

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 19, 2018

11 3:37 p.m.

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14 REGULAR SESSION

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18 SENATOR THOMAS D. CROCI, Acting President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT CROCI: The Senate  
3 will come to order.

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

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

8 ACTING PRESIDENT CROCI: In the  
9 absence of clergy, I ask today that we remember  
10 the four members of the New York State Air  
11 National Guard Rescue Wing who perished in Iraq  
12 in a helicopter crash and, in addition, their two  
13 comrades from the 308th Rescue Squadron in  
14 Florida: Captain Andreas O'Keeffe, of Center  
15 Moriches, New York; Captain Christopher Zanetis,  
16 of Long Island City, New York; Master Sergeant  
17 Christopher Raguso, of Commack, New York; and  
18 Staff Sergeant Dashan Briggs, of Port Jefferson  
19 Station, New York.

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

25 The mission statement of the 106th

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

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

10 ACTING PRESIDENT CROCI: The  
11 reading of the Journal.

12 THE SECRETARY: In Senate, Sunday,  
13 March 18th, the Senate met pursuant to  
14 adjournment. The Journal of Saturday,  
15 March 17th, was read and approved. On motion,  
16 Senate adjourned.

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

19 Presentation of petitions.

20 Messages from the Assembly.

21 Messages from the Governor.

22 Reports of standing committees.

23 Reports of select committees.

24 Communications and reports from  
25 state officers.

1                   Motions and resolutions.

2                   Senator DeFrancisco.

3                   SENATOR DeFRANCISCO:    Would you  
4 please recognize Senator Valesky, please.

5                   ACTING PRESIDENT CROCI:    Senator  
6 Valesky.

7                   SENATOR VALESKY:    Thank you,  
8 Mr. President.

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

13                  ACTING PRESIDENT CROCI:    So  
14 ordered.

15                  Senator DeFrancisco.

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

18                  ACTING PRESIDENT CROCI:    Senator  
19 Gianaris.

20                  SENATOR GIANARIS:    Thank you,  
21 Mr. President.

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

1           ACTING PRESIDENT CROCI:    So  
2   ordered.

3           Senator DeFrancisco.

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

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

9           ACTING PRESIDENT CROCI:   The  
10   Secretary will read.

11          THE SECRETARY:   Calendar Number  
12   247, by Senator Amedore, Senate Print 898, an act  
13   to amend the Mental Hygiene Law.

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

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

18          THE SECRETARY:   Calendar Number  
19   251, by Senator Akshar, Senate Print 6544A, an  
20   act to amend the Mental Hygiene Law.

21          ACTING PRESIDENT CROCI:   Read the  
22   last section.

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

25          ACTING PRESIDENT CROCI:   Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CROCI: Senator  
4 Akshar to explain his vote.

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

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

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

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

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

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

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

22                Mr. President, I vote aye.

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

25                Announce the result.

1 THE SECRETARY: Ayes, 46.

2 ACTING PRESIDENT CROCI: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 352, by Senator Little, Senate Print 2253B, an  
6 act to amend the Private Housing Finance Law.

7 ACTING PRESIDENT CROCI: Read the  
8 last section.

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

11 ACTING PRESIDENT CROCI: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 46.

15 ACTING PRESIDENT CROCI: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 379, by Senator Little, Senate Print 7439A, an  
19 act to authorize.

20 ACTING PRESIDENT CROCI: Read the  
21 last section.

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

24 ACTING PRESIDENT CROCI: Call the  
25 roll.



1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 46.

3 ACTING PRESIDENT CROCI: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 423, by Senator Robach, Senate Print 7549, an act  
7 authorizing.

8 SENATOR GIANARIS: Lay it aside.

9 ACTING PRESIDENT CROCI: The bill  
10 will be laid aside.

11 THE SECRETARY: Calendar Number  
12 530, by Senator Hannon, Senate Print 6358, an act  
13 to amend the Public Health Law.

