

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 March 14, 2019

11 11:23 a.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR LUIS R. SEPÚLVEDA, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT SEPÚLVEDA: 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 SEPÚLVEDA: In the
9 absence of clergy, I ask that everyone bow their
10 head in a moment of silent reflection or prayer.

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

13 ACTING PRESIDENT SEPÚLVEDA: The
14 reading of the Journal.

15 THE SECRETARY: In Senate,
16 Wednesday, March 13, 2019, the Senate met
17 pursuant to adjournment. The Journal of Tuesday,
18 March 12, 2019, was read and approved. On
19 motion, Senate adjourned.

20 ACTING PRESIDENT SEPÚLVEDA:
21 Without objection, the Journal stands approved as
22 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 Gianaris.

7 SENATOR GIANARIS: Mr. President,
8 on behalf of Senator Addabbo, on page 15 I offer
9 the following amendments to Calendar 198,
10 Senate Print 3078, and ask that said bill retain
11 its place on the Third Reading Calendar.

12 ACTING PRESIDENT SEPÚLVEDA: The
13 amendments are received, and the bill will retain
14 its place on the Third Reading Calendar.

15 SENATOR GIANARIS: I now move to
16 adopt the Resolution Calendar.

17 ACTING PRESIDENT SEPÚLVEDA: All in
18 favor of adopting the Resolution Calendar please
19 signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT SEPÚLVEDA:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT SEPÚLVEDA: The
25 Resolution Calendar is adopted.

1 Senator Gianaris.

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

4 Can we now take up the reading of
5 the calendar.

6 ACTING PRESIDENT SEPÚLVEDA: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 129, Senate Print 435, by Senator Hoylman, an act
10 to amend the Tax Law.

11 ACTING PRESIDENT SEPÚLVEDA: Read
12 the last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the first of January
15 next succeeding the date upon which it shall have
16 become a law.

17 ACTING PRESIDENT SEPÚLVEDA: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT SEPÚLVEDA: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 192, Senate Print 1799, by Senator Rivera, an act
25 to amend the Public Health Law.

1 ACTING PRESIDENT SEPÚLVEDA: Read
2 the last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect on the first of January
5 next succeeding the date on which it shall have
6 become a law.

7 ACTING PRESIDENT SEPÚLVEDA: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT SEPÚLVEDA:
11 Announce the results.

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT SEPÚLVEDA: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 245, Senate Print 3543, by Senator Salazar, an
17 act to amend the Insurance Law.

18 ACTING PRESIDENT SEPÚLVEDA: Read
19 the last section.

20 THE SECRETARY: Section 4. This
21 act shall take effect on the same date and in the
22 same manner as a chapter of the Laws of 2019.

23 ACTING PRESIDENT SEPÚLVEDA: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT SEPÚLVEDA:

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar Number 245, those Senators recorded in
5 the negative are Senators Antonacci, Felder,
6 Funke, Gallivan, Helming, Jordan, Lanza, Ortt,
7 Ranzenhofer and Ritchie. Also Senator Tedisco.

8 Ayes, 49. Nays, 11.

9 ACTING PRESIDENT SEPÚLVEDA: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 249, Senate Print 3637, by Senator Breslin, an
13 act to amend the Insurance Law.

14 ACTING PRESIDENT SEPÚLVEDA: Read
15 the last section.

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

18 ACTING PRESIDENT SEPÚLVEDA:
19 Announce the results.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT SEPÚLVEDA: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 251, Senate Print 4081, by Senator Skoufis, an

1 act to amend the Insurance Law.

2 ACTING PRESIDENT SEPÚLVEDA: Read
3 the last section.

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

6 ACTING PRESIDENT SEPÚLVEDA: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SEPÚLVEDA:
10 Announce the results.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT SEPÚLVEDA: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 258, Senate Print 4413, by Senator Metzger, an
16 act to amend the Labor Law.

17 ACTING PRESIDENT SEPÚLVEDA: Read
18 the last section.

19 THE SECRETARY: Section 3. This
20 act shall take effect on the same date and in the
21 same manner as a chapter of the Laws of 2019.

