NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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March 6, 2018

3:57 p.m.

REGULAR SESSION

SENATOR FRED AKSHAR, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT AKSHAR: The Senate will come to order.

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

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

ACTING PRESIDENT AKSHAR: In the absence of clergy, may we please bow our heads in a moment of silence.

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

ACTING PRESIDENT AKSHAR: The reading of the Journal.

THE SECRETARY: In Senate, Monday, March 5th, the Senate met pursuant to adjournment. The Journal of Sunday, March 4th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 23, Senator

Bonacic moves to discharge, from the Committee on Judiciary, Assembly Bill Number 9029 and substitute it for the identical Senate Bill 5845, Third Reading Calendar 323.

On page 28, Senator Hannon moves to discharge, from the Committee on Health, Assembly Bill Number 8781 and substitute it for the identical Senate Bill 6940, Third Reading Calendar 376.

ACTING PRESIDENT AKSHAR: The substitutions are so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Mr. Floor Leader.

SENATOR DeFRANCISCO: Yes. At this point I'd move to adopt the Resolution Calendar, please.

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

(Response of "Aye.")

ACTING PRESIDENT AKSHAR: Opposed, nay.

(No response.)

ACTING PRESIDENT AKSHAR: The Resolution Calendar is adopted.

Floor Leader.

SENATOR DeFRANCISCO: On page 25, I offer the following amendments to Calendar 348, Senate Print 7372A, by Senator Gallivan, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT AKSHAR: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

SENATOR DeFRANCISCO: Now can we take up previously adopted Resolution 3808, by Senator Gallivan, read it in its entirety, and call on Senator Gallivan to speak.

ACTING PRESIDENT AKSHAR: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3808, by Senator Gallivan, commemorating the adoption of the Constitution of the Polish-Lithuanian Commonwealth on May 3, 2018.

"WHEREAS, It is the sense of this Legislative Body to recognize and pay just tribute to the cultural heritage of the ethnic groups which comprise and contribute to the richness and diversity of the community of the State of New York; and

"WHEREAS, Attendant to such concern, and in keeping with its time-honored traditions, it is the intent of this Legislative Body to commemorate the adoption of the Constitution of the Polish-Lithuanian Commonwealth on May 3, 2018; and

"WHEREAS, The celebration of the adoption of the Constitution of the Polish-Lithuanian Commonwealth on May 3, 2018, affirms the culture, identity and self-esteem of a people; it honors a rich heritage and illuminates Poland's history and tradition, as well as the spirit of an indomitable people; and

"WHEREAS, The people of this great state and nation and Poland enjoy a deep and abiding relationship rooted in kinship and culture, and many New Yorkers proudly trace their own roots to Poland; and

"WHEREAS, The Constitution of the

Polish-Lithuanian Commonwealth was officially adopted on May 3, 1791; it was modern Europe's first codified national constitution and the second in the world, following the American one; both of these important documents stand as symbols of patriotism and resolve and express the same shared hopes for freedom and self-determination; and

"WHEREAS, Only two days after the Constitution had been passed by the Grand Sejm, Polish Parliament, the 3rd of May was established as a national holiday; banned during the partitions of Poland, it was reestablished after the fall of communism in modern Poland and officially became a holiday after the country regained its freedom in 1918; and

"WHEREAS, In 1946, while under the communist regime during World War II, public celebration of the holiday was forbidden, and attempts of manifestations were suppressed by the authorities; in 1951, the holiday was summarily outlawed; and

"WHEREAS, After the fall of communism, the 3rd of May was restored as an official Polish holiday in April of 1990; almost

two decades later, the day was also declared a Lithuanian national holiday; the first joint celebration by the Polish Sejm and the Lithuanian Seimas took place on May 3, 2007; and

"WHEREAS, Today, the 3rd of May is truly a day of celebration for the people of Poland --

ACTING PRESIDENT AKSHAR: Excuse me one second.

Can I have some order in the house, please.

Thank you.

