

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 June 23, 2015

11 3:59 p.m.

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13  
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 for the Pledge of Allegiance.

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

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

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

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

15 THE SECRETARY: In Senate, Monday,  
16 June 22nd, the Senate met pursuant to  
17 adjournment. The Journal of Sunday, June 21st,  
18 was read and approved. On motion, Senate  
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator DeFrancisco.

6 SENATOR DeFRANCISCO: Yes, thank  
7 you, Madam President.

8 On behalf of Senator Little, I move  
9 that the following bills be discharged from  
10 their respective committees and be recommitted  
11 with instructions to strike the enacting clause:  
12 Senate Print Numbers 515 and 3501A.

13 THE PRESIDENT: So ordered.

14 Senator DeFrancisco.

15 SENATOR DeFRANCISCO: I'm now  
16 handing up committee assignments. And have  
17 those been received?

18 THE PRESIDENT: Those have been  
19 received and filed with the Journal Clerk.

20 SENATOR DeFRANCISCO: Thank you,  
21 Madam President.

22 I'd like to call an immediate  
23 meeting of the Rules Committee in Room 332 and  
24 stand at ease until the report comes back from  
25 the Rules Committee.

1                   THE PRESIDENT:    There's an  
2   immediate meeting of the Rules Committee in  
3   Room 332 of the Capitol.

4                   The Senate will stand at ease.  
5                   (Whereupon, the Senate stood at  
6   ease at 4:01 p.m.)

7                   (Whereupon, the Senate reconvened  
8   at 4:16 p.m.)

9                   ACTING PRESIDENT CROCI:    Senator  
10   DeFrancisco.

11                   SENATOR DeFRANCISCO:  
12   Mr. President, it's my understanding that  
13   there's a report of the Rules Committee at the  
14   desk.

15                   ACTING PRESIDENT CROCI:    The  
16   Secretary will read.

17                   SENATOR DeFRANCISCO:    Thank you.

18                   THE SECRETARY:    Senator Flanagan,  
19   from the Committee on Rules, reports the  
20   following bills:

21                   Senate Print 983A, by Senator  
22   Montgomery, an act to amend the Correction Law;

23                   Senate 4494B, by Senator Dilan, an  
24   act to amend the Vehicle and Traffic Law;

25                   Senate 4495, by Senator Murphy, an

1 act to amend the Highway Law;

2 Senate 5990, by Senator Espaillat,

3 an act to amend the Public Authorities Law;

4 Senate 6000, by Senator Savino, an

5 act to amend the Elder Law;

6 Senate 6002, by Senator Funke, an

7 act to amend a chapter of the Laws of 2015;

8 Senate 6003, by Senator Hannon, an

9 act to amend the Public Health Law; and

10 Senate 6005, by Senator Young, an

11 act to authorize.

12 All bills reported direct to third

13 reading.

14 SENATOR DeFRANCISCO: I move to

15 accept the report of the Rules Committee.

16 ACTING PRESIDENT CROCI: All those

17 in favor of accepting the report of the Rules

18 Committee signify by saying aye.

19 (Response of "Aye.")

20 ACTING PRESIDENT CROCI: Opposed,

21 nay.

22 (No response.)

23 ACTING PRESIDENT CROCI: The report

24 is accepted.

25 Senator DeFrancisco.

1                   SENATOR DeFRANCISCO:     Since we  
2     don't have the bills quite yet, we can't go to  
3     the noncontroversial supplemental calendar. So  
4     we'll stand at ease, hopefully for a very short  
5     period of time.

6                   ACTING PRESIDENT CROCI:     The Senate  
7     will stand at ease.

8                   (Whereupon, the Senate stood at ease  
9     at 4:17 p.m.)

10                  (Whereupon, the Senate reconvened at  
11     4:22 p.m.)