22 ACTING PRESIDENT SEPÚLVEDA: Call
23 the roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: In relation to

1 Calendar Number 258, those Senators recorded in
2 the negative are Senators Antonacci, Funke,
3 Gallivan, Jordan, Lanza, O'Mara, Ortt and
4 Tedisco.

5 Ayes, 52. Nays, 8.

6 ACTING PRESIDENT SEPÚLVEDA: The
7 bill is passed.

8 Senator Gianaris, that completes the
9 the reading of today's calendar.

10 SENATOR GIANARIS: Mr. President,
11 can we return to motions and resolutions and take
12 up previously adopted Resolution 392, read it in
13 its entirety, and call on Senator Breslin to
14 speak.

15 ACTING PRESIDENT SEPÚLVEDA:
16 Motions and resolutions.

17 The Secretary will read.

18 THE SECRETARY: Senate Resolution
19 392, by Senator Breslin, memorializing Governor
20 Andrew M. Cuomo to proclaim May 2019 as Labor
21 History Month in the State of New York.

22 "WHEREAS, For centuries, the
23 American labor movement has served as a force for
24 economic and social progress in these
25 United States; and

1 "WHEREAS, Prior to the formation in
2 1881 of a nationwide labor movement in the
3 United States, safe working conditions, regular
4 working hours, reasonable workdays, decent wages,
5 paid holidays, and vacations were utopian dreams,
6 while such benefits as emergency and family leave
7 were almost unimaginable; and

8 "WHEREAS, The struggle of American
9 workers against appalling working conditions,
10 exemplified by those that caused disasters like
11 the 1911 Triangle Shirtwaist Fire, has played an
12 important role in improving American life
13 through the establishment of health and safety
14 standards and OSHA; and

15 "WHEREAS, Labor history reveals the
16 vital role of labor unions in the establishment
17 of the eight-hour day, the 40-hour workweek,
18 unemployment insurance, workmen's compensation,
19 old age pensions, protection for the sick,
20 equal employment opportunity, and prohibition of
21 child labor, as well as in the passage of the
22 Wagner Act and of legislation banning
23 discrimination in employment; and

24 "WHEREAS, Labor history shows that
25 American workers were in the forefront of the

1 effort to make free public education available to
2 all children regardless of geography, or social
3 and economic status; and

4 "WHEREAS, The American labor
5 movement, as recognized by the Reverend Martin
6 Luther King, Jr., has been a strong supporter of
7 civil rights for all Americans, regardless of
8 race, color, or creed; and

9 "WHEREAS, The American labor
10 movement has been a vigorous proponent of
11 democracy and civil liberties at home and around
12 the world, as well as a vigorous opponent of all
13 forms of dictatorship; and

14 "WHEREAS, Democracy and freedom can
15 succeed only if there are free, democratic, and
16 independent institutions, including labor unions;
17 and

18 "WHEREAS, The State of New York has
19 played a crucial role in the development and
20 passage of federal laws and regulations that
21 establish and expand the rights of workers to
22 bargain collectively and to work in environments
23 free of chemical and other hazards to life and
24 limb; now, therefore, be it

25 "RESOLVED, That this Legislative

1 Body pause in its deliberations to memorialize
2 Governor Andrew M. Cuomo to proclaim May 2019, as
3 Labor History Month in the State of New York, and
4 to celebrate the diverse achievements of the
5 American labor movement; and be it further

6 "RESOLVED, That copies of this
7 resolution, suitably embossed, be transmitted to
8 the Honorable Andrew M. Cuomo, Governor of the
9 State of New York, and publicized in all New York
10 State institutions."

11 ACTING PRESIDENT SEPÚLVEDA:
12 Senator Breslin on the resolution.

13 SENATOR BRESLIN: Thank you very
14 much, Mr. President.

15 I rise to applaud the Governor for
16 naming May as Labor History Month.

17 Back in the late 19th century, a
18 worker had a hard time going to work and not
19 being injured. Didn't get time off. There
20 weren't vacations. There weren't pensions. And
21 on and on and on. And labor unions began to
22 protect those workers and make a difference in
23 their lives. And governments responded
24 accordingly by passing laws that assisted the
25 protection of those workers.

