NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 17, 2016

11:16 a.m.

REGULAR SESSION

SENATOR TERRENCE P. MURPHY, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MURPHY: The Senate will come to order.

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

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

ACTING PRESIDENT MURPHY: Today's invocation will be offered by the Reverend Peter Young, from Mother Teresa Community.

REVEREND YOUNG: Thank you, Senator.

Let us pray.

As we celebrate today this important Day of St. Patrick's, there's been an old Irish traditional kind of statement that they've always believed in, that we will try always to -- unless someone offers a friendly smile, a helping hand, a caring word, a listening ear, somebody somewhere loses the courage to live.

It's an important kind of thing that creates then the dialogue rather than the monologue in our meeting today. When we meet in

session, sometimes we stop listening and use our communication skills to advocate only for the agenda that we have. But God wants us to communicate with respect and care to each other and in this chamber so that we might use our skills and common good for the statement of New York State citizens.

Help us to share open ears and to be hospitable in mind and thinking. Share our building community instead of the disunity of anything for our citizens. May we remember the important call of this 4th-century saint who led the call to try to unite Ireland into a common kind of belief of helping one another.

Amen.

ACTING PRESIDENT MURPHY: May we have the reading of the Journal.

THE SECRETARY: In Senate, Wednesday, March 16th, the Senate met pursuant to adjournment. The Journal of Tuesday, March 15th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MURPHY: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, can we have a little bit of order here today.

Mr. President, I wish to call up my bill, Print Number 6650 -- it's not my bill, it's actually Senator Little's bill, 6650, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MURPHY: The Secretary will read.

THE SECRETARY: Calendar Number 184, by Senator Little, Senate Print 6650, an act to authorize.

SENATOR DeFRANCISCO: May I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MURPHY: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

SENATOR DeFRANCISCO: I now offer the following amendments.

ACTING PRESIDENT MURPHY: The amendments are received, and the bill retains its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: Mr. President, I now move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate 6374, by Senator Marchione.

ACTING PRESIDENT MURPHY: So ordered.

SENATOR DeFRANCISCO: Would you please recognize Senator Gianaris.

ACTING PRESIDENT MURPHY: Senator Gianaris.

SENATOR GIANARIS: Mr. President, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Bill 6548.

ACTING PRESIDENT MURPHY: So

ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO:

Mr. President, at this time I move to adopt the Resolution Calendar.

ACTING PRESIDENT MURPHY: The question is on the adoption of the Resolution Calendar. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MURPHY: Opposed, nay.

(No response.)

ACTING PRESIDENT MURPHY: The Resolution Calendar is adopted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: May we now go back to motions -- well, we're still there. Back to resolutions, can we take up previously adopted Resolution 4217, by Senator Amedore, read the title only, and call on Senator Amedore.

ACTING PRESIDENT MURPHY: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4217, by Senator Amedore,

commending student-athlete Aidan Cohane upon the occasion of capturing the 2016 New York State Overall Men's Alpine Skiing Championship.

ACTING PRESIDENT MURPHY: Senator Amedore.

SENATOR AMEDORE: Thank you, Mr. President.

And happy St. Patrick's Day to you.

ACTING PRESIDENT MURPHY: Thank you, sir.

SENATOR AMEDORE: Today we are graced with a fine group of students from Windham-Ashland-Jewett School District -- which is in Greene County, in part of the district I serve -- and they're up in the gallery, who represent the student council of the fine school, as well as the mock trial team.

And in the team, part of the student council and all of the classmates there, is one particular individual who has really set, I believe, Windham on a map for not just being a great place of skiing in the Catskill region in upstate New York, but also an individual who has accomplished a victory that for the first time in state history, in the state school title in

history, Aidan Cohane has been able to accomplish, and won, the 2016 New York State Men's Alpine Skiing Championship.

So for all of those years of skiing, from the bunny hill to the black diamonds of all of the ski mountains throughout the Catskill region, Aidan and his father, who accompanies him today, we recognize you for your great accomplishments and your leadership. May you continue to win many more gold medals in the years to come.

Thank you, and God bless you.

(Applause.)

ACTING PRESIDENT MURPHY: Congratulations.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Senator Amedore would like to open this resolution for cosponsorship. So as is our usual practice, everyone will be on the resolution unless they indicate otherwise to the desk.

ACTING PRESIDENT MURPHY: Resolution 4217, which was previously adopted, is open for cosponsorship. If you do not wish to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Could we please take up the reading of the noncontroversial calendar.

ACTING PRESIDENT MURPHY: The Secretary will read.

THE SECRETARY: Calendar Number 87, by Senator Klein, Senate Print 853, an act to amend the Insurance Law.

ACTING PRESIDENT MURPHY: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 180th day.

ACTING PRESIDENT MURPHY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MURPHY: The bill is passed.

THE SECRETARY: Calendar Number 194, by Senator O'Mara, Senate Print 4926B, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MURPHY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MURPHY: Call the roll.

(The Secretary called the roll.)

SENATOR DeFRANCISCO: Bill 194, please lay it aside for the day.

ACTING PRESIDENT MURPHY: Lay it aside for the day.

