NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

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3:37 p.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 ask today that we remember the four members of the New York State Air National Guard Rescue Wing who perished in Iraq in a helicopter crash and, in addition, their two comrades from the 308th Rescue Squadron in Florida: Captain Andreas O'Keeffe, of Center Moriches, New York; Captain Christopher Zanetis, of Long Island City, New York; Master Sergeant Christopher Raguso, of Commack, New York; and Staff Sergeant Dashan Briggs, of Port Jefferson Station, New York.

They would want also to be remembered with their comrades from Florida: Master Sergeant William Posch, of Indialantic, Florida, and Staff Sergeant Carl P. Enis, of Tallahassee, Florida.

The mission statement of the 106th

Rescue Wing is "That others may live." And the members who were killed in that helicopter crash died precisely for that, that others may live. We pay tribute with this moment of silence to their courage, their selflessness, and sacrifice that they have made for the United States of America and our way of life.

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

ACTING PRESIDENT CROCI: The reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 18th, the Senate met pursuant to adjournment. The Journal of Saturday, March 17th, 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.

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: Would you please recognize Senator Valesky, please.

ACTING PRESIDENT CROCI: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

On behalf of Senator Avella, I move that Senate Bill 6617A be discharged from its respective committee and be recommitted with instructions to strike the enacting clause.

ACTING PRESIDENT CROCI: So ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you now recognize Senator Gianaris, please.

ACTING PRESIDENT CROCI: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

On behalf of Senator Rivera, on page 27 I offer the following amendments to Calendar 368, Senate 169A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT CROCI: So ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Excuse me, I'm very busy. I'm trying to plug in something. Okay, great. Thank you.

Could we now take up the noncontroversial reading of the calendar.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Calendar Number 247, by Senator Amedore, Senate Print 898, an act to amend the Mental Hygiene Law.

SENATOR DeFRANCISCO: Please lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 251, by Senator Akshar, Senate Print 6544A, an act to amend the Mental Hygiene 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 Akshar to explain his vote.

SENATOR AKSHAR: Thank you, Mr. President, for your indulgence. I appreciate it very much.

Many of you have heard me say this many times in the past, and I believe it as I stand here today, that I think the heroin epidemic is the single greatest health crisis that we are currently facing in our time. No matter where you are across this state, communities are being ravaged by this epidemic.

And one thing that we have heard over and over in our travels on the Senate's Task Force on Heroin and Opioid Addiction is that people who are desperately attempting to get into treatment are being taken advantage of. Think about this. Thousands of people across this great state are trying to get themselves into treatment, but yet there is a portion of society who is trying to prey upon them.

And this predatory practice, quite frankly, capitalizes on and exploits families,

like Mark and Nicole Peet and their son Zack and everything that they have been through. It capitalizes on and exploits people while they are trying to get into treatment. And quite frankly, it puts patients at risk of receiving inappropriate treatment.

So today's legislation makes it a crime for people who are intentionally preying on those who are seeking treatment. And I would say this, that if there's any issue that this house or the other house has moved forward on in a bipartisan fashion, it's just this. It's dealing with the heroin and the opioid crisis.

So I would respectfully offer to all of my colleagues here, regardless of our politics, regardless of what side of the aisle we sit on, whether you're from Brooklyn, from Binghamton or from Buffalo, this is a piece of legislation that we can all agree upon. And I'm urging and encouraging everybody in this house to vote yes.

Mr. President, I vote aye.

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

Announce the result.

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 352, by Senator Little, Senate Print 2253B, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 379, by Senator Little, Senate Print 7439A, an act to authorize.

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, 46.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 423, by Senator Robach, Senate Print 7549, an act authorizing.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT CROCI: The bill will be laid aside.

THE SECRETARY: Calendar Number 530, by Senator Hannon, Senate Print 6358, 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, 46.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 590, by Senator Valesky, Senate Print 6967, an

act to amend the Not-For-Profit Corporation 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, 46.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 604, by Senator Marcellino, Senate Print 1149, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT CROCI: Read the last section.

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

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 46.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number

608, by Senator Carlucci, Senate Print 6832A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of November.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank my colleagues for supporting this important legislation.

This is Bryan Johnson's Law. And this is named after Bryan Johnson, who was a real leader in our community and unfortunately was taken from us -- it will be six years this June -- when he was killed in a tragic boating accident.

And this really shook our community in Ossining. And his mother Sheila and his grandmother Thomasina I worked with over the past few years to say we've got to turn this

tragedy -- turn it around and make sure that more innocent people don't have to die.

