

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 May 13, 2019

11 3:28 p.m.

12
13
14 REGULAR SESSION

15
16
17
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 recite the Pledge of Allegiance to our
6 Flag.

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

9 ACTING PRESIDENT BENJAMIN: Rabbi
10 Shmuel M. Butman, of the Lubavitch Youth
11 Organization in Brooklyn, will deliver today's
12 invocation.

13 Rabbi Butman.

14 RABBI BUTMAN: {In Hebrew} Our
15 heavenly Father, please bestow Your blessings on
16 all the members of the New York State Senate, who
17 are going to dedicate 117 days in memory and in
18 honor of the Lubavitcher Rebbe, Rabbi Menachem M.
19 Schneerson.

20 The entire world is now worried
21 about safety and security in synagogues and in
22 churches all over the world, and so are we here
23 in the State of New York. And we are happy for
24 the Police Department in the State of New York
25 and in Brooklyn who have taken special

1 precautions and special measures to ensure the
2 safety and security of all synagogues and
3 churches in Brooklyn.

4 When I went to Washington in 1999 to
5 open the United States Senate, I went to see the
6 Rebbe before, and the Rebbe said to me, "Take
7 with you a pushkeh" -- a pushkeh is a tzedakah
8 box -- "and while you do the invocation, you
9 should put in a dollar in the pushkeh and let
10 them know what money should be used for."

11 And therefore I am going to do
12 exactly what the Rebbe asked me, and I'm going to
13 put in a dollar -- and the Rebbe even said "On
14 which it said 'in God we trust'" -- in the
15 pushkeh, and I'm going to ask all of you
16 honorable members later to join us in
17 contributing a dollar to the pushkeh.

18 But I don't want to get you scared.
19 This is not a fundraising effort. If it would
20 be, we would ask you for much more than a dollar.

21 (Laughter.)

22 RABBI BUTMAN: This is an effort to
23 do more goodness and kindness. Each time we put
24 in a dollar into a charity box, we do an act of
25 goodness and kindness.

1 The Rebbe also always spoke about
2 education. And when he spoke about education, he
3 meant every child in the world. And he wanted --
4 the Rebbe said many times that every child should
5 know that there is an Eye that sees, an Ear that
6 hears, and that the world is not a jungle.

7 The Rebbe also asked to institute in
8 schools a moment of silence for all children in
9 the United States, a moment of silence in which
10 we can reflect that there is a God in this world,
11 as evident on every dollar, who sees everything
12 and records everything, and that the world is not
13 a jungle.

14 Let us together take just a few
15 moments as a moment of silence in thinking
16 exactly about that. And we will start the moment
17 of silence right now together.

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

20 RABBI BUTMAN: I want you to know,
21 dear friends, that every Saturday, every Shabbos,
22 in our liturgy we say a special prayer for you.

23 We say {in Hebrew}, which means all
24 those who serve the public faithfully, as you
25 are, we are asking the blessing of Almighty God

1 in our shuls and our synagogues that God should
2 bestow His blessings on you in all your
3 endeavors, in your private endeavors and in your
4 community endeavors.

5 And let us all say amen.

6 (Response of "Amen.")

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

9 THE SECRETARY: In Senate, Sunday,
10 May 12, 2019, the Senate met pursuant to
11 adjournment. The Journal of Saturday, May 11,
12 2019, was read and approved. On motion, Senate
13 adjourned.

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

16 Presentation of petitions.

17 Messages from the Assembly.

18 The Secretary will read.

19 THE SECRETARY: On page 34, Senator
20 Kavanagh moves to discharge, from the Committee
21 on Corporations, Authorities and Commissions,
22 Assembly Bill Number 434 and substitute it for
23 the identical Senate Bill 4088, Third Reading
24 Calendar 557.

25 ACTING PRESIDENT BENJAMIN: The

1 substitution is so ordered.

2 Order in the chamber, please. Can
3 we keep it down, please. Thank you.

4 THE SECRETARY: On page 38, Senator
5 Savino moves to discharge, from the Committee on
6 Codes, Assembly Bill Number 5944 and substitute
7 it for the identical Senate Bill 4863, Third
8 Reading Calendar 588.

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

11 Messages from the Governor.

12 Reports of standing committees.

13 Reports of select committees.

14 Communications and reports from
15 state officers.

16 Motions and resolutions.

17 Senator Gianaris.

18 SENATOR GIANARIS: Mr. President,
19 on behalf of Senator Salazar, on page 13 I offer
20 the following amendments to Calendar 146,
21 Senate Print 3247, and ask that said bill retain
22 its place on Third Reading Calendar.

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

1 SENATOR GIANARIS: On behalf of
2 Senator Savino, on page 20 I offer the following
3 amendments to Calendar 277, Senate Print 3971A,
4 and ask that said bill retain its place on Third
5 Reading Calendar.

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

9 SENATOR GIANARIS: On behalf of
10 Senator Salazar, on page 13 I offer the following
11 amendments to Calendar 137, Senate Print 2888,
12 and ask that said bill retain its place on
13 Third Reading Calendar.

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

17 SENATOR GIANARIS: On behalf of
18 Senator Carlucci, I move that the following bill
19 be discharged from its respective committee and
20 be recommitted with instructions to strike the
21 enacting clause: Senate Bill 4300C.

22 ACTING PRESIDENT BENJAMIN: It is
23 so ordered.

24 SENATOR GIANARIS: Please call on
25 Senator Griffo.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Griffo.

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

5 On behalf of Senator Flanagan, I
6 move that Senate Bill 1018 be discharged from its
7 respective committee and be recommitted with
8 instructions to strike the enacting clause.

9 ACTING PRESIDENT BENJAMIN: It is
10 so ordered.

11 SENATOR GRIFFO: And on behalf of
12 Senator Funke, I move that Senate Bill 1165 also
13 be discharged from its respective committee and
14 be recommitted with instructions to strike the
15 enacting clause.

16 ACTING PRESIDENT BENJAMIN: It is
17 so ordered.

18 SENATOR GRIFFO: Thank you.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Gianaris.

21 SENATOR GIANARIS: Can we please
22 take up previously adopted Resolution 997, by
23 Senator Myrie, read it in its entirety, and
24 recognize Senator Myrie.

25 ACTING PRESIDENT BENJAMIN: The

1 Secretary will read.

2 THE SECRETARY: Senate Resolution
3 997, by Senator Myrie, commemorating the
4 Anniversary Celebration of the Birthday of the
5 revered Lubavitcher Rebbe, Rabbi Menachem M.
6 Schneerson.