THE SECRETARY: "WHEREAS, Today, the 3rd of May is truly a celebration for the people of Poland; citizens take the day off from work and gather together to recognize their proud heritage through various events such as a 5km Constitution Run, family picnics, parades, and spring concerts; and

"WHEREAS, The commemoration of the Constitution of the Polish-Lithuanian Commonwealth on May 3, 2018, provides an opportunity to recognize the significance of their contributions to the quality and character of life, and, through events and activities,

allows all people to gain a greater appreciation of Poland's history and traditions, and of the role Poles have played, and will continue to play, in our society; and

"WHEREAS, This Legislative Body is pleased to have this opportunity to recognize such events of significance which foster ethnic pride and exemplify the cultural diversity that represents and strengthens the fabric of the people and the State of New York; and be it further

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the adoption of the Constitution of the Polish-Lithuanian Commonwealth on May 3, 2018."

ACTING PRESIDENT AKSHAR: Senator Gallivan.

SENATOR GALLIVAN: Thank you, Mr. President.

I rise, among other things, to welcome the consul general of the Republic of Poland and his deputy and the contingent of the Polish-American Congress, including those from Long Island all the way out to Buffalo and Western New York.

Countless Western New York families can trace their roots to Poland and continue to celebrate their culture and heritage today. Poles began arriving in Buffalo in the late 1800s. By 1971, over 300,000 Polish-Americans lived in Erie County, making them one of the largest ethnic groups in the region.

Their contributions and influence on the community are felt today, from the dozens of Polish-American churches throughout Buffalo and Cheektowaga and Western New York to the historic Broadway Market and the annual Dyngus Day celebration, second largest in the country.

We mark the 1791 adoption of the Constitution of the Polish-Lithuanian Commonwealth, a day of celebration for everyone of Polish descent, including the 1.1 million Polish-Americans who live across New York State in all of our districts. Today we recognize Poland's rich history and the contributions that Poles have made and continue to make in our society, and we celebrate their culture and traditions. The cultural diversity that we celebrate today represents the pride that we all share as New Yorkers.

And I am incredibly proud to host the consul general of the Republic of Poland in New York, Maciej Golubiewski, if you would please stand up; deputy consul general of the Republic of Poland in New York, Mateusz Gmura; as well as the contingent of the Polish-American Congress and members of the New York State delegation.

I welcome all of you, thank you for being here, thank you for what you represent, and all of the Polish-Americans that you represent in our districts and throughout the state.

Thank you.

(Applause.)

ACTING PRESIDENT AKSHAR: Thank you, Senator Gallivan.

Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you, Mr. President.

I too rise to welcome the Polish consul general, the deputy consul general, and members of the Polish-American Congress from all across this great State of New York. Welcome to the New York State Senate chambers.

But the history of Poland and the United States and the relationship between the

great State of New York and the country of Poland extends all the way back to the inception of this great nation. There have been Polish heroes that have helped to shape this great nation and have helped to build the camaraderie and the culture of our country throughout the course of history.

I have the incredible privilege to represent an extraordinary Polish and Polish-American community back in Buffalo, New York -- in the City of Buffalo proper, in the City of Lackawanna, as well as in the great Town of Cheektowaga. And it has been an extraordinary experience for me personally to be able to learn the great culture of the Polish people and, again, the history that makes our community so strong and the wonderful culture that we celebrate each and every year, whether it's through the holiday seasons that are coming up, whether the Easter holiday, whether Dyngus Day celebrations -- there is no celebration in the world like Dyngus Day in Buffalo.

And for those of you that haven't had an opportunity to come and celebrate the great Polish pride that exists in our state and in our community out in Western New York, I

invite you, with Senator Gallivan, to experience the amazing, amazing culture that exists in Western New York.

And I'm just so proud to stand here to welcome you, Consul General, and extend not only greetings from Western New York but the honor of this great house. We look forward to our continued relationship from New York State to Poland, but certainly as well as from our great United States to the Polish nation as well.

Thank you, and welcome.

ACTING PRESIDENT AKSHAR: Thank you, Senator Kennedy.

