

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 28, 2019

11 3:36 p.m.

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13
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT BENJAMIN: 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 BENJAMIN: In the
9 absence of clergy, let us bow our heads in a
10 moment of silent reflection or prayer.

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

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

15 THE SECRETARY: In Senate,
16 Wednesday, March 27, 2019, the Senate met
17 pursuant to adjournment. The Journal of Tuesday,
18 March 26, 2019, was read and approved. On
19 motion, Senate adjourned.

20 ACTING PRESIDENT BENJAMIN: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: On page number 21,

1 Senator Hoylman moves to discharge, from the
2 Committee on Children and Families, Assembly Bill
3 Number 460 and substitute it for the identical
4 Senate Bill 3999, Third Reading --

5 ACTING PRESIDENT BENJAMIN: Order
6 in the chamber, please. Order in the chamber.

7 THE SECRETARY: -- Third Reading
8 Calendar 351.

9 ACTING PRESIDENT BENJAMIN: The
10 substitution is so ordered.

11 THE SECRETARY: On page number 21,
12 Senator Kaplan moves to discharge, from the
13 Committee on Judiciary, Assembly Bill 3487 and
14 substitute it for the identical Senate Bill 4622,
15 Third Reading Calendar 354.

16 ACTING PRESIDENT BENJAMIN: The
17 substitution is so ordered.

18 Messages from the Governor.

19 Reports of standing committees.

20 Reports of select committees.

21 Communications and reports from
22 state officers.

23 Motions and resolutions.

24 Senator Gianaris.

25 SENATOR GIANARIS: Please call on

1 Senator Griffo.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Griffo.

4 SENATOR GRIFFO: Mr. President, on
5 behalf of Senator Flanagan, I would move that the
6 following Senate Bill, 958, be discharged from
7 its respective committee and be recommitted with
8 instructions to strike the enacting clause.

9 ACTING PRESIDENT BENJAMIN: It is
10 so ordered.

11 Senator Gianaris.

12 SENATOR GIANARIS: Can we please
13 take up the reading of the calendar.

14 ACTING PRESIDENT BENJAMIN: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 334, Senate Print 1558, by Senator Serrano, an
18 act to amend the Parks, Recreation and Historic
19 Preservation Law.

20 ACTING PRESIDENT BENJAMIN: Read
21 the last section.

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

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 341, Senate Print 2746, by Senator Addabbo, an
9 act to establish a task force to study and make
10 recommendations on school safety.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

13 THE SECRETARY: Section 3. This
14 act shall take effect immediately.

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:

19 Senator Akshar to explain his vote.

20 SENATOR AKSHAR: Mr. President,
21 thank you.

22 While I am generally not in favor of
23 creating more task forces in the state -- I think
24 we have plenty of them -- I would just urge the
25 sponsor and everybody in this house, whatever the

1 findings of this task force are, I think it's
2 really incumbent upon us to act. I think people
3 throughout the state are tired of inaction that
4 comes by way of these task forces.

5 So this house passed many school
6 safety reforms last year; some everyone agreed
7 with, some didn't. My only suggestion is that we
8 do in fact take what this task force finds and
9 actually roll something out to protect the
10 students that I know that we all want to.

11 Thank you, Mr. President. I vote in
12 the affirmative.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Akshar to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 342, Senate Print 2797, by Senator Comrie, an act
21 to amend the Agriculture and Markets Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 351, Assembly Print 460, substituted earlier by
11 Assemblymember Paulin, an act to amend the
12 Domestic Relations Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

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

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 353, Senate Print 4591, by Senator Parker, an act
2 to establish a pilot program.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect on the 180th day after it
7 shall have become a law.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN: Senator
12 Little to explain her vote.

13 SENATOR LITTLE: Thank you,
14 Mr. President.

15 As a person who keeps a gluten-free
16 diet, I certainly look at this bill with a little
17 different look, a little different take on it.

18 I'm going to vote no because, for
19 one thing, you're going to require in four
20 cities -- none of which are in my district, and
21 that's good -- a person to be available all the
22 time, every moment that that is open, to be able
23 to accurately tell a person who asks, Is there
24 any gluten in this recipe or in this particular
25 food?

1 That takes on a liability, and it
2 really is not necessary. Gluten and celiac is
3 not normally a life-threatening disease. If you
4 wanted to label all foods whether they are
5 peanut-free, which can be life-threatening, that
6 is something I would consider.

7 But I have to ask the question in
8 this one, where are we headed? It says we're not
9 going to label any food. And certainly any food
10 that is gluten-free is labeled gluten-free. But
11 there are so many things that just never have
12 gluten in them. Gluten is like a wheat, rye,
13 barley and some other components.

14 This is just totally unnecessary,
15 expensive and I think starting down a path that
16 has some liability with it, and I'm not sure what
17 the outcome and the goal is really to achieve
18 here.