7 "WHEREAS, The true architects of
8 society and community are those individuals whose
9 faith and unremitting commitment serve to sustain
10 the spiritual and cultural values of life; the
11 Lubavitcher Rebbe, Rabbi Menachem M. Schneerson
12 was surely such an individual; and

13 "WHEREAS, World Jewry is now
14 celebrating the 117th birthday of the renowned
15 and revered leader of World Jewry, the
16 Lubavitcher Rebbe, Rabbi Menachem M. Schneerson;
17 and

18 "WHEREAS, Serving over 44 years of
19 dedicated leadership, Rabbi Schneerson
20 established over 1,500 Lubavitch Centers, helping
21 people of all walks of life throughout the
22 world -- from Australia to Africa, from Holland
23 to Argentina, from Moscow to Mumbai; and

24 "WHEREAS, Rabbi Schneerson's
25 educational activities throughout the globe have

1 enriched and strengthened the religious,
2 educational, cultural and ethical fibers of all
3 citizens of the world; and

4 "WHEREAS, He was a remarkable and
5 holy man who inspired millions of Jews and
6 non-Jews to greater dedication, loyalty and
7 commitment in all matters 'between man and G-d'
8 and 'between man and man'; and

9 "WHEREAS, Rabbi Schneerson
10 proclaimed the Redemption was on its way, and he
11 called upon all citizens of the world to prepare
12 with a personal commitment to increase all
13 activities of goodness and kindness; and

14 "WHEREAS, Today, in the
15 United States of America, the Chabad Lubavitch
16 movement has institutions in every State of the
17 Union; and

18 "WHEREAS, Globally, the Chabad
19 Lubavitch movement operates over 5,000 centers in
20 over 1,000 cities in 102 countries all over the
21 world; and

22 "WHEREAS, During the last 78 years,
23 since 1940, the Chabad Lubavitch movement has
24 their world headquarters in the State of
25 New York; and

1 "WHEREAS, A memorial reception will
2 be held in the New York State Capitol on Monday,
3 April 8, 2019, in tribute and remembrance of
4 Rabbi Schneerson, the leading rabbi of his
5 generation; and

6 "WHEREAS, This year, Tuesday,
7 April 16, 2019, corresponding to 11 Nisan, 5779,
8 the Rebbe's 117th birthday, to Saturday,
9 August 10, 2019, corresponding to 9 Av, 5779,
10 will be celebrated as '117 Days of Education,' in
11 tribute to the educational endeavors of this
12 visionary leader and learned gentleman on behalf
13 of all mankind; and

14 "WHEREAS, Throughout his purposeful
15 journey of life, Rabbi Schneerson compiled, with
16 dignity and grace, decades filled with
17 philanthropic causes, humanitarian effort and
18 astute Judaic leadership, justly earning the
19 devotion of his followers and the admiration and
20 respect of his fellow man; now, therefore, be it

21 "RESOLVED, That this Legislative
22 Body pause in its deliberations to commemorate
23 the traditional observance of the anniversary of
24 the birthday of the Lubavitcher Rebbe, Rabbi
25 Menachem M. Schneerson, upon the occasion of a

1 reception to be held in the New York State
2 Capitol on Monday, April 8, 2019, and to
3 recognize April 16, 2019 to August 10, 2019, as
4 '117 Days of Education,' in tribute to the
5 educational endeavors of the beloved Rebbe; and
6 be it further

7 "RESOLVED, That a copy of this
8 resolution, suitably engrossed, be transmitted
9 to Rabbi Shmuel M. Butman, director of the
10 Lubavitch Youth Organization."

11 ACTING PRESIDENT BENJAMIN: Senator
12 Myrie on the resolution.

13 SENATOR MYRIE: Thank you,
14 Mr. President.

15 I'd like to extend my thanks to
16 Rabbi Butman for that invocation and for his
17 leadership of the Lubavitch Youth Organization,
18 located in Crown Heights, Brooklyn.

19 I'd also like to thank everyone for
20 honoring this resolution as we commemorate the
21 117th birthday of Rabbi Schneerson, the great
22 Rebbe.

23 I think it is important for us to
24 pause and to truly recognize the work that the
25 Rebbe did as we are facing many antisemitic

1 attacks throughout our nation. Just two weeks
2 ago, we saw something incredibly tragic happen;
3 we saw people attacked specifically because of
4 their faith. And it is something that has not
5 been unique to the other side of the country --
6 right in Brooklyn, in my district, we have seen
7 an uptick on attacks on people simply because of
8 their faith.

9 We are living in incredibly
10 dangerous times, and it is important that at
11 these times we speak to our unity, we speak and
12 stand for the things that the Rebbe stood for,
13 the education and edification of everyone, no
14 matter what their race, ethnicity or faith is.

15 We have a duty, as the body that is
16 charged with leading the State of New York, to
17 also lead us on our morals and lead us on our
18 principles. And what we stand for and what the
19 Rebbe stood for was unity of everyone.

20 So I want to thank you again,
21 Mr. President, for this resolution. I urge all
22 of my colleagues to pause and remember our
23 brothers and sisters in faith, remember our
24 Jewish brothers and sisters at a time when they
25 are under attack in this country.

1 Thank you very much, Mr. President.

2 ACTING PRESIDENT BENJAMIN: The
3 resolution was previously adopted on April 30th.

4 To the Rabbi, I welcome you on
5 behalf of the Senate. We extend to you all the
6 privileges and courtesies of this house. Please
7 be recognized at this time.

8 (Standing ovation.)

9 ACTING PRESIDENT BENJAMIN: Senator
10 Gianaris.

11 SENATOR GIANARIS: Mr. President,
12 that resolution is open for cosponsorship.

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

17 Senator Gianaris.

18 SENATOR GIANARIS: Please now take
19 up previously adopted Resolution 1377, by
20 Senator Brooks, read that resolution in its
21 entirety, and recognize Senator Brooks.

22 ACTING PRESIDENT BENJAMIN: The
23 Secretary will read.

24 THE SECRETARY: Senate Resolution
25 1377, by Senator Brooks, memorializing Governor

1 Andrew M. Cuomo to proclaim May 13, 2019, as Blue
2 Star Families Day.

3 "WHEREAS, Blue Star Mothers of
4 America, Inc. dates back to World War II and is a
5 support organization for mothers of children
6 serving or who have served in the United States
7 military; and

8 "WHEREAS, The blue star flag was
9 created in 1917 by an Army captain from Ohio; it
10 quickly became the unofficial symbol of a child
11 in service; the organization itself was conceived
12 during World War II in 1942; and

13 "WHEREAS, The symbol of the blue
14 star surrounded by a red rectangle represents
15 hope and pride; Blue Star mothers perform
16 volunteer duties on the home front and work in
17 hospitals and on civil defense; and

18 "WHEREAS, The Blue Star Mothers
19 organization is named after the signature blue
20 stars, which mothers hang in their windows when
21 their children are called to service, either
22 stateside or overseas; and

23 "WHEREAS, During World War II, there
24 were approximately 30,000 Blue Star mothers, and
25 several thousand during the Korean and Vietnam

1 wars; national membership, however, dropped to an
2 all-time low of 1,200 during the 1990s; and

3 "WHEREAS, In recent years, Blue Star
4 Mothers has gained 217 chapters, with troops
5 deployed in Iraq, Afghanistan and elsewhere;
6 anxious mothers of servicemen and servicewomen
7 are forming chapters nationwide, including the
8 first Capital Region Blue Star Mothers group; and

9 "WHEREAS, Darlene Ward and Kay Moody
10 established New York State's second Blue Star
11 chapter in Delmar, the first having been in
12 Rochester, to encourage their children and to
13 meet other military parents with whom they have
14 much in common; and

15 "WHEREAS, In December 2006, the
16 small group of mothers met and discussed issues
17 families face when their sons and daughters go
18 off to war; in addition to supporting the needs
19 of parents in the area, the members support the
20 troops, sending Freedom Boxes, cards and good
21 wishes; they also participate in veterans'
22 projects on a regular basis; and

23 "WHEREAS, The charter for the
24 Capital Region No. 2 Chapter was approved on
25 February 6, 2007; since December 2006, its

1 membership has grown to 135 members; now,
2 therefore, be it

3 "RESOLVED, That this Legislative
4 Body pause in its deliberations to memorialize
5 Governor Andrew M. Cuomo to proclaim May 13,
6 2019, as Blue Star Families Day in the State of
7 New York; and be it further

8 "RESOLVED, That copies of this
9 resolution, suitably engrossed, be transmitted to
10 the Honorable Andrew M. Cuomo, Governor of the
11 State of New York, and Karen Ferris-Fearnside,
12 President, Capital Region No. 2 Chapter, Blue
13 Star Mothers of America."

