

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 June 20, 2019

11 12:47 p.m.

12  
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 recite the Pledge of Allegiance.

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

8 ACTING PRESIDENT BENJAMIN: In the  
9 absence of clergy, let us bow our heads in a  
10 moment of silent reflection or prayer.

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

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

15 THE SECRETARY: In Senate,  
16 Wednesday, June 19, 2019, the Senate met pursuant  
17 to adjournment. The Journal of Tuesday, June 18,  
18 2019, was read and approved. On motion, Senate  
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: On page 5,

1 Senator Salazar moves to discharge, from the  
2 Committee on Rules, Assembly Bill Number 318A and  
3 substitute it for the identical Senate Bill  
4 Number 2888A, Third Reading Calendar 137.

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

7 THE SECRETARY: On page 10,  
8 Senator Hoylman moves to discharge, from the  
9 Committee on Judiciary, Assembly Bill Number 6082  
10 and substitute it for the identical Senate Bill  
11 Number 3839, Third Reading Calendar 306.

12 ACTING PRESIDENT BENJAMIN: The  
13 substitution is so ordered.

14 THE SECRETARY: On page 15,  
15 Senator Thomas moves to discharge, from the  
16 Committee on Rules, Assembly Bill Number 117A and  
17 substitute it for the identical Senate Bill  
18 Number 4020A, Third Reading Calendar 549.

19 ACTING PRESIDENT BENJAMIN: The  
20 substitution is so ordered.

21 THE SECRETARY: On page 25,  
22 Senator Breslin moves to discharge, from the  
23 Committee on Rules, Assembly Bill Number 1434B  
24 and substitute it for the identical Senate Bill  
25 Number 6111A, Third Reading Calendar 914.

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

3                   THE SECRETARY:    On page 31,  
4       Senator Kavanaugh moves to discharge, from the  
5       Committee on Rules, Assembly Bill Number 8122 and  
6       substitute it for the identical Senate Bill  
7       Number 6411A, Third Reading Calendar 1629.

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

10                  THE SECRETARY:    On page 31,  
11       Senator Mayer moves to discharge, from the  
12       Committee on Rules, Assembly Bill Number 8339 and  
13       substitute it for the identical Senate Bill  
14       Number 6494, Third Reading Calendar 1644.

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

17                               Messages from the Governor.

18                               Reports of standing committees.

19                               Reports of select committees.

20                               Communications and reports from  
21       state officers.

22                               Motions and resolutions.

23                               Senator Gianaris.

24                   SENATOR GIANARIS:    Hello,  
25       Mr. President.

1                   On behalf of Senator Brooks, I move  
2                   to amend Senate Bill 6588B by striking out the  
3                   amendments made on June 18, 2019, and restoring  
4                   it to its previous print number, 6588A.

5                   ACTING PRESIDENT BENJAMIN:    It is  
6                   so ordered.

7                   SENATOR GIANARIS:    I now move to  
8                   adopt the Resolution Calendar, with the exception  
9                   of Resolutions 2112 and 2122.

10                  ACTING PRESIDENT BENJAMIN:   All in  
11                  favor of adopting the Resolution Calendar, with  
12                  the exception of Resolutions 2112 and 2122,  
13                  please signify by saying aye.

14                  (Response of "Aye.")

15                  ACTING PRESIDENT BENJAMIN:  
16                  Opposed, nay.

17                  (No response.)

18                  ACTING PRESIDENT BENJAMIN:    The  
19                  Resolution Calendar is adopted.

20                  Senator Gianaris.

21                  SENATOR GIANARIS:    Mr. President,  
22                  at this time can we please take up  
23                  Resolution 2112, by Senator Harckham -- who I  
24                  understand is a fan of the band Rush -- read that  
25                  resolution's title only, and recognize

1 Senator Harckham on Resolution 2112.

2 ACTING PRESIDENT BENJAMIN: The  
3 Secretary will read.

4 THE SECRETARY: Senate resolution  
5 2112, by Senator Harckham, mourning the death of  
6 the Honorable James F. Reitz, Putnam County Court  
7 Judge, distinguished citizen and devoted member  
8 of his community.

9 ACTING PRESIDENT BENJAMIN: Senator  
10 Harckham on the resolution.

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

13 Judge Reitz was taken from us far  
14 too early last week, doing what he loved,  
15 presiding in drug court in Putnam County.

16 Aside from being a dedicated public  
17 servant, he was a town judge, a county court  
18 judge, acting Supreme Court judge. He embodied a  
19 lot of what we've been talking about in this  
20 chamber this year, is decriminalizing people with  
21 substance use disorder and treating it as the  
22 disease that it is, and diverting people from  
23 incarceration into treatment and enabling them to  
24 resume productive lives and to stay in their  
25 community.

1                   And Judge Reitz, it's not an  
2                   exaggeration to say, saved hundreds of lives,  
3                   saved hundreds of lives. He was a remarkable  
4                   human being, was taken from us far too soon. And  
5                   I'm just so pleased that this chamber would take  
6                   a moment to honor him.

7                   I know Senator Serino knew the judge  
8                   much longer than I did, but in the time I knew  
9                   him, he made such an impression as somebody who  
10                  put his heart and soul into everything he did,  
11                  and he put those who he worked with -- and all  
12                  the people who came into his court were people he  
13                  worked with, not people he presided over.

14                 And he cared about each of them  
15                 intimately, their lives and their families. And  
16                 thanks to him, there are hundreds of people alive  
17                 today who might not be so.

18                 So thank you.

19                 ACTING PRESIDENT BENJAMIN:  
20                 Senator Serino on the resolution.

21                 SENATOR SERINO: Thank you,  
22                 Mr. President.

23                 Thank you, Senator Harckham.

24                 Judge Reitz was one of a kind. You  
25                 know, he was the kind of a judge that just had

1     this big huge smile on his face. And it was  
2     amazing, in his drug court he -- like  
3     Senator Harckham said, he kept hundreds of people  
4     out of jail, saved hundreds of lives. It was  
5     such a unique program that NBC News actually  
6     featured him when they did a series on the U.S.  
7     drug courts.

8                     And I can tell you, he was the most  
9     kindest, most generous person I've ever had the  
10    pleasure to know. Always had a big smile on his  
11    face, and he'd always ask you, you know, what do  
12    you need? Anything you need, I'm here for you.

13                    And the people that went before  
14    him -- you have to remember, these are people  
15    that are down on their luck. The addiction  
16    problems that they went through. They respected  
17    him, because he give them a chance. He gave them  
18    hope.

19                    So my friend, I will forever miss  
20    you. His wife Barbara and family, my sincerest  
21    sympathies towards them. But his legacy will  
22    live on.

23                    So thank you, Mr. President.

24                    ACTING PRESIDENT BENJAMIN: The  
25    question is on the resolution. All in favor



1 signify by saying aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT BENJAMIN:

4 Opposed?

5 (No response.)

6 ACTING PRESIDENT BENJAMIN: The  
7 resolution is adopted.

8 Senator Gianaris.

9 SENATOR GIANARIS: Mr. President,  
10 can we now take up Resolution 2122, by  
11 Senator Ramos, read that resolution's title only,  
12 and recognize Senator Ramos.

13 ACTING PRESIDENT BENJAMIN: The  
14 Secretary will read.

15 THE SECRETARY: Senate Resolution  
16 2122, by Senator Ramos, memorializing Governor  
17 Andrew M. Cuomo to proclaim July 20, 2019, as  
18 Colombian Independence Day in the State of  
19 New York.

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

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

24 I'm very proud to sponsor this  
25 resolution today here in the State Senate as a

1 Colombian-American. Both of my parents  
2 immigrated to this country 40 years ago.

3           We have been -- it's been a country  
4 that's been marred by war for the past more than  
5 50 years. And we've really tried to adhere to a  
6 peace agreement that was reached a few years ago  
7 and that the current government of that country  
8 has decided to ignore. It's been quite a turmoil  
9 that Colombians have been living under for I  
10 don't know how long, and it's how so many of our  
11 parents and so many of my peers have ended up  
12 here in this country.

13           In fact, as of the last census,  
14 around 230,000 Colombians reside in New York;  
15 140,000 of them are my neighbors in my district.

16           And so I wanted to make sure that we  
17 were honoring Colombian heritage, our happiness,  
18 our flavors, our people. Not many people know  
19 that Luis Miguel Castro, who was the first Latin  
20 American ballplayer in Major League Baseball, was  
21 Colombian. We've been here for a very long time.

22           And I want to thank Andrea  
23 Stewart-Cousins and my colleagues for allowing us  
24 to honor our heritage.

25           Thank you.

1           ACTING PRESIDENT BENJAMIN:    The  
2   question is on the resolution.  All in favor  
3   signify by saying aye.

4           (Response of "Aye.")

5           ACTING PRESIDENT BENJAMIN:  
6   Opposed?

7           (No response.)

8           ACTING PRESIDENT BENJAMIN:    The  
9   resolution is adopted.

10          Senator Gianaris.

11          SENATOR GIANARIS:    At the request  
12   of the sponsors, the resolutions we just took up  
13   are open for cosponsorship.

14          ACTING PRESIDENT BENJAMIN:    All of  
15   the resolutions are open for cosponsorship.  
16   Should you choose not to be a cosponsor of the  
17   resolutions, please notify the desk.

18          Senator Gianaris.

19          SENATOR GIANARIS:    At this time  
20   there will be an immediate meeting of the  
21   Committee on Rules in Room 332.

22          ACTING PRESIDENT BENJAMIN:    There  
23   will be an immediate meeting of the Committee on  
24   Rules in Room 332.

25          SENATOR GIANARIS:    The Senate will

1 stand at ease.

2 Oh, I'm sorry, wrong committee  
3 meeting. There will be an immediate meeting of  
4 the Committee on Judiciary in Room 332.

5 ACTING PRESIDENT BENJAMIN: There  
6 will be an immediate meeting of the  
7 Judiciary Committee in Room 332.

8 SENATOR GIANARIS: Now the Senate  
9 will stand at ease.

10 ACTING PRESIDENT BENJAMIN: The  
11 Senate will stand at ease.

12 (Whereupon, the Senate stood at ease  
13 at 12:56 p.m.)

14 (Whereupon, the Senate reconvened at  
15 12:59 p.m.)

16 ACTING PRESIDENT BENJAMIN: The  
17 Senate will return to order.

18 Senator Gianaris.

19 SENATOR GIANARIS: Mr. President,  
20 at this time can we take up the reading of the  
21 calendar.

22 ACTING PRESIDENT BENJAMIN: The  
23 Secretary will read.

24 THE SECRETARY: Calendar Number  
25 137, Assembly Print Number 318A, substituted

1 earlier by Assemblymember Paulin, an act to amend  
2 the Public Health Law.

3 SENATOR GIANARIS: Lay it aside for  
4 the day.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill will be laid aside for the day.

7 THE SECRETARY: Calendar Number  
8 306, Assembly Print Number 6082, substituted  
9 earlier by Assemblymember Dinowitz, an act to  
10 amend the Real Property Law.

11 ACTING PRESIDENT BENJAMIN: Read  
12 the last section.

13 THE SECRETARY: Section 2. This  
14 act shall take effect July 1, 2021.

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, 60.

21 ACTING PRESIDENT BENJAMIN: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 411, Senate Print 4241A, by Senator Kaminsky, an  
25 act to amend the Alcoholic Beverage Control Law.

1                   ACTING PRESIDENT BENJAMIN:    Read  
2   the last section.

3                   THE SECRETARY:    Section 6.   This  
4   act shall take effect on the 120th day after it  
5   shall have become a law.

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:    In relation to  
12   Calendar Number 411, those Senators voting in the  
13   negative are Senators Antonacci, Helming, Jordan  
14   and Ranzenhofer.

15                   Ayes, 56.   Nays, 4.

16                   ACTING PRESIDENT BENJAMIN:    The  
17   bill is passed.

18                   THE SECRETARY:    Calendar Number  
19   455, Senate Print 1693B, by Senator Krueger, an  
20   act to amend the Public Health Law and the  
21   Civil Rights Law.

22                   SENATOR GIANARIS:    Lay it aside for  
23   the day.

24                   ACTING PRESIDENT BENJAMIN:    The  
25   bill will be laid aside for the day.

1                   THE SECRETARY:    Calendar Number  
2   549, Assembly Bill Number 117A, substituted  
3   earlier by Assemblymember Buchwald, an act to  
4   amend the General Business Law.

5                   ACTING PRESIDENT BENJAMIN:   Read  
6   the last section.

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

9                   ACTING PRESIDENT BENJAMIN:   Call  
10   the roll.

11                   (The Secretary called the roll.)

12                   ACTING PRESIDENT BENJAMIN:  
13   Announce the results.

14                   THE SECRETARY:    Ayes, 62.

15                   ACTING PRESIDENT BENJAMIN:   The  
16   bill is passed.

17                   THE SECRETARY:    Calendar Number  
18   600, Senate Print 2161B, by Senator Bailey, an  
19   act to amend the Correction Law.

