NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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February 28, 2018

11:14 a.m.

REGULAR SESSION

SENATOR THOMAS D. CROCI, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT CROCI: The Senate will come to order.

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

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

ACTING PRESIDENT CROCI: In the absence of clergy, I would ask everyone to please observe a moment of silence.

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

ACTING PRESIDENT CROCI: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, February 27th, the Senate met pursuant to adjournment. The Journal of Monday, February 26th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 10, Senator

Alcantara moves to discharge, from the Committee on Rules, Assembly Bill Number 9034 and substitute it for the identical Senate Bill 7282, Third Reading Calendar 10.

On page 10, Senator Kavanagh moves to discharge, from the Committee on Rules, Assembly Bill Number 8986 and substitute it for the identical Senate Bill 7284, Third Reading Calendar 12.

On page 10, Senator Kavanagh moves to discharge, from the Committee on Rules, Assembly Bill Number 8929 and substitute it for the identical Senate Bill 7296, Third Reading Calendar 24.

On page 10, Senator Croci moves to discharge, from the Committee on Rules, Assembly Bill Number 8919 and substitute it for the identical Senate Bill 7315, Third Reading Calendar 43.

And on page 41, Senator Murphy moves to discharge, from the Committee on Commerce and Economic Development, Assembly Bill Number 9052 and substitute it for the identical Senate Bill 7608, Third Reading Calendar 436.

ACTING PRESIDENT CROCI: The

substitutions are ordered.

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. On page 32, I offer the following amendments to Calendar Number 348, Senate Print 7372, by Senator Gallivan, and ask that said bill retain its place on the Third Reading Calendar.

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

May we have some order in the house, please. Thank you.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I now move to adopt the Resolution Calendar.

ACTING PRESIDENT CROCI: All in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CROCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CROCI: The Resolution Calendar is adopted.

SENATOR DeFRANCISCO: Could we now take up previously adopted Resolution 3389, by Senator Marchione, read the title only, and call on Senator Marchione to speak.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3389, by Senator Marchione, commending James W. Murphy upon the occasion of his retirement after 28 years of distinguished service as a Sergeant-at-Arms of the New York State Senate.

ACTING PRESIDENT CROCI: Senator Marchione.

SENATOR MARCHIONE: Thank you, Mr. President.

I rise to speak on my resolution honoring James Murphy upon his retirement after 28 years of distinguished, honorable service as a Sergeant-at-Arms here in the New York State

Senate.

Mr. Murphy officially retired from the position on Sunday, December 31, 2017, and we have missed him ever since.

Growing up here in the Capital Region, James Murphy graduated from Albany High School, enlisted in the United States Marine Corps, and valiantly served our country during the Korean War.

Upon the completion of his military services, James Murphy attended Siena College, earning a bachelor of science degree in accounting. James Murphy is married to Mary Knapp, and they were married on May 31, 1958, and raised three children.

Jim began his illustrious career as a Sergeant-at-Arms here in the New York State Senate in January of 1990, prior to which he worked for the Internal Revenue Service for 27 years.

He is a devout member of his church in Colonie, where he previously served as a religious education leader. In addition, he was a Little League coach in Colonie and an assistant coach in East Greenbush. A true asset to his

community, Jim Murphy is a member of the American Legion, and he served as post commander three times.

With Jim throughout of course have been his wife, Mary, and their three children, James E., Dolores and Ann, and a grandson, Ryan James.

In his capacity as Sergeant-at-Arms, James Murphy always served this body, this chamber with loyalty, honor and distinction. He helped ensure that the New York State Senate remained true to its traditions and time-honored commitment to democracy and serving every citizen of our great state.

Strength, leadership, and commitment: These were the hallmarks of James Murphy's lifetime of service and dedication to others as Senate Sergeant-at-Arms.

Jim is joining us today, he is on the Senate floor, and I would ask him to rise. Mr. President and my colleagues, please join me as we congratulate our good friend Jim Murphy on his retirement after 28 years of distinguished service.

(Standing ovation.)

ACTING PRESIDENT CROCI: Senator Breslin.

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

It's a wonderful pleasure to stand up and salute my dear friend of many years, Jim Murphy, who has an extraordinary background and an exemplary career here among us for 28 years.

And Jim and I had the pleasure of sitting next to each other at Siena games. I tended to be, at times, a legal advisor. And we shared many, many stories together. And he invited me to be the speaker at the Retired Internal Revenue Agents Society -- a very exciting group, I might add.

(Laughter.)

SENATOR BRESLIN: But I have never seen anyone on this floor do what you've done on a daily basis, Jim, to in a quiet way show your integrity, show your professionalism, and be the role model for what should happen on this floor.

It is such an honor to see you here with your wife, Mary, and the three kids. Generally I see the kids at Siena games as we walk out after another defeat.

(Laughter.)

SENATOR BRESLIN: But you being here, I think every one of the Sergeant-at-Arms are saluting the fact that you represent them.

Congratulations. Godspeed.

(Applause.)

ACTING PRESIDENT CROCI: Senator and fellow Marine Senator Sanders.

SENATOR SANDERS: Thank you, Mr. President.

I hold in my hand a direct order from the Governor overturning this retirement.

(Laughter.)

SENATOR SANDERS: With the permission of the Governor, we love you so much, Jim, that we have decided that you will go back and have to do another 28 years. At base pay.

(Laughter.)

SENATOR SANDERS: So since I don't believe that you will accept that order, sir, I'm really glad to have had the pleasure of knowing your company and knowing that we are in a much safer place with a fellow Marine making sure that there is order in this body.

We will miss you. Make sure that

you come back. Make sure that you send others to try to take your place, although that's impossible. We love you madly.

ACTING PRESIDENT CROCI: Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

I too rise to offer my congratulations to Murph on his 40-some-odd years of service to the people of the State of New York, but particularly to the members of this chamber.

You know, when you first get elected to the Senate and you come in the door, you learn all sorts of customs that are here and present in this chamber, and one of them of course is all of our Sergeants-at-Arms who take care of us and treat us with such respect.

And I'm so proud to see your family here today, because your home family gets to meet your work family. We have such tremendous respect for you, and love and affection.

And I hope that you will, after today, remember every day that you served here. Some days were tough, some days we were hard to

corral, and for that I apologize, every time you had to come and look for me or say, "Senator, we need you in the chamber."

But we're going to miss you. And you know that you have served us so well and done a tremendous service to the people of the State of New York. Congratulations on your retirement.

ACTING PRESIDENT CROCI: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I just want to rise briefly to make sure you truly understand this, is that there's been rumors that the Governor tries to prevent people from leaving. And Senator Sanders --

(Laughter.)

SENATOR DeFRANCISCO: -- Senator Sanders was just kidding. You can retire if you'd like to retire.

Number two, as far as the IRS Agents Society when Senator Breslin spoke, you never told him that they were doing an audit at that time, did you? Well, he fell right into it.

But seriously, you have been a great person to be here. Friendly but firm when you had to be, a true gentleman to everybody trying

to enter this chambers and those who have been in this chambers.