14 ACTING PRESIDENT CROCI: Read the  
15 last section.

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

18 ACTING PRESIDENT CROCI: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 46.

22 ACTING PRESIDENT CROCI: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 590, by Senator Valesky, Senate Print 6967, an

1 act to amend the Not-For-Profit Corporation Law.

2 ACTING PRESIDENT CROCI: Read the  
3 last section.

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

6 ACTING PRESIDENT CROCI: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 46.

10 ACTING PRESIDENT CROCI: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 604, by Senator Marcellino, Senate Print 1149, an  
14 act to amend the Vehicle and Traffic Law.

15 ACTING PRESIDENT CROCI: Read the  
16 last section.

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

19 ACTING PRESIDENT CROCI: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 46.

23 ACTING PRESIDENT CROCI: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1     608, by Senator Carlucci, Senate Print 6832A, an  
2     act to amend the Vehicle and Traffic Law.

3             ACTING PRESIDENT CROCI:     Read the  
4     last section.

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

7             ACTING PRESIDENT CROCI:     Call the  
8     roll.

9             (The Secretary called the roll.)

10            ACTING PRESIDENT CROCI:     Senator  
11     Carlucci to explain his vote.

12            SENATOR CARLUCCI:     Thank you,  
13     Mr. President.

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

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

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

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

3           Unfortunately, we realized that we  
4 were lagging in so many issues dealing with  
5 common sense when it comes to boater safety. In  
6 2013, we worked to pass legislation that would  
7 require basic boater safety education before you  
8 got into a boat.

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

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

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

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

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

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

9 And we've seen that over the past  
10 decade there's been over 200 fatalities in our  
11 waterways. And we have some of the most  
12 beautiful waterways in the nation, whether it's  
13 the Hudson River, the Finger Lakes, the  
14 Great Lakes. We want to enjoy them. It's a  
15 \$2 billion industry here in New York State. But  
16 we need to make sure that they're safe.

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

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

1           ACTING PRESIDENT CROCI:    Senator  
2   Carlucci to be recorded in the affirmative.  
3           Announce the result.  
4           THE SECRETARY:    Ayes, 57.  
5           ACTING PRESIDENT CROCI:    The bill  
6   is passed.  
7           THE SECRETARY:    Calendar Number  
8   611, by Senator Amedore, Senate Print 7741, an  
9   act to amend the Highway Law.  
10          ACTING PRESIDENT CROCI:    Read the  
11   last section.  
12          THE SECRETARY:    Section 3.  This  
13   act shall take effect immediately.  
14          ACTING PRESIDENT CROCI:    Call the  
15   roll.  
16          (The Secretary called the roll.)  
17          THE SECRETARY:    Ayes, 57.  
18          ACTING PRESIDENT CROCI:    The bill  
19   is passed.  
20          THE SECRETARY:    Calendar Number  
21   617, by Senator Boyle, Senate Print 642, an act  
22   to amend the Penal Law.  
23          ACTING PRESIDENT CROCI:    Read the  
24   last section.  
25          THE SECRETARY:    Section 4.  This

1 act shall take effect on the 180th day.

2 ACTING PRESIDENT CROCI: Call the  
3 roll.

4 (The Secretary called the roll.)

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

7 SENATOR KRUEGER: Thank you,  
8 Mr. President.

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

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

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

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

7                     Thank you, Mr. President.

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

10                    Announce the result.

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

13                    ACTING PRESIDENT CROCI:     The bill  
14     is passed.

15                    THE SECRETARY:     Calendar Number  
16     623, by Senator Lanza, Senate Print 2627, an act  
17     to amend the Penal Law.

18                    ACTING PRESIDENT CROCI:     Read the  
19     last section.

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

22                    ACTING PRESIDENT CROCI:     Call the  
23     roll.

24                    (The Secretary called the roll.)

25                    ACTING PRESIDENT CROCI:     Senator



1 Krueger to explain her vote.

2 SENATOR KRUEGER: Thank you,  
3 Mr. President.

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

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

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

1 or can win their case.