20                   ACTING PRESIDENT BENJAMIN:   Read  
21   the last section.

22                   THE SECRETARY:    Section 4.   This  
23   act shall take effect on the 120th day after it  
24   shall have become a law.

25                   ACTING PRESIDENT BENJAMIN:   Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: In relation to  
6 Calendar Number 600, those Senators voting in the  
7 negative are Senators Akshar, Antonacci,  
8 Flanagan, Funke, Gallivan, Griffo, Helming,  
9 Jacobs, Jordan, Little, Martinez, O'Mara, Ortt,  
10 Ranzenhofer, Ritchie, Robach, Serino, Seward and  
11 Tedisco.

12 Ayes, 43. Nays, 19.

13 ACTING PRESIDENT BENJAMIN: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 612, Senate Print 93, by Senator Kaminsky, an act  
17 to amend the Election 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: Senator



1 Antonacci to explain his vote.

2 SENATOR ANTONACCI: Thank you,  
3 Mr. President.

4 I will be voting in the affirmative  
5 on this bill, and I want to thank the sponsor for  
6 bringing it forward.

7 I note that under this bill, death  
8 will now prevent funds from being transferred to  
9 a party committee or candidate committee. And  
10 while that may seem harsh, I would say to retired  
11 politicians, you'd better do some estate  
12 planning. I can't think of one good public  
13 policy reason why a retired politician should be  
14 able to keep campaign funds until the date of  
15 death.

16 I vote aye.

17 ACTING PRESIDENT BENJAMIN: Senator  
18 Antonacci to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT BENJAMIN: The  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 826, Senate Print 3916B, by Senator Stavisky, an  
25 act to amend the Education Law.

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, 62.

11                  ACTING PRESIDENT BENJAMIN:    The  
12   bill is passed.

13                  THE SECRETARY:    Calendar Number  
14   914, Assembly Print Number 1434B, substituted  
15   earlier by Assemblymember Santabarbara, an act to  
16   amend the Agriculture and Markets Law.

17                  SENATOR GIANARIS:   Lay it aside for  
18   the day.

19                  ACTING PRESIDENT BENJAMIN:    The  
20   bill will be aside for the day.

21                  THE SECRETARY:    Calendar Number  
22   1036, Senate Print 3445, by Senator Stavisky, an  
23   act to amend the Education 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, 62.

9           ACTING PRESIDENT BENJAMIN:    The  
10   bill is passed.

11          THE SECRETARY:    Calendar Number  
12   1042, Senate Print 5848B, by Senator Harckham, an  
13   act to amend the Education Law.

14          ACTING PRESIDENT BENJAMIN:    Read  
15   the last section.

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

18          ACTING PRESIDENT BENJAMIN:    Call  
19   the roll.

20          (The Secretary called the roll.)

21          ACTING PRESIDENT BENJAMIN:  
22   Announce the results.

23          THE SECRETARY:    Ayes, 62.

24          ACTING PRESIDENT BENJAMIN:    The  
25   bill is passed.

1                   THE SECRETARY:    Calendar Number  
2   1145, Senate Print 5021, by Senator Metzger, an  
3   act to amend the Environmental Conservation Law.

4                   SENATOR GIANARIS:   Lay it aside for  
5   the day.

6                   ACTING PRESIDENT BENJAMIN:    The  
7   bill will be laid aside for the day.

8                   THE SECRETARY:    Calendar Number  
9   1607, Senate Print 5224B, by Senator Kennedy, an  
10   act to amend the Education Law.

11                   ACTING PRESIDENT BENJAMIN:    Read  
12   the last section.

13                   THE SECRETARY:    Section 4.   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:    Senator  
19   Jacobs to explain his vote.

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

22                   I want to thank Senator Kennedy for  
23   bringing this bill forward this year.  I  
24   sponsored it last year.

25                   As a former Buffalo School Board

1 member, I know how hard it is. The Buffalo  
2 School Board, currently the election is in May, I  
3 think it's a week before all the other May  
4 elections of all the other school boards around  
5 the area and the county, so it is incredibly  
6 difficult to get voter turnout. Sometimes  
7 turnout is as low as 3 percent. And it's a  
8 school district that has over 30,000 children, a  
9 billion-dollar budget, twice the size of the city  
10 budget.

11 So I'm very glad this is happening.  
12 I hope it is moving in the other house. I do  
13 regret that it was not able to happen a few  
14 months earlier so that it would have caught this  
15 year's election, which is a significant election  
16 because the seats all lined up this year, which  
17 is only one time every 15 years.

18 But hopefully moving forward, this  
19 will increase significantly voter turnout in this  
20 very, very important election.

21 Thank you.

22 ACTING PRESIDENT BENJAMIN: Senator  
23 Jacobs to be recorded in the affirmative.

24 Senator Kennedy to explain his vote.

25 SENATOR KENNEDY: Thank you,

1 Mr. President.

2 I rise to support this legislation.

3 I want to thank my colleagues for their support.

4 This is regarding turning people out  
5 in the City of Buffalo as it pertains to arguably  
6 the most important elections in the community,  
7 and that is for Buffalo School Board, who make  
8 decisions on behalf of our most precious  
9 resource, our children.

10 As the father of three children in  
11 the Buffalo public schools, I have a personal  
12 stake in this. As a parent, I recognize the  
13 importance of having individuals that are placed  
14 in positions of trust, that are elected by the  
15 people. And the important part is ensuring that  
16 everyone's voice is heard.

17 And this Democratic Conference  
18 has taken a major stride throughout this entire  
19 session to increase voter turnout, starting with  
20 the first piece of legislation that we passed in  
21 this legislative session, and a series of bills  
22 over the course of the last several months to  
23 enhance voter turnout, to make it easier for  
24 people to get to the polls, to make it easier for  
25 people to exercise their right, as American

1 citizens, to vote. It's the bedrock of our  
2 democracy.

3 And unfortunately, as it pertains to  
4 Buffalo City School Board elections specifically  
5 in the City of Buffalo, the City of Buffalo is  
6 way out of line. The City of Rochester has their  
7 elections in November, the City of Syracuse has  
8 their elections in November. The other Big Five,  
9 Yonkers and New York, are under mayoral control,  
10 so they don't have school board elections. So  
11 Buffalo is in its own category.

12 The problem with that is that the  
13 voter turnout in May has been abysmal,  
14 embarrassing. This year, with unprecedented  
15 attention paid to the Buffalo School Board,  
16 16 people running for Buffalo School Board,  
17 at-large seats giving everybody a reason to come  
18 out and vote, 6.6 percent of the electorate  
19 decided to take part. That is unfortunate. That  
20 needs to change.

21 This legislation will ensure that  
22 the school board elections are in November, when  
23 we already know people are paying attention,  
24 they're engaged, they are going to be out at the  
25 polls, and they will participate in, again,

1     arguably the most important election in the  
2     community.

3                     With that, Mr. President, I want to  
4     thank the clergy, the community activists, the  
5     parents, the NAACP, the various organizations  
6     that have worked to advance this legislation over  
7     many years, this is carried by Majority Leader  
8     Crystal Peoples-Stokes, I give her tremendous  
9     credit, in the Assembly.

10                    And hopefully we can get this done,  
11    move on, and in three years when the next  
12    election for Buffalo School Board takes place, we  
13    will have a large turnout, an enhanced turnout,  
14    and an engaged electorate for the important  
15    election at hand.

16                    Mr. President, thank you so much. I  
17    vote aye.

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

20                    Senator Little to explain her vote.

21                    SENATOR LITTLE:    Thank you,  
22    Mr. President. I would like to explain my vote.

23                    We worked really hard to get May as  
24    a school election day. And as one who represents  
25    49 different school districts, they all benefit,



1 because they're all on the same day and there's a  
2 lot of publicity going on.

3 I know everyone wants to get more  
4 people out to vote, but I would not want to see  
5 us lose that uniform school election day, and I  
6 vote no.

7 ACTING PRESIDENT BENJAMIN: Senator  
8 Little to be recorded in the negative.

9 Announce the results.

10 THE SECRETARY: In relation to  
11 Calendar Number 1607, those Senators voting in  
12 the negative are Senators Antonacci, Griffo,  
13 Little and Ranzenhofer. Also Senator LaValle.  
14 Also Senator Ritchie.

15 Ayes, 56. Nays, 6.

16 ACTING PRESIDENT BENJAMIN: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 1629, Assembly Print Number 8122, substituted  
20 earlier by Assemblymember Niou, an act to amend  
21 the Public Authorities Law.

22 ACTING PRESIDENT BENJAMIN: Read  
23 the last section.

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

1                   ACTING PRESIDENT BENJAMIN:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BENJAMIN:  
5   Announce the results.

6                   THE SECRETARY:    In relation to  
7   Calendar Number 1629, voting in the negative:  
8   Senator O'Mara.

9                   Ayes, 61.   Nays, 1.

10                  ACTING PRESIDENT BENJAMIN:    The  
11   bill is passed.

12                  THE SECRETARY:    Calendar Number  
13   1644, Assembly Print Number 8339, substituted  
14   earlier by Assemblymember Otis, an act to amend  
15   Chapter 498 of the Laws of 2017.

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:    Ayes, 62.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 1651, Senate Print 6526A, by Senator O'Mara, an  
5 act to amend the Highway Law.

6                   ACTING PRESIDENT BENJAMIN:    Read  
7 the last section.

8                   THE SECRETARY:    Section 3.   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:    Ayes, 62.

16                  ACTING PRESIDENT BENJAMIN:    The  
17 bill is passed.

18                  THE SECRETARY:    Calendar Number  
19 1658, Senate Print 6571A, by Senator Kavanaugh, an  
20 act to amend the Administrative Code of the City  
21 of New York.

22                  ACTING PRESIDENT BENJAMIN:    Read  
23 the last section.

24                  THE SECRETARY:    Section 38.   This  
25 act shall take effect immediately.

1                   ACTING PRESIDENT BENJAMIN:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BENJAMIN:  
5   Announce the results.

6                   THE SECRETARY:    In relation to  
7   Calendar Number 1658, those Senators voting in  
8   the negative are Senators Akshar, Amedore,  
9   Antonacci, Boyle, Brooks, Flanagan, Funke,  
10   Gallivan, Gaughran, Griffio, Helming, Jacobs,  
11   Jordan, Lanza, LaValle, Little, Martinez, Ortt,  
12   Ranzenhofer, Ritchie, Robach, Serino, Seward and  
13   Tedisco.

14                   Ayes, 38.   Nays, 24.

15                   ACTING PRESIDENT BENJAMIN:    The  
16   bill is passed.

17                   THE SECRETARY:    Calendar Number  
18   1665, Senate Print 6584, by Senator Sepúlveda, an  
19   act to amend the Vehicle and Traffic Law.

20                   SENATOR GRIFFIO:    Lay it aside.

21                   SENATOR GIANARIS:   Lay it aside  
22   temporarily.

23                   ACTING PRESIDENT BENJAMIN:    Lay it  
24   aside temporarily.

25                   THE SECRETARY:    Calendar Number

1 1666, Senate Print 6597, by Senator Ramos, an act  
2 to amend the Vehicle and Traffic Law.

3 ACTING PRESIDENT BENJAMIN: Read  
4 the last section.

5 THE SECRETARY: Section 2. This  
6 act shall take effect on the same date and in the  
7 same manner as Section 6 of a chapter of the Laws  
8 of 2019.

9 ACTING PRESIDENT BENJAMIN: Call  
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN:  
13 Announce the results.

14 THE SECRETARY: In relation to  
15 Calendar Number 1666, those Senators voting in  
16 the negative are Senators LaValle and Little.

17 Ayes, 60. Nays, 2.

18 ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 1669, Assembly Print Number 8126A, substituted  
22 earlier by Assemblymember Paulin, an act  
23 establishing the "Gateway Development Commission  
24 Act."

25 SENATOR GIANARIS: Lay it aside

1 temporarily, please.

2 ACTING PRESIDENT BENJAMIN: Lay it  
3 aside temporarily.

4 THE SECRETARY: Calendar Number  
5 1693, Senate Print 5414C, by Senator Gounardes,  
6 an act to amend the Retirement and Social  
7 Security Law.

8 ACTING PRESIDENT BENJAMIN: Read  
9 the last section.

10 THE SECRETARY: Section 2. 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:  
16 Announce the results.

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 1707, Senate Print 6285A, by Senator Ranzenhofer,  
22 an act to authorize the Town of Amherst, County  
23 of Erie, to alienate and discontinue the use of  
24 certain parklands.

25 ACTING PRESIDENT BENJAMIN: There

1 is a home-rule message at the desk.

2 Read the last section.

3 THE SECRETARY: Section 5. 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, 62.

11 ACTING PRESIDENT BENJAMIN: The  
12 bill is passed.

13 THE SECRETARY: Calendar Number  
14 1749, Senate Print 6594, by Senator Biaggi, an  
15 act to amend the Executive Law.