THE SECRETARY: Calendar Number 212, by Senator Amedore, Senate Print 6515, an act to amend the Highway Law.

ACTING PRESIDENT MURPHY: Read the last section.

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

ACTING PRESIDENT MURPHY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MURPHY: Senator Amedore to explain his vote.

SENATOR AMEDORE: Mr. President, I'd like to explain my vote.

You know, this piece of legislation is extremely important because this is an individual, Major General Greene, who served his

country well and was the highest decorated officer or official that had died in military service since the Vietnam War. And back in 2014, August 4th, when the Afghan soldiers opened fire on a meeting of senior military officials, as I said, he was the highest ranking American officer to be killed in combat in a war zone since Vietnam.

Major General Greene grew up and was from the Town of Guilderland, which is Albany County, which I know Senator Breslin has served. And he was a graduate of RPI, and a decorated Army soldier who dedicated his life and career to our nation.

So I believe it's very important that we memorialize those who have served our country, made the ultimate sacrifice, and who have helped pave the way for our freedom and liberties.

So Thank you, Mr. President, for allowing me to explain my vote. I vote aye.

ACTING PRESIDENT MURPHY: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MURPHY: The bill

is passed.

THE SECRETARY: Calendar Number 253, by Senator Ranzenhofer, Senate Print 1557, an act to amend the Alcoholic Beverage Control Law.

SENATOR GIANARIS: Lay it aside. Lay it aside, please.

ACTING PRESIDENT MURPHY: The bill is laid aside.

THE SECRETARY: Calendar Number 274, by Senator Griffo, Senate Print 2265, an act to amend the Highway Law.

ACTING PRESIDENT MURPHY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

ACTING PRESIDENT MURPHY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MURPHY: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Could you please now take up the controversial reading of

the calendar.

ACTING PRESIDENT MURPHY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 253, by Senator Ranzenhofer, Senate Print 1557, an act to amend the Alcoholic Beverage Control Law.

SENATOR KRUEGER: Explanation.

ACTING PRESIDENT MURPHY: Senator Krueger.

SENATOR KRUEGER: I asked for an explanation, Mr. President.

SENATOR RANZENHOFER: Thank you, Senator Krueger.

This is a bill which would amend the Alcoholic Beverage Control Law. It would allow courts to impose an additional fine when someone who has been cited for underage drinking fails to show up in court, fails to complete their treatment that has been required by the court, or fails to complete their community service.

What's actually happening in our communities is that obviously, you know, this state has a policy which has said that we really

want to discourage young people from becoming substance abuse users, whether it be drugs or alcohol. In this particular case, alcohol.

So young people unfortunately are drinking underage. And the purpose behind this is to make sure that we get our young people on track, that we make sure that if they've been given a citation, whether it's at a concert where they've been drinking underage or hanging out in a park, whatever they've been doing -- to make sure that they understand that this is a serious problem, not only for our community but for themselves.

So what we want to do is to encourage them to at least originally abide by the court's directives of either paying a minor fine, completing their substance abuse evaluations and treatments, or community service.

And I will note that this bill passed this house the last four years, and last year the vote was 59-1. So it has pretty strong bipartisan support in this chamber.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor would please yield.

ACTING PRESIDENT MURPHY: Does the sponsor yield?

SENATOR RANZENHOFER: Yes, Mr. President, I will.

SENATOR KRUEGER: I want to thank the sponsor for his explanation.

And he's right, in the past most members of this body have in fact supported this bill.

And I might not have noticed why I didn't want to support this bill if not for the fact that the U.S. Department of Justice just sent us all a letter and a reference to a series of reports where they are highlighting their vast research into the growing use of fines and fees and bail -- though this does not apply to bail -- and the negative impact it is having on young people and people of color throughout the country.

And the fact that we have been increasing the fines and the fees in the criminal justice system to such an extent that we've actually created a giant cycle of debt for low-income young people in this country. And that it has actually gotten to the point where

research shows 20 percent of the people in jail in this country are actually in jail because they couldn't pay the fines and the fees applied through our criminal justice system.

So I guess my first question to the sponsor is, what do we think this will accomplish other than to increase the amount of money -- probably increase the amount of money we're demanding of young people?

SENATOR RANZENHOFER: Well, first of all, let me just address the portion of your comments dealing with jail. Under this provision of the law, as I'm sure that you are aware, there is no provision for someone to go to jail.

If someone does not abide by either paying their initial fine or doing their community service or getting an evaluation and any treatment, they still can't got to jail, the court can't issue a warrant for their appearance because it's not that type of criminal sanction.

Furthermore, in this particular bill we're not increasing the fine. The fine is actually very low. It's $50. And what we're doing is we're imposing a penalty. So if you don't pay your minor fine -- and I will just tell

you, from my experience, very often courts are not even imposing fines because they're more concerned with making sure that the young person understands that, you know, you're 15, 16, 17 -- 14 years old, you're engaging in binge drinking. The outcome is not going to be good for you or your family, you know, whether you're going to be turning yourself into an alcoholic, whether --

SENATOR DeFRANCISCO: Excuse me. Pardon me. Can you recognize me for a moment?