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

16 SENATOR BROOKS: Thank you,
17 Mr. President.

18 As we take this moment to recognize
19 our Blue Star families here in New York State and
20 across the nation, the support they give to our
21 troops and the families of our troops, we have a
22 number of Blue Star family members here with us
23 in the chamber. I would just like to introduce
24 them and ask that they stand.

25 Donna Vickery, the president.

1 Roland Abare, a Vietnam veteran. Mary Miller,
2 their recording secretary. Elizabeth and Russell
3 Chauvot, Army veterans. Laurie and Julio Rivera.
4 Miriam Parmelee. Stephanie Stewart. Mary Ellen
5 Rosato. Anyata Williams. Diane and David Allen.
6 And Allan Morancie.

7 We welcome them to the chamber,
8 Mr. Chairman, and we thank them and other
9 families across this state for the support they
10 give to our troops.

11 Thank you very much, Mr. President.
12 (Standing ovation.)

13 ACTING PRESIDENT BENJAMIN: Senator
14 Little on the resolution.

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

17 And thank you, Senator Brooks, for
18 putting forth this resolution.

19 And thank you to all the Blue Star
20 families that are here. I think until you
21 experience being a Blue Star parent, you don't
22 really understand what they are going through and
23 what their needs are of having support of other
24 parents and families who are in the same
25 position.

1 I have two sons who served in the
2 Navy, one for eight years, one for 26 years. And
3 I will tell you that I spent a lot of time
4 praying, day and night, middle of the night,
5 middle of the day, that I would never become a
6 Gold Star parent.

7 And I think that that anxiety is
8 something that you live with. You're very proud
9 of your military serviceperson, but you also
10 know -- in my case, landing on a carrier at night
11 and things like that, serving in Iraq,
12 Afghanistan, all of those places -- it is
13 frightening and it's a difficult time.

14 So both of my sons are now retired,
15 so now I worry about them driving a car on the
16 road.

17 (Laughter.)

18 SENATOR LITTLE: But you don't stop
19 worrying about them, but you do stop having that
20 terrible anxiety of being a Blue Star parent.

21 So thank you very much to all of
22 you, and I offer my prayers for your military
23 servicepeople as well.

24 Thank you.

25 ACTING PRESIDENT BENJAMIN: The

1 resolution was previously adopted on May 7th.

2 Senator Gianaris.

3 SENATOR GIANARIS: Mr. President,
4 that resolution is open for cosponsorship.

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

9 Senator Gianaris.

10 SENATOR GIANARIS: Can we now
11 please take up previously adopted Resolution 922,
12 by Senator Mayer, read it in its entirety, and
13 recognize Senator Mayer.

14 ACTING PRESIDENT BENJAMIN: The
15 Secretary will read.

16 THE SECRETARY: Senate Resolution
17 922, by Senator Mayer, mourning the death of
18 Leonard N. Spano.

19 "WHEREAS, It is the sense of this
20 Legislative Body that the quality and character
21 of life in this great Empire State is indelibly
22 enriched by the faithful and caring efforts of
23 those who devote their life to public service;
24 and

25 "WHEREAS, With feelings of deepest

1 regret, this Legislative Body must record the
2 passing of one of New York State's most
3 distinguished citizens, the beloved and respected
4 Leonard N. Spano, of Yonkers, New York, who died
5 on Sunday, February 10, 2019, at the age of 88;
6 the humble work of this quiet gentleman most
7 certainly benefited, in one way or another, every
8 citizen in Westchester County; and

9 "WHEREAS, Born on August 5, 1930, to
10 Nicholas and Mary Spano, Leonard N. Spano was one
11 of four children who grew up in southwest
12 Yonkers; he attended St. Peter's School and
13 worked alongside his father, who emigrated from
14 Italy, learning the family's ice and coal
15 business; and

16 "WHEREAS, When refrigeration
17 prevailed, the business became the Spano Fuel
18 Company, where Leonard worked as a licensed
19 oil-burner installer and then as vice president
20 of the company; and

21 "WHEREAS, At the age of 19, Leonard
22 N. Spano enlisted in the United States
23 Marine Corps; he served for three years during
24 the Korean conflict before being honorably
25 discharged; and

1 "WHEREAS, Leonard N. Spano met his
2 wife, the former Josephine Scott, at the age of
3 18, and the two married in 1952; the couple's
4 first child, Nicholas, was born in 1953 and by
5 1975, Leonard and Josephine were the proud
6 parents to 16 children; and

7 "WHEREAS, Leonard N. Spano became
8 interested in public service in 1967, when he
9 unsuccessfully ran for the Westchester County
10 Board of Supervisors; undeterred, he ran again in
11 1971, and won a seat on the Westchester County
12 Board of Legislators, where he continued to serve
13 the 14th District in Yonkers until 1993, when he
14 was elected Westchester County Clerk; and

15 "WHEREAS, He held that position
16 until 2005, when he retired; in a 1996 New York
17 Times article, Leonard attributed his success to
18 his strong family roots, saying, 'I attribute my
19 winning elections to the good name that was made
20 by my father and his brothers. They didn't have
21 any education. But they knew the value of
22 friendship, respect and hard work'; and

23 "WHEREAS, During his 34 years in
24 elected office, Leonard N. Spano helped shape
25 policy in Westchester County; as budget chairman

1 of the County Board of Legislators, he was
2 instrumental in transforming the Westchester
3 Medical Center into the tertiary care facility
4 that serves the Hudson Valley today; and

5 "WHEREAS, He also spearheaded
6 Westchester's Handgun Record-Keeping
7 Accountability Act as County Clerk, which
8 improved the process of tracking legally obtained
9 handguns in Westchester County; and

10 "WHEREAS, Following his retirement,
11 Leonard N. Spano remained active in many local
12 organizations, including the Sons of Italy and
13 the Westchester School for Special Children,
14 where he was a board member; he also served on
15 St. Joseph's Board of Trustees, was a past
16 president of the Shomokin Rod and Gun Club, and a
17 lifelong member of the NRA; and

18 "WHEREAS, Leonard N. Spano was a
19 longtime parishioner of Mt. Carmel Church on
20 Park Hill Avenue in Yonkers; and

21 "WHEREAS, Leonard N. Spano is
22 survived by his cherished wife of 66 years,
23 Josephine, and his children, Nicholas (Linda),
24 John (Evelyn), MariaElena, Eleanore, Leonard
25 (Deidra), Joanne (Vincent Finnegan), Rosemarie

1 (Christopher Gannon), Camille, Michael (Mary),
2 Victoria (Thomas Smith), Anthony (Eva), Dolores
3 (Richard Wilson), Loretta, Gerard, Joseph
4 (Rosalie), and Vincent (Jaime); 42 grandchildren
5 and 18 great-grandchildren; one sister, Rosemary
6 DeStaso; and two brothers, John Spano and Michael
7 Spano, as well as dozens of nieces and nephews;
8 and

9 "WHEREAS, Over his meritorious life,
10 one of service on behalf of his family, community
11 and country, Leonard N. Spano distinguished
12 himself as a man of values and commitment; he
13 will be deeply missed and truly merits the
14 grateful tribute of this Legislative Body; now,
15 therefore, be it

16 "RESOLVED, That this Legislative
17 Body pause in its deliberations in a moment of
18 silent tribute to Leonard N. Spano, whose
19 unselfish concern for the welfare of others
20 enhanced the lives of those so fortunate to have
21 called him family, colleague and friend, and to
22 express its deepest condolences to his family;
23 and be it further

24 "RESOLVED, That a copy of this
25 resolution, suitably engrossed, be transmitted to

1 the family of Leonard N. Spano."