To the consul general, the deputy consul general of the Republic of Poland in New York, and your guests, allow me to welcome you. And on behalf of the members of the New York State Senate, we extend all the privileges and the courtesies of this great house.

Ladies and gentlemen, please rise one more time and welcome our guests.

(Standing ovation.)

ACTING PRESIDENT AKSHAR: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, that resolution is open for cosponsorship. If you'd like to cosponsor, please let the desk know of that.

ACTING PRESIDENT AKSHAR: If a member of the house would like to be a cosponsor, they should notify the desk.

SENATOR DeFRANCISCO: All right, now we also have a resolution on -- Resolution Number 3901, by Senator Golden, that was previously adopted. Could you read it in its entirety and call on Senator Golden to speak.

ACTING PRESIDENT AKSHAR: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3901, by Senators Golden and Gallivan, commending Lou Matarazzo, retired New York City police officer and former New York City Patrolmen's Benevolent Association president, for his tenacious advocacy on behalf of law enforcement and public employees spanning more than 50 years.

"WHEREAS, It is the custom of this Legislative Body to recognize and honor those distinguished officers and citizens who would

devote themselves to public service, demonstrating great courage and diligence in providing for the care and welfare of the citizens of their communities and this great Empire State; and

"WHEREAS, Within every community of the State of New York there are certain individuals who, by virtue of their commitment and dedication, merit the respect and admiration of their community for their exemplary contributions and service on behalf of others; and

"WHEREAS, This Legislative Body is justly proud to commend Lou Matarazzo, retired New York City police officer and former New York City Patrolmen's Benevolent Association president, for his tenacious advocacy on behalf of law enforcement and public employees spanning more than 50 years; and

"WHEREAS, To recognize his illustrious service, the New York State Association of PBAs established the Lou Matarazzo Distinguished Service Award in his honor; he will be saluted at a cocktail reception and awards ceremony on Monday, March 5, 2018, at the

Cornerstone at the Plaza, Albany, New York; and

"WHEREAS, Lou Matarazzo served in the New York City Police Department for more than 35 years, and for 32 of those years he was an elected representative of the New York City PBA, which represents more than 75,000 active and retired NYPD police officers; and

"WHEREAS, In 1968, Lou Matarazzo was elected PBA delegate, and in 1977, he was elected to a full-time position with the PBA, the largest police union in the United States; and

"WHEREAS, Over the subsequent 23 years, Lou Matarazzo held the position of trustee, chairman of the board of trustees, recording secretary, treasurer and president; during his tenure, he served on numerous labor-management committees, such as the rules, the grievance, and the negotiating committees; and

"WHEREAS, Furthermore, he cochaired the police merger committee with then-Commissioner William Bratton, to ensure a smooth and successful merger of the New York City Transit and New York City Housing Police Department when they were merged into the NYPD;

and

"WHEREAS, From 1978 until his retirement in 1998, Lou Matarazzo served on the multi-billion-dollar Police Pension Board, which is charged with the prime fiduciary responsibility for police-related disabilities and the investment and management of pension funds; and

"WHEREAS, Lou Matarazzo is also on the board of directors of COP-SHOT, the program that offers cash rewards for information leading to the arrest and conviction of anyone who shoots or shoots at an NYPD police officer or officers of various other departments, and served as chairman of the New York State Public Employee Conference of the State of New York, which has hundreds of thousands of members; and

"WHEREAS, After retiring from the NYPD, Lou Matarazzo became the legislative director of the Detectives' Endowment Association, Inc., the labor union of NYPD detectives; today, he is also the legislative director for the Captains' Endowment Association, the Lieutenants' Benevolent Association, and the New York State Public

Employee Conference; and

"WHEREAS, In his position as legislative director, Lou Matarazzo played a key role in the passage of laws that protect the health and welfare benefits of municipal workers who become ill due to their work related to the World Trade Center attacks and rescue and recovery efforts; and

