

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 May 7, 2019

11 3:25 p.m.

12  
13  
14 REGULAR SESSION

15  
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17  
18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT MAYER: Reverend  
9 Alonzo Jordan, pastor of Greater Covenant  
10 Ministries in Jamaica, will deliver today's  
11 invocation.

12 Reverend Jordan.

13 REVEREND JORDAN: Shall we pray?

14 Eternal God, creator of the heavens  
15 and the earth, we come to You today to beseech  
16 Your knowledge, wisdom and understanding in order  
17 to form a more perfect union.

18 Endow and impart each legislator and  
19 their staff with the integrity to govern our fair  
20 state with Your holy spirit. Let them be  
21 ever-mindful that they are their brother's and  
22 sister's keeper, despite their political  
23 differences.

24 We pray for a unified spirit, one  
25 nation under God, indivisible with liberty and

1 justice for all. One Lord, one faith, and one  
2 baptism.

3 Purify our hearts and minds, that we  
4 may see clearly Your perfect will for the  
5 citizens of New York State.

6 Grant each Senator grace,  
7 temperance, moral fortitude, political fervor and  
8 acumen, as well as the common touch in these  
9 perilous times we know we now live in.

10 In the name of the Father, the Son,  
11 the Holy Spirit, let all God's children say amen.

12 (Response of "Amen.")

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

15 THE SECRETARY: In Senate, Monday,  
16 May 6, 2019, the Senate met pursuant to  
17 adjournment. The Journal of Sunday, May 5, 2019,  
18 was read and approved. On motion, Senate  
19 adjourned.

20 ACTING PRESIDENT MAYER: Without  
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: On page 32, Senator

1 Gounardes moves to discharge, from the Committee  
2 on Civil Service and Pensions, Assembly Bill  
3 Number 5386 and substitute it for the identical  
4 Senate Bill 3918, Third Reading Calendar 523.

5 ACTING PRESIDENT MAYER:  
6 Substitution so ordered.

7 Can we have some order in the  
8 chamber, please.

9 Messages from the Governor.  
10 Reports of standing committees.  
11 Reports of select committees.  
12 Communications and reports from  
13 state officers.

14 Motions and resolutions.

15 Senator Gianaris.

16 SENATOR GIANARIS: Madam President,  
17 amendments are offered to the following Third  
18 Reading Calendar bills:

19 Senator Kennedy, page 12, Calendar  
20 Number 148, Senate Print 1549;

21 Senator Sanders, page 21, Calendar  
22 Number 337, Senate Print 2115A;

23 Senator Sanders, page 21, Calendar  
24 Number 338, Senate Print 2283A;

25 Senator Brooks, page 22, Calendar

1 Number 390, Senate Print 4701;

2 Senator Kennedy, page 23, Calendar

3 Number 408, Senate Print 4524A;

4 Senator Stavisky, page 28, Calendar

5 Number 478, Senate Print 4873; and

6 Senator Skoufis, page 34, Calendar

7 Number 545, Senate Print 1627.

8 I ask that these bills retain their  
9 place on Third Reading Calendar.

10 ACTING PRESIDENT MAYER: The  
11 amendments are received, and the bills shall  
12 retain their place on the Third Reading Calendar.

13 Senator Gianaris.

14 SENATOR GIANARIS: I now move to  
15 adopt the Resolution Calendar, with the exception  
16 of Resolutions 794, 1115, 1126, 1368, 1382 and  
17 1385.

18 ACTING PRESIDENT MAYER: All in  
19 favor of adopting the Resolution Calendar, with  
20 the exception of Resolutions 794, 1115, 1126,  
21 1368, 1382 and 1385, please signify by saying  
22 aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT MAYER: Opposed?

25 (No response.)

1                   ACTING PRESIDENT MAYER:     The  
2     Resolution Calendar is adopted.

3                   Senator Gianaris.

4                   SENATOR GIANARIS:     Madam President,  
5     can we begin by taking up Resolution 1385, by  
6     Leader Stewart-Cousins.   This is the resolution  
7     recognizing the Women of Distinction.

8                   By agreement of both the Majority  
9     and Minority, and consistent with practice, we're  
10    going to have only one member from each side  
11    speak on this resolution so that we don't spend  
12    the entire day here on the floor of the chamber.  
13    We of course have the ceremony after session,  
14    where we will hear more about the various  
15    honorees.

16                  So please have that resolution read  
17    in its entirety, and recognize Senator Salazar to  
18    speak on it.

19                  ACTING PRESIDENT MAYER:     The  
20    Secretary will read.

21                  THE SECRETARY:     Senate Resolution  
22    1385, by Senator Stewart-Cousins, congratulating  
23    the 2019 New York State Senate Women of  
24    Distinction.

25                  "WHEREAS, It is the sense of this

1 Legislative Body to acknowledge and celebrate  
2 Women of Distinction who significantly add  
3 inspiration and encouragement to the people of  
4 this great Empire State; and

5 "WHEREAS, The New York State Senate  
6 Women of Distinction program was created in 1998  
7 as part of our state celebration of Women's  
8 History Month to honor exemplary women from  
9 across New York State whose singular professional  
10 or personal achievements, commitment to  
11 excellence and accomplishments merit special  
12 recognition; honorees are selected from  
13 nominations submitted from across the state; and

14 "WHEREAS, Women of every economic,  
15 ethnic and religious background have made  
16 significant contributions that are reflected  
17 across all aspects of society; and

18 "WHEREAS, It is the custom of this  
19 Legislative Body to pay tribute to individuals of  
20 remarkable character who have shown initiative  
21 and commitment in constantly pursuing higher  
22 goals for themselves, as well as acting as role  
23 models to all women in their community; and

24 "WHEREAS, On behalf of the New York  
25 State Senate, I take this opportunity to

1 congratulate La'Shawn Allen-Muhammad, Lorena  
2 Borjas, Deputy Kristy Botsford, Carola Otero  
3 Bracco, Ischia Bravo, Maude Bruce, Gail  
4 Castellano, Heidi Harrison Chain, Monique  
5 Chandler-Waterman, Julie Schwietert Collazo,  
6 Jennifer O. D'Andrea-Terreri, Airman 1st Class  
7 Madison Daquelente, Nicole Dayka, Joan Dean,  
8 Bette Dewing, Randi Shubin Dresner, Roxanne  
9 Dueppengiesser, Bessie R. Edwards, Peg Ellsworth,  
10 Anne Erickson, Barbara Franco, Margaret Graham,  
11 Kathleen Graupman, Coralanne Griffith-Hunte,  
12 M.Ed., Lisa Ann Hermann, Pauline P. Holbrook,  
13 Carol Pingelski Hotaling, the Reverend Dr. Maria  
14 L. Hubbard, Irene Elizabeth Hylton, Ph.D.,  
15 Sinforosa Tan Kaung, Ph.D., Linda Kemp, Nellie B.  
16 King, Linda Lee, Jane McCabe, Emily Monem,  
17 Haydee Morales, Michelle Neugebauer, Po-Ling Ng,  
18 Bishop LaVerne D. Owens-Larkins, Kelly Parsons,  
19 Colleen Pearce, Jo-Ann Raia, the Honorable Mary  
20 Lou Rath, Sophia L. Reid, Evelyn Rodriguez, Iris  
21 Rodriguez-Rosa, Carmen Rojas, Nicole Sheindlin,  
22 Marguerite A. Smith, Esq., Nancy Sutton, Holly  
23 Tanner, Stacey Tompkins, Marya Vande-Doyle, Grace  
24 VanderWaal, Evelyn Vollgraff, Kathleen Wagner,  
25 Tanya Asapansa-Johnson Walker, Loretta Z. Weiss,



1 Kelly Willcox, Eva D. Williams, Stephanie Wong,  
2 and Norma Zimmer, as 2019 New York State Senate  
3 Women of Distinction, to be celebrated on  
4 Tuesday, May 7, 2019, at the Annual Women of  
5 Distinction Awards ceremony in The Well of the  
6 Legislative Office Building; and

7 "WHEREAS, Women have become part of  
8 New York's lasting heritage by fighting against  
9 stereotypes, prejudice, and seemingly  
10 insurmountable obstacles; and

11 "WHEREAS, From the women's suffrage  
12 movement just over 150 years ago to the present  
13 day, women have played and continue to play a  
14 crucial role in adding strength, understanding,  
15 and inspiration to the diversity and quality of  
16 life of the people of the State of New York; and

17 "WHEREAS, New York State has been,  
18 and continues to be, the home to many  
19 distinguished women who have made their mark in  
20 history as pioneers in their field, therefore  
21 laying the foundation for women after them to  
22 succeed; and

23 "WHEREAS, This Legislative Body  
24 recognizes that New York State is the home to  
25 countless women who are strong and colorful

1 threads, vital to the fabric of our rich  
2 heritage, who have contributed, and continue to  
3 add to the advancement of our culture through  
4 their traditional and nontraditional roles in  
5 society; now, therefore, be it

6 "RESOLVED, It is the sense of this  
7 Legislative Body that those who enhance the  
8 well-being and vitality of their community and  
9 have shown a long and sustained commitment to  
10 excellence certainly have earned the recognition  
11 and applause of all the citizens of this great  
12 Empire State; and be it further

13 "RESOLVED, That copies of this  
14 resolution, suitably engrossed, be transmitted to  
15 the aforementioned Women of Distinction."

16 ACTING PRESIDENT MAYER: Senator  
17 Salazar on the resolution.

18 SENATOR SALAZAR: Thank you, Madam  
19 President.

20 I'm proud to recognize the 2019  
21 New York State Senate Women of Distinction  
22 honorees and welcome them to Albany.

23 This is an important tradition in  
24 the State Senate that honors incredible New York  
25 women who have contributed tremendously to our

1 state and who have helped improve the lives of  
2 their fellow New Yorkers.

3           These Women of Distinction are  
4 trailblazers who have taken on leadership roles  
5 in their industries and their communities  
6 throughout the 63 State Senate districts that  
7 they come from.

8           Today is so important because it  
9 offers this legislative body an opportunity to  
10 recognize the work of these incredible women.  
11 Unfortunately, we are well aware that far too  
12 often women's accomplishments are not given the  
13 recognition and appreciation they deserve. That  
14 is why I must take a moment to recognize our own  
15 Woman of Distinction for New York's 18th State  
16 Senate District.

17           Michelle Neugebauer grew up in our  
18 district, in Bushwick, where she experienced  
19 firsthand the struggles that our community has  
20 faced. Michelle is the executive director of  
21 Cyprus Hills Local Development Corporation.  
22 She's worked relentlessly with CHLDC and  
23 community residents to build a strong and  
24 equitable East New York, through educational  
25 programs for youth and adults and fighting to

1 secure and preserve affordable housing in  
2 Brooklyn.

3 It's inspiring to be in the company  
4 of such a diverse group of women of such high  
5 achievement. Thank you to all of our fellow  
6 Senators for bringing these heroines and role  
7 models to Albany to share their incredible  
8 journeys and successes with us.

9 Again, to all of our guests, thank  
10 you for all of your hard work. I'm so proud to  
11 be here to celebrate your accomplishments and  
12 applaud you as the 2019 Women of Distinction.

13 ACTING PRESIDENT MAYER: Thank you,  
14 Senator Salazar.

15 Senator Little on the resolution.

16 SENATOR LITTLE: Thank you,  
17 Madam President.

18 I'm really proud to rise today and  
19 honor our Women of Distinction and to talk about  
20 them for a few minutes.

21 Certainly the Senators, female  
22 Senators who are here join that class of Women of  
23 Distinction. And we have many new members this  
24 year, so we honor them as well.

25 But we have one particular guest who

1 is in the gallery to honor today, and that's a  
2 former Senator of ours who served here for many  
3 years. Senator Mary Lou Rath, sitting in the  
4 front row of the gallery up here, is joining us  
5 today because she is Senator Ranzenhofer's Woman  
6 of Distinction. And we all know Mary Lou was a  
7 woman of distinction throughout her years in the  
8 Senate and continues to be that with her life in  
9 Buffalo.

10 Today -- you know, much different  
11 than when I was growing up -- women have so many  
12 different opportunities. And the women that we  
13 are honoring today you will see and hear about  
14 come from all kinds of professions, different  
15 educational backgrounds, they're being honored  
16 for volunteer activities, and they come from all  
17 walks of life. But these are women who have put  
18 themselves out there, who have done things that  
19 they didn't need to do, but things that make  
20 their families better, their communities better,  
21 and our state better.

22 So today we will honor these  
23 leaders. They are leaders not only in their  
24 profession and in their place of work, but they  
25 are leaders in their family. And as we know,

1 women are the experts in multitasking. I  
2 truthfully have to -- I have a new word that I  
3 have to say to myself all the time: Focus.  
4 Focus on what you're doing. Stop thinking about  
5 the next thing you want to be doing.

6 But because they are multitaskers,  
7 these women have done many, many things. And I'm  
8 really proud to be here and to honor them today,  
9 as we all are. And to the many, many women --  
10 some of them are here today -- congratulations.  
11 We look forward to hearing your story and seeing  
12 you this evening at this great ceremony, which is  
13 a New York State tradition -- and it's my  
14 favorite.

15 So thank you very much,  
16 Madam President.

17 ACTING PRESIDENT MAYER: Thank you,  
18 Senator Little.

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

21 (Response of "Aye.")