12                  ACTING PRESIDENT CROCI:     The Senate  
13     will come to order.

14                  Senator DeFrancisco.

15                  SENATOR DeFRANCISCO:     Yes, can we  
16     go to motions and resolutions.

17                  And I move to adopt the Resolution  
18     Calendar, which is on the desks.

19                  ACTING PRESIDENT CROCI:     Motions  
20     and resolutions.

21                  The question is on the adoption of  
22     the Resolution Calendar. All in favor signify by  
23     saying aye.

24                  (Response of "Aye.")

25                  ACTING PRESIDENT CROCI:     Those

1       opposed, nay.

2                       (No response.)

3                       ACTING PRESIDENT CROCI:     The  
4       Resolution Calendar is adopted.

5                       Senator DeFrancisco.

6                       SENATOR DeFRANCISCO:     Yes,  
7       Mr. President, we now have the bills on the  
8       desks. And can we please do the noncontroversial  
9       reading of Supplemental Calendar 57A.

10                      ACTING PRESIDENT CROCI:     The  
11       Secretary will read.

12                      THE SECRETARY:     In relation to  
13       Calendar 1873, Senator Montgomery moves to  
14       discharge, from the Committee on Rules,  
15       Assembly Bill Number 6430A and substitute it for  
16       the identical Senate Bill 983A, Third Reading  
17       Calendar 1873.

18                      ACTING PRESIDENT CROCI:     The  
19       substitution is so ordered.

20                      The Secretary will read.

21                      THE SECRETARY:     Calendar Number  
22       1873, by Member of the Assembly Perry,  
23       Assembly Print Number 6430A, an act to amend the  
24       Correction Law.

25                      ACTING PRESIDENT CROCI:     Read the

1 last section.

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

4 ACTING PRESIDENT CROCI: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CROCI: Announce  
8 the results.

9 THE SECRETARY: Ayes, 55.

10 ACTING PRESIDENT CROCI: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1874, by Senator Dilan, Senate Print 4494B, an  
14 act to amend the Vehicle and Traffic Law.

15 ACTING PRESIDENT CROCI: Read the  
16 last section.

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

19 ACTING PRESIDENT CROCI: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT CROCI: Senator  
23 Stavisky to explain her vote.

24 SENATOR STAVISKY: Yes, to explain  
25 my vote, Mr. President.



1           The families who have lost children  
2     and parents in various vehicular accidents have  
3     been in touch with my office. And I'm going to  
4     vote for this bill, but that doesn't in any way  
5     diminish our concern for Vision Zero and for  
6     strong enforcement of the traffic rules.

7           Particularly, the family I have in  
8     mind particularly is H.P. and Amy Liao, who lost  
9     their daughter Allison to a terrible accident a  
10    number of years ago, and they are still in our  
11    thoughts.

12           And we want to be sure that we  
13    continue the vigilance that we have shown in the  
14    past. I vote aye.

15           Thank you, Mr. President.

16           ACTING PRESIDENT CROCI: Senator  
17    Stavisky to be recorded in the affirmative.

18           Senator Sanders to explain his vote.

19           SENATOR SANDERS: Thank you,  
20    Mr. President.

21           When the city proposed Vision Zero  
22    and we all accepted it, it was a way forward to  
23    make sure that we cut down on the fatalities that  
24    have wreaked havoc with so many families.

25           One unheard-of consequence of this

1 was the arrest of so many bus drivers on this.  
2 There must be a way to ensure that we do have  
3 Vision Zero, that we do make sure that we're  
4 cutting down on the fatalities and at the same  
5 time not criminalizing some of the great members  
6 of the middle class, some of the great people who  
7 move New York City and keep everything going.

8                   Having heard their pleas, how can I  
9 not vote yes on this matter?

10                   Thank you very much.

11                   ACTING PRESIDENT CROCI:    Senator  
12 Sanders to be recorded in the affirmative.

13                   Senator Dilan to explain his vote.

14                   SENATOR DILAN:    Mr. President, I  
15 rise to ask my colleagues to support me on this  
16 bill.

17                   This bill, it's only correcting a  
18 problem with Vision Zero, which I originally did  
19 support. And it's only fair that an accident is  
20 an accident. And this does not take the right  
21 away from the Police Department to arrest an  
22 individual who drives recklessly or commits  
23 multiple infractions.