"WHEREAS, A role model for public-sector labor leaders, Lou Matarazzo was appointed to the Governor's 9/11 Workers Protection Task Force in 2006, which is specifically charged with investigating and recommending changes to the 9/11 disability legislation, and serves as its vice-chairman; and

"WHEREAS, It is the sense of this legislative body that those dedicated public servants who unselfishly devote their lives to the preservation of order and the protection of others are worthy and due full praise for their commitment and noble endeavors; and

"WHEREAS, It is the further sense of this Legislative Body that those who enhance the quality of life in their community, and have shown a long and sustained commitment to the

maintenance of high standards in their profession, certainly have earned the recognition and applause of all the citizens of this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative Body --

ACTING PRESIDENT AKSHAR: Excuse me. Can I have some order in the house, please.

Thank you. Thank you.

THE SECRETARY: "Now, therefore, be it resolved that this Legislative Body pause in its deliberations to commend Lou Matarazzo for his tenacious advocacy on behalf of law enforcement and public employees spanning more than 50 years; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Lou Matarazzo."

ACTING PRESIDENT AKSHAR: Senator Golden on the resolution.

SENATOR GOLDEN: Thank you, Mr. President.

The gentleman we're honoring has just walked into the room with many of his entourage that he works with across this great

state in representing our law enforcement.

It's a rare occasion that we have the opportunity to thank a public servant that has served 50 years. What is more important is that that person who we are honoring here today has dealt with the challenges that have faced this great state for the last 50 years.

Lou Matarazzo means not only a lot to me, but a lot to law enforcement. He is a leader. In fact, from the beginning Lou has been recognized for his leadership abilities. Lou served in the New York City Police Department, as had been said in our proclamation, for 35 years, of which 32 of those years he was elected representative of the New York City PBA.

The New York City PBA represents more than 75,000 active and retired members. Who was electing Lou? Those very 75,000 members that I speak of, the rank and file of the New York City Police Department. Why did they trust Lou to represent their needs in the city and in Albany? Why? Because they respected him. Respect is something that's in short supply these days. Respect is something that is not given; respect is earned.

And Lou, you earned it. Nobody has worked harder to earn that respect than you, Lou Matarazzo. His work on behalf of New York City law enforcement as well as the state and at the federal level has been recognized and will continue to be recognized.

While his accomplishments are too many and too numerous to list here today, I want to talk a little bit about Lou and 9/11, his contributions.

The entire nation pulled together in the wake of those attacks on the Twin Towers, and we'll never forget the almost 3,000 people that perished, the 343 firemen and 37 police officers and peace officers on top of that. And to this very day, we're going to funerals of people that died that were working in that pile from those cancers.

Well, we pulled together and Lou Matarazzo worked to make sure that New York State did the right thing when it came to protecting our first responders who spent that day working on the pile and who have suffered since.

However, where Lou continues to make

a difference was with the health and welfare benefits for our workers who have become ill due to their work in rescue and recovery at Ground Zero. And as I said before, they need him as much now as they did then. People are sick this very day and people are dying this very day of those cancers.

It was Lou's diligence and hard work that made him the logical choice to be on the Governor's 9/11 Workers Protection Task Force. Nobody has worked harder to get to the bottom of the issues surrounding the 9/11 disability legislation, to make sure the program worked for those who are sick. Nobody was there with more facts or recommendations than Lou. It is his tenacity that should be a model for all of us. His devotion to the Thin Blue Line will never be forgotten. We owe you thanks, Lou, a whole lot of thanks.

So Lou, thank you for your 50 years of service, and I look forward to working with you, as do your colleagues, for the next 50 years -- as does the rank and file of the State of New York, from NYPD to Montauk to Buffalo. You've done a great job.

So I want to say to you, Lou -- and you deserve this resolution from the State Senate and from all of my colleagues -- God bless your good wife, Fran, and your family -- and your son John is with you today. God bless the NYPD for the great work that you've done, but all of the workers that you worked for across the board from 9/11, those who were uniformed and non-uniformed, civilians that perished and are still sick this very day.