Unfortunately, we realized that we were lagging in so many issues dealing with common sense when it comes to boater safety. In 2013, we worked to pass legislation that would require basic boater safety education before you got into a boat.

And this legislation that we're working on right here, we're passing today, would allow for a judge, when they're sentencing someone for a DWI, to consider a BWI as well. And the reason is because when a judge is considering this, it doesn't matter what vehicle you're driving, if it's a boat or if it's a car -- the judge is looking at that pattern.

And we need to add some common sense to our legislation to make sure that we're sending a message that when you get on a boat, that you don't leave your common sense ashore.

So we're hopeful that this legislation will pass in the Assembly as well and really make sure that we remember Bryan Johnson.

Bryan Johnson had a real contagious smile. And in fact, he worked at the Doubletree

in Tarrytown, New York, and if you go there, you'll see a portrait of him. And they have done a scholarship in his name. And part of the requirements is that you have a beautiful smile.

And he really gave everything he had when he was working or in the community. He was saying he was going to be the mayor. And unfortunately, he died when he was 26 years old.

And we've seen that over the past decade there's been over 200 fatalities in our waterways. And we have some of the most beautiful waterways in the nation, whether it's the Hudson River, the Finger Lakes, the Great Lakes. We want to enjoy them. It's a $2 billion industry here in New York State. But we need to make sure that they're safe.

So I want to thank my colleagues for supporting this legislation. I want to thank Bryan Johnson's family for staying on top of this and working to make sure that we can take Bryan and use him as an example of what good can happen, and make sure that he didn't die in vain.

So thank you for supporting this legislation. Mr. President, I'll be voting in the affirmative.

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

Announce the result.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 611, by Senator Amedore, Senate Print 7741, an act to amend the Highway 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, 57.

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 617, by Senator Boyle, Senate Print 642, an act to amend the Penal Law.

ACTING PRESIDENT CROCI: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the 180th day.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I'll be voting in the affirmative in support of the bill, but I just wanted to go on record that it is so important to understand that this bill requires that the intent is to do harm to someone.

Because we probably all know stories of young people with cameras and various social media accounts who sometimes send things about themselves or others that, frankly, if they weren't teenagers they would realize was a stupid thing to do, but was not done with intent or malice.

So I do support this bill, but I think it's very important to highlight for people that this bill would only apply a criminal statute if the intent was proven, and in many of these cases I think we would find that

that isn't the story with young people; they're just not using enough common sense in an age where technology lets all kinds of photos and other exhibits get out there into the internet world without anybody stopping and thinking first.

Thank you, Mr. President.

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

Announce the result.

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

ACTING PRESIDENT CROCI: The bill is passed.

THE SECRETARY: Calendar Number 623, by Senator Lanza, Senate Print 2627, 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 first of November.

ACTING PRESIDENT CROCI: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT CROCI: Senator

Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

This is a bill I am voting against, even though I understand the goal and intent of the sponsor.

But again, in contrast to the last bill, where I explained why I could vote yes, I fear that in an era where we already see too many people being discouraged or threatened from coming forward about things that have happened to them, particularly sexual attack and harassment and violence, that this bill, although I don't believe it's the intent of the sponsor, would translate into people being afraid of coming forward for fear that if for some reason they weren't found to have the evidence in a court of law, that they might be at risk of a penalty against them.

So yes, of course there's the rare scenario where somebody comes forward with a false accusation. The data and research shows that the vast majority of the time people are being truthful about what happened, but it doesn't mean they're being heard or listened to

or can win their case.

So I think that this would have the intent of potentially freezing people who have been victims of crime from going forward with their accusations, which is why I'm voting no.

Thank you, Mr. President.

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

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

I concur with my colleague Senator Krueger. This bill, although well-intentioned, is a classic case of a solution in search of a problem.

The statistics show that false reporting in crimes of sexual abuse is only about 2 to 6 percent of the cases, and there's really no evidence that this is a problem in New York. The sponsor's memo refers, in fact, to the infamous Duke University rape case, which was over a decade ago, about 625 miles from New York. So this is not a New York problem.

And I'd also note, Mr. President, that few if any states actually have this kind of

statute. In fact, New York has already a statute for crimes of filing a false instrument, which is only a misdemeanor. This legislation would make falsely accusing someone of a crime a Class E felony, which is way too extreme, in my opinion.

