NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 8, 2018

12:30 p.m.

REGULAR SESSION

SENATOR ELAINE PHILLIPS, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT PHILLIPS: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT PHILLIPS: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

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

ACTING PRESIDENT PHILLIPS: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Floor Leader.

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

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

(Response of "Aye.")

ACTING PRESIDENT PHILLIPS: Opposed?

(No response.)

ACTING PRESIDENT PHILLIPS: The

Resolution Calendar is adopted.

Senator DeFrancisco.

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

ACTING PRESIDENT PHILLIPS: The Secretary will read.

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

ACTING PRESIDENT PHILLIPS: Senator Little.

SENATOR LITTLE: Thank you, Madam President.

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

be done and how it can be treated.

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

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

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

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

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

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

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

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

Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT PHILLIPS: Opposed, nay.

(No response.)

ACTING PRESIDENT PHILLIPS: The resolution is adopted.

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

(Applause.)

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

Senator DeFrancisco.

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

ACTING PRESIDENT PHILLIPS: The Secretary will read.

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

ACTING PRESIDENT PHILLIPS: Senator Akshar on the resolution.

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

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

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

affected by cancer in one way or another.

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

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

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

cancer here in the Capital District.

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

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

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

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

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

Madam President, thank you.

ACTING PRESIDENT PHILLIPS: Thank you, Senator Akshar.

Senator DeFrancisco.

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

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

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

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

the desk.

ACTING PRESIDENT PHILLIPS: Thank you.

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

ACTING PRESIDENT PHILLIPS: The Secretary will read.

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

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

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

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

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

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

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

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

"WHEREAS, Officer Ryan Nash and his

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT PHILLIPS: Senator Croci.

SENATOR DeFRANCISCO: Could you please recognize me.

ACTING PRESIDENT PHILLIPS: Senator DeFrancisco.

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

ACTING PRESIDENT PHILLIPS: Yes, sir, thank you.

The Secretary will read.

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

New York State Senate.

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

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

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

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

"WHEREAS, On Tuesday, October 10,

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT PHILLIPS: Senator Croci on the resolution.

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

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

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

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

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

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

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

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

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

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

Gentlemen, I would like, if you

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

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

If everyone would rise.

(Standing ovation.)

ACTING PRESIDENT PHILLIPS: Senator DeFrancisco.

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

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: In fact, all

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

ACTING PRESIDENT PHILLIPS: Thank you, sir.

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

ACTING PRESIDENT PHILLIPS: The Secretary will read.

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

ACTING PRESIDENT PHILLIPS: Senator Robach.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT PHILLIPS: Great, thank you.

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

(Standing ovation.)

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

(Response of "Aye.")

ACTING PRESIDENT PHILLIPS: Opposed, nay.

(No response.)

ACTING PRESIDENT PHILLIPS: The resolution is adopted.

Senator DeFrancisco.

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

ACTING PRESIDENT PHILLIPS: The Secretary will read.

THE SECRETARY: Legislative

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

ACTING PRESIDENT PHILLIPS: Senator Montgomery.

SENATOR MONTGOMERY: Yes, thank you, Madam President.

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT PHILLIPS: Thank you, Senator Montgomery.

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

(Response of "Aye.")

ACTING PRESIDENT PHILLIPS:

Opposed, nay.

(No response.)

ACTING PRESIDENT PHILLIPS: The resolution is adopted.

Senator DeFrancisco.

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

ACTING PRESIDENT PHILLIPS: The Secretary will read.

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

ACTING PRESIDENT PHILLIPS: Senator Montgomery.

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

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

was founded in 1888.

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

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

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

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

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

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

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

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

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

Thank you.

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

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

(Response of "Aye.")

ACTING PRESIDENT PHILLIPS:

Opposed, nay.

(No response.)

ACTING PRESIDENT PHILLIPS: The resolution is adopted.

Senator DeFrancisco.

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

ACTING PRESIDENT PHILLIPS: The Secretary will read.

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

ACTING PRESIDENT PHILLIPS: Senator Kennedy.

SENATOR KENNEDY: Thank you, Madam President.

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

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

(Applause.)

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

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

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

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

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

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

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

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

Jim Carmody, and Manager Jack Kawalec.

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

(Applause.)

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

And congratulations, gentlemen. Welcome.

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

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

(Applause.)

ACTING PRESIDENT PHILLIPS: Senator DeFrancisco.

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

please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

1996, made her ineligible for that.

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

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

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

the Supreme Court.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

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

(Standing ovation.)

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed, nay.