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

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

6 And it's quite an honor to be here
7 to memorialize and to honor the life of Leonard
8 N. Spano, and to have his window, Josephine
9 Spano, here, and many of the 16 children -- it's
10 hard to believe, 16 children -- of Leonard and
11 Josephine.

12 And I want to say personally, as a
13 person who has been in the midst of Yonkers
14 politics, it was my honor to know him, a man of
15 class, a man, as I understand it, who did not
16 like swear words, did not like saying negative
17 things about people, was a person of high-minded
18 morals, and yet very committed to the past that
19 he grew up with.

20 A life with very little at the
21 beginning, he built it on hard work and a
22 commitment to public service, the kind of public
23 service that we all should emulate. He did what
24 he thought was right, he stood for what he
25 thought was right, and he also was devoted to his

1 family.

2 He said that -- he first ran for
3 office in the early '70s, remarking that he
4 wasn't a politician because of the dirt on his
5 hands. He would come home from the oil business,
6 scrub his hands clean, and then go out to knock
7 on doors. And that's something so many of his
8 family learned from him.

9 He went on to be certainly a very
10 preeminent member of the Westchester County Board
11 of Legislators, and then as county clerk. He was
12 a person that within our community had the
13 reputation as a person of his word, a person of
14 commitment to our community in all its diversity.

15 He represented the embodiment of the
16 American dream and believed that with hard work
17 and treating others well and perseverance, his
18 family and his children and grandchildren could
19 find success no matter what job their mother or
20 father had before them.

21 It's really my honor to acknowledge
22 him today, to memorialize him. I know
23 Mrs. Josephine Spano is here as well Senator Nick
24 and Mrs. Linda Spano; our mayor of Yonkers,
25 Mayor Mike Spano; John and Evelyn Spano; Tony and

1 Eva Spano; Eleanor Spano; Rosemarie Gannon;
2 Victoria Spano; Gerard Spano and Junina Nacau. I
3 think Leonard Spano -- I don't know if I saw
4 Lenny Spano.

5 A number of the family's strong
6 friends and supporters over the years are here to
7 acknowledge the extraordinary legacy of Leonard
8 Spano, to thank you for his service, to remember
9 him today in this chamber, and to make sure that
10 we take his legacy of public service as one that
11 we take to heart.

12 So thank you, Mrs. Spano, for
13 sharing him with us so graciously over the years
14 and being part of his legacy of public service.

15 Thank you, Mr. President.

16 ACTING PRESIDENT BENJAMIN: Leader
17 Stewart-Cousins on the resolution.

18 SENATOR STEWART-COUSINS: Thank you
19 so much, Mr. President.

20 And thank you, Senator Mayer, for
21 bringing forth this resolution.

22 And I rise to certainly memorialize
23 Leonard Spano and all that he meant to all of us
24 in the Yonkers community and Westchester and
25 beyond.

1 There's very few things that happen
2 in politics in Yonkers or Westchester that didn't
3 have the Spano name as part of it, and that is
4 because of the work that Lenny Spano did to make
5 sure to carve a path for his children. It was
6 incredible to watch.

7 And as it was said in the
8 resolution, he was a humble, quiet, soft-spoken
9 giant of a man who chose the absolute best
10 partner in Josephine for 66 years, and gave to
11 all of your children this understanding of
12 politics and public service.

13 When we went to the funeral, it was
14 packed. Everybody who knew anything was there.
15 And to hear Senator Spano talk about his dad,
16 because he had that job, and talk about how --
17 the nuance of the communications between father
18 and sons, and you knew when he wanted you to go
19 forward, you knew when he wanted you to stop, but
20 it wasn't necessarily verbal. It was signals
21 and, you know, movements. It was a subtle form
22 of communication. He always knew when to go
23 forward, he knew when to hold, and he knew when
24 you were being dumb. And he never, ever, ever,
25 however, had any form of aggression or whatever.

1 He just took care of business.

2 I thank you for being here. You
3 know, we've known each other for a lot of reasons
4 over -- but, you know, I respect the family, I
5 respect the patriarch.

6 And certainly, Josephine, we love
7 you. For women like me, you know, you are an
8 icon because of what you've done. So I wish you
9 a happy Mother's Day. I am happy that you're
10 here with us as we memorialize your husband.

11 Thank you.

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

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

16 And I want to thank Senator Mayer
17 and Senator Stewart-Cousins for their eloquence.

18 And I'm like -- I'm in awe. I mean,
19 I'm just humbled, humbled to be standing here. I
20 got a text from our former colleague, Senator
21 Nick Spano, this morning, suggesting that the
22 resolution was going to be offered today. And I
23 really -- I want to be here right now celebrating
24 the life of Mr. Spano. You know, if he was
25 standing right here, I couldn't call him by his

1 first name just out of respect.

2 But, you know, I'm listening to this
3 resolution, and I thought of a couple of
4 different things. My mother a number of years
5 ago gave me this picture of me and my father when
6 my father first started in the Legislature, and
7 the poem underneath is about "Your Name." And
8 it's basically how a father, in this case, passes
9 their name to their children -- or to the son,
10 and the name was in good stead, and it was intact
11 at the time it was given to you, and that
12 throughout your life the best thing you can do is
13 continue that legacy and that tradition and keep
14 your name intact for generations present and
15 those to come.

16 But I also have to say I thought of
17 the fire marshal as this was being offered today.
18 You say, why would you think about the fire
19 marshal? You know, you come into a room, even a
20 room like this, and there's a thing on the wall
21 that says "Maximum occupancy is 350 people." But
22 on the bottom, it says "Unless the Spanos show
23 up."

24 (Laughter.)

25 SENATOR FLANAGAN: Because they get

1 an exception.

2 I remember talking to Michael years
3 ago, when we both served -- and I had the
4 privilege of serving with Michael and Nick, and
5 it was always about family. Always about family.
6 So I hope the siblings and the spouses can attest
7 to this. But I asked Michael, "How did your mom
8 and dad do this?" Like literally. And I
9 remember thinking even then, 16 children -- this
10 woman is a saint. She's an absolute saint,
11 especially after Nick, she kept going. She had
12 15 more after that.

13 (Laughter.)

14 SENATOR FLANAGAN: Anyway, I
15 remember him saying that his mother and father
16 always stuck together. No matter what one said
17 with relation to the children, the other one
18 always backed it up.