And finally, I would also say that in this era and this national conversation about victims' rights around the area of sexual assault, we need to be doing more to bring these cases forward, not chilling victims from speaking out about being abused.

So I vote in the negative. Thank you, Mr. President.

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

Announce the result.

THE SECRETARY: In relation to --

ACTING PRESIDENT CROCI: Hold on. The Secretary will suspend.

Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you.

I'd like to address my remarks to my colleagues across the aisle. We're taking the step today of making filing a false report an E

felony. Right now if you sign on a corroborating statement doing something knowingly false, it's an A misdemeanor. We're going to elevate it to a felony.

But what's not a crime in New York, but is a federal crime, is lying to an investigator who interviews you. So right now the FBI knocks on your door, they say "You don't have to talk to us, and it's a crime if you lie. We'd like to ask you some questions," people often talk to them. People often make false statements to them. That's charged under 18 U.S.C. 1001. It has been the basis for many important corruption investigations, white-collar investigation and the like, in our state.

More often, however, it leads to truthful information which helps investigations get off the ground. It's used constantly. It is an excellent tool. And there's no reason not to want to do it. You just have to tell the truth or exercise your constitutional right. But you don't have a right to lie.

So today we're saying if you sign a piece of paper down at the police station and it's false, you'll be charged. However, we have

this imbalance where if an investigator knocks on your door and asks you a question, you can lie right to that person's face with impunity.

I have a bill that would make lying to a district attorney, a district attorney investigator or assistant district attorney a crime. And that's something that we should be advancing if you want to get at corruption, financial corruption, political corruption or otherwise in our state.

It's weird that we have it federally, we don't have it in our state. New York should catch up. And I think it's something that hopefully this bill today can build upon.

I vote in the affirmative. Thank you.

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

Announce the result.

THE SECRETARY: In relation to Calendar 623, those recorded in the negative are Senators Benjamin, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker and Sanders. Also Senator Bailey.

Ayes, 50. Nays, 9.

ACTING PRESIDENT CROCI: The bill is passed.

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

SENATOR DeFRANCISCO: Could you please take up the controversial bill.

ACTING PRESIDENT CROCI: Very good. The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 423, by Senator Robach, Senate Print 7549, an act authorizing.

ACTING PRESIDENT CROCI: Senator Krueger, why do you rise?

SENATOR KRUEGER: I would like to ask the sponsor a question, please.

ACTING PRESIDENT CROCI: Would the sponsor be willing to yield for a question?

SENATOR ROBACH: Absolutely.

ACTING PRESIDENT CROCI: The sponsor yields.

SENATOR KRUEGER: Thank you.

So the sponsor carries this bill and then another bill which would exempt those

21 years old and over from being required to wear helmets while operating motorcycles. So given that you have a bill that would exempt people from helmet wearing, what would be the purpose of this bill's study?

SENATOR ROBACH: This bill, very simply, would really have motorcycle usage, helmets studied -- I think they are somewhat related, but at the same time separate -- to determine -- right now I think the federal standard says 12 miles an hour is what a helmet has to be certified for to be legal.

There's a question of if you have a full-face helmet, how it might hook on a curb, a part of the vehicle in a collision, how people could be safer, how -- and I do think there is a correlation between wearing a helmet and not -- many people who ride, and I'm a rider, feel that equally as important in a low-impact or a slow crash, which most of them aren't, you're better off being able to hear and see all around you so you avoid the collision altogether.

I would like some more information. As the chair of Transportation, many bike riders have asked me to put this bill in to study what

the efficiency is of the current federal statutes on helmet usage.

And if I could be so bold, could I ask Senator Krueger a question?

ACTING PRESIDENT CROCI: Will the member yield for a question?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT CROCI: Yes.

SENATOR ROBACH: What model Harley do you ride, Senator Krueger?

(Laughter.)

ACTING PRESIDENT CROCI: Through the chair, please, Senator.

SENATOR ROBACH: I'm only kidding.

SENATOR KRUEGER: Through you, Mr. President, since according to the research I stand about a 50 times increased chance of getting harmed if I rode a motorcycle versus not riding a motorcycle, I choose not to ride motorcycles. Thank you.

On the bill, Mr. President.

ACTING PRESIDENT CROCI: Senator Krueger on the bill.

SENATOR KRUEGER: Appreciate the sponsor's answers, and I'm going to try to be

concise.

There is enormous research done by the federal government, by the Highway Safety Institute, by the Insurance Institute for Highway Safety, by medical researchers, by the CDC -- the reports go on and on about the correlation between riding motorcycles without helmets versus riding them with helmets.