So I just want to wish you the best of luck in your future endeavors. And I understand it's your 60th wedding anniversary in May, did I hear right? Sixtieth. God bless both of you.

(Applause.)

SENATOR DeFRANCISCO: And many, many more. Enjoy your retirement life together.

ACTING PRESIDENT CROCI: Senator Serino.

SENATOR SERINO: Thank you, Mr. Chairman.

Jim, it is so great to see you here today. And I just want to say a personal thank you to you for helping me navigate the waters when I was a newbie, as many of us were.

You were always so kind. We had a lot of laughs. And it's so nice to see your family and meet your family today.

So I just want to say thank you, we all love you, and God bless.

Thank you.

ACTING PRESIDENT CROCI: Murph, to

you and to your entire family, you have the gratitude and appreciation of this chamber and its members, and also the gratitude of the state and the country for all of your years of public service.

I'd ask the chamber to please rise and celebrate one more time.

(Extended standing ovation.)

ACTING PRESIDENT CROCI: And while this chamber -- our protocol does not reverse for anyone, it does for the Leader. I think that the Majority Leader, Senator Flanagan, would like to speak.

Senator Flanagan.

SENATOR FLANAGAN: Yes, thank you, Mr. President.

I apologize. As I am wont to do, I walked in the door late.

Mr. Murphy, I heard the comments being made about you. Here's what I know. I like you because you're Irish, that's inherent. And I'm not going for apologize for that.

Your wife is actually going to find out whether or not she really likes you in retirement.

But most important, the thing I think of when I think of you is not only impeccable, quality service, the one word that comes to mind, sticks in the forefront of my head, you are a gentleman. You are a true gentleman, and I just wanted to add my voice and say thank you.

(Applause.)

ACTING PRESIDENT CROCI: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes. With respect to that, I'll take the liberty of suggesting that that resolution will be cosponsored by everyone. If you don't want to be, please notify the desk.

ACTING PRESIDENT CROCI: The resolution is open for cosponsorship. If you do not wish to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I believe there's a handup making the following committee assignments for February 28, 2018, pursuant to Rule 8, Section 1(C).

ACTING PRESIDENT CROCI: The

handups are received and will be filed with the clerk.

SENATOR DeFRANCISCO: Can we now have an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT CROCI: There will be an immediate meeting of the Rules Committee in Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:29 a.m.)

(Whereupon, the Senate reconvened at 11:37 a.m.)

ACTING PRESIDENT CROCI: The Senate will come to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, is there a Rules Committee report at the desk?

ACTING PRESIDENT CROCI: Stand by.

SENATOR DeFRANCISCO: If not, we can go on to some other business.

ACTING PRESIDENT CROCI: Senator DeFrancisco, we do not yet have the official report from the Rules Committee.

SENATOR DeFRANCISCO: Okay, then

can we take up previously adopted Resolution 3134, by Senator Marchione, read the title only, and call on Senator Marchione to speak.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3134, by Senator Marchione, memorializing Governor Andrew M. Cuomo to proclaim March 2018 as American Red Cross Month in the State of New York.

ACTING PRESIDENT CROCI: Senator Marchione.

And may we have some order in the Senate for Senator Marchione.

SENATOR MARCHIONE: Thank you, Mr. President.

I rise to speak on my resolution memorializing the Governor to proclaim March as American Red Cross Month here in New York State.

For more than 70 years, presidents and governors have proudly recognized March as American Red Cross Month. The American Red Cross celebrates everyday heroes who work tirelessly in times of disaster to offer the comfort of a helping hand.

For over a century, the American Red Cross, along with its many donors, volunteers and employees, have shared a common mission, a sense of purpose, preventing and relieving suffering here at home and around the world through their disaster relief. They are usually one of the first on-scene to provide food, shelter, clothing, and friendly faces of support.

Proclaiming March 2018 as American Red Cross Month here in New York State expresses our thanks and appreciation for the countless good works of the American Red Cross and the millions of people it has helped during times of crisis.

Thank you, Mr. President.

ACTING PRESIDENT CROCI: Senator DeFrancisco.

SENATOR DeFRANCISCO: It's already been voted on from a prior session.

All right, in that case can we now take up previously adopted Resolution 3414, by me, title only, and please call on me to speak.

ACTING PRESIDENT CROCI: And the previous resolution will be open for cosponsorship. If you would like to be a

cosponsor, notify the desk.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3414, by Senator DeFrancisco, congratulating the Skaneateles Varsity Football Team upon the occasion of capturing of the New York State Public High School Athletic Association Class C Championship, the school's first-ever state championship in the sport.

ACTING PRESIDENT CROCI: Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

We have the Skaneateles Football Team here. They were the Class C football champions. Did I hear it's the first state championship in the school's history of any sport? That's pretty good. That's really good.

And I hear all of you are also excellent students. A lot of these names we're not reading, but you'll each get a copy of the resolution, and it's an impressive group of individuals.

And I know the coach, and I know the coach's father and probably his grandfather. And

I want to be very complimentary to him; he's recently gone to coach there. And I know the assistant coaches had a lot to do with it, but what a wonderful job you've done under a very difficult situation.

And each of the students and each of the players, I understand, know what team ball is, and that's going to bode well for all of you for the rest of your lives.

And I say this to every group that comes in in a championship team, and I hope that other Senators will bear with me, but I think it's important. The people you're with today you're going to be friends with for the rest of your life. You've experienced something that very few people experience.

The only thing that's going to change as you get older, your tackles will have been harder, your runs will have been longer, the pass receptions will be by one finger, not two hands. You'll embellish things as you go along. And the best part of it is your teammates will know you're embellishing it and you'll enjoy that camaraderie.

To this day, my high school class

goes golfing once a year in North Carolina. And we're just as good friends as we were in the past.

So enjoy this experience. Congratulations. And there's going to be pizza in my office. And I know you're hungry. I might not be there when you start, but I'll try to get there before you finish.

So congratulations. Thank you all for being here. And enjoy this wonderful experience, a lifetime experience.

Thank you, Mr. President.

ACTING PRESIDENT CROCI: To the Skaneateles Varsity Football Team and to their coach, congratulations on your state championship. You have all the privileges and courtesies and congratulations of this house.

We'd ask you now to please stand and be recognized.

(Standing ovation.)

SENATOR DeFRANCISCO: Mr. President, is there a Rules Committee report at the desk?

ACTING PRESIDENT CROCI: Yes, sir. Senator DeFrancisco, is this

resolution open for cosponsorship?

SENATOR DeFRANCISCO: Absolutely.

ACTING PRESIDENT CROCI: So this resolution will be open for cosponsorship. If you would like to be a cosponsor, please notify the desk.

And we do have a Rules Committee report before the house.

SENATOR DeFRANCISCO: Move to accept the report of the Rules Committee.

ACTING PRESIDENT CROCI: The Secretary will read.

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

Senate Print 761, by Senator Little, an act to amend the Environmental Conservation Law;

Senate 1355B, by Senator Tedisco, an act to amend the Education Law;

Senate 5788, by Senator Klein, an act to amend the Public Housing Law;

And Senate 7409, by Senator Krueger, an act to amend the Public Health Law.

