New York State for
20 all of their hard work and dedication to the free
21 Irish state and to the continuing education and
22 legacy of the Irish and all of Ireland throughout
23 this great state.

24 Thank you very much, Mr. President.
25 And to all of my colleagues, I wish you a happy

1 St. Patrick's Day.

2 ACTING PRESIDENT BAILEY: Thank
3 you, Senator Kennedy.

4 The resolution was previously
5 adopted on January 29th.

6 And may I say, as a Bailey, I am
7 proud to be an honorary member of the Irish.

8 (Laughter.)

9 ACTING PRESIDENT BAILEY: Thank
10 you, Senator Kennedy, for the resolution.

11 Senator Serrano.

12 SENATOR SERRANO: Mr. President,
13 could we open up both resolutions for
14 cosponsorship?

15 ACTING PRESIDENT BAILEY: The
16 resolutions are open for cosponsorship. Should
17 you not choose to be a cosponsor, please notify
18 the desk.

19 Senator Serrano.

20 SENATOR SERRANO: Thank you,
21 Mr. President.

22 Can we now take up the reading of
23 the calendar.

24 ACTING PRESIDENT BAILEY: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number 62,
2 Senate Print 509, by Senator Kennedy, an act to
3 amend the General Municipal Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

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

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce
12 the results.

13 THE SECRETARY: In relation to
14 Calendar Number 62: Ayes, 60. Nays, 1. Senator
15 Krueger recorded in the negative.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number 64,
19 Senate Print 2314, by Senator Addabbo, an act to
20 amend Chapter 473 of the Laws of 2010 amending
21 the Racing, Pari-Mutuel Wagering and Breeding
22 Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number 65,
11 Senate Print 2315, by Senator Addabbo, an act to
12 amend the Racing, Pari-Mutuel Wagering and
13 Breeding Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 152, Senate Print 3161A, by Senator Amedore, an
3 act to amend the Highway Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

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

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Senator
12 Amedore to explain his vote.

13 SENATOR AMEDORE: Thank you,
14 Mr. President, I would like to explain my vote.

15 Sergeant Jeremy VanNostrand was an
16 outstanding public servant who devoted his career
17 to keeping his community safe, first as a
18 corrections officer, and then for six years he
19 was a New York State Trooper in Troop G. His
20 life was tragically cut short last fall in a
21 motor vehicle accident when he was on his way to
22 work.

23 Sergeant VanNostrand left behind a
24 wife, a young daughter, and a large extended
25 family, along with the New York State Police

1 family. His loss has been felt deeply throughout
2 the entire community since this tragic event.

3 This bill will rename a portion of
4 the highway that runs directly in front of the
5 barracks in his honor, and it will serve as a
6 lasting legacy of his service to the community he
7 so loved very much.

8 So thank you, Mr. President, for
9 this.

10 ACTING PRESIDENT BAILEY: Thank
11 you, Senator Amedore.

12 Senator Amedore to be recorded in
13 the affirmative.

14 Announce the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 223, Senate Print 1721, by Senator Ramos, an act
20 to amend the Workers' Compensation Law.

21 SENATOR GRIFFO: Lay it aside.

22 ACTING PRESIDENT BAILEY: Lay it
23 aside.

24 THE SECRETARY: Calendar Number
25 227, Senate Print 2906, by Senator Griffo, an act

1 to amend the Executive Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

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

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 Senator Serrano, that completes the
15 reading of today's noncontroversial calendar.

16 SENATOR SERRANO: Thank you,
17 Mr. President. Can we now go to the reading of
18 the controversial calendar.

19 ACTING PRESIDENT BAILEY: The
20 Secretary will ring the bell.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 223, Senate Print 1721, by Senator Ramos, an act
24 to amend the Workers' Compensation Law.

25 ACTING PRESIDENT BAILEY: Senator

1 Griffio, why do you rise?

2 SENATOR GRIFFO: Mr. President, I
3 believe there's an amendment at the desk. I
4 would waive the reading of that amendment and ask
5 that you call upon Senator Flanagan to be
6 recognized for an explanation.

7 ACTING PRESIDENT BAILEY: Thank
8 you, Senator Griffio.

9 Upon review of the amendment, in
10 accordance with Rule 6, Section 4B, I rule it
11 nongermane and out of order at this time.

