NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 7, 2019

3:25 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate will come to order.

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

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

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

Reverend Jordan.

REVEREND JORDAN: Shall we pray?

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

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

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

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

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

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

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

(Response of "Amen.")

ACTING PRESIDENT MAYER: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: On page 32, Senator

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

ACTING PRESIDENT MAYER: Substitution so ordered.

Can we have some order in the chamber, please.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

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

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

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

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

Senator Brooks, page 22, Calendar

Number 390, Senate Print 4701;

Senator Kennedy, page 23, Calendar Number 408, Senate Print 4524A;

Senator Stavisky, page 28, Calendar Number 478, Senate Print 4873; and

Senator Skoufis, page 34, Calendar Number 545, Senate Print 1627.

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

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

Senator Gianaris.

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

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The Resolution Calendar is adopted.

Senator Gianaris.

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

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

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

ACTING PRESIDENT MAYER: The Secretary will read.

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

"WHEREAS, It is the sense of this

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT MAYER: Senator Salazar on the resolution.

SENATOR SALAZAR: Thank you, Madam President.

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

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

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

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

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

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

secure and preserve affordable housing in Brooklyn.

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

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

ACTING PRESIDENT MAYER: Thank you, Senator Salazar.

Senator Little on the resolution.

SENATOR LITTLE: Thank you, Madam President.

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

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

But we have one particular guest who

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

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

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

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

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

So thank you very much, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Little.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

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

(Extended standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

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

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

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT MAYER: Senator Griffo.

SENATOR GRIFFO: Thank you, Madam President.

Today is equally an important day.

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

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

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

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

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

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

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

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

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

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

So Madam President, I thank you for the opportunity.

And God bless you.

ACTING PRESIDENT MAYER: Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

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

Please rise and be honored by our colleagues.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

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

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

ACTING PRESIDENT MAYER: This

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

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

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

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

"WHEREAS, Attendant to such concern,

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

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

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

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

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

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

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

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

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

consuming PCB-containing fish; and

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

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

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

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

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

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

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

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

beautiful sailing vessels; now, therefore, be it

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

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

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

ACTING PRESIDENT MAYER: Senator Metzger on the resolution.

SENATOR METZGER: Thank you, Madam President.

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

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

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

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

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

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

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

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

Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

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

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Can we now

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

ACTING PRESIDENT MAYER: The Secretary shall read.

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

ACTING PRESIDENT MAYER: Senator Metzger on the resolution.

SENATOR METZGER: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT MAYER: Thank you, Senator Metzger.

Senator Stavisky on the resolution.

SENATOR STAVISKY: Thank you.

And thank you, Senator Metzger, for

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

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

Thank you.

ACTING PRESIDENT MAYER: Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

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

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Thank you,

Madam President.

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

ACTING PRESIDENT MAYER: The Secretary shall read.

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

ACTING PRESIDENT MAYER: Senator Little on the resolution.

SENATOR LITTLE: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Little.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

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

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

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

ACTING PRESIDENT MAYER: Senator Serino on the resolution.

SENATOR SERINO: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT MAYER: Thank you.

Senator Helming on the resolution.

SENATOR HELMING: Thank you, Madam President.

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

I reside today to commemorate Lyme

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you.

Senator Metzger on the resolution.

SENATOR METZGER: Thank you, Madam President.

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

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

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

Thank you very much.

ACTING PRESIDENT MAYER: Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

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

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 57,

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

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT MAYER: Lay it aside.

There's a substitution at the desk.

The Secretary will read.

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

ACTING PRESIDENT MAYER: Substitution so ordered.

The Secretary will read.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you, Madam President.

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

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

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

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

ACTING PRESIDENT MAYER: Senator Gaughran in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 44. Nays, 17.

ACTING PRESIDENT MAYER: The bill

is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 50. Nays, 11.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

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

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

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

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

will be voting in the affirmative.

Thank you.

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

Senator Sepúlveda to explain his vote.

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

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

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

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

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

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

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

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

I vote affirmatively. Thank you.

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

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Madam President.

I would echo the same sentiments of Senator Sepúlveda.

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

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

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

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

legislation just like this.

I vote in the affirmative, Madam President. Thank you.

ACTING PRESIDENT MAYER: Senator Bailey will be recorded in the affirmative.

Announce the results.

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

Ayes, 40. Nays, 21.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 59. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 50. Nays, 11.

ACTING PRESIDENT MAYER: The bill is passed.

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

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

calendar.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

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

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

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

ACTING PRESIDENT MAYER: Thank you, Senator Griffo.

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

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

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

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

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

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

The current law correctly provides additional penalties for individuals who target another solely based on their race, their color, their national original, their ancestry, their gender, their religion, age, disability and sexual orientation.

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

EMTs who are specifically targeted simply for doing their job.

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

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

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator.

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

(Response of "Aye.")

SENATOR GRIFFO: Request a show of hands.

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

(Show of hands.)

THE SECRETARY: Ayes, 21.

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

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: Without objection, so ordered.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Gallivan to explain his vote.

SENATOR GALLIVAN: Thank you, Madam President.

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

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

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

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

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

Senator Akshar to explain his vote.

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

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

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

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

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

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

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

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

Thank you, Madam President.

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

Senator Sepúlveda to explain his vote.

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

vote.

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

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

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

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

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

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

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

Thank you.

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

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Madam President.

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

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

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

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

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

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

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

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

Senator Parker to explain his vote.

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

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

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

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

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

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

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

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

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

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

Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Madam President.

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

I, like Senator Bailey, did not plan

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

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

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

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

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

Thank you, Madam President.

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

Senator Jackson to explain his vote.

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

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

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

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

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

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

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

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

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Madam President.

I wanted to thank Senator Benjamin

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

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

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

Madam President, I vote aye.

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

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

I vote in favor of the bill, Madam President.

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

Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

And thank you, Senator Benjamin, for this bill.

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

getting involved in gun violence.

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

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

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

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

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

Senator Amedore to explain his vote.

SENATOR AMEDORE: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

Thank you. I vote yes, Madam President.

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

Senator Lanza to explain his vote.

SENATOR LANZA: Thank you, Madam President.

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

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

important.

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

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

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

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

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

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

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

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

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

Madam President, sadly, I vote in the negative.

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

Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Yes, thank you, Madam President.

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

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

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

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

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

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

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

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

So Madam President, I vote aye.

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

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President.

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

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

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

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

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

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

Second, I would suggest particularly

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

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

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

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

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

I vote in the affirmative, Madam President.

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

Senator Robach to explain his vote.

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

of different issues.

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

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

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

feel the system was stacked against them.

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

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

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

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

Senator Ranzenhofer to explain his vote.

SENATOR RANZENHOFER: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I think it's the right thing to do,

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

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

Announce the results.

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

Ayes, 36. Nays, 25.

ACTING PRESIDENT MAYER: The bill is passed.

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

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

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

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

Senator Gianaris.

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

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

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

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

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