And New York State is one of the states in the country that requires a full helmet for every rider of motorcycles. And I believe that the research confirms that's exactly where we should be in New York State.

So while I'm always open to the possibilities we could come up with better ways to protect people when they're riding motorcycles, I would be very disturbed if any kind of study that was done by the state was done to allow people to ride without full helmets or without helmets at all, as some states have done.

Because the research shows us that the likelihood of dying in a crash or doing serious brain injury to oneself rises enormously without full helmets; that the economic costs to our healthcare system rise dramatically with the

kinds of crashes that take place when you don't wear full helmets; that motorcycles are already responsible for a far greater percentage of the accidents by vehicle than cars or other kinds of vehicles.

But happily, with helmets you stand a better chance of not killing yourself and not doing enormous brain injury damage to yourself.

So frankly, I had endless research to offer, but I know we have an important guest with a train to get on, so I'm just going to be clear: I don't think New York State should do anything to decrease the amount of helmet protection we offer to our people.

And I would encourage the sponsor to read the many medical research findings to realize that we should be proud of the fact that New York is one of the states that has this law down correctly, and we shouldn't mess with it.

So I vote no, Mr. President. Thank you.

ACTING PRESIDENT CROCI: Senator Robach.

SENATOR ROBACH: Yeah, just very quickly.

Low impact -- I don't want to belabor the point either, though I will say to you that Senator Krueger pointed out we're one of the few states left that has a helmet law. And in terms of deaths, there does not seem to be any increase -- Florida, Texas, other states where people ride year-round, have year mileage.

Even though this debate isn't about this, this would be studying the facts of what would be the safest helmet and, if at all, you really are in a quicker -- in a faster impact in terms of fatalities on the road. So I just point that out.

While there are studies that show at lower speeds it can be helpful, when it comes to fatalities, there really doesn't seem to be any correlation whatsoever. And I just wanted to add that in, because that's also very important factual information. And this would only be for riders over 21, not junior riders.

ACTING PRESIDENT CROCI: Seeing no other members wishing to speak, the Secretary will ring the bell.

Senator DeFrancisco.

SENATOR DeFRANCISCO:

Mr. President, there are a bunch of members that are on the second floor right now. And I know we have a gallery full of people waiting on a resolution.

So could we lay aside the vote and take up a resolution. And the resolution is --

ACTING PRESIDENT CROCI: The vote will be laid aside momentarily.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: And the resolution was previously adopted, 4151, by Senator Montgomery. Would you please read it in its entirety and call on the Senator to speak.

ACTING PRESIDENT CROCI: The Secretary will read.

Excuse me, Secretary suspend.

May we have order in the chamber while the Secretary makes the reading and the presentation. Very good.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4151, by Senator Montgomery, honoring Dr. Hazel N. Dukes upon the occasion of her designation as recipient of the Empire State

and Nation Builder Award by the New York State Association of Black and Puerto Rican Legislators, in conjunction with the observance of Women's History Month.

"WHEREAS, The State of New York is home to countless women who have contributed to the advancement of our culture through both their traditional and nontraditional roles in society; and

"WHEREAS, This Legislative Body is justly proud to honor Dr. Hazel N. Dukes upon the occasion of her designation as recipient of the Empire State and Nation Builder Award by the New York State Association of Black and Puerto Rican Legislators, Inc., at its 47th Annual Scholarship Gala on Sunday, February 18, 2018, in conjunction with the observance of Women's History Month; and

"WHEREAS, Hazel N. Dukes was born to Edward and Alice Dukes on March 17, 1932, in Montgomery, Alabama; aspiring to become a teacher, she attended Alabama State Teachers College in 1949, before moving to New York City with her parents in 1955; and

"WHEREAS, While majoring in business administration at Nassau Community College, Hazel

N. Dukes became the first black American to gain a position at the Nassau County Attorney's Office in 1966; additionally, she taught children living in poverty as a community organizer for the Nassau County Economic Opportunity Commission (EOC); and

"WHEREAS, Hazel N. Dukes graduated with a bachelor's degree in business administration from Adelphi University in 1978, during which time she worked for the New York City Off-Track Betting Corporation (NYCOTB); in 1990, Mayor David Dinkins appointed Hazel Dukes as president of NYCOTB; and

"WHEREAS, While she found great success in business, Hazel N. Dukes was also working for the NAACP, participating in many marches; she was president of the Great Neck, Manhasset, Port Washington, Roslyn chapter, and served as national president of the organization from 1989 to 1992; and

