

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 8, 2018

11 12:30 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR ELAINE PHILLIPS, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT PHILLIPS: The  
14 reading of the Journal.

15 THE SECRETARY: In Senate, Monday,  
16 May 7th, the Senate met pursuant to adjournment.  
17 The Journal of Sunday, May 6th, was read and  
18 approved. On motion, Senate adjourned.

19 ACTING PRESIDENT PHILLIPS: Without  
20 objection, the Journal stands approved as read.

21 Presentation of petitions.

22 Messages from the Assembly.

23 The Secretary will read.

24 THE SECRETARY: On page 20, Senator  
25 Gallivan moves to discharge, from the Committee

1 on Children and Families, Assembly Bill Number  
2 8485B and substitute it for the identical Senate  
3 Bill Number 7372B, Third Reading Calendar 348.

4 ACTING PRESIDENT PHILLIPS: The  
5 substitution is so ordered.

6 Messages from the Governor.

7 Reports of standing committees.

8 Reports of select committees.

9 Communications and reports from  
10 state officers.

11 Motions and resolutions.

12 Floor Leader.

13 SENATOR DeFRANCISCO: Madam  
14 President, I move to adopt the Resolution  
15 Calendar, with the exception of Resolutions 5098,  
16 4963, 4977, 5068 and 5069.

17 ACTING PRESIDENT PHILLIPS: All in  
18 favor of adopting the Resolution Calendar, with  
19 the exception of Resolutions 5098, 4963, 4977,  
20 5068 and 5069, signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT PHILLIPS:

23 Opposed?

24 (No response.)

25 ACTING PRESIDENT PHILLIPS: The

1 Resolution Calendar is adopted.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: Now may we  
4 take up Resolution Number 5098, by Senator  
5 Little, title only, and call on Senator Little to  
6 speak.

7 ACTING PRESIDENT PHILLIPS: The  
8 Secretary will read.

9 THE SECRETARY: Legislative  
10 Resolution Number 5098, by Senator Little,  
11 memorializing Governor Andrew M. Cuomo to  
12 proclaim May 6-13, 2018, as Fibromyalgia  
13 Awareness Week in the State of New York.

14 ACTING PRESIDENT PHILLIPS: Senator  
15 Little.

16 SENATOR LITTLE: Thank you, Madam  
17 President.

18 Fibromyalgia is a disease that  
19 people did not know about for a very, very long  
20 time. So having these one-week memorializations  
21 of the disease of fibromyalgia is very, very  
22 helpful in making more people aware of the  
23 disease -- people who may contact it, who may  
24 have it, who may know of someone who has it, but  
25 also the medical community to know what needs to

1 be done and how it can be treated.

2           There are an estimated 10 million  
3 people in the United States that have been  
4 diagnosed with fibromyalgia. While women make up  
5 the majority, men also can have fibromyalgia.  
6 And the new category is in pediatrics, which is  
7 really sad to see that children also are a focus  
8 of the research, finding out those who may be  
9 constricted with pediatric fibromyalgia.

10           The average time for a diagnosis of  
11 fibromyalgia is five years. Within those five  
12 years, people experience extreme fatigue, like  
13 fatigue that's unknown to other diseases, as well  
14 as having a lot of pain, along with not knowing  
15 what is wrong with them and continuing to go to  
16 doctors and seek out -- and depression also can  
17 be a symptom of fibromyalgia.

18           And the treatment of it is a team  
19 approach. And through this Fibromyalgia Task  
20 Force that has been developed and worked on, we  
21 have developed a team approach as to how to treat  
22 people who do have fibromyalgia.

23           So the purpose of this resolution is  
24 to make people more aware of it, to recognize the  
25 disease, and also to recognize some folks who

1 have worked very hard to see that we can get this  
2 disease under control and have treatment a lot  
3 faster than five years when someone contracts  
4 fibromyalgia.

5 With us today are Dr. Sue Shipe,  
6 founder and chair of the Fibromyalgia Task Force,  
7 of the International Institute for Human  
8 Empowerment; Mr. Brian Hart, who is also a member  
9 of that task force. Dr. Phil Albrecht, medical  
10 researcher, and Elizabeth Ruggiero, also a  
11 medical researcher, are involved in the  
12 task force. And also with us today: Michelle  
13 McCarthy, who is a volunteer working with the  
14 task force, Julie Miner and Joe Ritchie.

15 All of these people have been  
16 involved in the research, the care, the treatment  
17 and the awareness, helping people who have  
18 developed fibromyalgia and are finally diagnosed  
19 with it, finding the correct treatment, and being  
20 able to live a normal life afterward.

21 So I thank all of you for your  
22 efforts and your work on this, and I thank all of  
23 my colleagues for joining me in this resolution,  
24 and the Governor for memorializing May 6-13 as  
25 Fibromyalgia Awareness Week.

1 Thank you.

2 ACTING PRESIDENT PHILLIPS: The  
3 question is on the resolution. All in favor  
4 signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT PHILLIPS:  
7 Opposed, nay.

8 (No response.)

9 ACTING PRESIDENT PHILLIPS: The  
10 resolution is adopted.

11 And on behalf of the New York State  
12 Senate, to Dr. Shipe, Mr. Hart and the entire  
13 task force, thank you for your advocacy. And we  
14 offer all the privileges of the house to you.

15 (Applause.)

16 ACTING PRESIDENT PHILLIPS: The  
17 resolution is open for cosponsorship. If you'd  
18 like to be a cosponsor, please notify the desk.

19 Senator DeFrancisco.

20 SENATOR DeFRANCISCO: Can we now  
21 take up previously adopted Resolution 4533, by  
22 Senator Akshar, title only, and call on Senator  
23 Akshar to speak.

24 ACTING PRESIDENT PHILLIPS: The  
25 Secretary will read.

1                   THE SECRETARY:   Legislative  
2   Resolution Number 4533, by Senator Akshar,  
3   commemorating the second annual Sock Out Cancer  
4   Day benefit campaign and concerts.

5                   ACTING PRESIDENT PHILLIPS:   Senator  
6   Akshar on the resolution.

7                   SENATOR AKSHAR:   Madam President,  
8   thank you very much for your indulgence.

9                   I rise this afternoon with mixed  
10   emotions, quite frankly, and a heavy heart.  It's  
11   not often today you see Republicans and Democrats  
12   agreeing on much of anything.  But today,  
13   regardless of how divided we may seem in Albany,  
14   it's important to remember that there are  
15   certainly some things that we can in fact agree  
16   on, and certainly there are some things that we  
17   can advance without partisan back and forth.

18                  Today we're here because of a  
19   disease that knows no political party, it knows  
20   no race, no creed, no color, no age.  It doesn't  
21   matter whether you're rich or poor, whether you  
22   live upstate or downstate, in a city or in a  
23   rural community.  I would respectfully offer to  
24   everyone that every person in this room and every  
25   person that's watching the livestream has been



1 affected by cancer in one way or another.

2           While it affects a wide range of  
3 families, not every family is equipped to deal  
4 with cancer financially. And today I want to  
5 thank Assemblywoman Donna Lupardo for advancing  
6 this joint resolution with me, wherein we are  
7 proclaiming today, May 8th, Sock Out Cancer Day  
8 in the State of New York.

9           Sock Out Cancer is really for  
10 communities and folks throughout this great state  
11 to help raise funds to help those who are  
12 financially distressed and find themselves  
13 battling cancer. Last year Sock Out Cancer, that  
14 organization, in my home district raised \$120,000  
15 for the hospital systems there, for Lourdes  
16 Hospital and UHS.

17           And I'm pleased to say that tonight,  
18 during the second annual Sock Out Cancer Day in  
19 the state, Sock Out Cancer organization will be  
20 putting on another benefit concert at the Palace  
21 Theater at 8 p.m. All of my esteemed colleagues,  
22 of course, and your staffs have been invited to  
23 that, and tonight Sock Out Cancer organization  
24 will be raising money for Albany Med and  
25 St. Peter's Hospital, to help folks battling

1 cancer here in the Capital District.

2 I would offer to all of my  
3 colleagues, regardless of where you're from, that  
4 Sock Out Cancer would come to your neighborhood  
5 and work with you collectively and the hospital  
6 systems in your respective jurisdictions to help  
7 you raise money to help families who are battling  
8 this terrible disease.

9 I'm wearing this blue, yellow and  
10 red T-shirt of course in honor of Cooper Bush.  
11 Last week when we had a bipartisan press  
12 conference to announce in concert and this  
13 resolution that we would be bringing forth, I  
14 told the story at the podium of a beautiful young  
15 boy, 4 years old, Cooper Busch is his name, who  
16 suffered from acute myeloid leukemia. He also  
17 had Down syndrome. He was put in hospice care  
18 last week, but unfortunately lost his battle with  
19 cancer on Sunday.

20 So I wear this shirt very proudly.  
21 Me and Senator Peralta talked about whether you  
22 could in fact wear this shirt, you couldn't wear  
23 this shirt in the chamber. I'm glad I have it on  
24 today, because I know that Cooper's mom and dad,  
25 Tara and Steve, and brother Cole and sister Hope,

1 are home struggling themselves in trying to deal  
2 with the loss of their 4-year-old son and brother  
3 and grandson to the rest of the family.

4 So my thoughts and prayers of course  
5 are with the Busch family today. And again, I  
6 just want to thank the Assemblywoman and  
7 everybody else who cosponsored this resolution.  
8 It's really for a great cause, and I'm glad we're  
9 doing it in a bipartisan fashion.

10 Madam President, thank you.

11 ACTING PRESIDENT PHILLIPS: Thank  
12 you, Senator Akshar.

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Yes, I'm  
15 providing a hand-up from the Senate Democrat  
16 Conference concerning assignments.

17 ACTING PRESIDENT PHILLIPS: The  
18 hand-up is received and will be filed in the  
19 Journal.

20 And can I also say on behalf of you,  
21 sir, that the resolution is open for  
22 cosponsorship? Senator Akshar -- or were you  
23 about to say that, sir?

24 SENATOR DeFRANCISCO: Okay, thank  
25 you. And if you want to cosponsor, please notify

1 the desk.

2 ACTING PRESIDENT PHILLIPS: Thank  
3 you.

4 SENATOR DeFRANCISCO: Next if we  
5 could take up previously adopted Resolution 4861,  
6 by Senator Croci. Please read it in its  
7 entirety.

8 ACTING PRESIDENT PHILLIPS: The  
9 Secretary will read.

10 THE SECRETARY: Legislative  
11 Resolution 4861, by Senator Croci, commending  
12 Officer Ryan Nash upon the occasion of his  
13 designation as recipient of a Liberty Medal, the  
14 highest honor bestowed upon an individual by the  
15 New York State Senate.

16 "WHEREAS, It is incumbent upon the  
17 people of the State of New York to recognize and  
18 acknowledge those within our midst who have made  
19 significant contributions to the quality of life  
20 therein; and

21 "WHEREAS, From time to time this  
22 Legislative Body takes note of certain  
23 extraordinary individuals it wishes to recognize  
24 for their valued contributions to the success and  
25 progress of society and publicly acknowledge

1     their endeavors which have enhanced the basic  
2     humanity among us all; and

3                 "WHEREAS, This Legislative Body is  
4     justly proud to commend Ryan Nash upon the  
5     occasion of his designation as recipient of a  
6     Liberty Medal, the highest honor bestowed upon an  
7     individual by the New York State Senate; and

8                 "WHEREAS, The New York State Senate  
9     Liberty Medal was established by resolution and  
10    is awarded to individuals who have merited  
11    special commendation for exceptional, heroic, or  
12    humanitarian acts on behalf of their fellow  
13    New Yorkers; and

14                "WHEREAS, A five-year veteran of the  
15    NYPD, Ryan Nash worked day tours in the  
16    First Precinct in Lower Manhattan; on Tuesday,  
17    October 31, 2017, he and his partner were  
18    responding to an unrelated call at Stuyvesant  
19    High School when they were alerted by civilians  
20    about an apparent car crash nearby; and

21                "WHEREAS, A man had driven a pickup  
22    truck down a crowded bike path along the  
23    Hudson River in Manhattan, killing eight people  
24    and injuring 12 more; and

25                "WHEREAS, Officer Ryan Nash and his

1 partner, along with two other officers, quickly  
2 responded to the scene, and saw the suspect, who  
3 appeared to be waving a gun and yelling, at the  
4 scene of the accident, and observed the victims  
5 down on the scene; and

6 "WHEREAS, Officer Ryan Nash  
7 immediately took action and fired his service  
8 weapon nine times, shooting the suspect in the  
9 abdomen, bringing the worst terrorist attack in  
10 New York City since 9/11 to an end; and

11 "WHEREAS, A resident of Medford,  
12 Long Island, Officer Ryan Nash serves as the  
13 epitome of an NYPD officer; each and every day,  
14 he strives to enhance the quality of life in  
15 New York City by working in partnership with the  
16 community to enforce the law, preserve peace,  
17 reduce fear, and maintain order; and

18 "WHEREAS, In addition to being  
19 recognized for his role on that deadly Tuesday  
20 afternoon, Officer Ryan Nash was the recipient of  
21 both the Excellent Police Duty and Meritorious  
22 Police Duty Awards from the NYPD; and

23 "WHEREAS, Officer Ryan Nash should  
24 be regarded as a true hero; he has continually  
25 devoted himself to public service, demonstrating

1 great courage and diligence in providing for the  
2 care and welfare of the citizens of this great  
3 Empire State; and

4 "WHEREAS, Praised for maintaining  
5 his composure and his professional conduct,  
6 Officer Ryan Nash demonstrated his true character  
7 and genuine compassion for the well-being of  
8 others; and

9 "WHEREAS, Within every community of  
10 the State of New York there are certain  
11 individuals who, by virtue of their commitment  
12 and dedication, command the respect and  
13 admiration of their community for their exemplary  
14 contributions and service on behalf of others;  
15 Officer Ryan Nash is one such individual; and

16 "WHEREAS, It is the custom of this  
17 Legislative Body that those dedicated public  
18 servants who unselfishly devote their lives to  
19 the preservation of order and the protection of  
20 others are worthy and due full praise for their  
21 commitment and noble endeavors; now, therefore,  
22 be it

23 "RESOLVED, That this Legislative  
24 Body pause in its deliberations to commend  
25 Officer Ryan Nash upon the occasion of his

1 designation as recipient of a Liberty Medal, the  
2 highest honor bestowed upon an individual by the  
3 New York State Senate; and be it further

4 "RESOLVED, That a copy of this  
5 resolution, suitably engrossed, be transmitted to  
6 Officer Ryan Nash."

7 ACTING PRESIDENT PHILLIPS: Senator  
8 Croci.

9 SENATOR DeFRANCISCO: Could you  
10 please recognize me.

11 ACTING PRESIDENT PHILLIPS: Senator  
12 DeFrancisco.

13 SENATOR DeFRANCISCO: Could we now  
14 call up Resolution Number 3117, by Senator Croci,  
15 which was previously adopted, read it in its  
16 entirety, and then Senator Carlucci will speak on  
17 both of the resolutions at once.

18 ACTING PRESIDENT PHILLIPS: Yes,  
19 sir, thank you.

20 The Secretary will read.

21 THE SECRETARY: Legislative  
22 Resolution 3117, by Senator Croci, commending  
23 Peter DiPinto, Sr., upon the occasion of his  
24 designation as recipient of a Liberty Medal, the  
25 highest honor bestowed upon an individual by the



1 New York State Senate.

2 "WHEREAS, It is incumbent upon the  
3 people of the State of New York to recognize and  
4 acknowledge those within our midst who have made  
5 significant contributions to the quality of life  
6 therein; and

7 "WHEREAS, From time to time this  
8 Legislative Body takes note of certain  
9 extraordinary individuals it wishes to recognize  
10 for their valued contributions to the success and  
11 progress of society and publicly acknowledge  
12 their endeavors which have enhanced the basic  
13 humanity among us all; and

14 "WHEREAS, This Legislative Body is  
15 justly proud to commend Peter DiPinto, Sr., upon  
16 the occasion of his designation as recipient of a  
17 Liberty Medal, the highest honor bestowed upon an  
18 individual by the New York State Senate; and

19 "WHEREAS, The New York State Senate  
20 Liberty Medal was established by resolution and  
21 is awarded to individuals who have merited  
22 special commendation for exceptional, heroic, or  
23 humanitarian acts on behalf of their fellow  
24 New Yorkers; and

25 "WHEREAS, On Tuesday, October 10,

1     2017, at approximately 10:30 p.m., volunteer  
2     firefighter and United States Navy veteran Peter  
3     DiPinto, Sr., heard a car crash at the crossing  
4     near the intersection of Montauk Highway and  
5     Arthur Avenue, to the east of the Bellport  
6     Station, in Brookhaven, Long Island, in  
7     Suffolk County; and

8                 "WHEREAS, The driver of the car was  
9     turning when another vehicle hit the passenger's  
10    side, sending her SUV onto the train tracks; and

11                "WHEREAS, Peter DiPinto, Sr.,  
12    quickly ran to the driver's aid, pushing the  
13    airbags aside to reach her; realizing a train was  
14    speeding towards them, he pulled the terrified  
15    woman across the passenger seat, dragging her to  
16    safety behind a silver utility shed; about  
17    10 seconds later, the Long Island Rail Road train  
18    slammed into the vehicle, sending it 50 feet into  
19    some nearby brush; and

20                "WHEREAS, Due to the spontaneous  
21    actions of 30-year veteran firefighter Peter  
22    DiPinto, Sr., the victim of the car crash  
23    survived with minor injuries; and

24                "WHEREAS, Peter DiPinto, Sr., should  
25    be regarded as a true hero; he has continually

1 devoted himself to public service, demonstrating  
2 great courage and diligence in providing for the  
3 care and welfare of the citizens of this great  
4 Empire State; and

5 "WHEREAS, Praised for maintaining  
6 his composure and his professional conduct,  
7 Peter DiPinto, Sr., demonstrated his true  
8 character and genuine compassion for the welfare  
9 of others; and

10 "WHEREAS, Within every community of  
11 the State of New York there are certain  
12 individuals who, by virtue of their commitment  
13 and dedication, command the respect and  
14 admiration of their community for their exemplary  
15 contributions and service on behalf of others;  
16 Peter DiPinto, Sr., is one such individual; and

17 "WHEREAS, It is the custom of this  
18 Legislative Body that those dedicated public  
19 servants who unselfishly devote their lives to  
20 the preservation of order and the protection of  
21 others are worthy and due full praise for their  
22 commitment and noble endeavors; now, therefore,  
23 be it

24 "RESOLVED, That this Legislative  
25 Body pause in its deliberations to commend

1 Peter DiPinto, Sr., upon the occasion of his  
2 designation as recipient of a Liberty Medal, the  
3 highest honor bestowed upon an individual by the  
4 New York State Senate; and be it further

5 "RESOLVED, That a copy of this  
6 resolution, suitably engrossed, be transmitted to  
7 Peter DiPinto, Sr."

8 ACTING PRESIDENT PHILLIPS: Senator  
9 Croci on the resolution.

10 SENATOR CROCI: Thank you, Madam  
11 President. And thank you to my colleagues for  
12 passing this resolution.

13 You know, we refer to the police  
14 services and the fire services with the terms the  
15 finest and the bravest. And I am very privileged  
16 to be able to introduce to you today truly the  
17 representation of those words "finest" and  
18 "bravest."

19 The incidents which both of these  
20 gentlemen are recognized for today with our State  
21 Senate's highest honor, the Liberty Medal, are  
22 probably not the first you've heard of them.  
23 They've been covered in the press, they've been  
24 covered on television. Because I think in our  
25 society we often hear a lot of bad news when we

1 pick up a paper or listen to the news. And when  
2 one of our neighbors performs in this manner, I  
3 think it gives us all hope that we are the kind  
4 of people who are going to endure, because we  
5 have men and women who are truly fine and truly  
6 brave.