God bless all the law enforcement that's with you today, not just from the City of New York but across this great state and nationally. We have law enforcement on both sides here today of this great, great podium. And God bless this great nation.

Lou, thank you and God bless you for all of the great work that you've done to make this nation a better nation by remembering all of those that perished in that attack on 9/11 and for all those men and women that you worked with as the PBA president, of which I was a member under your leadership way back when. I don't have 50 years, though, but I do have a lot of service behind me.

God bless you again, Lou. Ladies and gentlemen, if we can, please recognize a great man, a great leader, somebody that has made a difference for many, many people across this city, state and nation.

(Extended standing ovation.)

ACTING PRESIDENT AKSHAR: Senator Gallivan on the resolution.

SENATOR GALLIVAN: Thank you, Mr. President.

I too rise to recognize and honor Lou Matarazzo. There's no words left, though, Senator Golden used all of them.

So I'll start back in the time when I went on my first day in second grade to St. Martins in Buffalo, New York. Lou was taking an oath. And I think of the things -- you think of 50 years in your life and all the things that have taken place. And many of us -- although some haven't reached 50, you think of what's taken place in society and in New York State over that time, and Lou has been there through all of it.

So I simply -- my colleagues know my background in law enforcement, as a former state

trooper and former sheriff of Erie County -- and I also welcome the sheriffs of the state to the chamber to help honor Lou. I have tremendous respect for police officers. I always have -- my father was a police officer, other members of my family were -- and I always will. And I will work to support them, to the extent that I can so long as I'm honored to represent the 59th District in the Senate.

So Lou, for the work that you did as a police officer in protecting the citizens of the streets of New York, thank you. And for the work then that you continued in representing those that were protecting others. When many have retired and moved on, you've continued to do it, and you continue to do it. And I thank you for it, and I congratulate you for it.

I know I won't be here for 50 years to work with you, but I sure hope I can work with you for as long as I'm here. Congratulations.

ACTING PRESIDENT AKSHAR: Senator Robach on the resolution.

SENATOR ROBACH: Yes, Mr. President, let me thank Senator Golden for bringing this forward.

I think anytime somebody does anything for 50 years with passion, hard work and dedication, it really is a cause for celebration in any field. But in this one it's really needed. As we say -- I'll be a little bit more expeditious than Marty -- police protect people, the men and women that work in law enforcement protect people. Lou Matarazzo protects them. And unfortunately in today's world, oftentimes that's needed, you need a spokesperson.

And you've really done it for a long time. You and your crew have gotten to know everybody in this chamber. You put the best foot forward, always have facts. And whenever we had a question on anything that has to do with the men and women of law enforcement, we could go to you, Lou, and you would have a good answer for us, a truthful answer, and the right answer.

So I'm happy to join with all my colleagues and Senator Golden thanking you for 50 years of great service, really not only helping your people, but making society better and safer for all of our families.

Thank you.

ACTING PRESIDENT AKSHAR: Thank

you, Senator Robach.

Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

I too want to rise and join my colleagues in congratulating Lou Matarazzo on his midway point in his career, 50 years. He's got 50 more ahead of him, we know that.

I met Lou not as a police officer, obviously, but as a young union staffer out of the Social Service Employees Union Local 371, and I would attend Municipal Labor Committee meetings. And that's where I first got to know Lou, when he was still the president of the PBA, and he was a force to be reckoned with then.

When he left there, his work did not end. He took it into a broader area where he was going to continue to advocate not just for the men and women of law enforcement, but for public employees all around this state. And the first thing you will see when you get here is Lou Matarazzo, and usually he's accompanied by Bing -- Bing is here, I'm sure he's hiding back there somewhere -- walking the halls, making sure that they educate members about what is at stake

for working men and women, especially our first responders.

We never would have gotten the 9/11 Commission had it not been for Lou Matarazzo. There's so many pieces of legislation that the people of this state depend on that Lou was the driving force behind it.

So congratulations on the first 50 years of your career, Lou. I can't wait to see what you do in the second half.

Thank you, Mr. President.