22 ACTING PRESIDENT MAYER: Opposed?

23 (No response.)

24 ACTING PRESIDENT MAYER: The  
25 resolution is adopted.

1                   To our guests, our Women of  
2                   Distinction, and to former Senator Mary Lou Rath,  
3                   thank you for joining us all. We extend to you  
4                   the privileges and courtesies of the house.  
5                   Please rise and be recognized by our esteemed  
6                   colleagues.

7                   (Extended standing ovation.)

8                   ACTING PRESIDENT MAYER:     Senator  
9                   Gianaris.

10                  SENATOR GIANARIS:     Madam President,  
11                  I know that Leader Stewart-Cousins would like to  
12                  open this resolution for cosponsorship.

13                  ACTING PRESIDENT MAYER:     The  
14                  resolution is open for cosponsorship. Should you  
15                  choose not to be a cosponsor of the resolution,  
16                  please notify the desk.

17                  Senator Gianaris.

18                  SENATOR GIANARIS:     Can we now move  
19                  to Resolution 1382, by Senator Griffo, read that  
20                  resolution in its entirety, and recognize Senator  
21                  Griffo.

22                  ACTING PRESIDENT MAYER:     The  
23                  Secretary will read.

24                  THE SECRETARY:     Senate Resolution  
25                  1382, by Senator Griffo, celebrating the

1 purposeful life and career of Officer Kevin F.  
2 Crossley, and commemorating the one-year  
3 anniversary of his death.

4 "WHEREAS, It is the sense of this  
5 Legislative Body to convey its grateful  
6 appreciation and heartfelt regret in recognition  
7 of the loss of courageous individuals who  
8 dedicated their purposeful lives and careers to  
9 serve and protect; and

10 "WHEREAS, This Legislative Body is  
11 moved to celebrate the purposeful life and career  
12 of Officer Kevin F. Crossley, and to commemorate  
13 the one-year anniversary of his death; and

14 "WHEREAS, Officer Kevin F. Crossley  
15 truly lived his life with great dignity and  
16 genuine grace, always demonstrating a deep and  
17 continuing concern for the welfare of others in  
18 the great State of New York; and

19 "WHEREAS, Born on March 11, 1984, in  
20 Utica, New York, Kevin F. Crossley graduated from  
21 Whitesboro Central High School in 2002; he went  
22 on to earn a degree in criminal justice from  
23 Mohawk Valley Community College in 2004, and  
24 completed the Police Academy at Cazenovia  
25 College in 2010; and



1                   "WHEREAS, Kevin F. Crossley  
2 fulfilled his lifelong dream of service to his  
3 community when he became a police officer; he  
4 began his illustrious career in law enforcement  
5 with the Town of Whitestown Police Department,  
6 before joining the Village of Whitesboro Police  
7 Department in 2011; and

8                   "WHEREAS, With a steadfast and  
9 unwavering commitment to his community, Officer  
10 Kevin F. Crossley was a member of the Sons of the  
11 American Legion and Penn Mountain Snow Riders;  
12 and

13                   "WHEREAS, Officer Kevin F. Crossley  
14 made the ultimate sacrifice on April 11, 2018,  
15 while faithfully executing his responsibilities,  
16 serving with dedication, loyalty and compassion;  
17 and

18                   "WHEREAS, The beloved son of George  
19 and Linda, and the proud brother of Michael,  
20 Officer Kevin F. Crossley exemplified what it  
21 truly means to give of himself in providing vital  
22 police services in keeping with the noble mission  
23 of the Whitesboro Police Department; and

24                   "WHEREAS, Officer Kevin F.  
25 Crossley's life was a portrait of service, a

1 legacy which will long endure the passing of  
2 time, and will remain as a comforting memory to  
3 all he served and befriended; and

4 "WHEREAS, Officer Kevin F.  
5 Crossley's name is synonymous with character,  
6 dignity, intellect, depth and humor, qualities  
7 evident to his family and to all those who were  
8 fortunate enough to have known him; he will be  
9 deeply missed and truly merits the grateful  
10 tribute of this legislative Body; now, therefore,  
11 be it

12 "RESOLVED, That this Legislative  
13 Body pause in its deliberations to celebrate the  
14 purposeful life and career of Officer Kevin F.  
15 Crossley, to commemorate the one-year anniversary  
16 of his death, and to express its deepest  
17 condolences to his family; and be it further

18 "RESOLVED, That a copy of this  
19 resolution, suitably engrossed, be transmitted to  
20 the family of Officer Kevin F. Crossley."

21 ACTING PRESIDENT MAYER: Senator  
22 Griffo.

23 SENATOR GRIFFO: Thank you,  
24 Madam President.

25 Today is equally an important day.

1 We celebrate Women of Distinction, but we also  
2 come today to commemorate, on Law Enforcement  
3 Memorial Day, with ceremonies that took place  
4 earlier today, those who have made and paid the  
5 ultimate sacrifice.

6           It's a very sad and heartbreaking  
7 time for many families and many of us who have  
8 lost someone special who have served our great  
9 state and our communities. This particular  
10 instance today, we have the opportunity to  
11 recognize a young life, 34-year-old Kevin  
12 Crossley, who was killed on April 11th, lost his  
13 life on April 11, 2018.

14           We're honored here today to have  
15 with us members of his family -- his parents,  
16 George and Linda; his brother Michael and  
17 Michael's girlfriend Natalie -- along with the  
18 police chief of the Village of Whitesboro,  
19 Dominick Hiffa, and Sergeant Jason Buley and  
20 other members of the Whitesboro Police  
21 Department. I also know the mayor is here -- I  
22 think I saw the mayor earlier, and I'm not sure  
23 if he's still with us.

24           But this was so important today, and  
25 I appreciate that this resolution was presented,

1 because it's significant for us not only to  
2 reflect on a life lost -- and it's so difficult  
3 for these family members to continually gain the  
4 courage necessary to participate in events like  
5 this. And they recognize it's important because  
6 we are truly paying tribute to his memory. But  
7 it also is difficult, as you try to heal these  
8 difficult scars as a result of that loss of life,  
9 that young loss of life.

10               So we reflect today, but we also  
11 have an opportunity to express our respect and  
12 our appreciation for a sense of duty and  
13 responsibility for this young man who gave and  
14 paid the ultimate sacrifice because he cared so  
15 much about the community that he lived in and the  
16 people that he wanted to serve.

17               And it's also an opportunity to  
18 celebrate his life. It's an opportunity for all  
19 of us to remember this young vibrant man who  
20 really chose this career because he had such a  
21 great passion for it, who had great likes, like  
22 others. He loved his Harley and he was a great  
23 fan of NASCAR. And he just was somebody who had  
24 great passion and concern for others, who lived  
25 by the great motto that he would give a portion

1 of himself in order to benefit others in our  
2 community that he served.

3 That is the ultimate that anyone can  
4 say of anyone, that he's made his community a  
5 better place, that he's made the lives he's  
6 touched better because of his presence. So as  
7 difficult as today is to the Crossley family and  
8 the members of the department that are here  
9 today, we appreciate you being here, because it's  
10 so important to celebrate Kevin, who he was, what  
11 he represented.

12 As difficult and challenging as this  
13 is -- because it is heartbreaking, and no words  
14 can adequately express or convey what we would  
15 like to express and what you would feel -- but  
16 know that we do care, we do respect him, and we  
17 do appreciate his service. And today this  
18 resolution is one way to demonstrate that, as  
19 well as a bill that will be before the house  
20 where we will be naming a portion of a highway in  
21 the Mohawk Valley in his name and honor.

22 So Madam President, I thank you for  
23 the opportunity.

24 And God bless you.

25 ACTING PRESIDENT MAYER: Thank you.

1                   The question is on the resolution.

2   All in favor signify by saying aye.

3                   (Response of "Aye.")

4           ACTING PRESIDENT MAYER:    Opposed?

5                   (No response.)

6           ACTING PRESIDENT MAYER:    The  
7   resolution is adopted.

8                   To our guests, the family and  
9   colleagues of Officer Crossley, we welcome you on  
10   behalf of the Senate, extend to you our  
11   condolences, but also the privileges and  
12   courtesies of this house.

13                  Please rise and be honored by our  
14   colleagues.

15                  (Standing ovation.)

16           ACTING PRESIDENT MAYER:    Senator  
17   Gianaris.

18                  SENATOR GIANARIS:    Madam President,  
19   at the request of Senator Griffo, this resolution  
20   is open for cosponsorship.

21                  And I'd also ask, because we do have  
22   several resolutions to come, that I believe all  
23   of them are open for cosponsorship at the  
24   sponsor's request.

25           ACTING PRESIDENT MAYER:    This

1 resolution and all of the other resolutions we  
2 are considering today are open for cosponsorship.  
3 Should you choose not to be a cosponsor of the  
4 resolutions, please notify the desk.

5 Senator Gianaris.

6 SENATOR GIANARIS: Can we now take  
7 up Resolution 1126, by Senator Metzger, read that  
8 resolution in its entirety, and recognize  
9 Senator Metzger.

10 ACTING PRESIDENT MAYER: The  
11 Secretary will read.

12 THE SECRETARY: Senate Resolution  
13 1126, by Senator Metzger, commemorating the  
14 50th Anniversary of the launching of the  
15 Hudson River Sloop Clearwater, and celebrating  
16 the 100th Anniversary of the birth of  
17 Pete Seeger, cofounder of the Hudson River Sloop  
18 Restoration in 1966.

19 "WHEREAS, It is the custom of this  
20 Legislative Body to commemorate those events of  
21 historical significance which add strength,  
22 vigor, and inspiration to the cultural diversity  
23 and quality of life in the communities of the  
24 State of New York; and

25 "WHEREAS, Attendant to such concern,

1 and in full accord with its longstanding  
2 traditions, this Legislative Body is justly proud  
3 to commemorate the 50th anniversary of the  
4 launching of the Hudson River Sloop Clearwater,  
5 and to celebrate the 100th anniversary of the  
6 birth of Pete Seeger, cofounder of the Hudson  
7 River Sloop Restoration in 1966; and

8               "WHEREAS, Many events have been  
9 planned for this year to celebrate these two  
10 milestones, some of which include Pete's  
11 100th Singalong Concert at the Unitarian  
12 Universalist Society of Schenectady on  
13 April 26th; Public Sail from Poughkeepsie at  
14 Waryas Park Fixed Pier on April 27th; Power of  
15 Song-Pete Seeger's 100th Birthday Party! at the  
16 Jacob Burns Film Center in Pleasantville on  
17 May 1st; Happy Hundredth Birthday, Pete! at the  
18 Rosenberg Fund for Children in Easthampton,  
19 Massachusetts on May 3rd; Pete Seeger Centennial  
20 Open Mike at the Towne Crier Cafe in Beacon on  
21 May 3rd; Riverkeeper Sweep-Beacon: Riverfront  
22 Park Cleanup at the Beacon Riverfront Park on  
23 May 4th; Pete Seeger Centennial Art Exhibit at  
24 the Howland Cultural Center in Beacon on May 4th;  
25 Pete Seeger Centennial Celebration at People's



1 Voice Cafe in New York City at the Community  
2 Church of New York on May 4th; Musical Tribute to  
3 Pete Seeger at the Franklin Street Park in  
4 South Nyack on May 5th; and Turn, Turn, Turn! A  
5 Celebration of Pete Seeger's 100th Birthday at  
6 the Bardavon Theater in Poughkeepsie on May 5th;  
7 and

8 "WHEREAS, The 100th anniversary of  
9 the birth of Beacon resident, world-renowned folk  
10 singer/songwriter and environmental activist  
11 Pete Seeger falls on May 3, 2019; and

12 "WHEREAS, Pete and Toshi Seeger  
13 cofounded the Hudson River Sloop Restoration in  
14 1966, which built the Hudson River Sloop  
15 Clearwater that was launched on May 17, 1969,  
16 with a mission to preserve and protect the Hudson  
17 River, its tributaries and related bodies of  
18 water; and

19 "WHEREAS, Pete Seeger and Hudson  
20 River Sloop Clearwater helped turn the tide in  
21 favor of enacting the 1972 Clean Water Act by  
22 sailing the Clearwater to Washington, D.C., in  
23 April of 1970, and organizing an historic  
24 Capitol Hill forum on the need for federal clean  
25 water protections; and

1                   "WHEREAS, From 1969 to 1974,  
2 Clearwater engaged in landmark work on the Clean  
3 Water Act, to protect American waterways from  
4 polluting discharges; and

5                   "WHEREAS, The Hudson River Sloop  
6 Clearwater has provided innovative environmental  
7 education programs beginning in 1970 with its  
8 on-board education program 'Classroom of the  
9 Waves'; each year, thousands of schoolchildren  
10 participate in learning about local history,  
11 navigation, ecology, natural history and citizen  
12 action, which has been supplemented since 1980 by  
13 on-land education programs; and

14                  "WHEREAS, In 1993, the landmark  
15 document 'Hudson River Angler Survey: A report  
16 on the adherence to fish consumption health  
17 advisories among Hudson River anglers,'  
18 investigated and authored by Bridget Barclay,  
19 Clearwater's environmental action director,  
20 became an important turning point in the  
21 Hudson River PCB Superfund site case by showing  
22 the nexus between PCB contamination of  
23 Hudson River water and sediment and human health  
24 by actively demonstrating that humans were  
25 unaware of and/or ignoring health advisories and