12 SENATOR GRIFFO: Accordingly, I
13 appeal the ruling of the chair and ask that
14 Senator Flanagan be called upon and heard.

15 ACTING PRESIDENT BAILEY: The
16 appeal has been made and recognized, and
17 Senator Flanagan may be heard.

18 Senator Flanagan.

19 SENATOR FLANAGAN: Thank you,
20 Mr. President. And thank you, Senator Griffio.

21 I will be brief but sincere. The
22 guts of this bill is a bill that we passed
23 previously. There is a fund in the State of
24 New York which we grew to \$69 million, the
25 Electric Generating Facility Mitigation Fund.

1 This legislation would expand those eligible
2 entities to include school districts and to allow
3 for a school district tax stabilization reserve
4 fund for districts that find themselves on the
5 short end of a massive tax certiorari proceeding.

6 This is a statewide bill. It allows
7 for access from school districts all across the
8 State of New York.

9 On Long Island, and in particular in
10 my hometown of Huntington, there is an
11 extraordinarily egregious and acute set of
12 circumstances that is facing the Town of
13 Huntington, the Northport School District, the
14 taxpayers of all the school districts in
15 Huntington. It affects Senator LaValle, affects
16 Senator Gaughran, affects Senator Kaminsky,
17 effects a number of colleagues on Long Island but
18 also in the State of New York. And this is not a
19 case of first impression.

20 The magnitude of this issue is such
21 that the pending court case that involves LIPA
22 suing these entities could have an impact on the
23 low end of \$500 million and, as time moves on,
24 upwards of seven, eight, \$900 million in back
25 taxes that would have to be paid immediately.

1 If that were to be the case and we
2 didn't do something like this to help ameliorate
3 that situation, the community of Huntington or
4 the Township of Huntington and the Northport
5 School District will be absolutely devastated.
6 Absolutely devastated.

7 It will also adversely affect the
8 County of Suffolk, who would have to front this
9 money and then charge it back to the people who
10 live in the Town of Huntington.

11 This is serious business. There is
12 a pending court case. There is an ongoing trial
13 right now. And I hope some of my colleagues
14 never find themselves in this situation, but it
15 has happened in other communities across the
16 State of New York. But all of them put together
17 would pale in comparison to what is pending in
18 this litigation right now.

19 The Town of Huntington, in a
20 bipartisan capacity, unanimously has supported
21 this bill. We have worked on this in the past.
22 And this is sort of a preventive measure in light
23 of what may happen. Because I guarantee you
24 while this may not seem to affect everyone right
25 now, if this court case goes the way a lot of

1 people are talking about, I'm talking about the
2 utter devastation of several major communities on
3 Long Island.

4 I bring this with the utmost
5 sincerity. I hope that the body would consider
6 it. And if we don't consider it now, we'll be
7 back here someday considering it under much more
8 dire circumstances.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BAILEY: Thank
11 you, Senator Flanagan.

12 I want to remind the house that the
13 vote is on the procedures of the house and the
14 ruling of the chair.

15 Those in favor of overruling the
16 chair signify by saying.

17 (Response of "Aye.")

18 SENATOR GRIFFO: Show of hands,
19 please.

20 ACTING PRESIDENT BAILEY: A show of
21 hands has been requested and so ordered.

22 (Show of hands.)

23 THE SECRETARY: Ayes, 22.

24 ACTING PRESIDENT BAILEY: The
25 ruling of the chair stands, and the bill-in-chief

1 is before the house.

2 Senator Griffo.

3 SENATOR GRIFFO: I'd ask that you
4 recognize Senator Ranzenhofer, please.

5 ACTING PRESIDENT BAILEY: Senator
6 Ranzenhofer.

7 SENATOR RANZENHOFER: Thank you,
8 Mr. President. Will the sponsor yield for a few
9 questions?

10 ACTING PRESIDENT BAILEY: Senator
11 Ramos, do you yield?

12 SENATOR RAMOS: Yes, Mr. President.

13 SENATOR RANZENHOFER: Thank you,
14 Senator.

15 Through you, Mr. President, if the
16 sponsor could give an explanation and just
17 explain what the purpose of this legislation is.

18 SENATOR RAMOS: Mr. President, the
19 purpose of this bill is to codify Executive Order
20 Number 26, which was signed in 2011. But
21 unfortunately, translation services have been
22 denied to approximately 42 percent of claimants
23 before the Workers' Compensation Board.