24                   The only thing that this bill does  
25 is corrects and places MTA bus drivers similarly

1     situated with federal, state and city employees,  
2     who are now exempted in the case of an accident.  
3     So if after an investigation it is determined  
4     that a crime was committed, or an infraction, at  
5     that point in time the individual can be  
6     arrested.

7                     What this bill does, it ensures that  
8     a person is not humiliated or handcuffed at the  
9     scene of an accident.

10                    So I support this measure and ask my  
11   colleagues to do the same.

12                    Thank you.

13                    ACTING PRESIDENT CROCI:     Senator  
14   Dilan to be recorded in the affirmative.

15                    Senator Hassell-Thompson to explain  
16   her vote.

17                    SENATOR HASSELL-THOMPSON:    Thank  
18   you, Mr. President.

19                    I rise to support this bill.   And  
20   even though I have stood with the Department of  
21   Transportation in the Bronx -- particularly  
22   around Gun Hill Road and some of the areas where  
23   there are multiple accidents, where the  
24   streets are very, very wide and it's very  
25   difficult for our seniors and children to cross.

1                   But I do think that I have -- my  
2 observation of particularly our bus drivers as  
3 they move through the city is to put not only  
4 their passengers but pedestrians first and try to  
5 create safe environments. And I don't think that  
6 the implication that the Police Department has  
7 chosen to take in terms of these arrests really  
8 makes sense.

9                   Just -- and so that this -- but the  
10 bill creates some difficulties for many of us,  
11 because I'm not sure the same can be said for  
12 some of our livery and some of the other elements  
13 that are contained in this bill. That's what  
14 happens with an omnibus bill, we have -- it  
15 becomes ominous, as opposed to omnibus.

16                  But I have to support the bill,  
17 because I think that what has been happening in  
18 many of our communities is unfair to the people  
19 who are responsible for transporting us and  
20 making sure that we get safely from Point A to  
21 Point B.

22                  Thank you, Mr. President.

23                  ACTING PRESIDENT CROCI:    Senator  
24 Hamilton to explain his vote.

25                  SENATOR HAMILTON:    Yes,

1 Mr. President.

2 I rise to support this bill with my  
3 union brothers and sisters in TWU. I've been a  
4 union member all my life, and I understand what  
5 it takes to work within the system and do the  
6 right thing.

7 I want to thank Senator Dilan for  
8 producing this bill.

9 And I just want to say our members  
10 of TWU literally move this city. They get up  
11 every day before the sun rises, leave their  
12 children sleeping, to make sure our city --  
13 New York City is the most populated city in  
14 America. We move more people every day than any  
15 other city in America. And TWU workers do it  
16 with respect, distinction and dedication to their  
17 job.

18 And right now, as they move more  
19 people than anybody else in this state, you can't  
20 criminalize an accident. An accident is an  
21 accident. And no one should go to work fearful  
22 of being arrested on their job because of an  
23 accident.

24 There are timetables put before them  
25 by the MTA on getting people from A-B to Point Z

1 within a short period of time. And I think at  
2 this point in time if you're on the job and  
3 you're not drinking, you're not impaired by any  
4 other influence, you shouldn't be arrested or  
5 criminalized for getting into the accident.

6 So I support this bill in support of  
7 the TWU, and I want to thank Senator Dilan for  
8 putting this bill forward.

9 And I just want to say my  
10 brother-in-law is a bus driver, and he gets up to  
11 work every day, he loves his job. He's been spit  
12 on on his job, he's been punched in the face on  
13 his job, he's been verbally abused on his job,  
14 and no one's ever been arrested for those  
15 criminal acts against him. But he still loves  
16 his job. And he still goes to work every day.