1 consuming PCB-containing fish; and

2 "WHEREAS, In 1998, the Hudson was  
3 named an 'American Heritage River' by President  
4 Bill Clinton, and in 2002, Pete Seeger was named  
5 a 'Clean Water Hero' by the Clean Water Network  
6 for his prominent efforts in the passage of the  
7 Clean Water Act; and

8 "WHEREAS, In 2004, Clearwater was  
9 added to the National Historic Register for its  
10 historical role in 'articulating, publicizing,  
11 and defining the American environmental movement,  
12 as well as for directly fighting in some of the  
13 nation's most important environmental conflicts';  
14 and

15 "WHEREAS, In 2010, as part of  
16 Clearwater's Green Cities program, Clearwater  
17 undertook a groundbreaking Community-Based  
18 Environmental Justice Inventory for the City of  
19 Peekskill, identifying major sources of  
20 pollution, disparate impacts on vulnerable  
21 populations, and offering a range of suggested  
22 solutions; and

23 "WHEREAS, Two years later,  
24 Clearwater began a Climate Justice initiative in  
25 four Hudson Valley cities to assess potential

1 environmental, economic, public health, and  
2 safety impacts of climate change on communities  
3 of color and low income in Kingston,  
4 Poughkeepsie, Beacon, and Peekskill, each of  
5 which have waterfronts vulnerable to sea-level  
6 rise along their shorelines; and

7 "WHEREAS, Clearwater has created and  
8 fostered environmental programs and musical  
9 celebrations, including the renowned annual  
10 Clearwater Festival, to inspire, educate, and  
11 expand people's experience, awareness and  
12 stewardship of this magnificent natural resource;  
13 and

14 "WHEREAS, The Hudson River Sloop  
15 Clearwater was designed to and continues to keep  
16 alive an important era of New York State history,  
17 reminding us of the days when commerce,  
18 recreation and travel centered along the  
19 waterfront; and

20 "WHEREAS, Pete Seeger's legacy lives  
21 on through education programs, advocacy work and  
22 special events like the Great Hudson River  
23 Revival, and the Hudson River Sloop Clearwater is  
24 celebrating its 50th anniversary as one of  
25 New York State's most effective, visible and

1 beautiful sailing vessels; now, therefore, be it

2 "RESOLVED, That this Legislative  
3 Body pause in its deliberations to commemorate  
4 the 50th anniversary of the launching of the  
5 Hudson River Sloop Clearwater, and to celebrate  
6 the 100th anniversary of the birth of Pete  
7 Seeger; and be it further

8 "RESOLVED, That this Legislative  
9 Body pauses further to applaud and commend the  
10 contributions of Clearwater in its untiring work  
11 to preserve the Hudson River and its watershed  
12 for future generations; and be it further

13 "RESOLVED, That a copy of this  
14 resolution, suitably engrossed, be transmitted to  
15 the Hudson River Sloop Clearwater, Inc., Beacon,  
16 New York."

17 ACTING PRESIDENT MAYER: Senator  
18 Metzger on the resolution.

19 SENATOR METZGER: Thank you,  
20 Madam President.

21 It is an incredible honor to  
22 introduce this resolution to commemorate the  
23 50th anniversary of the launching of the  
24 Hudson River Sloop Clearwater and to celebrate  
25 the 100th anniversary of the birth of

1 Pete Seeger, a man who fought for the rights and  
2 well-being of working people -- of all people.  
3 He's a hero of the labor movement, a hero of the  
4 environmental movement, and a hero of mine.

5           We all grew up on his music. His  
6 songs were as popular in summer camps and  
7 elementary school chorus classes as they were at  
8 political rallies and marches. Pete was born in  
9 New York, and we in the Hudson Valley felt very  
10 fortunate when Pete and his wife Toshi decided to  
11 settle in our beautiful valley.

12           The Hudson River Sloop Clearwater is  
13 part of Pete's important legacy. I am so pleased  
14 to welcome to this chamber Steve Smith, the  
15 chairman of the board of Hudson River Sloop  
16 Clearwater, and Manna Jo Greene, Clearwater  
17 environmental director as well as a dear old  
18 friend.

19           The resolution that was just read  
20 really gives the entire history, so I won't  
21 repeat it. But I just want to say that the work  
22 that Clearwater has done over the decades to  
23 protect the Hudson River -- which is an  
24 incredible treasure to us all -- and the  
25 environment, and to fight for environmental

1 justice has been so important and so personally  
2 formative for me and for our entire region and  
3 really the State of New York.

4 And I'm very proud to recognize  
5 Pete Seeger and his legacy. Thank you very much.

6 And I'd ask that you,  
7 Madam President, extend the privileges and  
8 courtesies of the house to our guests.

9 Thank you.

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

13 (Response of "Aye.")

14 ACTING PRESIDENT MAYER: Opposed?

15 (No response.)

16 ACTING PRESIDENT MAYER: The  
17 resolution is adopted.

18 To our guests, I welcome you on  
19 behalf of the Senate. We extend to you the  
20 privileges and courtesies of the house. Please  
21 rise and be recognized.

22 (Standing ovation.)

23 ACTING PRESIDENT MAYER: Senator  
24 Gianaris.

25 SENATOR GIANARIS: Can we now

1 please take up Resolution 1115, also by  
2 Senator Metzger, read its title only, and  
3 recognize Senator Metzger again.

4 ACTING PRESIDENT MAYER: The  
5 Secretary shall read.

6 THE SECRETARY: Senate Resolution  
7 1115, by Senator Metzger, commemorating the  
8 20th Annual World Falun Dafa Day celebration, to  
9 be observed May 13, 2019.

10 ACTING PRESIDENT MAYER: Senator  
11 Metzger on the resolution.

12 SENATOR METZGER: Thank you,  
13 Madam President.

14 I'm pleased to continue the  
15 tradition of my predecessor, Senator Bonacic, and  
16 sponsor a resolution recognizing May 13th as the  
17 20th Annual World Falun Dafa Day.

18 I want to welcome Helena Cheng,  
19 Yu Chen, and two of my constituents, Angela Lee,  
20 of Port Jervis, and James H. Smith, of  
21 Middletown, to this chamber.

22 Falun Dafa, also known as Falun  
23 Gong, is a self-improvement technique practiced  
24 by millions of people around the world.  
25 Practitioners undertake the search for



1 truthfulness, compassion and tolerance, something  
2 we all need, through meditation and a series of  
3 four physical exercises.

4 Practitioners of Falun Gong have  
5 said that they experience improvements to mind  
6 and body, health and happiness, and an increase  
7 in inner peace.

8 Introduced in 1992 to the general  
9 public by Mr. Li Hongzhi, also known as Master  
10 Li, today Falun Dafa is practiced in more than  
11 70 countries and in 41 languages. Falun Gong has  
12 spread through workshops and trainings offered  
13 free to participants.

14 New York opened its doors to the  
15 Falun Dafa community in 1996, offering an  
16 opportunity to introduce the practice to people.

17 In 2017, more than 10,000  
18 practitioners from 57 countries gathered at  
19 celebrations around New York for Falun Dafa Day  
20 events, including parades, dancing and music.  
21 There is a large community of practitioners in my  
22 district in Middletown and Port Jervis, where  
23 they've created a film studio, which I visited  
24 last week, a high school, and a college for arts  
25 where they educate young artists. The art school

1 is also home to five Shen Yun dance troops, who  
2 travel the globe performing elaborate and  
3 acrobatic choreography. The school's mission is  
4 to provide an exceptionally positive, encouraging  
5 and wholesome environment for learning and  
6 self-improvement.

7 Central to all of this are the  
8 tenets of Falun Dafa: Truth, compassion, and  
9 tolerance.

10 They have also put on several public  
11 festivals in my district, including the Moon  
12 Festival and the upcoming Family Festival, as a  
13 way to share their culture and traditions with  
14 the surrounding community.

15 On this World Falun Dafa Day, we  
16 recognize the practitioners of Falun Gong and the  
17 positive and peaceful attributes they encourage.

18 Thank you very much, Madam  
19 President. I ask that you extend to our guests  
20 the courtesies and privileges of the house.

21 ACTING PRESIDENT MAYER: Thank you,  
22 Senator Metzger.

23 Senator Stavisky on the resolution.

24 SENATOR STAVISKY: Thank you.

25 And thank you, Senator Metzger, for

1 sponsoring this resolution recognizing an  
2 important segment of the Asian-American  
3 community.

4 As you know, I represent a large  
5 number of Asian-Americans in Queens County, and  
6 we recognize the contributions that everybody has  
7 made to make our state a better place, and we  
8 thank everybody for their contributions.

9 Thank you.

10 ACTING PRESIDENT MAYER: Thank you.

11 The question is on the resolution.

12 All in favor signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT MAYER: Opposed?

15 (No response.)

16 ACTING PRESIDENT MAYER: The  
17 resolution is adopted.

18 To our guests, I welcome you on  
19 behalf of the Senate. We extend to you the  
20 privileges and courtesies of the house. Please  
21 rise and be recognized.

22 (Standing ovation.)

23 ACTING PRESIDENT MAYER: Senator  
24 Gianaris.

25 SENATOR GIANARIS: Thank you,

1 Madam President.

2 Can we now move to on Resolution  
3 1368, by Senator Little, read its title only, and  
4 recognize Senator Little.

5 ACTING PRESIDENT MAYER: The  
6 Secretary shall read.

7 THE SECRETARY: Senate Resolution  
8 1368, by Senator Little, memorializing Governor  
9 Andrew M. Cuomo to proclaim May 5th through 12th,  
10 2019, as Fibromyalgia Awareness Week in the State  
11 of New York.

12 ACTING PRESIDENT MAYER: Senator  
13 Little on the resolution.

14 SENATOR LITTLE: Thank you,  
15 Madam President.

16 For a number of years I have  
17 supported this resolution on fibromyalgia. And  
18 it is very important. There are over 10 million  
19 people in the United States that have been  
20 diagnosed with fibromyalgia. Even though the  
21 majority are women, it still affects children and  
22 men. And this year a focus is on pediatric  
23 fibromyalgia, which is pretty sad.

24 The average time to actually be  
25 diagnosed with fibromyalgia takes about five

1 years. And in that five-year period there is a  
2 lot of distress, pain, questioning and just  
3 really being unsettled, not knowing what you have  
4 and how you're going to be able to get it taken  
5 care of.

6 Treating it is a team approach,  
7 including traditional and complementary  
8 therapies. So far some of the therapies are not  
9 covered by insurance, which is difficult for  
10 patients. And so far they have not been allowed  
11 to have medical marijuana, which is not covered  
12 by insurance either, but it's something they  
13 would like to see happen at some point.

14 The Fibromyalgia Task Force is  
15 focusing on three things this year. They are  
16 continuing to pass out their report, which they  
17 have done. So far they've distributed 6500  
18 copies of that report around the state and  
19 country. And they are creating continuing  
20 education materials for physicians as well as  
21 working to create an Integrative Center for  
22 Fibromyalgia and Chronic Pain.

23 We're joined today by folks from the  
24 Fibromyalgia Task Force of the International  
25 Institute for Human Empowerment. Once again

1 joining us is Dr. Sue Shipe, who is founder and  
2 chair, and a fibromyalgia patient, and her  
3 husband, Brian Hart. Also Dr. Phil Albrecht, a  
4 medical researcher in pain and fibromyalgia at  
5 Intidyn, is here with us, and Ms. Lisa Houck, who  
6 is a disability person helping people who have  
7 this disease.

8 I'm also happy to say that a lot of  
9 this takes place right here in the Capital  
10 District at Albany Medical.

11 So I would ask you, Madam President,  
12 if you would give them the courtesies of the  
13 house and welcome them today. And, you know,  
14 hopefully we all think about and know a little  
15 bit more about fibromyalgia.

16 Thank you.

17 ACTING PRESIDENT MAYER: Thank you,  
18 Senator Little.

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

21 (Response of "Aye.")

22 ACTING PRESIDENT MAYER: Opposed?

23 (No response.)

24 ACTING PRESIDENT MAYER: The  
25 resolution is adopted.

1           To our guests, we welcome you on  
2   behalf of the Senate. We extend to you the  
3   privileges and courtesies of the house. Please  
4   rise and be recognized.

5           (Standing ovation.)

6           ACTING PRESIDENT MAYER:    Senator  
7   Gianaris.

8           SENATOR GIANARIS:    Madam President,  
9   please take up Resolution 794, by Senator Serino,  
10  read its title only, and recognize Senator  
11  Serino.

12          ACTING PRESIDENT MAYER:    The  
13  Secretary will read.

14          THE SECRETARY:    Senate Resolution  
15  794, by Senator Serino, memorializing Governor  
16  Andrew M. Cuomo to proclaim May 2019 as Lyme  
17  Disease Awareness Month in the State of New York.

18          ACTING PRESIDENT MAYER:    Senator  
19  Serino on the resolution.

20          SENATOR SERINO:    Thank you,  
21  Madam President.

22                 May is Lyme Disease Awareness Month,  
23  and I would just like to take a moment to  
24  recognize a couple that I call true champions in  
25  the fight on Lyme: Jill and Ira Auerbach. Many

1 of you might recognize them, because they've been  
2 traveling the state to spread the message, talk  
3 about education as the key to prevention. And  
4 they've been so helpful with helping with  
5 legislation. So thank you from the bottom of my  
6 heart. Thank you.