All bills reported direct to third

reading.

ACTING PRESIDENT CROCI: The Floor Leader having so moved, all in favor of accepting the report of the Rules Committee please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT CROCI: Opposed, nay.

(No response.)

ACTING PRESIDENT CROCI: The report is accepted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now take up the noncontroversial reading of the daily calendar.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Calendar Number 9, by Senator Bailey, Senate Print 7281, an act to amend the Correction Law.

SENATOR DeFRANCISCO: Mr. President, before we continue, I'd like to take one bill out of order. Maybe two.

ACTING PRESIDENT CROCI: So that bill will be laid aside temporarily.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we take up Calendar Number 377, by Senator Larkin.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Calendar Number 377, by Senator Larkin, Senate Print 6963, an act to amend the Public Health Law.

ACTING PRESIDENT CROCI: Senator Gianaris.

SENATOR GIANARIS: Mr. President, I believe you have an amendment at the desk. I ask that the reading of the amendment be waived and that we may be heard on the amendment.

ACTING PRESIDENT CROCI: Senator Gianaris, I've reviewed your amendment and the rule, and it is not germane at this time to the bill and is therefore out of order.

The subject of the bill before the house is organ donation. Your bill's subject is therefore not germane, and the amendment is not germane.

SENATOR GIANARIS: Mr. President, the bill also relates to hunting, which obviously involves firearms.

But I would like to appeal your decision in any event, and I would ask that Senator Kavanagh be heard and then there will be a handful of members after Senator Kavanagh that would also like to be heard on the appeal.

ACTING PRESIDENT CROCI: Senator Kavanagh.

SENATOR KAVANAGH: Thank you, Mr. President.

The shooting at Marjory Stoneman Douglas High School has once again brought our nation's gun violence epidemic into full view. And even though New York has the third-lowest rate of gun-related death in the United States, and even though we have strong laws and we have effective policing and we have community-based programs intended to prevent gun violence, we are not immune.

Each year, Mr. President, roughly 900 New Yorkers are killed by guns. Mr. President, that is 900 too many. And today we're talking about several important steps we can take to bring that number down.

Five years ago, in the wake of another school shooting and in the wake of a

violent incident in Webster, New York, in which our first responders were specifically targeted, members of this house and the other house of the Legislature and the Governor came together to pass the SAFE Act.

We instituted background checks on all gun buyers, we instituted an effective ban on high-capacity ammunition magazines, we outlawed the sale of certain dangerous assault weapons that the Legislature deemed appropriate to outlaw, and we included many other provisions like additional funding for school safety.

It was not a perfect bill, but it has served us well. And the sky did not fall, Mr. President. The police did not go door to door taking hunters' guns. The right of New Yorkers to have guns to defend their homes was not infringed. New Yorkers' rights were protected, and so were their lives.

Today we have the opportunity to do that again, to come together for the greater good and pass a common-sense law that will save lives. The law I'm talking about, Mr. President, creates extreme risk protection orders and empowers family members and police to stop gun violence.

I'm proud to sponsor that bill in this chamber with Senator Brad Hoylman, the coprime sponsor.

Here's how the bill works. The sad truth is that people close to those who commit gun violence often see warning signs before the tragedy occurs, and they are powerless to intervene. The teenager who's been arrested for the shooting in Parkland, Florida, had left threatening social media posts. He'd had dozens of contacts with law enforcement, and he had a history of violence. People reached out to the authorities several times, but they did nothing.

It is appropriate for us to have a conversation about what law enforcement may or should have done in that situation, but it's unclear that there was much they could have done under current law.

If legislation like the bill we're proposing today had been in place, people would have been able to present evidence to a judge, prove that this individual was likely to harm others, and take real action to prevent this tragedy by restricting his access to guns.

Similar to orders of protection, extreme risk protection orders can be requested

by family members, household members and law enforcement, and they respect New Yorker's due process rights while allowing a judge to temporarily limit an individual's access to guns.

To issue an emergency ERPO order requiring someone to surrender their guns and prohibiting them from purchasing guns, a judge must find there is probable cause someone is likely to harm themselves or others. That's a high standard.

After that emergency order is issued, the respondent is entitled to a hearing within three to six business days. At that hearing, to keep the order in place the judge would have to rule that there is clear and convincing evidence that the respondent is likely to harm themselves or others.

And even when a judge issues a year-long extreme risk protection order, the respondent is entitled to another hearing during that year to contest the order. And unless that order is renewed by a judge who finds in a new hearing that the danger hasn't dissipated, the order expires after 12 months.

Connecticut, Indiana, California,

Washington and Oregon have enacted similar laws, and they've withstood legal challenges. And they work. A peer-reviewed study by researchers from Duke University found that the Connecticut law led to a measurable reduction in the state's suicide rate. For every 10 to 20 risk warrants issued in Connecticut, one life was saved and many other violent incidents were avoided. And roughly one-third of those who received ERPOs in Connecticut received mental health services after the order was issued.

Mr. President, we have an opportunity to save lives by enacting this law. That's why it's gaining momentum. Just yesterday -- you know, the Assembly passed it last year, and just yesterday the Assembly Codes Committee, Republicans and Democrats, voted to approve this bill unanimously and send it to the floor of the Assembly.

Twenty-eight Senators, including Senator Hoylman and myself, have signed on as sponsors. And the law has been endorsed by a coalition of organizations including New Yorkers Against Gun Violence, Giffords: Courage to Fight Gun Violence, Every Town for Gun Safety, Moms

Demand Action, Brady Campaign to Prevent Gun Violence, the Citizens Crime Commission of New York City, the Coalition to Stop Gun Violence, and Prosecutors Against Gun Violence, cochaired by our own Cy Vance.

Here in New York we've stepped up before to save lives taken by preventable gun violence and the extraordinary number of injuries caused by gun violence, and we must do it again.

Thank you.

ACTING PRESIDENT CROCI: Senator Hoylman to be heard on the appeal.

SENATOR HOYLMAN: Thank you, Mr. President.

I rise in support of the amendment and wanted to first thank our leader, Andrea Stewart-Cousins, for her courage and forthrightness on the issue of sensible gun laws, and my colleague Brian Kavanagh, who's a national leader on the issue.

You know, we also have to thank the students of Stoneman Douglas High School in Parkland, Florida, who today, for the first time since that massacre on February 14th, returned to school. And we have to admire their courage for

standing up to the NRA, to the trolls on social media, to right-wing conspiracy theorists and even the president of the United States.

But Parkland is just the latest mass shooting. There have been 30 since 2018. And with each mass shooting, we tend to become numb to the horrors of the previous one, including the mass shooting in Las Vegas last year, where 58 people died and 851 individuals were wounded, the deadliest mass shooting in U.S. history.

Well, in that massacre, the shooter used a device called a bump stock. And a bump stock is just a piece of plastic which attaches to the stock and pistol grip of a semiautomatic rifle and turns it into a machine gun. That allowed him to kill individuals at a rate of 400 to 600 rounds a minute.

These devices are illegal to use in New York State, but because of a loophole in our state law, they're legal to own, they're legal to sell, they're legal to buy on the Internet, they're legal to transport in the back of your car. The loophole doesn't make any sense. There would be no reason to own a bump stock if not to use it.