17 And this is just a microcosm of what  
18 MTA TWU workers face every day when they get on  
19 the train and they get on the buses and perform  
20 their jobs. So I just want to say thank you for  
21 the MTA, and I support the TWU workers in this  
22 bill.

23 Thank you very much.

24 ACTING PRESIDENT CROCI: Senator  
25 Hamilton to be recorded in the affirmative.

1                   Senator Panepinto to explain his  
2     vote.

3                   SENATOR PANEPINTO:    Yes, I don't  
4     live in New York City, I don't ride MTA buses,  
5     but I've been a union member for 35 years. And I  
6     think it's wrong that we're treating, you know,  
7     union bus drivers differently than we're treating  
8     the rest of the citizens in the State of  
9     New York.

10                  And I just signed a box slip for  
11     Senator Dilan, I'm voting in the affirmative, and  
12     I want to thank him for bringing this bill  
13     forward. And we shouldn't be penalizing the  
14     hardworking men and women of the MTA.

15                  So I vote aye.

16                  ACTING PRESIDENT CROCI:    Senator  
17     Panepinto to be recorded in the affirmative.

18                  Senator Díaz to explain his vote.

19                  SENATOR DIAZ:    Thank you,  
20     Mr. President.

21                  I just rise to support Senator Dilan  
22     in this magnificent, tremendous, important piece  
23     of legislation.

24                  You know, I have never seen anyone  
25     trying to punish his own people except for the

1     mayor of the City of New York. The Honorable  
2     Bill de Blasio is trying to be a macho man,  
3     trying to show that he is the best. At what? I  
4     don't know what. Punishing the drivers of the  
5     buses of the City of New York.

6                 And by the way, the majority of  
7     those drivers are minorities, black and Hispanic.

8                 So, Mr. Mayor, macho man, you know,  
9     don't be that macho man. And understand that  
10    we -- we know and we want to stop accidents and  
11    we want to save lives in the City of New York.  
12    But the way that this mayor is doing it, he's  
13    punishing his own people. Those workers work for  
14    him. Those workers work for the mayor of the  
15    city that he's the boss. And he is punishing  
16    them.

17                So therefore I'm here today to  
18    reject that action from the mayor and to support  
19    Senator Dilan in this beautiful, magnificent,  
20    pro-worker, pro-drivers of the Metropolitan  
21    Transportation Authority piece of legislation.

22                I am voting yes. Thank you.

23                ACTING PRESIDENT CROCI: Senator  
24    Díaz to be recorded in the affirmative.

25                Senator Montgomery to explain her



1 vote.

2 SENATOR MONTGOMERY: Yes, thank  
3 you, Mr. President.

4 I rise to also thank my colleague  
5 Senator Dilan for this legislation.

6 This is really a very simple, I  
7 think, solution to a big problem that we have.  
8 It is unconscionable that we should have bus  
9 drivers arrested on the spot, unlike any other  
10 people who are unfortunately engaged in an  
11 accident, and without due process for them as  
12 drivers. So I certainly appreciate Senator  
13 Dilan's introducing this legislation.

14 And let me just say I live in a part  
15 of the city that is very, very congested,  
16 traffic-heavy, and with large numbers of streets  
17 that have been redesigned, reengineered, and in  
18 fact made much more difficult even to navigate  
19 with the smallest vehicle.

20 And you can well imagine what  
21 difficulty it is for bus drivers to navigate  
22 narrow streets, congested traffic, trying to make  
23 turns where unfortunately so many pedestrians in  
24 the City of New York do not consider the  
25 seriousness of the danger that they put

1 themselves in when they stand out in the street,  
2 when a vehicle of any size, much less a large  
3 vehicle like a bus or a truck, is making a turn,  
4 and in many instances they become invisible to  
5 that driver.