"WHEREAS, In 1990, Hazel N. Dukes was awarded an honorary doctor of laws degree from the City University of New York School of Law, and in 2009 was conferred the honorary doctor of humane letters from Medgar Evers

College, Brooklyn, New York; and

"WHEREAS, Dr. Hazel N. Dukes currently serves as president of the NAACP New York State Conference as well as a member of the NAACP National Board of Directors and NAACP Executive Committee; and

"WHEREAS, Founded on February 12, 1909, the NAACP is the nation's oldest, largest, and most widely recognized civil rights organization; following in the footsteps of W.E.B. Du Bois, Ida B. Wells-Barnett, and Mary Church Terrell, Dr. Hazel Dukes continues the NAACP's historic leadership to ensure political, educational, social and economic equality and justice; and

"WHEREAS, A true asset to society, Dr. Hazel N. Dukes is a member of the National Council of Negro Women, Inc., the National Black Leadership Commission on AIDS, Inc., and the Executive Committee of the American Baptist Churches, USA; and

"WHEREAS, Dr. Hazel N. Dukes is the proud recipient of numerous awards and accolades, including the Ellis Island Medal of Honor, YWCA City of New York John La Farge Memorial Award for

Interracial Justice, Guy R. Brewer Humanitarian Award, and the 2007 The Network Journal's 25 Most Influential Black Women in Business Award; and

"WHEREAS, Furthermore, Dr. Hazel N. Dukes' biography has been selected for publication in many journals and directories, including the Fisk University Library, Minority Women Contribution, American Biographical Institute Personalities of Northeast, Who's Who Among American Women and Who's Who Among Black Women; and

"WHEREAS, It is the sense of this Legislative Body that those who enhance the well-being and vitality of their community and have shown a long and sustained commitment to excellence 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 pause in its deliberations to honor Dr. Hazel N. Dukes upon the occasion of her designation as recipient of the Empire State and Nation Builder Award by the New York State Association of Black and Puerto Rican Legislators, Inc., in conjunction with the

observance of Women's History Month; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Dr. Hazel N. Dukes."

ACTING PRESIDENT CROCI: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

And thank you to my colleagues who are joining me today in honoring this absolutely unbelievably -- Woman of Distinction of New York State.

Hazel Dukes has been so continuously outspoken on issues across our state for people who basically very often didn't have their own voice. And it's been for children, it's been for young people, it's been for criminal justice, it's been for civil rights -- all of those issues that are so important to our communities across the state. So we honor you and thank you today, Hazel.

And let me just say I've stood in the rain on very cold days with her, I've stood on very hot days with her, any number of times

when she was leading the charge on behalf of the people of the State of New York. So we shall never forget and certainly don't underestimate the importance of your leadership, your courage, and your tenacity and your fire on behalf of people in the State of New York.

I want to just acknowledge members of the statewide NAACP organization are here today in the gallery for sure. Thank you very much for your representing the oldest and largest civil rights organization in the nation.

And she is joined here on the floor with Mr. Geoffrey Eaton, who is the first vice president of the New York State Conference, and she is joined by Karen Blanding, who is the second vice president, and also our very own -- from the Borough of Brooklyn, County of Kings, L. Joy Williams, who is the president of the Brooklyn branch of the NAACP.

Thank you all for attending and, most importantly, for the phenomenal woman of this hour, Hazel Dukes. Thank you, and congratulations.

Thank you, Mr. President.

ACTING PRESIDENT CROCI: Senator

Benjamin.

SENATOR GIANARIS: Thank you, Mr. President.

I rise today to let everyone in this chamber know that Hazel N. Dukes is my constituent. She represents the Village of Harlem, and she does it incredibly well.

I also want to let you know that she recently turned 86 years old, 86 years old.

(Applause.)

SENATOR BENJAMIN: And let me give you a little bit of information on what she spends her time doing at the age of 86. I've spent most of my time with Dr. Hazel N. Dukes on the community board, Community Board No. 10. I've always known her as a living legend, a leader in the NAACP fighting for justice for us all around the world.

But I met her really on Community Board No. 10, which she somehow finds the time to serve as the chair of the health committee for a community board in Manhattan. And on that community board, she is a lioness. I mean, there is no issue that she doesn't take on.