19 And I remember asking, "What's it
20 like for your family to get together?" And I
21 just said this to Michael before, because I
22 wanted to refresh my own memory. Just think
23 about that. You've got 16 kids, their
24 significant others. You're talking 30, 35 people
25 right there. Then you throw in 42 grandchildren.

1 Then you throw in 18 great-grandchildren. Then
2 you throw in brothers and nieces and nephews.
3 You're talking at least a hundred people before
4 you even invite a neighbor.

5 And I remember -- so I'm thinking of
6 that, and I remember Michael telling me that
7 their living room was 24 by 55. Most people's
8 houses aren't 24 by 55. But the Spano living
9 room -- and I know it was a former house -- that
10 was where everyone got together.

11 And I do have to say I did not know
12 Mr. Spano as well as others, but his reputation
13 preceded him. And it was kind of interesting to
14 listen about what he, quote, unquote, did in
15 retirement. People like that don't retire. They
16 just move on to different ventures.

17 And I know from a distance and up
18 close that Mr. Spano was a brother, a friend, a
19 mentor, a colleague, the patriarch of the family,
20 a loving, loving, devoted husband to his
21 beautiful wife of 66 years.

22 Mrs. Spano, I stand as a
23 representative of our own conference here to pay
24 tribute to Mr. Spano, to the Spano family for
25 your yeomanlike service on behalf of the people

1 of the State of New York.

2 And all politics is local -- and
3 politics being a good word. Family business,
4 incorporated, and notwithstanding. But to you,
5 Mrs. Spano, in particular, thank you for being
6 with us today. And may your husband rest in
7 peace.

8 Thank you.

9 ACTING PRESIDENT BENJAMIN: To the
10 Spano family and friends, I welcome you on behalf
11 of the Senate. We extend to you all of the
12 privileges and courtesies of this house. Please
13 rise and be recognized.

14 (Extended standing ovation.)

15 ACTING PRESIDENT BENJAMIN: The
16 resolution was previously adopted on April 9th.

17 Senator Gianaris.

18 SENATOR GIANARIS: Mr. President,
19 Senator Mayer would like to open this resolution
20 for cosponsorship.

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

25 Senator Gianaris.

1 SENATOR GIANARIS: At this time,
2 Mr. President, can you recognize Senator Little
3 for an announcement.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Little for an announcement.

6 SENATOR LITTLE: Thank you,
7 Mr. President.

8 I would like to invite everyone
9 here, on behalf of Senator Breslin and
10 Senator Serrano, who are cosponsoring Adirondack
11 Days with me.

12 We have a multitude of programs,
13 organizations, businesses, colleges, over in the
14 Well, in the entranceway into it. We also have
15 some great Adirondack refreshments after.

16 So please attend, 4:30 -- hopefully
17 we're out of here. But if not, right after
18 that -- until 6 o'clock. We'd love to have you
19 learn more about the Adirondacks and enjoy our
20 hospitality.

21 Thank you very much.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Gianaris.

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

1 I was tempted to ask Senator Little
2 to yield to ask what the refreshments are going
3 to be.

4 (Laughter.)

5 SENATOR GIANARIS: Can we now take
6 up the reading of the calendar, please.

7 ACTING PRESIDENT BENJAMIN: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 104, Senate Print 1861A, by Senator Ritchie, an
11 act to amend the Public Authorities Law.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

14 THE SECRETARY: Section 3. 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: Ayes, 60.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 334, Senate Print 1558A, by Senator Serrano, an

1 act to amend the Parks, Recreation and Historic
2 Preservation 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, 60.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 369, Senate Print 4292, by Senator Comrie, an act
17 to amend the Public Authorities Law.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

20 THE SECRETARY: Section 3. 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: In relation to
3 Calendar Number 369, those Senators voting in the
4 negative: Senator Akshar.

5 Ayes, 59. Nays, 1.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 390, Senate Print 4701A, by Senator Brooks, an
10 act in relation to permitting Roosevelt Fire
11 District to file an application for a retroactive
12 real property tax exemption.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

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

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 390, those Senators voting in the
24 negative are Senators Akshar and Antonacci.

25 Ayes, 58. Nays, 2.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 454, Senate Print 1092C, by Senator Persaud, an
5 act to amend the Education Law.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN: Senator
15 Persaud to explain her vote.

16 SENATOR PERSAUD: Thank you,
17 Mr. President.

18 Today we are going to join other
19 states in banning the practice of an unlawful
20 activity. Imagine going in for any kind of
21 surgery, or if something happens so you're
22 unconscious, and someone invades your body,
23 someone brings a number of students in and just
24 examines you without your knowledge, without your
25 consent. And then they leave the room. You're

1 awake, and no one tells you this has happened.

2 This is a practice that has gone on
3 across the country. This is a practice that many
4 states are coming together to say enough is
5 enough, this should not be happening. No woman
6 should have to go through a pelvic examination
7 without her consent, and that's what we're aiming
8 to do.

9 One doctor said to us, he said --
10 and he's considered a whistleblower -- he had
11 done a hundred of those examinations. And he
12 felt uncomfortable doing it, and so he wanted to
13 bring it to everyone's attention.

14 When we brought this legislation to
15 light last year, students from across the country
16 started calling our office, doctors were calling,
17 hospitals. Hospitals wanted us to know they were
18 not in the practice of doing this. But there are
19 many people who are still doing it, and we want
20 to make sure it is not being done.

21 Women -- if you ask them, for the
22 advancement of medicine, can you do a pelvic
23 examination, most women will say okay, because
24 we're advancing health. But when you're not
25 getting the consent from the woman, it is

1 unethetical, it is illegal and we are trying to
2 stop that.

3 So, Mr. President, I vote aye.
4 Thank you.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Persaud to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 510, Senate Print 4741A, by Senator Harckham, an
13 act to amend the Mental Hygiene Law.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

16 THE SECRETARY: Section 4. This
17 act shall take effect on the 180th day after it
18 shall have become a law.

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN: Senator
23 Harckham to explain his vote.

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

1 Today, Monday, we kick off
2 Prevention Week, and on the calendar we have
3 three bills pertaining to substance use disorder
4 treatment. This one is called Stephen's Law.
5 And I first would like to thank Senator Ortt, who
6 carried this bill and worked so hard to get us to
7 this point, and today hopefully we'll get this
8 over the finish line.

9 Stephen's mother, Angela Robertson,
10 and advocate Avi Israel from Save the Michaels,
11 were here today to push for passage of this law.
12 It's a simple law. It simply allows for somebody
13 in treatment to designate either a group or a
14 loved one to be a contact in case they begin
15 decompensating and stop treatment or have a
16 positive toxicology report.

17 In the case of Stephen, both his
18 mother and Save the Michaels were actively
19 involved in his treatment. The day before he
20 died, he went to his treatment program, where
21 they revealed he had failed a drug test -- and
22 they were not notified. Had they been notified,
23 he could have been persuaded to go back to
24 inpatient treatment. And instead, the next
25 morning he was found lifeless in his bed.

1 There are too many Stephens all
2 across the state, too many Michaels all across
3 the state, all across our districts. And we
4 can't wave a magic wand and make it end, but this
5 body has been very proactive in a bipartisan way,
6 one bill at a time. We patch the safety net and
7 make it stronger and stronger, and hopefully save
8 one life at a time. And that's what this bill
9 does. I urge colleagues to support it.