ACTING PRESIDENT MURPHY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Could you move your mic up? We're having a very difficult time hearing on this side, and there's been a request to raise the volume, both in the mics and in your voice, so we can hear.

SENATOR RANZENHOFER: So I will gladly increase it, because --

SENATOR DeFRANCISCO: It didn't bother me. I wasn't listening.

(Laughter.)

SENATOR RANZENHOFER: I think that's true on most of the bills.

(Laughter.)

ACTING PRESIDENT MURPHY: Senator Ranzenhofer.

SENATOR RANZENHOFER: So if you want, I can repeat everything that I just said for your benefit --

(Laughter.)

SENATOR RANZENHOFER: -- but you can also go and watch the tape, so I'll give you that alternative.

But in this particular situation, this is really being done for, you know, the benefit of the young person.

And one other issue that I'll just raise parenthetically is in one particular community that I represent, there's a very large concert venue. And you talk about, you know, the cost of the -- of the situation. So, you know, the concert ticket could cost, you know, $75 or $100. You know, you buy your alcohol for another $30 or $40, and then there's a $50 fine.

So the message here is that if you don't pay your $50 fine or your $25 fine or your $30 fine or you don't complete your community service or you don't get your alcohol evaluation and any treatment that's recommended, well, in

that situation, yes, you know, then the court has the right, if this bill is passed, to impose a higher penalty.

So your -- the comments about jail, incarceration and bail really are not applicable to this particular bill that we're passing.

And again, you know, the whole point here is to get a young person to understand that, you know, this is really done out of concern for their well-being and for their future, to make sure that we can nip this in the bud at age, again, 13, 15, 17, 19, whatever the case may be, rather than deal with the very serious problems of somebody becoming a substance abuser, whether it be prescription drugs or heroin or cocaine. This is really an effort to try to stop that early on.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MURPHY: Will the sponsor yield?

SENATOR RANZENHOFER: Mr. President, I'll be happy to continue to yield.

ACTING PRESIDENT MURPHY: Senator Krueger.

SENATOR KRUEGER: Thank you.

So perhaps my mic wasn't loud enough either, because I did, in my question, point out this bill does not address incarceration, I agree with the sponsor.

But in fact the research shows that the patterns of young people ending up incarcerated are actually growing out of higher and higher fees and penalties that are not paid, leading them ultimately into the prison system, and there have been a number of national studies documenting that.

But going back to the specifics of this bill, the sponsor referenced in his own community, or a specific community in his district, the rates of problems. He said binge drinking. Is this bill specifically only for binge drinking or one open can of beer?

SENATOR RANZENHOFER: It applies to anybody -- the law in the state right now is that if you are under a certain age, you are not allowed to drink alcohol. So in the original bill, the quantity -- you know, it's not an issue

of quantity. You know, when you're under 21, you're not allowed to drink. It's as simple as that.

SENATOR KRUEGER: I agree the law is clear, under 21 you're not allowed to drink. So the question -- so under the law, if you are found with one open can of beer under 21 and you are fined $50 and community service, and you fail to complete either the community service or pay the $50, you then under this law would be fined $500 for that original one can of beer? Is that my correct reading of the bill?

ACTING PRESIDENT MURPHY: The court would have discretion that they can impose an additional fine up to $500. They can impose an additional $10 fine, they can impose an additional $50 fine. But the law provides that $500 would be the maximum.

SENATOR KRUEGER: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT MURPHY: Will the sponsor yield?

SENATOR RANZENHOFER: Yes, Mr. President.

SENATOR KRUEGER: Thank you.

Has the sponsor done any analysis within the community that he was using as an example of the proportion of people arrested under the current law by race or gender?

Because the national data, with a variety of different communities having been studied, show that the laws on underage drinking seem to be -- the penalties seem to be disproportionately applied to young people of color.

I'm wondering whether there's any analysis from the community he was referencing.

SENATOR RANZENHOFER: Again, the question, Mr. President, originally dealt with incarceration dealing with --

SENATOR KRUEGER: No. Just the fines.

SENATOR RANZENHOFER: -- people of different races. Again, this is really not an issue dealing with incarceration.

I don't believe that the court system -- and I am not sure, because, you know, it's not just a situation where -- they have this concert venue where there are many people from

the community and there are many people from outside the community. So I'm not sure if this particular community keeps track of the number of people from within their community or outside -- the number of people within their county or from outside, or the demographics of the people, the young people that are appearing before them.

The important part of this legislation is that no matter where the community is that you're coming from, the important thing is we want to send the message through the court system that we would prefer that you not engage in underage drinking, that you abide by the law, really for your own benefit so we're not dealing with 30-day or 28-day in-house detoxes later on.

So the point is, to your question, I don't know if for this community or really for any community -- again, it could be another community where a lot of people hang out in the park and engage in underage drinking. So I'm not sure if each community is keeping track of whether those people live in the neighborhood or outside the neighborhood, from their town or not their town, or otherwise.

SENATOR KRUEGER: Through you,

Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT MURPHY: Will the sponsor yield?

SENATOR RANZENHOFER: Yes, I will, Mr. President.