6                   So that's unfortunate. We have, I  
7 think, a lot of work to do, from both the  
8 perspective of the drivers but also from  
9 pedestrians being more responsible and certainly  
10 hopefully understanding the danger that they are  
11 in when they behave in certain ways.

12                   So while I am so very much in favor  
13 of many of the aspects of the Governor's plan to  
14 try to reduce accidents, this does not seem to  
15 fit into that category. This is just punishing a  
16 certain group of people who are trying to do  
17 their work, trying to do their job in the most  
18 difficult of circumstances, and if there's a  
19 mistake, they get handcuffed and arrested. That,  
20 to me, is wrong.

21                   So I am definitely supporting this  
22 legislation, and I really hope that my colleagues  
23 will join us in this measure that has been  
24 introduced by Senator Dilan.

25                   I'll be voting yes, Mr. President.

1 Thank you.

2 ACTING PRESIDENT CROCI: Senator  
3 Montgomery to be recorded in the affirmative.

4 Senator Savino to explain her vote.

5 SENATOR SAVINO: Thank you,  
6 Mr. President.

7 I also want to thank Senator Dilan  
8 for bringing this bill out, and I want to thank  
9 all of my of my colleagues for supporting it.

10 A couple of years ago -- or just  
11 about a year ago, the new Mayor de Blasio put  
12 forward a very ambitious agenda called Vision  
13 Zero. We all want to make our streets safer in  
14 New York City for drivers, for pedestrians, and  
15 for our bicyclists. And there's probably no more  
16 difficult place to drive than the City of  
17 New York. And that is certainly true for our bus  
18 drivers.

19 We have people, as Senator  
20 Montgomery talked about, people who disobey  
21 traffic rules every day. We have drivers who  
22 drive in the bus lanes. We have drivers who  
23 ignore bus lanes. We have drivers who just do  
24 whatever they want to do. And our bus drivers,  
25 professional bus drivers, have to follow the

1 rules every day in an impossible city to  
2 navigate, and they have to do with it with  
3 courtesy and with respect.

4 And they have to do it while being  
5 yelled at by passengers because they're late or  
6 because the door didn't open fast enough, or  
7 because the aisle is blocked. You name it,  
8 people just levy all kinds of animosity towards  
9 our bus drivers.

10 But this was one insult too many.  
11 To expect them to be held to a higher standard  
12 than the general public was an unintended  
13 consequence of Vision Zero, and we needed to do  
14 something to fix it. So I want to thank everyone  
15 for participating in that.

16 But there's one group I also want to  
17 talk about, and that is the Transport Workers  
18 Union Local 100 and ATU Local 726. They led the  
19 fight for this.

20 And when they started talking about  
21 this, they were vilified by many who said that  
22 they were part of the problem and that in fact  
23 they shouldn't defend bus drivers who were  
24 breaking the law. But they understood they had  
25 to defend their members and they had to get

1 equity and justice for them as they go out there  
2 and move New York City every day.

3 So I want to thank all of you for  
4 voting for it; Senator Dilan; but mostly the men  
5 and women who move New York City.

6 Thank you, Mr. President.

7 ACTING PRESIDENT CROCI: Senator  
8 Savino to be recorded in the affirmative.

9 Announce the result.

10 THE SECRETARY: In relation to  
11 Calendar 1874, those recorded in the negative are  
12 Senators Croci, DeFrancisco, Hannon, Hoylman,  
13 Krueger and Squadron.

14 Ayes, 54. Nays, 6.

15 ACTING PRESIDENT CROCI: The bill  
16 is passed.

17 (Applause from gallery.)

18 THE SECRETARY: In relation to  
19 Calendar 1875, Senator Murphy moves to discharge,  
20 from the Committee on Rules, Assembly Bill Number  
21 6613 and substitute it for the identical Senate  
22 Bill Number 4495, Third Reading Calendar 1875.