President Trump says he'll close the loophole on the bump stock, but it's been four months since Las Vegas. We can't trust him.

Congress says they'll close the bump stock loophole, but it's been four months and they've been gutless in the face of the National Rifle Association.

It's up to us in New York. We should spit in the face of the NRA today and ban bump stocks once and for all through this amendment.

If we can't ban a piece of plastic, we have failed the kids in Parkland, we've failed our own children, we have failed every victim of gun violence in this country.

Thank you, Mr. President.

ACTING PRESIDENT CROCI: Senator Persaud to be heard on the appeal.

SENATOR PERSAUD: Thank you, Mr. President.

This amendment would create the New York State Firearm Violence Research Institute that would operate under the auspices of SUNY, where they would study this epidemic.

Firearm violence in our community is

a healthcare epidemic. The research would provide invaluable resources to the Governor, our Legislature, and any agency that needs information on how to formulate new responses to this epidemic.

Gun violence in the United States is a public health problem. Actually, Monday evening in my district, a 9-year-old was shot in the head. So we see what it can do.

Unfortunately, the federal government prohibits the Center for Disease Control from treating this as such. The 1996 Dickey Amendment pushed by the NRA forbade the CDC from using money to advocate or promote this research.

Gun violence -- the research must continue. The federal level cannot do it. We must do it at the state level. The federal research ban makes no sense.

In 2016, 141 organizations, including the American Medical Association and the American Association for the Advancement of Science, sent a letter to Congress asking them to lift that ban. They have not. They continue to just turn a blind eye.

Even the sponsor of the amendment, Jay Dickey from Arkansas, wrote an op-ed in the Washington Post asking for this to be lifted and regretting his decision that he had made.

Unfortunately, we cannot count on the Congress to put public safety first and give funds to the CDC. Luckily, we can do that. We can allow SUNY to conduct the research for us so that we can understand what is the issue, the underlying issue that's causing gun violence in our communities.

This legislation would put New York State in a leadership role when it comes to public health and gun safety. It would not impede on anybody's rights and would not create any additional burdens on anyone.

Again, I ask my colleagues to think of this the same way we're looking at other issues right now. The same way we're looking at the opioid issue right now and saying it's a health epidemic, we must look at gun violence in our communities as a health epidemic. We must fund a research institute so that we can eliminate this issue of gun violence in our communities.

Again, thank you all for your support.

ACTING PRESIDENT CROCI: Senator Gianaris to be heard on the appeal.

SENATOR GIANARIS: Thank you, Mr. President.

You heard from my colleagues that these are some very reasonable commonsense proposals that I would be hard-pressed to find an argument against. But I want to talk about the broader approach to this important issue for a second, because we also hear a lot about safety at locations, hardening locations. And there's certainly room for dialogue on that issue, and I'm sure we will have it.

But we have to cross a line in our thinking, not only in this state but in the country, which is that guns make more killings more likely even if the person is dangerous himself or herself. Okay? It is the weapon itself that allows even more people to be killed.

So yes, people kill people, but guns do kill people too, and guns kill more people than a person with a fist or a person with a knife. And if we don't reach that conclusion,

we're just going to be lamenting more and more deaths -- deaths of children, deaths of churchgoers, deaths of moviegoers.

And are we going to just chase the location of choice of the latest massacre? So now we're going to harden schools. Which maybe we should do, and we should certainly have that conversation. Are we going to harden our movie theaters? Because there was a mass shooting at a movie theater a while ago. Are we going to harden our churches? Because there was a mass killing at a church in South Carolina. Are we just going to have armed guards everywhere in the state at every location, trying to predict where the next mass shooting is going to be?

How about we take the shooting out of the mass shooting and take guns away from people who shouldn't have them.

You've heard about Senator Kavanagh's proposal, which is being embraced by the governor of Florida. No progressive is he, as you probably know. You have heard about Senator Hoylman's proposal to ban bump stocks, whose only purpose can be to kill even more people. And you heard from Senator Persaud about

simply asking for a study to find out what other measures we could take to make people safe.

I have a proposal as well to make background checks better. Right now, if someone applies for a gun and a background check is not completed within three days, they are authorized to purchase that gun without a background check. And lest you think that's a rare occurrence, it happened over 300,000 times in 2016 alone, which is the most recent year for which we have data.

I referenced the church shooting in South Carolina. Dylann Roof, who was the perpetrator there, got his weapon because the three-day period lapsed and he was authorized -- even though he had a record that probably would have kept him from buying the weapon in the first place.

Why in God's name would someone need a weapon so quickly that they can't wait a week and a half or two weeks to get it for a background check to be completed? What is it about the next three days where they absolutely have to have a gun? Maybe it's because they want to do something they shouldn't be doing.

And by the way, if a background

check is not completed within those three days, it likely means there was a flag on the application which requires further study. So the fact that we would allow those people to get the guns, they tend to be the people we should be prohibiting from getting the guns.

Now look, this is just mind-boggling to me how we could watch our children die and we're sitting here making excuses, trying to divert the public by talking about making locations safer instead of making people safer.

So I encourage my colleagues to step up and do the right thing. Enough with the absolutism around the Second Amendment. Yes, we have a Second Amendment. Yes, we respect it. But again, to cite probably one of your favorite leaders in the Supreme Court, Justice Scalia made a point in saying that yes, we can have reasonable regulations on firearms, and we should.

You want to disagree with Justice Scalia? You want to be to the right of Justice Scalia? You want to be to the right of Governor Scott in Florida? Be my guest. But you are doing a disservice to the people of this state,

and those that agree with you are doing a disservice to the people of this country in not moving forward on this important issue.

Thank you, Mr. President.

ACTING PRESIDENT CROCI: Seeing no other Senator wishing to speak, the question is on the overruling of the chair. All those in favor of overruling the chair please signify by saying aye.

SENATOR GIANARIS: Mr. President, on this important issue I think people deserve to know where everyone stands, so I call for a show of hands.

ACTING PRESIDENT CROCI: A show of hands has been requested. All those in favor of overruling the chair please raise your hand.

The ruling of the chair stands.

I'm sorry, announce the results.

THE SECRETARY: Ayes, 29.

ACTING PRESIDENT CROCI: The ruling of the chair stands.

The Secretary will read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now take up Calendar Number 17, by Senator Croci.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Calendar Number 17, by Senator Croci, Senate Print 7289, an act to amend the Military Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

SENATOR DeFRANCISCO: Can we now

take up Calendar 34, please.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Calendar Number 34, by Senator Helming, Senate Print 7306, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now go to Calendar Number 9 at the beginning of the calendar and complete the calendar in order.

ACTING PRESIDENT CROCI: Very well. The Secretary will read.

THE SECRETARY: Calendar Number 9, by Senator Bailey, Senate Print 7281, an act to amend the Correction Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 10, substituted earlier by Member of the Assembly Gottfried, Assembly Print 9034, an act to amend the Social Services Law.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2017.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 12, substituted earlier by Member of the Assembly Glick, Assembly Print 8986, an act to amend the Public Authorities Law.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2017.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Senator Kavanagh.