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

6 Thank you, Mr. President.

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

9 Senator Hoylman to explain his vote.

10 SENATOR HOYLMAN: Thank you,  
11 Mr. President.

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

16 The statistics show that false  
17 reporting in crimes of sexual abuse is only about  
18 2 to 6 percent of the cases, and there's really  
19 no evidence that this is a problem in New York.  
20 The sponsor's memo refers, in fact, to the  
21 infamous Duke University rape case, which was  
22 over a decade ago, about 625 miles from New York.  
23 So this is not a New York problem.

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

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

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

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

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

16 Announce the result.

17 THE SECRETARY: In relation to --

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

20 Senator Kaminsky to explain his  
21 vote.

22 SENATOR KAMINSKY: Thank you.

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

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

5 But what's not a crime in New York,  
6 but is a federal crime, is lying to an  
7 investigator who interviews you. So right now  
8 the FBI knocks on your door, they say "You don't  
9 have to talk to us, and it's a crime if you lie.  
10 We'd like to ask you some questions," people  
11 often talk to them. People often make false  
12 statements to them. That's charged under  
13 18 U.S.C. 1001. It has been the basis for many  
14 important corruption investigations, white-collar  
15 investigation and the like, in our state.

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

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

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

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

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

16                    I vote in the affirmative. Thank  
17    you.

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

20                    Announce the result.

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

1                   Ayes, 50. Nays, 9.

2                   ACTING PRESIDENT CROCI:    The bill  
3 is passed.

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

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

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

10                  The Secretary will read.

11                  THE SECRETARY:    Calendar Number  
12 423, by Senator Robach, Senate Print 7549, an act  
13 authorizing.

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

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

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

20                  SENATOR ROBACH:    Absolutely.

21                  ACTING PRESIDENT CROCI:    The  
22 sponsor yields.

23                  SENATOR KRUEGER:    Thank you.

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

1 21 years old and over from being required to wear  
2 helmets while operating motorcycles. So given  
3 that you have a bill that would exempt people  
4 from helmet wearing, what would be the purpose of  
5 this bill's study?

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

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

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

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

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

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

7 SENATOR KRUEGER: Certainly.

8 ACTING PRESIDENT CROCI: Yes.

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

11 (Laughter.)

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

14 SENATOR ROBACH: I'm only kidding.

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

21 On the bill, Mr. President.

22 ACTING PRESIDENT CROCI: Senator  
23 Krueger on the bill.

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



1     concise.

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

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

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

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

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

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

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

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

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

22 ACTING PRESIDENT CROCI: Senator  
23 Robach.

24 SENATOR ROBACH: Yeah, just very  
25 quickly.

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

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

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

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

24           Senator DeFrancisco.

25           SENATOR DeFRANCISCO:

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

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

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

9 Motions and resolutions.

10 Senator DeFrancisco.

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

15 ACTING PRESIDENT CROCI: The  
16 Secretary will read.

17 Excuse me, Secretary suspend.

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

21 The Secretary will read.

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

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

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

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

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

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

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

7 "WHEREAS, Hazel N. Dukes graduated  
8 with a bachelor's degree in business  
9 administration from Adelphi University in 1978,  
10 during which time she worked for the New York  
11 City Off-Track Betting Corporation (NYCOTB); in  
12 1990, Mayor David Dinkins appointed Hazel Dukes  
13 as president of NYCOTB; and

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

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

1 College, Brooklyn, New York; and

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

7 "WHEREAS, Founded on February 12,  
8 1909, the NAACP is the nation's oldest, largest,  
9 and most widely recognized civil rights  
10 organization; following in the footsteps of  
11 W.E.B. Du Bois, Ida B. Wells-Barnett, and Mary  
12 Church Terrell, Dr. Hazel Dukes continues the  
13 NAACP's historic leadership to ensure political,  
14 educational, social and economic equality and  
15 justice; and

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

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

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

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

12            "WHEREAS, It is the sense of this  
13    Legislative Body that those who enhance the  
14    well-being and vitality of their community and  
15    have shown a long and sustained commitment to  
16    excellence certainly have earned the recognition  
17    and applause of all the citizens of this great  
18    Empire State; now, therefore, be it

