

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 May 8, 2019

11 11:17 a.m.

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13
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT BENJAMIN: Rabbi
9 Yamin Levy, of Beth Hadassah Synagogue in
10 Great Neck, will deliver today's invocation.

11 Rabbi Levy?

12 RABBI LEVY: Almighty God, eternal
13 Father, we turn to Thee in humble prayer.

14 We thank You for the freedoms we
15 enjoy in this blessed country, the United States
16 of America. We pray for the esteemed public
17 servants, the leaders of this state. Bless them,
18 protect them, and watch over their families,
19 their staff, and all those who work in these
20 hallowed halls.

21 Grant them wisdom, and magnify their
22 efforts as they seek to live up to the holy
23 charge of their vocation. Endow them with
24 courage and determination to provide for the
25 physical and spiritual well-being of the citizens

1 of this great state.

2 Watch over the men and women who
3 choose to wear a uniform in order to protect our
4 streets, our communities, and our country. Bless
5 them, their spouses, children and their loved
6 ones.

7 Master of the universe, on this, the
8 eve of Yom Ha'atzmaut, Israel Independence Day,
9 when this chamber will resolve to congratulate
10 the State of Israel on the 71st anniversary of
11 its independence, I pray that You watch over the
12 State of Israel, her citizens, her visitors and
13 her supporters.

14 In her short history of 71 years,
15 Israel has become a true beacon to the world, a
16 light unto the nations. Her economy has
17 surpassed that of many industrial countries. Her
18 contributions to medicine, pharmaceuticals, high
19 technology and agriculture have enhanced the
20 lives of countless people around the world. Her
21 field hospital has saved countless victims from
22 natural disasters. Her cultural contributions in
23 the arts, music, literature, theater and film are
24 an inspiration. Next week Israel will host the
25 Eurovision Competition.

1 Your servant King David 2900 years
2 ago declared that we shall pray for the peace of
3 Jerusalem, the eternal capital of Israel.

4 How blessed we are to be able to
5 state with absolute resolve and certainty that
6 America and Israel are forever united.

7 Amen.

8 ACTING PRESIDENT BENJAMIN: The
9 reading of the Journal.

10 THE SECRETARY: In Senate, Tuesday,
11 May 7, 2019, the Senate met pursuant to
12 adjournment. The Journal of Monday, May 6, 2019,
13 was read and approved. On motion, Senate
14 adjourned.

15 ACTING PRESIDENT BENJAMIN: Without
16 objection, the Journal stands approved as read.

17 Presentation of petitions.

18 Messages from the Assembly.

19 The Secretary will read.

20 THE SECRETARY: On page 14,
21 Senator Sepúlveda moves to discharge, from the
22 Committee of Crime Victims, Crime and Correction,
23 Assembly Bill Number 2285 and substitute it for
24 the identical Senate Bill 1850, Third Reading
25 Calendar 25.

1 ACTING PRESIDENT BENJAMIN: The
2 substitution is so ordered.

3 THE SECRETARY: On page 28, Senator
4 Benjamin moves to discharge, from the Committee
5 on Investigations and Government Operations,
6 Assembly Bill Number 6865A and substitute it for
7 the identical Senate Bill 4688A, Third Reading
8 Calendar 413.

9 ACTING PRESIDENT BENJAMIN: The
10 substitution is so ordered.

11 THE SECRETARY: On page 33, Senator
12 Hoylman moves to discharge, from the Committee on
13 Judiciary, Assembly Bill Number 5622 and
14 substitute it for the identical Senate Bill 4236,
15 Third Reading Calendar 495.

16 ACTING PRESIDENT BENJAMIN: The
17 substitution is so ordered.

18 THE SECRETARY: On page 33, Senator
19 Salazar moves to discharge, from the Committee on
20 Education, Assembly Bill Number 6358 and
21 substitute it for the identical Senate Bill 2890,
22 Third Reading Calendar 496.

23 ACTING PRESIDENT BENJAMIN: The
24 substitution is so ordered.

25 THE SECRETARY: On page 37, Senator

1 Sanders moves to discharge, from the Committee on
2 Health, Assembly Bill Number 1078 and substitute
3 it for the identical Senate Bill 4582, Third
4 Reading Calendar 540.

5 ACTING PRESIDENT BENJAMIN: The
6 substitution is so ordered.

7 Messages from the Governor.

8 Reports of standing committees.

9 Reports of select committees.

10 Communications and reports from
11 state officers.

12 Motions and resolutions.

13 Senator Gianaris.

14 SENATOR GIANARIS: On behalf of
15 Senator Kaminsky, on page 16 I offer the
16 following amendments to Calendar 147, Senate
17 Print 89, and ask that said bill retain its place
18 on Third Reading Calendar.

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

22 SENATOR GIANARIS: On behalf of
23 Senator Bailey, on page 17 I offer the following
24 amendments to Calendar 156, Senate Print 2187,
25 and ask that said bill retain its place on

1 Third Reading Calendar.

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

5 SENATOR GIANARIS: And on behalf of
6 Senator Parker, on page 15 I offer the following
7 amendments to Calendar 87, Senate Print 1414, and
8 ask that said bill retain its place on
9 Third Reading Calendar.

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

13 SENATOR GIANARIS: Can we now take
14 up previously adopted Resolution 1386, by
15 Senator Kaminsky, read that resolution's title
16 only, and recognize Senator Kaplan to speak on
17 the resolution.

18 ACTING PRESIDENT BENJAMIN: The
19 Secretary will read.

20 THE SECRETARY: Senate Resolution
21 1386, by Senator Kaminsky, congratulating the
22 State of Israel upon the occasion of the
23 71st Anniversary of its independence and
24 reaffirming the bonds of friendship and
25 cooperation between the State of New York and

1 Israel.

2 ACTING PRESIDENT BENJAMIN: Senator
3 Kaplan on the resolution.

4 SENATOR KAPLAN: Thank you,
5 Mr. President.

6 I rise today to speak out strongly
7 in support of this resolution, which
8 congratulates the State of Israel on the
9 71st anniversary of its independence and
10 reaffirms the bonds of friendship and cooperation
11 between the State of New York and Israel.

12 Strong support for Israel is an
13 issue that is deeply personal to me. As many of
14 you know, I came to this country as a refugee
15 when I was 13 years old. My parents weren't able
16 to come with me. And by the time they were able
17 to flee Iran, nations around the world had turned
18 their backs on Jewish refugees like us.

19 As one nation after another denied
20 them entry, Israel was the only place that would
21 allow them to seek refuge. And they opened their
22 arms to my parents, giving them a place to call
23 home until they were finally able to reunite with
24 me and my siblings in this country.

25 Their story is not unique. Israel

1 has been a beacon for Jewish people around the
2 world since its inception. And as Israel faces
3 new challenges and persecutions on a daily basis,
4 it has never been more important for us all to
5 stand up and speak out in the strongest of terms
6 in support of Israel. We simply cannot stand by
7 and ignore injustices against our Israeli friends
8 and allies.

9 I thank my colleagues for their
10 support of this resolution. And I would also
11 like to thank our Governor, Andrew Cuomo, for
12 always being a leading voice in support of
13 Israel.

14 This issue isn't a partisan one. We
15 must do everything we can to overcome hate and
16 heal the division in this country and around the
17 world. It's a common purpose around which we can
18 all unite.

19 Thank you, Mr. President.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Kaminsky on the resolution.

22 SENATOR KAMINSKY: Thank you,
23 Mr. President.

24 I am proud to stand up today as a
25 New Yorker and affirm our bonds with the State of

1 Israel. We just finished -- or Israel just
2 finished celebrating Yom Hazikaron, which --
3 "celebrate" may not be the most accurate word to
4 use, because it is their Day of Remembrance.
5 Israel does the equivalent of what we would do
6 had we had Memorial Day and July 4th one day and
7 then the next day.

8 And it goes together, celebrating
9 those who gave their lives for the birth and the
10 continued freedom of Israel and then the next day
11 celebrating that independence. I've been there
12 in Yom Hazikaron when a siren sounds, blaring
13 throughout every town and every city, and people
14 stop wherever they are, even driving in the
15 middle of the road, stop dead and take a moment
16 to remember those who gave their lives for the
17 State of Israel and pause about what it means.

18 And I've gotten to be there on the
19 next day, the day we're celebrating here today,
20 Yom Ha'atzmaut, which is their independence
21 celebration. It is a wonderful celebration where
22 people get to come together and celebrate just
23 the miracle of what is Israel.

24 Seventy-two years ago, when you
25 looked at that piece of land, for a number of

1 reasons what we have today would have seemed
2 impossible. First, politically it would have
3 seemed impossible. The moment Israel's
4 independence was declared from the
5 United Nations, it was attacked literally on all
6 sides. It was said that Israel would be driven
7 into the sea. And yet against all odds, it
8 persisted.

9 But also when you looked at what the
10 land looked like now and today, Israel has used
11 every possible means to convert it into an
12 economic engine and a place where there's so much
13 amazing technology, agriculture, arts and culture
14 thriving there. It's just a great place.

15 And of course in that part of the
16 world, for a long time it was the only democracy,
17 and America's friend and New York's friend
18 continuing right up until today.

19 So today we reaffirm our vows with
20 the State of Israel. Having a free, strong
21 Israel has always mattered to us, and it always
22 hopefully will. And we stand by Israel and
23 celebrate her 71st anniversary today.

24 Thank you, Mr. President.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Krueger on the resolution.

2 SENATOR KRUEGER: Thank you,
3 Mr. President. I also rise in honor of the
4 resolution for Israel's 71st birthday.

5 Yes, it's a country, but for me it's
6 always been very personal in relation to my
7 family. My father made his first visit to Israel
8 in 1961, and he kept going back. And we stopped
9 counting after his 400th visit, because it was
10 just getting silly. And in good times and times
11 of crisis, we always knew if we weren't sure
12 where our father was, or our husband -- my mother
13 wasn't sure where he was, she would just call the
14 two major hotels in Israel and say, "Have you
15 seen Harvey?" And they'd go, "We'll find him for
16 you." Because that was the kind of country it
17 was.

18 And my father, who's now deceased,
19 also always had his eyes open wide about his love
20 for this country but his understanding between
21 the aspirations and goals of Israel and the
22 complexities of it as a country and its
23 governments.

24 And I think that Israel and the U.S.
25 both find itself in exactly the same position

1 today. One can love a country, love the goals
2 and aspirations, and still have serious issues
3 with different government policies. And I think
4 this country, both the Jewish community and the
5 non-Jewish community, are facing those issues
6 with Israel.

7 I know my dear friends in Israel,
8 many of whom are like family -- because guess
9 what, we would go back and forth to Israel
10 during -- starting -- I think my first visit was
11 when I was 8 years old. I never hit the 400 mark
12 like my father. But even today, talking to our
13 friends now of four generations in Israel about
14 the realities in their own country and its place
15 in the world, to understand that like the U.S.,
16 it's complex, it has enormous responsibilities to
17 its own people and to the people of the world,
18 but goals and aspirations are not always today's
19 reality.

20 And so when people say can you be
21 comfortable being a progressive Jew and a Zionist
22 in America today, I say yes, sir, absolutely I
23 can. And so I'm very proud to stand up in
24 recognition of the 71st birthday of Israel.

25 I know when the United States of

1 America was only 71 years old, we were dealing
2 with lots of complexities for ourself also. We
3 ended up with civil war in this country, let's
4 not forget that.

5 So it's hard to keep a democracy
6 going. It needs all the help and support it can
7 have. And so I'm very glad that this resolution
8 was brought here for us today.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Boyle on the resolution.

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

14 In support of the resolution, I'd
15 like to congratulate Senator Kaminsky for
16 bringing this to the floor, commemorating the
17 71st anniversary of the State of Israel and the
18 special bond between the State of New York and
19 the State of Israel.

20 As was mentioned, the State of
21 Israel has suffered attacks from its very
22 beginning, from its neighbors, from terrorist
23 organizations and individuals, and yet they
24 continue to thrive and survive.