1 And now we're in a position where
2 sometimes we might say to ourselves, as George
3 Santayana once said, "He who forgets the past is
4 doomed to repeat it." And that's why we have
5 programs in schools to talk about the labor
6 movement and how it was created, how it exists
7 and what happened in the past. And to remember
8 the past. Because if we remember the past, it
9 won't happen again.

10 So I'm joined here today by a number
11 of Capital District labor leaders: Mark
12 Emanatian -- please stand, Mark -- from the
13 Capital District Area Labor Federation. Paul
14 Pecorale, of the New York State United Teachers.
15 Paul? Tony McCann, Anthony McCann, from the
16 New York State United Teachers. Kara Garbarino,
17 from the Capital District Area Labor Federation.
18 Larry Wittner, from the Executive Committee of
19 the Albany County Federation of Labor. And Herb
20 Hyde -- Herb? -- vice president of the New York
21 State Alliance of Retired Americans.

22 All of the people I just mentioned
23 have been integrally involved in making sure we
24 don't forget what laborers went through some
25 hundred years ago. And they continue to cry out

1 that the protection of the worker is critically
2 important to the American and the New York State
3 fabric.

4 So again, May is Labor History
5 Month. We all should think about what it once
6 was and how lucky we are to have people like the
7 six people standing above me to make sure we
8 remember.

9 Thank you, Mr. President.

10 ACTING PRESIDENT SEPÚLVEDA:
11 Senator Savino on the resolution.

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

14 I want to thank Senator Breslin for
15 bringing this resolution and asking the Governor
16 to commemorate May as Labor History Month. It's
17 so critically important, particularly now as
18 unions and labor in general have been facing
19 attacks across the country.

20 You know, labor history is -- it's
21 an interesting thing. It actually dates back to
22 the medieval craft guilds: Workers banding
23 together for mutual aid and protection. That's
24 how long working people have been trying to find
25 ways to come together to improve their conditions

1 for themselves.

2 Labor history happens every day.
3 Labor history happened in this chamber many, many
4 times. The resolution referenced the passage of
5 the National Labor Relations Act, which
6 established collective bargaining rights for
7 working people across this country. But long
8 before that was done, the person who signed that
9 bill, FDR, served as a member of this chamber, as
10 a New York State Senator.

11 And while they were here, we saw
12 things happening like the first child labor laws
13 were enacted by New York State. The first
14 factory safety standards were enacted by New York
15 State. So New York State has led on labor
16 history and continues to do so.

17 Just last -- in fact, collective
18 bargaining laws for public employees was born in
19 this chamber when the Taylor Law was adopted.

20 Just last year this chamber, joining
21 with the Assembly and the Governor, enacted
22 legislation to protect an assault on
23 public-sector collective bargaining rights that
24 was brought by the enemies of labor, who never
25 sleep. They have been working across the country

1 to undermine the supports of organized labor.
2 And we passed a bill to protect public-sector
3 workers so that they will not be undermined.

4 We're going to do that again in this
5 budget. We're going to extend further
6 protections so that the enemies of labor, who are
7 trying to manipulate workers and convince them
8 that they don't need organized unions to
9 represent them, that they should give up that
10 representation. We're not going to let them have
11 access to their information so that they can
12 manipulate them.

13 So labor history has been going on
14 for centuries. Labor history has been made in
15 this building. Labor history is happening right
16 now, and it will continue.

17 But I will say one other thing.
18 It's nice that we're designating May as Labor
19 History Month with a resolution, but what we
20 really should be doing is adding labor history to
21 the curriculum in our elementary and secondary
22 schools. Because people really don't learn
23 enough about it. They don't know the history of
24 workers' rights and the workers' struggles and
25 how we got where we are.

1 And as Senator Breslin so eloquently
2 said, if you don't know your history, you are
3 doomed to repeat it.

4 Thank you, Mr. President.

5 ACTING PRESIDENT SEPÚLVEDA:
6 Senator Ramos on the resolution.

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

9 I rise as the proud daughter of
10 labor and the chair of the Senate Labor Committee
11 to thank Senator Breslin for bringing this
12 resolution before us today.