24 This bill is about accountability
25 and transparency and ensuring that there is a

1 coordinator on hand who is tracking to ensure
2 that these hearings are translated appropriately
3 and ensuring that every single claimant who is
4 heard before the Workers' Compensation Board is
5 understanding of their rights.

6 SENATOR RANZENHOFER: Will the
7 sponsor will continue to yield?

8 ACTING PRESIDENT BAILEY: Does the
9 sponsor yield?

10 SENATOR RAMOS: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR RANZENHOFER: What is the
14 current Workers' Compensation Board policy on
15 this issue?

16 SENATOR RAMOS: The current policy
17 is according to Executive Order 26, that compels
18 the Workers' Compensation Board to provide
19 translation.

20 Again, the purpose of this bill is
21 to codify that to ensure that translation
22 services are actually being offered and carried
23 out for the claimants.

24 SENATOR RANZENHOFER: Will the
25 sponsor continue to yield?

1 ACTING PRESIDENT BAILEY: Does the
2 sponsor yield?

3 SENATOR RAMOS: Yes, Mr. President.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR RANZENHOFER: Does your
7 bill require that all the necessary forms be
8 printed in the various languages?

9 SENATOR RAMOS: Yes, Mr. President,
10 it requires that all documents are printed in the
11 top six non-English languages in our state.

12 SENATOR RANZENHOFER: If the
13 sponsor will continue to yield, Mr. President.

14 ACTING PRESIDENT BAILEY: Does the
15 sponsor yield?

16 SENATOR RAMOS: Yes, Mr. President.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR RANZENHOFER: In looking at
20 the Workers' Compensation Board website, I notice
21 that all the forms are already in different
22 languages. So my question is doesn't the board
23 already provide forms in different languages for
24 claimants that appear before the board?

25 SENATOR RAMOS: Again, the purpose

1 of this bill is to codify what is suggested in
2 Executive Order 26. And beyond that, ensuring
3 that there is a person tasked with tracking and
4 ensuring that the Workers' Compensation Board is
5 in compliance and helping claimants understand
6 their rights.

7 SENATOR RANZENHOFER: Will the
8 sponsor continue to yield?

9 ACTING PRESIDENT BAILEY: Does the
10 sponsor yield?

11 SENATOR RAMOS: Yes, Mr. President.

12 ACTING PRESIDENT BAILEY: The
13 Senator yields.

14 SENATOR RANZENHOFER: Senator, what
15 is the difference between your bill and the
16 current Workers' Compensation Board policy?

17 SENATOR RAMOS: Mr. President, the
18 difference between my bill and the current policy
19 is ensuring that there is a coordinator who is in
20 charge of ensuring that claimants are receiving
21 interpretation services.

22 As of right now, approximately
23 42 percent, based on numbers that we have from
24 2017, which is the latest data, have not received
25 appropriate interpretation before the Workers'

1 Compensation Board.

2 SENATOR RANZENHOFER: If the
3 Senator will continue to yield.

4 ACTING PRESIDENT BAILEY: Does the
5 sponsor yield?

6 SENATOR RAMOS: Yes, Mr. President.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR RANZENHOFER: Would it be
10 correct to say that your bill requires that this
11 take place, these interpretive languages and
12 translators for hearings, take place in the six
13 most common languages? Is that correct?

14 SENATOR RAMOS: That is correct,
15 Mr. President.

16 SENATOR RANZENHOFER: And if the
17 sponsor will continue to yield.

18 ACTING PRESIDENT BAILEY: Does the
19 sponsor yield?

20 SENATOR RAMOS: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR RANZENHOFER: Is the
24 sponsor aware that under current board policy,
25 that the board currently provides this service

1 for the eight most common languages?

2 SENATOR RAMOS: Yes. But again,
3 Mr. President, it has not been effective. And
4 the purpose of this bill is to codify and ensure
5 that claimants are in complete understanding of
6 their rights.

7 Unfortunately, we even know that
8 hearings have not been translated in their
9 entirety. So this is to ensure that there's more
10 accountability for all parties involved in these
11 Workers' Compensation Board hearings.