25 As the Rabbi said, the State of

1 Israel truly is a beacon. We need to celebrate
2 that as New Yorkers.

3 And it's not just hostile action
4 against the State of Israel, it's also economic.
5 I'm happy to see the resolution mentions economic
6 boycotts. We all know about the Boycott,
7 Divestment and Sanctions movement, the so-called
8 BDS movement. I think right here today we are in
9 solidarity against these actions against the
10 State of Israel.

11 It's a very difficult situation in
12 terms of the economic stability of the State of
13 Israel. But they are going to continue because
14 of the ingenuity that we've seen over the last
15 few decades. The State of Israel has more
16 start-up companies than any country on earth, per
17 capita. And that just speaks to where they are
18 and where they're going.

19 I strongly support this resolution.
20 I particularly like the fact that in the Knesset
21 they don't wear ties. I speak in favor.

22 (Laughter.)

23 ACTING PRESIDENT BENJAMIN: Senator
24 Ranzenhofer on the resolution.

25 SENATOR RANZENHOFER: Thank you,

1 Mr. President.

2 I'd like to join with my colleagues
3 Senators Kaplan, Kaminsky, Krueger and Boyle in
4 congratulating the State of Israel on its
5 71st birthday, its 71st anniversary of its
6 independence.

7 And I think it is very appropriate
8 today that we had the Rabbi lead us in prayer and
9 point out some of those positive aspects of what
10 is happening. The relationship between the
11 United States and Israel is very strong. The
12 relationship between Israel and New York State is
13 very strong. It always has been, and it needs to
14 continue to be that way.

15 There are two particular parts of
16 the resolution which I just want to highlight
17 which are I think very poignant and worth
18 pointing out. And I want to thank and
19 congratulate Senator Kaminsky for bringing the
20 resolution to the floor.

21 But there's one of the clauses which
22 talks about -- and this is very important even
23 today -- that since its inception, when the
24 combined forces of five Arab nations invaded to
25 destroy the dream of the Jewish people, Israel

1 continues to face the hostility and, frequently
2 through the years of its statehood, armed
3 aggression of its neighbors.

4 And the reason I point that out is
5 because even today as we sit here in this
6 chamber, we read articles and we see things on
7 the news that Israel, as we speak, this week is
8 still under attack as it celebrates its
9 71st anniversary.

10 The second point that I wanted to
11 point out, which again also is very appropriate
12 here, is a paragraph a few paragraphs below when
13 it says that Israel in its 71 years of statehood
14 has established a modern parliamentary democracy
15 and has become the most successful democracy in
16 the Middle East, and it's provided its citizens
17 with the highest standards of living and human
18 equality in a region otherwise beset with poverty
19 and human rights abuses.

20 And the reason why that's so
21 important is that as antisemitism continues to
22 rise and we continue to read about that, as
23 people across the United States and elected
24 officials say hurtful and harmful things and
25 condemn Israel, it's important that we as a

1 Legislature here in the State of New York stand
2 up and speak out and say that is wrong. That is
3 wrong. We stand united with Israel as a country,
4 we stand united as a state.

5 And I think that's even more
6 important today as we look around and see around
7 what's happening in the world and specifically
8 what's happening in Israel, that we talk about
9 this resolution here today on the floor. And
10 again, I thank my colleagues who have already
11 spoken on it and the Senate sponsor for
12 introducing the resolution.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Robach on the resolution.

16 SENATOR ROBACH: Yes, very briefly,
17 Mr. President, let me rise to support this also.

18 I'm glad we're doing it. First and
19 foremost, I think it's important to always
20 celebrate anybody's independence. But Israel is
21 even a little bit special, because like us
22 they're a democracy, they've been a long-time
23 ally of the United States, and vice versa, and
24 that has done good things.

25 As we talk in this chamber about

1 fairness, equity, I am certainly happy to cast my
2 vote with all democracies anywhere in the world
3 and think that suits people much better than
4 other forms of government, though people have the
5 right to do that. Israel is a strong democracy
6 surrounded by places that aren't.

7 And I would go to the Rabbi's
8 message, if you haven't gone there -- I've gone
9 several times. It is amazing when you go there,
10 even to fly in -- surrounded by desert, but you
11 land in lush green development activity. As a
12 matter of fact, the United States, which leads
13 the world in patents, with 327 million people, is
14 only followed by Israel, who has 5 million
15 people, a million of which are Druze Arabs.

16 So they're a remarkable country, a
17 remarkable ally. All those things that were
18 stated earlier, what they've contributed to the
19 world that everybody benefits, is so, so true.

20 And so it is fitting that we
21 celebrate that not only in word here today, but
22 also support them as they struggle. And the word
23 is struggle. If you've been to Jerusalem, to
24 walk down Ben Yehuda Way and see placards to
25 people who have lost their lives to domestic

1 terrorism is shocking. It's sad. It's something
2 that we -- I don't know if we would have the
3 strength and fortitude to persevere. But Israel
4 has.

5 They're a strong country, a strong
6 ally, and I'm glad to hear we're all here today
7 supporting their independence and continued
8 friendship and democracy along with the U.S.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Stavisky on the resolution.

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

14 And I thank my colleagues for their
15 comments and the Senators for introducing this.

16 Let me add a couple of other points
17 that have not been brought out. And I think it
18 was done very eloquently by my colleagues. But
19 even today we face some of these issues here in
20 the United States where we have swastikas on
21 schoolyards in my Senate district and we have
22 shootings in synagogues. So we have to remember
23 that eternal vigilance is what we should be
24 seeking. That these incidents have not stopped,
25 and they do continue.

1 And secondly, we have that insidious
2 BDS movement, the Boycott Israel movement today,
3 which we have to resist without question.

4 And lastly, I have visited Israel on
5 quite a number of occasions, but particularly for
6 my 25th wedding anniversary, my husband and I
7 decided, forget the party -- he had never been to
8 Israel. I was there before we were married. And
9 we drove. And this was an opportunity for
10 Leonard to meet his uncle, whom he had never met.
11 The family came to the United States from Poland
12 in the 1920s, and the youngest brother went to
13 Palestine and raised his entire family there.
14 They have come to the United States. But my
15 husband had never met his uncle. And there were
16 tears in his uncle's eyes to meet his American
17 nephew for the first time.

18 And that's what Israel symbolizes to
19 people all over the world. It's a homeland, it's
20 a place of refuge. And it's a country that is
21 celebrating its anniversary, and let us hope for
22 many years to come.

23 Thank you, Mr. President.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Hoylman on the resolution.

1 SENATOR HOYLMAN: Thank you,
2 Mr. President. I wanted to thank Senator
3 Kaminsky and Senator Kaplan for this resolution.

4 My family went to Israel this summer
5 to take our two daughters there to see their
6 extended cousins, and we had a wonderful time.

7 As we were touching down on the
8 airport, we got word, though, that the Knesset
9 had just passed a law that would ban gay couples
10 from pursuing gestational surrogacy. And my
11 husband looked to me as we saw the news, and he
12 was like, "Well, that's a real welcome message."
13 And I said to him, "You know what, gestational
14 surrogacy is illegal in New York State too."

15 So my message is before we criticize
16 Israel, we should look in the mirror and look at
17 our own policies and how we treat others, and how
18 we need to strengthen our civil rights in the
19 United States and how we need to fight
20 antisemitism in the United States and make sure
21 that all cultures, all races, all religions are
22 respected.

23 So I commend Israel on its
24 71st birthday.

25 Thank you, Mr. President.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Liu on the resolution.

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

5 I am grateful to Senators Kaminsky
6 and Kaplan for their resolution celebrating
7 Israel's birthday.

8 Israel is our ally. Israel is a
9 democracy. Israel is a freedom-loving state of
10 people who have endured great hardships. And
11 even in our state, even in my district, there
12 continues to be some symbols and unfortunately
13 sometimes the rearing of antisemitism. We need
14 to fight that with all our means.

15 And I'm also grateful to the State
16 of Israel for the simple fact that the first time
17 I was there, I was there with my wife and, you
18 know, we were on this trip that we had -- where
19 we had a surprise guest. Dr. Ruth joined us for
20 a few days on the bus. And, you know, would you
21 believe, 10 months later we had a baby boy.

22 Thank you.

23 (Laughter.)

24 ACTING PRESIDENT BENJAMIN: The
25 resolution was previously adopted on May 7th.

1 Senator Gianaris.

2 SENATOR GIANARIS: Can we now move
3 to previously adopted Resolution 309, by Senator
4 Griffo, read its title only, and recognize
5 Senator Griffo.

6 ACTING PRESIDENT BENJAMIN: The
7 Secretary will read.

8 THE SECRETARY: Senate Resolution
9 309, by Senator Griffo, memorializing Governor
10 Andrew M. Cuomo to proclaim May 2019 as Lupus
11 Awareness Month in the State of New York.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Griffo on the resolution.

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

16 Today we have the pleasure of being
17 joined by a number of the lupus agencies
18 throughout the State of New York.

19 Over the years, we have presented
20 this resolution to try to continue to create
21 awareness about lupus, which is a complex
22 autoimmune disease that causes inflammation and
23 tissue damage to organs throughout the body.

24 Most commonly, statistically, we
25 look at more than 5 million people worldwide that

1 are affected by this disease. Over 1.5 million
2 Americans inflicted by this disease. And here in
3 New York alone, over 105,000 suffer today from
4 lupus.

5 So what we are trying to do here by
6 proclaiming May as Lupus Awareness Month is to
7 continue to draw attention, the necessary
8 attention to this particular disease, to generate
9 more public awareness, to generate more support
10 to the crucial research that is being done to
11 deal with this illness, and to continue to put
12 the resources necessary together to help us one
13 day find a cure for this disease.

14 So to have the support in this
15 chamber regularly, to have some who are with us
16 in the audience today -- and I know -- I think
17 Kathleen Arntsen is up there, along with the
18 Lupus Agencies of New York, the Lupus and Allied
19 Diseases Association, the Lupus Alliance of
20 Long Island-Queens, the Lupus Alliance of Upstate
21 New York, the Lupus Foundation of America, and
22 the Lupus Research Alliance.

23 They're all here today, and we
24 appreciate their continued advocacy and their
25 presence here in the State Capitol.

1 So I'm hopeful that as a result of
2 our continuing to pass this resolution that one
3 day we will be able to find effective treatments
4 and cures for this debilitating disease.

5 So, Mr. President, thank you for the
6 opportunity, and I ask that you recognize and
7 acknowledge our guests.

8 ACTING PRESIDENT BENJAMIN: To our
9 guests from the Lupus Agencies of New York, I
10 welcome you on behalf of the Senate. We extend
11 all of the privileges and courtesies of this
12 house. Please rise and be recognized.

13 (Applause.)

14 ACTING PRESIDENT BENJAMIN: The
15 resolution was previously adopted on
16 January 29th.

17 Senator Gianaris.

18 SENATOR GIANARIS: Mr. President,
19 can we please open both of the resolutions we
20 took up today for cosponsorship.

21 ACTING PRESIDENT BENJAMIN: The
22 resolutions are open for cosponsorship. Should
23 you choose not to be a cosponsor of the
24 resolutions, please notify the desk.

25 Senator Gianaris.

1 SENATOR GIANARIS: Please take up
2 the reading of the calendar at this time.

3 ACTING PRESIDENT BENJAMIN: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number 25,
6 Assembly Print 2285, substituted earlier by
7 Assemblymember Rozic, an act to amend the
8 Correction Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

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

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 25, those Senators voting in the
20 negative are Senators Akshar, Antonacci, Helming
21 and Ranzenhofer.

22 Ayes, 55. Nays, 4.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 319, Senate Print 1110, by Senator Kennedy, an
2 act to amend the Alcoholic Beverage Control Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

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

7 ACTING PRESIDENT BENJAMIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:
11 Announce the results.

12 THE SECRETARY: Ayes, 59.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 394, Senate Print 4572, by Senator Kaminsky, an
17 act to amend the Criminal Procedure Law.