13 This month does commemorate the
14 anniversary of the Triangle Shirtwaist Factory
15 Fire, where many women -- many people, but mostly
16 women perished because the factory owners had
17 bolt-locked the door, preventing them from
18 leaving their workplace, especially when the fire
19 took place.

20 It did result in a number of reforms
21 that are included in the resolution. It resulted
22 in ensuring that the Fire Department of the City
23 of New York actually have ladders tall enough to
24 reach the highest floors of the buildings,
25 especially as skyscrapers began to appear in

1 New York City.

2 And in May we celebrate it as Labor
3 History Month because of the Haymarket Square
4 incident that took place, where governments
5 really were attacking people who were organizing
6 in order to ensure that there were eight hours of
7 work, eight hours of sleep, and eight hours of
8 leisure.

9 And that's something that I feel
10 very strongly we should revisit. It's actually
11 pretty funny that former President Nixon had
12 predicted that by now we would have amended the
13 number of hours that we work as a society. But
14 really what we've seen is in this new gilded age
15 a trend towards underemployment where people are
16 working longer hours with fewer protections, more
17 jobs, spending less time with their family,
18 caring less about their own health.

19 So these are things that I think as
20 a body we should begin to address very seriously.
21 And I want to again just thank Senator Breslin
22 and hope that Governor Cuomo understands how
23 important it is that we talk about labor rights
24 and we continue to protect our workforce and we
25 lift the floor, especially as more black and

1 brown people are the ones who are suffering under
2 some of the worst labor conditions.

3 Thank you.

4 ACTING PRESIDENT SEPÚLVEDA:
5 Senator Sanders on the resolution.

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

8 I want to thank and commend the
9 sponsor, Senator Breslin, for being so forthright
10 and having such foresight to bring this forward.

11 I also want to commend the labor
12 leaders -- heroes all -- that he has gathered
13 together.

14 I understand that Samuel Gompers
15 said it best. He said an attack on labor
16 anywhere is an insult to labor everywhere. And
17 these are things that we should take to heart.
18 We should understand this as we remember this
19 day.

20 Labor at its best unites the human
21 family -- brings everybody together, provides for
22 a better life for all. Labor, when it opens its
23 doors to all, creates these things. I know this
24 personally. I remember when my mother became a
25 member of 1199. I saw it on the dinner table; I

1 saw a variety that I had not seen before. I saw
2 it when I discovered that you can have two pair
3 of shoes. Imagine that. I saw it in a literal
4 sense. I have experienced and been blessed by
5 those things. And when I was in DC 37, I helped
6 to make these things for other people.

7 May Day, of course, is the
8 International Day of the Worker, May the 1st.
9 And that's the day that the workers of the world
10 mark and say that this is ours, that we are here,
11 that we are real, that we're not going away, and
12 that we will have a better life on this world as
13 we prepare for the next one.

14 So I'm glad to join with my
15 colleagues in standing and saying that not only
16 are we for labor, but we have been benefited by
17 labor on a personal level. And that we
18 understand that what is happening in -- what's
19 driving people from Latin America and other
20 places is a question of labor, and we need to
21 solve that if we're going to solve any of these
22 problems that beset us currently.

23 So, Mr. President, I want to thank
24 you and of course again pay homage to the sponsor
25 of this resolution, Senator Breslin.

1 Thank you very much.

2 ACTING PRESIDENT SEPÚLVEDA:

3 Senator May on the resolution.

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

6 I also want to thank Senator Breslin
7 for this resolution, and echo what Senator Savino
8 said about the importance of teaching labor
9 history.

10 I think our children need to
11 understand how important this is to American
12 history, to state history, to regional history.

13 I also want to mention that here in
14 New York we have a unique institution, the
15 College of Industrial and Labor Relations at
16 Cornell University, which is part of the land
17 grant portion of the university, so it's
18 supported by the state. And I'm proud that we
19 included support for it in our budget.

20 ILR was founded in 1945 to teach
21 people about labor history and labor relations
22 and labor organizing. And it is a very unusual
23 thing to have that in any state in the country.
24 So I'm proud that we have that. There are at
25 least 11,000 graduates of ILR worldwide, and they

1 are having an impact everywhere.