ACTING PRESIDENT AKSHAR: Thank you, Senator Savino.

Lou, on behalf of a grateful state and all the members of this great house, we say thank you. You'll know what I mean by this: You are truly a cop's cop. And today and every day we extend all of the privileges and the courtesies of this great house.

Ladies and gentlemen, one more round of applause for Lou Matarazzo.

(Enthusiastic standing ovation.)

ACTING PRESIDENT AKSHAR: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, we have

a privileged resolution, 4047, by Senator Alcantara. Please read the title only and call on the Senator to speak.

ACTING PRESIDENT AKSHAR: Senator DeFrancisco, it's my understanding that that previous resolution is open for cosponsorship. So if any member would like to cosponsor it, they can see the desk.

Okay, the Secretary will read title only.

THE SECRETARY: Legislative Resolution Number 4047, by Senator Alcantara, commending WXTV Univision 41 upon the occasion of celebrating its 50th anniversary.

ACTING PRESIDENT AKSHAR: Senator Alcantara.

SENATOR ALCANTARA: Thank you, sir.

This is the 50th anniversary of Univision Television, a network that serves the entire Latino community not only in the State of New York but also in New Jersey and Connecticut.

Univision averages about 68,000 viewers every day, which is more viewers than any other station in the State of New York regardless of the language.

Univision was the first television network in the United States to broadcast programs in a language other than English for most of the Latino community in New York that rely on Univision to get the news, to get information on their home country, and to stay connected to the culture.

For me personally, it's an honor to be a partner with Univision. My kid doesn't speak Spanish well, and through Univision he gets to practice and see the culture.

So I want to congratulate Univision on their 50th anniversary, and thank you for being here. Specifically, Angel Vazquez from Univision is here. Thank you for this resolution.

And on a different note, today is the anniversary of the independence of the Republic of Ghana, the first African republic to be liberated from the British. So I want to congratulate my Ghanaian brothers and sisters, Afia Mensah and the rest of the Bronx delegation.

Thank you very much.

ACTING PRESIDENT AKSHAR: Thank you, Senator Alcantara.

Seeing no other members wishing to speak, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT AKSHAR: Opposed, nay.

(No response.)

ACTING PRESIDENT AKSHAR: The resolution is adopted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, can you take up the noncontroversial reading of the calendar.

ACTING PRESIDENT AKSHAR: That resolution is also open for cosponsorship. If anybody would like to be a cosponsor, please notify the desk.

The Secretary will read.

THE SECRETARY: Calendar Number 238, by Senator LaValle, Senate Print 2552, an act to amend the Education Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of July.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 249, by Senator Avella, Senate Print 1568, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 301, by Senator Golden, Senate Print 5593, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT AKSHAR: Read the

last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 323, substituted earlier by Member of the Assembly Dinowitz, Assembly Print 9029, an act to amend the Judiciary Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 376, substituted earlier by Member of the Assembly Rosenthal, Assembly Print 8781, an act to amend the Public Health Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 417, by Senator Marcellino, Senate Print 1257, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the results.

THE SECRETARY: Ayes, 59. Nays, 1. Senator Funke recorded in the negative.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 419, by Senator Bonacic, Senate Print 2081, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number

422, by Senator Lanza, Senate Print 6302, an act to enact.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 424, by Senator Ortt, Senate Print 7595, an act to amend the Highway Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Announce

the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 466, by Senator Ritchie, Senate Print 759, an act to amend the Penal Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 468, by Senator Felder, Senate Print 1109, an act to amend the Penal Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President. I rise to explain my vote no on this bill.

While I appreciate that there are different reasons someone may desecrate a cemetery, and in fact some of them may be despicable acts that even could fall under hate crimes, many of these cases are stupid young people, teenagers. And with this bill, it takes away state law allowing them to be charged with a misdemeanor, because it removes even the under $250 value of damage.

Which means if young people are caught up in this activity, they would automatically end up with a felony charge, having to going to adult court, no opportunity to go to youth court because of a misdemeanor.