19            "RESOLVED, That this Legislative  
20    Body pause in its deliberations to honor  
21    Dr. Hazel N. Dukes upon the occasion of her  
22    designation as recipient of the Empire State and  
23    Nation Builder Award by the New York State  
24    Association of Black and Puerto Rican  
25    Legislators, Inc., in conjunction with the



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

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

6 ACTING PRESIDENT CROCI: Senator  
7 Montgomery.

8 SENATOR MONTGOMERY: Thank you,  
9 Mr. President.

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

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

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

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

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

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

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

24                Thank you, Mr. President.

25                ACTING PRESIDENT CROCI:     Senator

1 Benjamin.

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

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

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

10 (Applause.)

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

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

25 But I have a funny story that I want

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

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

18 (Laughter.)

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

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

1 issue: Sanitation, cleanliness in Harlem.

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

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

15 (Applause from gallery.)

16 ACTING PRESIDENT CROCI: Senator  
17 Parker.

18 SENATOR PARKER: Thank you,  
19 Mr. President.

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

1     Caucus this year.

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

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

13                    And I think you've heard all of the  
14    accolades around the things that she's done in  
15    terms of community service. Her work around  
16    civil rights is absolutely legendary. And I  
17    think all of those things are really not even  
18    spoken about as much as she's done. This is  
19    somebody who has been engaged for really almost  
20    50 years in civil rights nationally. And you  
21    hear from Senator Benjamin that that work even  
22    extends down to doing this day-to-day stuff on  
23    her community board. And it's like, you know,  
24    who has time to do all of those things and pays  
25    attention?

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

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

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

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

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

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



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

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

14 God bless you.

15 ACTING PRESIDENT CROCI: Senator  
16 Stewart-Cousins.

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

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

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

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

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

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

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

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

9 (Applause.)

10 ACTING PRESIDENT CROCI: Senator  
11 Bailey.

12 SENATOR BAILEY: Thank you,  
13 Mr. President.

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

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

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

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

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

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

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

1 (Applause.)

2 ACTING PRESIDENT CROCI: Senator  
3 Kennedy.

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

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

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

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

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

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

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

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

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

11                   Not only did that help her, but it  
12 should show each and every one of us that every  
13 single thing that we do, whether we're in this  
14 auspicious chamber making decisions on the  
15 20 million people that depend on us to do what's  
16 right by them and their families in our  
17 communities respectively -- but it also shows us  
18 that when we're out in the community every single  
19 thing that we do to touch another one's life does  
20 make a difference.

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

1       indebted to your leadership.

2                   Congratulations.

3                   (Appause.)

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

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

12                  (Extended standing ovation.)

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

16                  Senator DeFrancisco.

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

20                  ACTING PRESIDENT CROCI:    We will  
21       indeed.

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



1 please notify the desk.

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

4 SENATOR DeFRANCISCO: Thank you.

5 ACTING PRESIDENT CROCI: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number  
8 423, by Senator Robach, Senate Print 7549, an act  
9 authorizing.

10 ACTING PRESIDENT CROCI: The  
11 Secretary will ring the bell.

12 Read the last section.

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

15 ACTING PRESIDENT CROCI: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT CROCI: Senator  
19 Stavisky to explain her vote.

20 SENATOR STAVISKY: To explain my  
21 vote.

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

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

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

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

20           And Mr. President, I vote no.

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

23           Senator Hoylman to explain his vote.

24           SENATOR HOYLMAN:   Thank you,  
25 Mr. President.

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

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

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

13           Senator Brooks to explain his vote.

14           SENATOR BROOKS:    Thank you,  
15 Mr. President.

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

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

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

4 I'll be voting aye.

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

7 Announce the result.

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

13 Ayes, 49. Nays, 11.

14 ACTING PRESIDENT CROCI: The bill  
15 is passed.

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

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

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

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

25 ACTING PRESIDENT CROCI: On motion,

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

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

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