7               This is only the third time that the  
8 Senator from the Third Senate District has ever  
9 presented a Liberty Medal. My predecessor, Lee  
10 Zeldin, presented a Liberty Medal posthumously to  
11 Lieutenant Michael Murphy, a Navy Seal who was  
12 killed on active duty in Afghanistan saving the  
13 lives of others and performing his duties.

14              Today I am honoring two individuals  
15 who we are blessed to have in the chamber with us  
16 who have saved the lives of other humans. It is  
17 said in Scripture that a greater love hath no man  
18 than to lay down his life for his friends. In  
19 this case, it's about the willingness to go on  
20 and do something extraordinary without regard for  
21 oneself. That is, to me, the very essence of  
22 what it means to be an American.

23              And there are studies about heroism,  
24 and it's a word that I certainly never throw out  
25 lightly. But I'm privileged to have invited and

1 have in the chamber with us today two individuals  
2 who I consider to be heroes. When they study  
3 heroism, they talk about the key to heroism is a  
4 concern for other people, something I think -- I  
5 hope we all identify with. But here's the key  
6 ingredient: A disregard for what happens to you  
7 in that process.

8                   In the Navy, when we present -- or  
9 in the military when we present awards to  
10 individuals, the highest awards, we talk about  
11 valor and selfless disregard for one's own  
12 safety. Now, I'm sure your families don't  
13 necessarily like the fact that you selflessly  
14 disregarded your own safety, but thank God that  
15 you did. And I know that the men and women whose  
16 lives you saved certainly do.

17                   Madam President, I could not be  
18 prouder than to have these two gentlemen, Peter  
19 DiPinto and Ryan Nash, living in the Third Senate  
20 District. They truly, I believe, are exemplary  
21 Americans and really typify what I think all of  
22 us should examine in our own lives, and that is  
23 the ability to put something greater than oneself  
24 ahead of oneself.

25                   Gentlemen, I would like, if you

1 wouldn't mind, if you would stand for a moment.  
2 I had the great opportunity to present them the  
3 Liberty Medal previously. And Madam President, I  
4 will turn it over to you to recognize two amazing  
5 New Yorkers, two heroes from our nation, and that  
6 is Peter DiPinto, firefighter, and Police Officer  
7 Nash.

8                   ACTING PRESIDENT PHILLIPS:    So  
9 Officer Nash, Firefighter DiPinto, thank you for  
10 your bravery, thank you for your dedication to  
11 our communities. And on behalf of the entire New  
12 York State Senate, we open all the privileges of  
13 the house to you.

14                   If everyone would rise.

15                   (Standing ovation.)

16                   ACTING PRESIDENT PHILLIPS:    Senator  
17 DeFrancisco.

18                   SENATOR DeFRANCISCO:    Both of those  
19 resolutions are open for cosponsorship. If you'd  
20 like to cosponsor, please notify the desk.

21                   ACTING PRESIDENT PHILLIPS:    So both  
22 resolutions are open for cosponsorship. If you'd  
23 like to be a cosponsor, please notify the desk.

24                   Senator DeFrancisco.

25                   SENATOR DeFRANCISCO:    In fact, all

1 resolutions today are open for cosponsorship.  
2 And if you want to cosponsor any of them, to save  
3 some time, just please notify the desk.

4 ACTING PRESIDENT PHILLIPS: Thank  
5 you, sir.

6 SENATOR DeFRANCISCO: Now can we  
7 take up Resolution 4963, by Senator Robach, read  
8 the title only, and call on Senator Robach to  
9 speak.

10 ACTING PRESIDENT PHILLIPS: The  
11 Secretary will read.

12 THE SECRETARY: Legislative  
13 Resolution Number 4963, by Senator Robach,  
14 memorializing Governor Andrew M. Cuomo to  
15 proclaim May 8, 2018, as Domestic Violence  
16 Awareness and Prevention Day in the State of  
17 New York.

18 ACTING PRESIDENT PHILLIPS: Senator  
19 Robach.

20 SENATOR ROBACH: Yes, Madam  
21 President, I'm very happy to sponsor this  
22 resolution on Domestic Violence Prevention Day.

23 I think it's very important that we  
24 first start out by saying, at least in my tenure  
25 here in the Senate, working together, we have



1 really changed how domestic violence is treated,  
2 on everything from orders of protection, not  
3 discriminating against people who have suffered  
4 domestic violence in the workplace, in housing,  
5 in so many other ways. And maybe most  
6 importantly, in most communities we now have  
7 places like Willow Domestic Violence Center in  
8 Rochester, which allows women a place to go -- or  
9 I shouldn't say women -- men, anyone suffering  
10 from domestic violence, where they can get out of  
11 that dangerous and caustic relationship, be  
12 supported, and transition to a better life for  
13 them and their families.

14 Literally in my 16 years in the  
15 Senate, I really applaud everyone. I've watched  
16 that change dramatically for the better. But our  
17 work is not over. And we can certainly continue  
18 to do more to really try and stamp out this  
19 scourge.

20 And I've said it time and time  
21 again, all violence is bad. But when you think  
22 about it, what's even worse -- if you've been  
23 jumped or robbed in a parking lot, you may never  
24 go that way again. But to be assaulted by a  
25 spouse, an intimate partner, somebody else that

1     you rely on not only for companionship, finances,  
2     living arrangements, it can even be more  
3     challenging and certainly even more terrifying.

4                 So all the merits for trying to  
5     stamp this out are clearly there, and we're doing  
6     that.

7                 I want to take a moment -- I know  
8     there's people all over the state that do that.  
9     Today, Madam President, we have people joining us  
10    from the New York State Coalition Against  
11    Domestic Violence, who have helped with this  
12    issue greatly, continue to push for policies and  
13    support for people going through this.

14                And if I could just take a moment  
15    before I ask you to welcome them, I'd like to  
16    introduce Connie Neal, the executive director --  
17    if you want to stand up, please do -- Joan  
18    Gerhardt, Nasim Sarabandi, Jennifer Clark,  
19    Jane Ni, and Aissata Ba.

20                I would hope, on behalf of all the  
21    people that are combating domestic violence  
22    across our state, you would welcome these  
23    individuals representing everyone, welcome them  
24    to the chamber and applaud their great work,  
25    Madam President.

1                   ACTING PRESIDENT PHILLIPS:   Great,  
2   thank you.

3                   So on behalf of the New York State  
4   Senate, I welcome the New York State Coalition  
5   Against Domestic Violence. Ladies, thank you for  
6   your advocacy, and we open all the privileges of  
7   the house to you. Thank you.

8                   (Standing ovation.)

9                   ACTING PRESIDENT PHILLIPS:   The  
10   question is on the resolution. All in favor  
11   signify by saying aye.

12                   (Response of "Aye.")

13                   ACTING PRESIDENT PHILLIPS:  
14   Opposed, nay.

15                   (No response.)

16                   ACTING PRESIDENT PHILLIPS:   The  
17   resolution is adopted.

18                   Senator DeFrancisco.

19                   SENATOR DeFRANCISCO:   Yes, can we  
20   now take up Resolution 5068, by Senator  
21   Montgomery, title only, and call on Senator  
22   Montgomery to speak.

23                   ACTING PRESIDENT PHILLIPS:   The  
24   Secretary will read.

25                   THE SECRETARY:   Legislative

1 Resolution Number 5068, by Senator Montgomery,  
2 commemorating the 40th anniversary of the Spanish  
3 Speaking Elderly Council-RAICES, to be celebrated  
4 on May 17, 2018.

5 ACTING PRESIDENT PHILLIPS: Senator  
6 Montgomery.

7 SENATOR MONTGOMERY: Yes, thank  
8 you, Madam President.

9 I rise to honor this organization,  
10 RAICES. It's the Spanish Speaking Elderly  
11 Council of New York City. It's the 40th  
12 anniversary of their existence, founded in 1978  
13 by retired Hispanic senior citizens who saw the  
14 need for an organization which would provide  
15 services, educate and organize the Latino  
16 minority and low-income aging community in the  
17 borough of Brooklyn.

18 They have remained true to their  
19 mission, which responds to unmet needs of these  
20 communities, the Latino, African-American and  
21 low-income community people, and seeks to improve  
22 their quality of life through advocacy and the  
23 direct provision of targeted services, with work  
24 across the generations and a particular emphasis  
25 on the needs of older adults.

1                   This organization has developed an  
2 "ethnic ramp" concept towards improving access to  
3 services for older adults of color. Currently,  
4 RAICES operates nine direct service sites,  
5 including seven senior centers, a case assistance  
6 division, and a licensed outpatient mental health  
7 clinic, the first geriatric outpatient mental  
8 health clinic in Brooklyn.

9                   So I rise today to give honor and  
10 say thanks to the services that RAICES has  
11 provided for the last 40 years to hundreds of  
12 thousands of elderly seniors of color in  
13 Brooklyn, especially in those senior services  
14 where Brooklynites congregate each day to receive  
15 healthy meals, information, services and support.

16                   So it is my pleasure to be able to  
17 honor them and to say, on behalf of the members  
18 in this body, we thank them for their service in  
19 the borough of Brooklyn.

20                   Thank you, Madam President.

21                   ACTING PRESIDENT PHILLIPS: Thank  
22 you, Senator Montgomery.

23                   The question is on the resolution.

24 All in favor signify by saying aye.

25                   (Response of "Aye.")

1                   ACTING PRESIDENT PHILLIPS:

2       Opposed, nay.

3                   (No response.)

4                   ACTING PRESIDENT PHILLIPS:     The  
5       resolution is adopted.

6                   Senator DeFrancisco.

7                   SENATOR DeFRANCISCO:     Next, if we  
8       could please take up Resolution 5069, by Senator  
9       Montgomery, read the title only, and call on  
10      Senator Montgomery to speak.

11                  ACTING PRESIDENT PHILLIPS:     The  
12      Secretary will read.

13                  THE SECRETARY:     Legislative  
14      Resolution Number 5069, by Senator Montgomery,  
15      commending the YWCA of Brooklyn upon the occasion  
16      of celebrating its 130th anniversary.

17                  ACTING PRESIDENT PHILLIPS:     Senator  
18      Montgomery.

19                  SENATOR MONTGOMERY:     Yes, thank you  
20      again, Madam President.

21                  I rise to celebrate what I have  
22      called very often out of its name -- but its  
23      function is very true -- I call this the Women's  
24      House of Brooklyn.  It's the YWCA of Brooklyn,  
25      which is celebrating 130 years of existence.  It

1 was founded in 1888.

2 It is the only YWCA in the borough  
3 of Brooklyn, and I believe it is the only YWCA in  
4 the City of New York that offers residential  
5 services.

6 The YWCA serves over 300 women; most  
7 of them have been victims of domestic violence.  
8 They actually live in the Y at the most  
9 reasonable and affordable rents. And I say very  
10 frequently, if it were not for that Y, many of  
11 those women would be homeless.

12 The Y also provides spaces,  
13 affordable spaces, and very often free space for  
14 community organizations seeking to hold meetings  
15 about issues and events in their community.

16 The Y also serves over 300 girls,  
17 where they provide leadership and college access  
18 preparation, and also helps those young women  
19 prepare for college and in fact enter college.

20 The Y is the place in Brooklyn where  
21 so much has happened over those 130 years -- and  
22 even in the last 30 years, actually -- as it  
23 relates to organizing around women's issues, both  
24 culturally and politically, I should say, because  
25 it's where we as women in Brooklyn always feel at

1 home and are often meeting to say where do we fit  
2 and what should we be doing.

3 And I want to especially acknowledge  
4 that they have been very, very active in the  
5 whole issue of domestic violence toward women in  
6 our borough and in our state.

7 So I rise to thank them for their  
8 service, for being there. And I thank the board,  
9 and I thank the vision of the executive director,  
10 Martha Kamber, who has decided not to turn the  
11 Women's Building into luxury housing in the  
12 borough of Brooklyn. It remains an important  
13 place for women of all incomes and ethnicities  
14 and means, but especially for women's services.

15 So thank you, Madam President, for  
16 allowing me to stand today to honor the YWCA of  
17 Brooklyn on their 130th anniversary this year.

18 Thank you.

19 ACTING PRESIDENT PHILLIPS: Thank  
20 you, Senator Montgomery, for acknowledging this  
21 worthy institution.

22 The question is on the resolution.  
23 All in favor signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT PHILLIPS:



1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT PHILLIPS: The  
4 resolution is adopted.

5 Senator DeFrancisco.

6 SENATOR DeFRANCISCO: Can we now  
7 take up previously adopted Resolution 4448, by  
8 Senator Kennedy, title only, and call on  
9 Senator Kennedy to speak.

10 ACTING PRESIDENT PHILLIPS: The  
11 Secretary will read.

12 THE SECRETARY: Legislative  
13 Resolution Number 4448, by Senator Kennedy,  
14 congratulating the St. Mary's School for the Deaf  
15 Boys Basketball Team and Coach Kevin LeRoy upon  
16 the occasion of capturing the Eastern Schools for  
17 the Deaf Athletic Association Division II  
18 Championship.

19 ACTING PRESIDENT PHILLIPS: Senator  
20 Kennedy.

21 SENATOR KENNEDY: Thank you, Madam  
22 President.

23 I rise to welcome the boys  
24 basketball team from St. Mary's School for the  
25 Deaf, all the way from Buffalo, New York. They

1 just arrived hot off the Thruway. Welcome to the  
2 chamber, gentlemen.

3 (Applause.)

4 SENATOR KENNEDY: St. Mary's School  
5 for the Deaf is one of Western New York's most  
6 important and oldest educational institutions.

7 They're joined by Superintendent Tim  
8 Kelly, Head Coach Kevin LeRoy, and Assistant  
9 Coach Jim Carmody.

10 This past February, the St. Mary's  
11 School for the Deaf Bisons took home the Eastern  
12 Schools for the Deaf Athletic Association  
13 Division II championship, held at Rhode Island  
14 School for the Deaf, winning all three of its  
15 games by a combined 84 points, capping an  
16 incredible 11-3 season.

17 When the team won the title in their  
18 impressive 43-27 win over Katzenbach School for  
19 the Deaf, they were surrounded by friends and  
20 family proudly donning their school's blue, gold,  
21 and white colors. These young men have  
22 demonstrated impressive athletic skill, teamwork  
23 and tenacity as they defeated opponent after  
24 opponent, and have rightfully earned their  
25 championship.

1                   For those of you who don't know  
2   St. Mary's School for the Deaf, they trace their  
3   history back to 1853, when four Sisters of  
4   St. Joseph from Missouri came to Buffalo to start  
5   an institute for deaf education on a one-acre lot  
6   in three small buildings in the heart of the City  
7   of Buffalo.

8                   One hundred sixty-five years later,  
9   the school provides world-class educational  
10  services to youth of all ages, from infant age  
11  all the way until 21 years old, at their historic  
12  campus on Main Street.

13                  According to the school, they count  
14  among their graduates college provosts and  
15  professors, teachers, priests, deaf Olympians,  
16  award-winning chefs, and many, many more.

17                  I want to recognize each of these  
18  students and coaches who achieved this impressive  
19  accomplishment, many of whom made the long drive,  
20  again, to Albany from Buffalo this morning:  
21  Kassim Kassim, Nick Barrus, Dalton Planty, Ethan  
22  Antone, Adnan Abdi, Christian Lawrence, Michael  
23  Norris, Ryan Brzezinski, Isa Habeeb, Francis  
24  Nguyen, Givon Blackwell, Jonathan Allen, Tyler  
25  Burgard, Head Coach Kevin LeRoy, Assistant Coach

1 Jim Carmody, and Manager Jack Kawalec.

2 Again, congratulations on your  
3 well-deserved victory, and welcome to the  
4 New York State Capitol.

5 (Applause.)

6 SENATOR KENNEDY: Madam President,  
7 can you please extend all of the privileges and  
8 courtesies of this chamber to these wonderful  
9 young champions from Western New York. Thank you  
10 very much.

11 And congratulations, gentlemen.  
12 Welcome.

13 ACTING PRESIDENT PHILLIPS: So on  
14 behalf of the entire New York State Senate, to  
15 the St. Mary's School of the Deaf,  
16 congratulations, boys. Keep up the hard work.

17 And we welcome you, and we offer all  
18 the privileges of the New York State Senate to  
19 you.

20 (Applause.)

21 ACTING PRESIDENT PHILLIPS: Senator  
22 DeFrancisco.

23 SENATOR DeFRANCISCO: Yes, can we  
24 now take up Resolution 4977, by Senator Hoylman,  
25 title only, and call on Senator Hoylman to speak,

1 please.

2 ACTING PRESIDENT GRIFFO: The  
3 Secretary will read.

4 THE SECRETARY: Legislative  
5 Resolution Number 4977, by Senator Hoylman,  
6 celebrating the life and accomplishments of Edith  
7 Windsor, an American LGBT rights activist and  
8 technology manager for IBM.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Hoylman.

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

13 I rise to speak about the life and  
14 accomplishments of Edie Windsor, a civil rights  
15 trailblazer and the godmother of the gay marriage  
16 movement here in New York State and across the  
17 country and indeed the world.

18 I have brought forth a resolution  
19 that is also being considered in the New York  
20 State Assembly by my colleague Rebecca Seawright.

21 And I'm honored that we're in the  
22 presence of LGBTQI advocates who have formed a  
23 coalition under the auspices of the advocacy  
24 groups, through Gabriel Blau and others, and have  
25 come to the State Capitol in hundreds to speak to

1 legislators about a number of bills that we  
2 should be considering on the floor today in terms  
3 of advancing the LGBTQI agenda, the gay agenda.

4 And Edie was at the forefront of  
5 that, Mr. President. Edie was born Edith Schlain  
6 in Philadelphia back in 1929. She was the  
7 youngest of three children of Jewish immigrants.  
8 And beginning in the '50s, after being a computer  
9 research assistant at NYU, she started at IBM,  
10 where she attained the highest technical rank and  
11 won a competitive IBM Ph.D.

12 She was married early in her life to  
13 a man but was jealous if she saw two women out  
14 together. After a year of being with this man,  
15 she said, quote: Honey, this is wrong. You  
16 deserve more, and I need something else.

17 Well, Edie says they didn't talk  
18 again until her 70th birthday. But when he  
19 called her, he said "I still love you," and that  
20 was great.

21 Fearing exposure as a lesbian, Edie  
22 kept her sexuality secret from her employer and  
23 her work colleagues. But back in 1963, she met  
24 the first love of her life, Dr. Thea Spyer, at a  
25 lesbian bar in the West Village.

1                   And back in the '60s, Edie got to  
2                   witness some amazing things, including the  
3                   rebellion at the Stonewall Inn in 1969. She and  
4                   Dr. Spyer were among the first to sign up for  
5                   New York City's Domestic Partnership Registry  
6                   back in 1993, which was so important because it  
7                   extended for the first time housing and health  
8                   insurance and other benefits to gays, lesbians  
9                   and even unmarried heterosexuals.

10                   And finally, after living together  
11                   for 40 years -- and I don't know how many  
12                   straight couples can say that, but we should  
13                   honor all of them -- Edie and Thea were legally  
14                   married in Canada in 2007 by Canada's first  
15                   openly gay judge. And Edie talked about how  
16                   special it was to be married. She said marriage  
17                   is a magic word, and it's magic throughout the  
18                   world. It has to do with our dignity as human  
19                   beings to be who we are openly.

20                   Well, sadly, Thea passed away, and  
21                   what ensued was an incredible injustice. Because  
22                   Edie applied for an estate tax exemption that any  
23                   spouse would have received, something that I  
24                   think this chamber talks about a lot. But the  
25                   Defense of Marriage Act, which was passed back in

1 1996, made her ineligible for that.

2 She was thus required to pay  
3 \$363,053 in taxes to the federal government, and  
4 \$275,528 to New York State on her inheritance.  
5 She would later say she wouldn't have owed the  
6 government all those estate taxes if she had been  
7 married to a man named Theo rather than a woman  
8 named Thea.