7               Since taking office, I have been  
8 honored to have the opportunity to stand and  
9 raise awareness for a problem that has been  
10 plaguing our state for far too long. New York  
11 has been considered the epicenter for the Lyme  
12 and tick-borne disease epidemic that is sweeping  
13 the Northeast. Over 400,000 new cases of Lyme  
14 disease are diagnosed each year, and 25 percent  
15 of those cases are reported right here in  
16 New York State.

17              It's important to note that the  
18 statistic is based on reported cases of Lyme.  
19 And even our state's health commissioner has  
20 testified to the fact that we know countless  
21 cases actually go unreported.

22              Last year I noted when I rose that I  
23 was doing so with a greater sense of urgency,  
24 given a report that had just been released by the  
25 CDC which found that the rates of illness caused



1 by ticks, fleas and mosquitoes has tripled since  
2 the early 2000s. That's a scary thought. That  
3 report went on to note that the U.S. is wholly  
4 unprepared to contain the spread.

5 At the time, we were optimistic that  
6 New York was moving in the right direction,  
7 directing critical resources and unprecedented  
8 funding toward this issue and passing legislation  
9 to protect New Yorkers and raise critical  
10 awareness.

11 Today, if it's possible, I rise with  
12 an even greater sense of urgency. New York faces  
13 a critical tipping point, and inaction at the  
14 state level threatens to take us backwards at a  
15 time when the risk is clearly on the rise. And I  
16 and thousands of New Yorkers who suffer from Lyme  
17 and tick-borne diseases were very disappointed  
18 that the money that we fought for the past few  
19 years that was put in the budget was eliminated  
20 this year.

21 I urge my colleagues to take up this  
22 fight. You know, there's been a lot of talk  
23 right now that there's state funding still  
24 available. So today my colleagues and I sent a  
25 letter to the Governor urging him to make Lyme

1 disease a priority should funding become  
2 available, and I hope my colleagues sign on.

3           What was long considered a downstate  
4 problem is now a major statewide issue. And  
5 every one of us in this chamber has a duty to our  
6 constituents to ensure that it remains a top  
7 priority. There are many issues we come across  
8 that transcend politics, and combating Lyme and  
9 tick-borne diseases is absolutely one of them.

10           Today, in honor of Lyme Disease  
11 Awareness Month, I'm urging my colleagues on both  
12 sides of the aisle to hear the voices of our  
13 constituents who are suffering and to ensure that  
14 tackling ticks remains a priority, not only  
15 during the month of May but every day.

16           Thank you.

17           ACTING PRESIDENT MAYER: Thank you.

18           Senator Helming on the resolution.

19           SENATOR HELMING: Thank you, Madam  
20 President.

21           And I just want to comment that it's  
22 so good to see a woman serving as President  
23 Pro Tem today on the day that we recognize women.  
24 Welcome.

25           I reside today to commemorate Lyme

1 Disease Awareness Month. I want to thank the  
2 sponsor of this resolution, Senator Sue Serino,  
3 who has truly been the legislative leader on this  
4 issue for a number of years now.

5 New York State continues to be a  
6 hotbed for Lyme and tick-borne diseases. The CDC  
7 reports our state has the third-highest number of  
8 confirmed diseases. In 2017, New York State had  
9 more than 8,700 cases reported.

10 In 2018, the Senate passed a budget  
11 that provided historic funding to address this  
12 public health threat. This funding continues to  
13 be leveraged today to support research, increase  
14 public awareness through our local public health  
15 departments, and increase tick collection sites  
16 through the State Department of Health. In the  
17 past we've also enacted measures aimed at  
18 preventing and treating these illnesses.

19 Sadly, the budget that we passed  
20 this year in 2019 includes no new funding to  
21 continue this important work.

22 At the local level I've had the  
23 opportunity to host roundtables on this issue and  
24 to attend support group meetings. The stories I  
25 hear I find, as a human being, are just

1     heartbreaking and tragic. As a state legislator,  
2     these stories I find to be just so incredibly  
3     frustrating.

4                 I want to talk for a moment about  
5     Liv Keller, a recent high school graduate. Two  
6     years ago I recognized her as a New York State  
7     Senate Youth Leader. At that time she was an  
8     outstanding student athlete, someone who was  
9     committed to helping her community in a number of  
10    ways. Liv was on her way to college, and she had  
11    plans to go on to medical school. That was all  
12    put on hold when suddenly she became deathly ill  
13    with Lyme disease.

14                Liv has suffered horribly for an  
15    extended time. And if it wasn't for the tenacity  
16    of her mother and her constant digging and  
17    pushing for answers, I'm not sure what Liv's  
18    status would be today.

19                Liv shared with me something that  
20    I'd like to share with this body today. She  
21    says: "Nobody asks for illness. Nobody wants to  
22    spend their lives trying to seek validation,  
23    answers and proper treatment from the medical  
24    community for unexplained illness." When  
25    symptoms as bizarre as Lyme disease and other

1 tick-borne illness cannot be explained because a  
2 test fails to accurately paint a picture of what  
3 is going on in the human body, medicine fails us.

4           Due to the strongly intertwined  
5 relationship that exists between medicine, Big  
6 Pharma and politics, creating a wave of change of  
7 any kind can seem daunting and impossible. But  
8 Lyme disease is real and can affect anyone,  
9 regardless of race, gender, religion or social  
10 status. This is an issue bigger than all of us.  
11 It will continue to plague our society if more  
12 funding for prevention, treatment and coverage,  
13 and education isn't found.

14           So to my colleagues here today, I  
15 offer this. Lyme and tick-borne diseases are  
16 impacting thousands of New Yorkers. We must make  
17 it a priority to work together to pass  
18 legislation and to provide funding to guide the  
19 development of strategies to address this  
20 ever-increasing risk.

21           I respectfully urge members of this  
22 body, especially those in the Majority, to  
23 restore funding and to show those suffering from  
24 Lyme and tick-borne diseases, people like Liv,  
25 that we care about putting an end to this

1     horrible illness and that we won't allow politics  
2     to stand in the way.

3                     Thank you, Madam President.

4                     ACTING PRESIDENT MAYER:     Thank you.

5                     Senator Metzger on the resolution.

6                     SENATOR METZGER:     Thank you,  
7     Madam President.

8                     I would like to commemorate Lyme  
9     Disease Awareness Month, as someone who has had  
10    Lyme disease five times.  And I consider myself  
11    lucky because I got -- in four of the five cases,  
12    got that telltale bull's-eye early and was able  
13    to catch it before I got too sick.  The one time  
14    I didn't get it, I ended up in the emergency  
15    room.  I know in the Hudson Valley, and now as  
16    our previous speakers have said, it's everywhere.  
17    It used -- but it's a fact of life in rural  
18    communities.  And it is a public health crisis  
19    that we have to address at every level -- state  
20    regional, local.

21                    As chair of the Agriculture  
22    Committee, I am acutely aware of how this disease  
23    is affecting farmers and farmworkers, who are  
24    particularly vulnerable to it.  So I know my  
25    colleagues share my concern for this issue, and

1 we will be working together on legislation and  
2 also to identify the resources to put to this  
3 public health crisis.

4 Thank you very much.

5 ACTING PRESIDENT MAYER: Thank you.

6 The question is on the resolution.

7 All in favor signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT MAYER: Opposed?

10 (No response.)

11 ACTING PRESIDENT MAYER: The  
12 resolution is adopted.

13 To our guests -- I believe there are  
14 guests here. Good. I welcome you on behalf of  
15 the Senate. We extend to you the privileges and  
16 courtesies of the house. Please rise and be  
17 recognized.

18 (Standing ovation.)

19 ACTING PRESIDENT MAYER: Senator  
20 Gianaris.

21 SENATOR GIANARIS: Madam President,  
22 can we now take up the reading of the calendar.

23 ACTING PRESIDENT MAYER: The  
24 Secretary will read.

25 THE SECRETARY: Calendar Number 57,

1 Senate Print 221A, by Senator Benjamin, an act to  
2 amend the Judiciary Law.

3 SENATOR GRIFFO: Lay it aside.

4 ACTING PRESIDENT MAYER: Lay it  
5 aside.

6 There's a substitution at the desk.

7 The Secretary will read.

8 THE SECRETARY: On page 17, Senator  
9 Griffio moves to discharge, from the Committee on  
10 Transportation, Assembly Bill Number 5701B and  
11 substitute it for the identical Senate Bill  
12 3220B, Third Reading Calendar 234.

13 ACTING PRESIDENT MAYER:  
14 Substitution so ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number  
17 234, Assembly Print 5701B, by Assemblymember  
18 Buttenschon, an act to amend the Highway Law.

19 ACTING PRESIDENT MAYER: Read the  
20 last section.

21 THE SECRETARY: Section 3. This  
22 act shall take effect on the 30th day after it  
23 shall have become a law.

24 ACTING PRESIDENT MAYER: Call the  
25 roll.



1 (The Secretary called the roll.)

2 ACTING PRESIDENT MAYER: Announce  
3 the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT MAYER: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 242, Senate Print 3550, by Senator Carlucci, an  
9 act in relation to the examination of an  
10 incarcerated individual's reentry planning.

11 ACTING PRESIDENT MAYER: Read the  
12 last section.

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

15 ACTING PRESIDENT MAYER: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Announce  
19 the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT MAYER: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 305, Senate Print 3337B, by Senator Gaughran, an  
25 act to amend the Civil Practice Law and Rules.

1                   ACTING PRESIDENT MAYER:    Read the  
2   last section.

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

5                   ACTING PRESIDENT MAYER:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT MAYER:    Senator  
9   Gaughran to explain his vote.

10                  SENATOR GAUGHRAN:    Thank you,  
11   Madam President.

12                  Over the next few years this state  
13   will be paying billions of dollars to assist  
14   public local water entities and municipalities  
15   all over this state to deal with pollution in the  
16   water supply -- pollutants that are already there  
17   and recognized by the State of New York as  
18   contaminated, others that are emerging that the  
19   state will soon impose new regulations on.

20                  This bill is very simple.  It pushes  
21   the burden, as much as it can, onto the polluters  
22   and away from the taxpayers.  It has been  
23   estimated that just to meet the new emerging  
24   contaminants with these new regulations, and just  
25   on Long Island, public water entities are going

1 to have to pay over \$840 million to deal with  
2 this burden.

3 So I thank the leadership for  
4 allowing this bill to move forward and my  
5 colleagues for supporting it, because this is  
6 really vital to protect the taxpayers of this  
7 entire state. And I vote in the affirmative.

8 ACTING PRESIDENT MAYER: Senator  
9 Gaughran in the affirmative.

10 Announce the results.

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT MAYER: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 316, Senate Print 4308A, by Senator Gounardes, an  
16 act to amend the Retirement and Social Security  
17 Law.

18 ACTING PRESIDENT MAYER: Read the  
19 last section.

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

22 ACTING PRESIDENT MAYER: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAYER: Announce

1 the results.

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT MAYER: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 412, Senate Print 4685A, by Senator Skoufis, an  
7 act to amend the Public Officers Law.

8 ACTING PRESIDENT MAYER: Read the  
9 last section.

10 THE SECRETARY: Section 3. This  
11 act shall take effect on the 180th day after it  
12 shall have become a law.

13 ACTING PRESIDENT MAYER: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT MAYER: Announce  
17 the results.

18 THE SECRETARY: In relation to  
19 Calendar Number 412, those Senators voting in the  
20 negative are Senators Akshar, Amedore, Antonacci,  
21 Flanagan, Gallivan, Griffio, Helming, Jacobs,  
22 Jordan, Lanza, O'Mara, Ortt, Ranzenhofer,  
23 Ritchie, Serino, Seward and Tedisco.

24 Ayes, 44. Nays, 17.

25 ACTING PRESIDENT MAYER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 440, Senate Print 4641, by Senator Persaud, an  
4 act to amend the Social Services Law.

5 ACTING PRESIDENT MAYER: Read the  
6 last section.

7 THE SECRETARY: Section 2. This  
8 act shall take effect on the 90th day after it  
9 shall have become a law.

10 ACTING PRESIDENT MAYER: Call the  
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MAYER: Announce  
14 the results.

15 THE SECRETARY: In relation to  
16 Calendar Number 440, those Senators voting in the  
17 negative are Senators Akshar, Antonacci, Griffo,  
18 Jacobs, Jordan, LaValle, O'Mara, Ortt,  
19 Ranzenhofer, Serino and Tedisco.

20 Ayes, 50. Nays, 11.

21 ACTING PRESIDENT MAYER: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 460, Senate Print 494, by Senator Rivera, an act  
25 to amend the Insurance Law.

1           ACTING PRESIDENT MAYER:    Read the  
2   last section.

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

5           ACTING PRESIDENT MAYER:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8           ACTING PRESIDENT MAYER:    Senator  
9   Rivera to explain his vote.

10          SENATOR RIVERA:    Thank you,  
11   Madam President.

12                 I want to thank both Senator  
13   Sepúlveda for putting this on the agenda, as well  
14   as my leader for moving it to the floor.