SENATOR KRUEGER: I agree with the sponsor, I don't know how many towns are keeping data. But the towns that are keeping data, the research results are quite consistent that municipal fines on criminal penalties disproportionately go to the poorest in the population and those of color. And so in fact there's national data showing that that is in fact what happens.

Through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT MURPHY: Will the sponsor yield?

SENATOR RANZENHOFER: Yes.

SENATOR KRUEGER: So if someone hasn't paid the $50 fine on the criminal activity of having one can of open beer when they're not 21, the court can then in fact apply a $500 fine but -- can apply up to a $500 fine.

Who's likely to actually have to pay that fine when we're talking about someone under 21, the young person or their family?

SENATOR RANZENHOFER: Well, first of all, generally the situation is more problematic not for somebody not paying their fine. The problem arises in a number of situations. The first is that the person just ignores showing up for court. It also occurs where the person has not completed their community service and also -- and I know that the community that I'm referring to, the gravest concern is that the person has not gotten their evaluation for whether or not they have an alcohol problem.

So it's not just in the situation where someone has not paid the fine, but it also applies to their other areas. So in other words, if there was a fine -- again, the fine here is a maximum of $50. And in the situation that I'm referencing, normally the concert ticket far exceeds the fine. So what you have is somebody buying a concert ticket for $75 or $100. And again, I don't know whether it's the young person that bought the ticket or the parent or the

guardian that bought the ticket.

But I would imagine that -- and again, this would be pure speculation. You know, if somebody doesn't -- you know, someone going to mom and dad or their grandmother or their uncle or their brother to pay the $50 fine, are they doing something to earn that money? So that's something that I don't know exactly, number one, where they got their money to buy their concert ticket. I don't know where they got their money to buy their alcohol. Hopefully it's not from their parents or their guardians. And I don't know where they would get their money or where they do get their money to pay up to that $50 fine that could be imposed if the court decided to do that.

SENATOR KRUEGER: Through you, Mr. President. On the bill.

ACTING PRESIDENT MURPHY: On the bill.

SENATOR KRUEGER: I want to thank the sponsor for his answers.

I don't actually know whether kids who pop open a can of beer before they're 21 are more or less likely to buy concert tickets, so

I'm not sure of the correlation in the expenditures there.

But I do know that on a national level, the research shows that increasing the monetary penalties for minor infractions of the law -- and I think most of us would define underage, open container as a minor infraction of the law -- that the result is we've been increasing the monetary penalties. We actually aren't collecting the money anywhere.

So I agree with the sponsor's analysis in his memo that many people are not paying the $50. And the national data shows that that's true. In fact, it shows a much lower rate of payment than even the statistics the sponsor uses for the community he's referencing.

But what we are showing is we're spending more in criminal justice just applying these penalties and attempting to collect them than we are collecting. There's no research that shows a financial penalty for an underage drinking capture is actually decreasing the use of alcohol.

I have to say I like the evaluation part for counseling people on underage alcohol

use. I think that's valuable. But I don't think that should or needs to be associated with growing financial fines.

The data shows that it is disproportionately poorer people who end up with these large financial fines. I think the obvious answer for why didn't you pay the $50 was you didn't have the $50, so how could you pay the $500. And when suddenly it's $500, you're very well talking about a family's ability to either pay the rent or pay that fine, buy food for the next several months or pay that fine.

Now, if there was any research evidence showing the paying of the fine was going to change the behavior of the young person, maybe. But the research shows just the opposite, that it's not actually resulting in changing the behavior of young people, it's just increasing the likelihood that any given young person who gets caught up in any way with the criminal justice system ends up caught up more in the system with greater fines being owed and not paid. And ultimately, under many of New York State's laws -- but I agree with the sponsor, not this one -- Step 3 or Step 4 is incarceration

after you haven't paid your fines.

So I object to this bill, but I really object to the entire pattern of laws that not just this state but, according to the federal government, states all over the country have been escalating with a huge number of young people ending up with large amounts of financial penalties owed to a criminal justice system that then spends more trying to collect than it ever collects, it doesn't accomplish a criminal justice goal, but it sure is increasing the number of young people from poor communities who end up in financial debt, who end up then having the risk of entering the criminal justice system with money owed and then leading to incarceration.

I urge my colleagues to take a look at an entire package of reports that are now online and available associated with the U.S. Department of Justice, Civil Rights Division, office for access to Justice. They put out what they call a resource guide for reforming assessment and enforcement of fines and fees. It links to it from the site. I am happy to make copies for anyone who does not have access on

their computer to finding these reports.

It tells me a lot about what's right and what's wrong with the approach we've been taking by increasing the financial fines and fees and penalties. And because of that, I am urging everyone here not to vote yes for this bill, even if they voted yes in the past. I think we should look at research when it comes to criminal justice reform. And I think the research now is quite clear that this would continue New York State down the wrong path for our young people and our criminal justice system.

I'm urging a no vote.

Thank you, Mr. President.

ACTING PRESIDENT MURPHY: Thank you, Senator Krueger.

A little order in the house, please.

Senator Sanders.