But I have a funny story that I want

to share with you. She's summoned a lot of us to her house one day -- by the way, I'm the chair of the board. I was the chair of Community Board No. 10 because she put me there. But she summoned us to her house and she was all up in arms because on 135th Street and Lenox, there was all this garbage outside. And she had already been telling the mayor what he needs to do, but she felt that we needed to do more and we needed to get these garbage bins, those big-bellied garbage bins.

And so we're -- so she's, you know, she's just letting us know what needs to happen. And "Mr. Chair, you do this" and -- very respectful. It looks like she respects me though she's really in charge. I just think it's a wonderful thing that she does that.

(Laughter.)

SENATOR BENJAMIN: "Mr. Chair, you need to do this, and everyone needs to do that."

Next thing you know, Hillary Clinton's calling her on the phone, she has to step out for a second because I guess Hillary wanted her to introduce her at something. And then she comes backs in and she's back on the

issue: Sanitation, cleanliness in Harlem.

I mean, that is what you want in a public servant. You know, some people use public service for self-aggrandizement. They get some positions, and then they're off in the clouds. Whereas Hazel lives on 135th and Lenox. And while she might hang out with the celebrities and do all these amazing things on behalf of this country, she knows where she lives and she does the real work on the ground. And that's what I've learned from Hazel N. Dukes.

And that is why, in my opinion, she's a living legend. Congratulations, Hazel N. Dukes. I am honored to be your State Senator.

(Applause from gallery.)

ACTING PRESIDENT CROCI: Senator Parker.

SENATOR PARKER: Thank you, Mr. President.

I could do no less but to stand to add my voice to those who are congratulating Dr. Hazel N. Dukes upon the occasion of her designation as recipient of the Empire State and Nation Builders Award during the Black, Puerto Rican, Hispanic and Asian Legislators

Caucus this year.

First let me thank my colleague Senator Velmanette Montgomery for bringing forward this legislative resolution so that we can have this time to give Dr. Dukes her flowers while she's here with us.

But -- I'm being formal because we're on the floor of the State Senate, but, you know, when we're in the community, we don't call her Dr. Dukes. She is Mama Dukes. And we want to thank Mama Dukes today for all that she has done.

And I think you've heard all of the accolades around the things that she's done in terms of community service. Her work around civil rights is absolutely legendary. And I think all of those things are really not even spoken about as much as she's done. This is somebody who has been engaged for really almost 50 years in civil rights nationally. And you hear from Senator Benjamin that that work even extends down to doing this day-to-day stuff on her community board. And it's like, you know, who has time to do all of those things and pays attention?

Really what I want to speak about is not what you already know -- we already know that she's an outspoken campaigner on behalf of African-Americans and other underprivileged and underrepresented groups. We know that she is somebody who has been a person who has been a voice that speaks truth to power. We know that Dr. Dukes really has been an opponent to policies that undermine the achievements of civil rights, but more importantly has been somebody who has stood up for civil rights and has spoken to the issues that we need to deal with like what we're seeing in the budget this year with early voting. That has been one of the things that she has been talking about in the state for a long time.

You know, I don't want to speak to the things you know already about her political career, her 30 years of service in terms of Head Start, the work that she's done with Nassau County Economic Opportunity Commission, with the Nassau County Democrats. I mean, you know, we can spend all day even talking about the fact that she's been one of the 20th century's most important civil rights leaders in this entire country.

What the resolution and her accolades and her bio don't speak to is the kind of people-to-people connection that she has made with people not just around the state but around the country.

And let me just speak personally that from the moment that I really got acquainted with Ma Dukes 20 years ago working on Hillary Clinton's campaign, that there's never been a time when she hasn't individually pulled me aside to tell me what I should be doing.

And those of you who know her know that she's done that with every single one of us, is that if you don't -- if you're not clear, if you're not clear about your assignment -- and one of the things they talk about in the Baptist Church already is your assignment. Everybody has come to this planet with an assignment. And if you're not clear about what your assignment is, apparently Ma Dukes' assignment is to make sure you know what your assignment is. And if you're not working on your assignment, she certainly is helpful with some corrective action.

And there's not one time that she has led me astray or not set the course straight

with me with my assignment. And for that, I thank you, for that I love you, and for the times that I have done things that are not quite right, it's because I have not been, you know, attentive enough to the things that she's told me and the ways that she's tried to put me, you know, on the right course. Because every single time she's put me on the right course, it's been the right course.

And so thank you so much for all that you have done for our community, all you have done for our people, and all you've done for the people of the great State of New York.

God bless you.