19 So I vote no.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Little to be recorded in the negative.

22 Senator Jackson to explain his vote.

23 SENATOR JACKSON: Thank you,
24 Mr. President and my colleagues.

25 I rise in support of this particular

1 bill. This is very personal to me. My grandson,
2 who's six years old, he's allergic to a lot of
3 wheat and stuff like that. And in fact
4 everywhere we go, no matter where we're going, to
5 the park or elsewhere, we carry a backpack with
6 the EpiPen in there just in case.

7 So when it comes to a pilot project
8 with state-owned cafeterias that are operated or
9 leased, let's do this pilot project and see.
10 This is not to put it in permanently in every
11 state-owned place. So a pilot project, I'm
12 willing to go with that.

13 But for someone who cares about
14 someone having an attack where I have to use an
15 EpiPen -- and you know the cost of EpiPens -- I
16 think that a pilot project is appropriate. So I
17 ask all of you to consider that, as if your
18 grandson was your grandson.

19 Thank you. I vote aye.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Jackson to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar 353, those recorded in the negative are
25 Senators Akshar, Amedore, Antonacci, Flanagan,

1 Funke, Gallivan, Griffo, Helming, Jacobs, Jordan,
2 Lanza, Little, Ortt, Serino and Seward.

3 Ayes, 43. Nays, 15.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 354, Assembly Bill Number 3487, substituted
8 earlier by Assemblymember Simon, an act to amend
9 the Domestic Relations Law.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect immediately.

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN: Senator
18 Funke to explain his vote.

19 SENATOR FUNKE: Thank you,
20 Mr. President, explaining my vote on this burning
21 issue of hyphens versus spaces on marriage
22 certificates -- for which, in five years here in
23 the Senate, I have not had one call from a
24 constituent on.

25 It seems -- with all due respect, it

1 seems like the silly season has extended into the
2 legislative session. If this is about making
3 modifications to changing your name on a marriage
4 license, why stop at spaces and hyphens? Why not
5 an @ sign? Even better, separate it with a
6 dollar sign, in case things don't work out and
7 you have a prenup. Or an emoji -- John Smith,
8 smiley face, Johnson.

9 The point is if hyphens have somehow
10 fallen out of favor, let's not stop at spaces.
11 Let's open it up all the way. I vote no, with an
12 exclamation point.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Funke to be recorded in the negative.

16 Senator Gianaris to explain his
17 vote.

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

20 I thought that was interesting that
21 my colleague used the word "silly" in his
22 remarks, because that's how I would describe his
23 vote explanation.

24 (Reaction.)

25 SENATOR GIANARIS: This is actually

1 a great example of how out of touch the Minority
2 is, which is why they're in the Minority. This
3 is an issue that women throughout our state are
4 dealing with on a daily basis, how to adjust to
5 the fact that they are independent people in
6 relationships and the norms of old have passed
7 by, for the better.

8 And so when women are trying to
9 choose whether to have a hyphen or a space, that
10 is not something to be ridiculed or compared to
11 using a dollar sign or an exclamation point.
12 It's about adjusting to the norms of society that
13 are changing, and changing for the better because
14 people are being treated more equally than ever.

15 So I proudly cast my vote in the
16 affirmative, and I encourage my colleagues to
17 think about how society is changing.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Gianaris to be recorded in the affirmative.

20 Senator Bailey to explain his vote.

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

23 I take some umbrage to that. I
24 guess it's because we haven't named many bridges
25 this session, and we've been doing some really

1 good legislative work. So I guess there's a
2 problem with name changes.

3 And I would align myself with the
4 comments of Senator Gianaris. And Senator
5 Kaplan, thank you for bringing this very
6 important bill to the floor.

7 I vote aye, Mr. President.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Bailey to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar 354, those recorded in the negative are
13 Senators Akshar and Funke.

14 Ayes, 57. Nays, 2.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 Senator Gianaris, that completes the
18 reading of today's calendar.

19 SENATOR GIANARIS: Thank you,
20 Mr. President. Is there any further business at
21 the desk?

22 ACTING PRESIDENT BENJAMIN: There
23 is no further business at the desk.

24 SENATOR GIANARIS: Well, as I pause
25 to recognize that on this glorious day both the

1 Mets and Yankees are winning right now, on the
2 first day of the season --

3 (Cheers, applause.)

4 SENATOR GIANARIS: -- I move that
5 we adjourn until tomorrow, Friday, March 29th, at
6 11:00 a.m.

7 ACTING PRESIDENT BENJAMIN: On
8 motion, the Senate stands adjourned until Friday,
9 March 29th, at 11:00 a.m.

10 (Whereupon, at 3:48 p.m., the Senate
11 adjourned.)

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