SENATOR SANDERS: Happy St. Patrick's Day, Mr. President.

ACTING PRESIDENT MURPHY: Same to you.

SENATOR SANDERS: Although I agree with my esteemed colleague in his attempt to combat underage drinking and open containers,

which I view as detestable, I fear that he has gone too far. I fear that he went to try to shoot a fly with a shotgun, that the law of unanticipated consequences is going to get us. That we are seeing type of hang-'em-high legislation -- not this one, and not from my colleague -- throughout the nation on the ability of poor people to pay fines.

I remind us that America has moved a long way from the day of the poorhouse. There used to be a time when you didn't have money, you'd be thrown into the poorhouse to work your way out of it, God willing, or not work your way out of it.

We've gone a long way. And while $50 or $500 may not be much to many people in this room, $50 or $500 to an unemployed youth may be the difference between going to the poorhouse or the jail or whatever we're going to do, and not going.

This is one of the reasons why the Department of Justice study on the Town of Ferguson pointed out many of these things, that if viewed independently perhaps had meaning, but if viewed collectively, were draining and

bleeding that town something awful, and many towns like it.

Now, I would encourage my colleague that if he were to go this path, then he should think of how that a young person can work their way back, how they could expunge their records. You know, if they -- 16 years old, you get caught -- of course, no one in this room ever was in that situation, and thank God for that. But if there was a person who, 16 years old, found themselves in such a shape, you may want to speak of expunging your record. You want to speak of okay, you do community service, you do good and then at a certain point in your life you can get rid of that completely. You don't want that stuff lingering and going further into 18, 21, et cetera, putting them on a path that we don't want them on where their youthful foolishness -- foolishness -- would put them in that situation.

So if more of that were in this legislation, if more of that were involved, I would be much more open to it.

And again, I wish everyone a happy St. Patrick's Day.

Thank you.

ACTING PRESIDENT MURPHY: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you.

Thank you for your comments, Senator, and your questions, Senator Krueger.

Let me just say a couple of things about this. Number one, this bill has nothing to do with anybody going to jail.

Number two, this has nothing to do with a warrant ever being issued, because it's not provided for in the bill.

And finally, this has nothing to do with a criminal record, because there is no criminal record as a result of this violation of the Alcoholic Beverage Control Law.

What this bill simply does -- and we talk about young people and where their future lies; this really has to do with young people disrespecting the court. So you've been given a citation by law enforcement which says that you are consuming alcohol or you have alcohol with the intent to consume it. And, you know, very often the people that are arrested are just, you know, drunk, as drunk as can be because they've been partying at a park or they're at a concert.

So they're given a citation, they're not taken to jail. And what the young person is doing in some of these circumstances is saying to the court or law enforcement: Well, you know, I know you can't do anything, so too bad.

Or they do come to court and the judge says, Well, you know, here you are, you know, you drank, you know, 18 cans of beer. You know, you might have a problem. Let's go get an evaluation. And the person says, No, I'm not going to do that. I don't care. You can't do anything to me if I don't.

So this really is intended to make sure that the young person realizes that you have to respect the law that we've all passed. That is the law of the State of New York. And actually it is more helpful, because if the young person gets the impression that for this offense that they don't have to show up in court or they don't have to get their evaluation or they don't have to do their community service or they don't have to pay their $50 fine -- you know, if that -- you know, that then breeds in the young person a contempt and disrespect for law. And, you know, as they get older or as they move on in

their life, they may feel that, well, you know, because nothing happened to me the last time, you know, I just didn't show up in court or I just didn't abide by the judge's instructions to get an evaluation, I think it's more damaging down the road.

So it really is a balancing act. I certainly respect, you know, your position on the issue. But I think when you do the balancing test, you know, if you're -- and I don't want to imply that you're not concerned about young people. But from my perspective, if you're really trying to change behaviors and you're really trying to help these kids, you know, you let them know that if you do get a citation because, you know, you're at the concert and you've been drinking or you're hanging out in the park and you've been drinking that, you know, this really means something, that you do have to show up in court.

You know, you don't want to create the image in a young person that, okay, no one can do anything to me so I don't have to obey the speed limit. Or I don't have to abide by the red light. You know, whatever the case may be.

Those are just two examples.

So I think, on balance, this is helpful. It's teaching a valuable lesson. The original fine that's imposed for this statute is $50. And, you know, we have all -- you know, we've had on our books for ages the most minor criminal offense, which is not a criminal offense, it's a violation under our penal code. The maximum fine there is $250 -- five times what the penalty is here.

So when you're talking about comparing a $50 fine with what we have under every other single violation under our penal code of $250, you know, this is really, you know, relatively very minor.

And I think the life lesson that we are trying to teach somebody for respect for the law certainly outweighs some of the concerns that have been expressed.

So again, I thank you for your comments. I know that 59 other members in this house voted for it last year. I think it was a good bill then, I believe it's a good bill now, Mr. President. Thank you.

ACTING PRESIDENT MURPHY: Thank

you, Senator Ranzenhofer.

Are there any other Senators wishing to be heard?

Seeing none, the debate is closed. The Secretary will ring the bell.

(Pause.)