15                 Now, this is an expansion of a  
16   charitable bail organization bill that I passed  
17   all the way back in 2012.  I'm very proud of this  
18   piece of legislation.  It made possible the  
19   existence of charitable bail organizations like  
20   the Bronx Freedom Fund that exists in the Bronx  
21   and was actually the first one that existed in  
22   the state.

23                 It allows for organizations,  
24   nonprofit organizations to post bail on behalf of  
25   indigent individuals.  Now, we have done much as

1 it relates to bail this year, but this would  
2 actually expand the charitable bail bill to make  
3 sure that for those individuals that are not  
4 covered by some of the changes that we achieved  
5 during the budget, they actually get to be  
6 considered.

7 Now again, just to talk just for a  
8 second about what the Bronx Freedom Fund has been  
9 able to achieve. In the three years it has been  
10 in effect, the bill, 96 percent of the Bronx  
11 Freedom Fund's clients have returned for every  
12 single court date. And remember, again, what  
13 bail is. It's not supposed to be punishment, it  
14 is supposed to be a way to make sure that you  
15 come back to court.

16 So 96 percent of the people that the  
17 Bronx Freedom Fund have posted on behalf of have  
18 had their day in court and have been able to go  
19 back home so they do not lose access to jobs or  
20 housing or custody of their children. And 55  
21 percent of those for whom the Bronx Freedom Fund  
22 has posted bail have actually had their cases  
23 dismissed of all charges.

24 So this works. I am glad that we're  
25 able to expand it today, Madam President, and I

1 will be voting in the affirmative.

2 Thank you.

3 ACTING PRESIDENT MAYER: Senator  
4 Rivera to be recorded in the affirmative.

5 Senator Sepúlveda to explain his  
6 vote.

7 SENATOR SEPÚLVEDA: Thank you,  
8 Madam President, for allowing me to explain my  
9 vote.

10 First I want to thank Senator  
11 Rivera, Majority Leader Stewart-Cousins, and my  
12 colleagues. I am so proud to be a cosponsor of  
13 this bill.

14 The bill will amend the Insurance  
15 Law to enable charitable bail organizations to  
16 provide more effective assistance to indigent  
17 persons. It would reduce the certification fee  
18 required for nonprofit organizations from \$1,000  
19 to \$500, to raise the monetary amount that such  
20 organizations may provide in bail assistance, and  
21 remove the geographic restrictions that an  
22 organization may only bail in one county.

23 The system is already unfair, the  
24 cash bail system is already unfair to poor  
25 defendants. Bail greatly influences case



1 outcomes, especially for poor people. People who  
2 are released pretrial are more likely to be  
3 acquitted than those who are not. They are less  
4 likely to take plea deals as a way to get out of  
5 jail.

6 Millions of Americans are  
7 incarcerated while awaiting trial, sometimes for  
8 very lengthy, unjustified periods, including  
9 45,000 people in New York City alone. They are  
10 in jail simply because they don't have the funds  
11 to post bail.

12 Charitable organizations can help  
13 assist with cash bail and help keep people out of  
14 jail. Your stay in prison should not be  
15 dependent on the amount of money that you have,  
16 or your parents, or the zip code that you come  
17 from.

18 As a result of pretrial  
19 incarceration, individuals may lose their  
20 employment and housing, and this bill seeks to  
21 alleviate those possible consequences by enabling  
22 more nonprofit organizations to establish bail  
23 funds in the state and to provide assistance to  
24 individuals in need.

25 I vote affirmatively. Thank you.

1                   ACTING PRESIDENT MAYER:    Senator  
2   Sepúlveda will be recorded in the affirmative.

3                   Senator Bailey to explain his vote.

4                   SENATOR BAILEY:    Thank you,  
5   Madam President.

6                   I would echo the same sentiments of  
7   Senator Sepúlveda.

8                   And Senator Rivera, thank you for  
9   not only introducing this bill but being a  
10   champion of it here and also back in our home  
11   borough of the Bronx.  We appreciate the work  
12   that you've been doing.

13                  To Leader Stewart-Cousins, thank you  
14   for allowing this to get to the floor.

15                  The statistics that were shared by  
16   Senator Sepúlveda, I will not belabor the point,  
17   but I will simply state that this is another  
18   great step that we need to take in our state.  
19   Wealth-based detention is abhorrent, and people  
20   should not be in jail based upon their inability  
21   to pay to get out of jail.  This simply allows  
22   more organizations to be able to do more for more  
23   people.

24                  And if we are in the business of  
25   helping people, we should be supporting pieces of

1       legislation just like this.

2                       I vote in the affirmative,

3       Madam President. Thank you.

4                       ACTING PRESIDENT MAYER:     Senator

5       Bailey will be recorded in the affirmative.

6                       Announce the results.

7                       THE SECRETARY:     In relation to  
8       Calendar Number 460, those Senators voting in the  
9       negative are Senators Akshar, Amedore, Antonacci,  
10      Flanagan, Gallivan, Griffio, Helming, Jacobs,  
11      Jordan, Lanza, LaValle, Little, Martinez, O'Mara,  
12      Ortt, Ranzenhofer, Ritchie, Robach, Serino,  
13      Seward and Tedisco.

14                      Ayes, 40.   Nays, 21.

15                      ACTING PRESIDENT MAYER:     The bill  
16      is passed.

17                      THE SECRETARY:     Calendar Number  
18      473, Senate Print 4756, by Senator Brooks, an act  
19      to amend the Executive Law.

20                      ACTING PRESIDENT MAYER:     Read the  
21      last section.

22                      THE SECRETARY:     Section 2. This  
23      act shall take effect on the 90th day after it  
24      shall have become a law.

25                      ACTING PRESIDENT MAYER:     Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER: Announce  
4 the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT MAYER: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 477, Senate Print 3842B, by Senator Stavisky, an  
10 act to amend the Business Corporation Law.

11 ACTING PRESIDENT MAYER: Read the  
12 last section.

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

15 ACTING PRESIDENT MAYER: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Announce  
19 the results.

20 THE SECRETARY: In relation to  
21 Calendar Number 477, those Senators voting in the  
22 negative are Senators Antonacci and Lanza.

23 Ayes, 59. Nays, 2.

24 ACTING PRESIDENT MAYER: The bill  
25 is passed.

1                   THE SECRETARY:   Calendar Number  
2   484, Senate Print 3986, by Senator Stavisky, an  
3   act to amend the Executive Law.

4                   ACTING PRESIDENT MAYER:   Read the  
5   last section.

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

8                   ACTING PRESIDENT MAYER:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT MAYER:   Announce  
12   the results.

13                   THE SECRETARY:   Ayes, 61.

14                   ACTING PRESIDENT MAYER:   The bill  
15   is passed.

16                   THE SECRETARY:   Calendar Number  
17   522, Senate Print 3841, by Senator Gounardes, an  
18   act to amend the Retirement and Social Security  
19   Law.

20                   ACTING PRESIDENT MAYER:   Read the  
21   last section.

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

24                   ACTING PRESIDENT MAYER:   Call the  
25   roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT MAYER: Announce  
3 the results.

4 THE SECRETARY: In relation to  
5 Calendar Number 522, Senator Lanza voting in the  
6 negative.

7 Ayes, 60. Nays, 1.

8 ACTING PRESIDENT MAYER: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 523, Assembly Print 5386, substituted earlier by  
12 Assemblymember Abbate, an act to amend the  
13 Civil Service Law.

14 ACTING PRESIDENT MAYER: Read the  
15 last section.

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

18 ACTING PRESIDENT MAYER: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT MAYER: Announce  
22 the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT MAYER: The bill  
25 is passed.

1                   THE SECRETARY:    Calendar Number  
2   527, Senate Print 2861, by Senator Parker, an act  
3   to amend the Public Service Law.

4                   ACTING PRESIDENT MAYER:   Read the  
5   last section.

6                   THE SECRETARY:    Section 2.   This  
7   act shall take effect on the 180th day after it  
8   shall have become a law.

9                   ACTING PRESIDENT MAYER:   Call the  
10   roll.

11                   (The Secretary called the roll.)

12                   ACTING PRESIDENT MAYER:   Announce  
13   the results.

14                   THE SECRETARY:    In relation to  
15   Calendar Number 527, those Senators voting in the  
16   negative are Senators Akshar, Antonacci,  
17   Gallivan, Helming, Jacobs, Jordan, O'Mara, Ortt,  
18   Ranzenhofer, Serino and Seward.

19                   Ayes, 50.   Nays, 11.

20                   ACTING PRESIDENT MAYER:   The bill  
21   is passed.

22                   Senator Gianaris, that completes the  
23   reading of today's calendar.

24                   SENATOR GIANARIS:   Can we please  
25   take up the reading of the controversial

1 calendar.

2 ACTING PRESIDENT MAYER: The  
3 Secretary will ring the bell.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number 57,  
6 Senate Print 221A, by Senator Benjamin, an act to  
7 amend the Judiciary Law.

8 ACTING PRESIDENT MAYER: Senator  
9 Griffo, why do you rise?

10 SENATOR GRIFFO: Madam President, I  
11 believe there is an amendment before the desk. I  
12 would waive the reading of that amendment and ask  
13 that Senator Akshar be heard on that.

14 ACTING PRESIDENT MAYER: Thank you,  
15 Senator Griffo.

16 Upon review of the amendment, in  
17 accordance with Rule 6, Section 4B, I rule it  
18 nongermane and out of order at this time.

19 SENATOR GRIFFO: Accordingly,  
20 Madam President, I would appeal that ruling and  
21 ask that you recognize Senator Akshar to be heard  
22 on the appeal.

23 ACTING PRESIDENT MAYER: The appeal  
24 has been made and recognized, and Senator Akshar  
25 may be heard.



1                   SENATOR AKSHAR:     Madam President,  
2     thank you very much.  At the end of the day, I  
3     know we'll probably disagree, but nonetheless I  
4     appreciate your indulgence.

5                   I believe that this amendment is in  
6     fact germane to the bill-in-chief because this  
7     amendment, along with the bill-in-chief, deals  
8     directly with the court system.

9                   By classifying all offenses against  
10    law enforcement officers, firefighters,  
11    correction officers, and EMT personnel as hate  
12    crimes when specifically targeted, the amendment  
13    would provide enhanced protections at a time when  
14    we have seen an increase in violence against  
15    these individuals simply because of the uniform  
16    that they're wearing.

17                  The current law correctly provides  
18    additional penalties for individuals who target  
19    another solely based on their race, their color,  
20    their national origin, their ancestry, their  
21    gender, their religion, age, disability and  
22    sexual orientation.

23                  I believe that these additional  
24    penalties should be applied to law enforcement  
25    members, firefighters, corrections officers and

1 EMTs who are specifically targeted simply for  
2 doing their job.

3 And quite frankly, Madam President,  
4 I can think of no better day to pass this  
5 legislation than on the day when we have the  
6 Police Officers Remembrance Memorial that many of  
7 us were at.

8 For everyone in this room who says  
9 they support our first responders, now is the  
10 time to walk the walk and simply not just talk  
11 the talk. I urge all of my colleagues to vote  
12 yes for this amendment.

13 Thank you, Madam President.

14 ACTING PRESIDENT MAYER: Thank you,  
15 Senator.

16 I want to remind the house that the  
17 vote is on the procedures of the house and the  
18 ruling of the chair. Those in favor of  
19 overruling the chair signify by saying aye.

20 (Response of "Aye.")

21 SENATOR GRIFFO: Request a show of  
22 hands.

23 ACTING PRESIDENT MAYER: A show of  
24 hands has been requested and so ordered.

25 (Show of hands.)

1 THE SECRETARY: Ayes, 21.

2 ACTING PRESIDENT MAYER: The ruling  
3 of the chair stands, and the bill-in-chief is  
4 before the house.

5 Are there any other Senators wishing  
6 to be heard?

7 Seeing and hearing none, debate is  
8 closed.

9 The Secretary will ring the bell.

10 Senator Gianaris.

11 SENATOR GIANARIS: Madam President,  
12 without objection, can we restore this bill to  
13 the noncontroversial calendar.

14 ACTING PRESIDENT MAYER: Without  
15 objection, so ordered.

16 Read the last section.

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

19 ACTING PRESIDENT MAYER: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MAYER: Senator  
23 Gallivan to explain his vote.

24 SENATOR GALLIVAN: Thank you,  
25 Madam President.

1                   Earlier today, as Senator Akshar  
2 mentioned, we honored 63 members -- 63 police  
3 officers who died in the line of duty whose names  
4 were added to the New York Police Officers  
5 Memorial. And it was a wonderful ceremony. Many  
6 of our colleagues in the room attended. Senator  
7 Brooks represented the Majority Leader and the  
8 Senate and did an outstanding job in speaking to  
9 the families and honoring those that made the  
10 ultimate sacrifice on behalf of all our  
11 communities across this state.

12                   When you add these names to the  
13 memorial, the number now totals 1567 names of  
14 police officers who have been killed in the line  
15 of duty across the State of New York protecting  
16 all of us and protecting all of our communities.

17                   There's four names I want to mention  
18 that are on there: Joseph Piagentini, Waverly  
19 Jones, Edward O'Grady, and Waverly Brown. They  
20 are Herman Bell and Judith Clark's victims.

21                   Today it's my belief we're going in  
22 the wrong direction. We are, several hours  
23 earlier, honoring those who are protecting all of  
24 us, and today we're giving rights to their  
25 killers. I vote no.