12 SENATOR RANZENHOFER: If the
13 sponsor will continue to yield.

14 ACTING PRESIDENT BAILEY: Does the
15 sponsor yield?

16 SENATOR RAMOS: Yes, Mr. President.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR RANZENHOFER: Obviously a
20 law, if enacted, would have more force and effect
21 than a policy. So if this law limits it to six
22 languages, what two languages are you proposing
23 be eliminated so claimants in those languages
24 would no longer have any availability for those
25 services?

1 SENATOR RAMOS: The board would not
2 be required to limit themselves to those six.
3 What we're doing is ensuring that the top six are
4 provided. We're not sure what the other two
5 remaining languages would be. But nevertheless,
6 the board would still have the discretion to
7 provide interpretation in the languages that are
8 not as common as the others.

9 SENATOR RANZENHOFER: If the
10 sponsor will continue to yield.

11 ACTING PRESIDENT BAILEY: Does the
12 sponsor yield?

13 SENATOR RAMOS: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR RANZENHOFER: Obviously
17 when an administrative board is looking at state
18 law, they are bound by what the language of the
19 statute says.

20 So would the sponsor consider
21 amending her bill so it's clear to the Workers'
22 Compensation Board that they should consider all
23 the eight languages which are currently existing,
24 rather than giving them the option of eliminating
25 two as is specifically directed under this bill?

1 SENATOR RAMOS: No, Mr. President.

2 SENATOR RANZENHOFER: Another
3 question that I have -- if the sponsor will
4 continue to yield.

5 ACTING PRESIDENT BAILEY: Are you
6 asking the sponsor to yield?

7 SENATOR RANZENHOFER: Yes. I did.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR RAMOS: Yes, Mr. President.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR RANZENHOFER: Thank you.

14 The question is I have is right now
15 under your bill are you requiring, under this
16 particular legislation, that an interpreter be at
17 all of the proceedings that are held before the
18 Workers' Compensation Board?

19 SENATOR RAMOS: Mr. President, this
20 bill does not require in-person translation,
21 although that would be preferable. What we are
22 asking is that translation be provided, whether
23 it be through various telecommunication
24 mediums -- but again, ensuring that translation
25 is actually provided in all hearings in its

1 entirety.

2 SENATOR RANZENHOFER: If the
3 sponsor will continue to yield.

4 ACTING PRESIDENT BAILEY: Does the
5 sponsor yield?

6 SENATOR RAMOS: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR RANZENHOFER: The sponsor
10 has alluded to some pretty alarming statistics
11 that the way things are right now are really not
12 very good -- in fact, pretty devastating. And as
13 I'm sure the Senator knows, that the Workers'
14 Compensation Board is really an arm of the
15 Governor, because he has the majority of the
16 appointments for the board. And obviously there
17 are other bodies that make appointments as well.

18 Are you suggesting that the Workers'
19 Compensation Board, under the Governor's
20 direction and appointments, is not living up to
21 the executive order both in spirit and in actual
22 providing of services?

23 SENATOR RAMOS: That is correct,
24 Mr. President. Zero out of 51 hearings in which
25 interpretation services were provided denied full

1 translation of the entire hearing. And again,
2 42 percent of claimants did not receive
3 interpretation services as requested.

4 SENATOR RANZENHOFER: And those are
5 all the questions I have. Thank the Senator for
6 her answers. Thank you very much.

7 SENATOR RAMOS: Thank you.

8 ACTING PRESIDENT BAILEY: Thank
9 you, Senator Ranzenhofer.
10 Are there any other Senators wishing
11 to be heard?

12 Seeing and hearing none, the debate
13 is closed, the Secretary will ring the bell.

14 Senator Serrano.

15 SENATOR SERRANO: Mr. President, I
16 am asking for unanimous consent to restore this
17 bill to the noncontroversial calendar.

18 ACTING PRESIDENT BAILEY: Without
19 objection, so ordered.

20 SENATOR SERRANO: Thank you.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect on the 90th day after it
25 shall have become a law.

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Senator
5 Ramos to explain her vote.

6 SENATOR RAMOS: Thank you,
7 Mr. President.

8 Before running for office, I was the
9 director of Latino media for the City of
10 New York. And I cannot stress enough how
11 important it is that every single New Yorker, no
12 matter what language they are, no matter what the
13 status of their -- what their immigration status
14 is, understand exactly what their rights are,
15 especially as it pertains to their work.