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: So ordered.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 130, by Senator Gallivan, Senate Print 1981, an act to amend the Social Services Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 173, by Senator Gallivan, Senate Print 2132, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 53. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the result.

THE SECRETARY: Ayes, 60. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the result.

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

Ayes, 53. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the result.

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

Ayes, 54. Nays, 8.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 60. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the result.

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

Ayes, 50. Nays, 12.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill will be laid aside.

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

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT GRIFFO: The bill is laid aside.

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

act to amend the Real Property Tax Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

ACTING PRESIDENT GRIFFO: Senator Sepúlveda.

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

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

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

And this significant march, which

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

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

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

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

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

Thank you.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

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

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

So could we stand at ease until we complete that.

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

The Senate will stand at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will return to order.

Senator DeFrancisco.

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

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

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

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

Senator DeFrancisco.

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

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

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

Senate Print --

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

The Secretary will continue.

THE SECRETARY: -- Senate Print

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

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

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

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

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

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

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

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

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

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

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

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

Senate 6211, by Senator Lanza, an

act to amend the Penal Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Senator DeFrancisco.

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

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

Senator DeFrancisco, good?

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

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

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

Ayes, 60. Nays, 2.

ACTING PRESIDENT GRIFFO: The bill is still passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR KLEIN: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This

act shall take effect on the first of January.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 57. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

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

Ayes, 51. Nays, 11.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: Announce the results.

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

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

Ayes, 53. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, can we take off the lay-aside of 1056, please.

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

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

Ayes, 59. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR KLEIN: Please lay it aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

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

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

So I vote in the affirmative, Mr. President.

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

Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 50. Nays, 12.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

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

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

Senator Sanders.

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

SENATOR AKSHAR: Absolutely.

ACTING PRESIDENT GRIFFO: The Senator yields.

SENATOR SANDERS: Mr. President, is

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

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

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

Will the sponsor yield for a question, sir?

ACTING PRESIDENT GRIFFO: The sponsor has agreed to yield.

SENATOR AKSHAR: Yes.

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

SENATOR AKSHAR: I am not, Mr. President.

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

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

ACTING PRESIDENT GRIFFO: Senator Akshar, without objection?

SENATOR AKSHAR: No objection, thank you.

ACTING PRESIDENT GRIFFO: Senator Sanders, you may read.

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

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

tailored to that evidence.

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Akshar.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Akshar.

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

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

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

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

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

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

SENATOR SANDERS: Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Sanders.

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

ACTING PRESIDENT GRIFFO: Senator Akshar.

SENATOR AKSHAR: Yes, Mr. President.

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

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

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

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

SENATOR SANDERS: Thank you.

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

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

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

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

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

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

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

SENATOR SANDERS: Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Sanders.

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

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

I think that we could do a much

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

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

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

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

SENATOR SANDERS: Through you,

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

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

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

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

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

SENATOR AKSHAR: Mr. President, if I may.

ACTING PRESIDENT GRIFFO: Senator Akshar.

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

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

ACTING PRESIDENT GRIFFO: It's a good bromance.

(Laughter.)

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

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

Is the sponsor aware, Mr. President,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR AKSHAR: Senator Krueger said that too.

(Laughter.)

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Sanders, do you yield?

SENATOR SANDERS: Absolutely.

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

SENATOR SANDERS: The admiration

society continues.

SENATOR AKSHAR: Thank you.

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

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

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

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

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

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

SENATOR AKSHAR: Yes, sir, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR AKSHAR: I do agree with you.

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

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

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

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

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

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

with that. Perhaps we'll start there.

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

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

SENATOR SANDERS: Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Sanders.

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

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

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

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

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

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

(Pause.)

SENATOR SANDERS: Mr. President.

ACTING PRESIDENT GRIFFO: How's the bromance going?

(Laughter.)

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

ACTING PRESIDENT GRIFFO: And I heard the sigh too.

Senator Sanders.

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

Through you, Mr. President --

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

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

SENATOR SANDERS: Yes, sir.

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

SENATOR AKSHAR: Yes, Mr. President.

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

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

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

SENATOR SANDERS: Sure.

SENATOR AKSHAR: Thank you, sir.

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

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

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

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

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

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

But on this issue, as you'll note

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

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

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

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

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

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

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

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

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

Another question, Mr. President, through you.

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

SENATOR AKSHAR: Yes.

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

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

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

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

the goal. Right?

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

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

So I hope I've clarified your question.

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

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

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

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

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

SENATOR SANDERS: Absolutely.

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

But to my point, if the number is

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

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

To make sure that the program is adequately funded.