9 In stepped a good friend of mine,  
10 and a constituent, named Roberta Kaplan, who was  
11 one of the top lawyers at the time at a big law  
12 firm and took on Edie's case pro bono. She  
13 represented her unsuccessfully in a marriage case  
14 here in New York in 2006, and wanted to pursue it  
15 further, all the way to the Supreme Court. But  
16 LGBT advocates at the time didn't want her to go  
17 any further. They actually refused to take  
18 Edie's case, saying it was the wrong time for the  
19 movement.

20 Well, Robbie Kaplan took that case  
21 on. And she remembered the words of Reverend  
22 Martin Luther King, Jr., who had said decades  
23 earlier that there is no wrong time to seek  
24 justice. So Roberta Kaplan, corporate lawyer,  
25 takes on Edie's case, and it goes all the way to



1 the Supreme Court.

2 At the heart of the case, which was  
3 called Windsor vs. the United States of America,  
4 was the principle that gay people have the  
5 dignity and the Constitution mandates that this  
6 dignity be respected equally under the law. And  
7 they won that case.

8 And since Windsor, more than  
9 40 federal district court opinions and four  
10 circuit courts have held that the U.S.  
11 Constitution requires that gay people be allowed  
12 to marry. That demonstrates the remarkable  
13 clarity of the Windsor case.

14 Now, Edie met her second wife, the  
15 second love of her life, Judith Kasen-Windsor, at  
16 a Hanukkah party in 2015. I think I was at that  
17 Hanukkah party, but there is no photographic  
18 evidence.

19 They were married on September 26,  
20 2016, in New York's City hall. And it  
21 encapsulates one of Edie's most famous mottos in  
22 her life, which is don't postpone joy, and keep  
23 it hot.

24 It was this relentless optimism of  
25 Edie Windsor, this belief that we can do better,

1     that has led us here today -- the belief that  
2     government should champion the rights of all  
3     people equally. Her fight, Mr. President, for  
4     equal representation under the law has changed  
5     the lives of LGBTQI Americans and people across  
6     the world.

7                     I am personally grateful for Edie  
8     Windsor's courage and determination. And I am so  
9     honored, Mr. President, to be here in the  
10    presence of Edie's widow, Judith Kasen-Windsor,  
11    who I'd like to introduce, as well as the  
12    champions from Equality New York and other  
13    advocacy groups in the chamber fighting for  
14    LGBTQI rights.

15                    Mr. President, could you please  
16    recognize Judith Kasen-Windsor and bestow to her  
17    all of the courtesies and privileges of this  
18    house.

19                    Thank you, Mr. President.

20                    ACTING PRESIDENT GRIFFO:   We  
21    certainly welcome you to the New York State  
22    Senate. Thank you for your courage and your  
23    advocacy on behalf of New Yorkers. And we extend  
24    to you the privileges and courtesies of this  
25    house.

1 I'd ask my colleagues to please  
2 stand and recognize our distinguished guests.

3 (Standing ovation.)

4 ACTING PRESIDENT GRIFFO: The  
5 question is on the resolution. All in favor  
6 please signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT GRIFFO: Opposed,  
9 nay.

10 (No response.)

11 ACTING PRESIDENT GRIFFO: The  
12 resolution is adopted.

13 Senator DeFrancisco.

14 SENATOR DeFRANCISCO: Yes, on  
15 page 62 I offer the following amendments to  
16 Calendar 984, Senate Print 5924, by  
17 Senator LaValle, and ask that said bill retain  
18 its place on the Third Reading Calendar.

19 ACTING PRESIDENT GRIFFO: So  
20 ordered.

21 SENATOR DeFRANCISCO: Now,  
22 Mr. President, can we please take up the  
23 noncontroversial reading of the calendar.

24 ACTING PRESIDENT GRIFFO: The  
25 Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2   117, by Senator Ortt, Senate Print 249, an act to  
3   amend the Correction Law.

4                   ACTING PRESIDENT GRIFFO:   Read the  
5   last section.

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

8                   ACTING PRESIDENT GRIFFO:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:    Ayes, 53.   Nays, 1.  
12   Senator Montgomery recorded in the negative.

13                   ACTING PRESIDENT GRIFFO:   The bill  
14   is passed.

15                   THE SECRETARY:    Calendar Number  
16   118, by Senator Ortt, Senate Print 399, an act to  
17   amend the Correction Law.

18                   ACTING PRESIDENT GRIFFO:   Read the  
19   last section.

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

22                   ACTING PRESIDENT GRIFFO:   Call the  
23   roll.

24                   (The Secretary called the roll.)

25                   THE SECRETARY:    Ayes, 54.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   120, by Senator Serino, Senate Print 2170, an act  
5   to amend the Correction Law.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7   last section.

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

10                  ACTING PRESIDENT GRIFFO:    Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:    Ayes, 53.   Nays, 1.  
14   Senator Rivera recorded in the negative.

15                  ACTING PRESIDENT GRIFFO:    The bill  
16   is passed.

17                  THE SECRETARY:    Calendar Number  
18   121, by Senator Lanza, Senate Print 2638, an act  
19   to amend the Correction Law.

20                  ACTING PRESIDENT GRIFFO:    Read the  
21   last section.

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

24                  ACTING PRESIDENT GRIFFO:    Call the  
25   roll.

1                   (The Secretary called the roll.)  
2                   THE SECRETARY:    Ayes, 53.   Nays, 1.  
3   Senator Montgomery recorded in the negative.  
4                   ACTING PRESIDENT GRIFFO:    The bill  
5   is passed.  
6                   THE SECRETARY:    Calendar Number  
7   130, by Senator Gallivan, Senate Print 1981, an  
8   act to amend the Social Services Law.  
9                   ACTING PRESIDENT GRIFFO:    Read the  
10   last section.  
11                  THE SECRETARY:    Section 2.   This  
12   act shall take effect immediately.  
13                  ACTING PRESIDENT GRIFFO:    Call the  
14   roll.  
15                  (The Secretary called the roll.)  
16                  THE SECRETARY:    Ayes, 54.  
17                  ACTING PRESIDENT GRIFFO:    The bill  
18   is passed.  
19                  THE SECRETARY:    Calendar Number  
20   173, by Senator Gallivan, Senate Print 2132, an  
21   act to amend the Mental Hygiene Law.  
22                  ACTING PRESIDENT GRIFFO:    Read the  
23   last section.  
24                  THE SECRETARY:    Section 2.   This  
25   act shall take effect immediately.

1                   ACTING PRESIDENT GRIFFO:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT GRIFFO:    Announce  
5   the results.

6                   THE SECRETARY:    In relation to  
7   Calendar 173, those recorded in the negative are  
8   Senators Comrie, Hoylman, Krueger, Montgomery,  
9   Parker, Persaud and Rivera.

10                  Ayes, 53.   Nays, 7.

11                  ACTING PRESIDENT GRIFFO:    The bill  
12   is passed.

13                  THE SECRETARY:    Calendar Number  
14   175, by Senator Ortt, Senate Print 4593A, an act  
15   to amend the Mental Hygiene Law.

16                  ACTING PRESIDENT GRIFFO:    Read the  
17   last section.

18                  THE SECRETARY:    Section 2.   This  
19   act shall take effect on the 30th day.

20                  ACTING PRESIDENT GRIFFO:    Call the  
21   roll.

22                  (The Secretary called the roll.)

23                  THE SECRETARY:    Ayes, 60.

24                  ACTING PRESIDENT GRIFFO:    The bill  
25   is passed.

1                   THE SECRETARY:    Calendar Number  
2    267, by Senator Lanza, Senate Print 2600, an act  
3    to amend the General Municipal Law.

4                   ACTING PRESIDENT GRIFFO:   Read the  
5    last section.

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

8                   ACTING PRESIDENT GRIFFO:   Call the  
9    roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:    Ayes, 60.

12                   ACTING PRESIDENT GRIFFO:   The bill  
13    is passed.

14                   THE SECRETARY:    Calendar Number  
15    286, by Senator Robach, Senate Print 1006A, an  
16    act to amend the Correction Law.

17                   ACTING PRESIDENT GRIFFO:   Read the  
18    last section.

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

21                   ACTING PRESIDENT GRIFFO:   Call the  
22    roll.

23                   (The Secretary called the roll.)

24                   ACTING PRESIDENT GRIFFO:   Announce  
25    the result.



1                   THE SECRETARY:    Ayes, 60.   Nays, 1.

2   Senator Montgomery recorded in the negative.

3                   ACTING PRESIDENT GRIFFO:    The bill  
4   is passed.

5                   THE SECRETARY:    Calendar Number  
6   288, by Senator Helming, Senate Print 3030A, an  
7   act to amend the Correction Law.

8                   ACTING PRESIDENT GRIFFO:    Read the  
9   last section.

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

12                  ACTING PRESIDENT GRIFFO:    Call the  
13   roll.

14                   (The Secretary called the roll.)

15                  ACTING PRESIDENT GRIFFO:    Announce  
16   the result.

17                  THE SECRETARY:    In relation to  
18   Calendar 288, those recorded in the negative are  
19   Senators Bailey, Comrie, Hoylman, Kavanagh,  
20   Krueger, Montgomery, Parker, Rivera and Sanders.

21                   Ayes, 53.   Nays, 9.

22                  ACTING PRESIDENT GRIFFO:    The bill  
23   is passed.

24                  THE SECRETARY:    Calendar Number  
25   290, by Senator Murphy, Senate Print 6548, an act

1 to amend the Correction Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 61. Nays, 1.  
10 Senator Montgomery recorded in the negative.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 300, by Senator Addabbo, Senate Print 3674B, an  
15 act to amend the Education Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

18 THE SECRETARY: Section 2. This  
19 act shall take effect on the first of July.

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT GRIFFO: The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number  
2   336, by Senator Golden, Senate Print 33, an act  
3   to amend the Social Services Law.

4                   ACTING PRESIDENT GRIFFO:   Read the  
5   last section.

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

8                   ACTING PRESIDENT GRIFFO:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT GRIFFO:   Announce  
12   the result.

13                   THE SECRETARY:    In relation to  
14   Calendar 336, those recorded in the negative are  
15   Senators Comrie, Dilan, Parker, Persaud, Sanders  
16   and Sepúlveda.   Also Senator Montgomery.   Also  
17   Senator Kavanagh.

18                   Ayes, 54.   Nays, 8.

19                   ACTING PRESIDENT GRIFFO:   The bill  
20   is passed.

21                   THE SECRETARY:    Calendar Number  
22   348, substituted earlier by Member of the  
23   Assembly Nolan, Assembly Print 8485B, an act to  
24   amend the Education Law.

25                   ACTING PRESIDENT GRIFFO:   Read the

1 last section.

2 THE SECRETARY: Section 11. This  
3 act shall take effect on the 180th day.

4 ACTING PRESIDENT GRIFFO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT GRIFFO: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 483, by Senator Phillips, Senate Print 6420, an  
12 act to amend the Public Officers Law.

13 ACTING PRESIDENT GRIFFO: Read the  
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT GRIFFO: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 517, by Senator Funke, Senate Print 962, an act  
25 to amend the Correction Law.

1                   ACTING PRESIDENT GRIFFO:   Read the  
2   last section.

3                   THE SECRETARY:   Section 4.   This  
4   act shall take effect on the 180th day.

5                   ACTING PRESIDENT GRIFFO:   Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:   Ayes, 61.   Nays, 1.  
9   Senator Montgomery recorded in the negative.

10                  ACTING PRESIDENT GRIFFO:   The bill  
11   is passed.

12                  THE SECRETARY:   Calendar Number  
13   714, by Senator Lanza, Senate Print 7836, an act  
14   to amend the Criminal Procedure Law.

15                  ACTING PRESIDENT GRIFFO:   Read the  
16   last section.

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

19                  ACTING PRESIDENT GRIFFO:   Call the  
20   roll.

21                  (The Secretary called the roll.)

22                  THE SECRETARY:   Ayes, 62.

23                  ACTING PRESIDENT GRIFFO:   The bill  
24   is passed.

25                  THE SECRETARY:   Calendar Number

1     780, by Senator Robach, Senate Print 1009, an act  
2     to amend the Correction Law.

3             ACTING PRESIDENT GRIFFO:    Read the  
4     last section.

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

7             ACTING PRESIDENT GRIFFO:    Call the  
8     roll.

9             (The Secretary called the roll.)

10            THE SECRETARY:    Ayes, 62.

11            ACTING PRESIDENT GRIFFO:    The bill  
12     is passed.

13            THE SECRETARY:    Calendar Number  
14     850, by Senator Robach, Senate Print 296, an act  
15     to amend the Correction Law.

16            ACTING PRESIDENT GRIFFO:    Read the  
17     last section.

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

20            ACTING PRESIDENT GRIFFO:    Call the  
21     roll.

22            (The Secretary called the roll.)

23            THE SECRETARY:    Ayes, 60.   Nays, 2.  
24     Senators Comrie and Montgomery recorded in the  
25     negative.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   852, by Senator Golden, Senate Print 1635, an act  
5   to amend the Correction Law.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7   last section.

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

10                  ACTING PRESIDENT GRIFFO:    Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:    In relation to  
14   Calendar 852, those recorded in the negative are  
15   Senators Montgomery and Rivera.

16                  Ayes, 60.   Nays, 2.

17                  ACTING PRESIDENT GRIFFO:    The bill  
18   is passed.

19                  THE SECRETARY:    Calendar Number  
20   853, by Senator Ranzenhofer, Senate Print 2595,  
21   an act to amend the Correction Law.

22                  ACTING PRESIDENT GRIFFO:    Read the  
23   last section.

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

1                   ACTING PRESIDENT GRIFFO:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT GRIFFO:    Announce  
5   the result.

6                   THE SECRETARY:    In relation to  
7   Calendar 853, those recorded in the negative are  
8   Senators Bailey, Comrie, Dilan, Hoylman,  
9   Kavanagh, Krueger, Montgomery, Parker, Persaud,  
10   Rivera, Sanders and Serrano.

11                   Ayes, 50.   Nays, 12.

12                   ACTING PRESIDENT GRIFFO:    The bill  
13   is passed.

14                   THE SECRETARY:    Calendar Number  
15   871, by Senator LaValle, Senate Print 4821 --

16                   SENATOR KLEIN:    Lay it aside.

17                   ACTING PRESIDENT GRIFFO:    The bill  
18   will be laid aside.

19                   THE SECRETARY:    Calendar Number  
20   911, by Senator Akshar, Senate Print 11 --

21                   SENATOR KLEIN:    Lay it aside.

22                   ACTING PRESIDENT GRIFFO:    The bill  
23   is laid aside.

24                   THE SECRETARY:    Calendar Number  
25   943, by Senator Kennedy, Senate Print 7346, an



1 act to amend the Real Property Tax Law.

2 ACTING PRESIDENT GRIFFO: Read the  
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 945, by Senator LaValle, Senate Print 7853, an  
14 act to amend the Town Law.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1     999, by Senator Parker, Senate Print 2348, an act  
2     to amend the Penal Law.

3             ACTING PRESIDENT GRIFFO:    Read the  
4     last section.

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

7             ACTING PRESIDENT GRIFFO:    Call the  
8     roll.

9             (The Secretary called the roll.)

10            THE SECRETARY:    Ayes, 61.  Nays, 1.  
11     Senator Montgomery recorded in the negative.

12            ACTING PRESIDENT GRIFFO:    The bill  
13     is passed.

14            THE SECRETARY:    Calendar Number  
15     1024, by Senator Flanagan, Senate Print 3522, an  
16     act to amend the Highway Law.

17            ACTING PRESIDENT GRIFFO:    There is  
18     a home-rule message at the desk.

19            The Secretary will read the last  
20     section.

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

23            ACTING PRESIDENT GRIFFO:    Call the  
24     roll.

25            (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT GRIFFO: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 1025, by Senator Stavisky, Senate Print 4174, an  
6 act to amend the General Municipal Law.

7 ACTING PRESIDENT GRIFFO: Read the  
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1040, by Senator Seward, Senate Print 8343, an  
19 act authorizing.

20 ACTING PRESIDENT GRIFFO: Read the  
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT GRIFFO: The bill  
4 is passed.

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

7 SENATOR DeFRANCISCO: Would you now  
8 please recognize Senator Sepúlveda for an  
9 introduction.

10 ACTING PRESIDENT GRIFFO: Senator  
11 Sepúlveda.

12 SENATOR SEPÚLVEDA: Thank you for  
13 allowing me to do this introduction.

14 Earlier today we passed Resolution  
15 4960. Today we are being visited by Igor Kochan,  
16 president of the Russian Youth of America;  
17 Marina Ivannikova, Elena Yampolskaya, and  
18 Evgeniya Bochkareva. Boy, that was a mouthful.

19 The Immortal Regiment March is an  
20 international event held annually before the  
21 Victory in Europe Day. People march with the  
22 portraits of their ancestors who fought in  
23 World War II against Nazi Germany and the  
24 Axis Powers.

25 And this significant march, which

1 started in Russia in 2011, has become an  
2 international event. This year marks the fourth  
3 annual march held in New York State. This past  
4 Saturday, events consisted of more than 2,000  
5 participants. The victory in World War II has  
6 been achieved through an immense struggle, the  
7 personal bravery, sacrifice and heroism of  
8 millions of soldiers and citizens of diverse  
9 nationalities. The victory and the sacrifices of  
10 these soldiers prevented deaths and strife for  
11 many more and stopped the Holocaust.

12 Over 400,000 American citizens died  
13 in World War II. The Immortal Regiment March  
14 helps to commemorate their glory. The Immortal  
15 Regiment has a goal to preserve the memory that  
16 Americans, British, Soviets, Chinese and other  
17 countries of the Allied Powers fought together,  
18 defeated Nazism, and won World War II.

19 Russian Youth of America provides  
20 young people with an opportunity to contribute to  
21 the Russian community while developing the skills  
22 and the abilities they need to become successful  
23 adults and engaged citizens of the United States.  
24 A not-for-profit organization, the mission of the  
25 Russian Youth of America is to enrich and

1 preserve the cultural, spiritual and historical  
2 values of Russian heritage, and to create a solid  
3 foundation for its continuity.

4 Russian Youth of America has  
5 organized many events in New York State, such as  
6 Celebration of Victory in World War II; Russian  
7 Santa's Parade; Day of Family, Love and  
8 Faithfulness -- and that's to name a few. This  
9 vital organization has been involved in social  
10 work, helping veterans, feeding homeless people,  
11 and visiting elderly people in hospitals.

12 Thank you.

13 ACTING PRESIDENT GRIFFO: Senator  
14 DeFrancisco.

15 SENATOR DeFRANCISCO: Would you  
16 please offer our guests the full privileges of  
17 the house, please.

18 ACTING PRESIDENT GRIFFO: Ladies  
19 and gentlemen, we welcome you and we extend to  
20 you the courtesies and privileges of the New York  
21 State Senate, and we congratulate you on your  
22 work on behalf of the community and acknowledging  
23 this very important day.

24 If you would please, colleagues,  
25 rise to recognize our distinguished guests.

1 (Standing ovation.)

2 ACTING PRESIDENT GRIFFO: Senator  
3 DeFrancisco.

4 SENATOR DeFRANCISCO: There will be  
5 an immediate meeting of the Rules Committee in  
6 Room 332.

7 And just for information, after the  
8 Rules Committee meeting there will be a meeting  
9 of Higher Education and then Aging, all in that  
10 order, in Room 332.

11 So could we stand at ease until we  
12 complete that.

13 ACTING PRESIDENT GRIFFO: There  
14 will be an immediate meeting of the Rules  
15 Committee in Room 332.

16 The Senate will stand at ease.

17 (Whereupon, the Senate stood at ease  
18 at 1:39 p.m.)

19 (Whereupon, the Senate reconvened at  
20 1:53 p.m.)