ACTING PRESIDENT CROCI: Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

I rise also to really, first of all, thank Senator Montgomery. Because Senator Montgomery, as iconic as she is in these chambers, has always said, you know, what are we going do, what are we going to do for Hazel, what are we going to do for Dr. Dukes?

And frankly, as much as we do, it's

never really enough. Because the life that you have led has been nothing but one of commitment, one of giving, one of consciousness, and one of always moving the ball forward. And whether you are correcting people and explaining what their role was to be in life, what their assignment is, or whether you could just be a support for somebody who knew what their assignment was, you have always filled that role.

And as I've had a chance -- as many of my colleagues have had and spoken so eloquently -- to speak about you, you know -- and by the way, we speak about in February, you know, we speak about black history, in March it's women's history. The fact that we have you to speak to and speak of, frankly, is a privilege for each and every one of us.

I did not want to miss the opportunity to say thank you, to tell you how important you are as a role model, to thank you for the people that you have continued to nurture. Because many of the young women who are on the scene -- I see L. Joy Williams, Tamika Mallory -- so many are your mentees. And we thank you for not only staying on task, having a

vision for the future, but also making sure that you have the time to make sure that when, when you are not here -- and I can't even imagine life without you -- that there will be people, as the NAACP has continued to do, to carry the torch.

Thank you for all that you've done, and congratulations. We can never thank you enough.

(Applause.)

ACTING PRESIDENT CROCI: Senator Bailey.

SENATOR BAILEY: Thank you, Mr. President.

We don't -- we shouldn't throw the title "legend" around loosely. You know, Michael Jordan is a legend, Magic Johnson was a legend.

Hazel Dukes is a legend, folks. Let's make no mistake about it. She is of that ilk, she is of that significance, she is of that magnitude.

And I don't have the luxury, like Senator Benjamin, to have her in my district, but she comes up to mine. And sometimes you get star struck in this business. And the first time I met the governor or I met this person and that

person, you're like, wow. The first time Hazel Dukes said my name -- "Senator Bailey, could you come here for a second?" Me? Hazel Dukes knows my name? The legend Hazel Dukes knows my name. That means I'm doing something okay.

Shirley Chisholm once said that if they don't have a seat at the table, you bring a folding chair. Well, Ms. Dukes, you have brought many, many, many folding chairs, and you have taught other young women to not only bring those folding chairs to the table but to sit them down -- like Leader Stewart-Cousins said, Tamika Mallory, when she was being honored at an event in the Bronx, she referenced your name no less than 10 times about how influential you were for her.

And when you gave your speech about how important it was to vote, a generation of fourth-graders who maybe know you, if at all, in name only, stood to their feet in celebration of you.

That is the impact that you have on this world. That is the impact that you've had on me. And I'm lucky to know you. God bless you. And thank you for everything that you do.

(Applause.)

ACTING PRESIDENT CROCI: Senator Kennedy.

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

I have got to say, first and foremost, how honored and privileged I am to stand here among greatness. Dr. Hazel Dukes, words cannot describe how extraordinary of a life not only you have lived, but the people that you have touched, not only in this great state but clearly in this extraordinary nation.

I want to thank our colleague Senator Montgomery. And I want to thank, of course, Harlem's finest, Brian Benjamin, your godson Senator Benjamin. All of my colleagues, I put my words with theirs, associate my words with theirs.

You know, the resolution today, as fitting and as articulate and eloquent as it is, still leaves so much, because Dr. Dukes has done so much for all of us. No matter who we are, no matter where we come from, no matter what our background is, no matter what our ethnicity is, no matter what our gender is, no matter what our

sexual orientation may be, no matter what our religion may be, Dr. Hazel Dukes has epitomized what it means to be a leader in the State of New York and in this great nation.

She has always acted as a strong moral compass, for us in leadership here in the state and in the nation to follow suit. Whether it's her fight for civil rights and human rights, voting rights, criminal justice reform, the rights of the poor, the neediest, the most vulnerable in our communities, children and women, she has always done so with great respect and dignity.

She has also always done so keeping her faith at the center of the decisions that she makes, always having that moral compass led through her faith in Jesus Christ.

Recently Dr. Hazel Dukes came up to Buffalo and visited ELIM Christian Fellowship Church with me. And I had never seen her in action. But I will tell you what -- well, I've seen her in action; I have never seen her in action like this. Dr. Hazel Dukes brought the house down, to the extent that the bishop of ELIM Church said "You all got your word today."