23 ACTING PRESIDENT CROCI: The  
24 substitution is so ordered.

25 The Secretary will read.

1           THE SECRETARY:   Calendar Number  
2   1875, by Member of the Assembly Katz, Assembly  
3   Print 6613, an act to amend the Highway Law.

4           ACTING PRESIDENT CROCI:   Read the  
5   last section.

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

8           ACTING PRESIDENT CROCI:   Call the  
9   roll.

10           (The Secretary called the roll.)

11           THE SECRETARY:   Ayes, 60.

12           ACTING PRESIDENT CROCI:   The bill  
13   is passed.

14           THE SECRETARY:   Calendar Number  
15   1876, by Senator Espaillat, Senate Print 5990, an  
16   act to amend the Public Authorities Law.

17           ACTING PRESIDENT CROCI:   Read the  
18   last section.

19           THE SECRETARY:   Section 2.   This  
20   act shall take effect on the 180th day.

21           ACTING PRESIDENT CROCI:   Call the  
22   roll.

23           (The Secretary called the roll.)

24           ACTING PRESIDENT CROCI:   Announce  
25   the result.

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT CROCI: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 1877, by Senator Savino, Senate Print 6000, an  
6 act to amend the Elder Law.

7 ACTING PRESIDENT CROCI: Read the  
8 last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect on the same date and in the  
11 same manner as a chapter of the Laws of 2015.

12 ACTING PRESIDENT CROCI: Call the  
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT CROCI: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 1878, by Senator Funke, Senate Print 6002, an act  
20 to amend a chapter of the Laws of 2015.

21 ACTING PRESIDENT CROCI: Read the  
22 last section.

23 THE SECRETARY: Section 2. This  
24 act shall take effect on the same date and in the  
25 same manner as a chapter of the Laws of 2015.

1                   ACTING PRESIDENT CROCI:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT CROCI:    Senator  
5   Krueger to explain her vote.

6                   SENATOR KRUEGER:    Thank you.

7                   So this bill is technically a  
8   chapter amendment to last week's technically  
9   incorrect bill.  So I am glad that we are fixing  
10  the technical errors, but we've still picked the  
11  wrong dates.

12                  And in fact, if this were to become  
13  the law, we would have two different primaries  
14  for the presidential and congressional.  That's  
15  at an estimated cost of between \$50 million and  
16  \$100 million more to our local governments.

17                  We could get this right, we still  
18  have time, and actually have one primary -- a  
19  radical notion -- for both the presidential and  
20  the congressional primaries in that spring.

21                  So I'll be voting no on this bill,  
22  hoping we can eventually get this right in time.

23                  Thank you, Mr. President.

24                  ACTING PRESIDENT CROCI:    Senator  
25  Krueger to be recorded in the negative.



1                   Senator Gianaris to explain his  
2                   vote.

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

5                   Last week we had a different version  
6                   of this bill that I voted against because it  
7                   contained technical problems that made it  
8                   inconsistent with the DNC rules. That would have  
9                   created all the sorts of problems in terms of the  
10                  awarding of delegates in the Democratic Party  
11                  process.

12                  Those issues have been fixed in this  
13                  bill. I understand there's honest discussion  
14                  about what date would be better than another.  
15                  But because the technical aspects of the bill are  
16                  now correct, and my understanding is the Assembly  
17                  is also moving on this, I'll be voting in the  
18                  affirmative.

19                  ACTING PRESIDENT CROCI:    Senator  
20                  Gianaris to be recorded in the affirmative.

21                  Announce the result.

22                  THE SECRETARY:    In relation to  
23                  Calendar 1878, those recorded in the negative are  
24                  Senators Avella, Breslin, Carlucci, Comrie,  
25                  Hassell-Thompson, Hoylman, Klein, Krueger,

1 Latimer, Perkins, Rivera, Savino, Serrano,  
2 Squadron and Valesky. Also Senator Montgomery.  
3 Also Senator Panepinto.