21 ACTING PRESIDENT GRIFFO: The  
22 Senate will return to order.

23 Senator DeFrancisco.

24 SENATOR DeFRANCISCO: As was  
25 announced earlier, there's an immediate meeting

1 of the Higher Ed Committee in Room 332, to be  
2 followed by an immediate meeting of the  
3 Aging Committee in Room 332.

4 ACTING PRESIDENT GRIFFO: There  
5 will be an immediate meeting of the Higher  
6 Education Committee in Room 332. That will be  
7 followed promptly by the Committee on Aging, also  
8 in Room 332.

9 First, Higher Ed, please report to  
10 Room 332, members of the Higher Education  
11 Committee. Aging Committee members, be prepared.

12 Senator DeFrancisco.

13 SENATOR DeFRANCISCO: Is there a  
14 report of the Rules Committee at the desk?

15 ACTING PRESIDENT GRIFFO: There is  
16 a report at the desk, and the Secretary will  
17 read.

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

21 Senate Print --

22 ACTING PRESIDENT GRIFFO: Please,  
23 can I have some order in the house.

24 The Secretary will continue.

25 THE SECRETARY: -- Senate Print



1     248, by Senator Ortt, an act to amend the  
2     Correction Law;

3             Senate Print 968, by Senator Murphy,  
4     an act to amend the Correction Law;

5             Senate 1014, by Senator Robach, an  
6     act to amend the Correction Law;

7             Senate 2173, by Senator Serino, an  
8     act to amend the Correction Law;

9             Senate 2410A, by Senator Golden, an  
10    act to amend the Civil Practice Law and Rules;

11            Senate 3027, by Senator Ranzenhofer,  
12    an act to amend the Correction Law;

13            Senate 4059, by Senator Lanza, an  
14    act to amend the Correction Law;

15            Senate 5201, by Senator Croci, an  
16    act to amend the Correction Law;

17            Senate 5348, by Senator Murphy, an  
18    act to amend the Correction Law;

19            Senate 5386, by Senator Murphy, an  
20    act to amend the Correction Law;

21            Senate 5988A, by Senator Lanza, an  
22    act to amend the Penal Law;

23            Senate 6189, by Senator Lanza, an  
24    act to amend the Executive Law;

25            Senate 6211, by Senator Lanza, an

1 act to amend the Penal Law.

2 All bills reported direct to third  
3 reading.

4 ACTING PRESIDENT GRIFFO: Senator  
5 DeFrancisco.

6 SENATOR DeFRANCISCO: I move to  
7 approve the report of the Rules Committee.

8 ACTING PRESIDENT GRIFFO: All in  
9 favor of accepting the Rules Committee report say  
10 aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT GRIFFO: Opposed?

13 (No response.)

14 ACTING PRESIDENT GRIFFO: The Rules  
15 Committee report is accepted and before the  
16 house.

17 Senator DeFrancisco.

18 SENATOR DeFRANCISCO: There's a  
19 supplemental calendar at the desk, 40A. Can we  
20 take up the noncontroversial reading of  
21 Supplemental Calendar 40A, please.

22 ACTING PRESIDENT GRIFFO: The  
23 Secretary will commence the reading,  
24 noncontroversial, of Senate Supplemental Calendar  
25 40A, which is at your desks.

1 Senator DeFrancisco, good?

2 SENATOR DeFRANCISCO: No. One  
3 moment. (Pause.) Continue, please.

4 ACTING PRESIDENT GRIFFO: The  
5 Secretary will read Calendar Number 1054.

6 THE SECRETARY: Calendar Number  
7 1054, by Senator Ortt, Senate Print 248, an act  
8 to amend the Correction Law.

9 ACTING PRESIDENT GRIFFO: Read the  
10 last section.

11 THE SECRETARY: Section 6. This  
12 act shall take effect on the 60th day.

13 ACTING PRESIDENT GRIFFO: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 61. Nays, 1.  
17 Senator Montgomery recorded in the negative.

18 ACTING PRESIDENT GRIFFO: The bill  
19 is passed.

20 THE SECRETARY: Oops, excuse me.  
21 Also Senator Rivera.

22 Ayes, 60. Nays, 2.

23 ACTING PRESIDENT GRIFFO: The bill  
24 is still passed.

25 THE SECRETARY: Calendar Number

1 1055, by Senator Murphy, Senate Print 968, an act  
2 to amend the Correction Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 61. Nays, 1.  
11 Senator Montgomery recorded in the negative.

12 ACTING PRESIDENT GRIFFO: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1056, by Senator Robach, Senate Print 1014, an  
16 act to amend the Correction --

17 SENATOR KLEIN: Lay it aside.

18 ACTING PRESIDENT GRIFFO: Lay it  
19 aside.

20 THE SECRETARY: Calendar Number  
21 1057, by Senator Serino, Senate Print 2173, an  
22 act to amend the Correction Law.

23 ACTING PRESIDENT GRIFFO: Read the  
24 last section.

25 THE SECRETARY: Section 5. This

1 act shall take effect on the first of January.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: In relation to  
6 Calendar 1057, those recorded in the negative are  
7 Senators Comrie, Kavanagh, Montgomery and Rivera.  
8 Also Senator Hoylman.

9 Ayes, 57. Nays, 5.

10 ACTING PRESIDENT GRIFFO: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1058, by Senator Golden, Senate Print 2410A, an  
14 act to amend the Civil Practice Law and Rules.

15 ACTING PRESIDENT GRIFFO: Read the  
16 last section.

17 THE SECRETARY: Section 8. This  
18 act shall take effect on the first of January.

19 ACTING PRESIDENT GRIFFO: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT GRIFFO: Announce  
23 the results.

24 THE SECRETARY: In relation to  
25 Calendar 1058, those recorded in the negative are

1 Senators Bailey, Comrie, Dilan, Gianaris,  
2 Hoylman, Kavanagh, Montgomery, Peralta, Persaud,  
3 Rivera and Sanders.

4 Ayes, 51. Nays, 11.

5 ACTING PRESIDENT GRIFFO: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 1059, by Senator Ranzenhofer, Senate Print 3027,  
9 an act to amend the Correction Law.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

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

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Senator  
18 DeFrancisco.

19 SENATOR DeFRANCISCO: As soon as  
20 he's taken the vote and announced it, please  
21 recognize me.

22 ACTING PRESIDENT GRIFFO: Announce  
23 the results.

24 THE SECRETARY: In relation to  
25 Calendar Number 1059, those recorded in the

1 negative are Senators Bailey, Comrie, Dilan,  
2 Hoylman, Kavanagh, Montgomery, Persaud, Rivera  
3 and Sanders.

4 Ayes, 53. Nays, 9.

5 ACTING PRESIDENT GRIFFO: The bill  
6 is passed.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO:

9 Mr. President, can we take off the lay-aside of  
10 1056, please.

11 ACTING PRESIDENT GRIFFO: The 1056  
12 lay-aside has been removed and is before the  
13 house.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 1056, by Senator Robach, Senate Print 1014, an  
17 act to amend the Correction Law.

18 ACTING PRESIDENT GRIFFO: Read the  
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   1060, by Senator Lanza, Senate Print 4059, an act  
5   to amend the Correction Law.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7   last section.

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

10                  ACTING PRESIDENT GRIFFO:    Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:    In relation to  
14   Calendar 1060, those recorded in the negative are  
15   Senators Hoylman, Kavanaugh, and Montgomery.

16                  Ayes, 59.   Nays, 3.

17                  ACTING PRESIDENT GRIFFO:    The bill  
18   is passed.

19                  THE SECRETARY:    Calendar Number  
20   1061, by Senator Croci, Senate Print 5201, an act  
21   to amend the Correction Law.

22                  ACTING PRESIDENT GRIFFO:    Read the  
23   last section.

24                  THE SECRETARY:    Section 6.   This  
25   act shall take effect on the 60th day.



1           ACTING PRESIDENT GRIFFO:   Call the  
2 roll.

3           (The Secretary called the roll.)

4           THE SECRETARY:   Ayes, 61.  Nays, 1.  
5 Senator Rivera recorded in the negative.

6           ACTING PRESIDENT GRIFFO:   The bill  
7 is passed.

8           THE SECRETARY:   Calendar Number  
9 1063, by Senator Murphy, Senate Print 5348, an  
10 act to amend the Correction Law.

11          ACTING PRESIDENT GRIFFO:   Read the  
12 last section.

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

15          ACTING PRESIDENT GRIFFO:   Call the  
16 roll.

17          (The Secretary called the roll.)

18          THE SECRETARY:   Ayes, 61.  Nays, 1.  
19 Senator Montgomery recorded in the negative.

20          ACTING PRESIDENT GRIFFO:   The bill  
21 is passed.

22          THE SECRETARY:   Calendar Number  
23 1064, by Senator Murphy --

24          SENATOR KLEIN:   Please lay it  
25 aside.

1                   ACTING PRESIDENT GRIFFO:   Lay it  
2   aside.

3                   THE SECRETARY:   Calendar Number  
4   1065, by Senator Lanza, Senate Print 5988A, an  
5   act to amend the Penal Law.

6                   ACTING PRESIDENT GRIFFO:   Read the  
7   last section.

8                   THE SECRETARY:   Section 25.  This  
9   act shall take effect on the 90th day.

10                  ACTING PRESIDENT GRIFFO:   Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:   Ayes, 62.

14                  ACTING PRESIDENT GRIFFO:   The bill  
15   is passed.

16                  THE SECRETARY:   Calendar Number  
17   1066, by Senator Lanza, Senate Print 6189, an act  
18   to amend the Executive Law.

19                  ACTING PRESIDENT GRIFFO:   Read the  
20   last section.

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

23                  ACTING PRESIDENT GRIFFO:   Call the  
24   roll.

25                  (The Secretary called the roll.)

1                   ACTING PRESIDENT GRIFFO:    Senator  
2   Hoylman to explain his vote.

3                   SENATOR HOYLMAN:    Thank you,  
4   Mr. President.

5                   I'll be voting in the affirmative,  
6   but I did want to point out -- and thank our  
7   colleague from across the aisle for this  
8   legislation -- that this is the 27th bill  
9   restricting the rights of certain sex offenders  
10  for crimes.

11                  A worthy goal, but we should also  
12  keep in mind that we have not passed what I  
13  believe to be the most important legislation that  
14  deals with sex offenses, which is the Child  
15  Victims Act, which would lift the statute of  
16  limitations for crimes of child sexual abuse and  
17  allow adult survivors one year to file claims  
18  against their abusers -- which would identify  
19  hundreds of sex abusers across the State of  
20  New York that have been harbored by institutions,  
21  families and others, and kept them from the law.

22                  So I vote in the affirmative,  
23  Mr. President.

24                  ACTING PRESIDENT GRIFFO:    Senator  
25  Hoylman to be recorded in the affirmative.

1                   Announce the results.

2                   THE SECRETARY:   Ayes, 61.   Nays, 1.

3   Senator Montgomery recorded in the negative.

4                   ACTING PRESIDENT GRIFFO:   The bill  
5   is passed.

6                   THE SECRETARY:   Calendar Number  
7   1067, by Senator Lanza, Senate Print 6211, an act  
8   to amend the Penal Law.

9                   ACTING PRESIDENT GRIFFO:   Read the  
10   last section.

11                   THE SECRETARY:   Section 4.   This  
12   act shall take effect on the 60th day.

13                   ACTING PRESIDENT GRIFFO:   Call the  
14   roll.

15                   (The Secretary called the roll.)

16                   ACTING PRESIDENT GRIFFO:   Announce  
17   the results.

18                   THE SECRETARY:   In relation to  
19   Calendar 1067, those recorded in the negative are  
20   Senators Bailey, Comrie, Dilan, Gianaris,  
21   Hoylman, Kavanagh, Montgomery, Peralta, Persaud,  
22   Rivera, Sanders and Serrano.

23                   Ayes, 50.   Nays, 12.

24                   ACTING PRESIDENT GRIFFO:   The bill  
25   is passed.

1                   And Senator DeFrancisco, that  
2 completes the noncontroversial reading of today's  
3 Senate Supplemental Calendar 40A.

4                   SENATOR DeFRANCISCO:    Thank you.  
5 Can we now go to today's active list on the  
6 controversial reading and take up Calendar 911,  
7 by Senator Akshar.

8                   ACTING PRESIDENT GRIFFO:   The  
9 Secretary will ring the bell, and the Secretary  
10 will read.

11                  THE SECRETARY:    Calendar Number  
12 911, by Senator Akshar, Senate Print 1126A, an  
13 act to amend the Executive Law.

14                  ACTING PRESIDENT GRIFFO:   Senator  
15 Sanders -- can I have some order, please, in the  
16 chamber.  There's a lot of movement here and we  
17 want to let the members be able to hear each  
18 other in exchange.

19                  Senator Sanders.

20                  SENATOR SANDERS:   Will the sponsor  
21 yield for a couple of questions?

22                  SENATOR AKSHAR:    Absolutely.

23                  ACTING PRESIDENT GRIFFO:   The  
24 Senator yields.

25                  SENATOR SANDERS:    Mr. President, is

1     it also -- just a point of order. Is it  
2     permissible for me to say how much I respect the  
3     sponsor and his desire to put these things  
4     forward? Is this permissible to do this in this  
5     body?

6                   ACTING PRESIDENT GRIFFO: It is  
7     permissible and allowed at this point.

8                   SENATOR SANDERS: Thank you, sir.  
9     Then I will say that I respect the sponsor  
10    greatly. What he's trying to do has a lot of  
11    validity, but the way he's going about it I fear  
12    will do much damage.

13                   Will the sponsor yield for a  
14    question, sir?

15                   ACTING PRESIDENT GRIFFO: The  
16    sponsor has agreed to yield.

17                   SENATOR AKSHAR: Yes.

18                   SENATOR SANDERS: Mr. President,  
19    through you. Is the sponsor familiar with the  
20    Crosson decision?

21                   SENATOR AKSHAR: I am not,  
22    Mr. President.

23                   SENATOR SANDERS: Okay.  
24    Mr. President, through you, may I read the  
25    sponsor the Crosson decision of the Supreme Court

1 so that he doesn't have to dig it out and I don't  
2 have to --

3 ACTING PRESIDENT GRIFFO: Senator  
4 Akshar, without objection?

5 SENATOR AKSHAR: No objection,  
6 thank you.

7 ACTING PRESIDENT GRIFFO: Senator  
8 Sanders, you may read.

9 SENATOR SANDERS: Without reading  
10 the entire thing, which would take us three or  
11 four hours at least, the City of Richmond,  
12 Virginia, was sued by a businessperson named  
13 Crosson who said that their MWBE plan was  
14 incorrect. The Supreme Court ruled on this and  
15 said that the plan was not good, the plan of  
16 Virginia was not good, and gave reasons why you  
17 can have an MWBE program. And it basically is  
18 saying strict stru -- mm. Let's try that again  
19 with water. Thank you.

20 With water, it says strict scrutiny  
21 requires that a government entity prove both  
22 there is, quote, compelling interest in remedying  
23 identified discrimination based upon, quote,  
24 strong evidence. And that the measures adopted  
25 to remedy the discrimination are, quote, narrowly

1 tailored to that evidence.

2 And this is the basic basis of what  
3 you can do. It has passing muster that the  
4 Supreme Court has come up with, and it has been  
5 narrowly tailored, it can't be something for  
6 everywhere.

7 So with that as an understanding --  
8 and if I had a way, I would give you a copy of  
9 all of this -- I'll give you at another moment a  
10 copy of everything that I have.

11 So the court struck down the City of  
12 Richmond's Minority Business Enterprise plan, and  
13 they have given us what we now know as the MWBE  
14 program, which has a strict scrutiny.

15 Through you, Mr. President, is the  
16 sponsor knowledgeable of the need for a disparity  
17 study when we do these things?

18 ACTING PRESIDENT GRIFFO: Senator  
19 Akshar.

20 SENATOR AKSHAR: Mr. President,  
21 through you. I agree, we should do a disparity  
22 study that is based on real data. I would argue  
23 that the recent disparity study done by the  
24 Governor, while it may have used some data to  
25 arrive at the number in which they speak of, I



1 would like to say to you of course that it's good  
2 data, right, that the numbers that this disparity  
3 study comes up with are in fact correct.

4 But they haven't made that data  
5 public. I think that we should have all had an  
6 opportunity to see that.

7 I just want to make a point, if I  
8 may. I don't want you to think for one moment --  
9 and I don't think you do, based on the way you  
10 started this conversation -- that I disagree with  
11 this program. I don't. I think it's a very  
12 well-intended program. I think this is a program  
13 in which both Republicans and Democrats should  
14 work together to find a solution.

15 I think right now there isn't strict  
16 scrutiny. I think we have arbitrarily come up  
17 with a number and suggested that this number is  
18 good for everyone. And the number I'm speaking  
19 of, of course, is the 30 percent.

20 But what I'm offering by way of this  
21 legislation is to look specifically at the  
22 regions of the state and see what those regions  
23 can support.

24 And Senator, quite frankly, if the  
25 goal of course is to get to 30 percent, maybe

1     that would force ESDC to do a better job, maybe  
2     do their job better than what they're currently  
3     doing. I would respectfully offer to you they're  
4     not. They're not certifying people quick enough,  
5     they're not dealing with the waiver process quick  
6     enough. I think there's room to make improvement  
7     on the program.

8                 SENATOR SANDERS:     Mr. President,  
9     through you, will the sponsor -- let me try a  
10    different tack. Since the sponsor had already,  
11    even before we started this, said to me that he  
12    wanted to sit down with me and go over what would  
13    work, which shows a type of goodwill that needs  
14    to happen more and more in this body, perhaps if  
15    I started by hearing what the sponsor wants to  
16    do. Will the sponsor briefly say what you're  
17    attempting to do, sir?

18                ACTING PRESIDENT GRIFFO:     Senator  
19    Akshar.

20                SENATOR AKSHAR:     Mr. President,  
21    through you. By way of this legislation, what I  
22    am effectively trying to do is to look at the  
23    Regional Economic Development Councils -- the  
24    districts, if you will, throughout the state --  
25    look at the amount of certified MWBEs in that

1     respective jurisdiction, if you will, and then  
2     allow that to be the number. So the goal would  
3     be driven by the data that actually exists.  
4     Right?

5                     MWBEs that are certified by way of  
6     the ESDC, on their website, if in the Southern  
7     Tier -- I'll use that, right, because that's  
8     where I'm from -- if the number is 15 percent,  
9     why then that should be the goal that you have to  
10    obtain if you're working on projects that have an  
11    MWBE requirement.

12                    Now, that may change in the North  
13    Country, that may change out in Western New York.  
14    I'll share this with you, but I have a map here  
15    specific to construction-related MWBEs. But it's  
16    telling, Senator, that where I'm from, there are  
17    very limited MWBEs. And to have to reach this  
18    goal of 30 percent, it's making life incredibly  
19    difficult.

20                    Now, I would offer to you, by way of  
21    this map, it's much easier -- I would argue it's  
22    much easier in Buffalo, Rochester, Syracuse, the  
23    Capital Region and New York City, to attain those  
24    goals. So I'm pontificating and going on, but  
25    we're basically looking at geographical regions

1 throughout the state and allowing that number to  
2 be set based on specific data within that  
3 jurisdiction.

4 SENATOR SANDERS: Through you,  
5 Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator  
7 Sanders.

8 SENATOR SANDERS: Of course the  
9 sponsor is aware that MWBEs include women. So  
10 even if there are not people of color in these  
11 different areas, there are women there, and  
12 therefore they should be taken into account. The  
13 sponsor is aware that MWBE includes women?

14 ACTING PRESIDENT GRIFFO: Senator  
15 Akshar.

16 SENATOR AKSHAR: Yes,  
17 Mr. President.

18 SENATOR SANDERS: Through you,  
19 Mr. President, let me see if I can't do it fast.  
20 Were it possible, Mr. President, that if the  
21 sponsor could withdraw the bill, I will work with  
22 him -- I too have doubts and problems on how MWBE  
23 is being done. But I also want to make sure that  
24 we don't throw out the baby with the bathwater.  
25 Is the sponsor willing to withdraw this for the

1 moment or -- that we can work on this bill  
2 together?