16 ACTING PRESIDENT BENJAMIN: Read  
17 the last section.

18 THE SECRETARY: Section 5. This  
19 act shall take effect on the same date and in the  
20 same manner as a chapter of the Laws of 2019.

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: Ayes, 62.

2 ACTING PRESIDENT BENJAMIN: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 1777, Senate Print 5484B, by Senator O'Mara, an  
6 act to amend the Highway Law.

7 ACTING PRESIDENT BENJAMIN: Read  
8 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call  
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:  
15 Announce the results.

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT BENJAMIN: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 1796, Senate Print 6412, by Senator Kavanagh, an  
21 act to amend the Public Housing Law.

22 SENATOR GIANARIS: Lay it aside for  
23 the day.

24 ACTING PRESIDENT BENJAMIN: The  
25 bill will be laid aside for the day.



1                   THE SECRETARY:    Calendar Number  
2   1804, Senate Print 6593, by Senator Gallivan, an  
3   act to amend the County Law.

4                   ACTING PRESIDENT BENJAMIN:   Read  
5   the last section.

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

8                   ACTING PRESIDENT BENJAMIN:   Call  
9   the roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT BENJAMIN:  
12   Announce the results.

13                   THE SECRETARY:    Ayes, 62.

14                   ACTING PRESIDENT BENJAMIN:   The  
15   bill is passed.

16                   THE SECRETARY:    Calendar Number  
17   1805, Senate Print Number 5898D, by  
18   Senator Gaughran, an act to amend the  
19   Retirement and Social Security Law.

20                   ACTING PRESIDENT BENJAMIN:   Read  
21   the last section.

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

24                   ACTING PRESIDENT BENJAMIN:   Call  
25   the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Senator Gaughran to explain his vote.

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

6 You know, we have accomplished a lot  
7 this session, and the one common thread with much  
8 of what we've done is we've helped people. We've  
9 helped make the lives of New Yorkers better.

10 And today we get to do that again  
11 for several hundred people who on 9/11 -- and  
12 then weeks, months and even years after -- worked  
13 alongside their uniformed brothers and sisters,  
14 firefighters, police and others, and now many of  
15 them are sick. Many of them are in their last  
16 days. Many really have hope that they're going  
17 to be able to move on with their lives and  
18 continue to have some quality of life.

19 And unfortunately, because of the  
20 way some of the programs were adopted in the  
21 past, these folks, because they're not uniformed,  
22 they're not getting the same retirement benefits  
23 as the others that they worked alongside of, one  
24 of whom is Timothy DeMeo, who has been relentless  
25 in pushing for the passage of this legislation.

1 He worked for the Department of Environmental  
2 Conservation and was there when the towers were  
3 coming down, and stayed there throughout.

4 So on behalf of Mr. DeMeo and so  
5 many others who did so much for this state, I  
6 proudly vote in the affirmative, Mr. President.

7 ACTING PRESIDENT BENJAMIN: Senator  
8 Gaughran to be recorded in the affirmative.

9 Senator Jackson to explain his vote.

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

12 In reading the briefing documents, I  
13 see that this piece of -- bill is supported by  
14 two major unions: One, DC37, which is the  
15 largest of union employees in New York City, but  
16 also by the New York State Public Employees  
17 Federation, the acronym is PEF. And I worked for  
18 the union for 22 years.

19 And Senator Gaughran mentioned about  
20 the employee, whether or not he was a  
21 management/confidential PEF employee, unionized,  
22 or CSEA, the bottom line is that these  
23 individuals that we're talking about put  
24 themselves on the line and were injured and are  
25 now retired, and they deserve the same type of

1 benefits as people in the uniformed services.

2 And it says -- I'm reading part of  
3 the support memo: "The current law provides for  
4 three-quarters disability for uniformed  
5 personnel -- police, fire, EMT, corrections and  
6 sanitation. However, certain state employees  
7 whose retirement tier does not allow for  
8 three-quarters disability retirement and were  
9 involved in the post-9/11 effort suffered both  
10 physically and financially due to their heroic  
11 efforts. They deserve the same type of  
12 benefits."

13 So thank you, Senator Gaughran, for  
14 putting forward this on behalf of our chambers.  
15 And Mr. President, I respectfully vote aye.

16 ACTING PRESIDENT BENJAMIN: Senator  
17 Jackson to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT BENJAMIN: The  
21 bill is passed.

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

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

1                   At this time we're going to break  
2                   for party conferences, but staff continues to  
3                   prepare the materials.

4                   There will be a Democratic  
5                   conference at 2:00 p.m. in Room 332.

6                   And can you please recognize  
7                   Senator Griffo for an announcement.

8                   ACTING PRESIDENT BENJAMIN:    Senator  
9                   Griffo.

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

12                  There will be a Republican  
13                  conference at 2:00 p.m. in Room 315.

14                  ACTING PRESIDENT BENJAMIN:    There  
15                  will be a Democratic Conference meeting in  
16                  Room 332 at 2:00 p.m., and there will be a  
17                  Republican Conference meeting in Room 315 at  
18                  2:00 p.m.

19                  SENATOR GIANARIS:    The Senate will  
20                  stand at ease, Mr. President.

21                  ACTING PRESIDENT BENJAMIN:    The  
22                  Senate will stand at ease.

23                  (Whereupon, the Senate stood at ease  
24                  at 1:20 p.m.)

25                  (Whereupon, the Senate reconvened at

1 4:45 p.m.)

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

4 Senator Breslin.

5 SENATOR BRESLIN: Madam President,  
6 there will be an immediate meeting of the  
7 Rules Committee in Room 332.

8 Until that meeting is completed, the  
9 Senate will stand at ease.

10 ACTING PRESIDENT MAYER: There will  
11 be an immediate meeting of the Rules Committee in  
12 Room 332.

13 The Senate will stand at ease.

14 (Whereupon, the Senate stood at ease  
15 at 4:45 p.m.)

16 (Whereupon, the Senate reconvened at  
17 5:11 p.m.)

18 ACTING PRESIDENT BENJAMIN: The  
19 Senate will return to order.

20 Senator Gianaris.

21 SENATOR GIANARIS: Can we return to  
22 reports of standing committees. I believe  
23 there's a report of the Rules Committee at the  
24 desk.

25 ACTING PRESIDENT BENJAMIN: There

1 is a report of the Rules Committee at the desk.

2 The Secretary will read.

3 THE SECRETARY: Senator  
4 Stewart-Cousins, from the Committee on Rules,  
5 reports the following bills:

6 Senate Print 31, by Senator Hoylman,  
7 an act to amend the Public Authorities Law and  
8 the New York State Urban Development Corporation  
9 Act;

10 Senate Print 311, by Senator Felder,  
11 an act to direct the Commissioner of Education to  
12 examine, evaluate and make recommendations on the  
13 provision of services by public school guidance  
14 counselors to students in grades 8 through 12;

15 Senate Print 649, by  
16 Senator Kennedy, an act to amend the  
17 Private Housing Finance Law;

18 Senate Print 1731, by  
19 Senator Jacobs, an act authorizing the Village of  
20 Angola and the City of Buffalo to correct a  
21 boundary line between certain properties in the  
22 Town of Evans in the County of Erie;

23 Senate Print 2547, by  
24 Senator Little, an act to amend the  
25 Public Authorities Law;

1                   Senate Print 2915A, by Senator  
2     Helming, an act to amend the Correction Law;

3                   Senate Print 3122, by  
4     Senator Martinez, an act to amend the  
5     Criminal Procedure Law;

6                   Senate Print 3772, by  
7     Senator Addabbo, an act to amend the  
8     Education Law;

9                   Senate Print 3948, by  
10    Senator Ritchie, an act to amend the Vehicle and  
11    Traffic Law;

12                  Senate Print 4160A, by  
13    Senator Little, an act to amend Chapter 491 of  
14    the Laws of 2018;

15                  Senate Print 4200A, by Senator  
16    Lanza, an act to amend the Navigation Law;

17                  Senate Print 4631, by  
18    Senator Gaughran, an act to amend the  
19    Volunteer Firefighters' Benefit Law and the  
20    Volunteer Ambulance Workers' Benefit Law;

21                  Senate Print 4663B, by Senator  
22    Carlucci, an act to amend the Education Law;

23                  Senate Print 5017A, by  
24    Senator Parker, an act to amend the Banking Law;

25                  Senate Print 5084, by



1 Senator Salazar, an act to amend the Tax Law;

2 Senate Print 5221, by

3 Senator Skoufis, an act to amend the Public  
4 Health Law;

5 Senate Print 5245, by

6 Senator Kennedy, an act to amend the General  
7 Business Law;

8 Senate Print 5422, by

9 Senator Kennedy, an act to amend the Highway Law;

10 Senate Print 5611, by

11 Senator Little, an act to allow deputy sheriffs  
12 Matthew Ashton, Bradley Hamilton, and  
13 Joshua Whitney to join the optional 25-year  
14 retirement plan;

15 Senate Print 5679A, by

16 Senator Savino, an act to amend the Labor Law;

17 Senate Print 5856, by

18 Senator Little, an act to amend the  
19 Environmental Conservation Law;

20 Senate Print 5961, by

21 Senator Savino, an act to amend the  
22 General Business Law and the Penal Law;

23 Senate Print 6144, by

24 Senator Robach, an act to amend the  
25 General Municipal Law;

1                   Senate Print 6169A, by Senator  
2 Kennedy, an act to amend the Transportation Law;

3                   Senate Print 6260, by  
4 Senator Brooks, an act to amend the County Law;

5                   Senate Print 6346, by  
6 Senator Sepúlveda, Concurrent Resolution of the  
7 Senate and Assembly proposing an amendment to  
8 Section 15 of Article VI of the Constitution  
9 relating to the New York City Civil Court;

10                  Senate Print 6357, by  
11 Senator LaValle, an act to amend the  
12 Environmental Conservation Law;

13                  Senate Print 6391, by Senator  
14 Salazar, an act to repeal 206-b of the Labor Law;

15                  Senate Print 6441, by  
16 Senator O'Mara, an act in relation to authorizing  
17 the Town of Ithaca, County of Tompkins, to  
18 alienate and convey certain parcels of land used  
19 as parklands;

20                  Senate Print 6452, by  
21 Senator Kaplan, an act to amend the Real Property  
22 Tax Law;

23                  Senate Print 6466, by  
24 Senator Parker, an act to amend the  
25 Public Service Law;

1                   Senate Print 6474, by  
2   Senator Gounardes, an act to amend the  
3   Military Law;

4                   Senate Print 6507, by Senator Funke,  
5   an act to amend the Criminal Procedure Law;

6                   Senate Print 6579A, by  
7   Senator Bailey, an act to amend the Penal Law and  
8   the Criminal Procedure Law;

9                   Senate Print 6585A, by  
10   Senator Martinez, an act in relation to  
11   permitting Patchogue Fire District to file an  
12   application for a retroactive real property tax  
13   exemption; and

14                  Senate Print 6600, by Senator  
15   Bailey, an act to amend the General Business Law.

16                  All bills ordered direct to third  
17   reading.

18                  SENATOR GIANARIS:   Move to accept  
19   the report of the Rules Committee.

20                  ACTING PRESIDENT BENJAMIN:   All in  
21   favor of accepting the report of the  
22   Rules Committee signify by saying aye.

23                  (Response of "Aye.")

24                  ACTING PRESIDENT BENJAMIN:  
25   Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT BENJAMIN: The  
3 Rules Committee report is accepted.

4 Senator Gianaris.

5 SENATOR GIANARIS: Mr. President,  
6 can we now take up the reading of the  
7 supplemental active list.

8 ACTING PRESIDENT BENJAMIN: The  
9 Secretary will read.

10 THE SECRETARY: Calendar Number  
11 300, Senate Print 4467B, by Senator Carlucci, an  
12 act to establish a black youth suicide prevention  
13 task force.

14 SENATOR GIANARIS: Lay it aside  
15 temporarily.

16 ACTING PRESIDENT BENJAMIN: Lay it  
17 aside temporarily.

18 THE SECRETARY: Calendar Number  
19 435, Senate Print 4312A, by Senator Biaggi, an  
20 act to amend the Civil Practice Law and Rules.

21 SENATOR GIANARIS: Lay it aside for  
22 the day.

23 ACTING PRESIDENT BENJAMIN: The  
24 bill will be laid aside for the day.

25 There is a substitution at the desk.

1                   The Secretary will read.

2                   THE SECRETARY:    On page 14,  
3   Senator Kavanagh moves to discharge, from the  
4   Committee on Consumer Protection, Assembly Bill  
5   Number 5294 and substitute it for the identical  
6   Senate Bill 2302, Third Reading Calendar 546.