18 SENATOR GRIFFO: Lay it aside.

19 ACTING PRESIDENT BENJAMIN: Please
20 lay it aside.

21 THE SECRETARY: Calendar Number
22 413, Assembly Print 6865A, substituted earlier by
23 Assemblymember Dickens, an act authorizing the
24 commissioner of general services to transfer and
25 convey certain lands in the County of New York.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 468, Senate Print 2719, by Senator Krueger, an
15 act to amend the Civil Practice Law and Rules.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

18 THE SECRETARY: Section 2. This
19 act shall take effect on the 120th day after it
20 shall have become a law.

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:
25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar Number 468, those Senators voting in the
3 negative are Senators Amedore, Gallivan, Griffo,
4 Helming, Jacobs, Ortt and Ranzenhofer.

5 Ayes, 52. Nays, 7.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 476, Senate Print 3809, by Senator Stavisky, an
10 act to amend Chapter 537 of the Laws of 2008.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

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

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:
19 Announce the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 479, Senate Print 5093, by Senator Stavisky, an
25 act to amend the Education Law.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 495, Assembly Print 5622, substituted earlier by
15 Assemblymember Weinstein, an act to amend the
16 Debtor and Creditor Law.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

19 THE SECRETARY: Section 7. This
20 act shall take effect 120 days after it shall
21 have become a law.

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar Number 495, Senator Helming voting in
4 the negative.

5 Ayes, 60. Nays, 1.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 496, Assembly Print 6358, substituted earlier by
10 Assemblymember Cruz, an act to amend Chapter 670
11 of the Laws of 2007.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 496, Senator Helming voting in
23 the negative.

24 Ayes, 60. Nays, 1.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 519, Senate Print 4976, by Senator Kennedy, an
4 act to amend the Vehicle and Traffic Law.

5 ACTING PRESIDENT BENJAMIN: Read
6 the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 520, Senate Print 5072A, by Senator Hoylman, an
20 act to amend the Tax Law.

21 SENATOR GRIFFO: Lay it aside.

22 ACTING PRESIDENT BENJAMIN: Lay it
23 aside.

24 THE SECRETARY: Calendar Number
25 534, Senate Print 1811, by Senator Rivera, an act

1 to amend the Public Health Law.

2 ACTING PRESIDENT BENJAMIN: Read
3 the last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect on January 1, 2020.

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN:
10 Announce the results.

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 540, Assembly Print 1078, substituted earlier by
16 Assemblymember Gottfried, an act to amend the
17 Public Health Law.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

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

7 SENATOR GIANARIS: Let's please
8 move to the reading of the controversial
9 calendar.

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

12 The Secretary will read.

13 THE SECRETARY: Calendar Number
14 394, Senate Print 4572, by Senator Kaminsky, an
15 act to amend the Criminal Procedure Law.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Lanza.

18 SENATOR LANZA: Thank you,
19 Mr. President. On the bill.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Lanza on the bill.

22 SENATOR LANZA: You know, more than
23 200 years ago tyrants were defeated, banished,
24 pushed back across the ocean from whence they
25 came. And the people right here on these shores

1 dedicated themselves to the proposition that
2 tyranny would never again reign on this land.
3 And to accomplish that goal, they wrote what I
4 believe to be the greatest governance document in
5 the history of the world. We know it as the
6 United States Constitution.

7 When that document was ratified, the
8 world witnessed the greatest transfer of power in
9 the history of humankind. It is that document
10 that said: Here, power is not with the
11 government, it is with the people.

12 In order to make sure that that is
13 the truth and that people can and will live in
14 freedom here, there are a number of provisions
15 which are written in that Constitution. And they
16 were based on a great in-depth and truly
17 enlightened review of the history of tyranny
18 throughout the world. And what the founders
19 determined and realized was that the greatest
20 threat to human liberty and freedom does not come
21 from your neighbor, it comes from consolidated
22 power in government -- the king, the queen, the
23 pharaoh, the dictator, the tyrant.

24 So how do you protect against that
25 type of tyranny? You understand how government

1 uses its power to oppress the governed. Most of
2 the provisions to protect against tyranny in the
3 Constitution are found in the Bill of Rights, but
4 they are also found elsewhere. Things known as
5 double jeopardy, ex post facto laws, bills of
6 attainder.

7 I know today, given the fact that
8 we've abandoned even trying to teach civil
9 governance in schools, I know today it's not a
10 priority to teach young people about the very way
11 of life we enjoy, called the American way. And
12 how it is that we enjoy this life. So let me
13 explain to people back home what some of those
14 terms mean.

15 Double jeopardy means that a person
16 in our country cannot be twice put in jeopardy.
17 In simpler terms, you can't prosecute a person
18 twice or three times or four times for the same
19 offense. Why is that in the Constitution? You
20 would think, if someone did something, we ought
21 to keep going until we get them. Well, the
22 founders knew something. They knew that when
23 government wants to oppress, when it wants to
24 deprive you of your liberty, it will do whatever
25 it takes to put you in jail. And so when you're

1 found innocent, they'll come at you again. When
2 you're found innocent again, they'll come at you
3 one more time. And they won't stop until you're
4 in jail and deprived of your liberty.

5 That's not theoretical or academic.
6 That's what happened for eons throughout the
7 world, and right on this land.

8 Ex post facto. What does that mean?
9 Sadly, most kids in school don't know what it
10 means, and they ought to, they should, because it
11 is the very shield that protects them against
12 tyranny. It means that in this land we don't
13 criminalize activity or conduct that was legal
14 when it was performed.

15 Put in other words, we're not going
16 make it a crime to do what you did yesterday when
17 it was legal to do it. Why is that in our
18 Constitution, Article I, Section 9? Because the
19 founders knew that when the government wants to
20 take your freedom, this is what they do. They
21 say, I don't like you. You're a Democrat.
22 You're a Republican. You're this ethnicity. You
23 don't agree with my politics. I really don't
24 have any legitimate claim against you, so I'm
25 just going to say what you did yesterday is now a

1 crime.

2 That's a protection against tyranny
3 in government, and it's important that we have
4 it. Same area of the Constitution, Article I,
5 Section 9, bills of attainder. I doubt anyone in
6 this room -- I shouldn't say that. We have a
7 bunch of lawyers -- I'm looking at Senator
8 Breslin -- and even nonlawyers, I'm sure. But
9 very few, I would imagine, throughout the state
10 even know the definition of bills of attainder.
11 And that's okay. As long as they've lived under
12 the blanket of that protection, it's all right.

13 But I guess these days they
14 ought to know about these things lest they lose
15 them. A bill of attainder -- listen to this
16 definition and see if it rings true or sounds
17 familiar to you today in our society in the halls
18 of government. Does this sound familiar? Bill
19 of attainder, a legislative act that singles out
20 an individual or group and declares them guilty
21 of some crime without a trial.

22 It sounds familiar to me. I see it
23 playing out on the news every day.

24 Why is that important? Why do we
25 need that protection? Again, because it shields

1 us from consolidated power that has always
2 corrupted on every land on this earth, except
3 here, where the hope that it would not -- this is
4 how government deprives you of liberty.

5 It says you're a threat to us.
6 You're like Lanza, you talk too much. I don't
7 like what you believe. I don't like what you
8 say. I don't like what you look like. I don't
9 like how you pray. I don't like how you don't
10 pray. I don't want to go through the trouble of
11 actually proving that you've done something
12 wrong; your existence is wrong enough to me. I'm
13 in power. I'm the government. I'm just going to
14 pass a law that says you go to jail, don't pass
15 go.

16 These are the very things that
17 distinguish what we are, what America is, the
18 land of the free. And because we don't happen to
19 like a certain person that serves in a certain
20 office today, we're going to throw it out the
21 window. We're going to be blinded by our hatred,
22 blinded by political -- by political
23 considerations. And we're going to throw not
24 only the baby out with the bathwater, we're going
25 to throw freedom into the garbage heap. We're

1 going to allow tyranny to once again get a
2 foothold on these shores. We're going to open
3 the door to the idea that government is in
4 control, that government has the power, that your
5 rights and your freedoms are subservient to the
6 whims of tyranny.

7 Hate who you like. Please don't
8 hate freedom. Say what you want. But please,
9 please don't attack the foundation of the
10 greatest country the world has ever known
11 established on the bedrock of freedom and
12 liberty. Please allow my children to grow up in
13 a place that protects them against government
14 oppression. That's why these clauses are in the
15 Constitution.

16 And that's why we here in the State
17 Legislature should leave them there and say what
18 we want, have our political discourse, vote the
19 way we want, but leave the Constitution alone.
20 Please, for God's sake, leave the Constitution
21 alone.

22 I know some find it funny. It's
23 not. It's sad. It's sad that in our zeal
24 because of our hatred for some, we're willing to
25 open the door to tyranny and oppression --

1 ACTING PRESIDENT BENJAMIN: Senator
2 Gianaris.

3 SENATOR GIANARIS: Will Senator
4 Lanza yield for a question?

5 SENATOR LANZA: Absolutely, Senator
6 Gianaris.

7 ACTING PRESIDENT BENJAMIN: The
8 Senator yields.

9 SENATOR GIANARIS: Thank you.
10 My question, Senator Lanza, is what
11 any of these comments have to do with the bill
12 that's before this house.

13 SENATOR LANZA: What -- would the
14 sponsor yield?

15 ACTING PRESIDENT BENJAMIN: He
16 asked you a question.

17 SENATOR GIANARIS: Actually, you
18 have the floor.

19 SENATOR LANZA: I'd like to -- I'm
20 going to answer with a question.

21 ACTING PRESIDENT BENJAMIN: Okay.
22 (Laughter.)

23 SENATOR GIANARIS: I believe
24 Senator Lanza has the floor. He can answer the
25 question.

1 ACTING PRESIDENT BENJAMIN: He
2 would like to ask you a question, Senator
3 Gianaris. To answer your question, he wants to
4 ask you a question.

5 SENATOR LANZA: I'll answer the
6 question.

7 SENATOR GIANARIS: Sure.

8 SENATOR LANZA: Through you,
9 Mr. President, it has everything -- it has
10 everything to do with this legislation.

11 Now, Mr. President, would Senator
12 Gianaris yield?

13 ACTING PRESIDENT BENJAMIN: Senator
14 Gianaris, would you yield for a question?

15 SENATOR GIANARIS: I'm sorry, I
16 didn't hear his answer.

17 SENATOR LANZA: It has everything
18 to do with this legislation.

19 SENATOR GIANARIS: Okay. Would
20 Senator Lanza continue to yield?

21 SENATOR LANZA: I asked Senator
22 Gianaris to yield first.

23 SENATOR GRIFFO: Point of order
24 here, Mr. President. Senator Lanza has the
25 floor. It's within his prerogative whether to

1 yield or not. He has answered the question. You
2 asked him to further yield. He has asked whether
3 you would yield for a question.

4 Would you yield to his question? He
5 has the floor.

6 SENATOR GIANARIS: First of all,
7 you're no longer the presiding officer, Senator
8 Griffo.

9 SENATOR GRIFFO: Well, apparently,
10 Senator Gianaris, the presiding officer
11 determines germaneness, not you. You're not in a
12 position to determine what is germane or not.

13 SENATOR GIANARIS: No one's --

14 SENATOR GRIFFO: This bill is on
15 the Constitution. You're raising whether or
16 not --

17 ACTING PRESIDENT BENJAMIN: Senator
18 Griffo --

19 SENATOR GRIFFO: -- Senator Lanza
20 is raising legitimate remarks --

21 SENATOR GIANARIS: Mr. President --

22 SENATOR GRIFFO: -- on a specific
23 bill that is before the house that deals with
24 constitutional issues.

25 SENATOR GIANARIS: Mr. President.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Griffo, please.

3 Senator Gianaris.

4 SENATOR GIANARIS: I'll remind
5 Senator Griffo that we should all be addressing
6 the presiding officer, not each other.