3 SENATOR AKSHAR: Mr. President,  
4 through you. It's my intention to not withdraw  
5 the bill. It is my intention, though, to have a  
6 meaningful and reasonable conversation with all  
7 involved.

8 As you and I discussed the other  
9 day, it is the intention of the workgroup, the  
10 Senate's workgroup to deal with the MWBE issue,  
11 to hold statewide hearings. And I will take back  
12 to the other cochair of that task force or  
13 workgroup, you know, your message today about  
14 wanting to be involved in that. And quite  
15 frankly, I think you should be. I know that  
16 you're passionate about this issue. I know that  
17 you're very well versed about this issue. And I  
18 think that we would be doing ourselves a  
19 disservice if we didn't listen to what you had to  
20 say on this issue.

21 SENATOR SANDERS: Thank you.

22 Through you, Mr. President, is the  
23 sponsor aware that before we can do anything to  
24 change these rules, that of course we must do a  
25 disparity -- in fact, he did say that he was

1     aware of that, that disparity report -- is the  
2     sponsor aware that the disparity report this time  
3     around took a year and a half to put together?

4                 SENATOR AKSHAR:     Mr. President,  
5     through you, I'm keenly aware of that.

6                 And I think that the disparity study  
7     that we're using currently is -- I say this with  
8     respect -- a piece of garbage. There is zero  
9     transparency, no data has been shared with the  
10    public, with the Legislature. I think we should  
11    go back at it, quite frankly. I think we should  
12    all have a voice.

13                SENATOR SANDERS:     Through you,  
14    Mr. President. Is the sponsor aware that the  
15    disparity study is on the web and has been for at  
16    least six months?

17                SENATOR AKSHAR:     Mr. President,  
18    through you, I'm keenly aware of the disparity  
19    study. I'm just respectfully offering to you,  
20    Senator, that I think it was -- it was -- while  
21    we may have this discussion about it took X  
22    amount of days to get to this conclusion, I think  
23    the way that it was done, it was not done  
24    effectively. And I don't think that -- unless  
25    you -- unless somebody can prove otherwise, I

1 don't think that the numbers that they arrived at  
2 are really a reflection of what is happening  
3 throughout the state. And quite frankly, if the  
4 number should be 53 percent, why do we even have  
5 an MWBE program, as suggested by the disparity  
6 study?

7 SENATOR SANDERS: Through you,  
8 Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Sanders.

11 SENATOR SANDERS: Is the sponsor  
12 aware that the firm that did the disparity study  
13 is the number-one rated firm in the nation and  
14 they have done approximately 120 disparity  
15 studies, they have been sued roughly 20 times and  
16 have never lost a case on their data? Is the  
17 sponsor aware of those things?

18 SENATOR AKSHAR: Mr. President,  
19 through you. Senator, with all due respect, I  
20 don't care who the company is, how good a company  
21 you think they are, how many lawsuits they've  
22 won. I think the way that they went about  
23 conducting the disparity study was not the  
24 appropriate way.

25 I think that we could do a much

1 better job at being more transparent in the  
2 process. Show us the data. At least allow us  
3 the opportunity to see the data that they used to  
4 arrive at this particular number. Maybe it's  
5 great. Maybe I would come back to you after  
6 having an opportunity to look at all that  
7 information and say, you know what, Senator  
8 Sanders, I was wrong when you and I spoke  
9 on May -- is it the 8th today? -- May the 8th. I  
10 was wrong, I shouldn't have spoke the way I spoke  
11 about the disparity study.

12 But right now, not having an  
13 opportunity to review the data that they used,  
14 I'm going to stick with my position that we  
15 should probably do a new disparity study.

16 SENATOR SANDERS: Through you,  
17 Mr. President. Has the sponsor ever reached out  
18 to the firm that did the study to begin with and  
19 raised questions to them? I actually have their  
20 telephone number and can put you in touch with  
21 them. Has the sponsor ever reached out to the  
22 firm with any question that he had?

23 SENATOR AKSHAR: No, I have not,  
24 Mr. President.

25 SENATOR SANDERS: Through you,



1 Mr. President, I offer that as one of the ways.  
2 Just as a point of information, what is typical  
3 in these cases is that you would have the firm --  
4 the hiring body would have the firm defend the  
5 results. The Governor chose not to do that. So  
6 of course the firm could not speak for itself,  
7 because they were not a party. But if they were  
8 called up, I'm sure they would be more than  
9 willing to answer any questions.

10 But going back to what makes up one  
11 of these programs --

12 ACTING PRESIDENT GRIFFO: Senator  
13 Sanders, are you on the bill now or are you still  
14 asking questions?

15 SENATOR SANDERS: No, no, no, I  
16 still have a question or two or three or four for  
17 our sponsor.

18 I'm just trying to figure -- I'm  
19 trying to do this in a way that it brings more  
20 light than heat. Although it's kind of chilly in  
21 here and we certainly could use a little heat,  
22 from my point of view. But I'm not going to give  
23 it. Instead, I'm going to --

24 SENATOR AKSHAR: Mr. President, if  
25 I may.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2   Akshar.

3                   SENATOR AKSHAR:    I have a deep  
4   respect and admiration for you, and in the  
5   interest of everybody's time, which I know is  
6   incredibly valuable, you won't offend me.  So if  
7   you want to just get directly to the point, I  
8   respect you, and, you know, I want you do that.

9                   SENATOR SANDERS:    Well,  
10   Mr. President, this is an admiration society.  
11   But I will ask a question or two.

12                  ACTING PRESIDENT GRIFFO:    It's a  
13   good bromance.

14                  (Laughter.)

15                  SENATOR SANDERS:    Well, I play one  
16   on TV, sir.

17                  I have a -- oh, here's an  
18   interesting one.  One of the points that I've  
19   heard mentioned from the critics of the disparity  
20   study is that it forces -- the numbers are too  
21   high.  In fact, I believe that the sponsor said  
22   it also.  And that it forces the companies to  
23   shoot and try to get goals that they can't  
24   accomplish.

25                  Is the sponsor aware, Mr. President,

1     that in fiscal year 2014 through 2015 there were  
2     1098 waivers from the MWBE goals that were  
3     requested? And of those goals -- of those  
4     waivers requested, 79 percent were granted.

5                 SENATOR AKSHAR:     Mr. President,  
6     through you, I was not aware of that particular  
7     number.

8                 What I do know is that many folks  
9     that I speak with, regardless of where I am,  
10    complain about the waiver process simply taking  
11    too long. They also, Senator, as I'm sure you  
12    know, complain about the certification process  
13    taking entirely too long.

14                SENATOR SANDERS:     Through you,  
15    Mr. President, I will agree that the  
16    certification process is, from my point of view,  
17    horrendous. And why we have several forms for  
18    one state, when it seems that we should have one  
19    form for an entire state seems to make sense.

20                But I do want to draw your attention  
21    to the significance of the 79 percent of the  
22    waivers that were granted. The significance that  
23    I understand from this is just about everybody  
24    who felt that the number was too high to get to  
25    was given a waiver, meaning that anybody who made

1 a good-faith attempt and needed a way out -- or  
2 made a good-faith attempt was granted a waiver.

3 So under those conditions, it  
4 doesn't seem that the number is a bad number, if  
5 every time that you -- if you make a good-faith  
6 attempt, you're granted a way out. Does the  
7 sponsor still see a problem with that process?

8 SENATOR AKSHAR: No, but I would --  
9 Mr. President, through you, I would respectfully  
10 offer that if the number was accurate -- and  
11 again, whatever that number is -- we wouldn't  
12 need the waiver process. Right?

13 So you're talking specifically about  
14 there were X amount of waivers, and we did a  
15 great job because we attained -- 79 percent of  
16 those folks who wanted waivers got them through  
17 the appropriate process.

18 I would respectfully offer to you,  
19 if we were using appropriate numbers based on  
20 what the regions of the state could handle, we  
21 wouldn't have to go through the waiver process.

22 Now, with that said, I still believe  
23 in my heart that the waiver process is broken.

24 SENATOR SANDERS: Through you,  
25 Mr. President, has the sponsor done a

1 cost-benefit analysis? Has the sponsor cost out  
2 what his program may cost the taxpayers of  
3 New York?

4 SENATOR AKSHAR: No, I haven't  
5 thought about what it would cost the taxpayers of  
6 New York. Mr. President, through you, I haven't  
7 thought about that.

8 What I have thought about is that if  
9 we took a regional approach, it would make a very  
10 well-intended program much better. It would make  
11 a program in which people didn't have to seek out  
12 waivers. It would make a program such that if we  
13 truly want to get to 30 percent in each of the  
14 regions of the state, if we want to get to  
15 40 percent in each of the regions of the state,  
16 it would force ESDC to do a much better job,  
17 employ the appropriate amount of people to get  
18 these businesses certified.

19 SENATOR SANDERS: Through you,  
20 Mr. President. Has the -- on the same issue of  
21 the waivers, is the -- let me try a different  
22 approach instead of staying on the waivers so  
23 much.

24 Let's go to the issue of -- through  
25 you, Mr. President, has the sponsor found any

1 place in the U.S. that is using a similar method  
2 that he is advocating? Is there any place that  
3 is using the method that you're speaking of, sir?

4 SENATOR AKSHAR: Senator, we're  
5 pioneers here in the State of New York. We're  
6 progressives, we're forward-thinking, we're  
7 leaders. That's why I put forward this piece of  
8 legislation, because clearly the program in its  
9 current form is not working. It's creating too  
10 many issues. So allow us to work together and  
11 pioneer and be the first in the nation.

12 SENATOR SANDERS: Mr. President, he  
13 makes it very difficult to have a harsh argument  
14 with him. Through you Mr. President --

15 SENATOR AKSHAR: Senator Krueger  
16 said that too.

17 (Laughter.)

18 SENATOR SANDERS: Well, if she  
19 agrees with you, then I'm going to go hard  
20 against you, sir.

21 Mr. President, if this has not been  
22 done anywhere in the nation, does that not --  
23 yes, we are a pioneering state. But would this  
24 not put us running afoul of the Crosson decision?  
25 Which may mean that the whole program is kicked

1 out; we're not meeting the muster, we're not  
2 meeting the Supreme Court's strict scrutiny.

3 SENATOR AKSHAR: Mr. President,  
4 through you, I guess that's where I'm a little  
5 confused. Because I guess what we're trying to  
6 effectively do by way of this legislation is make  
7 the program better and make it reflective of what  
8 currently exists in each of the regions of the  
9 state.

10 You know, if it is the collective  
11 wisdom of this body and other house and the  
12 Governor, you know, to really set a number, I  
13 would just respectfully offer that we need to do  
14 a much better job than we're currently doing on  
15 getting certified MWBEs in the system.

16 I mean, it's amazing, Senator, if  
17 you look at -- are you familiar with the -- or,  
18 excuse me, would the Senator yield to a question  
19 of mine?

20 ACTING PRESIDENT GRIFFO: Senator  
21 Sanders, do you yield?

22 SENATOR SANDERS: Absolutely.

23 ACTING PRESIDENT GRIFFO: The  
24 Senator yields. Go ahead and pose the question.

25 SENATOR SANDERS: The admiration

1 society continues.

2 SENATOR AKSHAR: Thank you.

3 Senator, I'm not sure if you've seen  
4 the General Contractors Association report on  
5 MWBEs, but they did a review of the directory  
6 kept by ESDC. And the amount of mistakes and  
7 misrepresentations that are currently being kept  
8 in this database by ESDC is -- it's alarming.  
9 There's some 55 percent of the information about  
10 the firms that is wrong.

11 So if that doesn't -- if we  
12 shouldn't be shining a light on that and fixing  
13 that, I'm not sure what we should be doing.

14 SENATOR SANDERS: Mr. President, to  
15 answer that, yes, I'm very familiar with the  
16 report that was done by the economist Thomas  
17 Boston, who teaches now out of Georgia Institute  
18 of Technology. I actually have the report -- the  
19 whole report, not the one that the GCA or AGC is  
20 putting around; those are the summary. I've read  
21 the whole report that he's put out.

22 As a matter of fact, sir, there are  
23 those who are questioning the usefulness of that  
24 very report that you're speaking of. But even if  
25 we accepted what that report is saying -- which I



1 do not. But even if we accepted it, the  
2 ultimate -- it's calling for more staff around  
3 the issue of MWBE.

4 I want -- Mr. President, I want to  
5 see if my friend has finished -- oh, I can't --  
6 can I call him my friend here, sir? Is that  
7 permissible?

8 SENATOR AKSHAR: Yes, sir,  
9 Mr. President.

10 SENATOR SANDERS: All right. Is he  
11 finished questioning me so I can return to  
12 questioning him?

13 ACTING PRESIDENT GRIFFO: Yes,  
14 Senator Akshar yields. You may pose your  
15 question, Senator Sanders.

16 SENATOR SANDERS: Well, thank you  
17 very much, sir.

18 Let me go back to the report that  
19 you raised, sir. You know, let me not do that  
20 because I don't want to just stay in the weeds  
21 speaking of esoteric matters when there are  
22 things better that we can do.

23 Both of us agree, Mr. President --  
24 Mr. President, through you. Both of us agree  
25 that the system absolutely needs work, that

1     there's no question there. Mr. President,  
2     through you, has the sponsor considered that we  
3     need to look into the issue of bonding for these  
4     MWBEs and/or has the sponsor looked at the  
5     financing of these MWBEs to see if they can  
6     compete? Or has the sponsor even looked at the  
7     payment, how soon does the government give money  
8     back to the MWBEs? That may be a more effective  
9     way of getting competition into this. Has the  
10    sponsor considered any of those methods?

11                 SENATOR AKSHAR: Mr. President,  
12    through you. Senator, what I've recognized is  
13    that there is a whole host of issues that we must  
14    pay attention to -- not just from the business  
15    point of view, if you will, but actually from the  
16    point of view of an MBE or a WBE.

17                 To your point, I think you raise a  
18    very valid point about making life a little bit  
19    easier in the event that you are an MBE or a WBE.  
20    I think there are a whole host of issues that we  
21    need to focus on moving forward by way of this  
22    task force or workgroup.

23                 SENATOR SANDERS: Mr. President,  
24    through you. I believe that -- in fact, we  
25    should have just done some very basic stuff

1 first. I should have just questioned or stated  
2 that we all in this chamber, I believe, believe  
3 that competition is not only an American value  
4 but one of the things that has made our country  
5 great and that adding to competition is a good  
6 thing. I should have asked that to begin with.  
7 I know that you agree with me, but -- of course  
8 you agree with that, sir.

9 SENATOR AKSHAR: I do.  
10 Mr. President, through you, yes, I do.

11 SENATOR SANDERS: So,  
12 Mr. President, isn't the idea to increase the  
13 amount of businesses that are struggling and  
14 trying to get these contracts and, by doing so,  
15 it gives us a better price? A price where five  
16 or six people are competing for the same  
17 contract; therefore, there must be a better price  
18 than if there was simply one or two contracts,  
19 people competing for the same price, same  
20 merchandise. Would you not agree with me, sir?

21 SENATOR AKSHAR: I do agree with  
22 you.

23 However, as you're well aware,  
24 there's a 10 percent preference in these MWBE  
25 contracts. So even if another company that

1 wasn't an MBE or a WBE was, you know, 9 percent  
2 lower, 9.5 percent lower, the M or the WBE is  
3 still going to get that work. So I think that  
4 that is problematic.

5 But I do agree with you, I think  
6 that the more people who are involved in the  
7 process really drives -- really drives price.

8 SENATOR SANDERS: Mr. President,  
9 through you. We are just -- you did point out  
10 the 10 percent preference, but may I remind you  
11 that 85 to 90 percent of the contracts that are  
12 not covered by MWBE are white-majority-dominant  
13 firms that have been -- the old boys' network  
14 that's been doing this for years.

15 So even with a 10 percent  
16 preference, if this was true, over such a small  
17 subset of the contracts you're certainly not  
18 going to change much in this.

19 Mr. President, through you. What --  
20 what -- I'm going back to your idea of this  
21 regional look, and I'm trying to figure out how  
22 do we make it work. You would have to -- if  
23 they're having trouble getting a contract and  
24 moving it now with the staff that they have, how  
25 many regions are you thinking of, just to start

1 with that. Perhaps we'll start there.

2 SENATOR AKSHAR: Mr. President,  
3 through you. Senator, I may misspeak here. I  
4 believe that there are nine Regional Economic  
5 Development Council districts throughout the  
6 state. If I misspoke, I ask that you forgive me,  
7 of course.

8 But that's what we would be doing.  
9 We would be using the boundaries of the Regional  
10 Economic Development Councils to look at the  
11 numbers of MWBEs contained within those  
12 respective jurisdictions, if you will.

13 SENATOR SANDERS: Through you,  
14 Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Sanders.

17 SENATOR SANDERS: Has the sponsor  
18 thought of how many people in addition that we  
19 would need to put on that staff to deal with  
20 those nine different regional bodies?

21 SENATOR AKSHAR: Mr. President,  
22 through you. Here's what I know, Senator, that  
23 the ESDC is doing a terrible job managing the  
24 program right now. And I think if we took a much  
25 better look or an in-depth look at this

1 particular program, we may find over the next  
2 year, as we work together as a task force, that  
3 the ESDC needs to bolster their ranks by X amount  
4 of employees.

5                   And I would offer to you as I stand  
6 here today, without having held a single public  
7 hearing -- which we intend to do, and I hope that  
8 you're part of -- that we should in fact be  
9 increasing the staff. Even if we made no changes  
10 to the program as we are proposing here today by  
11 this legislation, I would respectfully offer to  
12 you that we in fact should be increasing ESDC  
13 staff surrounding this particular program,  
14 because they are doing a terrible job managing  
15 the program.

16                   SENATOR SANDERS: Through you,  
17 Mr. President. Are you aware that in the  
18 Governor's budget that they have increased their  
19 staff? I will concede by five, and that  
20 shouldn't even deal with the backlog. Are you  
21 aware that they too see a problem and they are  
22 trying to increase their staff?

23                   SENATOR AKSHAR: Mr. President,  
24 through you. I'm aware of that, but that effort  
25 falls far too short.

1 (Pause.)

2 SENATOR SANDERS: Mr. President.

3 ACTING PRESIDENT GRIFFO: How's the  
4 bromance going?

5 (Laughter.)

6 SENATOR AKSHAR: I was a little  
7 concerned because Senator Sanders crossed his  
8 arms a little while ago, so -- in the world of  
9 law enforcement, that's a problem.

10 ACTING PRESIDENT GRIFFO: And I  
11 heard the sigh too.

12 Senator Sanders.

13 SENATOR SANDERS: Well, I am trying  
14 to -- you see, what is easiest, Mr. President, is  
15 to come in some bulldog attack process, which  
16 although it's colorful, it really doesn't solve a  
17 problem, I would argue. It's colorful, it may  
18 have us attack one another and be an interesting  
19 spectacle, but these are issues that, as the  
20 sponsor is pointing out, are so serious that it  
21 requires more than that. It requires people  
22 sitting down.

23 Through you, Mr. President --

24 ACTING PRESIDENT GRIFFO: The  
25 point's well-taken.

1                   So, Senator Sanders, do you want the  
2 sponsor to continue to yield?

3                   SENATOR SANDERS:    Yes, sir.

4                   ACTING PRESIDENT GRIFFO:    Senator  
5 Akshar, do you continue to yield?

6                   SENATOR AKSHAR:    Yes,  
7 Mr. President.

8                   ACTING PRESIDENT GRIFFO:    The  
9 Senator yields.  Senator Sanders, you may  
10 continue.

11                  SENATOR SANDERS:    Has the sponsor  
12 sat down with anyone from a different point of  
13 view before he started coming up with his ideas?