7                   ACTING PRESIDENT BENJAMIN:   The  
8   substitution is so ordered.

9                   The Secretary will read.

10                  THE SECRETARY:    Calendar Number  
11   546, Assembly Print Number 5294, by  
12   Assemblymember Crespo, an act to amend the  
13   General Business Law and the Banking Law.

14                  ACTING PRESIDENT BENJAMIN:   Read  
15   the last section.

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

18                  ACTING PRESIDENT BENJAMIN:   Call  
19   the roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT BENJAMIN:  
22   Announce the results.

23                  THE SECRETARY:    In relation to  
24   Calendar Number 546, voting in the negative:  
25   Senator LaValle.

1                   Ayes, 61.   Nays, 1.

2                   ACTING PRESIDENT BENJAMIN:    The  
3 bill is passed.

4                   THE SECRETARY:    Calendar Number  
5 547, Senate Print 2829B, by Senator Thomas, an  
6 act to amend the General Business Law and the  
7 Executive Law.

8                   ACTING PRESIDENT BENJAMIN:    Read  
9 the last section.

10                  THE SECRETARY:    Section 4.   This  
11 act shall take effect on the first of January.

12                  ACTING PRESIDENT BENJAMIN:    Call  
13 the roll.

14                   (The Secretary called the roll.)

15                  ACTING PRESIDENT BENJAMIN:  
16 Announce the results.

17                  THE SECRETARY:    In relation to  
18 Calendar Number 547, those Senators voting in the  
19 negative are Senators Antonacci, Boyle, Funke,  
20 Gallivan, Griffio, Helming, Jacobs, Jordan,  
21 LaValle, Ortt, Robach, Serino and Tedisco.  Also  
22 Senator Brooks.

23                   Ayes, 48.   Nays, 14.

24                  ACTING PRESIDENT BENJAMIN:    The  
25 bill is passed.

1                   There is a substitution at the desk.

2                   The Secretary will read.

3                   THE SECRETARY:    On page 20,  
4   Senator Sepúlveda moves to discharge, from the  
5   Committee on Rules, Assembly Bill Number 7686 and  
6   substitute it for the identical Senate Bill  
7   Number 5511, Third Reading Calendar 754.

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

10                  The Secretary will read.

11                  THE SECRETARY:    Calendar Number  
12   754, Assembly Print Number 7686, by  
13   Assemblymember Quart, an act to amend the  
14   Correction Law.

15                  ACTING PRESIDENT BENJAMIN:   Read  
16   the last section.

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

19                  ACTING PRESIDENT BENJAMIN:   Call  
20   the roll.

21                  (The Secretary called the roll.)

22                  ACTING PRESIDENT BENJAMIN:  
23   Announce the results.

24                  THE SECRETARY:    Ayes, 62.

25                  ACTING PRESIDENT BENJAMIN:   The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 783, Senate Print 5591A, by Senator Comrie, an  
4 act to amend the Not-For-Profit Corporation Law.

5 ACTING PRESIDENT BENJAMIN: Read  
6 the last section.

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

9 ACTING PRESIDENT BENJAMIN: Call  
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN:  
13 Announce the results.

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT BENJAMIN: The  
16 bill is passed.

17 There is a substitution at the desk.

18 The Secretary will read.

19 THE SECRETARY: On page 26,  
20 Senator Kavanagh moves to discharge, from the  
21 Committee on Codes, Assembly Bill Number 7752 and  
22 substitute it for the identical Senate Bill  
23 Number 6151, Third Reading Calendar 983.

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



1                   The Secretary will read.

2                   THE SECRETARY:   Calendar Number  
3   983, Assembly Print Number 7752, by  
4   Assemblymember Dinowitz, an act to amend the  
5   Penal Law.

6                   SENATOR GRIFFO:   Lay it aside.

7                   ACTING PRESIDENT BENJAMIN:   Lay it  
8   aside.

9                   There is a substitution at the desk.

10                  The Secretary will read.

11                  THE SECRETARY:   On page 27,  
12   Senator LaValle moves to discharge, from the  
13   Committee on Rules, Assembly Bill Number 7053 and  
14   substitute it for the identical Senate Bill  
15   Number 5054, Third Reading Calendar 1046.

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

18                  The Secretary will read.

19                  THE SECRETARY:   Calendar Number  
20   1046, Assembly Print Number 7053, by  
21   Assemblymember Thiele, an act to amend the  
22   Agriculture and Markets Law.

23                  ACTING PRESIDENT BENJAMIN:   Read  
24   the last section.

25                  THE SECRETARY:   Section 2.   This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:  
6 Announce the results.

7 THE SECRETARY: Ayes, 62.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1687, Senate Print 3985B, by Senator Stavisky, an  
12 act to amend the Real Property Tax Law.

13 ACTING PRESIDENT BENJAMIN: Read  
14 the last section.

15 THE SECRETARY: Section 4. 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 1687, voting in the negative:  
24 Senator Salazar.

25 Ayes, 61. Nays, 1.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 1728, Senate Print 6482A, by Senator Breslin, an  
5 act to amend the Insurance Law.

6                   ACTING PRESIDENT BENJAMIN:  
7 Calendar Number 1728 is high and will be laid  
8 aside for the day.

9                   THE SECRETARY:    Calendar Number  
10 1788, Senate Print 6219A, by Senator Benjamin, an  
11 act to amend the Real Property Tax Law.

12                  ACTING PRESIDENT BENJAMIN:   Read  
13 the last section.

14                  THE SECRETARY:    Section 5.   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:   Senator  
20 Ranzenhofer to explain his vote.

21                  SENATOR RANZENHOFER:    Yeah, I'd  
22 like to explain my no vote.

23                  In my judgment, this is just going  
24 to increase costs for individuals living in  
25 co-ops and condominiums, and for that reason I'll

1 be voting no.

2 ACTING PRESIDENT BENJAMIN: Senator  
3 Ranzenhofer to be recorded in the negative.

4 Announce the results.

5 THE SECRETARY: In relation to  
6 Calendar Number 1788, those Senators voting in  
7 the negative are Senators Akshar, Amedore,  
8 Antonacci, Boyle, Flanagan, Funke, Gallivan,  
9 Griffo, Helming, Jacobs, Jordan, LaValle, O'Mara,  
10 Ortt, Ranzenhofer, Serino and Tedisco. Also  
11 Senator Seward.

12 Ayes, 44. Nays, 18.

13 ACTING PRESIDENT BENJAMIN: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 1789, Senate Print 6265A, by Senator Gianaris, an  
17 act to amend the Labor Law.

18 ACTING PRESIDENT BENJAMIN: Read  
19 the last section.

20 THE SECRETARY: Section 10. This  
21 act shall take effect on the 120th day after it  
22 shall have become a law.

23 ACTING PRESIDENT BENJAMIN: Call  
24 the roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT BENJAMIN:    Senator  
2   Ranzenhofer to explain his vote.

3                   SENATOR RANZENHOFER:    Yes, this  
4   bill, like the last bill, also I don't think is  
5   good for public policy, number one.

6                   It creates two classes of workers,  
7   people that work for a company and then people  
8   that are contracted out and do the same work.  
9   And I think it's discriminatory to have two  
10  classes of workers, pay them different amounts of  
11  money because they are working for two different  
12  entities.

13                  But more importantly, at least in my  
14  district and I think in districts across the  
15  state, this is something that is going to drive  
16  up the cost of utility bills for consumers --  
17  consumers, our small businesses, families. And I  
18  don't think that's the right direction that we  
19  should be heading in, and for that reason I'll be  
20  voting no.

21                  Thank you, Mr. President.

22                  ACTING PRESIDENT BENJAMIN:    Senator  
23  Ranzenhofer to be recorded in the negative.

24                  Announce the results.

25                  THE SECRETARY:    In relation to

1 Calendar Number 1789, those Senators voting in  
2 the negative are Senators Akshar, Amedore,  
3 Antonacci, Gallivan, Helming, Jacobs, Jordan,  
4 Ortt, Serino and Tedisco.

5 Ayes, 52. Nays, 10.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1803, Senate Print 6588A, by Senator Brooks, an  
10 act authorizing the commissioner of education, in  
11 consultation with the comptroller, to appoint a  
12 monitor to oversee the Wyandanch Union Free  
13 School District.

14 ACTING PRESIDENT BENJAMIN: Read  
15 the last section.

16 THE SECRETARY: Section 6. This  
17 act shall take effect immediately.

18 ACTING PRESIDENT BENJAMIN: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:  
22 Announce the results.

23 THE SECRETARY: In relation to  
24 Calendar Number 1803, those Senators voting in  
25 the negative are Senators Akshar, Amedore,

1 Antonacci, Flanagan, Gallivan, Griffio, Helming,  
2 Jacobs, Jordan, Little, O'Mara, Ortt, Ritchie,  
3 Robach, Serino, Seward and Tedisco.

4 Ayes, 45. Nays, 17.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

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

9 SENATOR GIANARIS: Can we now take  
10 up the reading of Supplemental Calendar 60A,  
11 please.

12 ACTING PRESIDENT BENJAMIN: There  
13 is a substitution at the desk.

14 The Secretary will read.

15 THE SECRETARY: Senator Bailey  
16 moves to discharge, from the Committee on Rules,  
17 Assembly Bill Number 7250B and substitute it for  
18 the identical Senate Bill Number 6600, Third  
19 Reading Calendar 1738.

20 ACTING PRESIDENT BENJAMIN: The  
21 substitution is so ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number  
24 1738, Assembly Print Number 7250B, by  
25 Assemblymember Fall, an act to amend the

1 General Business Law.

2 ACTING PRESIDENT BENJAMIN: Read  
3 the last section.

4 THE SECRETARY: Section 2. This  
5 act shall take effect immediately on the  
6 120th day after it shall have become a law.

7 ACTING PRESIDENT BENJAMIN: Call  
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:  
11 Senator Bailey to explain his vote.

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

14 I would like to thank my colleagues  
15 for voting for this important piece of  
16 legislation, Calendar 1738.

17 Assemblymember Fall brought this to  
18 my attention about trampoline park regulation and  
19 how we should do our best to ensure that  
20 individuals who are engaging in trampoline park  
21 activity are -- we can keep them as safe as  
22 possible. And I just wanted to thank  
23 Assemblymember Fall for bringing this to my  
24 attention, because it wasn't an area that I was  
25 that well versed in, but I appreciate that now.



1 I vote aye, Mr. President.

2 ACTING PRESIDENT BENJAMIN:

3 Senator Bailey to be recorded in the affirmative.

4 Senator Hoylman to explain his vote.

5 SENATOR HOYLMAN: I want to commend  
6 the sponsor for this bill.

7 I have a very close friend who lost  
8 his husband, who was a trained gymnast, in a  
9 trampoline park incident, in front of his young  
10 children. And it's a tragedy that could have  
11 been avoided. This happened in the state of  
12 Virginia, but we here in New York need to make  
13 sure that attendees to trampoline parks are  
14 protected.

15 I vote aye.

16 ACTING PRESIDENT BENJAMIN: Senator  
17 Hoylman to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: Ayes, 62.

20 ACTING PRESIDENT BENJAMIN: The  
21 bill is passed.

22 There is a substitution at the desk.

23 The Secretary will read.

24 THE SECRETARY: Senator Hoylman  
25 moves to discharge, from the Committee on Rules,

1 Assembly Bill Number 6599 and substitute it for  
2 the identical Senate Bill 31, Third Reading  
3 Calendar 1806.

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

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 1806, Assembly Print Number 6599, by  
9 Assemblymember Simon, an act to amend the  
10 Public Authorities Law and the New York State  
11 Urban Development Corporation Act.

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: Ayes, 62.

22 ACTING PRESIDENT BENJAMIN: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 1807, Senate Print 311, by Senator Felder, an act

1 to direct the commissioner of education to  
2 examine, evaluate and make recommendations on the  
3 provision of services by public school guidance  
4 counselors.

5 ACTING PRESIDENT BENJAMIN: Read  
6 the last section.

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

9 ACTING PRESIDENT BENJAMIN: Call  
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN:  
13 Announce the results.

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT BENJAMIN: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 1808, Senate Print 649, by Senator Kennedy, an  
19 act to amend the Private Housing Finance Law.

20 ACTING PRESIDENT BENJAMIN: Read  
21 the last section.

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

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: Ayes, 62.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 1809, Senate Print 1731, by Senator Jacobs, an  
9 act authorizing the Village of Angela and the  
10 City of Buffalo to correct a boundary line  
11 between certain properties.

12 ACTING PRESIDENT BENJAMIN: There  
13 is a home-rule message at the desk.

14 Read 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: Ayes, 62.

23 ACTING PRESIDENT BENJAMIN: The  
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 1810, Senate Print 2547, by Senator Little, an  
2 act to amend the Public Authorities Law.

3 ACTING PRESIDENT BENJAMIN: There  
4 is a home-rule message at the desk.

5 Read the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call  
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:  
12 Announce the results.