10 Thank you.

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

13 Senator Akshar to explain his vote.

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

16 I have a great deal of respect for
17 Avi and Angela. And you're correct, Senator,
18 that this house, on this issue and many others,
19 but specifically on this issue, we have found a
20 way to work in a bipartisan way. And New Yorkers
21 deserve that, they truly do.

22 The only thing I would ask is that
23 as we move forward, I know that this is currently
24 a one-house bill. I think the Coalition for
25 Behavioral Health has offered many good

1 suggestions to make this bill even better as it's
2 currently authored. So my hope is that we can
3 find some common ground with that the stakeholder
4 group, because it's one thing that I would note
5 that we did with a great deal of certainty, was
6 to involve the stakeholders at every level of the
7 conversation.

8 So I'm going to support the bill
9 today. I think it's a very good bill. I just
10 think that we should, in fact, listen to the
11 coalition, to the suggestions that they've made.

12 Mr. President, I vote aye.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Akshar to be recorded in the affirmative.

15 Senator Ortt to explain his vote.

16 SENATOR ORTT: Yeah, through you,
17 Mr. President, I will be brief. I do want to
18 thank Senator Harckham for his work on this and
19 his willingness to pass this.

20 We've done a lot in this chamber in
21 my four-plus years here on opioid and heroin
22 addiction. We've done our best to try to
23 appropriate new monies for new programs. Because
24 as we know, there's a need for more beds, there's
25 a need for more services, and a lot of these

1 things have a financial cost. And we're willing
2 to pay them because we're trying to save lives.

3 But every once in a while you get a
4 suggestion that doesn't cost anything. And I had
5 the privilege to meet with Stephen's mother,
6 Angela, in my office and through a lot of tears,
7 and along with Save the Michaels, she told me her
8 tragic story of the loss of her son.

9 And we've all heard these stories
10 from parents across our districts. And no matter
11 how many times you hear it, and from how many
12 different parents, it's just as heartbreaking as
13 the first one you hear.

14 But what struck me is there was a
15 simple fix that maybe her son could be alive if
16 this had been in place then. And certainly we
17 can save lives going forward.

18 And so everyone understands, this
19 information, this is affirmative consent, so that
20 the patient signs off and says, you know, if I
21 miss an appointment, if I fail a test, this
22 information can be released to my next of kin, my
23 mother or whomever. And in Stephen's case, he
24 had that.

25 Unfortunately, nobody in those

1 positions, his mother or Save the Michaels, was
2 notified when he didn't show up for an
3 appointment, when he failed a urine test. And
4 those are signs. As we all know, those are signs
5 of relapse, those are signs of use. And those --
6 in this day and age, with this drug, that can be
7 it, and it can take you out.

8 So I want to thank Save the Michaels
9 and Avi Israel. I want to thank Angela for
10 having the courage to share the story of her
11 son's loss and of her loss, in the hope that we
12 would save other Stephens across New York State.

13 So, Mr. President, I vote aye.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Ortt to be recorded in the affirmative.

16 Senator Kennedy to explain his vote.

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

19 First of all, let me start by
20 congratulating and thanking Senator Harckham for
21 bringing this extremely important bill to the
22 floor for a vote. To all of our colleagues here,
23 on a bipartisan fashion, thank you for your
24 support.

25 This is one of those bills, as has

1 been mentioned, that will ultimately save lives.
2 There have been way too many lives that have been
3 lost, and the epidemic continues. But we must do
4 our part. And this is another step in the
5 direction of helping individuals help themselves.
6 And I give a tremendous amount of credit to
7 Angela, the mother of Stephen, whom this bill is
8 named after, as well as Avi and Julie Israel, who
9 lost Michael David Israel, a Buffalonian, some
10 years ago, who have helped to champion this law.

11 There have been far too many parents
12 that have lost sons and daughters, far too many
13 brothers and sisters who have lost a brother or a
14 sister, far too many family members lost,
15 neighbors and friends of ours and families of
16 ours that have been lost to this horrific
17 epidemic.

18 If this small step that we take
19 today saves one life, it's a step well taken. I
20 believe it will go much further than that and it
21 will continue the momentum that has been created
22 by the families that have had the courage to step
23 forward and tell their very difficult and
24 horrific tale so that others would benefit.

25 So again, congratulations to all

1 involved, and thank you again to Senator
2 Harckham, the bill's sponsor, for advancing this
3 important piece of legislation.

4 Mr. President, I vote aye.

5 ACTING PRESIDENT BENJAMIN: Senator
6 Kennedy to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 518, Senate Print 4334A, by Senator Metzger, an
13 act to amend the Highway Law.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

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

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN: Senator
23 Metzger to explain her vote.

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

1 I'm honored to introduce this
2 legislation, which would rename a portion of
3 Highway Route 208, a road I travel often, the
4 Gary Pietropaolo Highway, in honor of Officer
5 Gary Pietropaolo, whose family joins us today.

6 Office Pietropaolo was the beloved
7 son to Liz and Gary, Sr., and was engaged to be
8 married to his fiancée, Jaci, when he died
9 tragically in an off-duty crash last year, just
10 days before his wedding.

11 A graduate of Marist College, he
12 began his law enforcement career at SUNY
13 New Paltz, where for seven years he excelled.
14 While at New Paltz, he went to Instructional
15 Development School to advance his career and
16 train to be on bike patrol, where he designed the
17 bike patrol uniform and patrolled the campus,
18 engaging with students and putting them at ease.

19 He later transferred to the Carmel
20 Police Department, where he stood out and was
21 recognized for his efforts to keep impaired
22 drivers off the road. By focusing his efforts on
23 preventing people from driving under the
24 influence, Officer Pietropaolo saved countless
25 lives.

1 He also stood out for his
2 temperament. He was well-regarded by those he
3 worked with and who knew him, treating everyone
4 with kindness.

5 The renaming of this stretch of
6 highway in New Paltz in Officer Pietropaolo's
7 name will ensure that he is recognized and
8 remembered for his contributions to our community
9 and to keeping us all safe.

10 Thank you very much. I vote aye.

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

13 Senator Serino to explain her vote.

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

16 I rise today to honor the life and
17 legacy of Officer Gary Pietropaolo. Officer
18 Pietropaolo is the nephew of a good friend of
19 mine who's here today, Maureen Natrella, and
20 Gary's mom Liz, their sister Trish, and Maureen's
21 daughter Deanna.

22 Anytime that we lose a young person
23 before their time, it's heartbreaking. It's
24 especially so when the one we lose is someone
25 whose drive and passion was to protect and serve.

1 Gary's passion was police work, and
2 our community has felt the tremendous weight of
3 his loss. Our hearts are with his loved ones,
4 and we hope you know that passing this bill today
5 is just one way that we wish to remind you that
6 you will always have a grateful community behind
7 you.

8 I want to thank Senator Metzger for
9 sponsoring this bill. I'm proud to cosponsor it
10 and look forward to the day when we can
11 commemorate Gary's memory by driving down the
12 Gary Pietropaolo Memorial Highway.

13 And I just want to share with you
14 just a little bit about what Gary's Aunt Maureen
15 shared with me. Gary was the type of person,
16 when he was an officer at SUNY New Paltz, he
17 would reprimand the kids, even arrest them, and
18 then the following week or two he'd be playing
19 ball with them. And that was the kind of
20 relationship he had with the kids, but they all
21 respected him. They were like, you arrested me
22 one week, and now we're playing ball the next.
23 But it's the kind of guy -- man that he was.