1                   ACTING PRESIDENT MAYER:    Senator  
2   Gallivan will be recorded in the negative.

3                   Senator Akshar to explain his vote.

4                   SENATOR AKSHAR:    Madam President, I  
5   wholeheartedly agree with Senator Gallivan.  We  
6   are going in the wrong direction.

7                   And today, quite frankly, is another  
8   sad day for the people of this great state.

9                   The scales of justice should always  
10   be balanced.  And what we are seeing today is the  
11   exact opposite, by the policies that we are  
12   seeing come from across the aisle.  In fact, I  
13   would respectfully offer that the policies that  
14   we're putting forth have our fingers on the  
15   scales of justice -- for criminals, not  
16   law-abiding citizens.  And it's doing nothing but  
17   deluding the current criminal justice system.

18                   I am truly beginning to wonder, as I  
19   sit in this body, if we are working for the  
20   taxpayer, if we are working for the law-abiding  
21   citizens, or if we're working for those who are  
22   incarcerated and those who violate law-abiding  
23   citizens.

24                   Today, the Police Memorial  
25   Remembrance Ceremony, it was a somber reminder

1     that there are men and women who have in fact  
2     laid their lives down for their communities:  
3     1,567 names, 1,567 people who have been killed  
4     protecting the people of this great state.

5             And on this very day when we  
6     remember them, what does this body do? I'll tell  
7     you what some of you did. You rejected the  
8     amendment and you doubled down on your support  
9     for criminals. We rejected an amendment that  
10    would have really showed our first responders  
11    that we have their back. It would have really  
12    showed the first responders that we appreciate  
13    them, that we stand up for them, and that we,  
14    this very body, ensure that they are protected.  
15    But no, the Majority couldn't be bothered.

16            Today I'm proudly standing with my  
17    brothers and sisters in blue and am voting no on  
18    this bill.

19            Thank you, Madam President.

20            ACTING PRESIDENT MAYER:    Senator  
21    Akshar to be recorded in the negative.

22            Senator Sepúlveda to explain his  
23    vote.

24            SENATOR SEPÚLVEDA:    Thank you,  
25    Madam President, for allowing me to explain my

1 vote.

2 I want to thank Senator Benjamin,  
3 our leader, and my colleagues.

4 I'm also very proud to cosponsor  
5 this legislation. This legislation relates to  
6 removing the lifetime ban on jury duty for  
7 convicted felons who have completed their  
8 sentencing. Most states already allow convicted  
9 felons who have finished their sentence to  
10 participate in jury duty.

11 If a person has completed their  
12 sentence, that person should be considered  
13 rehabilitated and given an opportunity to have  
14 their full rights of citizenship restored,  
15 including their rights to serve on a jury. When  
16 we start to take away those rights, we impair our  
17 democratic principles.

18 Today an estimated 19.8 million  
19 people, which is roughly about 9 percent of the  
20 U.S. population, currently live with a felony  
21 conviction record. That is 19.8 million  
22 Americans who cannot serve on juries and take  
23 part in our justice system.

24 A study was conducted in the State  
25 of Maine, which is the U.S. jurisdiction that

1 does not restrict a convicted felon's opportunity  
2 to serve as a juror, and it revealed that  
3 convicted felons displayed a dedicated view to  
4 serve on juries, stressing a commitment to serve  
5 conscientiously. Inclusion in the jury process  
6 facilitated pro-social identity shifts by  
7 mitigating the felon label, and helped former  
8 offenders find personal value. The study also  
9 demonstrates that serving on a jury can help  
10 reintegrate them into society by helping build  
11 their self-confidence and view themselves as  
12 equal to other citizens, findings that suggest  
13 that felon-jurors thoughtfully engage in jury  
14 deliberations and their presence may lead to more  
15 just jury outcomes.

16 We should be encouraging everything  
17 as policy that would help them become productive  
18 members of society and reintegrate themselves in  
19 our country.

20 Thank you.

21 ACTING PRESIDENT MAYER: Senator  
22 Sepúlveda to be recorded in the affirmative.

23 Senator Bailey to explain his vote.

24 SENATOR BAILEY: Thank you,  
25 Madam President.



1           I wasn't going to speak on this one,  
2   but I first want to say I appreciate the service  
3   of Senator Gallivan and Senator Akshar as members  
4   of law enforcement.

5           But in reading this bill, felons  
6   being able to serve on juries doesn't -- I don't  
7   see the direct connection with not respecting  
8   police or not being in appreciation of our men  
9   and women in blue or doing something that is an  
10  affront to them. I don't see that correlation.

11          What I see is that if you look in  
12  the Penal Code, that felons are not just violent,  
13  they're not just murderers, they are people who  
14  are convicted of nonviolent things. Imagine  
15  that, nonviolent felons. So if a nonviolent  
16  felon who has been convicted and served their  
17  time cannot reenter and not serve on a jury -- I  
18  just don't see the opposition to something that  
19  simple.

20          Again, these are rights about people  
21  who have gone through the process. And the  
22  assumption is that after you've gone through the  
23  process, you have been rehabilitated, or to the  
24  best of the ability that the system currently  
25  allows.

1                   But when people go through that  
2                   system, they should be allowed to reenter  
3                   society. And we talk about being a society of  
4                   second chances, but I guess second chances depend  
5                   on certain zip codes to some folks, I don't know.

6                   Second chances matter. Allowing  
7                   people to participate in a jury pool -- which  
8                   again, if you speak to a layperson, people are  
9                   calling up the county clerk's offices trying to  
10                  get out of jury duty. Why shouldn't we allow  
11                  people the opportunity to serve? That's a  
12                  question I would posit rhetorically to any of my  
13                  colleagues, regardless of side of the aisle.

14                  Madam President, I vote aye.  
15                  Senator Benjamin, thank you for advancing this  
16                  legislation.

17                  ACTING PRESIDENT MAYER:    Senator  
18                  Bailey to be recorded in the affirmative.

19                  Senator Parker to explain his vote.

20                  SENATOR PARKER:    Thank you, Madam  
21                  President, to explain my vote.

22                  First let me begin by thanking  
23                  Senator Benjamin for putting forward this  
24                  important legislation. I agree with Senator  
25                  Bailey when he says that America is a place of

1 second chances, and certainly the State of  
2 New York ought to be a place of second chances.

3 We should not be throwing people  
4 away. People make mistakes. Some people make  
5 grievous mistakes and shouldn't be returned to  
6 society. But that's not our decision; that's the  
7 decision of our criminal justice system. That's  
8 the decision of judges and juries. And when they  
9 make those decisions, then in fact we should  
10 abide by those decisions.

11 When in fact people are given  
12 sentences and then allowed to return to society,  
13 then we should integrate those people back into  
14 society. Right? And we have parole boards,  
15 right, that make determinations about that. And  
16 so here, once we've allowed somebody to return  
17 into society, we should allow them to recoup  
18 their rights. And certainly this is a basic  
19 right. It will increase our jury pools and will  
20 certainly do much to make sure that people are  
21 not returning to prison because they'll feel more  
22 responsible to their communities.

23 And certainly we certainly  
24 understand that this kind of false dichotomy  
25 between reintegrating people who have served

1 their time to society and have been released  
2 through the proper channels to society, returning  
3 their rights is -- has no opposition to  
4 supporting our first responders or law  
5 enforcement.

6           The reality is that we respect our  
7 law enforcement, we need them to protect our  
8 communities. And once they've done their job --  
9 and we commend them on the job they've done --  
10 and we've prosecuted people, to then allow those  
11 people, once they've paid their debt to society,  
12 to be returned to rights is no conflict.

13           I vote aye on this bill and am  
14 looking forward to more work that we can do to  
15 help, you know, reinvest people in our  
16 communities and make this state the kind of state  
17 that we'd be proud to live in.

18           ACTING PRESIDENT MAYER: Thank you.  
19 Senator Parker to be recorded in the affirmative.

20           Senator Myrie to explain his vote.

21           SENATOR MYRIE: Thank you,  
22 Madam President.

23           I'd like to thank the sponsor of the  
24 bill, Senator Benjamin, my colleague.

25           I, like Senator Bailey, did not plan

1 to speak on this bill, but I think it is  
2 important to address what is being discussed in  
3 this chamber. Consider the choice that our  
4 friends on the other side of the aisle are asking  
5 us to make: Either you support law enforcement  
6 or you support the rights of individuals. You  
7 cannot do both at the same time.

8 That is a discussion that is being  
9 put forth in this chamber, and it is a dangerous  
10 one. Because this is not the first time that we  
11 will be expanding the rights and it is not the  
12 last time that we will be expanding the rights of  
13 those that are entitled to it.

14 We support our first responders. We  
15 live with our first responders. Our first  
16 responders live amongst us. We interact with  
17 them on a daily basis, so we have a profound  
18 respect for the work that they do.

19 But we also have a profound  
20 respect for the rights that individuals are  
21 entitled to. And the rehabilitation and  
22 reintegration of those who have made mistakes in  
23 their lives is paramount to public safety --  
24 public safety that my friends claim to want to  
25 uphold.

1                   So I proudly vote in the affirmative  
2                   for this bill today, because the integration of  
3                   those who have made mistakes is critical to the  
4                   success of our communities, and we can do that  
5                   while supporting our first responders at the same  
6                   time.

7                   Thank you, Madam President.

8                   ACTING PRESIDENT MAYER:    Senator  
9                   Myrie to be recorded in the affirmative.

10                  Senator Jackson to explain his vote.

11                  SENATOR JACKSON:    Thank you,  
12                  Madam President and my colleagues.  I rise to  
13                  support our colleague Senator Benjamin and this  
14                  bill.

15                  I've served on many juries.  And as  
16                  you know, when you enter the pool, attorneys have  
17                  the right to question you to determine whether or  
18                  not, in their opinion, you're fit to serve or  
19                  whether they want to challenge you as a juror in  
20                  order to try to excuse you.  That's part of the  
21                  law.  That's part of the process.

22                  And I agree with my colleague  
23                  Senator Myrie.  This is not about law enforcement  
24                  versus people's rights.  People have rights, and  
25                  we expect them to, you know, to abide by those

1 rights. And we expect law enforcement to respect  
2 that, just like we respect them.

3 I served in the City Council. I  
4 have received cufflinks from the commissioner of  
5 the Police Department and the commissioner of the  
6 Fire Department, and I wear them sometimes one  
7 blue and one red, for NYPD and FDNY. And why do  
8 I wear them? Because when we as citizens, we  
9 have an emergency, we dial 911.

10 And I say to all of you, this is not  
11 one versus the other. This is about respecting  
12 the men and women in blue and all of the first  
13 responders and also giving people what their  
14 rights are after they've served their time in  
15 prison and they're coming back to their  
16 communities to live their lives. And that's what  
17 this is about.

18 So Senator, thank you for putting  
19 forward the bill, and I vote yes on this bill.

20 ACTING PRESIDENT MAYER: Senator  
21 Jackson to be recorded in the affirmative.

22 Senator Hoylman to explain his vote.

23 SENATOR HOYLMAN: Thank you,  
24 Madam President.

25 I wanted to thank Senator Benjamin

1 for this legislation, which I was happy to move  
2 through the Judiciary Committee.

3           You know, I am overwhelmed by the  
4 amount of sanctimony coming from our friends  
5 across the aisle. And the notion that somehow  
6 our conference is doing the bidding of criminals,  
7 as it was said, is absolutely ludicrous. It's  
8 ludicrous, Madam President, because for the last  
9 decade -- for the last decade, our friends across  
10 the aisle blocked the Child Victims Act. For the  
11 last decade, our friends across the aisle took  
12 every step, procedural and otherwise, to make  
13 certain that the survivors of child sexual abuse,  
14 the victims of the most heinous crimes in our  
15 society, were not afforded justice in the State  
16 of New York.

17           I am appalled that there would be a  
18 suggestion that somehow you now have the moral  
19 high ground when it comes to victims' rights.

20           Madam President, I vote aye.

21           ACTING PRESIDENT MAYER:    Senator  
22 Hoylman to be recorded in the affirmative.

23           Senator Savino to explain her vote.

24           SENATOR SAVINO:    Thank you,  
25 Madam President.



1           I also was not going to speak on the  
2 bill, but I think it's important that we do set  
3 that record straight.

4           You know, as they say, it's okay to  
5 disagree without being disagreeable. And I don't  
6 think that we should equate these issues to  
7 suggest for one minute that the restoration of  
8 the ability to serve on a jury -- and let's think  
9 about this. More and more of us fight every day  
10 to get out of jury duty, Senators, you know, and  
11 felons alike. Nobody wants to serve on jury  
12 duty.

13           I think Senator Jackson mentioned  
14 how attorneys on both sides of this issue will  
15 probably vigorously object to anyone who had a  
16 felony conviction who had their rights restored  
17 to be able to serve on jury duty from even  
18 serving on that jury. So in some respects maybe  
19 none of these people will ever serve on a jury.  
20 And I would guarantee you they don't want to,  
21 anymore than the rest of us do.

22           But convicted felons, after they've  
23 served their time and they've met their  
24 sentencing requirements, are entitled to request  
25 the restoration of a whole lot of rights --

1 voting rights, if they've had a license revoked,  
2 they can apply for that. There's a lot of things  
3 you get the right to have restored to you if you  
4 have served your time and paid your price to  
5 society.