2 So the understanding of labor
3 history is something that we are committed to as
4 a state, and I am proud of that.

5 Thank you.

6 ACTING PRESIDENT SEPÚLVEDA:
7 Senator Jackson on the resolution.

8 SENATOR JACKSON: Thank you,
9 Mr. President and my colleagues.

10 I rise in order to congratulate our
11 colleague Senator Breslin from the Albany area in
12 putting forward this resolution in honor of labor
13 and the month of May.

14 I am a lifelong member of the
15 New York State Public Employees Federation, a
16 statewide government union that represents
17 approximately 54,000 professional, scientific and
18 technical employees in the State of New York.

19 But not for a union, I may not be
20 standing here like I am today, understanding that
21 the working condition of men and women in this
22 country has been brought about by unions
23 advocating for its members.

24 When we look at the country as a
25 whole, New York State is the point of unionism in

1 the country right now. And we have to hold that
2 in order for the working conditions, in order to
3 get time off, in order not to be fired without
4 cause, in order to deal with pensions and things
5 like that. All of that is extremely important.
6 And labor is the one that has been part of that
7 in the history of our country.

8 And so I stand here today and say
9 I'm so happy to be a labor member with the State
10 of New York, and I thank our colleague
11 Mr. Breslin, Senator Breslin, for putting forward
12 this resolution. And I just am so happy to be
13 labor overall.

14 ACTING PRESIDENT SEPÚLVEDA:
15 Senator Salazar on the resolution.

16 SENATOR SALAZAR: Thank you,
17 Mr. President.

18 I am proud to support this
19 resolution today, and I thank Senator Breslin for
20 introducing it.

21 In a moment when our federal
22 government is attacking organized labor, it's all
23 the more important that we remember our history.
24 And I am all the more proud to also be a union
25 member of UAW Local 1981.

1 I think it's important that we
2 remember our history, and want to also emphasize
3 the point that was made about teaching it to our
4 young people. I remember that in my own public
5 school textbook, labor history was concentrated
6 to a page or a paragraph.

7 This week also marked the
8 anniversary of the victory of immigrant workers,
9 many of whom were women, textile workers in the
10 Bread and Roses Strike in Massachusetts that went
11 on for two months in 1912. Every day there are
12 moments in history when we can note how the labor
13 movement -- how the labor movement achieved
14 victories for workers that many of us still enjoy
15 today.

16 So I'm proud to vote aye on this
17 resolution. Thank you.

18 ACTING PRESIDENT SEPÚLVEDA: Thank
19 you.

20 I remind members that the resolution
21 was previously adopted on February 11th.

22 And I want to welcome our guests.
23 Please rise and be recognized.

24 (Standing ovation.)

25 ACTING PRESIDENT SEPÚLVEDA:

1 Senator Gianaris.

2 SENATOR GIANARIS: Mr. President, I
3 think Senator Breslin would like to open this
4 resolution for cosponsorship.

5 ACTING PRESIDENT SEPÚLVEDA: The
6 resolution is open for cosponsorship. If you
7 choose not to be a cosponsor, please come to the
8 desk.

9 SENATOR GIANARIS: Mr. President,
10 on behalf of Senator Stewart-Cousins, after
11 consultation with Senator Flanagan, I hand up the
12 following committee and leadership assignments
13 for the Minority.

14 ACTING PRESIDENT SEPÚLVEDA: The
15 hand-ups are received and filed.

16 Senator Gianaris.

17 SENATOR GIANARIS: Is there any
18 further business at the desk?

19 ACTING PRESIDENT SEPÚLVEDA: There
20 is no further business at the desk.

21 SENATOR GIANARIS: That being the
22 case, I move to adjourn until Monday, March 18th,
23 at 3:00 p.m., intervening days being legislative
24 days.

25 ACTING PRESIDENT SEPÚLVEDA: On

1 motion, the Senate stands adjourned until Monday,
2 March 18th, at 3:00 p.m., intervening days being
3 legislative days.

4 (Whereupon, at 11:48 a.m., the
5 Senate adjourned.)
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25