She speaks from the heart, she speaks from the mind, she speaks for all of us. And as much as this resolution encapsulated her extraordinary life, it left out one magnificent piece of history I'd like to bring to everyone's attention, that as a child coming up in Alabama, Dr. Hazel Dukes' own life was touched by another legend in our country, as she was taught in Sunday school by a nation builder, a change maker, and a civil rights legend: Rosa Parks.

Not only did that help her, but it should show each and every one of us that every single thing that we do, whether we're in this auspicious chamber making decisions on the 20 million people that depend on us to do what's right by them and their families in our communities respectively -- but it also shows us that when we're out in the community every single thing that we do to touch another one's life does make a difference.

Dr. Hazel Dukes, I'm honored to be your friend. I'm honored to see you here in the chamber with us today. Thank you for everything that you have done for all of us, for this great state and for this great nation. We are forever

indebted to your leadership.

Congratulations.

(Applause.)

ACTING PRESIDENT CROCI: Dr. Dukes, on behalf of Majority Leader Flanagan and the New York State Senate, we want to thank you for a lifetime of service and dedication not only to your community, to your state, but to your country.

And we'd like you to stand and be recognized by this chamber.

(Extended standing ovation.)

ACTING PRESIDENT CROCI: The resolution has been previously adopted on March 15th.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we now go back to Calendar Number 423 and call the roll on that bill.

ACTING PRESIDENT CROCI: We will indeed.

Senator DeFrancisco, it's my understanding that Senator Montgomery would like to open this resolution for cosponsorship. If you would like to be a cosponsor, you should

please notify the desk.

And we will return to the calendar, and the Secretary will read.

SENATOR DeFRANCISCO: Thank you.

ACTING PRESIDENT CROCI: The Secretary will read.

THE SECRETARY: Calendar Number 423, by Senator Robach, Senate Print 7549, an act authorizing.

ACTING PRESIDENT CROCI: The Secretary will ring the bell.

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.)

ACTING PRESIDENT CROCI: Senator Stavisky to explain her vote.

SENATOR STAVISKY: To explain my vote.

There's no question that helmets save lives, they prevent brain injuries. And if the helmet law is repealed, my question is really: Who's next? Are we going to repeal the

helmet law for football players, let them play football without a helmet? Bicyclists? Well, if we're going to take that kind of approach, perhaps the seat belt law ought to be repealed.

Secondly, the memo says that there's no fiscal impact. There really is. Because people are injured when they have an accident and they are not wearing a helmet. It provides some kind of protection.

And somebody very close to me's son was a Ph.D. candidate in chemical engineering at Berkeley. He wasn't wearing a helmet, he was riding his motorcycle. And he spent the rest of his life in custodial care. He couldn't move, he couldn't speak, he couldn't eat. And the cost was tremendous -- not to the family, but to the taxpayers. And I visited him on many occasions in the hospital, and I kept saying to myself, That's why we need a helmet law.

And Mr. President, I vote no.

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

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

I'll be voting for the reasons cited by my colleagues. I did want to point out that March is National Brain Injury Awareness Month. And actually tomorrow, as I understand it, there will be a resolution on this floor commemorating Brain Injury Awareness Day.

So for all those reasons stated by my colleagues, and also the focus on protecting our brains -- our most vital organ -- from injuries, I'll be voting no.

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

Senator Brooks to explain his vote.

SENATOR BROOKS: Thank you, Mr. President.

As someone who has responded to probably far too many motorcycle accidents over the years, I have seen many accidents where clearly the use of a helmet has made a difference.

I'll be voting yes on this bill because included in this bill is a study to see how helmets will be more effective, and I think that's important. There's no question in my mind that there are accidents where helmets have made

a difference. If through this legislation we can find further improvements, it's the right thing to do.

I'll be voting aye.

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

Announce the result.

THE SECRETARY: In relation to Calendar 423, those recorded in the negative are Senators Gianaris, Hoylman, Kaminsky, Kavanagh, Krueger, Parker, Phillips, Sanders, Serrano, Stavisky and Stewart-Cousins.

Ayes, 49. Nays, 11.

ACTING PRESIDENT CROCI: The bill is passed.

Senator DeFrancisco, that concludes the reading of the controversial calendar.

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

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

SENATOR DeFRANCISCO: If that in fact is the case, I move to adjourn until Tuesday, March 20th, at 3:00 p.m.

ACTING PRESIDENT CROCI: On motion,

the Senate stands adjourned until Tuesday, March 20th, at 3:00 p.m.

(Whereupon, at 4:32 p.m., the Senate adjourned.)