SENATOR DeFRANCISCO: Please call the roll.

ACTING PRESIDENT MURPHY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT MURPHY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MURPHY: Announce the results.

THE SECRETARY: In relation to Calendar 253, those recorded in the negative are Senators Comrie, Dilan, Espaillat, Hamilton, Hassell-Thompson, Hoylman, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera and Sanders.

Ayes, 47. Nays, 13.

ACTING PRESIDENT MURPHY: The bill has passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Now can we go back to motions and resolutions and take up previously adopted Resolution 4316, by Senator Flanagan, and read the title only, and then recognize Senator Flanagan.

ACTING PRESIDENT MURPHY: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4316, by Senator Flanagan, honoring St. Patrick and all persons of Irish descent upon the occasion of the 2016 celebration of St. Patrick's Day on Thursday, March 17, 2016.

ACTING PRESIDENT MURPHY: Senator Flanagan.

Some order in the house, please.

Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President.

I feel obligated -- you know, Murph, I know you're up there as Mr. President, but nice to see you presiding today on what we might consider a holy day of obligation in many respects. But I'd like to -- well, you know, Parker, come on, you've got to work with me here.

All right?

(Laughter.)

SENATOR FLANAGAN: Everyone wants to be Irish on St. Paddy's Day. And frankly, some of us want to be Irish the other 364 days of the year.

But let me just fundamentally offer everyone a great day. We are on the cusp of coming into probably a beautiful spring, doing our budgetary work. So happy St. Paddy's Day to everybody.

But I want to digress with a point that I hope is valid. In the last two days I, like everybody else, got visited from some of the messengers who work with us. And Billy Crowe, who is, you know, a dapper guy, he always has these funky outfits on when he's parading around the LOB and the Capitol, he's one of many of the messengers. So Billy had left me a poem, a limerick for today. And so I'm just going to take a moment -- they're not here, but you all know this, they're great people.

So I'm just going to read off quickly -- Beth and Kevin run the messenger service. But we have Brian Abreu, Greta Amodeo,

a gentleman named Ryan Banker, who is an apprentice, Beth Bonesteel, Michael Cohen, Nancy Comley, Billy Crowe, Michelle Daley, Adam Denenberg, Robert DeSieno, William Faulkner, Sharon Forkeutis, Marcus Gagnon, William Gerard, Katherine Griffin, Kevin Kather, Kimmy Lapp, Barbara McDonald, Kathy O'Brien, Patrick O'Hara -- there's a lot of Irish people working in the messenger service. No correlation to today, but they're all there. Kadija Oliver, Frankie Rotundo, Kathleen Schleich, Gil Seburyamo, who's also an apprentice. Barb -- I've got to make sure I'm saying it right -- Wojtowicz, and Valerie Zeh.

So these are the people who are always walking around with a smile. I saw at least half a dozen of them this morning, all dressed in all kinds of green for St. Patrick's Day. So in the course of what we do in honoring St. Patrick and those type of events, let's just make sure we remind ourselves of the people who do great things for us, and that's our messenger service.

Mr. President, thank you for your indulgence.

ACTING PRESIDENT MURPHY: Thank you, Senator Flanagan.

Senator DeFrancisco.

SENATOR DeFRANCISCO: This is a wonderful day. We've got Majority Leader Flanagan, we've got Murphy presiding. But this green cover is above and beyond the call of duty. I mean, this is really over the top.

(Laughter.)

SENATOR DeFRANCISCO: But I just wanted to mention that we're here honoring a man, St. Patrick. And if I can find the resolution -- it's a long resolution -- it just has this slight reference that I need to provide some explanation for.

"WHEREAS, A native of Roman Britain, Patrick was the son of Calpurnius, a civil servant and deacon." It forgot to say that Calpurnius and St. Patrick were Italian.

So if we're honoring a person here of Italian descent, this cover should have been red.

(Laughter.)

SENATOR DeFRANCISCO: And so I want --

SENATOR FLANAGAN: Mr. President, point of personal privilege.

(Laughter.)

SENATOR DeFRANCISCO: I won't seek to amend this resolution, but I've got a feeling that next year we'll have a similar one, and I would request bill drafting to make sure that that is pointed out clearly in the first paragraph.

Thank you.

ACTING PRESIDENT MURPHY: Thank you, Senator DeFrancisco.

Senator Kennedy.

SENATOR KENNEDY: Thank you very much, Mr. President.

I too want to wish you and all of our colleagues and staff, friends and family and the respective communities that we all represent, a happy and glorious St. Patrick's Day.

This is truly a great day. If you could give me just a moment to indulge on a little bit of history as we stand here today on the floor of this great institution, the New York State Senate, I want to talk a little bit about the unique relationship between our great state,

between our great nation and the country of Ireland that St. Patrick had such an extraordinary influence on.

And, you know, we celebrate today and, you know, we wear our green and some of us wish they were wearing their green. I will tell you that that reminds me of a little bit of an old story, that there are those that are Irish and those that wish they were Irish.

You know, the unique relationship between our country and Ireland goes back hundreds of years. But I want to talk before that, it started with a great oppression by the English government for about 700 years, resulting in uprisings over the years -- clans working together to fight against this oppression in Ireland.