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

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

SENATOR AKSHAR: Here's what's

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

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

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

SENATOR SANDERS: Through you,

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

SENATOR AKSHAR: Sure. Mr. President, through you. I don't think the wheel fell off the program, I think it's wobbling significantly on the program. If we don't want to call it broken, fine. Again, a well-intended program that on its merits is very, very important.

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

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

I would be remiss if I did not --

SENATOR AKSHAR: Senator, who is in

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

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

SENATOR AKSHAR: Of course.

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

I will look to my floor leader --

(Senator Klein makes a "cut it short" gesture; laughter.)

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

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

(Laughter.)

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

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

On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Sanders on the bill.

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

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

And with that in mind, my colleague

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

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

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

ACTING PRESIDENT GRIFFO: Thank you, Senator Sanders.

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

The Secretary will read the last section.

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

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Little to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

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

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

ACTING PRESIDENT GRIFFO: Excuse

me. Can I have some order, please.

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

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

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

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

everything wherever they could buy it.

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

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

Senator DeFrancisco to explain his vote.

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

(Laughter.)

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

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

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

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

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

I vote aye.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco in the affirmative.

Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you,

Mr. President.

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

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

I vote no. Thank you, Mr. President.

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

Senator Boyle to explain his vote.

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

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

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

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

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

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

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

Announce the results.

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

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

Ayes, 32. Nays, 31.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

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

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

ACTING PRESIDENT GRIFFO: Senator Parker.

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

(Laughter.)

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

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

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

We have Onida Coward, the head of NYC Votes.

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

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

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

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

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

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

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

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

SENATOR DeFRANCISCO: Mr. President.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

SENATOR PARKER: Yes, thank you.

(Laughter; scattered applause.)

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

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will ring the bell.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Thank you,

Mr. President.

Would the sponsor yield for a couple of questions?

ACTING PRESIDENT GRIFFO: Senator LaValle, do you yield?

SENATOR LaVALLE: Yes.

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

Senator Klein.

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

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

SENATOR KLEIN: Again through you,

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

SENATOR LaVALLE: Sure.

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

generations -- and pay taxes, high property taxes.

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

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

SENATOR LaVALLE: Sure. Yes.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR LaVALLE: Yes, I will.

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

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

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

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

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

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

Do you agree?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR LaVALLE: Yes.

SENATOR KLEIN: Okay. On the bill.

ACTING PRESIDENT GRIFFO: Senator Klein on the bill.

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator LaValle, do you yield?

SENATOR LaVALLE: Yes.

ACTING PRESIDENT GRIFFO: The Senator yields.

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

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

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

SENATOR LaVALLE: Yes.

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

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

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

SENATOR KRUEGER: On the bill, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

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

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

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

you just don't get out.

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

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

I vote no, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera.

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

ACTING PRESIDENT GRIFFO: Senator Rivera on the bill.

SENATOR RIVERA: I will be brief,

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Mr. President.

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

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

This legislation reminds me of that

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

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

Announce the results.

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to explain his vote.

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator DeFrancisco in the affirmative.

Finalize the results.

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

Ayes, 32. Nays, 31.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

ACTING PRESIDENT GRIFFO: We will

return to motions and resolutions.

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

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

ACTING PRESIDENT GRIFFO: Senator Comrie.

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

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

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

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

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

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

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

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

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

they're in the most need.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Comrie.

Senator Alcantara.

SENATOR ALCANTARA: Thank you. On the resolution.

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Bailey.

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

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

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

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

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

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

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

And once again, happy Nurses Week.

ACTING PRESIDENT GRIFFO: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Murphy.

SENATOR MURPHY: Thank you, Mr. President.

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Stavisky.

SENATOR STAVISKY: Thank you,

Mr. President.

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

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

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

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

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

In fact, on a couple of occasions

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

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

Thank you.

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

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

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

Senator DeFrancisco.

SENATOR DeFRANCISCO:

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

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

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

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

The Senate is at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

The chair recognizes Senator DeFrancisco.

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

the desk.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: The Senate will return to order.

Senator DeFrancisco.

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

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

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

ACTING PRESIDENT GRIFFO: The resolution is adopted.

The Secretary will continue.

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

ACTING PRESIDENT GRIFFO: Call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Absent from voting: Senators Krueger and Valesky.

Ayes, 32. Nays, 29.

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator DeFrancisco.

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

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

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: So ordered.

The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: That is correct.

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

ACTING PRESIDENT GRIFFO: Calendar Number 1064.

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

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

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

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

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

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

The Senate is adjourned.

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