SENATOR KAVANAGH: Thank you, Mr. President. Just to briefly explain my vote.

This bill is a chapter amendment to a bill that was passed last year that's vitally important to the residents of the Lower Manhattan neighborhood of Battery Park City. The bill ensures that there will be local representation on that board, a cornerstone of our democracy.

The bill -- in addition, this amendment adds some provisions about what the qualifications of those members are. It's an

important part of a three-way agreement to get this done.

And I just want to thank Assemblywoman Glick, who has already passed this bill in the Assembly, and my predecessor, Senator Daniel Squadron, who fought long and hard for this. And I'll vote in the affirmative.

Thank you.

ACTING PRESIDENT CROCI: Senator Kavanagh to be recorded in the affirmative.

Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I just want to recognize to my colleagues that that was Senator Kavanagh's first bill to pass the Senate.

(Applause.)

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Calendar Number 24, substituted earlier by Member of the Assembly Rozic, Assembly Print 8929, an act to amend the

Civil Service Law.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2017.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 1. Senator Ortt recorded in the negative.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 43, substituted earlier by Member of the Assembly Thiele, Assembly Print 8919, an act to amend the General Municipal Law.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2017.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 46, by Senator Griffo, Senate Print 7318, an act to amend the Public Service Law.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2017.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 49, by Senator Griffo, Senate Print 7321, an act to amend the Public Authorities Law.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2017.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 50, by Senator Alcantara, Senate Print 7322, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 59, by Senator Golden, Senate Print 7331, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2017.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 61, by Senator Montgomery, Senate Print 7333, an act to amend the Executive Law.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2017.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 90, by Senator Klein, Senate Print 1989, an act to

amend the Public Housing Law.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

This is the first of two bills that hopefully will pass the Senate today dealing with the crisis which is the New York City Housing Authority. This legislation would allow oversight by the New York City Council to oversee the over 400,000 tenants that live in NYCHA housing.

Unfortunately, right now where the City Council has the ability to have oversight and hearings for various city agencies, being that NYCHA is chartered by the state -- even though every member of the NYCHA board, including the chair, is appointed by the City of New

York -- the City Council has no oversight.

This bill came at the request of the former chair of the Public Housing Committee in the City Council, Ritchie Torres. And I think now that NYCHA is in crisis, we certainly need as much oversight as possible, and it only makes sense for the local City Council to be able to have that oversight.

So I of course urge my colleagues to vote yes, and of course I'm voting yes, Mr. President.

ACTING PRESIDENT CROCI: Senator Klein to be recorded in the affirmative.

Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 197, by Senator Young, Senate Print 3939A, an act to amend the Public Health Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 253, by Senator Funke, Senate Print 940A, an act to amend the General Municipal Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 298, by Senator Croci, Senate Print 939, an act to amend the Civil Service Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 420, by Senator Ranzenhofer, Senate Print 3236, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 436, substituted earlier by Member of the Assembly Schimminger, Assembly Print 9052, an act to amend Chapter 396 of the Laws of 2010.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 446, by Senator Marcellino, Senate Print 1185, an act to amend the Navigation Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 447, by Senator Little, Senate Print 1674, an act to amend the Navigation Law.

ACTING PRESIDENT CROCI: Read the

last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 477, by Senator Alcantara, Senate Print 6343A, an act to amend the Penal Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Senator Alcantara to explain her vote.

SENATOR ALCANTARA: Yes, thank you, sir.

This bill is very important to me. I represent a community that the majority of

hairdressers and barbershops are owned by women, mostly immigrant women. And this bill, I was very surprised to find out that theft of services for a barbershop or a beauty salon was not punishable as a crime.

So I want to urge all my colleagues to please vote for this bill. It would do great service to the men and women that are small business owners that come into work sometimes seven days a week to feed their families.

So I urge all my colleagues to please vote for this bill. Thank you.

ACTING PRESIDENT CROCI: Senator Alcantara to be recorded in the affirmative.

Announce the result.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, can we go back to Calendar 46, please.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Calendar Number 46, by Senator Griffo, Senate Print 7318, an act to

amend the Public Service Law.

SENATOR DeFRANCISCO: I move to reconsider the vote by which that bill was passed.

ACTING PRESIDENT CROCI: Please call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is restored to its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: And can we lay that bill aside for the day.

ACTING PRESIDENT CROCI: That bill will be laid aside for the day.

SENATOR DeFRANCISCO: Can we go back to Calendar Number 49.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Calendar Number 49, by Senator Griffo, Senate Print 7321, an act to amend the Public Authorities Law.

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

ACTING PRESIDENT CROCI: Call the

roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

SENATOR DeFRANCISCO: Lay the bill aside for the day.

ACTING PRESIDENT CROCI: The bill has been restored to its place on the Third Reading Calendar and will be laid aside for the day.

SENATOR DeFRANCISCO: We have a supplemental calendar, Number 14A, which includes the bills that we dealt with in Rules earlier today. Can we take up that calendar.

ACTING PRESIDENT CROCI: Yes. The Secretary will read.

THE SECRETARY: Calendar Number 533, by Senator Little, Senate Print 761, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 534, by Senator Tedisco, Senate Print 1355B, an act to amend the Education Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 535, by Senator Klein, Senate Print 5788, an act to amend the Public Housing Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Senator Savino, I have a list of speakers.

Senator Klein, would you like to go first?

SENATOR SAVINO: Yes.

ACTING PRESIDENT CROCI: Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

This is an extremely important piece of legislation because this past Monday I stood with my colleagues and, most importantly, NYCHA residents where we released a report entitled "The New Flint."

You know, we all know about Flint, Michigan, where close to 100,000 people were exposed to lead in their drinking water. And rightfully so, it caused a national outcry. Everyone pointed fingers, and ultimately they found who was at fault.

Millions and millions of dollars were spent to correct the situation, but at the same time it sort of showed that individuals were being taken for granted, especially in minority

communities.

Well, here in New York City we have the New York City Housing Authority, which as we all know now covered up a scandal of very large proportions where residents were exposed to lead paint. We all know there were 100,000 people in Flint, Michigan. Well, there's 400,000 tenants in NYCHA who could have been exposed, and probably were, to lead paint poisoning, especially young people.

We all know the impact of lead poisoning on our young people. It disrupts their motor skills, lowers their IQ, actually something that we should be very, very concerned about.

We put forth this study to once again show attention or bring attention to the fact that NYCHA is not managing their properties properly, NYCHA is not looking out for their tenants. Surveys showed that lead paint hasn't been abated in years. There has been no notification to tenants about the potential risk. They are being kept in the dark.

I want to tell you, by this report and several others I put forth over the years, you can honestly say that NYCHA is the worst

landlord in the City of New York.

You know, I know we're all very concerned about cracking down on bad landlords. We pass legislation, we make sure they keep their buildings in tiptop shape. But here we are allowing public housing run by NYCHA to run the worst housing stock in the City of New York. If this was a private landlord, we would have cuffed them and sent them to jail for putting these tenants at risk, but yet we're sitting idly by.