14                  SENATOR AKSHAR:    Senator, would you  
15 be so kind as to repeat your question?

16                  SENATOR SANDERS:    Sure.

17                  SENATOR AKSHAR:    Thank you, sir.

18                  SENATOR SANDERS:    Through you,  
19 Mr. President.  Did the sponsor speak to anybody  
20 outside of his comfort zone, for lack of a  
21 better -- political position, whatever we want to  
22 call it, the other side, when you were sitting  
23 down and coming up with these ideas?

24                  SENATOR AKSHAR:    Mr. President,  
25 through you.  If you'd be so kind, Senator, when



1     you say "the other side," can you just qualify  
2     that, just so I can give you a reasonable answer?

3                 SENATOR SANDERS:     Through you,  
4     Mr. President, the AGC has come up with a  
5     position and I'm sure that they have sat down  
6     with so many people, and many people have taken  
7     their position and gone, I would argue, running.  
8     Has the sponsor spoken to anyone who was willing  
9     to dispute the findings that the AGC brought up  
10    before putting your information on paper?

11                SENATOR AKSHAR:     Mr. President,  
12    through you.   Senator Sanders, last year I spoke  
13    with a group out of New York City about MWBE  
14    reform.   I'll give you an example -- I don't know  
15    if this qualifies as the other side.

16                And you're right, I don't think I've  
17    made any bones about it as I stand in this  
18    chamber and talk about a lot of the things that  
19    we are advancing.   Generally speaking, you would  
20    suggest maybe -- or you would think that I am  
21    only pro-business, right?   I rail against  
22    economic development policies and programs and  
23    about creating a better business climate.   I do  
24    do that.

25                But on this issue, as you'll note

1 the way I started, that I agree with you, this  
2 issue is so important that it requires us to take  
3 a thoughtful prospective and work together as  
4 Republicans and Democrats to fix, again, a very  
5 well-intended program.

6 I'll give you an example. A young  
7 girl in my district, she's probably in her  
8 mid-20s, Angela Barta is her name, she entered  
9 the process of becoming a WBE and -- in the  
10 concrete business. Her father owns a pool  
11 company. She was going to go into the concrete  
12 business, so on and so forth.

13 Nearly a year ESDC dragged her  
14 through the process. And just recently she's  
15 been told with no explanation that no, you don't  
16 qualify and we're not going to let you into the  
17 program.

18 So I don't know as though I've met  
19 with maybe a group that you consider the other  
20 side of this issue, but I would offer this to  
21 you. I think I have taken a very measured  
22 approach since I walked into this city on dealing  
23 with issues, and I've never shied away from  
24 meeting with a group that I may disagree with  
25 philosophically. I've always had a willingness

1 to listen to the other side of the issue so I can  
2 be fully educated as we make decisions.

3 SENATOR SANDERS: Through you,  
4 Mr. President. Will the sponsor allow me to give  
5 him the name of at least three worthy  
6 organizations that he may want to speak to if he  
7 is going to go about this effort?

8 SENATOR AKSHAR: Through you,  
9 Mr. President, absolutely. I'm happy to take  
10 them.

11 SENATOR SANDERS: Through you,  
12 Mr. President, there's a group called the  
13 Association of Minority Enterprises of New York.  
14 AMENY, Association of Minority Enterprises of  
15 New York. There's the Women's Builders Council.  
16 There's the Minority Builders Council.

17 These are three worthy organizations  
18 that don't always see eye to eye on different  
19 matters, but may be very useful if one is going  
20 to go into these waters.

21 Another question, Mr. President,  
22 through you.

23 ACTING PRESIDENT GRIFFO: You may  
24 continue. The sponsor yields.

25 SENATOR AKSHAR: Yes.

1                   SENATOR SANDERS:    If you were  
2   successful in doing your regional councils, how  
3   soon do you believe that you would begin this  
4   process?  How soon would these councils take up  
5   the mantle and start doing this regional  
6   exploration that you speak of, sir?

7                   SENATOR AKSHAR:    Mr. President,  
8   through you.  I'm not suggesting for a moment  
9   that those who run the respective Regional  
10  Economic Development Councils would oversee the  
11  program.

12                   What I'm suggesting to you is right  
13  now we have this arbitrary number that the  
14  Governor would have you believe it's a goal,  
15  right?  And it's 30 percent.  Quite frankly, I  
16  think it's a mandate based on waivers not  
17  happening fast enough and the process being just  
18  bogged down in bureaucracy.  But I want to make  
19  my point clear.  I'm not suggesting for a moment  
20  that those who run the Regional Economic  
21  Development Councils would oversee the program.

22                   I'm simply saying the program that  
23  is being run by ESDC would look at the numbers  
24  contained within each respective Regional  
25  Economic Development Council and allow that to be

1 the goal. Right?

2           So again in the Southern Tier, say  
3 it's 15 percent. If we are suggesting that we  
4 want to get to this number of 30 percent, allow  
5 us to start with 15 percent in the Southern Tier.  
6 Because that's what the Southern Tier can manage,  
7 MWBEs that are currently certified within that  
8 jurisdiction. And then allow us to do a better  
9 job by way of ESDC getting more people, more  
10 staff that can help minorities and women get  
11 certified in that respective jurisdiction to  
12 bring that number up to 30.

13           Because right now, Senator, with all  
14 due respect, we can't do that in the Southern  
15 Tier, can't do that in the North Country, can't  
16 do that in parts of Western New York and the very  
17 deep Southern Tier.

18           So I hope I've clarified your  
19 question.

20           SENATOR SANDERS: Through you,  
21 Mr. President, is the sponsor -- if we were to go  
22 about the process that you speak of, you actually  
23 could be in a position where you're saying that  
24 in some areas you may have 60 percent MWBEs,  
25 70 percent MWBEs. You may have a situation where

1 you can be sued by a contractors who are saying  
2 wait a minute, it's unfair to them.

3 Have you thought of the -- what  
4 would happen if you were successful?

5 SENATOR AKSHAR: Mr. President,  
6 through you. Those other groups that you speak  
7 of on this side of the issue, they should have  
8 thought about that before they came and made  
9 their arguments about this program, about how,  
10 Senator Akshar, I think we could support you in  
11 your effort to regionalize this until we can get  
12 a better handle on the program.

13 So, you know, what's good for the  
14 goose is good for the gander, I would say. So  
15 don't complain if it doesn't work -- if the  
16 number -- if -- look, I'm looking at the map, and  
17 I'm going to share this with you. It sounds like  
18 we're exchanging information today --

19 SENATOR SANDERS: Absolutely.

20 SENATOR AKSHAR: -- I share this  
21 map with you. If you're in Buffalo, and I'm  
22 assuming there's probably some issues in Buffalo  
23 with the program, it looks like it's a hell of a  
24 lot easier to find an MWBE.

25 But to my point, if the number is

1 higher than 30 percent in that particular area,  
2 so be it.

3 SENATOR SANDERS: Through you,  
4 Mr. President. Wouldn't it be expedient, a  
5 faster, better way to even as we try to figure  
6 out whether these regional councils are legal,  
7 wouldn't it be wise to start fixing the problem  
8 that there exists now? Putting more people into  
9 these offices, working on one, one form instead  
10 of the four or five, six, seven, whatever amount  
11 of forms that there are that people have to fill  
12 out -- to have one form for the entire state.

13 To make sure that the program is  
14 adequately funded.

15 To cut down on how long it takes  
16 small-business people, period, to get their  
17 checks, to get their money from the government.  
18 Small-business people throughout the state should  
19 not have to wait the same amount of time as  
20 perhaps larger businesses that can afford this  
21 process.

22 Wouldn't it be wiser to work on  
23 those things now, while we are waiting -- while  
24 we are attempting to do these other things?

25 SENATOR AKSHAR: Here's what's

1 great about this particular piece of legislation,  
2 in my humble opinion. It's forcing us to have a  
3 conversation and recognize that we agree, it  
4 sounds like, that this is a broken program. A  
5 very well-intended program that does in fact have  
6 areas that need to be fixed.

7 And look, there was a discussion, as  
8 you well know, surrounding MWBE during the budget  
9 process. And there was a discussion about can we  
10 fix all of these particular issues in the period  
11 of three weeks and four weeks. That's not  
12 reasonable, right? I honestly think, Senator,  
13 that we got the next best thing: A one-year  
14 extension of the current program to allow us, all  
15 of us collectively, to have that reasonable  
16 conversation about ways that we can work together  
17 to fix the program.

18 Because while I am raising some  
19 valid points and some valid issues within the  
20 program, I too am hearing you. You too are  
21 raising some very valid points with problems in  
22 the program. And I think we've afforded  
23 ourselves a little bit of time in which we can  
24 correct the problems of the program.

25 SENATOR SANDERS: Through you,



1 Mr. President. Even as we've been joined by  
2 ladies in pink and green, I would have to say to  
3 you, sir, that I don't believe that the program  
4 is broken, I believe that the program certainly  
5 needs to be mended. It's not -- it's not not  
6 working. It's not working as well as I would  
7 like it to.

8 SENATOR AKSHAR: Sure.

9 Mr. President, through you. I don't think the  
10 wheel fell off the program, I think it's wobbling  
11 significantly on the program. If we don't want  
12 to call it broken, fine. Again, a well-intended  
13 program that on its merits is very, very  
14 important.

15 However, I think that there are  
16 pieces within the program that need to be fixed  
17 to make it more effective.

18 SENATOR SANDERS: Through you,  
19 Mr. President. So we are speaking about the MWBE  
20 program, of course, of New York State. And here  
21 it is known as 15A. And we are speaking of an  
22 idea of changing it into regional areas where we  
23 can look at it in a regional fashion.

24 I would be remiss if I did not --

25 SENATOR AKSHAR: Senator, who is in

1 the chair next to you? I want that man to sit  
2 next to me.

3 SENATOR SANDERS: Huh? Well, you  
4 see, I don't mind you having yours sit back. I'm  
5 going to see if we're doing anything -- there are  
6 some remarkable women in the hall today, and I  
7 want to make sure that we respect that.

8 SENATOR AKSHAR: Of course.

9 SENATOR SANDERS: Without taking  
10 away from the great argument that you have made  
11 for your position.

12 I will look to my floor leader --  
13 (Senator Klein makes a "cut it  
14 short" gesture; laughter.)

15 SENATOR SANDERS: I believe that he  
16 said I should go on for another two hours.

17 ACTING PRESIDENT GRIFFO: Senator  
18 Sanders, if I may help to bring more information  
19 to this, in accordance with Senate rules, you  
20 have up to four hours to debate, but two hours  
21 could be -- debate can be closed after two. But  
22 no single member of the Senate has more than  
23 30 minutes. You have exceeded that by about  
24 15 minutes, but I have used discretion because it  
25 has been such a happy exchange here today.

1 (Laughter.)

2 ACTING PRESIDENT GRIFFO: So I'll  
3 ask you if you can just maybe come close to  
4 closing, and then we can also respect the guests  
5 of Senator Comrie who are present.

6 SENATOR SANDERS: Well, let the  
7 record show that I never would stand in front of  
8 my colleague Senator Comrie.

9 On the bill, Mr. President.

10 ACTING PRESIDENT GRIFFO: Senator  
11 Sanders on the bill.

12 SENATOR SANDERS: Of course I want  
13 to thank the sponsor of the bill for not only  
14 seeing a problem, but trying to address it.

15 Yes, it is true that there are  
16 problems on MWBE that need to be addressed, as  
17 long as we understand that we do not throw out  
18 the baby with the bathwater. That as long as we  
19 understand that we just can't fix a thing any way  
20 that we want to, because there's a small thing  
21 known as the Supreme Court, and they have ruled  
22 and they have said that you can have these  
23 programs but you have to have a very strict  
24 interpretation of this.

25 And with that in mind, my colleague

1 had said that he would love to work with me, and  
2 I will take him up on that. I believe that he is  
3 an honorable man saying honorable things. So  
4 under those conditions, I will struggle with him.

5 I do, however, encourage everyone to  
6 vote no on this. That sadly, it puts us into  
7 harm's way with the Supreme Court no matter how  
8 worthy the goal that the sponsor has.

9 So having said that, Mr. President,  
10 I want to thank you also for your extra minutes  
11 there, as you call them. I want to thank you for  
12 that and thank you for being such a good  
13 president who would give me those minutes. Thank  
14 you very much, sir.

15 ACTING PRESIDENT GRIFFO: Thank  
16 you, Senator Sanders.

17 Seeing and hearing no other Senator  
18 that wishes to be heard, debate is closed and the  
19 Secretary will ring the bell.

20 The Secretary will read the last  
21 section.

22 I will remind members who wish to  
23 explain votes to please keep within the  
24 two-minute explanation allowed under Senate  
25 rules.

1                   Can I have some order, please, in  
2                   the chamber.

3                   The Secretary will read the last  
4                   section.

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

7                   ACTING PRESIDENT GRIFFO:   Call the  
8                   roll.

9                   (The Secretary called the roll.)

10                  ACTING PRESIDENT GRIFFO:   Senator  
11                  Little to explain her vote.

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

14                  Certainly I would like to thank  
15                  Senator Akshar for putting forth this piece of  
16                  legislation and note how important it is to  
17                  certain parts of the state.

18                  In New York City and downstate,  
19                  Long Island, you have businesses growing, new  
20                  businesses and all.  In upstate New York, we  
21                  don't have that advantage.  And what happens is  
22                  when you cannot find any certified MWOB  
23                  businesses to contract with, you end up having to  
24                  go out of the area --

25                  ACTING PRESIDENT GRIFFO:   Excuse

1 me. Can I have some order, please.

2 I'm sorry, Senator Little, you may  
3 continue.

4 SENATOR LITTLE: You end up having  
5 to go out of the areas, and that's where the jobs  
6 are, that's where the money goes when you have  
7 those contracts. So it does not help the  
8 North Country until we have enough certified  
9 businesses, minority and women.

10 The certification process takes too  
11 long. I've spent a lot of time helping  
12 businesses try to get that certification. The  
13 people that they're dealing with are usually in  
14 New York City. We need some local people. And  
15 we have an economic development office in all of  
16 the 10 regions, so there is one serving the  
17 North Country. We need someone in that office  
18 that specializes and helps and mentors businesses  
19 trying to become MWOBs. And we don't have that  
20 at this time.

21 I've had several in Tupper Lake. I  
22 had an ARC in Plattsburgh -- this is when this  
23 first began -- and they could not find people,  
24 businesses certified to deal with. They were  
25 told to go to Albany, go to New York City, buy

1 everything wherever they could buy it.

2 So I'm glad to see this. We need  
3 some kind of assistance when we do not have  
4 enough businesses, so -- and make the waiver  
5 process easier. Thank you, I vote aye.

6 ACTING PRESIDENT GRIFFO: Senator  
7 Little to be recorded in the affirmative.

8 Senator DeFrancisco to explain his  
9 vote.

10 SENATOR DeFRANCISCO: First I would  
11 like to recognize and greet Senator Paulin, who  
12 apparently is now part of our body.

13 (Laughter.)

14 SENATOR DeFRANCISCO: There was a  
15 long debate, and I just want to say it as  
16 succinctly as I can say it.

17 And that is for people upstate, when  
18 there aren't enough minority- and women-owned  
19 businesses, primarily because we can't get  
20 anybody certified with the incompetence of the  
21 administration in that department, what happens  
22 is I have people in my district that have to go  
23 outside my district, and mostly closer to New  
24 York City, to find the minority- and women-owned  
25 businesses that have been certified.

1                   And I have a responsibility to  
2 people in my district, because we would like to  
3 have them make some money. We would like to have  
4 economic vitality in upstate New York as well.  
5 And that's wrong. That's simply wrong.

6                   So all this bill is doing is if  
7 there is a problem, whether it's the Governor's  
8 office in certifications or what, or whether it's  
9 simply because there aren't enough to find in  
10 these categories, there should be a regional  
11 determination -- not some broad statewide  
12 determination of what the number should be, but a  
13 regional one. Because maybe you don't know it,  
14 but certain regions of the state are economically  
15 deprived. Other regions of the state are just  
16 doing great economically.

17                  And those of us who are in those  
18 districts that are struggling would love to be in  
19 a position to get businesses and contractors  
20 working, making money and creating jobs.

21                  I vote aye.

22                  ACTING PRESIDENT GRIFFO:    Senator  
23 DeFrancisco in the affirmative.

24                  Senator Sanders to explain his vote.

25                  SENATOR SANDERS:    Thank you,



1 Mr. President.

2 Just as we don't have regional laws  
3 for the state and we make a law that is good for  
4 one part of the state as well as good for another  
5 part of the state, it is -- perhaps we may not be  
6 able to do a regional goal, but it is worth  
7 trying. It's worth exploring.

8 But I caution that where does the  
9 region stop? I want people on my block to make  
10 money. I would love people in my house to make  
11 money. You can't -- you have to make a law for  
12 the state.

13 I vote no. Thank you,  
14 Mr. President.

15 ACTING PRESIDENT GRIFFO: Senator  
16 Sanders to be recorded in the negative.

17 Senator Boyle to explain his vote.

18 SENATOR BOYLE: Mr. President, to  
19 explain my vote.

20 I'd like to thank Senator Akshar for  
21 his leadership on this issue. I don't know  
22 whether you say it's broken, needs to be  
23 modified, but this program needs serious help.  
24 And we need to do it together. And I commend  
25 this first step in this regard.

1 I can tell you that I hear from  
2 local businesspeople all the time, they're trying  
3 to get certified and they cannot.

4 This is the one area -- I cannot  
5 believe I'm saying this -- that the City of  
6 New York administration is more efficient than  
7 the state government. I hear it all the time.  
8 De Blasio's MWBE office gets certification  
9 quicker, they're more efficient. And we should  
10 not be allowing them to be more efficient than  
11 the state in this regard.

12 I have businesspeople who are  
13 actually going to New York City to get certified  
14 so they get reciprocity with the state. It makes  
15 no sense.

16 I vote aye. It's just a first step.

17 ACTING PRESIDENT GRIFFO: Senator  
18 Boyle to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: In relation to  
21 Calendar Number 911, those recorded in the  
22 negative are Senators Addabbo, Alcantara, Avella,  
23 Bailey, Benjamin, Breslin, Brooks, Carlucci,  
24 Comrie, Dilan, Gianaris, Hamilton, Hoylman,  
25 Kaminsky, Kavanagh, Kennedy, Klein, Krueger,

1 Mayer, Montgomery, Parker, Peralta, Persaud,  
2 Rivera, Sanders, Savino, Sepúlveda, Serrano,  
3 Stavisky, Stewart-Cousins and Valesky.

4 Ayes, 32. Nays, 31.

5 ACTING PRESIDENT GRIFFO: The bill  
6 is passed.

7 Senator DeFrancisco.

8 Can I have some order, please, in  
9 the house.

10 SENATOR DeFRANCISCO:  
11 Mr. President, could you please recognize  
12 Senator Parker for a very brief introduction.

13 ACTING PRESIDENT GRIFFO: Senator  
14 Parker.

15 SENATOR PARKER: Thank you very  
16 much, Mr. President. For a brief introduction.  
17 Four score and seven years ago --

18 (Laughter.)

19 ACTING PRESIDENT GRIFFO: That was  
20 a very brief speech, you know.

21 SENATOR PARKER: No, today I just  
22 really want to take a real, real -- a moment -- I  
23 appreciate everybody's indulgence on this -- to  
24 welcome some very special guests to the New York  
25 State Senate chamber. And those are a number of

1 groups that have come here to advocate on the  
2 issue of voter reform.

3 We have Onida Coward, the head of  
4 NYC Votes.

5 We also have the regional director,  
6 Meredith Henderson, who is no stranger to this  
7 chamber, who is the regional director of Alpha  
8 Kappa Alpha Sorority, Inc. And many of the women  
9 who are doing the work with Alpha Kappa Alpha are  
10 here in the gallery with us.

11 As well as sitting to my left, a  
12 member of that fine sorority is no other than  
13 Senator Velmanette Montgomery. And we thank her  
14 for her service, both to the people of her  
15 district and to the people of the State of  
16 New York.