At one point in time the English controlled about a quarter of the land mass in the entire globe. Fast forward to about 160-plus years ago, the result was the famine, or otherwise known as the Great Hunger, An Gorta Mor, where there were a million people who starved to death in the country of Ireland.

A million more stayed, but a million

emigrated. They left the country of Ireland between 1845 and 1852 to find a better life for themselves and their families and future generations. And where did they come? They came right here, to the United States of America. They came right here, to the great State of New York. And what happened then, as a third of the population that they left behind was wiped out in Ireland? They settled in New York City and other areas across the Eastern Coast and up into Canada.

And the oppression continued here. Much like we're dealing with the immigration issues today at the state and national level, there were immigration issues then. The oppression continued. There were signs that were put up that said "No Irish Need Apply."

Being Catholic, being Irish, being unable to speak the language, it was very difficult to find peace, to find a job, to better one's family. But amid this oppression in this newfound life, there was also an incredible opportunity. And with this newfound opportunity, with newfound freedoms that the Irish were never able to have in their native land, they got

involved in politics, they got involved in government and the community.

The Irish began to take root right here in the great State of New York. As the Irish poured off the ships -- often referred to as coffin ships, because those that were starving, by the time they got to this new land of opportunity, they were dead and diseased -- but as they poured off the ships, many joined the Union Army or were drafted into the Union Army. One hundred forty thousand Union troops fought for this great country and for the liberation of the Union and for the emancipation of the slaves.

One hundred fifty years ago this year, the sesquicentennial we'll be celebrating in June of the Fenian Raid of Canada, where the Irish Civil War vets invaded Canada to hold it hostage until England got out of Ireland. That happened on the shores of my hometown of Buffalo. It resulted, a year later, in Canada becoming a commonwealth from England.

A hundred years ago this April, the proclamation of Irish independence happened. It will be celebrated across the pond in Ireland, in Dublin City, the day after Easter, Easter Monday,

the uprising that ultimately resulted in a true Irish independence.

These were only able to be accomplished because of the unique relationship between the United States, the great State of New York, and the country of Ireland. The Irish brothers and sisters that were here, that left the desperation in Ireland to come here and then maintained relationships with their native land -- today, 30 million-plus Irish call the United States of America home, in every walk of life.

Over 150 years ago in this great state, they built the Erie Canal that began the commerce across this state and across this nation, the greatest feat of its time. They used government as an opportunity to better themselves and their families, becoming firefighters and police officers, ultimately resulting in being a part of the government, becoming business leaders, and then in every single walk of life have enjoyed great success in this great land of the United States of America.

The Irish helped to shape New York State. The Irish helped to shape this great

nation, whether we're talking about a relationship between the Irish 150-plus years ago, between freed slaves like Frederick Douglass, who lived in this great state, who worked with the liberator and emancipator in Ireland, Daniel O'Connell, to bring peace and justice across Ireland and across the U.S.A.

We have to remember where we've come from. It's incumbent upon us Irish on this great occasion of St. Patrick's Day to remember our history. But being Irish isn't just about wearing green today, celebrating and partaking in some libations -- although that's a big part of it. We remember to honor our family and our friends, care for our community, trust in our faith, believe in the divine intervention of God, ensuring that the greatest nation in the history of the world, the United States of America, continues to work closely to bring peace to our native country of Ireland and other countries across the globe. It's about hard work, dedication, and focus.

And I will just say this. Over the course of the last several decades, there has been terrible conflict in Ireland from the

results of that great oppression that I spoke of, the troubles in the '60s through the '90s, the hunger strikers of 1981, the casualties of thousands of individuals across the pond, the 1998 Good Friday peace agreement cultivated by United States leaders working in concert with Irish leaders, and now the president of the United States every single year inviting the prime minister and president of Ireland over to this great nation to celebrate.

Two days ago we had the Irish minister of defence, Paul Kehoe, here in Albany to celebrate. We had other leaders like Barbara Jones, the consul general of Ireland, here to celebrate this great occasion.

March 17th represents so much. Yes, as the Majority Leader, John Flanagan, mentioned, it is a holy day of obligation in our lives. It's great to see the incredible history of Ireland and the United States and its culmination in great leadership here in the State of New York and across the United States.

And we must continue that trend. We must never forgot where we've come from. We must always think about where we are and where we're

going. We must always remember the millions that sacrificed so much to people like us, people like myself, to stand here on the floor of the New York State Senate and speak about these freedoms that we hold so dear in our hearts, in our minds, and in society.

And I will leave you all with this as an Irish proverb, a little bit of an Irish prayer, and I extend that prayer especially to my Republican colleagues, but to all of us: May the road rise to meet you, may the wind be at your back, and may you be in heaven a half an hour before the devil knows you're dead.

(Laughter.)

SENATOR KENNEDY: Thank you, Mr. President. Happy St. Patrick's Day.

ACTING PRESIDENT MURPHY: Thank you, Senator Kennedy. Well put.

Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

I join my colleagues in celebrating today and thanking Senator Flanagan for his resolution on St. Patrick's Day.