7 No one is speaking about
8 germaneness. I merely asked a question of
9 Senator Lanza --

10 SENATOR LANZA: I answered the
11 question. I'll answer it again, Mr. President,
12 through you, if you'd like.

13 SENATOR GIANARIS: If he wishes to
14 no longer yield, that's his prerogative.

15 ACTING PRESIDENT BENJAMIN: Do you
16 yield to a question from Senator Gianaris?

17 Senator Gianaris has asked a
18 question. Will you yield?

19 SENATOR LANZA: Yes, absolutely.
20 Completely willing to yield.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Lanza yields.

23 SENATOR GIANARIS: Thank you,
24 Senator Lanza.

25 I'm merely trying to understand,

1 because you have given a very thorough recitation
2 of a number of constitutional clauses, which we
3 all respect. But I've heard you say things about
4 the double jeopardy clause and how once someone
5 is judged to be not guilty, that then they
6 shouldn't be re-prosecuted. This bill has
7 nothing to do with that. And so I'm trying to
8 understand the relevance of your comments,
9 because this bill only applies when there was a
10 pardon, not a trial that then found somebody not
11 guilty after due process.

12 And so I'm just having trouble
13 understanding how your comments relate to the
14 bill that's before the house. That was my
15 question.

16 SENATOR LANZA: Through you,
17 Mr. President, we probably had different
18 constitutional law professors in law school.

19 So it's not just about trial double
20 jeopardy. As you ought to know, it's about a
21 prohibition twice putting a person in jeopardy.
22 Jeopardy sometimes relating to trial, sometimes
23 not. But the operative and constitutional
24 provision protects against U.S. citizens being
25 twice placed in jeopardy.

1 SENATOR GIANARIS: Thank you.

2 I appreciate the clarification,
3 because Senator Lanza's earlier comments spoke
4 about double jeopardy in the context of someone
5 being adjudged not guilty, and I just wanted to
6 be clear that this bill does not pertain to that
7 example.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Lanza, you have the floor.

10 SENATOR LANZA: May I continue?

11 So of course it does. You know
12 another thing that a government full of itself
13 does? When they try to erode your freedom, they
14 don't want you to hear about it. And they don't
15 like anyone else to talk about it. And they want
16 to silence anyone who gets up and defends your
17 freedom.

18 And they say, Senator Lanza, why are
19 you talking about this? Hush up. Be quiet. We
20 know what we're doing, we're big government. Sit
21 down and shut up. Yield.

22 I'll yield all day long to questions
23 about defense of the Constitution of the United
24 States and the freedom that it provides for the
25 people of this country. And that is what this

1 legislation is about, Mr. President.

2 I know it's aimed at a single
3 person. But, you know, you may be aiming for the
4 president, but there's going to be a lot of
5 collateral damage. Today it's the president;
6 tomorrow it's the rest of us.

7 And these provisions are important.
8 We've got to stand by them. We ought to live by
9 them. I vote no, Mr. President.

10 (Scattered applause from the
11 Minority.)

12 ACTING PRESIDENT BENJAMIN: Senator
13 Ortt. Senator Ortt, on the bill or would you
14 like to ask a question of the sponsor?

15 SENATOR ORTT: On the bill,
16 Mr. President.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Ortt on the bill.

19 SENATOR ORTT: Mr. President, I
20 don't know that I can follow that, but I have to.

21 Lookit, there's an old saying, and
22 I'm sure everyone here has heard -- I've always
23 believed good policy and good government equals
24 good politics. Because when you're doing the
25 right thing policy-wise, politically or

1 governmentally, it's easy to defend that
2 politically.

3 But I do not believe the reverse is
4 true. Good politics does not always equal good
5 policy or good government. This is good politics
6 for some people in this room, but this is bad
7 policy. And it's bad government. We're
8 literally passing a piece of legislation -- and
9 I'm not an attorney, I can't speak artfully on
10 all the constitutional nuances as Senator Lanza
11 did, or maybe some other people in this room can.
12 But we're removing protections that exist today,
13 double jeopardy protections, that have existed
14 for centuries. And we're targeting a specific
15 group of people even before the bill is passed.

16 Now, from a legal standpoint, that
17 has to be somewhat unprecedented. And I think
18 about -- because this bill is being supported and
19 pushed by the Attorney General of New York State,
20 who also has initiated action, legal action,
21 using the significant powers of her office --
22 which for those that don't know carry with it
23 some of most significant powers of any attorney
24 general in the country from a state-level
25 standpoint.

1 She's issued actions against the
2 National Rifle Association, which again for some
3 people in this room is a great thing. They
4 applaud the politics of it. But I have real
5 concerns about the merits of it, the policy of
6 it. And I do not applaud the politics of it.
7 Because she's already stated the National Rifle
8 Association is a terrorist organization. So
9 she's already made her bias clear, which I think
10 colors any prosecution.

11 I would say this is the same. We
12 are already showing our hands that we're
13 targeting people who haven't been pardoned -- as
14 my colleague Senator Gianaris said, no one's been
15 pardoned yet, at least in the current
16 administration, and yet we're already laying the
17 groundwork to prosecute them. And to the debate
18 that occurred, in most cases where there's been
19 pardons, there have been trials. And so now
20 they're going to be tried a second time, in most
21 cases. You don't need to be tried to be
22 pardoned, but in most cases a pardon occurs after
23 a conviction.

24 And this is retroactive, which is
25 even more crazy to me. I know there's a legal

1 term, ex post facto. But when I'm home, I don't
2 use those words, I use, you know, retroactive.
3 And even then I might lose some people.

4 But the fact of the matter is -- I
5 mean, are we going to go back to George
6 Washington's pardons? Maybe Bill Clinton's
7 pardons. Maybe Marc Rich should be concerned
8 about his current state. I mean, this opens up a
9 host of problems from a policy perspective.

10 But this isn't a policy bill. This
11 is a political bill. It's being introduced for
12 political reasons because for some folks, this is
13 great politics. I'm not one of those. But
14 regardless of that, it's bad policy and it's bad
15 government.

16 And to what Senator Lanza said,
17 every time you remove a brick from the foundation
18 of our republic, you don't get to just put it
19 back. And it weakens the structure. And you do
20 it enough times, and one day our descendants
21 might look back and say, We really screwed things
22 up because we chipped away at the foundations of
23 our republic and the foundations of our democracy
24 for political ends.

25 So this is a bad political bill to

1 me, Mr. President. But again, I would say this
2 is terrible policy, this is terrible government.
3 And the notion that with all the issues facing
4 New Yorkers that we are in this room debating,
5 discussing, passing this -- because this, this is
6 what's keeping New Yorkers awake at night. We've
7 got to worry about the pardons, potentially, in
8 prosecuting members of the president's family or
9 the president himself or members of his
10 administration. Who, by the way, haven't been
11 pardoned. We're just doing it preemptively and
12 retroactively.

13 Bad policy, bad government, bad
14 politics. Mr. President, I vote nay.

15 ACTING PRESIDENT BENJAMIN: Are
16 there any other Senators wishing to be heard?

17 Senator Ranzenhofer.

18 SENATOR RANZENHOFER: Yes, thank
19 you, Mr. President --

20 ACTING PRESIDENT BENJAMIN: On the
21 bill, or are you asking a question.

22 SENATOR RANZENHOFER: No, I'm on
23 the bill, thank you.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Ranzenhofer on the bill.

1 SENATOR RANZENHOFER: So we've had
2 a couple of comments about what various Senators,
3 you know, feel about the bill, and the
4 conversation has been good. And interestingly
5 enough, as I'm reading through the legislation
6 and I'm reading through some of the memos, I just
7 wanted to read into the record some of the
8 comments from the NYCLU -- which I don't often
9 quote, but I think it's appropriate in this
10 particular debate to just talk about some of
11 these things and to talk about this on the
12 record.

13 The first comment in their memo
14 states that "Since this country's founding,
15 people in the United States have relied on double
16 jeopardy protections to shield individual liberty
17 and guard against government harassment and
18 overreach." And I think that was to Senator
19 Lanza's point, is this is really -- what we have
20 in the constitution is to protect against
21 tyranny. And what we're doing here is we're
22 saying, well, that's not important. Those
23 protections are not important for the people of
24 the State of New York, for the people of this
25 country. We're going to disregard this.

1 It further goes on to say that "This
2 legislation would undermine New York's model
3 double jeopardy statute to give effect to
4 short-term political gratification." To another
5 point that was raised by Senator Ortt and Senator
6 Lanza, is that what this bill is really about?
7 This bill is about short-term political
8 gratification.

9 We in the Senate should not be
10 looking for short-term political gratification,
11 we should be looking at what policies are good
12 for our constituents and for the residents of the
13 State of New York.

14 It further goes on to say that
15 "However, the short-term satisfaction derived
16 from these individual cases is not worth the
17 long-term damage this measure will do to
18 New York's critical protections for all people
19 accused of crimes." That's an important policy
20 which should not be undermined for short-term
21 political gratification.

22 It further goes on to say that "This
23 misguided legislation could also lead to further
24 erosion of New York's statutory double jeopardy
25 protections, laying the path for those who wish

1 to carve out other categories of individuals from
2 our state's important safeguards. Even the way
3 New York's robust double jeopardy protections are
4 now being described by the bill's proponents --
5 as 'loopholes' -- threatens to undermine the
6 law's critical protections for all defendants."

7 Interestingly, as we've had debates
8 on public safety and criminal justice, this is
9 normally an argument that I hear coming from the
10 other side of the aisle. Not today, because of
11 short-term gratification, political in nature.

12 It goes on to say and concludes that
13 "New York's strong statutory double jeopardy
14 protections embody the commitment made in the
15 federal and state constitutions: that
16 individuals should not live in fear of vindictive
17 government action that can wear them down and
18 subject them to expense, embarrassment, anxiety
19 and insecurity by repeatedly trying them in
20 different venues until they secure a conviction."

21 Now, I don't know if Senator Lanza
22 read this memo, but that's exactly the point that
23 Senator Lanza was making. New York should not
24 undermine an important statutory safeguard for
25 short-term political gain, and it urges the rapid

1 defeat of these bills.

2 And this is what this is really all
3 about. Are we here to win short-term political
4 hits? Now, obviously you have the votes to pass
5 this. And is that what we're all about,
6 short-term political hits? Or are we here to
7 talk about good policy? And we have many
8 differences on our policies. Should we be
9 enacting political legislation for the purposes
10 of political gain and to oppress your enemies, no
11 matter which side you're on? Should Republicans
12 have done this when Democratic presidents were in
13 office? Should Democrats do this when Republican
14 presidents are in office?

15 I mean, that's really -- you know,
16 that's what this body is all about. Is that what
17 we have come down to? Is that what we are
18 stating as our priorities? You know, should we
19 be concerned about the massive migration from
20 this state, or should we be passing a bill like
21 this to be able to then do a press conference, do
22 a blast email and say, hey, look at me, I'm
23 great, I scored this great political hit -- but
24 at what expense? At what expense?

25 I don't think the expense is worth

1 it. When we get to the vote, I will be voting
2 no. But this is a sad low in this chamber. And
3 this chamber has had other moments of highs and
4 lows. But unfortunately, Mr. President, I
5 believe that this is a new low in the New York
6 State Senate.

7 Thank you, Mr. President.

8 ACTING PRESIDENT BENJAMIN: Senator
9 O'Mara on the bill.

10 SENATOR O'MARA: Thank you,
11 Mr. President.

12 I rise to join my colleagues that
13 have spoken before me, I'm sure far more
14 eloquently than I will do.

15 I truly believe that this is a pure
16 and simple political maneuver to attack a sitting
17 president of the United States to score political
18 points in your individual districts.

19 And I'm also quite sure that if this
20 passes and becomes law, you all will rue the day
21 that you established this in New York State.

22 This is attacking the basic
23 foundation of our criminal justice system in the
24 United States of America in New York State:
25 Violating double jeopardy, bills of attainder,

1 ex post facto charging somebody with a crime that
2 wasn't illegal when they undertook the action.