So I appreciate that for many people the concept of a cemetery being desecrated is a violation of their sense of right and wrong and

religious belief. But I also think, unfortunately, it's not that uncommon for foolish young people to get involved in this kind of minor activity. I'm not saying minor in the sense of not outrageous, but to allow no misdemeanor option in the State of New York for anyone I think is wrong. So I'm voting no.

Thank you, Mr. President.

ACTING PRESIDENT AKSHAR: Senator Krueger to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 468, those recorded in the negative are Senators Krueger, Montgomery and Sanders.

Ayes, 57. Nays, 3.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 470, by Senator Golden, Senate Print 1741, an act to amend the Penal Law.

ACTING PRESIDENT AKSHAR: Read the last section.

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

ACTING PRESIDENT AKSHAR: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Senator Montgomery, do you wish to explain your vote?

SENATOR MONTGOMERY: Yes, Mr. President.

Senator Golden has introduced legislation which would amend the Penal Law of our state to increase the degree of unlawfully fleeing a police officer.

We note that there already are penalties for this activity, so this is simply a sentencing bill. It only increases the penalty; it does not, in fact, create the penalty.

So I am going to vote no on this -- not because I don't want people penalized, they already are. It's just that this simply increases it and is a sentencing bill.

So I vote no.

ACTING PRESIDENT AKSHAR: Senator Montgomery, you'll be recorded in the negative.

Announce the result.

THE SECRETARY: In relation to Calendar 470, those recorded in the negative are Senators Montgomery, Parker and Sanders.

Ayes, 57. Nays, 3.

ACTING PRESIDENT AKSHAR: The bill is passed.

THE SECRETARY: Calendar Number 479, by Senator Hamilton, Senate Print 7571A, an act to amend the Penal Law.

ACTING PRESIDENT AKSHAR: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT AKSHAR: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT AKSHAR: Senator Hamilton to explain his vote.

SENATOR HAMILTON: Mr. President, I rise to underscore the significance of passing this bill, the Benny Lyde's Law, in the Senate today.

Benny Lyde was a young man who was mentoring. And several years ago, my wife called me, crying uncontrollably. And I couldn't understand what she was saying, but she was saying Benny was hurt, Benny was hurt.

Benny lived two houses away from me,

a young vibrant man. And as I came back to the block, there were a lot of people outside, and Benny Lyde was shot in the head.

Benny Lyde was an up-and-coming young man in our community. He was only six months away from graduating from Long Island University. And Benny Lyde was shot and grievously injured at 20 years old, and three months later died at the age of 21.

And the irony and the tragedy of this is that he was shot because he was mentoring young boys and girls in the community and a young man was jealous of what he was doing because he was so popular.

No family should have to go through the agony of what the Lyde family faced. But all too often we must witness this horrific violence that takes its toll on families in our neighborhood.

That night when Benny Lyde was in the hospital, shot in the head, I went to the hospital. There were over 65 young people in the lobby who wanted to see him. We didn't know whether or not he was going to live through the night or pass away, but that night we got all his

friends to come see him.

And if you ever saw a young man shot in the head, it's the most horrific thing you ever want to see.

Benny Lyde's Law would speak to the perpetrators of these heinous crimes, those criminals who would use a weapon to take the life of a young person, to rob the family of a son or daughter, and to grievously wound our community. Because when a young man is shot, it's not just the young man is shot, it's the family that's shot. The fabric of the community is shot, knowing that this young man's life was taken senselessly before his time.

By moving to increase the penalties for these senseless crimes, we say we recognize violence against children and young people as particularly cruel, particularly heinous and deserving this additional five-year sanction.

When Benny Lyde was shot, my children heard the gunshots. My children knew Benny. And for the next two months my son kept closing the windows to my house. And I couldn't figure out why, when I came home, all the windows were always closed.

And then I asked my son, "Who closed the windows?" He said "I did, Daddy." I said, "Son, what did you close the windows in the house for? Why did you close all the windows?" He said, "Because, Daddy, I'm afraid they might come back and try to shoot you."