17 We're also joined by New York City  
18 Veterans Alliance, as well as Generation Z.

19 NYC Votes and the Voter Outreach  
20 Engagement Campaign of the New York City Campaign  
21 Finance Board is part of their Voter Assistance  
22 Advisory Committee. And I just really wanted to  
23 recognize them, thank them for coming up.

24 And those of you who do not know  
25 about Alpha Kappa Alpha, one, you should just

1     come see Senator Montgomery and she'll let you  
2     know when they have rush information.

3                 But more importantly, the AKAs have  
4     a very long and distinguished history of service  
5     throughout the state and nation. They were  
6     founded on the campus of Howard University in  
7     1908, with the mission of service to all mankind.

8                 New York City Votes and Alpha Kappa  
9     Alpha are here today around a number of issues,  
10    but for five years straight they have been coming  
11    up here talking about the franchise, talking  
12    about voter disenfranchisement, and really  
13    raising awareness around the attempts to suppress  
14    voter turnout throughout the state and the  
15    nation. It's unacceptable. Our job as leaders  
16    is to make sure that that --

17                SENATOR DeFRANCISCO:  
18    Mr. President.

19                ACTING PRESIDENT GRIFFO:     Senator  
20    DeFrancisco.

21                SENATOR PARKER:     -- and so we  
22    recognize them and thank them for being here.

23                ACTING PRESIDENT GRIFFO:     Senator  
24    Parker, I believe the Gettysburg Address was  
25    briefer.

1                   SENATOR PARKER:    Yes, thank you.

2                   (Laughter; scattered applause.)

3                   ACTING PRESIDENT GRIFFO:    So let me  
4 extend a warm welcome to our guests. I know  
5 there are other members who also want to say  
6 that, including Senator Comrie, I think, who  
7 wanted to acknowledge his greetings. So on  
8 behalf of all the members, we extend a warm  
9 welcome to you, thank you for your presence here  
10 today, and extend the courtesies of the house.

11                   (Standing ovation.)

12                   ACTING PRESIDENT GRIFFO:    Senator  
13 DeFrancisco.

14                   SENATOR DeFRANCISCO:    Can we now  
15 take up Calendar 871, by Senator LaValle, on the  
16 controversial calendar.

17                   ACTING PRESIDENT GRIFFO:    The  
18 Secretary will ring the bell.

19                   The Secretary will read.

20                   THE SECRETARY:    Calendar Number  
21 871, by Senator LaValle, Senate Print 4821, an  
22 act to amend the Executive Law.

23                   ACTING PRESIDENT GRIFFO:    Senator  
24 Klein.

25                   SENATOR KLEIN:    Thank you,

1 Mr. President.

2 Would the sponsor yield for a couple  
3 of questions?

4 ACTING PRESIDENT GRIFFO: Senator  
5 LaValle, do you yield?

6 SENATOR LaVALLE: Yes.

7 ACTING PRESIDENT GRIFFO: I know we  
8 have a lot of visitors in the chamber, so I'd ask  
9 to please exit quietly, to allow the members to  
10 be able to hear each other as they discuss the  
11 proposed bill before the house.

12 Senator Klein.

13 SENATOR KLEIN: Through you,  
14 Mr. President, can the sponsor please explain, I  
15 guess, the purpose or the genesis of this  
16 legislation?

17 SENATOR LaVALLE: Yeah. So if you  
18 look at this section of law, it provides for the  
19 kinds of things that an individual should have  
20 upon release -- certain educational  
21 opportunities, other kinds of things. But here  
22 we zero in and indicate that an individual has to  
23 have an acceptable residence that that individual  
24 is going to.

25 SENATOR KLEIN: Again through you,

1 Mr. President, would the sponsor agree to yield  
2 for another question?

3 SENATOR LaVALLE: Sure.

4 ACTING PRESIDENT GRIFFO: The  
5 sponsor yields.

6 SENATOR KLEIN: Can the sponsor  
7 define what an acceptable residence would be?  
8 Because I think the sponsor understands the  
9 purpose of parole is to gauge one's ability to  
10 determine whether or not they're going to be a  
11 threat to society, whether they can move forth  
12 and not harm others.

13 So I really don't understand what  
14 the definition -- and I guess what the purpose of  
15 even defining "acceptable residence" would be in  
16 this legislation.

17 SENATOR LaVALLE: Well, when you --  
18 Senator, when you look at, on page 2, that we  
19 don't view a temporary shelter or a homeless  
20 shelter as an acceptable place for the  
21 individual. And as you well know, because you  
22 represent communities that pay high taxes and  
23 view a community as a place where people interact  
24 with one another, they have a sense of  
25 permanency, they're there for a long time --



1 generations -- and pay taxes, high property  
2 taxes.

3 So a permanent residence is not  
4 something that's temporary, it's not something  
5 that is a shelter. And that would define it.

6 SENATOR KLEIN: Again, would the  
7 sponsor again continue to yield?

8 SENATOR LaVALLE: Sure. Yes.

9 ACTING PRESIDENT GRIFFO: The  
10 sponsor yields.

11 SENATOR LaVALLE: Yes, I will.

12 SENATOR KLEIN: You know, there's  
13 certain programs -- I know one of them, offhand,  
14 is called the Fortune Society, which actually  
15 provides temporary residence for individuals on  
16 parole, getting out of prison, helping them find  
17 jobs, things of that nature.

18 I guess under your definition these  
19 programs, which have proven to be quite effective  
20 in not only getting someone a residence who's on  
21 parole, but helping sort of get their life on  
22 track, would not be defined as temporary shelter  
23 or permanent residence under your definition.

24 SENATOR LaVALLE: I'm not sure if  
25 that provides a stable place for them where

1 they're being educated, that that would be --  
2 it's not a shelter, it's a place -- you know,  
3 sometimes you could go on and on, but --

4           SENATOR KLEIN:   Again -- sorry,  
5 through you again, if we go to page 5 of the  
6 bill, when you actually talk about such  
7 residences shall be a permanent residence and not  
8 a temporary shelter, including but not limited  
9 to -- and you really define a temporary shelter  
10 as -- I'm sorry, a permanent shelter as something  
11 that I think under most of these cases of these  
12 very, very good programs wouldn't meet that  
13 definition.

14           So in other words, let's say an  
15 individual is accepted, they're a low-level  
16 offender, they don't commit a heinous or violent  
17 crime, and they're going into one of these  
18 programs like the Fortune Society, which isn't  
19 going to be their permanent residence forever.  
20 I'm afraid that under your definition a program  
21 like that wouldn't qualify.

22           Do you agree?

23           SENATOR LaVALLE:   I'm uncertain. I  
24 am. Because as long as it's -- when you look at  
25 page 2 and -- and that's what I first said, if

1     you look at what it can't be, a temporary shelter  
2     or a homeless shelter, motel, hotel, trailer,  
3     then is your program any one of those things?

4                 SENATOR KLEIN:   Well, it says not a  
5     temporary shelter.  These programs, you know, are  
6     actually -- you know, they move -- they move in  
7     and out every six months, every month.

8                 And also if somebody is released,  
9     you know, on parole, our State Constitution does  
10    give them a right to shelter, they even can be in  
11    a homeless shelter if they choose.

12                I just feel that this is not  
13    allowing individuals who are rightfully being  
14    able to go on parole and putting a stumbling  
15    block in the way that they have to have what you  
16    deem an acceptable residence.

17                SENATOR LaVALLE:   Senator, I think  
18    what we're doing with this bill is we're trying  
19    to balance -- we're trying to provide the parolee  
20    with a stable environment to live in.  And also  
21    recognize that communities have certain  
22    boundaries, certain parameters.  And you  
23    represent those communities, and people want to  
24    maintain -- that's why it says shelters.  People  
25    in communities, where people live, you know, for

1 years and years or, as I said, for generations,  
2 don't want temporary shelters. They don't want  
3 motels that have become havens for individuals to  
4 be placed by welfare or by parole or any one of  
5 those things.

6 So I think we're trying to help,  
7 because if you look at the front side where we  
8 say individuals should have education and  
9 training, work assignments, therapy, all those  
10 things --

11 SENATOR KLEIN: That's part of the  
12 existing law, right.

13 SENATOR LaVALLE: That's part of  
14 the existing law. And that gives to the parolee  
15 a certain sense of stability. And what we're  
16 adding here is an acceptable residence. I think  
17 every person's entitled to an acceptable  
18 residence.

19 SENATOR KLEIN: Again through you,  
20 Mr. President, would the sponsor agree to yield  
21 for another question?

22 ACTING PRESIDENT GRIFFO: Sponsor,  
23 do you yield? The sponsor yields.

24 SENATOR KLEIN: Again,  
25 Mr. President, through you, again, I understand

1     what the sponsor, though, was talking about an  
2     acceptable residence. But at the same time, I  
3     think it's that's a very, very high standard for  
4     people to meet who are merely trying to get on  
5     parole, especially leaving out programs that I  
6     think may be temporary but would be excluded, you  
7     know, under this definition.

8                 The next question is, is there any  
9     type of crime that we're sort of attaching to the  
10    individual who's now on parole? Because again, I  
11    understand there's problems with more serious  
12    crimes where, you know, you may not want them in  
13    a homeless shelter, in a motel or, you know, near  
14    other community members or family members or even  
15    in a homeless shelter.

16                But at the same time, there doesn't  
17    seem to be any specific reason why someone who,  
18    let's say, commits a nonviolent crime, they're  
19    now on parole, they got the education program  
20    that they need, they have the training program,  
21    they're ready to go, but now they face this  
22    hurdle that they need an acceptable residence.  
23    So is there anything in this legislation that  
24    actually is sort of at least weeding out more  
25    dangerous crimes?

1                   SENATOR LaVALLE:    We're not  
2     creating any new category of crime here in this  
3     language.

4                   SENATOR KLEIN:    So now -- and  
5     again, through you, so no matter what the offense  
6     that this person committed who is now eligible  
7     for parole, they're all treated the same way  
8     under this legislation.

9                   SENATOR LaVALLE:    Yes.

10                  SENATOR KLEIN:    Okay.  On the bill.

11                  ACTING PRESIDENT GRIFFO:    Senator  
12     Klein on the bill.

13                  SENATOR KLEIN:    You know, I kind  
14     of, I think, understand the sponsor's attempt,  
15     you know, in this piece of legislation, but I  
16     think it's really overly broad, and I think for  
17     two reasons.

18                         First of all, a lot of thought went  
19     into the original law that actually talks about  
20     the various reasons why someone should meet  
21     certain hurdles if they're going to go on  
22     parole -- it's a participant in a program, do  
23     they have release plans, are they going to be in  
24     a job training program or get some work.  You  
25     know, I understand that, because we want to make

1     sure that someone who is on parole can once again  
2     contribute to society.

3             But to turn around and now say they  
4     need an acceptable residence I think puts a major  
5     hurdle in the way of someone who wants to leave  
6     the prison system, get their life on track, get  
7     back into society. And I'm really concerned that  
8     there's a lot of programs that are out there  
9     that, under the definition of temporary shelter,  
10    it would be just that, it would be temporary  
11    shelter. And I think they would be excluded, you  
12    know, under this legislation.

13            The next piece is that it doesn't  
14    seem to actually explain how serious the crime  
15    that the person committed who's now on parole. I  
16    understand -- because I know you had attached to  
17    the bill, but it doesn't seem to register, about  
18    registered sex offenders.

19            You know, I understand that  
20    registered 2 and 3 sex offenders under present  
21    law cannot live within a thousand feet of a  
22    school. I also understand that I have  
23    legislation to also require that they not live  
24    within a thousand feet of a daycare center or a  
25    UPK. And at the same time, I have legislation

1     which would prohibit them from living in a family  
2     shelter. They can live in a single male shelter,  
3     but not a family shelter.

4             But this doesn't just talk about  
5     sexual predators. I guess if this legislation  
6     would say that a sexual predator needs an  
7     acceptable residence, meaning you can't pile them  
8     into a hotel or a shelter with other family  
9     members, you know, maybe this bill would pass  
10    muster. But right now I think it's just going to  
11    serve as a way to prevent individuals who really  
12    should be on parole, who meet various tests --  
13    that they have a certain hurdle that just can't  
14    be met.

15            I urge a no vote on this  
16    legislation, Mr. President.

17            ACTING PRESIDENT GRIFFO:   Seeing  
18    and hearing no other Senator that wishes to be  
19    heard, debate is -- Senator Krueger.

20            SENATOR KRUEGER:   Thank you,  
21    Mr. President. Would the sponsor please yield to  
22    some questions?

23            ACTING PRESIDENT GRIFFO:   Senator  
24    LaValle, do you yield?

25            SENATOR LaVALLE:   Yes.



1                   ACTING PRESIDENT GRIFFO:    The  
2   Senator yields.

3                   SENATOR KRUEGER:    So does the --  
4   can the Senator show me the section of the bill  
5   where the Department of Criminal Justice or the  
6   Department of Parole --

7                   SENATOR LaVALLE:    I can't hear you,  
8   Senator.

9                   SENATOR KRUEGER:    Maybe my mic  
10   isn't working. Can you hear me better now?

11                  SENATOR LaVALLE:    Yes.

12                  SENATOR KRUEGER:    Thank you.  
13   Through you, Mr. President, the sponsor I believe  
14   said yes to answering. Thank you.

15                  What section of the bill mandates  
16   that the Department of Corrections or the  
17   Department of Parole provide the permanent  
18   housing for the person eligible for the parole?

19                  SENATOR LaVALLE:    Senator, it's my  
20   understanding that there is some involvement of  
21   the Department of Corrections, but we're not  
22   mandating that they have to be directly involved  
23   in finding, in quotes, an acceptable residence.

24                  SENATOR KRUEGER:    On the bill,  
25   Mr. President.

1                   ACTING PRESIDENT GRIFFO:    Senator  
2   Krueger on the bill.

3                   SENATOR KRUEGER:    Thank you.

4                   I want to thank the sponsor for his  
5   answer.  I think it really narrows down the  
6   reasons why I don't understand how we could  
7   support this bill.

8                   Because basically it's saying you,  
9   the person in prison, would be obligated to be  
10   able to find and have and prove you've got  
11   permanent housing before you could have parole.  
12   The Department of Corrections wouldn't be  
13   obligated to ensure you could have that, or help  
14   you find it.  The Department of Probation  
15   wouldn't be obligated to provide you that --  
16   although I believe once you have parole, they are  
17   supposed to help you with employment, services,  
18   housing, but that's after you're already out on  
19   parole.

20                   So basically with this law we would  
21   be saying if you're in prison and are lucky  
22   enough to have a family who will take you back or  
23   you have large sums of money, you're probably  
24   okay.  And if you're in prison and you're poor or  
25   don't have a family who can take you back, sorry,

1     you just don't get out.

2                     I don't think that's what we meant  
3     when we created a system of parole in the State  
4     of New York. And I think all it does is  
5     guarantee us larger numbers of people staying in  
6     jail for longer periods of time when a court has  
7     already dictated, through the penalties they were  
8     given, that they meet the standards for being  
9     released back in the community. So sorry, if  
10    you're poor or famililess, that standard doesn't  
11    apply to you.

12                    If this bill said we must provide  
13    you with permanent housing and/or we must provide  
14    you the money to pay for the permanent housing  
15    upon release, I might be fine with this bill.  
16    But as it is, I think it is extremely  
17    discriminatory, and I cannot support this bill.

18                    I vote no, Mr. President.

19                    ACTING PRESIDENT GRIFFO:    Senator  
20    Rivera.

21                    SENATOR RIVERA:    Thank you,  
22    Mr. President. On the bill.

23                    ACTING PRESIDENT GRIFFO:    Senator  
24    Rivera on the bill.

25                    SENATOR RIVERA:    I will be brief,

1 because my colleagues have already talked about  
2 many of these points.

3 I think that what needs to be talked  
4 about here is that there are certain things that  
5 sound like a commonsense solution. There are  
6 certain rules that sound on the face of it like,  
7 well, of course that's something that we should  
8 be doing because it sounds like a commonsense  
9 thing.

10 Take voting reform, for example.  
11 Some folks want to say that we should require an  
12 I.D. so that people can vote, without really  
13 looking into the fact that imposing such a rule,  
14 which sounds commonsensical, would actually have  
15 a discriminatory effect and has had -- there's  
16 plenty of evidence to establish that it has a  
17 discriminatory effect.

18 So in this case the idea of saying,  
19 well, someone that is going to be let out of  
20 prison should have an acceptable home or  
21 acceptable place to live in certainly sounds like  
22 a commonsensical thing. But one only has to go a  
23 little bit deeper -- and I think that Senator  
24 Krueger certainly hit on this, when we talk about  
25 the fact if you are poor and do not have a

1 permanent house to go back to, yet you have  
2 already served your time and do not pose a danger  
3 to society, well, all of a sudden you should  
4 remain inside.

5               So ultimately, sadly, what this  
6 would do is it would criminalize poverty. I  
7 should say it would criminalize poverty further.

8               So the bottom line is that this is  
9 not a piece of legislation that ultimately would  
10 give us a good product of public policy. It  
11 sounds like a good thing, it sounds like a  
12 commonsense type of rule, but ultimately it would  
13 have an impact which is discriminatory and which  
14 would impact many individuals who ultimately have  
15 already served their time, should be able to come  
16 back home and be productive members of society.

17              And it's just another attempt,  
18 sadly, by some of my colleagues on the other side  
19 of the aisle to keep folks in prison for as long  
20 as humanly possible, and I have to vote in the  
21 negative on this piece of legislation.

22              Thank you, Mr. President.

23              ACTING PRESIDENT GRIFFO: Seeing  
24 and hearing no other Senator that wishes to be  
25 heard, debate is closed.

1           The Secretary will ring the bell.

2           Read the last section.

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

5           ACTING PRESIDENT GRIFFO:   Call the  
6 roll.

7           (The Secretary called the roll.)

8           ACTING PRESIDENT GRIFFO:   Senator  
9 Sanders to explain his vote.

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

12                 In England of many years ago, there  
13 were things known as debtor's prisons, prisons  
14 where if you didn't have enough money, you'd  
15 never get out of debt.  In fact, that became  
16 known as the poorhouse, that people were sent to  
17 the poorhouse.  We joke about it now, but you  
18 really could not get out of prison, because you  
19 did not have the money or the wherewithal.

20                 In the U.S., we had a system known  
21 as serfdom, or actually it was sharecropping.  I  
22 know a little of this; my father was one.  And it  
23 too was a place where you simply couldn't get  
24 out, no matter what you did.

25                 This legislation reminds me of that

1 too much. So under those conditions, I'm going  
2 to vote no on behalf of my father.

3 ACTING PRESIDENT GRIFFO: Senator  
4 Sanders to be recorded in the negative.

5 Announce the results.

6 THE SECRETARY: In relation to  
7 Calendar 871, those recorded in the negative are  
8 Senators Addabbo, Alcantara, Avella, Bailey,  
9 Benjamin, Breslin, Brooks, Carlucci, Comrie,  
10 Dilan, Gianaris, Hamilton, Hoylman, Kaminsky,  
11 Kavanagh, Kennedy, Klein, Krueger, Mayer,  
12 Montgomery, Parker, Peralta, Persaud --

13 ACTING PRESIDENT GRIFFO: Senator  
14 DeFrancisco to explain his vote.

15 SENATOR DeFRANCISCO: Yes, I hate  
16 to interrupt, but I have to explain my vote,  
17 because the poorhouse and people in prison  
18 because they couldn't pay their debt were two  
19 different things. The poorhouse was sort of the  
20 welfare program in England back in the good old  
21 days, when they did provide housing and the like  
22 for the poor.

23 So I just wanted to make sure the  
24 record is clear because I would hope you would  
25 not want to be misquoted for the rest of your

1 life for some comments that were just a minor  
2 mistake today.