4 Ayes, 43. Nays, 17.

5 ACTING PRESIDENT CROCI: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 1879, by Senator Hannon, Senate Print 6003, an  
9 act to amend the Public Health Law.

10 ACTING PRESIDENT CROCI: Read the  
11 last section.

12 THE SECRETARY: Section 2. This  
13 act shall take effect on the first month  
14 commencing after the 180th day.

15 ACTING PRESIDENT CROCI: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: In relation to  
19 Calendar 1879, those recorded in the negative are  
20 Senators Ortt and Ranzenhofer.

21 Ayes, 58. Nays, 2.

22 ACTING PRESIDENT CROCI: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1880, by Senator Young, Senate Print 6005, an act

1 to authorize.

2 ACTING PRESIDENT CROCI: Read the  
3 last section.

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

6 ACTING PRESIDENT CROCI: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT CROCI: Announce  
10 the result.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT CROCI: The bill  
13 is passed.

14 Senator DeFrancisco.

15 SENATOR DeFRANCISCO: Is that the  
16 last bill on this calendar?

17 ACTING PRESIDENT CROCI: It is.

18 SENATOR DeFRANCISCO: With  
19 unanimous consent, I would request that  
20 Senator Montgomery be given the opportunity to  
21 explain her vote on her bill, Calendar 1873. She  
22 was unable to do it at the time and is now  
23 available.

24 ACTING PRESIDENT CROCI: Senator  
25 Montgomery to explain her vote.

1                   SENATOR MONTGOMERY:    Thank you,  
2   Mr. President.

3                   I rise to thank my colleagues for  
4   consent to support this legislation.  It's a very  
5   important bill to so many people, especially  
6   those women who happen to be, though  
7   incarcerated, are pregnant and are going to be  
8   delivering a child.

9                   So this bill would expand what is  
10  also already in law as an anti-shackling bill,  
11  but it would extend that to all female inmates  
12  who are pregnant, who are in labor or postpartum,  
13  during transport or hospitalization, unless there  
14  are extraordinary circumstances that require them  
15  to be shackled.

16                  So in any of those situations, they  
17  are not to be shackled unless there are  
18  extraordinary circumstances.  And that  
19  extraordinary circumstance must be approved by  
20  the commissioner or superintendent or sheriff.

21                  The bill also removes any  
22  correctional officer from the delivery room while  
23  a baby is being born unless the medical staff or  
24  the woman request a correctional person to be in  
25  the room.

1           In addition, this bill requires that  
2     the correctional employees be trained to follow  
3     the law -- as they now are not doing,  
4     apparently -- and so that everyone in the  
5     facilities that house women in our state are  
6     fully aware of what the law is, what the rules  
7     are, and that women themselves are informed as  
8     well.

9           Finally, it provides for an annual  
10    report to the Legislature on the use of  
11    restraints under the extraordinary circumstances  
12    exception to this law.

13           So this moves us closer to having a  
14    much more humane approach to women who are  
15    incarcerated as they prepare for the delivery of  
16    their babies and as they deliver those babies and  
17    as they also are required to have postpartum  
18    examinations for themselves and their babies.

19           So thank you, Mr. President, and I  
20    thank my colleagues for supporting this important  
21    legislation.

22           Thank you.

23           ACTING PRESIDENT CROCI:     Senator  
24    DeFrancisco.

25           SENATOR DeFRANCISCO:     Yes.   Is

1       there any further business at the desk?

2                   ACTING PRESIDENT CROCI:    No further  
3       business at the desk.

4                   SENATOR DeFRANCISCO:    That being  
5       the case, we're going to adjourn until June 24th,  
6       that's tomorrow, at 3:00 p.m.

7                   ACTING PRESIDENT CROCI:    On motion,  
8       the Senate will stand adjourned until tomorrow at  
9       3:00 p.m.

10                   (Whereupon, at 4:48 p.m., the Senate  
11       adjourned.)

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