6 So why not let them sit on jury duty  
7 too? None of the rest of us want to do it.

8 But I will say I'm not going to  
9 allow you to get away with saying that we don't  
10 care about men and women in law enforcement. I'm  
11 just not going to let you do that. In fact, I  
12 voted for your bill when it was on the floor in  
13 this house when it passed. I voted for it  
14 yesterday in the Judiciary Committee. I was  
15 criticized then, and I'm going to get criticized  
16 today for not voting for a hostile amendment.

17 But to suggest that if we think it's  
18 okay for people who don't want to serve on jury  
19 duty to be able to have that right restored to  
20 them, somehow that means we don't care about men  
21 and women who are serving in uniform? I'm not  
22 going to let you do that. Because you know  
23 that's not true. You know that's not true. You  
24 know that's not true. You all know that's not  
25 true.

1                   Vote against the bill because you  
2           don't think felons should have the wisdom or the  
3           ability to sit and judge people or judge a jury.  
4           I accept that. But don't vote against the bill  
5           because somehow or other you think we're opposed  
6           to law enforcement and we're empowering  
7           criminals.

8                   I vote in favor of the bill,  
9           Madam President.

10                   ACTING PRESIDENT MAYER: Thank you.  
11           Senator Savino to be recorded in the affirmative.

12                   Senator May to explain her vote.

13                   SENATOR MAY: Thank you,  
14           Madam President.

15                   And thank you, Senator Benjamin, for  
16           this bill.

17                   I would like to invite my colleagues  
18           across the aisle to join me on a walk with  
19           OG's Against Gun Violence, which is an incredible  
20           group in Syracuse started by a true hero,  
21           Cliff Ryan, who served time and doesn't want  
22           anyone else to serve time. And so he walks to  
23           the most dangerous spots in town, the places  
24           where violence is most likely to break out, and  
25           he intervenes and he stops young people from

1 getting involved in gun violence.

2 He has stepped in between people who  
3 were about to shoot each other, and he has been  
4 injured numerous times. He now trains a lot of  
5 other former felons to do the same thing, to walk  
6 around and talk to young people and teach them  
7 about right and wrong, about the consequences of  
8 their actions, and to keep them from harm.

9 It is incredibly beautiful and  
10 powerful to watch him at work and go out with him  
11 and walk the streets. I would trust no one more  
12 than Cliff Ryan to sit on a jury and make wise  
13 decisions about right and wrong, as I said, and  
14 about what the consequences should be of our  
15 actions.

16 I really do believe that this bill  
17 honors life experience that we should honor and  
18 we should respect, people who have served their  
19 time and been rehabilitated and want to serve  
20 society again.

21 So I proudly vote in favor of this  
22 bill. Thank you.

23 ACTING PRESIDENT MAYER: Senator  
24 May to be recorded in the affirmative.

25 Senator Amedore to explain his vote.

1                   SENATOR AMEDORE:    Thank you,  
2   Madam President.

3                   I think we're getting lost in the  
4   narrative in the -- we're starting to get into  
5   the partisan politics here.  Let's think about  
6   what we're talking about with this bill.

7                   We're talking about individuals who  
8   are convicted felons, who made mistakes, whether  
9   it was violent or nonviolent.  They went to jail,  
10  they paid their price.  Now we're talking about  
11  having them reenter back into society as  
12  law-abiding citizens, hopefully, because they  
13  paid the price, because maybe they learned and  
14  they asked for forgiveness and they got  
15  rehabilitated.  But they're still labeled as a  
16  felon and they still do not have the rights  
17  because they are labeled "felon."

18                  So this bill singles out one  
19  specific right or the ability for a felon to  
20  basically enjoy their freedoms and liberties or  
21  their rights as a citizen of this country, the  
22  right to -- because it removes the lifetime ban  
23  on jury duty.

24                  The sponsor of this bill or the  
25  Majority is not, is not removing all the other

1     lifetime bans that a felon has to live with when  
2     he or she is convicted a felon.

3                     Where is there the restoration of  
4     the right to go and get your job back and trade  
5     on the security market if you're a convicted  
6     felon? Where is there the right to your Second  
7     Amendment, that you can get your guns or your  
8     firearms back? Or driver's license back? Or  
9     specific rights and liberties that they lost  
10    because they are a felon?

11                    This bill doesn't do that. This  
12    bill allows a felon to sit on jury duty. That's  
13    it. I don't think if we're going to restore the  
14    rights of men and women who paid the price and  
15    went through the harsh incarceration, comes back  
16    into society, I think then we should be  
17    discussing how are we going to bring them back  
18    into society as a whole American citizen and not  
19    just a felon that has a right just to do one  
20    special duty, to sit on a jury.

21                    And that's why, Madam President, I  
22    vote no.

23                    ACTING PRESIDENT MAYER:     Senator  
24    Amedore to be recorded in the negative.

25                    Senator Krueger to explain her vote.

1                   SENATOR KRUEGER:    Thank you,  
2   Madam President.

3                   So I suggest Senator Amedore submit  
4   a bill removing all these lifetime bans that he  
5   thinks felons have to live under in New York  
6   State. I actually can't find too many when I was  
7   just doing a Google search, certainly not ones  
8   that you can't petition a court to get resolved  
9   for yourself.

10                  But it is clear, from listening to  
11   my colleagues on both sides of the aisle, that  
12   this is not really an argument about what it's  
13   about. So thank you, Senator Savino, for  
14   pointing out that no party gets to declare the  
15   other party doesn't care about law enforcement or  
16   first responders. That is insulting and absurd,  
17   and everyone knows that.

18                  But also thank you to Senator  
19   Benjamin for putting this bill on the floor  
20   today.

21                  Many people commit felonies. The  
22   vast majority do their time and don't recommit  
23   and don't go back to jail. And the best way to  
24   make sure that people don't become recidivist  
25   criminals is to ensure that when they complete

1 doing their time and they have shown an ability  
2 for rehabilitation, that you welcome them back  
3 into a society, that you support their ability to  
4 return to their families, to get jobs, to pay  
5 taxes, to be a full member of our society.

6 And that means, in the United States  
7 of America, the right to sit on a jury of your  
8 peers.

9 And guess what? If 7 or 8 percent  
10 of the population ends up with felony  
11 convictions, then a jury of your peers would  
12 probably need to reflect 7 or 8 percent of the  
13 members of juries having been through that  
14 experience themselves. Because I'm not sure what  
15 can teach you better the path you ought to be  
16 taking versus not taking than having to go  
17 through the experience of going to jail yourself.

18 So the research shows that people  
19 who committed felonies and were allowed to be  
20 jurors actually proved to be exceptionally good  
21 jurors. As we are hearing from colleagues today,  
22 there are too many people who don't want to serve  
23 on juries, avoid it at all costs. And the fact  
24 that you'll have some subuniverse of people with  
25 felonies who don't feel the exact same way and



1 want to do their duty as a citizen of this  
2 country to participate in juries -- I applaud  
3 them.

4                   And I see no reason why anyone would  
5 want to stand in the way of making sure that we  
6 do treat people who have done their time with the  
7 full respect and belief that they can be moved  
8 forward as our colleagues, our neighbors, our  
9 family members, and our jury partners.

10                   Thank you. I vote yes,  
11 Madam President.

12                   ACTING PRESIDENT MAYER: Senator  
13 Krueger to be recorded in the affirmative.

14                   Senator Lanza to explain his vote.

15                   SENATOR LANZA: Thank you,  
16 Madam President.

17                   You know what? I agree with a lot  
18 of what has been said on both sides of the aisle,  
19 and I disagree with some things that have been  
20 said by each.

21                   I agree, for example, with  
22 Senator Parker that we ought not throw human  
23 beings away. I was raised to believe that one of  
24 the best things we can do, as brothers and  
25 sisters, is to forgive each other. It's

1 important.

2 I agree with Senator Amedore that if  
3 we're going to do that, though, that we've got to  
4 exercise good judgment. Why is it that a lawyer  
5 who commits a felony can never practice his or  
6 her trade again? Maybe that is something we  
7 ought to look at when we do this.

8 I was going to support this; I'm not  
9 at this time. I think we ought to -- Senator  
10 Benjamin is a person that always does the right  
11 thing, in my experience with him. The fact that  
12 it is he who is the author of this goes a long  
13 way for me in believing that it is a something --  
14 a step in the right direction.

15 But I heard this -- the door opened  
16 about this side not caring about kids because of  
17 the Child Victims Act. You know, the truth of  
18 the matter is for years that bill only cared  
19 about you as a victim if the perpetrator was part  
20 of a religious organization. And that's the  
21 truth.

22 I know the communications person  
23 again is going to say, well, that's not true, our  
24 bill included everyone. Well, it didn't, because  
25 it was changed only a week before we passed it

1 here. And if you believe that the statute of  
2 limitations is something that prevents justice  
3 from occurring, then you ought to get rid of the  
4 statute of limitations for everything if that's  
5 the reason why people can't obtain justice.

6 But we have this all-or-nothing  
7 approach here in Albany: My bill or the highway.  
8 I think there's plenty of room here on an issue  
9 like this where we can look at felony  
10 classifications and say, hey, yeah, there's  
11 something that someone did that really doesn't  
12 bear on their judgment, really, in terms of once  
13 they've paid their due and now they're back in  
14 the community.

15 But, you know, I listened to Senator  
16 Hoylman and he made me think of the fact that,  
17 for instance, you know, a man who rapes a little  
18 boy is probably a person we should never have  
19 serve on a jury, ever. I can forgive, but I  
20 can't forget when it comes to certain things like  
21 that.

22 So maybe we ought to get past this  
23 all-or-nothing approach and really sit down and  
24 talk and say, hey, we're with you 80 percent,  
25 90 percent on this bill, but would you at least

1 consider some of the concerns we have, and maybe  
2 we'd have more bipartisan support for legislation  
3 here in Albany, which I think would be a good  
4 thing.

5                   Madam President, sadly, I vote in  
6 the negative.

7                   ACTING PRESIDENT MAYER:    Senator  
8 Lanza to be recorded in the negative.

9                   Senator Montgomery to explain her  
10 vote.

11                  SENATOR MONTGOMERY:    Yes, thank  
12 you, Madam President.

13                  I just want to say for my  
14 colleagues, if you ever want to see a program  
15 that is run for formerly incarcerated people for  
16 the purposes of helping them to have a successful  
17 reentry, I have any number of organizations that  
18 do exceptional work, and 90 percent of them are  
19 run by formerly incarcerated people.

20                  So I find people who have the  
21 experience to be experts in this particular area.  
22 So I just want to offer you that bit of  
23 information.

24                  And I agree with Senator Amedore. I  
25 wish we were doing more, Senator Amedore. You're

1 right, there are many more things that we need to  
2 be doing. But I find that this particular bill  
3 is for a very specific issue, and that is to  
4 remove the lifetime ban for anyone who wants to  
5 serve on jury duty to be eligible to serve on  
6 jury duty even though they were formerly  
7 incarcerated.

8           It establishes the same standards as  
9 we have for other areas of reentry -- i.e.,  
10 voting privileges. So that's why I'm very much  
11 in favor of this bill. Thank you very much,  
12 Senator Benjamin, for taking us one step more  
13 into successful reentry.

14           And certainly we do not want to lose  
15 the benefit of people who have the keenest sense  
16 of understanding of people who might come before  
17 them and be on a jury, because they've been there  
18 and they understand, like perhaps many of us  
19 would not have the same sensitivity and  
20 understanding as people who actually have been  
21 through it and have lived it.

22           So I'm very much in favor of this.  
23 And I hope that as Senator Amedore has pointed  
24 out, we can take this as an indication that we  
25 need to go further. And I'm saying this right

1 here and now, this was a Republican suggestion  
2 that it's time for us to do more to help people  
3 successfully reenter through this process of  
4 restoring their rights as citizens.

5 So Madam President, I vote aye.

6 ACTING PRESIDENT MAYER: Senator  
7 Montgomery to be recorded in the affirmative.

8 Senator Rivera to explain his vote.

9 SENATOR RIVERA: Thank you,  
10 Madam President.

11 There's many points that have been  
12 made incredibly well by many of my colleagues --  
13 Senator Bailey, Senator Myrie. So I will only  
14 reiterate that everything that they've said is  
15 absolutely 1000 percent on point.

16 I thank Senator Benjamin for  
17 bringing this to the floor. And I actually want  
18 to thank Senator Montgomery, because she  
19 actually -- one of the points that I was going to  
20 make -- I'm going to make two points, and one of  
21 them was actually covered by Senator Montgomery.

22 The reality is that on this floor we  
23 have been referring to those people as felons,  
24 inmates, as prisoners. And this is a battle that  
25 I'm probably not going to win with most folks in

1     this room, but I would like to posit to all of  
2     you that, much like I did many weeks back when we  
3     were referring to "illegals" and the way that  
4     many folks across the aisle -- and sometimes on  
5     my side -- use those words, it is a way to  
6     dehumanize individuals.

7                 Senator Montgomery used the term  
8     "formerly incarcerated," which was actually  
9     taught to me by people who were actually formerly  
10    incarcerated, individuals who have served their  
11    time, who have done the responsible thing, who  
12    have accepted responsibility for the actions that  
13    they've taken and now have tried to reenter  
14    society. And many of them, much like the ones  
15    that Senator Montgomery describes, have done  
16    amazing work in some of our districts and yours  
17    as well.