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 1811, Senate Print 2915A, by Senator Helming, an  
18 act to amend the Correction Law.

19 ACTING PRESIDENT BENJAMIN: Read  
20 the last section.

21 THE SECRETARY: Section 3. 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, 62.

4           ACTING PRESIDENT BENJAMIN:   The  
5   bill is passed.

6           THE SECRETARY:   Calendar Number  
7   1812, Senate Print 3122, by Senator Martinez, an  
8   act to amend the Criminal Procedure 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 1812, those Senators voting in  
20   the negative are Senators Montgomery and Krueger.

21               Ayes, 60.   Nays, 2.

22          ACTING PRESIDENT BENJAMIN:   The  
23   bill is passed.

24          THE SECRETARY:   Calendar Number  
25   1813, Senate Print 3772, by Senator Addabbo, an

1 act to amend the Education Law.

2 ACTING PRESIDENT BENJAMIN: Read  
3 the last section.

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

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, 62.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 THE SECRETARY: Calendar Number  
15 1814, Senate Print 3948, by Senator Ritchie, an  
16 act to amend the Vehicle and Traffic Law.

17 ACTING PRESIDENT BENJAMIN: Read  
18 the last section.

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

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: Ayes, 62.

2 ACTING PRESIDENT BENJAMIN: The  
3 bill is passed.

4 There is a substitution at the desk.

5 The Secretary will read.

6 THE SECRETARY: Senator Little  
7 moves to discharge, from the Committee on Rules,  
8 Assembly Bill Number 6588A and substitute it for  
9 the identical Senate Bill Number 4160A, Third  
10 Reading Calendar 1815.

11 ACTING PRESIDENT BENJAMIN: The  
12 substitution is so ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 1815, Assembly Print Number 6588A, by  
16 Assemblymember Stec, an act to amend Chapter 491  
17 of the Laws of 2018.

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, 62.

3                   ACTING PRESIDENT BENJAMIN:    The  
4     bill is passed.

5                   There is a substitution at the desk.

6                   The Secretary will read.

7                   THE SECRETARY:    Senator Lanza moves  
8     to discharge, from the Committee on Rules,  
9     Assembly Bill Number 6703A and substitute it for  
10    the identical Senate Bill Number 4200A, Third  
11    Reading Calendar 1816.

12                   ACTING PRESIDENT BENJAMIN:    The  
13    substitution is so ordered.

14                   The Secretary will read.

15                   THE SECRETARY:    Calendar Number  
16    1816, Assembly Print Number 6703A, by  
17    Assemblymember Cusick, an act to amend the  
18    Navigation 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, 62.

4                   ACTING PRESIDENT BENJAMIN:    The  
5   bill is passed.

6                   THE SECRETARY:    Calendar Number  
7   1817, Senate Print 4631, by Senator Gaughran, an  
8   act to amend the Volunteer Firefighters' Benefit  
9   Law and the Volunteer Ambulance Workers' Benefit  
10   Law.

11                  ACTING PRESIDENT BENJAMIN:    Read  
12   the last section.

13                  THE SECRETARY:    Section 3.   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, 62.

21                  ACTING PRESIDENT BENJAMIN:    The  
22   bill is passed.

23                  THE SECRETARY:    Calendar Number  
24   1818, Senate Print 4663B, by Senator Carlucci, 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 on the 60th day after it  
5   shall have become a law.

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, 62.

12                   ACTING PRESIDENT BENJAMIN:    The  
13  bill is passed.

14                   There is a substitution at the desk.

15                   The Secretary will read.

16                   THE SECRETARY:    Senator Parker  
17  moves to discharge, from the Committee on Banks,  
18  Assembly Bill Number 92A and substitute it for  
19  the identical Senate Bill Number 5017A, Third  
20  Reading Calendar 1819.

21                   ACTING PRESIDENT BENJAMIN:    The  
22  substitution is so ordered.

23                   The Secretary will read.

24                   THE SECRETARY:    Calendar Number  
25  1819, Assembly Print Number 92A, by

1 Assemblymember Perry, an act to amend the  
2 Banking Law.

3 ACTING PRESIDENT BENJAMIN: Read  
4 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call  
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:  
12 Announce the results.

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT BENJAMIN: The  
15 bill is passed.

16 THE SECRETARY: Calendar Number  
17 1820, Senate Print 5221, by Senator Skoufis, an  
18 act to amend the Public Health 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:     In relation to  
4     Calendar Number 1820, voting in the negative:  
5     Senator Salazar.

6           Ayes, 61.   Nays, 1.

7           ACTING PRESIDENT BENJAMIN:     The  
8     bill is passed.

9           THE SECRETARY:     Calendar Number  
10    1821, Senate Print 5245, by Senator Kennedy, an  
11    act to amend the General Business Law.

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:     Senator  
20    Kennedy to explain his vote.

21          SENATOR KENNEDY:     Thank you,  
22    Mr. President.   I rise today to speak about the  
23    critical nature of this bill dealing with privacy  
24    for individuals who use the internet.

25                 Washington, D.C., unfortunately and

1     sadly, has rolled back privacy on the internet  
2     across this nation, and New York State needs to  
3     step up and ensure that consumers and the  
4     information that is provided on the internet  
5     stays that, their information.

6             Unless explicitly given the ability  
7     to share that information, internet service  
8     providers should not be able to do so. They  
9     should not be able to share it, they should not  
10    be able to sell it, most importantly. And one's  
11    private information should remain private unless  
12    otherwise explicitly given permission.

13            And so with this legislation we are  
14    closing the loophole that has unfortunately been  
15    opened up down in Washington. We're doing the  
16    right thing by consumers and taxpayers all across  
17    the State of New York, and setting a precedent  
18    for the entire nation, who are clamoring for  
19    safety and privacy on the internet.

20            With that, Mr. President, I vote  
21    aye. Thank you.

22            ACTING PRESIDENT BENJAMIN:    Senator  
23    Kennedy to be recorded in the affirmative.

24            Announce the results.

25            THE SECRETARY:    Ayes, 62.

1                   ACTING PRESIDENT BENJAMIN:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 1822, Senate Print 5422, by Senator Kennedy, an  
5 act to amend the Highway Law.

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:    Senator  
14 Kennedy to explain his vote.

15                  SENATOR KENNEDY:    Yes, thank you,  
16 Mr. President.

17                                   Briefly, I want to thank my  
18 colleagues for supporting this. I want to thank  
19 our leader, Senator Andrea Stewart-Cousins, for  
20 bringing this to the floor.

21                                   This legislation that we're voting  
22 on now is important to many drivers across this  
23 entire state where we are closing a loophole that  
24 exists and has existed for decades,  
25 unfortunately, in the State of New York from

1 May 1st until the middle of November. That is  
2 the only time that New York State is liable for  
3 problems within our roads, potholes and  
4 deficiencies that have been reported to the  
5 Department of Motor Vehicles and the Department  
6 of Transportation. In effect, the state is  
7 liable if those problems in the road cause an  
8 accident or an injury to one's personal vehicle.

9 This extends that year round and  
10 ensures that especially during the season of the  
11 late fall, winter, and early spring, as the road  
12 conditions are changing, that New York State  
13 continues to be liable, that we're continuing to  
14 hold our state accountable, and that people  
15 across the state and their property and vehicles  
16 are protected from deficiencies that may occur in  
17 the road if in fact they are known deficiencies.

18 So I thank my colleagues for their  
19 support on this important piece of legislation,  
20 and I vote aye.

21 ACTING PRESIDENT BENJAMIN: Senator  
22 Kennedy to be recorded in the affirmative.

23 Announce the results.

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT BENJAMIN: The



1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 1823, Senate Print 5611, by Senator Little, an  
4 act to allow deputy sheriffs Matthew Ashton,  
5 Bradley Hamilton, and Joshua Whitney to join the  
6 optional 25-year retirement plan.

7 ACTING PRESIDENT BENJAMIN: There  
8 is a home-rule message at the desk.

9 Read the last section.

10 THE SECRETARY: Section 3. 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:  
16 Announce the results.

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT BENJAMIN: The  
19 bill is passed.

20 There is a substitution at the desk.

21 The Secretary will read.

22 THE SECRETARY: Senator Savino  
23 moves to discharge, from the Committee on Rules,  
24 Assembly Bill Number 2101A and substitute it for  
25 the identical Senate Bill 5679A, Third Reading

1 Calendar 1824.

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

4 The Secretary will read.

5 THE SECRETARY: Calendar Number  
6 1824, Assembly Print Number 2101A, by  
7 Assemblymember Woerner, an act to amend the  
8 Labor Law.

9 ACTING PRESIDENT BENJAMIN: Read  
10 the last section.

11 THE SECRETARY: Section 4. This  
12 act shall take effect on the 180th day after it  
13 shall have become a law.

14 ACTING PRESIDENT BENJAMIN: Call  
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:  
18 Announce the results.

19 THE SECRETARY: In relation to  
20 Calendar 1824, those Senators voting in the  
21 negative are Senators Akshar, Amedore, Gallivan,  
22 Griffo, Helming, Jacobs, Little, O'Mara, Ortt,  
23 Ranzenhofer, Serino, Seward and Tedisco.

24 Ayes, 49. Nays, 13.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 1825, Senate Print 5856, by Senator Little, an  
4 act to amend the Environmental Conservation Law.

5 ACTING PRESIDENT BENJAMIN: Read  
6 the last section.

7 THE SECRETARY: Section 3. This  
8 act shall take effect on the 30th 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, 62.

16 ACTING PRESIDENT BENJAMIN: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 1826, Senate Print 5961, by Senator Savino, an  
20 act to amend the General Business Law and the  
21 Penal Law.

22 ACTING PRESIDENT BENJAMIN: Read  
23 the last section.

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

1                   ACTING PRESIDENT BENJAMIN:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BENJAMIN:  
5   Announce the results.

6                   THE SECRETARY:    Ayes, 62.

7                   ACTING PRESIDENT BENJAMIN:    The  
8   bill is passed.

9                   THE SECRETARY:    Calendar Number  
10   1827, Senate Print 6144, by Senator Robach, an  
11   act to amend the General Municipal 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, 62.

22                   ACTING PRESIDENT BENJAMIN:    The  
23   bill is passed.

24                   THE SECRETARY:    Calendar Number  
25   1828, Senate Print 5084, by Senator Salazar, an

1 act to amend the Tax Law.

2 ACTING PRESIDENT BENJAMIN: Read  
3 the last section.

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

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, 62.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 There is a substitution at the desk.

15 The Secretary will read.

16 THE SECRETARY: Senator Kennedy  
17 moves to discharge, from the Committee on Rules,  
18 Assembly Bill Number 7945A and substitute it for  
19 the identical Senate Bill 6169A, Third Reading  
20 Calendar 1829.

21 ACTING PRESIDENT BENJAMIN: The  
22 substitution is so ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1829, Assembly Print Number 7945A, by

1 Assemblymember Magnarelli, an act to amend the  
2 Transportation 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: Senator  
11 Antonacci to explain his vote.

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

14 First, my apologies to Senator  
15 Kennedy. I didn't realize that -- how you could  
16 substitute these things, so I guess even on my  
17 last day, I hope, in the chamber this session I  
18 did learn something about substitution.

19 But I wanted to let you know that I  
20 did talk to Senator Kennedy outside the chamber.  
21 I think this is a good bill. As the former  
22 Onondaga County comptroller, it's nice to see a  
23 bill with the word "audit" in it, so it  
24 immediately drew my attention.

25 What the single audit -- this will

1     save smaller municipalities a lot of money by not  
2     having to do a state single audit. I would  
3     encourage the sponsor -- and I would be happy to  
4     work with him -- to try to expand this to no  
5     requirement of a single audit for State DOT  
6     projects. It's not about transparency of what  
7     the projects are, it's about internal controls,  
8     and the federal single audit does a very good job  
9     of doing that.

10                     But again, thank you, Senator  
11     Kennedy.

12                     I vote aye.

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

15                     Announce the results.

16                     THE SECRETARY: In relation to  
17     Calendar Number 1829, those Senators voting in  
18     the negative are Senators Akshar, Flanagan,  
19     Griffo, Jacobs, LaValle, Ortt and Seward.

20                     Ayes, 55. Nays, 7.

21                     ACTING PRESIDENT BENJAMIN:     The  
22     bill is passed.

23                     There is a substitution at the desk.

24                     The Secretary will read.

25                     THE SECRETARY:     Senator Brooks

1 moves to discharge, from the Committee on Rules,  
2 Assembly Bill Number 7234 and substitute it for  
3 the identical Senate Bill Number 6260, Third  
4 Reading Calendar 1831.

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

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 1831, Assembly Print Number 7234, by  
10 Assemblymember Thiele, an act to amend the  
11 County Law.

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: Ayes, 62.