3 This is a huge mistake. And it's
4 all politics on the federal level. Well, we're
5 New York State. We should be above that. We
6 should be above the fray and the nonsense that's
7 going on in Washington that my constituents are
8 sick and tired of and want us to move forward.

9 But yet this bill isn't enough. We
10 have another bill on the calendar today to again
11 take a shot at our sitting president in an effort
12 to disclose tax returns of individuals. You will
13 rue the day that you pass that also.

14 And we have yet further legislation
15 to attack a certain individual by changing the
16 way we assess golf courses in New York State, to
17 again to get after our president individually.

18 This is a sad time in New York State
19 history. I have to ask myself, as we sit here
20 debating these bills, how does this help our
21 constituents? How does this help the average
22 New Yorker? What is this doing to improve our
23 sad state of our infrastructure in New York
24 State? What is this doing to help small business
25 in New York State? What is this doing to help

1 the average hardworking New Yorker who could care
2 less about this nonsense going on -- what's going
3 on here today in this chamber and what's going on
4 nationally.

5 We need to get to work in this
6 chamber. We have only 19 days of session left in
7 this legislative calendar, and we're wasting
8 precious time on legislation such as this that is
9 going at the basic foundation of our criminal
10 justice system and the protections that we all
11 have from overzealous prosecution, from repeated
12 prosecutions going after individuals.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Bailey on the bill.

16 SENATOR BAILEY: Thank you,
17 Mr. President. I will be brief.

18 And I appreciate the conversation
19 that we're having today. Even if I don't agree,
20 I appreciate the discussion. I appreciate and
21 always do appreciate Senator Lanza's legal mind.
22 We've had discussions and we've had
23 disagreements.

24 And I'm not sure if this
25 interpretation is an originalist perspective of

1 the Constitution, but I've always believed that
2 the Constitution should be considered as a living
3 document, that as times change, things that the
4 framers could not imagine would happen have
5 happened. If we are looking at things from an
6 originalist perspective, women would still not
7 have the right to vote. If we looked at things
8 from an originalist perspective, I as a black man
9 in America would still be considered three-fifths
10 of a human being if we looked at the Constitution
11 from an originalist perspective.

12 I am not saying that this is an
13 originalist standpoint. What I am saying is that
14 legislation like this is important because it
15 allows us as a legislature, and the state and the
16 country, to evolve. As times change, we must
17 change with them or be changed by them.

18 Thank you, Mr. President.

19 ACTING PRESIDENT BENJAMIN: Are
20 there any other Senators wishing to be heard?

21 Seeing and hearing none, the debate
22 is closed. The Secretary will ring the bell.

23 Oh, Senator Kaminsky on the bill.

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

1 I just want to first talk about what
2 this bill does and what this doesn't do,
3 especially in light of our constitutional
4 framework.

5 So let's start first. I think
6 sometimes the world has a funny way of bringing
7 facts to us. But in 1922, the U.S. Supreme Court
8 held, in U.S. v. Lanza, that there is a dual
9 sovereignty doctrine, and that a state is free to
10 pursue a case within its own borders violating
11 its own laws despite a federal case.

12 Now, a state of course, like
13 New York had done in the 1960s -- and that we
14 heard before that this is a century-old practice
15 we're changing and we're taking a brick out of
16 the structure of our foundation. So here's what
17 happened. In 1922 the Supreme Court held -- and
18 by the way, more than just in the Bill of Rights,
19 and more than just in enumerated civil liberties,
20 our Constitution itself is structured in a way to
21 divide powers federally. We all know this. The
22 state retained all its powers except those that
23 it gave to the federal government, and those are
24 enumerated throughout the Constitution. But it
25 certainly retained the rights to prosecute its

1 own cases within its own borders when its own
2 laws were violated.

3 In 1922, in U.S. v. Lanza, it held
4 that just because the feds have brought a case
5 or, in reverse, the states have brought a case,
6 they could each pursue that individually in most
7 circumstances.

8 Now, as a federal prosecutor I have
9 prosecuted individuals in a case where the state
10 did not do justice in its case, which is the
11 reverse. And it sometimes happens that someone
12 commits a crime so atrocious and the state case,
13 because of a loophole in state law, or a
14 technicality, for that person justice is not done
15 and you have to ask the Department of Justice in
16 Washington to do it. But you could bring a
17 federal case based on that, because they're dual
18 sovereigns.

19 Now, in the 1960s when New York
20 crafted its double jeopardy statute, it
21 decided -- we now call it a loophole. I wasn't
22 here in the '60s, I'm not sure -- that it decided
23 that presidential pardons would be included in
24 what is double jeopardy. But that's done by
25 statute. New York did it itself. So it cannot

1 be the case that in 1960-something we deem that
2 New Yorkers should have an extra set of
3 liberties, which we do in many other areas, and
4 then 40 or so, 50 years later want to change that
5 by statute and have people jumping up and down
6 that the constitutional fabric is being torn
7 asunder before our very eyes and that we've
8 reached a new low.

9 So here's what this bill will do.
10 This bill says that the corrupt use of the
11 presidential pardon will not inhibit New York law
12 enforcement officials from bringing forward a
13 case to a grand jury. As simple as that.

14 So if you are undermining an
15 investigation into the president of any party,
16 from now until the future -- and we're clearly
17 conscientious of the fact that this is not just
18 one bill aimed at one investigation concerning
19 one person. This will happen going forward
20 perhaps many years.

21 And yes, if a Democratic president
22 corruptly uses the pardon power for his or her
23 benefit to undermine the rule of law, New York,
24 as a sovereign entity, will have a right to do
25 so. And guess what? So do 24 other states that

1 New York will be joining today.

2 So the fact that this is a new low,
3 that we're tearing apart the constitution -- this
4 is common practice, if this bill is passed, in
5 half the states of the United States, who have
6 chosen to give their own prosecutors the right to
7 seek redress for violations of state law. And
8 what ultimately will determine that are the
9 people of the State of New York. Our grand
10 juries and our juries in courts of law will make
11 those decisions.

12 Every day we have debates almost
13 back and forth about what it means to be held
14 accountable, what happens when someone violates
15 the law. Right? We had that debate yesterday.
16 We've had that debate quite often. And today it
17 seems the world has flipped on its head. Instead
18 of wanting to pursue accountability when someone
19 violated the law, or wanting to make sure justice
20 was done for the victims of those crimes, whoever
21 that may be -- today suddenly so many don't want
22 to go down that track.

23 When the New York Civil Liberties
24 Union issues hundreds of memos a year about all
25 types of infractions, today is the day that the

1 other side of the aisle pulls it out when it
2 happens to be something about a president who's
3 also of their party. I find that to be
4 inconsistent and unhelpful.

5 So at the end of the day, what this
6 is going to do is very simple, and I think it
7 should be uncontroversial. When someone breaks
8 the law in the State of New York, and if the
9 president pardons that person -- after this law
10 is passed, by the way. We're not able to go back
11 in time -- then at that point New York will have
12 the ability to bring a case before a grand jury
13 in the State of New York, whether that's the
14 attorney general or a local district attorney's
15 office.

16 And if someone did not do the crime,
17 then our system of justice should hopefully work.
18 But if someone did do a crime and a president
19 pardoned that person for corrupt reasons -- and
20 that's the only reasons that apply for this
21 bill -- then New York will have the right to
22 pursue crimes within its sovereign borders.
23 That's all this is.

24 This makes sense. And let the
25 evidence go where it may, let leads be followed,

1 and let the be truth be found. That is all this
2 does.

3 I vote in the affirmative. Thank
4 you, Mr. President.

5 ACTING PRESIDENT BENJAMIN: Are
6 there any other Senators wishing to be heard?

7 Seeing and hearing none, debate is
8 closed.

9 The Secretary will ring the bell.

10 Read the last section.

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

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN: Senator
17 May to explain her vote.

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

20 We've heard that this bill is
21 motivated by hatred, but to my mind it is
22 motivated by -- and certainly my vote in favor of
23 it is motivated by -- love of our democracy.

24 Over the last few years we have
25 learned that a lot of the protections we take for

1 granted in our democracy, particularly guarantees
2 of transparency and accountability, are not
3 enforceable in the face of an administration that
4 does not act in good faith and does not respect
5 the rule of law.

6 I agree with Senator Lanza, it is
7 our job to defend our democracy from tyranny.
8 And I believe this is one small step that we can
9 take in order to do that.

10 I proudly vote aye. Thank you.

11 ACTING PRESIDENT BENJAMIN: Senator
12 May to be recorded in the affirmative.

13 Senator Lanza to explain his vote.

14 SENATOR LANZA: Thank you,
15 Mr. President, to explain my vote.

16 I want to thank Senator Kaminsky for
17 reminding me. Of course I knew the case, it was
18 a favorite of mine in law school, U.S. vs. Lanza.
19 But it only proves that they've been beating up
20 on the Lanzas for a long time.

21 (Laughter.)

22 SENATOR LANZA: Mr. President, I
23 vote no.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Lanza to be recorded in the negative.

1 Senator Tedisco to explain his vote.

2 SENATOR TEDISCO: Thank you,
3 Mr. President and my colleagues.

4 I like what our Senator said over
5 there, protecting our democracy from tyranny.
6 That's important. It could be a part of our
7 obligation.

8 I know that what we're doing now, as
9 has been mentioned, is more political than
10 appropriate policy. I mean, that's the way I
11 feel about it. I haven't seen our president out
12 there really pardon anybody so far, so that
13 doesn't exist. But I guess in the future you
14 feel it may happen and we should have another
15 bite at the apple.

16 But there's an old saying, what's
17 good for the goose is good for the gander. We've
18 had a little bit of tyranny here at the Capitol.
19 And it might not only be in these areas, it might
20 be at the executive level at some point.

21 So I asked our counsel does the
22 Governor have the ability to pardon? And he says
23 yes, he does. I haven't heard the Governor
24 pardon anybody. But should he pardon them in the
25 future, don't you think we should have a second

1 bite at the apple here, if we think he's done it
2 inappropriately? I mean, what's good for the
3 goose is really good for the gander.

4 If you want the top guy and us to
5 weigh in -- because I hear a lot of that lately
6 around here in the Senate and the Assembly. And
7 Mr. Brodsky, who was a fellow Assemblyman with
8 me, says we don't have enough power. This
9 representative democracy is not working.

10 Now, I'm going to try to draft that
11 bill, and I'm going to try to make it so it kind
12 of is parallel with what you're doing from the
13 federal level to give us another bite at the
14 apple. Because I know you want to protect from
15 tyranny from that second floor. And when that
16 second floor, whoever it is -- it could be
17 anybody in the future, Republican, Democrat. But
18 we will get a second bite at the apple, which I
19 know you want to do, to stop the tyranny that the
20 Senator was talking about, not from the federal
21 government pardoning somebody inappropriately,
22 but right here, potentially. Because the
23 potential could be anywhere with the power of
24 someone who could pardon.

25 So I know you're going to want to

1 sign onto that bill, and I'll be circulating it
2 to all of you. And then we'll let the media take
3 a look at how serious you are about doing what
4 you just said you wanted to do, protect from that
5 tyranny, really find out that that was done in an
6 inappropriate way. And it won't be political, of
7 course, it will be an important policy issue,
8 because it will follow the policy issue you just
9 put forth here.

10 Now, I'm going to vote no on this
11 one, but I'll take my vote back, maybe, if you do
12 one for the State of New York and you equal it up
13 a little bit and you're serious about it.
14 Because I think you do understand there is a
15 potential for the same situation to happen here:
16 You may have somebody who gets in there and
17 pardons somebody and you've got a realistic idea
18 that that was not acceptable and that we've got
19 to get the AG involved and go after those
20 individuals.

21 So I hope you'll support me in that
22 and we can balance everything up at that time.
23 Because I know this one is going to pass. And
24 I'll be happy to vote for that one when it comes.

25 Thank you, Mr. President.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Tedisco to be recorded in the negative.

3 Senator Krueger to explain her vote.

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

6 So I learned a lot during this
7 debate, so I appreciate everybody's input. And
8 it gave me a chance to spend a little time
9 reading and clarifying my understanding of the
10 Constitution and why this doesn't violate double
11 jeopardy.