You know, today also is the

St. Patrick's Day Parade in New York City. It's the 255th parade. And it kicked off at 11 a.m. It goes through part of my district, along Fifth Avenue. It goes all the way up to 79th Street, just past St. Patrick's Cathedral. Thirty-five blocks; over 2 million spectators are watching it.

But today is special. It's a historic day for the parade. It's a unifying day for the parade. And it's an important day, not just for Irish men and women, but for anyone who values self-determination and self-expression. Because for the first time, people who are LGBT will be able to march in the parade and carry banners celebrating their identity.

You know, for years, Mr. President, organizers said that LGBT folks couldn't carry signs or banners or identify themselves for who they are. You know, as Senator Kennedy mentioned, there are those who are Irish and those who wish they were Irish. In this case, there are those who are Irish and those who are Irish and wished they could march in the parade.

And that led, Mr. President, to decades of protests, to court cases, to lawsuits,

to boycotts by everyone from Mayor Dinkins to Governor Cuomo to Mayor de Blasio -- to arrests, countless arrests by activists in the LGBT community, including my predecessor, a great Irishman, Senator Tom Duane; the speaker of the City Council, Christine Quinn, was arrested numerous times; and countless other activists.

But for the first year in its 255 years of existence, since 1762, LGBT activists who have been campaigning for inclusion for over a quarter-century, will be able to march carrying their own banner.

And I wanted to thank, Mr. President, Mayor de Blasio for his steadfast support, the activists, the Irish consul general, Barbara Jones, who actually helped negotiate the agreement with the Ancient Order of Hibernians allowing the Irish LGBT folks to march, our New York City Councilmembers, particularly Danny Dromm and Jimmy Van Bramer, who participated in those discussions, and Brendan Fay. I know my colleagues from Queens know Brendan. He's founder of the Lavender and Green Alliance and cochair of St. Pat's For All. St. Pat's For All held its own inclusionary march since 2000 in

Queens, and I know a number of my colleagues in Queens marched with Brendan and his colleagues, including Kathleen Walsh D'Arcy, who is the cochair of St. Pat's For All.

And I wanted to thank Dr. John Lahey, he's the chair of the St. Patrick's Day Parade Board, and John O'Connor, president of the St. Patrick's Day Parade Board.

You know, today is a very, very significant day. And we also have to thank the people of Ireland, because just last year, like this chamber did in 2011, they legalized marriage equality. And they did it in a referendum, the first time in world history that an entire population voted in support of marriage equality. And that's due to the people of Ireland. And they set the precedent, I think, for this parade, as this chamber did in approving marriage equality in 2011.

So when Senator George Mitchell, who negotiated the Good Friday agreement, is being honored today as the Grand Marshal, we should also thank all the organizers and all the activists for the work they've put in to make this St. Patrick's Day Parade truly special,

truly historic.

Thank you, Mr. President.

ACTING PRESIDENT MURPHY: Thank you, Senator Hoylman.

Senator Savino.

SENATOR SAVINO: Thank you, Senator Murphy.

I also want to rise and thank Senator Flanagan for bringing this resolution today in honor of St. Patrick's Day. And I want to thank my colleagues for their presentations.

You know, they say those of us who are of Irish descent have the gift of the blarney. And if any of you were paying attention today, you would certainly agree with that, Senator Kennedy. Thank you for that history lesson.

And Senator DeFrancisco, he raised a point about St. Patrick's heritage himself, in fact whether he might possibly be Italian. The history books suggest he might have been Roman. And his history dates back to a time prior to Italy even existing.

However, he might have started a tradition that eventually did play itself out on

the shores of a country no one knew existed at that time, when the sons of Italy would join in neighborhoods that were populated by the daughters of Ireland, find their mates, marry and create an entire new population of children that looked like me.

The children of the Italian and Irish immigrants are part of the new fabric of New York. And while every day you see people who look like me, you never really know who we are. I'm as Irish as I am Italian, and proud of it.

And so today, on St. Patrick's Day, I am happy to join all of you and wish all of you a happy St. Patrick's Day, not just today but every day of the year.

Thank you, Mr. President.

ACTING PRESIDENT MURPHY: Thank you, Senator Savino.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I assume that there are no further speakers.

If that's the case, Senator Flanagan has opened up this resolution for cosponsorship. If you don't wish to be a cosponsor, notify the desk.

ACTING PRESIDENT MURPHY: Resolution 4316 is open for cosponsorship. If you choose not to be a cosponsor, please inform the desk.

SENATOR DeFRANCISCO: Mr. President, is there any further business at the desk?

ACTING PRESIDENT MURPHY: There is no further business at the desk.

SENATOR DeFRANCISCO: That being the case, I will now move to adjourn until Monday, March 21st, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MURPHY: Thank you, Senator DeFrancisco.

I would just like to wish everybody a happy St. Patrick's Day, get home safe, and God bless.

And, Senator Lanza, congratulations to your son for winning the state championship with his basketball team.

There being no further business, on motion, the Senate will stand adjourned until Monday, March 21st, at 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 12:23 p.m., the Senate adjourned.)