22 ACTING PRESIDENT BENJAMIN: The  
23 bill is passed.

24 THE SECRETARY: Calendar Number  
25 1832, Senate Print 6346, by Senator Sepúlveda,



1 Concurrent Resolution of the Senate and Assembly  
2 proposing an amendment to Section 15 of  
3 Article VI of the Constitution relating to the  
4 New York City Civil Court.

5 ACTING PRESIDENT BENJAMIN: Call  
6 the roll on the resolution.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:  
9 Announce the results.

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT BENJAMIN: The  
12 resolution is adopted.

13 There is a substitution at the desk.

14 The Secretary will read.

15 THE SECRETARY: Senator LaValle  
16 moves to discharge, from the Committee on Rules,  
17 Assembly Bill Number 8135 and substitute it for  
18 the identical Senate Bill 6357, Third Reading  
19 Calendar 1833.

20 ACTING PRESIDENT BENJAMIN: The  
21 substitution is so ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number  
24 1833, Assembly Print Number 8135, by  
25 Assemblymember Englebright, an act to amend the

1 Environmental Conservation Law.

2 ACTING PRESIDENT BENJAMIN: Read  
3 the last section.

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

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, 62.

12 ACTING PRESIDENT BENJAMIN: The  
13 bill is passed.

14 There is a substitution at the desk.

15 The Secretary will read.

16 THE SECRETARY: Senator O'Mara  
17 moves to discharge, from the Committee on Rules,  
18 Assembly Bill Number 8235 and substitute it for  
19 the identical Senate Bill 6441, Third Reading  
20 Calendar 1834.

21 ACTING PRESIDENT BENJAMIN: The  
22 substitution is so ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1834, Assembly Print Number 8235, by

1 Assemblymember Lifton, an act in relation to  
2 authorizing the Town of Ithaca, County of  
3 Tompkins, to alienate and convey certain parcels  
4 of land used as parklands.

5 ACTING PRESIDENT BENJAMIN: There  
6 is a home-rule message at the desk.

7 Read 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: Ayes, 62.

16 ACTING PRESIDENT BENJAMIN: The  
17 bill is passed.

18 There is a substitution at the desk.

19 The Secretary will read.

20 THE SECRETARY: Senator Kaplan  
21 moves to discharge, from the Committee on Rules,  
22 Assembly Bill Number 5137A and substitute it for  
23 the identical Senate Bill 6452, Third Reading  
24 Calendar 1835.

25 ACTING PRESIDENT BENJAMIN: The

1 substitution is so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 1835, Assembly Print Number 5137A, by  
5 Assemblymember Galef, an act to amend the  
6 Real Property Tax Law.

7 ACTING PRESIDENT BENJAMIN: Read  
8 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call  
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:  
15 Announce the results.

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT BENJAMIN: The  
18 bill is passed.

19 There is a substitution at the desk.

20 The Secretary will read.

21 THE SECRETARY: Senator Parker  
22 moves to discharge, from the Committee on Rules,  
23 Assembly Bill Number 7372 and substitute it for  
24 the identical Senate Bill 6466, Third Reading  
25 Calendar 1836.

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

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5   1836, Assembly Print Number 7372, by  
6   Assemblymember Paulin, an act to amend the  
7   Public Service Law.

8                   SENATOR GIANARIS:   Lay it aside for  
9   the day.

10                  ACTING PRESIDENT BENJAMIN:   Lay it  
11   aside for the day.

12                  There is a substitution at the desk.

13                  The Secretary will read.

14                  THE SECRETARY:    Senator Gounardes  
15   moves to discharge, from the Committee on Rules,  
16   Assembly Bill Number 8282 and substitute it for  
17   the identical Senate Bill 6474, Third Reading  
18   Calendar 1837.

19                  ACTING PRESIDENT BENJAMIN:   The  
20   substitution is so ordered.

21                  The Secretary will read.

22                  THE SECRETARY:    Calendar Number  
23   1837, Assembly Print Number 8282, by  
24   Assemblymember Abbate, an act to amend the  
25   Military Law.

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, 62.

11                  ACTING PRESIDENT BENJAMIN:    The  
12   bill is passed.

13                  THE SECRETARY:    Calendar Number  
14   1838, Senate Print 6507, by Senator Funke, an act  
15   to amend the Criminal Procedure Law.

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 1838, those Senators voting in  
2 the negative are Senators Krueger and Montgomery.

3 Ayes, 60. Nays, 2.

4 ACTING PRESIDENT BENJAMIN: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 1839, Senate Print 6579A, by Senator Bailey, an  
8 act to amend the Penal Law and the Criminal  
9 Procedure Law.

10 ACTING PRESIDENT BENJAMIN: Read  
11 the last section.

12 THE SECRETARY: Section 9. This  
13 act shall take effect on the 30th day after it  
14 shall have become a law.

15 ACTING PRESIDENT BENJAMIN: Call  
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN: Is  
19 there anyone who wants to speak on the  
20 resolution? On the bill, I'm sorry.

21 Seeing and hearing none, Senator  
22 Jamaal Bailey to close.

23 SENATOR BAILEY: Thank you,  
24 Mr. President. Grand opening, grand closing.

25 (Laughter.)

1                   SENATOR BAILEY:    Mr. President,  
2    today is a step in the right direction in ending  
3    what's been called the "War on Drugs."   But where  
4    I'm from, it's just a war on black and brown  
5    folks.

6                   I want to thank Leader Andrea  
7    Stewart-Cousins for entrusting me to be the chair  
8    of the Codes Committee in the State Senate.   It's  
9    been a very interesting and very trying time, but  
10   it's something that I got elected for, to try to  
11   help, with my great colleagues in this chamber on  
12   both sides of the aisle, shape the face of  
13   criminal justice reform in the State of New York.  
14   And I'm eternally grateful for her allowing me to  
15   do that.

16                  Senator Liz Krueger, thank you for  
17   your work on the MRTA -- but not just the MRTA,  
18   on working on expungement proceedings long before  
19   I thought about being a State Senator.   Thank  
20   you.

21                  Senator Velmanette Montgomery, it  
22   goes without saying your leadership and abilities  
23   to put young legislators of color on your  
24   shoulders -- we stand on your shoulders,  
25   Velmanette.   Thank you.



1                   To Majority Leader Peoples-Stokes, a  
2 true champion in understanding that these issues  
3 and concerns happen way beyond the Bronx, they  
4 happen in Buffalo too -- I thank her for her  
5 work.

6                   I thank Speaker Heastie for trusting  
7 a kid from his district 15 years ago to become  
8 his intern. And I've been able to do some okay  
9 things in my career, so thanks, Carl.

10                  To the staff -- Chris Alexander,  
11 Dorothy Powell, Nadia Gareeb, thank you for all  
12 of your hard work. And Chris, when you were  
13 lobbying me on a sealing bill, and we thought  
14 that sealing was all that we can get -- I'm  
15 extremely grateful that we are able to put the  
16 word "expungement" in state statute where it  
17 doesn't exist today.

18                  But I want to be very clear about  
19 what I'm saying today. This isn't a victory lap.  
20 It's far from over. I was a proponent of the  
21 legalization of adult-use cannabis. I remain a  
22 proponent of such. I believe that will be the  
23 only way that we can finally stem the tide or  
24 begin to restore the damage that has been done  
25 for years and years and years of unequal

1 enforcement about marijuana arrests,  
2 Mr. President.

3 This "War on Drugs," as I referenced  
4 earlier, ravaged communities like mine in the  
5 Bronx. Eighty percent of the people statewide  
6 who are arrested for marijuana possession happen  
7 to be black and Latino. And I say "happen" with  
8 a tinge of sarcasm, Mr. President. Unequal  
9 enforcement.

10 If you look at where this comes  
11 from -- stop and frisk, which forced people to  
12 open their pockets and kind of criminalize  
13 themselves when you got to see marijuana falling  
14 out of their pockets, and that became a criminal  
15 record. And that starts down a path of unequal  
16 access, sustaining a record where you're unable  
17 to apply for housing, public housing, for three  
18 years sometimes. You're unable to be able to  
19 access certain student loans. You have a  
20 criminal record, which is unfairly looked upon in  
21 many instances when it comes to seeking  
22 employment.

23 All for a plant. A plant that I've,  
24 Mr. President, on a personal level, never  
25 consumed and have no desire to consume. But this

1     isn't about me. When we legislate, we legislate  
2     for the greater good. And this is the greater  
3     good.

4                 I think about the rates of  
5     consumption of marijuana being the same statewide  
6     between different races of black, white, Latino,  
7     Asian. But if you talk about enforcement, it's  
8     wholly unequal, Mr. President.

9                 I'm going to draw your attention to  
10    arrests on the Upper West Side for marijuana  
11    possession. The population of blacks and Latinos  
12    that reside on the Upper West Side is 12 percent,  
13    yet it accounts for 80 percent of the arrests.  
14    That's disproportionate. That is the "War on  
15    Drugs," the failed "War on Drugs" in action. In  
16    action and also inaction, because it didn't do a  
17    damn thing for communities like mine.

18                I think about individuals that I've  
19    grown up with who found themselves -- I guess you  
20    can say on the wrong side, in theory, of the law,  
21    Mr. President. And their lives have been  
22    destroyed for marijuana possession that has been  
23    effectively legal in certain areas of our city  
24    and our state. Twelve percent to 80 percent.  
25    That's a problem.

1                   And again, I'm not saying that this  
2                   is the be-all-end-all. I'm not saying that we  
3                   can't go further or farther. I certainly hope  
4                   that we do. As a legislator, I've got a lot more  
5                   work to do, Mr. President, and I'm not -- I  
6                   haven't hit my peak yet. I have a lot more  
7                   growing to do. We as a conference, despite the  
8                   monumental gains that we have made, we have a lot  
9                   more growing to do. Despite being the greatest  
10                  conference in the history of the State Senate, we  
11                  can do even more, Mr. President. We can do more.

12                 And I will continue to work  
13                 alongside Senators Krueger and Savino,  
14                 Assemblymember Peoples-Stokes -- Majority Leader  
15                 Peoples-Stokes, Majority Leader Andrea  
16                 Stewart-Cousins to finally, again, as I say, stem  
17                 that tide. So we can allow communities to one  
18                 day be economically equal for the unequal  
19                 enforcement that we have received.

20                 I will end with this. We come to  
21                 this chamber to do work for individuals that we  
22                 may never meet. I think that's really the true  
23                 test of leadership, Mr. President, when you can  
24                 do something that will affect the lives of  
25                 individuals that you will never meet.

1                   And we talked about it in the  
2 members' lounge earlier, meeting constituents in  
3 supermarkets and toy stores and Target and things  
4 of that nature, and the conversations that we  
5 have with them.

6                   But it's not about the people that  
7 we meet, Mr. President, it's about laws that we  
8 enact that will help future generations that we  
9 never, ever, ever get to shake hands with.  
10 That's what we do in this house. That's why this  
11 job is so vitally important. That's why I ran  
12 for office.

13                  I'm grateful today that the word  
14 "expungement" will appear in a state statute.  
15 That it's not just forward-looking, it's  
16 retroactive. That people have a fighting chance  
17 to be able to restore their lives to some  
18 semblance of normalcy, whatever normalcy may be.

19                  So, Mr. President, I appreciate the  
20 opportunity to speak about this legislation. I  
21 thank my colleagues for their support on this  
22 legislation. But we all have more work to do.  
23 But I think that the journey of a thousand miles  
24 begins with yet a single step, but we've taken a  
25 leap today. We're leaping over negativity, we're

1     leaping over people who have been decimated in  
2     their communities, and I think that we are  
3     finally -- we're finally making a change. Making  
4     a change is what I'm here to do, Mr. President.

5                 I vote in the affirmative.

6                 ACTING PRESIDENT BENJAMIN:

7     Senator Bailey to be recorded in the affirmative.

8                 Senator Krueger to explain her vote.

9                 SENATOR KRUEGER:    Thank you,  
10    Mr. President.

11                So it's not a secret that I'm  
12    disappointed we're not doing the full Marijuana  
13    Regulation and Taxation Act. But I am so proud  
14    to watch my colleague Senator Bailey stand up to  
15    ensure that we are passing a portion of it, the  
16    decriminalization and expungement.

17                The fact is I got involved with the  
18    efforts to legalize marijuana five years ago not  
19    because of my interest in using the drug or even  
20    wanting to encourage others to use the drug, but  
21    simply because when I looked at the data on who  
22    was being caught up in the criminal justice  
23    system for low-level use of marijuana on personal  
24    use, what I saw, Mr. President, was it was  
25    disproportionately, radically disproportionately

1 in communities of color that young people were  
2 being swept into the criminal justice system,  
3 when I knew the facts were that young white  
4 people were using at almost identical levels --  
5 in fact, probably slightly higher levels, but  
6 they weren't being arrested, they weren't facing  
7 the loss of ability to get certain kinds of jobs,  
8 live in certain kinds of homes, go to colleges,  
9 get financial aid, be rejected from civil service  
10 jobs because they had on their record that they  
11 had been caught with two joints in their pocket.