3 But for that reason, I'm going to  
4 vote yes.

5 ACTING PRESIDENT GRIFFO: Senator  
6 DeFrancisco in the affirmative.

7 Finalize the results.

8 THE SECRETARY: -- Persaud, Rivera,  
9 Sanders, Savino, Sepúlveda, Serrano, Stavisky,  
10 Stewart-Cousins and Valesky.

11 Ayes, 32. Nays, 31.

12 ACTING PRESIDENT GRIFFO: The bill  
13 is passed.

14 Senator DeFrancisco, that completes  
15 the controversial reading of today's active-list  
16 calendar that was before the house.

17 SENATOR DeFRANCISCO:  
18 Mr. President, I believe there's a resolution  
19 that we haven't dealt with yet, previously  
20 adopted Resolution 4440.

21 So if we can go back to motions and  
22 resolutions and please call up Senator Comrie's  
23 resolution, read the title only, and call on  
24 Senator Comrie to speak.

25 ACTING PRESIDENT GRIFFO: We will



1 return to motions and resolutions.

2 The Secretary will read, title only,  
3 on Resolution Number 4440.

4 THE SECRETARY: Legislative  
5 Resolution Number 4440, by Senator Comrie,  
6 memorializing Governor Andrew M. Cuomo to  
7 proclaim May 6-12, 2018, as Nurses Week in the  
8 State of New York.

9 ACTING PRESIDENT GRIFFO: Senator  
10 Comrie.

11 SENATOR COMRIE: Thank you,  
12 Mr. President. Thank you, Mr. Floor Leader.

13 I'm honored today to carry a  
14 resolution that recognizes the prime importance  
15 of some of the finest caregivers in New York  
16 State, our nurses.

17 Our nurses are some of the most  
18 unique, essential and critical to our society --  
19 to help care, to make well, to empathize and to  
20 reassure and to help individuals and families  
21 follow a path to wellness.

22 Today, as you know, we are inundated  
23 with nurses that are here in the Capitol trying  
24 to advocate for safe staffing and for other  
25 needs, to make sure that the nursing profession

1 is respected and honored. New York is blessed to  
2 have over 250,000 nurses that are serving our  
3 communities with care and precision each and  
4 every day.

5           They are on the front lines for  
6 their patients and also on the vanguard of  
7 revolutionizing the profession to focus on  
8 prevention and the prioritization of patients  
9 over profits. When you step back and reflect  
10 upon it, each of our lives has been shaped by a  
11 nurse, changed by a nurse, and possibly even  
12 saved by a nurse.

13           Some of the greatest Americans in  
14 history have been nurses: Sojourner Truth,  
15 Margaret Sanger, Clara Barton, Harriet Tubman,  
16 Florence Nightingale, and Hazel Johnson Brown.

17           Those who pursue the profession of  
18 nursing today follow in the footsteps of these  
19 trailblazing and inspiring forerunners, always  
20 inspiring, innovating and influencing.

21           To all of our nurses in New York  
22 State, I extend to you the humble gratitude of  
23 this Senate body and say thank you on behalf of  
24 all of the New Yorkers who depend on nursing to  
25 help them, to assist them and to guide them when

1 they're in the most need.

2 Thank you, Mr. President.

3 ACTING PRESIDENT GRIFFO: Thank  
4 you, Senator Comrie.

5 Senator Alcantara.

6 SENATOR ALCANTARA: Thank you. On  
7 the resolution.

8 I want to thank my colleague Senator  
9 Leroy Comrie for commemorating Nurses Week.

10 I also want to give a shout out to  
11 the 42,000 nurses from the New York State Nurses  
12 Association, many of them that are up in the  
13 balcony today. We want to apologize, because if  
14 it was up to us, you would be sitting here  
15 amongst all of us.

16 Just to recognize that nurses do  
17 some of the most important work in the nation and  
18 in our hospitals, often working 24 hours a day  
19 without the opportunity to take a break or a  
20 lunch period, or with punching in, whatever time  
21 you come in, but not knowing when you can punch  
22 out because of all the work that you do.

23 We want to thank you for taking care  
24 of our neighbors, our families, and for doing the  
25 work. And it's so appropriate that over

1 90 percent of nurses are female. Most of them  
2 immigrants from Africa, the Caribbean, the  
3 Philippines and other places, just adding to what  
4 New York is all about. And thank you for  
5 bringing more diversity to the State of New York  
6 and for demonstrating with your skills and your  
7 knowledge that New York is an immigrant state.

8 Thank you for coming out here and  
9 fighting for patient care, fighting for safe  
10 staffing -- yes, we're going to repeat that over  
11 and over again -- fighting for a safety net. And  
12 especially thank you to all the public-sector  
13 nurses in the City of New York. Thanks to you  
14 guys, we have one of the best public health  
15 systems in the country.

16 So we want to thank you, and we want  
17 to join you in celebrating National Nurses Week.  
18 Thank you, NYSNA.

19 ACTING PRESIDENT GRIFFO: Senator  
20 Bailey.

21 SENATOR BAILEY: Thank you,  
22 Mr. President. On the resolution.

23 I would like to commend Senator  
24 Comrie for bringing this resolution to the floor  
25 to commemorate Nurses Week. You know, I am the

1 grandson of two nurses, so it's personal for me  
2 when I hear the stories from them about the  
3 patients that they cared for when sometimes their  
4 families couldn't care for them.

5           It becomes personal when you realize  
6 that when we go seek care in hospitals and urgent  
7 care facilities, that we are not at our best, and  
8 somebody has to help us along the way. And by  
9 and large, you see the doctor for five minutes,  
10 but you see the nurse for 20. The nurse is there  
11 for you. They continue to work.

12           They do so many things that it's  
13 hard to quantify in the job description what a  
14 nurse is. You couldn't fit it on a page, you  
15 couldn't fit it in a book, because they do so  
16 many different things to make sure that the  
17 patient's taken care of. And as Senator  
18 Alcantara put it, it's about patient care. That  
19 is what it's about, and nurses serve that.

20           And in my district, I have a  
21 significant population of Caribbean-American  
22 nurses. The Caribbean American Nurses  
23 Association, CANA, is very influential in my  
24 district, and they continue to fight for what's  
25 right, such as safe staffing and ensuring that we

1 fund our hospitals and that we fund, you know,  
2 nurses so that they can continue the great work  
3 that they do.

4 And once again, happy Nurses Week.

5 ACTING PRESIDENT GRIFFO: Senator  
6 Kennedy.

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

9 I just want to take this opportunity  
10 first of all to recognize Senator Comrie for  
11 bringing this important resolution to the floor.

12 We recognize our nurses across this  
13 great state and across the nation. On this week,  
14 something that we should always keep in mind:  
15 the healthcare practitioners out there working  
16 hard on behalf of all of our communities.

17 I have the honor and privilege to  
18 call myself the grandson of a nurse, Dashantel  
19 O'Brien Kennedy Rafferty, and the son of a nurse,  
20 Mary Katherine Wilson Kennedy. I also have the  
21 privilege of being the husband of a wife whose  
22 great aunt was a nurse in World War II and worked  
23 her way up on a hospital ship across the oceans  
24 in various wars, Alene Duerk, who became the  
25 first female rear admiral in the United States

1 Navy. She is in her late 90s, but she's still  
2 ticking and still strong.

3 And I know Senator Comrie talked  
4 about so many historic figures from the great  
5 State of New York. There's another figure in  
6 Western New York, Mary B. Talbert, who was with  
7 the black Red Cross nurses in World War I on the  
8 front lines in 1917.

9 Our nation is built on the lifeblood  
10 of nurses, those who are always putting others  
11 before themselves. As a matter of fact, as a  
12 healthcare practitioner myself and as an  
13 occupational therapist, I have seen nurses work  
14 on the front lines and often to the detriment of  
15 their own health. They're always putting others  
16 first. They're always working the long hours.  
17 They're always doing the work that many others  
18 would shy away from.

19 And they are saving lives, they are  
20 helping others at work and outside of work. How  
21 many nurses do we all know, each and every one of  
22 us, that work their tails off to provide for  
23 their families and communities, but then they go  
24 above and beyond and they volunteer in so many  
25 different capacities, whether it's with community

1 organizations or church groups or just things  
2 happening in the neighborhood.

3 Nurses are always there for us, no  
4 matter what the situation, no matter what our  
5 time of need. And it's incumbent upon us in this  
6 chamber to be there for them as well. And so we  
7 stand with them as they're here lobbying today  
8 for things like safe staffing and other  
9 initiatives that are important to allowing them  
10 to do their work. And we look forward to  
11 advancing initiatives to give them the resources  
12 necessary to do their job and to continue to do  
13 their job as effectively as possible.

14 I want to thank, from the bottom of  
15 my heart, and on behalf of a grateful community  
16 in Buffalo and Western New York, and of course of  
17 a grateful Empire State of New York, for all of  
18 the nurses, the great work that they do, the  
19 sacrifices that they make each and every day on  
20 behalf of all of us.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator  
23 Murphy.

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



1 I'd just like to thank Senator  
2 Comrie for bringing this up.

3 I am very, very partial to the  
4 nurses. My wife has been one for 26 years. And  
5 I didn't have to -- Senator Alcantara, I'm not  
6 sure if you're still here, but I didn't have to  
7 go too far, I went right to the Bronx and  
8 Woodlawn, found my wife, who's a nurse, and we've  
9 been married and have three beautiful kids.

10 But to Senator Kennedy's point, the  
11 long hours that these nurses put in, and the  
12 empathy in their heart when someone comes out of  
13 surgery and goes into the PACU and they hold  
14 their hand and recover them from the anesthesia,  
15 and then go out and talk to the parents or the  
16 kids outside to let them know how their loved one  
17 is doing and how surgery went -- that stuff is  
18 unwritten. That stuff comes from the heart.

19 And I'd just like to thank you,  
20 Senator Comrie, for bringing this up.

21 And to all the nurses out there, you  
22 rock. Thank you for what you do.

23 ACTING PRESIDENT GRIFFO: Senator  
24 Stavisky.

25 SENATOR STAVISKY: Thank you,

1 Mr. President.

2 And thank you, Senator Comrie, for  
3 sponsoring this resolution.

4 When Senator Bailey mentioned CANA,  
5 I have a CANA in my district, the Chinese  
6 American Nurses Association. They're getting  
7 together Friday night in Flushing to celebrate  
8 another year of service to the community.

9 And it really points out the fact  
10 how the face of nursing has changed, and we have  
11 so many immigrant communities filled with nurses.  
12 And we certainly appreciate everything they do.

13 And I too want to pay tribute to the  
14 Chinese American Nurses Association for what they  
15 do in the everyday work that's been described  
16 here.

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Senator  
19 DeFrancisco.

20 SENATOR DeFRANCISCO: Yes, thank  
21 you, Mr. President.

22 I just want to rise and thank  
23 Senator Comrie for this resolution.

24 I think anybody who's ever been in  
25 the hospital for an operation or to stay for any

1 period of time realizes, when they first regain  
2 consciousness and thereafter, it's like seeing an  
3 angel, because that nurse is already around your  
4 bedside -- at a time when you're confused, you're  
5 disoriented, and you're trying to cope with what  
6 you've just been through. And when you think of  
7 a nurse, that's what I think about.

8                   And also the competence of nurses is  
9 just absolutely incredible. And I'll give one  
10 last example. When my father was in his last  
11 illness in the hospital, he was for a short time  
12 in a room with another heart patient. And the  
13 other heart patient unfortunately didn't have any  
14 advocates on his behalf. There were people that  
15 came in to see my father all the time, including  
16 myself.

17                   And I watched carefully as the  
18 patient in the next bed was trying to understand  
19 what in God's name the doctor was talking about.  
20 And he couldn't. And the nurse was interpreting  
21 what the doctor meant and what the doctor was  
22 telling the patient in layman's terms so he  
23 clearly understood and could feel much better  
24 about himself.

25                   In fact, on a couple of occasions

1 during that discussion that I saw, the nurse made  
2 a point to the doctor: Shouldn't you check this  
3 out? How about looking at this? How about  
4 looking at that? Whereas she was more thorough  
5 than the doctor was in that case.

6 So we owe a great debt of gratitude  
7 to nurses and the nursing profession. And it's  
8 only fitting that we have this wonderful  
9 resolution today to show our respect and  
10 admiration for the nursing profession and all  
11 nurses.

12 Thank you.

13 ACTING PRESIDENT GRIFFO: As  
14 indicated, the resolution was previously adopted  
15 on April 17th of this year.

16 We extend our sincere appreciation  
17 to all the nurses and recognize many of them who  
18 have been in the chamber throughout the day today  
19 in the galleries.

20 So the resolution, at the request of  
21 Senator Comrie, is open for cosponsorship.  
22 Should you choose to be a cosponsor, please  
23 notify the desk.

24 Senator DeFrancisco.

25 SENATOR DeFRANCISCO:

1 Mr. President, there's a couple of items that  
2 have to be dealt with, a specific resolution or  
3 two is not completed yet. So what we're going to  
4 do is stand at ease until 5 o'clock.

5 In the meantime, there will be a  
6 Republican conference at 4:30 p.m., and we'll be  
7 back here promptly at 5:00 to deal with those  
8 resolutions, if they're ready. And if they're  
9 not, we will gavel out expeditiously.

10 ACTING PRESIDENT GRIFFO: There  
11 will be a Republican conference at 4:30 in  
12 Room 332.

13 The Senate will stand temporarily at  
14 ease until 5:00 p.m.

15 The Senate is at ease.

16 (Whereupon, the Senate stood at ease  
17 at 3:43 p.m.)

18 (Whereupon, the Senate reconvened at  
19 6:06 p.m.)

20 ACTING PRESIDENT GRIFFO: The  
21 Senate will come to order.

22 The chair recognizes Senator  
23 DeFrancisco.

24 SENATOR DeFRANCISCO: It's my  
25 understanding that there are two resolutions at

1 the desk.

2 ACTING PRESIDENT GRIFFO: That is  
3 accurate. There are two privileged resolutions  
4 presented to the desk.

5 SENATOR DeFRANCISCO: And there's  
6 been inquiries by members. Are those resolutions  
7 on the computer? And, if so, where?

8 ACTING PRESIDENT GRIFFO: It is my  
9 understanding, in consultation with the desk  
10 staff at this time, because the resolutions by  
11 their very nature are privileged, until they are  
12 actually adopted, they will not be on that  
13 software.

14 SENATOR DeFRANCISCO: Well, do we  
15 have a printed copy that we could distribute?

16 ACTING PRESIDENT GRIFFO: Copies  
17 are being assembled, Senator DeFrancisco.

18 SENATOR DeFRANCISCO: Okay, then we  
19 can remain at ease.

20 ACTING PRESIDENT GRIFFO: The  
21 Senate will be temporarily at ease.

22 (Whereupon, the Senate stood at ease  
23 at 6:08 p.m.)

24 (Whereupon, the Senate reconvened at  
25 6:15 p.m.)

1                   ACTING PRESIDENT GRIFFO:    The  
2   Senate will return to order.

3                   Senator DeFrancisco.

4                   SENATOR DeFRANCISCO:    Yes,  
5   Mr. President, it's my understanding that there  
6   are two resolutions at the desk.  Could we take  
7   up the privileged resolution dealing with aid to  
8   education.

9                   ACTING PRESIDENT GRIFFO:   Both  
10  privileged resolutions are before the desk.

11                   The Secretary will read.

12                   THE SECRETARY:    Senate Resolution  
13  by Senator Flanagan, establishing a plan setting  
14  forth an itemized list of grantees for certain  
15  appropriations for the 2018-2019 state fiscal  
16  year for additional grants-in-aid to certain  
17  school districts, public libraries, and  
18  not-for-profit institutions.

19                   ACTING PRESIDENT GRIFFO:   Call the  
20  roll on the resolution.

21                   (The Secretary called the roll.)

22                   ACTING PRESIDENT GRIFFO:   Announce  
23  the results.

24                   THE SECRETARY:    Ayes, 61.  Nays, 1.  
25  Senator Sanders recorded in the negative.

1           ACTING PRESIDENT GRIFFO:    The  
2 resolution is adopted.

3           The Secretary will continue.

4           THE SECRETARY:    Senate Resolution  
5 by Senator Flanagan, establishing a plan setting  
6 forth the methodology for allocating a certain  
7 appropriation for the 2018-2019 state fiscal  
8 year, for additional grants-in-aid to certain  
9 school districts, public libraries, and  
10 not-for-profit institutions.

11          ACTING PRESIDENT GRIFFO:   Call the  
12 roll on the resolution.

13          (The Secretary called the roll.)

14          ACTING PRESIDENT GRIFFO:   Announce  
15 the results.

16          THE SECRETARY:    Those recorded in  
17 the negative are Senators Addabbo, Alcantara,  
18 Avella, Bailey, Benjamin, Breslin, Brooks,  
19 Carlucci, Comrie, Dilan, Gianaris, Hamilton,  
20 Hoylman, Kaminsky, Kavanagh, Kennedy, Klein,  
21 Mayer, Montgomery, Parker, Peralta, Persaud,  
22 Rivera, Sanders, Savino, Sepúlveda, Serrano,  
23 Stavisky and Stewart-Cousins.

24          Absent from voting:   Senators  
25 Krueger and Valesky.



1                   Ayes, 32.   Nays, 29.

2                   ACTING PRESIDENT GRIFFO:    The  
3 resolution is adopted.

4                   Senator DeFrancisco.

5                   SENATOR DeFRANCISCO:  
6 Mr. President, can we return to messages from the  
7 Assembly.

8                   ACTING PRESIDENT GRIFFO:    We will  
9 return to messages from the Assembly.

10                  SENATOR DeFRANCISCO:    It's my  
11 understanding that there's a hand-down from the  
12 Assembly.

13                  ACTING PRESIDENT GRIFFO:    The  
14 Secretary will read.

15                  THE SECRETARY:    The Assembly sent  
16 for concurrence the following bill.  On motion by  
17 Senator Flanagan, the rules were suspended and  
18 said bill ordered to third reading:  Assembly  
19 Bill 9534.

20                  ACTING PRESIDENT GRIFFO:    So  
21 ordered.

22                  The Secretary will read.

23                  THE SECRETARY:    Calendar Number  
24 1121, by Member of the Assembly Paulin, Assembly  
25 Print 9534, an act to amend the Tax Law.

1           ACTING PRESIDENT GRIFFO:   Read the  
2 last section.

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

5           ACTING PRESIDENT GRIFFO:   Call the  
6 roll.

7                   (The Secretary called the roll.)

8           ACTING PRESIDENT GRIFFO:   Announce  
9 the results.

10          THE SECRETARY:   Ayes, 61.  Nays, 2.  
11 Senators Brooks and Kaminsky recorded in the  
12 negative.

13          ACTING PRESIDENT GRIFFO:   The bill  
14 is passed.

15          Senator DeFrancisco.

16          SENATOR DeFRANCISCO:   Yes, I  
17 understand, if we can go back to Senate  
18 Supplemental Calendar 40A, there was one bill  
19 that was laid aside.

20          ACTING PRESIDENT GRIFFO:   That is  
21 correct.

22          SENATOR DeFRANCISCO:   And could you  
23 give me the calendar number?

24          ACTING PRESIDENT GRIFFO:   Calendar  
25 Number 1064.

1                   SENATOR DeFRANCISCO:    I would like  
2   to lay that bill aside for the day.

3                   ACTING PRESIDENT GRIFFO:   The bill  
4   is laid aside for the day.

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

7                   ACTING PRESIDENT GRIFFO:   There is  
8   no further business at the desk.

9                   SENATOR DeFRANCISCO:    I move to  
10   adjourn till Wednesday, May 9, at 11:00 a.m.

11                   ACTING PRESIDENT GRIFFO:   On  
12   motion, the Senate will stand adjourned until  
13   Wednesday, May 9th, at 11:00 a.m.

14                   The Senate is adjourned.

15                   (Whereupon, at 6:21 p.m., the Senate  
16   adjourned.)

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