I want to thank my colleagues, especially in the Republican Conference, because over the last several years in the budget we have allocated over $300 million to NYCHA. We actually made the largest single investment in the last 20 years to NYCHA.

But you want to know something, ladies and gentlemen? Of that $300 million, not one penny has been spent, not one penny has been spent to actually repair roofs, to fix boilers, to abate lead. They have done absolutely nothing. They just point fingers at one another and say they're going to deal with the problem.

Well, I think the time has come for the state to step in and have simple oversight --

make sure these repairs are made in a timely fashion, make sure the money that we allocate, taxpayer dollars, to repair NYCHA is done properly, and make sure, most importantly, that the health and well-being of our tenants in NYCHA housing, especially our children, are upheld. That's something that's extremely important.

So whenever anyone talks about, you know, how we can help communities in New York City, especially those communities of color, the first step is appointing a state monitor to make sure the tenants of NYCHA are safe and secure.

I vote yes, Mr. President.

ACTING PRESIDENT CROCI: Senator Klein to be recorded in the affirmative.

Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

I want to thank Senator Klein for his work and his dedication on this issue.

As he said, on Monday we stood together with a Councilmember and tenants of the New York City Housing Authority, and it was not the first time where we have joined together to shine the light on the decrepit conditions in the

New York City Housing Authority.

I represent 14 housing developments in Coney Island, and six of them in Staten Island, and I will tell you each and every one of those developments is in deplorable condition. How deplorable are they? Well, they are so deplorable that yesterday the Council of Presidents of the NYCHA developments, the tenants themselves, joined together to file a lawsuit against the City of New York demanding action be taken, because they are living in the worst conditions in any apartment buildings in the City of New York.

They themselves called the mayor of the City of New York a slumlord on the steps of City Hall yesterday. That's how serious this problem is.

Last August I, along with my colleagues in Brooklyn, scheduled a walk-through of three of the developments in Coney Island because we had received innumerable complaints from tenants who lived there. And they knew we were coming. We arranged it with the Housing Authority. We gave them the date ahead of time. And usually when you do that, they like to clean

it up a little bit so it doesn't look so bad.

Well, they didn't do anything. Conditions were exactly the way they always are: Filthy, deplorable, urine in the hallways, urine in the elevators, garbage compactors that don't work, boilers that are not working, mold all over apartments. That was before we knew about lead.

Five years ago, after Hurricane Sandy, we had a Sandy task force, and one of the recommendations out of the Sandy task force was that we create the position of a licensed mold remediation contractor in New York State. If you want to sell your services to a homeowner, you'd better be licensed and trained.

Only one group asked to be carved out of that requirement, and that was the New York City Housing Authority. They have had five years to develop a program where they could do mold remediation and see to it that the work was done by people who were trained the same way licensed contractors are in New York State, and to date they have done nothing. Nothing. If you go into these apartments, you will see that they are riddled with mold.

And they send someone with a bottle

of bleach, and they spray it and then they paint it again. That's not mold remediation. That doesn't even barely cover the problem.

The conditions that people are living in are so deplorable, they are worse sometimes than a Third World nation.

So if you don't like our bill, listen to the tenant leaders who stood on the steps of City Hall yesterday and said "Enough is enough. We can't trust NYCHA to see to our safety and security and the habitability of where they live." They demand a state monitor, that's in their lawsuit.

We can do this much faster than the courts can. We can pass Senator Klein's bill and we can take responsibility for the 400,000 people who depend upon us to make things better for them.

I vote in the affirmative, Mr. President.

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

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you,

Mr. President.

Just briefly, I voted with -- I voted for the previous bill on the main calendar that adds a layer of oversight through the New York City Council.

I applaud the members, my colleagues from the IDC and other members of this chamber who have focused a great deal of attention on the question of how we get NYCHA apartments into a state of good repair and how we deal with some of the very disturbing safety conditions that we've seen.

I also represent many, many thousands of NYCHA residents. I've been in and out of these buildings for years and seen the deterioration over time. But the simple fact is that this is very substantially a crisis of funding.

There are management issues that need to be addressed, but what we're dealing with is a landlord that by law is housing half a million people and is grossly underfunded -- roughly a $17 billion capital deficit that, when their latest reports come up, will probably rise to a $25 billion capital deficit.

In the face of that, members of this chamber and of the other chamber, in which I used to serve, and the Governor have put some resources into that problem, but it's woefully inadequate. A few years ago we did $100 million, but we specified that that money could not be used on core capital needs of NYCHA. A couple of years ago we put $200 million up; that money is largely unspent at this point.

You know, we fought many years ago against taxation without representation. In this case, perhaps we should be avoiding oversight without responsibility. The state needs to step up and put a lot more money in. I will join others in calling for at least $500 million in this budget to begin to address this concern.

And again, I really do applaud the tremendous attention that my colleagues Senator Klein and Senator Savino and others have put on this problem, but I don't think that this particular bill, adding HCR to the mix, is going to make any difference, and so I'll be voting no on this.

ACTING PRESIDENT CROCI: Senator Kavanagh to be recorded in the negative.

Senator Hamilton.

SENATOR HAMILTON: Mr. President, I rise -- I just want to say I'm a child of NYCHA. I grew up in NYCHA housing in the South Bronx. And no parent should have to raise their child in an apartment that is poisoning them.

I also have the Brownsville section of Brooklyn, which has one of the highest concentrations of NYCHA houses in the country.

And going through NYCHA housing, I've walked through every development from the roof to the first floor. And as Diane Savino said, Senator Savino said, some of the conditions are worse than Third World countries.

I have buildings in my NYCHA developments where there's only one elevator button -- no up, no down. So at night when women press the elevator, they're fearful the elevator may go to the roof where there will be a predator waiting for them. So rather than take that chance, they'll walk down the stairs. These are the conditions people are living under in NYCHA.

In several buildings there was a shooting from the building. And the response by NYCHA was to spray paint the windows. So when

you get off the elevator, there's no light. Dimly lit. It's like you're living in a quasi-prison system.

Many of the residents of NYCHA, the elevators are broken. In one development, a person literally died to death because they couldn't get out on time. And because of that, I passed a bill on NYCHA that anybody with a disability who's a senior citizen would have the option of moving to a lower floor.

And walking through my section of Brownsville, I've gone to apartments where there's mold, young children, lead paint. And just think of it, we know lead is a neurotoxin. And we've had the president of NYCHA lie under oath that she had lead paint inspectors. We know for a fact that the City of New York laid off 52 lead paint inspectors. So what do you expect would happen when they do that?

We have a bill right now, I'm presenting a bill that they rehire the lead paint inspectors.

And I say to all my colleagues, if you haven't been to NYCHA housing, you need to go. You need to go and walk through those

developments. And if you walk through those developments and you tell me it's a place that you're willing to live, then don't vote for the bill. But if you walk through there, right, and you feel it's a place you don't want to live, then you need to support it.

So right now people are living under conditions where roofs are collapsing, front doors are open, no security. All right? So if you want to vote against this bill, please walk through NYCHA housing and see the living conditions that people are living under.