12 But from listening to a couple of my
13 colleagues, they perhaps don't understand how
14 limited this is. This is in situations where the
15 president has pardoned people who were working
16 for him, affiliated with him, involved with
17 activities that were of questionable legal
18 activity to him -- or her, because we can have
19 future presidents, and wouldn't that be nice, to
20 refer to the president as a her.

21 And so it's not a universal anybody
22 who's ever pardoned by a president, but
23 specifically in a subset of areas where we the
24 people of the United States and of New York have
25 a very, very personal interest in whether the

1 president of the United States is using the power
2 to pardon to protect themselves, their family and
3 people who have worked for them, from the same
4 standards of law that everyone else is expected
5 to follow.

6 So if there's a parallel for
7 New York State -- and I'm not sure, maybe there
8 is, Senator -- I'm open to that discussion also.
9 But I want to emphasize this isn't a violation of
10 the Constitution, it's not changing the
11 Constitution, it's not opening ourselves up
12 willy-nilly to any imaginable pardon. This is a
13 very subset issue that is crucial to the
14 protection of our democracy, and I'm very glad
15 that I have it before me today to vote for.

16 Thank you, Senator Kaminsky. Thank
17 you, Mr. President.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Krueger to be recorded in the affirmative.

20 Any other Senators wishing to be
21 heard?

22 Senator Jacobs to explain his vote.

23 SENATOR JACOBS: Mr. President, I
24 just wanted to -- as I'm reading the New York
25 Civil Liberties memo of opposition, I want to

1 just read the first paragraph, if I may.

2 "Since this country's founding,
3 people in the United States have relied on double
4 jeopardy protections to shield individual liberty
5 and guard against government harassment and
6 overreach. After the Supreme Court undermined
7 constitutional double jeopardy protections by
8 introducing the concept of dual sovereignty,
9 permitting successive state and federal
10 prosecutions based on the same crime, New York
11 wisely adopted strong statutory double jeopardy
12 protections superseding dual sovereignty and
13 prohibiting "a second prosecution if the
14 defendant has been once tried by another
15 government of similar offense.

16 "This legislation would undermine
17 New York's model double jeopardy statute to give
18 effect to short-term political gratification.
19 The NYCLU opposes {this bill} and urges lawmakers
20 to reject it."

21 I understand that the NYCLU puts a
22 lot of memos out, but this is an entity that is
23 no fan of our president but yet is compelled to
24 stand against this bill because of the
25 significance it would do to undermine our

1 liberties.

2 I vote no.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Jacobs to be recorded in the negative.

5 Senator Gianaris to explain his
6 vote.

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

9 I just want to thank Senator
10 Kaminsky for putting up a bill that for the first
11 time in all my years here has the Republican
12 conference citing the Civil Liberties Union.

13 (Laughter.)

14 SENATOR GIANARIS: So just having
15 the opportunity to experience that is something I
16 can take with me.

17 So thank you, Senator Kaminsky.
18 I'll be voting in the affirmative on this
19 important legislation.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Gianaris to be recorded in the affirmative.

22 Any other Senators wishing to be
23 heard?

24 Seeing and hearing none, Senator
25 Kaminsky to close.

1 SENATOR KAMINSKY: Thank you. I
2 would like to respond, Mr. President, to the idea
3 that there is nothing that could have engendered
4 the need for this bill, it's just being done for
5 political points. And I point to the headline
6 from yesterday that says "President Pardons
7 Former Soldiers Convicted of Killing Iraqi
8 Prisoner."

9 And when you take that news, along
10 with the pardoning of Joe Arpaio, of Dinesh
11 D'Souza, of a number of things, and you turn to
12 the Mueller report, which says, Don't worry, you
13 don't need to talk to the government, our buddy's
14 going to take care of us -- all these things
15 certainly bring into stark relief the need to
16 chose this loophole.

17 This is not directed at any
18 particular person. But I will be the first one
19 to say that the actions from this White House
20 have certainly highlighted the need for New York
21 to stand up for itself, to be able to
22 prosecute crimes that occur within its borders
23 after a corrupt presidential pardon.

24 I vote in the affirmative.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Kaminsky to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar Number 394, those Senators voting in the
5 negative are Senators Akshar, Amedore, Antonacci,
6 Boyle, Felder, Flanagan, Gallivan, Griffio,
7 Helming, Jacobs, Lanza, LaValle, Little,
8 Martinez, O'Mara, Ortt, Ranzenhofer, Ritchie,
9 Robach, Serino, Seward and Tedisco.

10 Ayes, 38. Nays, 22.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 520, Senate Print 5072A, by Senator Hoylman, an
16 act to amend the Tax Law.

17 ACTING PRESIDENT BENJAMIN: Senator
18 Lanza on the bill.

19 SENATOR LANZA: Thank you,
20 Mr. President, to -- on the bill.

21 So we're elected here to serve in
22 the New York State Senate, to serve the best
23 interests of the people both in our district and
24 around the state. We do that by passing all
25 sorts of legislation. We do that by making sure

1 that we spend the taxpayer dollars wisely in one
2 of the largest budgets of any government in the
3 nation. And we do that by understanding and
4 appreciating what people around the state really
5 care about and what's really going on in their
6 lives.

7 So let me talk about what's
8 happening right now, as we enjoy the privilege of
9 serving in this body, in the lives of people
10 around the state. Right now we stand witness as
11 our bridges and our roads are crumbling. Right
12 now, all across the state there's a new victim of
13 crime. Someone's identity is being stolen,
14 someone is being raped, murdered, stabbed,
15 burglarized, robbed.

16 Right now, as we stand here, another
17 New York business which is overregulated and
18 overtaxed is closing its doors forever. And that
19 mom and that pop is trying to figure out what
20 they're going to do next.

21 Right now -- in fact, in a couple of
22 weeks -- thousands of New York State students are
23 graduating from college with an education, quite
24 frankly, that isn't what it ought to be. And
25 they're wondering how the hell they are going to

1 get out from under the mountain of school loan
2 debt that they've accumulated. How are they
3 going to do it? How is it going to affect their
4 lives in the next 10, 20, 30 years?

5 Right now hundreds, maybe thousands
6 of New Yorkers are sitting bedside in a hospital
7 watching their husband, their wife, their son,
8 their daughter, their mother, their father
9 breathe their last breath, maybe succumbing to
10 cancer, heart disease, diabetes, all manner of
11 illness that plagues humanity.

12 Right now a mom somewhere in
13 New York is walking into her kitchen to find her
14 son or her daughter lifeless on the floor,
15 another of the thousands of victims of drug
16 overdose in this state. Not one, not 100,
17 thousands already gone. Thousands more to come.

18 That's what's happening in New York
19 right now. That's what on the minds of
20 New Yorkers right now.

21 How many families right now, this
22 moment, have made the decision in New York that
23 they can't do it anymore? They're going to pull
24 up, leave the homes they've lived in for
25 100 years, 30 years, their families have been

1 here, and leave their home state probably forever
2 because they just can't afford to live here
3 anymore. Because it just doesn't make sense to
4 pay this tax and try to find a way to make ends
5 meet. They can't do it. They're leaving.

6 That's what's on the minds of people
7 right now. Those are some of the real struggles
8 that families and people are going through right
9 now and will continue to do so in this state. So
10 what do politicians do when they don't have real
11 solutions for real problems? They lay down a
12 smoke screen. It's called sleight of hand. They
13 try to get you to look somewhere else. They try
14 to fool you into believing that you're on top of
15 things, you'll get something done. It may not
16 actually happen but you're working. You're
17 talking.

18 That's what this is all about.
19 People are struggling and dying and leaving.
20 People around here have a good idea: Here's the
21 solution. We want to see President Trump's tax
22 return. Boy, that will just make everything feel
23 better. That will solve crime, that will create
24 jobs, that will save lives, that will pay off
25 student debt. Not.

1 It's really crazy. You know, and it
2 would be bad enough if it was just about the
3 president's tax return, but it's worse. It's
4 about everyone's tax return. It doesn't stop
5 with the president. This legislation doesn't
6 stop there. That says we're going to let some
7 political hacks in Washington -- you know because
8 everybody loves what Congress is doing,
9 Republicans and Democrats. They're very popular.
10 You ought to look at their popularity numbers. I
11 think it's like 11.

12 We're going to let them, political
13 hacks, decide when they want to invade your
14 privacy. Sure, they'll give you a good reason at
15 the moment. Today it's because you're a
16 Democrat, tomorrow it's because you're a
17 Republican. The next day it's because you want
18 to run for Congress, and they're afraid. Let's
19 invade your privacy. Let's meet in a room.
20 We'll make up a reason. It will be legitimate.
21 It will be written. It will take three of us,
22 and then we've got your tax returns.

23 That's what the founders I'm sure
24 envisioned when they established this nation.
25 I'm sure that's what they thought would be good

1 for all of us. Hand over power to a bunch of
2 political hacks in Washington to let them, at
3 their whim, decide when they want to look into
4 your life, turn it upside down, and figure out
5 how to ruin you.

6 You know, for those who say, Well,
7 we ought to know, we ought to know -- and I've
8 heard the things that people want to know about
9 in a certain person's tax return. Well, you
10 know, anybody who wants to know can know. The
11 people should know that the president, the
12 candidate for president fills out a financial
13 disclosure form, just like we do. Within that
14 document are all the things concerning conflicts,
15 business interests, how much you own -- property,
16 securities, money and otherwise. It's all there.
17 It's all there. But don't let people know that,
18 because they need to feel like they need to know
19 more.

20 And again, it's not limited to the
21 president. Why? Again, our freedom. Our
22 liberty. Another brick from the wall. That was
23 a good song, by the way.

24 (Laughter.)

25 SENATOR LANZA: And by the way,

1 wrongdoing on your tax return -- oh, we're going
2 to -- that's what we're going to find out.
3 Someone in this room is going to take a look at
4 it. Antonacci, I think, is the only CPA. Is
5 there another, maybe? Someone here is going to
6 look at it and say aha, the smoking gun, here is
7 where the president lied on his tax return.

8 Well, you know what, that's why we
9 have the IRS, the New York State Department of
10 Taxation. They're experts. We pay millions and
11 millions and millions of dollars for these
12 experts who look over everyone's tax return --
13 and I promise you, especially this president's
14 tax return, which is being audited and is audited
15 every year by the experts. And I promise you, if
16 they find one thing out of balance, one thing
17 askew, we'll all know about it. Because that's
18 their job. That's what they do. That's what we
19 pay them to do.

20 So again, I don't want to go over
21 what has been said about short-term political
22 hits in exchange for long-term horrible policy
23 for the state. I wish somebody would answer why,
24 if it's about hatred of the president, why does
25 it go beyond the president? Maybe we'll hear

1 about that.

2 But this is wrong. I don't want
3 members of Congress deciding when they can attack
4 citizens of New York, when they could turn their
5 lives upside down. That's just wrong. That's
6 not the state I want to live in. I don't think
7 the people back home that I represent want to
8 live in that state either.

9 Let's get back to actually talking
10 about the things that are really affecting the
11 people we represent. When it comes time to vote,
12 Mr. President, I'm going to be in the negative.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Gianaris on the bill.

15 SENATOR GIANARIS: Thank you,
16 Mr. President.

17 I listened with amusement at some of
18 my colleagues talking about what we're doing
19 today relative to the rest of session. And I
20 thought maybe memories are short, so I thought
21 I'd take a moment to just remind my colleagues of
22 the historic nature of achievement that this
23 Majority has brought. Because I heard Senator
24 Lanza just point out that he's surprised we're
25 doing this when there's so much to be done.

1 But let me remind him that we did
2 enact historic election reform. We passed GENDA.
3 We did the Child Victims Act, historic criminal
4 justice reforms, important traffic safety
5 legislation, historic gun violence prevention,
6 protection of women's rights. We did legislation
7 to punish revenge porn more aggressively, and to
8 ban offshore drilling, just to name a few.