16 In fact, my first job ever was at a
17 law firm on Roosevelt Avenue and 83rd Street in
18 my district, where we specialized in Labor Law
19 cases. And one particular case comes to mind. A
20 gentleman who came had fallen off of a scaffold,
21 had appeared before the Workers' Compensation
22 Board unrepresented, and had actually been denied
23 payments that were rightfully owed to him and his
24 family.

25 So this bill specifically would

1 ensure that every single person understands their
2 rights, understands the legalese that is often
3 spoken by the Workers' Compensation Board, so
4 that they can understand the status of their case
5 and hopefully win settlements and therefore avoid
6 litigation.

7 So I want to thank the body for
8 hearing the bill today, and I look forward to its
9 passage.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BAILEY: Senator
12 Ramos to be recorded in the affirmative.

13 Senator May to explain her vote.

14 SENATOR MAY: Thank you.

15 I want to thank Senator Ramos for
16 advancing this bill and my colleagues for
17 supporting it.

18 As a former teacher of one of these
19 foreign languages, I have served in an informal
20 capacity many times as an interpreter for people
21 who were trying to navigate these very complex
22 issues. And it is unbelievably important that
23 they have this support. And I challenge anyone
24 in this room who is monolingual in English to
25 think how you would manage if you found yourself

1 in another country where English was not the
2 language, how you would navigate these kinds of
3 complex legal issues that affected your very
4 availability to hold a job or to support your
5 family.

6 So this is really important work
7 we're doing, and I thank you, Senator Ramos, for
8 putting it forward.

9 Thank you.

10 ACTING PRESIDENT BAILEY: Senator
11 May to be recorded in the affirmative.

12 Senator Akshar to explain his vote.

13 SENATOR AKSHAR: Mr. President,
14 thank you.

15 I just want to remind this body that
16 a couple of years ago we worked in a bipartisan
17 effort and put a tremendous amount of work into
18 reforming a broken workers' compensation system.
19 A system that I would kindly remind all of you
20 collects \$10 billion a year, and only 49 percent
21 of that money is going to the injured worker.

22 So while I heard today that the bill
23 codifies an executive order, I am respectfully
24 offering that this bill is creating additional
25 burdens, which ultimately increase costs and

1 which will ultimately increase premiums. So in
2 that respect, it runs counterproductive to
3 everything that we sought to do in the reforms.

4 So if the goal of this body is to
5 continue to drive business from this state, I
6 would say that we will continue to be successful
7 if we put forth policy like this.

8 So I, for one, today am choosing to
9 stand with the hardworking men and women who
10 choose to do business in this state, those same
11 men and women who continue to gut it out day
12 after day, week after week, month after month,
13 and struggle on Main Street, New York, to pay
14 their property taxes, their insurance premiums,
15 and make their payroll every week.

16 I'll be voting no, Mr. President.
17 Thank you.

18 ACTING PRESIDENT BAILEY: Thank
19 you, Senator Akshar.

20 Senator Akshar to be recorded in the
21 negative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 223, those Senators recorded in
25 the negative are Senators Akshar, Amedore,

1 Antonacci, Helming, Jordan, Lanza, Little,
2 O'Mara, Ortt, Ranzenhofer, Serino and Tedisco.

3 Ayes, 50. Nays, 12.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 Senator Serrano.

7 SENATOR SERRANO: I'd like to
8 congratulate Senator Ramos on passing her first
9 bill in this house.

10 (Standing ovation.)

11 ACTING PRESIDENT BAILEY: Senator
12 Serrano, that completes the reading of today's
13 calendar.

14 SENATOR SERRANO: I would like to
15 announce that there will be an immediate meeting
16 of the Majority Conference in the Majority
17 Conference Room.

18 Is there any further business at the
19 desk?

20 ACTING PRESIDENT BAILEY: There is
21 no further business at the desk.

22 SENATOR SERRANO: That being the
23 case, Mr. President, I move that we adjourn until
24 Tuesday, March 12th, at 3:00 p.m.

25 ACTING PRESIDENT BAILEY: On

1 motion, the Senate stands adjourned until

2 Tuesday, March 12th, at 3:00 p.m.

3 (Whereupon, at 4:16 p.m., the Senate
4 adjourned.)

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