And so that's what we face throughout the state, throughout the City of New York. And I want to thank Benny Lyde's family for their strength during difficult times, because they had to pass the place where their son lied in a pool of blood every day, and they still stayed in our community.

We went to every PTA meeting, ever precinct council meeting, every school board meeting, any function we could go to, to catch the murderer for Benny Lyde. It took us two and a half years, but I was determined, as was our community, to make sure this vigilante or this terrorist was brought to justice.

So I just want to thank everyone for voting for this bill. Crime in our communities is too high and too many young people are dying from gun violence in our city, in our state and our nation. And I hope one day we can have bills

passed in New York State that will make sure that guns are taken off the street, and especially from those who have mental issues.

So, Mr. President, I rise to give respect to a young man who I admired and who's no longer with us. Thank you very much.

ACTING PRESIDENT AKSHAR: Senator Hamilton, you will be recorded in the affirmative.

Senator Benjamin to explain his vote.

SENATOR BENJAMIN: Mr. President, I rise to say that, first of all, it pains me to hear Senator Hamilton speak about Benny Lyde and what he meant for his family and his community. And I share those concerns, because I have some Benny Lydes in my community as well.

My concern with this bill is that this bill goes way beyond helping the Benny Lydes of the world. If this bill had said that we were going to increase penalties as related to gun usage and in specific cases that would prevent that, I would be maybe okay with that. But what this does is goes way beyond that and says that if any young person under the age of 21 is sort

of harmed, that all of a sudden you are looking at 10 to 30 years.

Well, let's talk about some of those examples. There could be two young men, women, 18, 19 years old, maybe they're having a fight, whatever is going on -- you know, teenagers, they fight, things happen -- and someone gets harmed. What this bill would allow for is an automatic 10 years in prison.

And, you know, I do feel for the Benny Lydes of the world. I really am on board and our conference has been on board with saying let's get guns off the street. But let's not go beyond and create a scenario where we are creating more mass incarceration, in my opinion, unnecessarily.

And so I cannot support this bill. I do understand the concern about trying to make sure we keep our young people safe, and I'm all for that. But when we go beyond the scope and create laws that in my opinion adds way more harm than good, then I have to say no.

I vote no.

ACTING PRESIDENT AKSHAR: Senator Benjamin to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 479, those recorded in the negative are Senators Avella, Bailey, Benjamin, Comrie, Dilan, Hoylman, Krueger, Montgomery, Parker, Persaud, Rivera and Sanders.

Ayes, 48. Nays, 12.

ACTING PRESIDENT AKSHAR: The bill is passed.

Senator DeFrancisco, that completes the noncontroversial reading of the calendar.

SENATOR DeFRANCISCO: Yes, can you now recognize Senator Gianaris for a very important announcement.

ACTING PRESIDENT AKSHAR: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

It's not every day we get to recognize on this floor someone who has been compared in the papers to the great Michael Jordan.

(Laughter.)

SENATOR GIANARIS: Even if it is the person himself that made the comparison.

(Laughter.)

SENATOR GIANARIS: So would you please join me in wishing Kevin Parker a happy birthday today.

ACTING PRESIDENT AKSHAR: Senator Parker, happy birthday.

(Applause.)

ACTING PRESIDENT AKSHAR: I'd ask you to speak, but I know you'd go on too long.

(Laughter.)

ACTING PRESIDENT AKSHAR: Senator DeFrancisco.

SENATOR DeFRANCISCO: Is there any further business at the desk?

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

SENATOR DeFRANCISCO: In honor of Senator Parker's birthday, we will not have session tomorrow.

(Applause, cheers.)

SENATOR DeFRANCISCO: Seriously, because of the storm, session is going to be canceled.

So I move to adjourn until Monday, March 12th, at 12:00 noon.

ACTING PRESIDENT AKSHAR: On motion, the Senate stands adjourned until Monday, March 12th, at 12:00 noon.

Safe travels, everyone.

(Whereupon, at 4:42 p.m., the Senate adjourned.)