9 So by any account, this session,
10 with a month and a half still to go, has been
11 more productive than any -- than any member on
12 the other side of the aisle when they served in
13 the majority. And we still have more to go, we
14 have a lot more to do.

15 The truth is that this is a
16 dangerous time in America. When we have a
17 president who is defying the norms of checks and
18 balances and the balance of power in this
19 country, when you have congressional committees
20 being ignored, when you have executive privilege
21 asserted over an entire report whose very purpose
22 was to identify potential wrongdoing in an
23 administration -- and just today the president
24 says: I don't want anyone to see any of it. I
25 wonder why. I wonder why.

1 So to merely say that when a duly
2 elected body of government, the United States
3 House of Representatives, or the United States
4 Senate, wants to see information that they
5 believe is relevant to their job of oversight,
6 and are ignored by the person who does not want
7 to be subject to that oversight, that we should
8 step in as a state and say we have the unique
9 ability, because we're New York, because a
10 version of those tax returns reside here in
11 New York, that we should step forward and make
12 sure that the House can provide the oversight
13 that it's empowered to under the Constitution.

14 I heard a lot in the discussion of
15 the previous bill about constitutional principles
16 and how important they are. Well, the hypocrisy
17 is pretty obvious when on the very next bill all
18 of a sudden constitutional requirements of checks
19 and balances don't matter to the very same
20 people.

21 Now, what's the common thread? They
22 think they're protecting President Trump. All we
23 hear for weeks is they want to go after
24 criminals, but not if it's someone in this
25 administration. All we hear about is

1 transparency and the need for it, but not when
2 it's related to President Trump.

3 The fact is this administration is
4 taking this country down a very dangerous path
5 that we have not seen in this country since the
6 early '70s. And if we have the ability to do
7 something about it here in New York, we have the
8 obligation to do something about it here in
9 New York. That's what we're doing today.

10 And I want to commend Senator
11 Hoylman for rolling up his sleeves and not giving
12 up on this issue. We're going to be proud that
13 we passed this today and make sure that the
14 people in this country who are elected to make
15 sure that the president is doing his job properly
16 have the ability to do that.

17 Thank you, Mr. President.

18 ACTING PRESIDENT BENJAMIN: Senator
19 Ortt on the resolution.

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

22 ACTING PRESIDENT BENJAMIN: On the
23 bill.

24 SENATOR ORTT: I'll try to be
25 brief. On the bill. I wish it was a resolution,

1 but it's a bill.

2 You know, the last bill was very
3 specific. In fact -- my colleague Senator
4 Krueger's outline -- it's very, very specific.
5 Which was still a problem, I think, for a lot of
6 folks. This bill is anything but specific. It
7 applies to everybody. So to try to get to the
8 president or to try to make a political point,
9 we're going to potentially expose every
10 New Yorker's tax returns to elected officials in
11 Washington, D.C., who -- let's just be honest.
12 This is not about oversight, doing their job;
13 this is about 2020 and undermining the
14 administration to see that it's not elected.
15 It's about keeping an issue that isn't really an
16 issue going.

17 There is no constitutional right to
18 someone's tax returns. There simply -- that's
19 just not true. I'm not even a lawyer and I know
20 that. I just saved myself thousands of dollars
21 for going to law school. It's just not true.

22 But we're doing this because this is
23 a great issue politically. And it keeps it
24 going. If there's ever been an issue that's a
25 solution search of a problem, it's this.

1 New Yorkers do care about tax
2 returns. They care about their own. And they're
3 way too damn high. But they don't care about
4 this issue because he didn't release them in the
5 election and he got elected anyways. And if
6 people really care about it, they'll exercise
7 that judgment in 2020. But all this is doing is
8 assisting Jerry Nadler and Nancy Pelosi in a
9 political investigation and a political
10 prosecution.

11 And that's where these bills are
12 linked. And don't bother denying that it's for
13 one goal, because you're not fooling yourselves,
14 you're not fooling us, and you're not even
15 fooling New Yorkers on either side of the
16 political spectrum.

17 So Mr. President, I vote nay.

18 ACTING PRESIDENT BENJAMIN: Are
19 there any other Senators wishing to be heard?

20 Seeing and hearing none, Senator
21 Hoylman to close on the bill.

22 SENATOR HOYLMAN: Thank you,
23 Mr. President. Thank you to my colleagues for
24 their comments.

25 I'm surprised, if this was such an

1 important issue, that we actually didn't debate
2 it, including the double jeopardy bill. But
3 maybe that suggests that our colleagues across
4 the aisle, you know, agree with us to a certain
5 extent.

6 But I do want to clear up a couple
7 of things. One is the notion that suddenly all
8 New Yorkers' tax returns will be exposed to
9 Congress. Well, the truth is they already are.
10 And that's the point of this legislation. The
11 three tax committees in Congress -- the House
12 Ways and Means Committee, the Senate Finance
13 Committee, and the Joint Committee on Taxation --
14 all have the ability to request from the IRS your
15 tax filings for purposes of congressional
16 investigation. They can do that already.

17 Here's another point that I want to
18 make. In addition to those three congressional
19 committees having that ability, right now the
20 State of New York routinely and regularly shares
21 your state tax filings with the federal
22 government.

23 And let me add to that. In addition
24 to Congress being able to get your tax returns
25 through one of these three investigative

1 committees, and in addition to the state sharing
2 your tax filings with the IRS, the state also
3 shares, routinely and regularly, your tax returns
4 with other states.

5 So in a way, we're not really doing
6 anything new here, Mr. President. What we're
7 doing is creating another mechanism, another
8 mechanism for the three congressional committees
9 to obtain, review, and frankly assert their
10 authority as a coequal branch of government, and
11 an entity that has the solemn responsibility to
12 oversee the executive, to look at state tax
13 returns.

14 This has existed for nearly a
15 century. You know, it dates back to the Teapot
16 Dome scandal in the 1920s when a member of Warren
17 Harding's cabinet was taking bribes and Congress
18 wanted to have a check on the executive. Well,
19 that's what we are in effect reestablishing
20 today. And in the statute, it's specific, it's
21 unambiguous. It says: "Upon written request
22 from the chairmen or chairwomen of the
23 committees, the Secretary of the Treasury shall
24 furnish such committee with any return or return
25 information specified in such request."

1 And throughout this past century we
2 in New York have supported these congressional
3 committees in their lawful exercise of these
4 oversight responsibilities. But over the last
5 several months -- and this is where this
6 legislation comports with current events. And
7 that may be uncomfortable with some of my
8 colleagues across the aisle, but I think we as
9 legislators need to respond to the times. Over
10 the last several months Congress, as we all know,
11 has attempted to obtain tax information on our
12 president from the Department of Treasury. But
13 the Trump administration, as recently as Monday,
14 has refused to comply with the requests, and is
15 in effect precipitating a constitutional
16 showdown.

17 Well, it's out of the deep concern
18 over the crisis in Washington -- and
19 Mr. President, I don't use that term lightly --
20 that we are gathered here today.

21 And it's not just a crisis in terms
22 of Congress and its responsibility to oversee the
23 executive. Let's not forget that occurring in
24 our democracy today are attacks on the judiciary,
25 are attacks on the free press, are voter

1 disenfranchisement. Talk about the building
2 bricks of our democracy. Those bricks are being
3 pulled out one by one by this administration, and
4 I think it is the responsibility of the New York
5 State Senate and the Legislature to make sure
6 that that structure stands.

7 I'll also say that a number of
8 provisions in the State Tax Law make it such that
9 we will not be handing over tax information.
10 Quote, We are prohibited from divulging or making
11 known in any manner state tax returns or tax
12 information except in accordance with proper
13 judicial order or as otherwise provided by law.

14 So again, this legislation creates a
15 new exception to our state tax privacy laws and
16 authorizes the State Tax Department to share
17 state tax returns with a requesting congressional
18 committee. It doesn't make that information
19 public, it doesn't share it with the press. The
20 request has to be written and made by the
21 chairperson of one of these three congressional
22 committees.

23 The request also has to certify that
24 the requesting information is for a specified and
25 legitimate legislative purpose -- we're not

1 talking about a fishing expedition here -- and
2 that the requesting committee has also made a
3 request to the U.S. Treasury secretary or their
4 designee for related federal return information.

5 So this is a parallel track.
6 Congress just can't start requesting information
7 of New Yorkers. They have to have made the
8 request at the federal level, and now they can
9 request it at the state level.

10 And finally, the information will be
11 treated consistent with federal laws pertaining
12 to the inspection and disclosure of federal
13 returns.

14 Now, the commissioner is also
15 directed in this bill, you should know, to redact
16 any information that would violate state or
17 federal laws that might constitute an unwarranted
18 invasion of personal privacy.

19 Look, this is a complicated issue.
20 But in the end, the intentions and the result
21 will be simple. Congress will be allowed to
22 fulfill its lawful oversight responsibilities and
23 provide accountability and transparency to the
24 American people. Washington has failed to act on
25 this issue. The administration is stonewalling a

1 coequal branch of government. If they won't do
2 it, New York can. That's been the way of
3 New York for centuries.

4 Mr. President, I vote aye.

5 ACTING PRESIDENT BENJAMIN: The
6 debate is closed.

7 The Secretary will ring the bell.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

10 THE SECRETARY: Section 19. This
11 act shall take effect immediately.

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN: Senator
16 Akshar to explain his vote.

17 SENATOR AKSHAR: Mr. President,
18 thank you very much.

19 I'm not a lawyer, and I certainly
20 don't do the best job articulating my position
21 from time to time, but let me just try to keep it
22 very simple. Our job here is in fact simple.
23 We're sent to this great house to make life
24 easier for New Yorkers. There are millions of
25 New Yorkers, of every race, creed and color --

1 and I'll align myself with something Senator
2 Lanza said -- millions of New Yorkers who
3 struggle every single day to pay their property
4 taxes, they struggle to pay their mortgage, they
5 struggle to find good-paying jobs. If you're a
6 business owner, they struggle to make payroll or
7 pay their taxes. Our roads and bridges are in
8 disrepair. We're hemorrhaging people. The
9 trains don't run on time. No money for people
10 with substance use disorder.

11 Those, my friends, are very real
12 issues that everyday New Yorkers are dealing
13 with. Our response? We concern ourselves with
14 the president's taxes. We concern ourselves with
15 the president's staff. We concern ourselves with
16 the president's family. And even better yet, we
17 concern ourselves with birds that fly into the
18 sides of buildings.

19 Those issues make no one's life
20 easier. Those issues make people feel good. To
21 Senator Ortt's point, political bills make people
22 feel good politically.

23 If you want to push back on the
24 president, if you want to raise hell with the
25 president, go ahead: Run for a house seat. Run

1 for the United States Senate.

2 Senator Gianaris said he was amused.

3 Senator Gianaris, I'm glad we amuse you. I am.

4 I'm glad you find amusement in what we're saying.

5 Let me tell you who's not amused. Everyday

6 hardworking taxpayers are not amused that people

7 in the house and the other house concern

8 themselves with the issues that we're discussing

9 today. They don't find any amusement in the fact

10 that we're doing nothing to make life easier for

11 them.

12 So once again, I will stand with the

13 hardworking, everyday, taxpaying New Yorkers and

14 vote no on this political bill.

15 ACTING PRESIDENT BENJAMIN: Senator

16 Akshar to be recorded in the negative.

17 Any other Senators wishing to be

18 heard?

19 Senator Flanagan to explain his

20 vote.

21 SENATOR FLANAGAN: Thank you,

22 Mr. President.

23 And I have found myself enlightened

24 by this debate and the preceding debate as well.

25 So I'm trying to figure this not

1 just as an elected official, not as a member of
2 the Senate, but as an average New Yorker. And I
3 equate my remarks with a number of things that
4 were said by Senator Akshar, Senator Lanza, and
5 some of my colleagues. And I respect some of the
6 comments that were offered by members of the
7 Majority.

8 But I have to admit, for me
9 personally -- I don't want to speak for anybody
10 else -- I'm kind of in awe and I'm very
11 disconcerted at the same time.