12 And I knew it was one of the  
13 fundamental problems we were facing in racial  
14 injustice in our society.

15 And so we just dipped our toe in  
16 what we can be doing today. I appreciate  
17 Senator Bailey saying this is the beginning, not  
18 an end. But I believe it will help us understand  
19 how we can take the next steps towards a full  
20 marijuana legalization and taxation program. I  
21 think before we leave today we may pass other  
22 sections of my bill as freestanding bills.

23 And you know what? The public is  
24 ahead of us, Mr. President. They want all of  
25 this to happen.

1 I proudly vote yes. Thank you.

2 ACTING PRESIDENT BENJAMIN:

3 Senator Krueger to be recorded in the  
4 affirmative.

5 Senator Jackson to explain his vote.

6 SENATOR JACKSON: Thank you,  
7 Mr. President and my colleagues. I rise to  
8 briefly explain my support for this bill.

9 On average, more than 60 people are  
10 arrested every day for marijuana possession in  
11 New York State. In 2016, 86 percent of those  
12 arrested for low-level marijuana possession in  
13 New York City were black or Latinx, similar to  
14 the rates under Mayor Giuliani and Bloomberg.  
15 This is clearly an issue of racial justice.

16 I know this bill does not do as much  
17 as many of us hoped to accomplish on this  
18 legalization front, but I'm proud to support  
19 decriminalization and the expungement of criminal  
20 records as a first step.

21 I want to thank all of the  
22 legislators who worked hard on the issue of  
23 legalizing cannabis this session, especially  
24 Senator Krueger, Senator Jamaal Bailey, and  
25 Assemblymember Peoples-Stokes. And I want to



1     thank the advocates from statewide coalitions  
2     like SMART NY, as well as the groups in my  
3     district like JFred {ph} and Community Board 9.

4                     And we will get there in 2020, we  
5     hope, and I look forward to continuing the fight  
6     together. For now, I'm proud to say that I  
7     support this legislation, and I thank all of the  
8     staff and their involvement in bringing us to  
9     where we are today.

10                    Mr. President, I vote aye.

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

13                    Senator Salazar to explain her vote.

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

16                    First I want to thank Senator Bailey  
17     for introducing this legislation and for his work  
18     on this issue, also to Senator Krueger for  
19     relentlessly seeking to pass legalization.

20                    I'm supportive of this bill and also  
21     express my disappointment that at this time we're  
22     not able to legalize adult-use cannabis. It's my  
23     hope that we'll be able to sometime in the  
24     future.

25                    The report that the DOH issued that

1 was commissioned by the Governor last year  
2 demonstrated what we already know, that  
3 criminalization of marijuana does not even  
4 achieve its supposed goals. Additionally, that  
5 the enforcement of criminalization of marijuana  
6 disproportionately harms communities of color and  
7 the communities that I represent.

8               So while I am proud to be voting in  
9 the affirmative for this bill, it's my hope that  
10 we will go beyond these measures of  
11 decriminalization and will in the future legalize  
12 adult-use cannabis. Thank you.

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

15               Just want to let everyone know we  
16 are going to be strictly enforcing the two-minute  
17 rule.

18               Senator Montgomery to explain her  
19 vote.

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

22               I rise to say -- to have a special  
23 thank you to Senator Bailey. I know that you  
24 thanked me. But Senator Bailey, on behalf of the  
25 thousands and thousands of young people who,

1 based on the fact that you have created a  
2 retroactive expungement, that they will be able  
3 to benefit enormously from this legislation.  
4 Because they have lost so much based on the drug  
5 laws related to marijuana.

6 And I also want to say to you that  
7 this is a very long time coming, that we needed  
8 this even though it's half of what we would like  
9 to see done, because half of what we would like  
10 to see as legalization, but certainly  
11 decriminalization is extremely important.

12 And so I am very, very supportive of  
13 this. I'm happy that you stuck with it and  
14 continued the struggle around the issue of  
15 marijuana and what we should do about it. And  
16 today we are accomplishing a huge aspect of  
17 solving the problem of crime or decriminalization  
18 of possession of marijuana.

19 So Mr. President, I vote aye.

20 ACTING PRESIDENT BENJAMIN:

21 Senator Montgomery to be recorded in the  
22 affirmative.

23 Senator May to explain her vote.

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

1                   People who look like me -- or, well,  
2                   younger than me, mostly --

3                   (Laughter.)

4                   SENATOR MAY:    -- use marijuana all  
5                   the time with no adverse legal consequences. It  
6                   is way past time that we stopped using our legal  
7                   system as a proxy for locking up young men of  
8                   color.

9                   And I applaud Senator Bailey for  
10                  putting the justice back in our criminal justice  
11                  system and being such a strong advocate for this  
12                  cause.

13                  I vote aye.

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

16                  Senator Savino to explain her vote.

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

19                  I really want to thank  
20                  Senator Bailey for the passage of this bill. And  
21                  I want to particularly thank Senator Krueger for  
22                  working alongside us diligently to try and bring  
23                  a full, complete passage of legalization of  
24                  adult-use marijuana, a hemp program, and the  
25                  expansion of medical.

1                   We're not quite there, but I want  
2 people to think about this. Today, June 20th of  
3 2019, is the fifth anniversary of the date that  
4 this body, joining the Assembly, passed the  
5 medical marijuana statute, the Compassionate Care  
6 Act. For five years we've had legal marijuana  
7 for certain groups of people in our state because  
8 we recognized, and rightfully so, that marijuana  
9 has true value -- unlike the federal government,  
10 that says that there's no value. We knew it  
11 because we understand how important it was for  
12 patients. It provides treatment alternatives.

13                   And over the five years, we have  
14 added to that program. Some of those additions  
15 were done by people who voted against the bill  
16 originally because they see the value of  
17 marijuana.

18                   So here we have the schizophrenic  
19 approach. It's illegal if you want to use it for  
20 adult purposes, but we accept it if you want to  
21 use it for medicinal purposes. It's the most  
22 bizarre example of cognitive dissonance that I've  
23 ever seen when it comes to drug policy.

24                   Thirty-three states plus the  
25 District of Columbia have legal marijuana in one

1 way, shape or form. Eleven states, and counting,  
2 have adult use. We will get there. And part of  
3 this process is recognizing that we should not be  
4 criminalizing people for the use of it.

5 I don't smoke marijuana. I have in  
6 the past -- don't anymore, but when I was young.  
7 I know a lot of people that do. And quite  
8 honestly, none of them look like Jamaal Bailey or  
9 Brian Benjamin. They all look like me and  
10 Tim Kennedy. And unfortunately --

11 (Laughter.)

12 SENATOR SAVINO: -- unfortunately  
13 people who look like me and Tim Kennedy get  
14 treated very differently than people who look  
15 like Jamaal Bailey. That's what we're doing  
16 today.

17 So this is one step on the path. We  
18 will get there. It's the right thing to do. I  
19 vote aye.

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

22 Senator Myrie to explain his vote.

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

25 Today we are not legalizing. I do

1 believe that we will get there one day. I  
2 believe that this is, in fact, the first step.

3 But I wanted to rise to thank the  
4 sponsor, Senator Bailey, for his work on this.  
5 Also to the other Senators who have been  
6 tirelessly working on this as well.

7 I just want to say that any lover of  
8 law and order should love decriminalization.  
9 This is a law that has been disproportionately  
10 enforced. People who are committing the same  
11 exact act are being prosecuted at completely  
12 different levels. So if you love law and order,  
13 you should be about applying the law in an equal  
14 way. Today we are saying that if you are a  
15 person of color, if you are a young person, that  
16 you will not be treated differently because you  
17 are young and because you are black.

18 This means so much to the  
19 communities that we represent. There will be  
20 thousands of people that will be affected by this  
21 law as soon as it is enforced. And so I really  
22 stand proudly voting today in the affirmative for  
23 what I believe to be a truly historic piece of  
24 legislation.

25 Thank you.

1                   ACTING PRESIDENT BENJAMIN:    Senator  
2 Myrie to be recorded in the affirmative.

3                   Senator Sepúlveda to explain his  
4 vote.

5                   SENATOR SEPÚLVEDA:    Thank you,  
6 Mr. President, for allowing me to explain my  
7 vote.

8                   Firstly, I want to thank Senator  
9 Jamaal Bailey, who not only with this bill but  
10 who has worked so diligently to change the  
11 criminal justice system in the state, and he  
12 deserves a lot of the credit for that.  So thank  
13 you, Senator Bailey, for a great job.

14                  Now, I -- you know, this -- this  
15 history, this story about decriminalization  
16 reminds me of when I was a college student on  
17 Long Island.  And when I would go into the dorms,  
18 the most consumption I ever saw of marijuana was  
19 at these college dorms.  Everyone at that time at  
20 Hofstra University was getting high.  But the  
21 kids there looked like Diane Savino.  They were a  
22 lot better looking than Senator Kennedy --

23                  (Laughter.)

24                  SENATOR SEPÚLVEDA:    -- but they  
25 resembled him.  Some of them looked like Senator



1 Flanagan. But they were kids that do not  
2 resemble the communities that I live in.

3 So I would see these kids consuming  
4 marijuana at such a high rate, but in a raid,  
5 none of them would get arrested. They were  
6 shielded in their college dorms. These are  
7 middle class and wealthy kids.

8 But yet when I go to my community, I  
9 see the same kids, around the same age, that look  
10 more like me and look more like Senator Jamaal  
11 Bailey, getting arrested, going through the  
12 criminal justice system, getting a scarlet  
13 letter. They couldn't get jobs and they couldn't  
14 get scholarships to attend the same university  
15 that I was attending where these wealthy kids,  
16 these middle-class kids, could go and have their  
17 parents pay for college. But these kids who  
18 needed scholarships couldn't get scholarships  
19 because of a potential marijuana conviction.

20 So today we say no more of that.  
21 Today we bring justice to communities of color.  
22 And today I proudly vote in the affirmative.

23 Thank you.

24 ACTING PRESIDENT BENJAMIN: Senator  
25 Sepúlveda to be recorded in the affirmative.

1                   Senator Kennedy to explain his vote.

2                   SENATOR KENNEDY:   Thank you,  
3                   Mr. President.

4                   First of all, let me start by  
5                   thanking this bill's sponsor, Senator Bailey, for  
6                   his diligence, his focus, and his command of the  
7                   issue. He has been driving this initiative  
8                   forward for far too long. And today, finally,  
9                   we're seeing justice done.

10                  I just want to mention a couple of  
11                  things. Number one, I'm looking forward to  
12                  getting back to Staten Island very soon to see my  
13                  friend Diane Savino and all the beautiful people  
14                  on Staten Island. And I'm going to be in the  
15                  Bronx with my son next week, down in the city,  
16                  celebrating. Beautiful people in the Bronx.

17                  No matter what we look like, I just  
18                  want to go on record here in this chamber, you're  
19                  all beautiful to me. All right?

20                  (Laughter.)

21                  SENATOR KENNEDY:   Democrat and  
22                  Republican, ladies and gentlemen.

23                  But unfortunately the law,  
24                  Mr. President, has not been fair regardless of  
25                  what people look like. It has been -- there's

1     been many disparities in the law. The laws of  
2     this land, not just in New York State as they  
3     exist today, but in our country, in the greatest  
4     country in the history of the world, are wrong.

5             The laws of the land as it pertains  
6     to cannabis and marijuana that are far too old  
7     and archaic are in need of change. They are  
8     based in racist issues of the past. The  
9     criminalization of marijuana, the fact that at  
10    the federal level, it being on the highest level  
11    of the scale of being illegal, it's just wrong.

12            New York State needs to do the right  
13    thing. And too many individuals have been hurt  
14    by the laws of the United States and the Laws of  
15    the State of New York. This bill today, giving  
16    individuals justice once and for all, it's about  
17    time.

18            With that, Mr. President, I vote  
19    aye. And I thank again the bill's sponsor,  
20    Senator Bailey, for his efforts in making this  
21    happen.

22            ACTING PRESIDENT BENJAMIN:    Senator  
23    Kennedy to be recorded in the affirmative.

24            Senator Lanza to explain his vote.

25            SENATOR LANZA:    Thank you,

1 Mr. President.

2 I thought the sponsor was going to  
3 be the only speaker, but there have been a lot of  
4 speakers.

5 So, you know, I have two beliefs  
6 concerning this issue that are actually exclusive  
7 of each other, it's that difficult. On the one  
8 hand, I don't think we ought to be promoting the  
9 use of marijuana throughout the state. I think  
10 that's a bad policy. On the other hand, I don't  
11 think anybody should go to jail for smoking pot.  
12 And that's what makes this very difficult.

13 And the fact that there is unequal  
14 enforcement of the law on the books now is wrong.  
15 That is an injustice. But if that were the only  
16 problem, then the solution would be to arrest  
17 more white people. And that's not, I think,  
18 what's happening here. I've heard a lot of talk,  
19 but nobody's talking about whether or not this is  
20 good for you or bad for you.