18                So I would suggest -- again, I'm  
19    pretty sure I'm going to lose on this. But I  
20    would suggest that when you think about these  
21    individuals, they are people too. And that using  
22    the term "felon" or "prisoner" or "inmate" is a  
23    way to dehumanize those individuals, and that is  
24    a bad place to start.

25                Second, I would suggest particularly

1 to my colleagues across the aisle if you are into  
2 some reading, maybe you'd like to pick up a book  
3 called The New Jim Crow. There is an amazing  
4 author by the name of Michelle Alexander, all the  
5 way back in 2010, who wrote a book called The New  
6 Jim Crow: Mass Incarceration in the Age of Color  
7 Blindness. And what she pointed out  
8 magnificently in this book was the fact that  
9 unlike the view that many folks might share that  
10 the system of justice is perfect and that  
11 therefore those people -- those felons, as many  
12 folks in this room have referred to them -- who  
13 have committed mistakes, those are different from  
14 us, and so we must put them away someplace and  
15 maybe not do anything to rehabilitate them,  
16 et cetera, et cetera.

17 She points out the fact that the  
18 entire system -- her theory, which I believe is  
19 absolutely accurate, is it's a new way, a new  
20 Jim Crow. It's a new way to take people of  
21 color, particularly black men and women,  
22 particular black young men, and put them into a  
23 system in which they are closed off from things  
24 that they should have access to in society, like  
25 voting, like being part of a jury pool, like



1 living in public housing, et cetera, et cetera,  
2 et cetera.

3           So as we continue with bills like  
4 Senator Benjamin's -- and I'm very thankful that  
5 he introduced it -- and many other ones that we  
6 will continue to introduce, that we will continue  
7 to pass, we will do so thinking about the fact  
8 that we don't have a perfect criminal justice  
9 system and that the realities of the outcome of  
10 this system is to criminalize poverty, is to  
11 criminalize people of color. And we're trying to  
12 correct that.

13           In different ways we will do it.  
14 First by referring to these folks as individuals,  
15 as formerly incarcerated would be one thing.  
16 Second, to do a little bit of reading.

17           I vote in the affirmative,  
18 Madam President.

19           ACTING PRESIDENT MAYER: Thank you.  
20 Senator Rivera to be recorded in the affirmative.

21           Senator Robach to explain his vote.

22           SENATOR ROBACH: Yes, I appreciate  
23 all the dialogue today. I wasn't planning on  
24 speaking on this either, but this is fascinating,  
25 and there was a lot of relevant things and a lot

1 of different issues.

2 I guess my lens is a little bit  
3 different. I want to focus not on law  
4 enforcement, not on the offenders, but on the  
5 victims for a minute.

6 There's no question to me -- and  
7 I've worked in the criminal justice system. I  
8 think this bill would be much better if it took  
9 out violent felons for a start, not give them  
10 more rights. And the reason why I tell you this  
11 is -- we may disagree; I'm not sure how this  
12 rehabilitates anybody. But I get the  
13 dehumanizing part for them. But sometimes, you  
14 know, as Berretta said, "If you do the crime, you  
15 gotta do the time," and you've got to live up to  
16 the responsibility.

17 But here's where Real-Talk Robach,  
18 representing a lot of people in the urban  
19 community who have had children get killed by  
20 offenders and repeat offenders -- and when the  
21 sentence comes out and they feel it's too short,  
22 I would hate to face that family and say I voted  
23 for a bill that let two individuals that already  
24 killed somebody, that somehow got on that jury,  
25 make that decision. Because they're going to

1 feel the system was stacked against them.

2 And one thing I do agree with  
3 Senator Rivera is we do have to make sure the  
4 system works as best it can for everybody. But  
5 there's more than offenders and people that  
6 uphold the law in this system, and that's all the  
7 people in our districts and the people that  
8 unfortunately get ripped apart by all kinds of  
9 crime.

10 And I ask you -- I know I'm not  
11 going to change anybody's vote, but let's say it  
12 was your family member and you found out that the  
13 person that allegedly shot your loved one, and  
14 the evidence seemed pretty good, but you didn't  
15 get the result you wanted, and then you found out  
16 after the fact that they in fact had done that  
17 very crime 10 years earlier, I don't think you'd  
18 think that was a good system.

19 And that's why this is a bad  
20 precedent and a bad bill. I vote no,  
21 Mr. President -- or, excuse me, Madam President.

22 ACTING PRESIDENT MAYER: Senator  
23 Robach to be recorded in the negative.

24 Senator Ranzenhofer to explain his  
25 vote.

1                   SENATOR RANZENHOFER:    Thank you.

2                   Like some of my colleagues, the  
3 conversation here has been very interesting. And  
4 it's interesting that we are debating a bill to  
5 allow people to serve on jury duty when  
6 99 percent of the people do all that they can to  
7 try to get out of jury duty.

8                   But to Senator Rivera's question  
9 about why are we using the word "felons" in our  
10 discussion, it's a dehumanizing word -- well, let  
11 me just go to the bill. So the title of the bill  
12 says it's an act to amend the Judiciary Law in  
13 relation to removing the lifetime ban on jury  
14 duty for convicted felons who have completed  
15 their sentencing.

16                   I mean, that's why we're talking  
17 about convicted felons, because that's what is in  
18 the bill. That's what the language of the bill  
19 says. That's what the bill's sponsor wrote in  
20 the law, that's what the bill's sponsor wrote in  
21 the memo when describing the purpose, to remove  
22 the lifetime ban on jury duty for convicted  
23 felons. Not a word that I chose. When I'm using  
24 the word "convicted felons," I'm not trying to  
25 dehumanize anybody. But that's what the language

1 of the bill says. That's what the sponsor's memo  
2 says.

3           So, you know, in answer to your  
4 question why are we using this language, why are  
5 we using this inflammatory language, a member of  
6 the Senate introduced a bill and put that -- what  
7 you would call inflammatory language in the bill.  
8 That's why we're talking about it. That's the  
9 language that's in the law, that's the language  
10 that's defined in the bill, that's the language  
11 that's in the memo.

12           So I would respectfully disagree  
13 with you that anybody on either side of the aisle  
14 is trying to inflame the issue by using that  
15 language when one of our colleagues is using the  
16 language to describe the bill.

17           I wanted to also address the issue  
18 of the high moral ground. I heard one of the  
19 Senators on the other side mention about the high  
20 moral ground, and I keep on hearing what happened  
21 over the last decade.

22           So I'm one of two members in this  
23 chamber who have been here for exactly one  
24 decade. And in the one decade, my first two  
25 years, Democrats were in control of the Senate,

1 and the last eight years was Republican. So  
2 under the two years that the Democrats were in  
3 control and the Child Victims Act was there, it  
4 was not brought to the floor for a vote. Not  
5 because anybody had better morals than the  
6 others, but it was a bad bill at that time. And  
7 the last eight years when Republicans were in  
8 control, we were dealing with the Child Victims  
9 Act. The reason why that bill didn't pass is  
10 because it was a bad bill. And most people  
11 believed it was a bad bill.

12 And no disrespect to the sponsor,  
13 but this year when the bill changed -- because  
14 many of us have been on different versions of the  
15 Child Victims Act. But this year, finally, when  
16 the sponsor amended the bill, when the bill  
17 became a fair bill, when the bill finally went  
18 from becoming a bad bill to a good bill, it was  
19 passed and I think it was passed either nearly  
20 unanimously or unanimously.

21 So in conclusion -- and we talk  
22 about the right. There is a right for a criminal  
23 defendant to have a certain type of jury.  
24 There's no right to serve on a jury. That's a  
25 privilege that we have in our state. It's a

1 privilege, it's not a right. The right is for  
2 the defendant to have a jury of his peers.

3 So the point is, well, who should  
4 have that privilege? Just like we decide who  
5 should have the privilege of a driver's license,  
6 who should have the privilege of a teacher's  
7 license. Who should have these privileges?

8 So I believe that there is a  
9 distinction. There are certain people that have  
10 been convicted of felonies that in my judgment,  
11 for the community members that I represent,  
12 should never serve on a jury. Now, is that a  
13 vast majority of them or a minority? I don't  
14 know. But somebody -- as Senator Lanza said, a  
15 person that's convicted of raping a child, of  
16 someone who kills somebody for hire or in cold  
17 blood -- I'm sorry, but in my community that  
18 person should never serve on a jury.

19 Now, should somebody who has been  
20 convicted of a nonviolent felony and paid their  
21 debt to society, should that person be  
22 considered? That's another story.

23 But I'm sorry, there are just some  
24 crimes that are just so heinous, so serious, so  
25 violent, that I do not want to associate my vote

1 with giving the right of a child killer, of  
2 someone who murders a police officer -- that  
3 person, in my mind, should never sit on a jury no  
4 matter -- under any circumstances.

5 I'll be voting no, and thank you for  
6 indulging me to explain my vote.

7 ACTING PRESIDENT MAYER: Senator  
8 Ranzenhofer to be recorded in the negative.

9 Seeing and hearing no others,  
10 Senator Benjamin to explain his vote.

11 SENATOR BENJAMIN: Thank you,  
12 Madam President. I am so honored to be here  
13 today to vote in favor of my bill.

14 I want to start off with a very  
15 important point. Every defendant has the right  
16 to be judged by a jury of his or her peers. And  
17 when I think about peers, I think about everyone.  
18 I don't think of some, I think of all. And it's  
19 our job as legislators to create a fair system  
20 that allows the maximum amount of people to be  
21 able to serve in that capacity.

22 And so -- you know, it's funny when  
23 I've been listening to some of the comments from  
24 the other side, I hear this comment that it's not  
25 being said, but almost being said subtly, which



1 is once a criminal, always a criminal. That  
2 somehow our criminal justice system or our  
3 correction system does not rehabilitate. Because  
4 if it did rehabilitate, once someone has served  
5 their time and paid their debt to society, they  
6 should not be called a convicted felon or a  
7 formerly incarcerated individual, they should be  
8 called a citizen.

9 And so to be clear, the only reason  
10 why the language had to be "convicted felons" as  
11 relates to this bill is because it's a legal  
12 term. If it was left to me, I would use the word  
13 "citizen," just to be very clear.

14 Also I would like to mention the  
15 fact that when we think about -- you know, this  
16 is a really a tough one for me, because when I  
17 hear this word -- that somehow former felons,  
18 former incarcerated individuals, whatever term  
19 you want to use, that they somehow don't have a  
20 soul or they don't matter as much as the rest of  
21 us. So as a result, they should never have the  
22 chance to be a full citizen like everyone else.  
23 That's what I'm hearing.

24 And so I just want to make sure that  
25 we're clear on the message that we're sending

1 here today. The Majority is sending a message  
2 today that if you did your time, if you served  
3 after you've made a mistake, we're going to do  
4 everything in our power to bring you back into  
5 society because it's the right thing to do.

6           Lastly, you know, in Maine they  
7 allow those who have been convicted to serve on  
8 juries, and there are studies that show, if  
9 anyone wants to read them, that those who were  
10 formerly incarcerated have turned out to be some  
11 of the best jurors, they ask some of the most  
12 important questions on juries, they're very  
13 thoughtful and they bring a lot to the table.

14           This is all about trying to get the  
15 best solution for our society. When people serve  
16 on juries -- as was mentioned before, not the  
17 most -- not something that everyone is knocking  
18 themselves out to do. But when you do it, you  
19 have to remember that there are people's lives  
20 are at stake. I've served on juries before, and  
21 people's lives were at stake. I think it's  
22 important that as part of that jury pool, there  
23 are people who know how much is at stake because  
24 they had to live that themselves.

25           I think it's the right thing to do,

1 and I'm glad that we're doing this bill today. I  
2 vote aye.

3 ACTING PRESIDENT MAYER: Senator  
4 Benjamin to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: In relation to  
7 Calendar Number 57, those Senators voting in the  
8 negative are Senators Akshar, Amedore, Antonacci,  
9 Boyle, Brooks, Flanagan, Gallivan, Gaughran,  
10 Griffo, Helming, Jacobs, Jordan, Kaplan, Lanza,  
11 LaValle, Little, Martinez, O'Mara, Ortt,  
12 Ranzenhofer, Ritchie, Robach, Serino, Seward and  
13 Tedisco.

14 Ayes, 36. Nays, 25.

15 ACTING PRESIDENT MAYER: The bill  
16 is passed.

17 Senator Gianaris, that completes the  
18 reading of today's calendar.

19 SENATOR GIANARIS: Madam President,  
20 if we could return to motions for one moment.

21 On behalf of Senator Brooks, on  
22 page 31 I offer the following amendments to  
23 Calendar 516, Senate Print 3399, and ask that  
24 said bill retain its place on Third Reading  
25 Calendar.

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

4                   Senator Gianaris.

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

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

9                   SENATOR GIANARIS:    I move to  
10   adjourn until tomorrow, Wednesday, May 8th, at  
11   11:00 a.m.

12                   ACTING PRESIDENT MAYER:   On motion,  
13   the Senate stands adjourned until Wednesday,  
14   May 8th, at 11:00 a.m.

15                   (Whereupon, at 5:17 p.m., the Senate  
16   adjourned.)

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