12 This bill is of relatively recent
13 vintage in terms of its introduction. The issue
14 has been around for a while. The political
15 nature of it and the overtones have been kind of
16 germinating for much more than roughly a month.
17 But this bill was just recently amended. There's
18 been no hearings on this, other than the court,
19 maybe, of public opinion or games that are being
20 played in the media.

21 So I don't want to talk about the
22 ACLU, I don't want to talk about any other issue.
23 I actually am an attorney. Senator Ortt, yes, I
24 paid a lot of money to earn that degree, and I
25 still would have difficulty saying I know

1 everything about a bill of attainder or ex post
2 facto. What I know about this legislation is in
3 my informed opinion, this should scare the hell
4 out of the average person who lives and resides
5 in the State of New York.

6 So I'm going to give a quick
7 scenario. And one-party rule cuts both ways.
8 Let's assume everything in Washington is all
9 Democratic, and you can flip it around from what
10 I say. It's all Democratic, and you have to come
11 up with a certification that talks about a
12 specific legislative purpose. What the heck is
13 that? What is that? You get a document that
14 says we certify that we have a specific
15 legislative purpose. Okay. We don't know what
16 it is.

17 Let's assume you have all Democratic
18 rule in Washington and -- this is really an
19 assumption -- you have all Republican rule in the
20 State of New York. And the federal government
21 says, my God, that recent bill that they just
22 passed in the State Legislature is horrific.
23 It's the worst public policy we've seen in
24 decades. And by God, we'd better be prepared and
25 we have to figure out what the heck is going on

1 in New York. So en masse, not for one member,
2 not for one member, but they decide we want the
3 tax returns of every member of the New York State
4 Senate, because we have the specific legislative
5 purpose.

6 The same thing could apply outside
7 the halls of this chamber and of this Capitol.
8 And I'll use -- a lot of my colleagues talk about
9 their involvement with sportsmen's groups.
10 Someone decides in Washington they don't like the
11 way things are going. This is not about Ken
12 LaValle or Mike Gianaris or Senator Serrano.
13 This could be about a group that people find
14 anathema or distasteful. There's nothing in this
15 bill that precludes -- you go to the federal
16 government and say, We want that return now, all
17 of a sudden the State of New York, we have to
18 provide that information. I find that extremely
19 troubling.

20 This is bad public policy. It's bad
21 politics, in my opinion. And I think when I go
22 back to the people I represent, I don't want to
23 have to explain to them that we are now doing
24 this when there's so many other things that we
25 should be attending to.

1 But people can talk about the
2 president all they want. This is about the
3 average person and the average group who will now
4 be subject to scrutiny. And let's be clear. You
5 get this kind of information, it is never held
6 sacred, it is never held sacrosanct or
7 confidential. All this stuff gets out there.
8 And yes, information's shared with other states,
9 yes -- with their tax departments, not with
10 legislatures. That's not the way it should be.

11 So yes, I said I'm in awe and I'm
12 disconcerted and I'm glad I got a chance to
13 listen to everybody. I'm going to go back to the
14 people I represent, I don't care if it's social
15 media or a public venue, and I'm going to tell
16 them I got up and I proudly voted against this
17 intrusion into people's personal lives, a
18 complete disregard for their civil liberties and
19 their protections that should be afforded without
20 any discussion.

21 I am going to vote no, and I'm going
22 to do so, if I can, with both hands.

23 Thank you, Mr. President.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Flanagan to be recorded in the negative.

1 Any other Senators wishing to be
2 heard?

3 Senator Sepúlveda to explain his
4 vote.

5 SENATOR SEPÚLVEDA: Thank you,
6 Mr. President.

7 I find it rather interesting how my
8 colleagues on the other side profess to be the
9 law-and-order party, except law and order stops
10 when people are at the federal level, especially
11 when the president, the current president is
12 potentially breaking every rule, and they want to
13 resist for us, the general population, to find
14 out.

15 But our colleague just indicated
16 that this is an intrusion in the lives of people,
17 but they have no problems intruding in the lives
18 of women when they want to decide what to do with
19 their bodies. They have no problem intruding on
20 the rights of people and infringing on the rights
21 of people to vote in this country.

22 And so this whole anger is pure
23 nonsense, it's pure theatrics. You can tell it
24 to your social media, to your people, to your
25 voters. But we can tell everybody that we're

1 defending the rights of people in this state to
2 be able to know if their elected officials are
3 corrupt or engaging in corrupt activity.

4 And if anybody wants my tax returns,
5 from Congress or otherwise -- and I guess my
6 colleague missed the part about this is already a
7 right that Congress has -- I'm happy to give them
8 that right.

9 I vote affirmatively.

10 ACTING PRESIDENT BENJAMIN: Senator
11 Sepúlveda to be recorded in the affirmative.

12 Senator Lanza.

13 SENATOR LANZA: Thank you,
14 Mr. President, to explain my vote.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Lanza to explain his vote.

17 SENATOR LANZA: Thank you,
18 Mr. President.

19 I've just heard a new standard in
20 criminal prosecution in the State of New York. I
21 guess I can point a finger and say everyone here
22 is potentially committing a crime. I wouldn't do
23 that, because that's just not the way we ought to
24 be in society. Forget about as legislators, we
25 shouldn't be that way as people.

1 But with respect to what has now
2 been said twice concerning the law with respect
3 to Congress already having the power to get your
4 tax returns, I'm holding the federal law. It's
5 simply not true.

6 You know, and the proof of that
7 is -- I just would find it very hard to believe
8 that Senator Hoylman would propose a law that
9 does something that people are already able to
10 do. That would be a waste of all our time, and
11 that's not the way I think Senator Hoylman
12 conducts himself.

13 And so here's the law. Congress,
14 three members, five members, 10 members -- they
15 can't get your tax returns. The people of the
16 State of New York right now, they can't do it.
17 As of now, until and if this law that we're
18 considering here becomes law.

19 What Senator Hoylman I'm sure was
20 talking about was the fact that the tax
21 commission, the IRS, they can ask to see your tax
22 returns here in New York as part of the process
23 of them collecting your taxes, period. Not to go
24 off on some political witch hunt, which we all
25 know this is about.

1 Again, you have a problem with the
2 president, I would still disagree with the law of
3 this with respect to the president. But if
4 that's your concern, it should stop there and
5 leave the millions of taxpayers in the State of
6 New York alone.

7 I vote in the negative.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Lanza to be recorded in the negative.

10 Senator Krueger to explain her vote.

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

13 My, my. Yet again, people broaden
14 these bills so much farther than they actually
15 are intended to be. We're talking about rights
16 Congress already have, and yet they are being
17 stymied by a White House that refuses to follow
18 our existing laws. And so Congress may turn to
19 the states and say, Help us get the information
20 we should be legally able to get but are being
21 stymied.

22 I think the people of New York, just
23 like the people of the other 49 states of this
24 country, can imagine nothing more important than
25 whether we have a federal government that is

1 upholding our laws. I think there's nothing that
2 is more important to people in 50 states of this
3 country than making sure we don't have corruption
4 at the highest level of the U.S. government.

5 I don't know if any of those things
6 are true or not. I just know that if I go home
7 and explain to people why I would vote no on this
8 bill because somebody said it might threaten
9 us -- I could very easily explain, no, take a
10 look at the bill, read the bill, read the
11 intention of the bill, read what would have to
12 happen before we were turning over a tax return
13 to a congressional committee and what they could
14 and could not use it for.

15 Frankly, those of us who are in the
16 Legislature already have to put much of this
17 information in the ethics forms we have to file
18 every year.

19 So to say somehow this is an attack
20 on us, we put ourselves out there and ask people
21 to elect us to office and make their laws. We
22 should certainly be prepared to be held
23 accountable by the people for what we do and
24 whether any of our actions don't pass the smell
25 test. That's part of our job.

1 And to expect the same of the
2 president of the United States is clearly what
3 the people of the United States of America should
4 expect and the people of our state should expect.

5 I proudly vote yes. Thank you.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Krueger to be recorded in the affirmative.

8 Senator Hoylman to explain his vote,
9 to close.

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

12 I wanted to just reiterate the power
13 that Congress already has. And I think my
14 colleagues across the aisle are misinformed.
15 Title 26 of the United States Code, Section
16 6103(f), says the following: Upon written
17 request from the chairmen of the committees, the
18 three committees, the congressional committees I
19 mentioned before -- the House Ways and Means
20 Committee, the Senate Finance Committee, and the
21 Joint Committee on Taxation -- the Secretary of
22 the Treasury shall furnish such committee with
23 any return or return information specified in
24 such request.

25 The power of Congress to see your

1 federal taxes already exists. We're not doing
2 anything new here.

3 And, you know, you can criticize us
4 for not having a hearing. Let me criticize you
5 for not having a debate. How do you go back to
6 your constituents and say, I raise both hands and
7 oppose this bill, they didn't have a hearing?
8 Colleagues, you didn't debate this. You
9 shadow-boxed this bill here in the Senate for the
10 TV cameras. But if you want to talk, if you want
11 to engage in debate, well, then you should raise
12 your hand and do so.

13 Thirdly, I want to mention the fact
14 that -- I want to thank the other side for making
15 it crystal-clear, and I hope this is in the
16 legislative record, that this is not a bill of
17 attainder, this does not apply to one individual,
18 as has been said by all of my colleagues across
19 the aisle. This applies to every New Yorker,
20 this applies to every congressional committee
21 that already has the power to seek the taxes at
22 the federal level. We are not singling out any
23 individual or any corporation.

24 So thank you very much to my
25 colleagues for their support of this bill. I

1 think this is an issue of utmost importance. And
2 Senator Gianaris rattled off the accomplishments
3 of this session. I believe we can walk and chew
4 gum at the same time, and even blow some bubbles,
5 given the amount of progress we've made in this
6 session toward making New Yorkers' lives better.

7 I vote aye, Mr. President.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Hoylman to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 520, those Senators voting in the
13 negative are Senators Akshar, Amedore, Antonacci,
14 Boyle, Felder, Flanagan, Gallivan, Griffio,
15 Helming, Jacobs, Lanza, LaValle, Little, O'Mara,
16 Ortt, Ranzenhofer, Ritchie, Robach, Serino,
17 Seward and Tedisco.

18 Ayes, 39. Nays, 21. Absent from
19 voting: Senator Jordan.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 Senator Gianaris, that completes the
23 reading of the controversial calendar.

24 SENATOR GIANARIS: Just to clarify
25 the record, I believe Senator Jordan submitted a

1 Rule 9 sheet on the previous bill, so her vote
2 will be reflected. I assume it's in the
3 negative? Okay.

4 Returning to motions for a moment,
5 Mr. President, on behalf of Senator Sanders, on
6 page 16 I offer the following amendments to
7 Calendar 141, Senate 2224A, and ask that said
8 bill retain its place on the Third Reading
9 Calendar.

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

13 SENATOR GIANARIS: Mr. President,
14 in consultation with Senator Flanagan, Leader
15 Stewart-Cousins hands up the following Minority
16 member committee assignments and asks that they
17 be filed in the Journal.

18 ACTING PRESIDENT BENJAMIN: The
19 hand-up was received and shall be filed in the
20 Journal.

21 SENATOR GIANARIS: Let me remind my
22 Majority colleagues that we do have business in
23 the Majority Conference Room at the conclusion of
24 session today.

25 And with that, is there any further

1 business at the desk?

2 ACTING PRESIDENT BENJAMIN: There
3 is no further business at the desk.

4 SENATOR GIANARIS: I move to
5 adjourn until Monday, May 13th, at 3:00 p.m.,
6 intervening days being legislative days.

7 ACTING PRESIDENT BENJAMIN: On
8 motion, the Senate stands adjourned until Monday,
9 May 13th, at 3:00 p.m., intervening days being
10 legislative days.

11 The Senate Majority has a meeting in
12 the Majority Conference Room.

13 Thank you.

14 (Whereupon, at 1:25 p.m., the Senate
15 adjourned.)

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