24 And I would also be remiss if I
25 didn't remind everybody, you know, the weather is

1 getting warmer. Please, pay attention on the
2 roads. You know, when you're driving down the
3 road, there's going to be more motorcycles on the
4 road. Keep in mind Gary Pietropaolo's family and
5 just -- I know we're all in a rush, we're driving
6 down the road, our phones are ringing, we're in a
7 rush to get someplace. But please, think about
8 this story.

9 Thank you. I vote aye.

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

12 Announce the results.

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 524, Senate Print 4489, by Senator Gounardes, an
18 act to amend the Education Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

21 THE SECRETARY: Section 3. This
22 act shall take effect one year after it shall
23 have become a law.

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar Number 524, those Senators voting in the
6 negative are Senators Akshar and Ortt.

7 Ayes, 58. Nays, 2.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 532, Senate Print 1668, by Senator Brooks, an act
12 to amend the Public Health Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

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

17 SENATOR GRIFFO: Lay it aside.

18 ACTING PRESIDENT BENJAMIN: Lay it
19 aside.

20 THE SECRETARY: Calendar Number
21 557, Assembly Print 434, substituted earlier by
22 Assemblymember Paulin, an act to amend the
23 Business Corporation Law.

24 ACTING PRESIDENT BENJAMIN: Read
25 the last section.

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

3 ACTING PRESIDENT BENJAMIN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN:
7 Announce the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 568, Senate Print 4140, by Senator Kaplan, an act
13 to authorize the assessor of the County of Nassau
14 to accept an application for exemption from real
15 property taxes from Lubavitch of Roslyn.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 568, those Senators voting in the
2 negative are Senators Akshar and Antonacci.

3 Ayes, 58. Nays, 2.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 571, Senate Print 4362A, by Senator Kaplan, an
8 act authorizing the Village of Westbury to
9 receive retroactive real property tax exemption
10 status.

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: In relation to
21 Calendar Number 571, those Senators voting in the
22 negative are Senators Akshar and Antonacci.

23 Ayes, 58. Nays, 2.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 576, Senate Print 5232, by Senator Breslin, an
3 act in relation to permitting the Morning Star
4 Missionary Baptist Church to file an application
5 for a real property tax exemption.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

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

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: In relation to
16 Calendar Number 576, those Senators voting in the
17 negative are Senators Akshar and Antonacci.

18 Ayes, 58. Nays, 2.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 577, Senate Print 5235, by Senator Breslin, an
23 act in relation to permitting the Northeastern
24 Association of the Blind at Albany, Inc., to file
25 an application for a real property exemption.

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: In relation to
11 Calendar Number 577, those Senators voting in the
12 negative are Senators Akshar and Antonacci.

13 Ayes, 58. Nays, 2.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 580, Senate Print 2507, by Senator Kaplan, an act
18 to amend the Mental Hygiene Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

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

23 ACTING PRESIDENT BENJAMIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BENJAMIN:

2 Announce the results.

3 THE SECRETARY: Ayes, 60.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 588, Assembly Print Number 5944, substituted
8 earlier by Assemblymember Quart, an act to amend
9 the Penal Law.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN: Senator
18 Savino to explain her vote.

19 SENATOR SAVINO: Thank you,
20 Mr. President.

21 Well, they say the third time is the
22 charm. We have been down this road -- this will
23 be the third attempt to repeal what is now
24 definitively decided by the Southern District as
25 a deliberately vague and unconstitutional

1 definition, that of what a gravity knife is under
2 our Penal Code.

3 We have passed a bill trying to
4 effectively fix this issue. This will be the
5 third attempt in this Legislature. The previous
6 two attempts were vetoed by the Governor. His
7 veto message was equally vague. And we are now
8 finally going to rectify what has been a
9 long-standing wrong wherein you can purchase a
10 knife in New York State and the minute you walk
11 out the door, you are in illegal possession of
12 that knife -- a knife that has been a tool for
13 thousands of workmen.

14 And I just want to read one
15 statistic that should give pause to all of us.
16 Between the years of 2003 and 2013, 60,000
17 New Yorkers were arrested for the possession of
18 these knives, which are essentially work tools.
19 Sixty-thousand New Yorkers were arrested and
20 prosecuted for either felony or misdemeanor
21 possession of something that was perfectly legal
22 to buy in a store, but the minute they walked out
23 the store, it was illegal.

24 It's insane. It is deliberately
25 vague, it is unconstitutional. And finally, once

1 and for all, we're going to get the Governor to
2 sign the bill and correct this tremendous
3 injustice so that people who go to work every day
4 with a tool on their belt will not have to worry
5 about being arrested, prosecuted, lose their job,
6 lose their livelihood, or have their lives
7 disrupted.

8 I vote in the affirmative,
9 Mr. President. Thank you.

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

12 Senator Sepúlveda to explain his
13 vote.

14 SENATOR SEPÚLVEDA: Thank you,
15 Mr. President, for allowing me to explain my
16 vote.

17 Thank you, Senator Savino, for your
18 great effort on this bill. Thank you, Madam
19 Leader and my colleagues, for sponsoring and
20 voting in the affirmative on this bill.

21 I have nephews that are in the
22 construction business that have gravity knives,
23 that every day I worry about them getting
24 arrested.

25 But gravity knives are, as we know,

1 a standard tool used in construction, restaurants
2 and even by building superintendents. And it's
3 absurd that a tool that is used for everyday work
4 can be the cause of you getting prosecuted for a
5 crime.

6 The ban on gravity knives catches
7 many non-criminal individuals. Senator Savino
8 indicated the stats. Between 2002 and 2013,
9 60,000 residents of the City of New York were
10 arrested. But surprisingly enough, the majority
11 of these arrests occurred where? In communities
12 of color. Eighty-eight percent of the people
13 arrested for gravity knife possession were either
14 African-American or Latino. Many of these people
15 arrested are blue-collar workers who have legally
16 bought their knives at stores.

17 The ban on gravity knives should be
18 overturned. In this case, possession is a crime
19 and intent, intent is never a defense. It is
20 unjust that people can be arrested for merely
21 carrying a tool that they use for work every day.

22 The knives for which people are
23 being arrested, they're not switchblades, not
24 street weapons that were initially targeted by
25 the law.

1 But more importantly, the Legal Aid
2 Society did an analysis of 1,800 violent felony
3 cases where weapons were used. The findings show
4 that when it came to gravity knives, less than 1
5 percent were used in the offense. Less than 1
6 percent, yet 88 percent of the individuals
7 arrested were Latinos and African-Americans.

8 They have been a situation where
9 gravity knives have not passed the wrist-flick
10 test. And under today's court ruling, if a
11 police officer failed to flick open a knife on
12 the first try, the knife would not be illegal.

13 I vote affirmatively. Thank you.

14 ACTING PRESIDENT BENJAMIN: Senator
15 Sepúlveda to be recorded in the affirmative.

16 Senator Bailey to explain his vote.

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

19 It would have been fine if you
20 didn't call on me, because Senator Savino and
21 Senator Sepúlveda said everything I was going to
22 say, even down to the flick of the wrist test
23 that you said. And I was getting ready to speak
24 about that, but -- I just think that it's time
25 that we -- I would implore the Governor to sign

1 this bill. Assemblyman Quart and Senator Savino
2 have done incredible work in shepherding this
3 through us once again.