And I've done that. And I created The Campus. The Campus was the first of its kind in public housing in the country. We do STEAM and coding for our young boys and girls, to make sure they have opportunities to live a better life. Because you can make $80,000 a year with a high school diploma in coding.

We had the Wellness Center -- psychologists, psychiatrists, and social workers -- because the second leading cause of death in our community is suicide. It's an epidemic, but no one is talking about it.

We have gang violence prevention.

On our second day of having our gang violence meeting, a young man was literally shot right in front of me, Rysheen Ervin. And I saw that young man die in front of me because the police department did not know how to do CPR. I watched the fire department look at us -- five firefighters, didn't leave the firehouse. When I approached them afterwards, I said, "Why did you not come to give this kid CPR?" And they said, "Senator, contractually, we do not have to respond to shootings."

These are the conditions that people are living under. I went --

ACTING PRESIDENT CROCI: Senator Hamilton, how do you vote?

SENATOR HAMILTON: I vote yea, yes.

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

Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I too, as probably most of us, represent a very, very large number of tenants who live in public housing. As a matter of fact, if you took public NYCHA and put all of the

developments together, you would have a city larger than most cities and towns in the State of New York. So I'm happy that we are paying attention to this housing.

By the way, NYCHA represents the largest number of units of actually affordable housing for working people in the City of New York as well. So it's about time we pay attention.

I did vote for Senator Klein's first -- the first bill, which gives the City Council an opportunity to oversee housing. But I think it's a bit disingenuous to say that this particular bill, which invites DHCR to become involved and the state to become involved, regulatorily speaking -- as if that's going to solve the issues related to all of those things that my colleagues have pointed out that are wrong with NYCHA.

The fact of the matter is NYCHA is so deprived, short of resources, and the maintenance over time has been slowly but surely from the federal level -- we don't put in money here in the state, so the federal government has been retreating from maintaining NYCHA, from

resourcing NYCHA. And of course the city has done as much as it could.

But let's be honest, the $300 million that we put up last year -- the $200 million -- you and I know that it never got to NYCHA because it was our fault, not NYCHA's fault.

So I want to make sure my constituents understand that I'm voting no because this is an insult to the constituents who live in NYCHA, because we're pretending that we're giving them something and we're not doing anything but creating another obstacle to the management of NYCHA and we haven't put any money in NYCHA.

So let's do what Senator Kavanagh suggested, at least a half a billion dollars, and let it go to the real problems that NYCHA has and not to gardens and other things that are not relevant to the maintenance and the upkeep and addressing the real structural issues.

I vote no.

ACTING PRESIDENT CROCI: Senator Montgomery to be recorded in the negative.

Senator Alcantara.

SENATOR ALCANTARA: I would first like to thank Senator Klein for bringing this bill to the floor.

And let me remind my colleague that this is the same bill we all voted for yes last June. It hasn't changed one bit, if I'm not mistaken.

Also, NYCHA has 400,000 people. If NYCHA was a city, it would be -- it would have a larger population than the City of Albany, Syracuse, Yonkers and Rochester. Most of the people that live in NYCHA are senior citizens, single mothers, and just working-class people. NYCHA is the largest affordable housing stock in the country.

Just because NYCHA is underfunded, it doesn't mean that they need to be lied to. Obviously we have met with Councilmember Ritchie Torres, who grew up in public housing and who proudly represents NYCHA. And obviously right now NYCHA doesn't have -- NYCHA is lawless. They don't have to answer to anyone.

So saying something is not enough is not an answer. This is certainly a starting point, somebody that we can go to and ask

questions when something goes wrong in NYCHA.

Some of the conditions in NYCHA are -- human beings shouldn't have to live like that. And we want to send a message to the 400,000 people that live in NYCHA that even though you are poor, many of you guys are from communities of color, we care about you and we are looking out for you.

Because if the situation in NYCHA would have happened at StuyTown, it would have been a national crisis, because people in StuyTown have resources. People in NYCHA are elderly, Latinos, African-Americans that oftentimes cannot speak for themselves.

So to sit here on my nice leather chair and say that it's not enough isn't an answer. We have met with hundreds of NYCHA members. Dyckman Houses, I called last May for a repair in an apartment. It took eight months for someone to just go see what they needed to repair, a year and a half for that repair to take place.

The workforce in NYCHA has been reduced --

ACTING PRESIDENT CROCI: Senator

Alcantara, how do you vote?

SENATOR ALCANTARA: I will be ending in a quick minute.

So we just want to have --

ACTING PRESIDENT CROCI: No, Senator Alcantara, your time is up. We have to be fair to everybody.

SENATOR ALCANTARA: -- we want to send a message to the people of NYCHA that we in the IDC are looking out for you. And that --

ACTING PRESIDENT CROCI: Senator Alcantara, how do you vote? Senator --

SENATOR ALCANTARA: -- even though you're poor, we --

ACTING PRESIDENT CROCI: Senator Alcantara, I have to ask you --

SENATOR ALCANTARA: -- need to respect you and look out for you.

ACTING PRESIDENT CROCI: -- to state how you're going to vote.

SENATOR ALCANTARA: Thank you, I will be voting in the affirmative.

ACTING PRESIDENT CROCI: Senator Alcantara will be voting in the affirmative. Thank you very much.

Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, sir.

I proudly represent the most people in Queens who have NYCHA, or the most NYCHA residents in Queens. Going a step further, I was born in the Hammel Houses. I was not born in a hospital, I was born in the Hammel Houses in Queens.

Now, I have gone on the record with my position on NYCHA, and I've taken some bold moves on it. Because I too -- well, first I do want to thank the sponsor for bringing the conversation. It is a necessary conversation. I absolutely have gone on the record because, like the previous speakers, I believe that it doesn't matter how much money you have or don't, we need to represent people. We need to represent them strongly.

The problems, of course, of NYCHA stem from federal disinvestment and neglect at New York State and New York City over the years. This is not five minutes, this is something that has been going on for decades. And the chickens have come home to roost. Sandy further devastated many of these communities.

But sadly, although I will be for the first bill that Senator Klein has come up, I don't believe that monitoring without financial investment is merely -- it will merely do finger pointing. We've got to move real money here. We've got to -- I don't have a problem with looking into mismanagement. That's not my issue. If it's there, let's root it out.

But at the same time, at the end of the day if you're not going to move real money -- $500 million is a beginning. If you're not going to move real money into that, then we're not really helping these people. We have to move real money and have ways that that money gets to the people. We want to cut through red tape, let's do it. You want to make sure that it doesn't take two or three years, let's do it. But let's move real resources to the people without the red tape.

So I will sadly have to vote no on this one, but I applaud the momentum, the spirit that people are bringing to this. Let's look into this affair, let's find out why our neighbors are not living in the condition that we would want our parents to live under.

Thank you very much, Mr. President.

ACTING PRESIDENT CROCI: Senator Sanders to be recorded in the negative.

Senator Comrie.

SENATOR COMRIE: Thank you, Mr. Chair.

I rise to support my colleagues desires to see something substantially happen in NYCHA to make sure that the management issues are taken care of, to make sure that there's some real funding that can go into NYCHA, to make sure that there's some real oversight and opportunities to fix the red tape.

The money that has been designated from the State Legislature to go to NYCHA has primarily been given to do nonessential items, things that are not going to be helpful to the immediate issues that need to be repaired, not going to help the roofs, not going to help the boilers, not going to help the people that are having heating problems, not going to increase inspectors, not going to do anything to resolve the real problems that are happening at NYCHA right now.

Unfortunately, the money that was

designated from the Legislature here has been put into cosmetic things, lighting and other issues that are not germane to the real issues at NYCHA.

As my colleagues have said before, this is a decades-old problem of the fact that there's been a -- the fact that the federal government has given up its responsibility for NYCHA, the fact that we in the state over the last decade has not -- we have not kept up our share of the funding that NYCHA needs to have.

We need to understand that there are residents in NYCHA that we need to help, and we need to find a better way to do this. Another layer of oversight -- I would applaud the City Council for what they are doing, for the fact that they have brought this to a national issue and to make sure that this issue is being highlighted. I think that we need to support them with real money, real money that -- at least $500 million a year, but make sure that that money is directed to get things done within a timely period.

I understand the need to make sure that the management issues are fixed, but I think we have to do an even larger responsibility as

elected officials to make sure that the immediate needs of NYCHA -- because the boiler infrastructure is not just a replacing a boiler but dealing with, as my colleagues have said, replacing a heating infrastructure that's 30 years old, 40 years old, in buildings that need to be updated.

We cannot afford to lose these buildings. We cannot afford to lose all of the NYCHA properties because of disrepair and mismanagement.

I'm going to be voting no, unfortunately, on this one, Mr. Chairman, and I appreciate the opportunity to speak on it.

Thank you.

ACTING PRESIDENT CROCI: Senator Comrie to be recorded in the negative.

Senator Parker.

SENATOR PARKER: Thank you, Mr. President. To explain my vote.

First of all, let me thank Jeff Klein for his leadership on this issue. Because this is not a new issue for him, it's something he's been talking about and carrying for a while. And certainly I appreciate that, and we certainly

appreciate the opportunity to debate this critical issue for all of us.

Like Senator Hamilton, I also grew up in NYCHA, in the Bushwick Houses at 390, Apartment 6D. And so, you know, I'm very, very well -- when I hear that the descriptions of how people are living, I lived in those conditions. Right? I remember having to walk up and down the steps because people were afraid to ride the elevators.

What wasn't mentioned is that most of the time the bulbs in the hallway and in the stairway were out, and so you typically were walking up the steps and down the steps in literally pitch black.

That being said, there are horrible conditions. We certainly need to deal with it. As Senator Sanders indicated, a lot of this becomes because of a fiscal abandonment by the federal government that we really need to take up.

And although I applaud the attempt, I think this particular bill is not necessarily the way we ought to go. And so I agree with Senator Kavanagh that we need to increase our

financial commitment to NYCHA. We're told right now that if we started doing all the repairs today, it would cost $17 billion to repair everything that needs to be repaired in it -- billion with a B.

And so to ask for simply in our budget this year, you know, $500 million really is a drop in the bucket. And the question is not what happens or where the money comes from, the question is what happens if we don't start to invest in NYCHA and make sure that that large stock of affordable housing is properly maintained.

I have NYCHA in my district, I have Glenwood Houses in my district. Certainly we share many of the same kind of issues. And all of us -- what you're hearing in this debate, Mr. President, is a frustration with the process and with the lack of momentum and the lack of dignity that people are forced to live in. And we certainly, I think, collectively are saying that that no longer can be the case in the State of New York.

And so I think that we should get rid of the red tape, not create more red tape. I

certainly would be supporting something that allows NYCHA to use design-build, and that includes MWBE in it. We should be looking at other ways that we make both the construction and the repair process for an NYCHA easier, smoother transition. And I think that not just this body but the whole state government must be committed to dealing and addressing the needs of this state's third largest city, which is NYCHA.

And so I am opposing this bill, although I did vote for the first bill that gives the New York City Council more oversight. And we look forward to more debate and work around helping the people of the New York City Housing Authority.

Thank you.

ACTING PRESIDENT CROCI: Senator Parker to be recorded in the negative.

Announce the result.

THE SECRETARY: In relation to Calendar 535, those recorded in the negative are Senators Benjamin, Comrie, Dilan, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Persaud, Rivera, Sanders and Stavisky.

Ayes, 46. Nays, 13.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Senator Krueger moves to discharge, from the Committee on Rules, Assembly Bill Number 8953 and substitute it for the identical Senate Bill 7409, Third Reading Calendar 536.

ACTING PRESIDENT CROCI: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 536, by Member of the Assembly Richardson, Assembly Print 8953, an act to amend the Public Health Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT CROCI: The bill is passed.

Senator Serino.

SENATOR SERINO: Mr. President, may we return to motions and resolutions, please.

ACTING PRESIDENT CROCI: Motions and resolutions.

SENATOR SERINO: Mr. President, on page number 37 I offer the following amendments to Calendar Number 398, Senate Print Number 7166, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT CROCI: So ordered.

SENATOR SERINO: And Mr. President, we will now have the benediction, please.

ACTING PRESIDENT CROCI: Can I ask everyone in the chamber to please rise for the benediction.

We are very privileged today to have with us the abundantly patient Reverend Jean Gardel Paul, pastor of Glory of El-Shaddai Christian Center in Brooklyn, New York, to deliver our benediction.

Reverend.

PASTOR GARDEL PAUL: Thank you, Mr. President.

I want to glorify God for a new day

of his loving kindness, tender mercies, and a solid omniscience overall.

I thank God also for Senator Kevin Parker -- doing a great job in our community in Brooklyn, New York -- for granting me this opportunity.

Let us join together and pray.

Lord God, we humbly come before You with thanksgiving in our hearts just for who You are and all You have done.

I pray for all Senators representing our many districts in this place. Please continue to inspire their very thinking with Your spirit of wisdom, understanding, counsel and might. God Almighty, allow them to stand strong as they tackle the very serious issues that plague our communities today.

I declare and I decree: Thy kingdom come on each district, each borough, each state, each county, each child, each adolescent, each adult, each senior citizen, and Thy will be done on earth as it is in Heaven.

Lord, You said if Your name is lifted up, You shall draw all men to you. Please continue to bless these United States of America

and help us to remain close to You at all times despite all that is lurking around us.

As You have given one of the greatest leaders of men, your servant Moses, these words to declare over your people, I am praying this blessing over each representative in their respective districts. May the Lord bless you and keep you. May the Lord make His face shine on you and be gracious to you. May the Lord turn His face toward you and give you peace.

I declare and I decree: In the mighty name of Jesus, I pray. Amen.

God bless you all.

ACTING PRESIDENT CROCI: Senator Serino.

SENATOR SERINO: Yes, Mr. President. Is there any further business from the desk?

ACTING PRESIDENT CROCI: There is no further business before the desk.

SENATOR SERINO: Okay, I move to adjourn until Monday, March 5th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT CROCI: On motion, the Senate stands adjourned until Monday,

March 5th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:46 p.m., the Senate adjourned.)