4 And you can't criminalize work. We
5 expect people to try to make a day's living. And
6 when they have the tools of the trade, you should
7 not be penalized and put in fear of incarceration
8 for simply trying to do your job.

9 I vote in the affirmative,
10 Mr. President. And thank, Senator Savino, once
11 again.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Bailey to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

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

20 SENATOR GIANARIS: Can we now go to
21 the reading of the controversial calendar,
22 Mr. President.

23 ACTING PRESIDENT BENJAMIN: The
24 Secretary will ring the bell.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 532, Senate Print 1668, by Senator Brooks, an act
3 to amend the Public Health Law.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Griffo, why do you rise?

6 SENATOR GRIFFO: Mr. President, I
7 believe there's an amendment at the desk. I
8 waive the reading of that amendment, and I ask
9 that Senator Helming be recognized and be heard
10 on that amendment.

11 ACTING PRESIDENT BENJAMIN: Thank
12 you, Senator Griffo.

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

16 SENATOR GRIFFO: Accordingly,
17 Mr. President, I appeal the ruling of the chair
18 and I ask that Senator Helming be called upon for
19 that appeal.

20 ACTING PRESIDENT BENJAMIN: The
21 appeal has been made and recognized, and Senator
22 Helming may be heard.

23 SENATOR HELMING: Thank you,
24 Mr. President.

25 This amendment is germane because

1 the bill under our consideration establishes
2 tighter reporting requirements on death
3 certificates when an individual tragically dies
4 from an opioid overdose.

5 The underlying legislation proposes
6 disclosure of the specific opioid in the hope
7 that public health researchers could track data
8 on fatalities to avoid them. Statistics like
9 these help public health professionals and
10 lawmakers shape policy and protect New York State
11 residents.

12 Much the same, my amendment which is
13 before this body, the Born Alive Survivors
14 Protection Act, would protect infants who are
15 born alive during abortion.

16 Sadly, when my colleagues across the
17 aisle passed the Reproductive Health Act, they
18 nixed a key part of the Public Health Law,
19 Section 4164, which required doctors to report
20 all life-sustaining efforts, their failure or
21 success, for infants born as a result of an
22 abortion procedure.

23 Currently, as a result of this,
24 there are no reporting or care requirements for
25 infants born alive as a result of an abortion

1 procedure known as induced termination. But
2 these records arguably hold the same public
3 health value as the bill before us. And the goal
4 with both bills is to sustain life.

5 The Centers for Disease Control
6 has even issued guidelines in these instances
7 recommending the issuance of a birth certificate
8 for infants born under these horrific
9 circumstances, and a death certificate in the
10 event of a death. While they say it's not likely
11 to happen, the CDC reports the induced abortion
12 procedure may result in a live birth.

13 Opponents of this amendment contend
14 that infants are not born alive as a result of an
15 abortion procedure, so collecting this data is
16 unnecessary. To that, I say the facts matter.

17 One hundred forty-three. That's the
18 number of infants that have been born alive as a
19 result of an abortion procedure and who
20 subsequently died in the United States between
21 2003 and 2014.

22 Seventy-two. That's the number of
23 infants born alive who subsequently died as a
24 result of an abortion procedure in New York State
25 between 1997 and 2017.

1 While some of those deaths resulted
2 from spontaneous termination of a pregnancy, the
3 fact remains that this occurred in New York
4 before the Reproductive Health Act and will
5 certainly continue now that the law allows
6 abortions up until the moment of birth.

7 Yet because the RHA removed all
8 reporting requirements, now the CDC will not be
9 able to accurately report on how many infants are
10 born alive as a result of an abortion. Very,
11 very convenient for those who say this horrific
12 loss of life does not occur.

13 The CDC has made it very clear just
14 how important it is to continue this reporting in
15 order to examine trends in public health and to
16 make informed decisions. The reported data has
17 been used to identify characteristics of women
18 who are at high risk of unintended pregnancy,
19 evaluate the effectiveness of programs for
20 reducing teen pregnancies, and monitor changes in
21 the clinical practice patterns related to
22 abortion such as changes in the types of
23 procedures used and the weeks of gestation at the
24 time of abortion. This information is needed to
25 calculate the mortality rate of specific abortion

1 procedures.

2 This amendment will reestablish
3 these vital reporting requirements that hold as
4 much significance as those regarding deaths from
5 opioids. This proposal in no way hinders a
6 woman's access to abortion, but rather helps
7 protect the life of an innocent baby born in this
8 horrific situation. In a situation where a child
9 is born alive during an abortion procedure, what
10 person in their right mind would believe a doctor
11 or medical practitioner should not provide
12 medical treatment to save or keep the child
13 alive?

14 Mr. President, I offer that this
15 amendment is not a partisan issue. When a very
16 similar bill was brought to the floor of the
17 United States Senate, the bill received
18 bipartisan support. A very similar version of
19 this bill passed the North Carolina State Senate,
20 with five Democratic senators voting in favor of
21 the legislation. One Democratic senator
22 summarized his vote by saying "How could I vote
23 against my conscience?"

24 It is for these reasons that I urge
25 my colleagues, all of my colleagues here, to

1 support this commonsense public health amendment.

2 ACTING PRESIDENT BENJAMIN: Thank
3 you, Senator Helming.

4 I want to remind the house that the
5 veto is on the procedures of the house and the
6 ruling of the chair.

7 Those in favor of overruling the
8 chair signify by saying aye.

9 (Response of "Aye.")

10 SENATOR GRIFFO: Request a show of
11 hands.

12 ACTING PRESIDENT BENJAMIN: A show
13 of hands has been requested and so ordered.

14 (Show of hands.)

15 THE SECRETARY: Ayes, 20.

16 ACTING PRESIDENT BENJAMIN: The
17 ruling of the chair stands, and the bill-in-chief
18 is before the house.

19 Senator Gianaris.

20 SENATOR GIANARIS: By agreement --
21 or with consent, rather, may we reinstate this
22 bill to the noncontroversial calendar.

23 ACTING PRESIDENT BENJAMIN: Without
24 objection, so ordered.

25 Read the last section.

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

3 ACTING PRESIDENT BENJAMIN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN:
7 Announce the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

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

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

15 I'm sorry, Mr. President. Before we
16 do that, can we return to motions and recognize
17 Senator Griffo.

18 ACTING PRESIDENT BENJAMIN: Motions
19 and resolutions.

20 Senator Griffo.

21 SENATOR GRIFFO: Mr. President, on
22 behalf of Senator Robach, I move that Senate Bill
23 322 be discharged from its respective committee
24 and be recommitted with instructions to strike
25 the enacting clause.

1 ACTING PRESIDENT BENJAMIN: It is
2 so ordered.

3 Senator Gianaris.

4 SENATOR GIANARIS: Thank you. I
5 guess in this case there was further business at
6 the desk.

7 Is there any further business at the
8 desk?

9 ACTING PRESIDENT BENJAMIN: There
10 is no further business at the desk.

11 SENATOR GIANARIS: I move to
12 adjourn until tomorrow, Tuesday, May 14th, at
13 3:00 p.m.

14 ACTING PRESIDENT BENJAMIN: On
15 motion, the Senate stands adjourned until
16 Tuesday, May 14th, at 3:00 p.m.

17 (Whereupon, at 4:34 p.m., the Senate
18 adjourned.)

19
20
21
22
23
24
25