21 A couple of months ago I raised some  
22 questions. I haven't had those answers. You  
23 know, the first bill, recreational marijuana,  
24 that Senator Krueger carries, I think is better  
25 than this, because it says we're going to make it

1 legal for adults 21 and older.

2           This one, decriminalization,  
3 legalizing -- semantics. Here's what this says.  
4 Two ounces -- that's about 180 marijuana  
5 cigarettes -- that's legal now. There's a fine,  
6 \$200, which is about a buck a cigarette. It's  
7 like a tax. So we're taxing it.

8           The difference between this law and  
9 Senator Krueger's law is that a 13-year-old can  
10 walk around with 180 marijuana cigarettes, a  
11 14-year-old can walk around with 180 marijuana  
12 cigarettes, a 15-year-old, a 16-year-old, a  
13 17-year-old. And I don't think that's good for  
14 us.

15           And the question I had was if more  
16 people start smoking pot, especially 13, 14 --  
17 studies say young children who smoke marijuana,  
18 they do worse in school. It affects their IQ.  
19 All the things we do to foster education in the  
20 state, that's not what we want. I don't want my  
21 children doing this. I don't want your children  
22 doing this. Right now the state is saying it's  
23 okay, do it.

24           ACTING PRESIDENT BENJAMIN: Senator  
25 Lanza --

1                   SENATOR LANZA:    -- it's just a tax.

2                   ACTING PRESIDENT BENJAMIN:    Senator  
3 Lanza, how do you vote?

4                   SENATOR LANZA:    Cancer.  Road  
5 safety.

6                   ACTING PRESIDENT BENJAMIN:    Senator  
7 Lanza.

8                   SENATOR LANZA:    You know, there was  
9 latitude -- there weren't going to be speakers,  
10 we said we'd lay the bill aside --

11                   ACTING PRESIDENT BENJAMIN:    But we  
12 said two minutes.  I said I will be strictly  
13 enforcing that.

14                   SENATOR LANZA:    Well, the two  
15 minutes came in halfway through.

16                   ACTING PRESIDENT BENJAMIN:    No, it  
17 did not, Senator Lanza.

18                   SENATOR LANZA:    And if you want to  
19 start laying bills aside, we could do that.

20                   ACTING PRESIDENT BENJAMIN:    You  
21 didn't do that.

22                   Senator Lanza, how do you vote?  
23 Please.  I said specifically we were going to  
24 enforce the two-minute rule.

25                   SENATOR LANZA:    They say no

1 cigarettes, no vaping, kids smoking --

2 ACTING PRESIDENT BENJAMIN: Senator  
3 Lanza.

4 SENATOR LANZA: This is going to  
5 hurt people. This is going to hurt people.

6 ACTING PRESIDENT BENJAMIN: Senator  
7 Gianaris. Senator Gianaris.

8 SENATOR GIANARIS: Mr. President,  
9 we were enforcing the two-minute rule throughout  
10 this whole week. We did it on our own members  
11 yesterday. Let's all abide by the same rules.

12 Thank you.

13 ACTING PRESIDENT BENJAMIN: Senator  
14 Lanza to be recorded in the negative.

15 Senator Flanagan to explain his  
16 vote.

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

19 You know, this is the type of issue,  
20 again, everybody takes this incredibly seriously.  
21 Senator Bailey, in spite of the fact that he's  
22 still relatively new here, he's got a lot of  
23 experience and I respect his opinion and his  
24 judgment, and the same for some of our veteran  
25 colleagues, especially Senator Savino and

1 Senator Krueger and Senator Montgomery.

2 I concur with Senator Lanza. And  
3 I'll try and be as concise as possible. I think  
4 he raises legitimate issues of public policy, of  
5 health policy, of criminal procedure, criminal  
6 law, how we govern as a society. And I think of  
7 this as a parent as well. He's right.  
8 Unfortunately in this case he is right.

9 I took a quick study right before I  
10 started here. Basically, one ounce is the  
11 equivalent of about 80 to 90 joints. That's not  
12 casual use. And if it's up to two ounces and  
13 you're only going to get a fine, we're setting  
14 what we believe to be a bad precedent.

15 I agree with the Senator that an  
16 unequal application of the law is an injustice  
17 and that needs to be dealt with.

18 And the other part is looking at the  
19 sponsor's memo. If I'm off, I'm off only because  
20 I'm going based on what was in the sponsor's  
21 memo, suggesting that there are potentially  
22 600,000 people -- and that's right in the memo --  
23 that could be looking for vacating of their  
24 record and expungement of those records.

25 There are a lot of reasons why



1 people have those type of records. We, I think  
2 in our conference, while we absolutely take these  
3 issues incredibly seriously, we think that's too  
4 draconian shift in public policy, to vacate and  
5 expunge all of those records.

6 I wish there had been more  
7 deliberation, because a lot of this wasn't  
8 discussed. There's a lot of talk about hemp and  
9 medical marijuana and recreational use for people  
10 who are 21 and over. I have grave concerns as an  
11 elected official that doing this is not  
12 productive for the State of New York and the  
13 people that we represent.

14 I think I can say I speak fairly on  
15 behalf of the members of our conference, and as a  
16 result of that I will join Senator Lanza and my  
17 colleagues in voting no.

18 Thank you, Mr. President.

19 ACTING PRESIDENT BENJAMIN: Senator  
20 Flanagan to be recorded in the negative.

21 Announce the results.

22 THE SECRETARY: In relation to  
23 Calendar Number 1839, those Senators voting in  
24 the negative are Senators Akshar, Amedore,  
25 Antonacci, Boyle, Felder, Flanagan, Funke,

1 Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza,  
2 LaValle, Little, O'Mara, Ortt, Ranzenhofer,  
3 Ritchie, Robach, Serino, Seward and Tedisco.

4 Ayes, 39. Nays, 23.

5 ACTING PRESIDENT BENJAMIN: The  
6 bill is passed.

7 THE SECRETARY: Calendar Number  
8 1840, Senate Print 6585A, by Senator Martinez, an  
9 act in relation to permitting Patchogue Fire  
10 district to file an application for a retroactive  
11 real property tax exemption.

12 SENATOR GIANARIS: Lay it aside  
13 temporarily.

14 ACTING PRESIDENT BENJAMIN: Lay it  
15 bill aside temporarily.

16 THE SECRETARY: Calendar Number  
17 1843, Senate Print 6391, by Senator Salazar, an  
18 act to repeal Section 206-b of the Labor 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, 62.

4                   ACTING PRESIDENT BENJAMIN:    The  
5   bill is passed.

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

8                   SENATOR GIANARIS:    Can we now  
9   return, Mr. President, to the controversial  
10  calendar off the supplemental active list.

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

13                  The Secretary will read.

14                  THE SECRETARY:    Calendar Number  
15  983, Assembly Print Number 7752, substituted  
16  earlier by Assemblymember Dinowitz, an act to  
17  amend the Penal Law.

18                  ACTING PRESIDENT BENJAMIN:    Senator  
19  Ortt.

20                  SENATOR ORTT:    Yes, through you,  
21  Mr. President, would the sponsor yield to just a  
22  couple of questions?

23                  ACTING PRESIDENT BENJAMIN:    Does  
24  the sponsor yield?

25                  SENATOR KAVANAGH:    Yes,

1 Mr. President.

2 ACTING PRESIDENT BENJAMIN: The  
3 sponsor yields.

4 SENATOR ORTT: Thank you. Through  
5 you, Mr. President, can the sponsor explain the  
6 point of this bill or the rationale for this  
7 legislation?

8 SENATOR KAVANAGH: Yes, through  
9 you, Mr. President. This is a bill that makes it  
10 clear that in New York State if you have a permit  
11 to possess a handgun on particular premises, that  
12 is limited to premises -- typically, those  
13 premises would either be a place of business or a  
14 residence -- that in that circumstance, one is  
15 still permitted, notwithstanding the premises  
16 limitation of that permit, to transport that  
17 handgun to any other place where one may legally  
18 possess that handgun.

19 SENATOR ORTT: Through you,  
20 Mr. President, would the sponsor continue to  
21 yield?

22 ACTING PRESIDENT BENJAMIN: Does  
23 the sponsor yield?

24 SENATOR KAVANAGH: Yes,  
25 Mr. President.

1                   ACTING PRESIDENT BENJAMIN:    The  
2    sponsor yields.

3                   SENATOR ORTT:    Through you,  
4    Mr. President, does this run counter to or change  
5    current law in the City of New York?

6                   SENATOR KAVANAGH:   Mr. President,  
7    this bill is a -- sets a statewide standard and  
8    it does preempt local laws and -- to the extent  
9    they're inconsistent with this law.

10                  SENATOR ORTT:    Through you,  
11   Mr. President, would the sponsor continue to  
12   yield?

13                  ACTING PRESIDENT BENJAMIN:   Does  
14   the sponsor yield?

15                  SENATOR KAVANAGH:   Yes,  
16   Mr. President.

17                  SENATOR ORTT:    Through you,  
18   Mr. President, is there a law -- is there such a  
19   law in New York City now that would be preempted  
20   by this law?

21                  SENATOR KAVANAGH:   Mr. President,  
22   I'm aware of a regulation of -- in the City of  
23   New York.

24                               In the City of New York and in  
25   Nassau County, the police commissioner is the

1     issuing authority for permits. And I am aware of  
2     a regulation in New York that strictly limits the  
3     ability of New York City residents who possess a  
4     permit for a particular -- a premise permit for  
5     guns that severely limits their ability to  
6     transport their guns.

7                     This bill would supersede that and  
8     would broaden the rights of New York City gun  
9     owners with a premises permit, along with any  
10    other residents of New York who have a premises  
11    permit anywhere in the state.

12                    SENATOR ORTT: Through you,  
13    Mr. President, would the sponsor continue to  
14    yield?

15                    ACTING PRESIDENT BENJAMIN: Does  
16    the sponsor yield?

17                    SENATOR KAVANAGH: Yes,  
18    Mr. President.

19                    ACTING PRESIDENT BENJAMIN: The  
20    sponsor yields.

21                    SENATOR ORTT: Through you,  
22    Mr. President, I'm just trying to get, once  
23    again, to sort of -- so I get what the bill does,  
24    and I appreciate the sponsor's answers. But  
25    based on what he just said, so this would preempt

1 a New York City regulation.

2           Very often we kind of go back and  
3 forth in this chamber about whether we should be,  
4 you know, allowing localities, certainly one that  
5 has several millions of people, like New York  
6 City, to set their own regulation.

7           So we're preempting it. Is there a  
8 reason why we're doing that today?

9           SENATOR KAVANAGH: Mr. President,  
10 the license to carry or possess a handgun is a  
11 state license. It's an unusual circumstance  
12 where you have a state license that is issued by  
13 localities -- it is issued at the county level in  
14 most of the state, and it's issued by the City of  
15 New York and the police commissioner in  
16 Nassau County and parts of Suffolk County.

17           So the statute that sets the  
18 permits -- that create these permits is a state  
19 statute. It already sets broad parameters that  
20 localities are not authorized to change.

21           It is the case that we've become  
22 aware that, unlike many other states like  
23 California and Maryland and Washington, D.C.,  
24 which is of course not a state, and Hawaii and  
25 some other states, they have taken the step of

1 clarifying the manner in which one can transport  
2 a gun from one place to another without a carry  
3 permit. And if you have a carry permit, of  
4 course, nothing in the bill we're discussing  
5 today would apply to you.

6 But given that premises permits  
7 are -- and the law in many states -- were silent  
8 on this, we believe that it is sensible for us to  
9 set a statewide standard so all gun owners,  
10 especially all those with premises permits, can  
11 understand that they have a right to take their  
12 gun to a shooting range or to a shooting  
13 competition or indeed to another home or another  
14 place of business where they're authorized to  
15 possess that gun.

16 And again, we think that there's no  
17 particular reason for this purpose to distinguish  
18 between premises permit holders in New York City  
19 and premise permit holders in the rest of the  
20 state.

21 SENATOR ORTT: Through you,  
22 Mr. President, will the sponsor continue to  
23 yield?

24 ACTING PRESIDENT BENJAMIN: Does  
25 the sponsor yield?



1                   SENATOR KAVANAGH:    Yes,  
2   Mr. President.

3                   ACTING PRESIDENT BENJAMIN:    The  
4   sponsor yields.

5                   SENATOR ORTT:    Through you,  
6   Mr. President.   The City of New York has defended  
7   the regulation that was referenced that this law  
8   preempts for the past six years.   Has the city  
9   asked for this or has the city government, which  
10   the sponsor represents, have they changed their  
11   mind on this regulation?

12                  SENATOR KAVANAGH:    Through you,  
13   Mr. President, I am aware that the City of  
14   New York has made an effort to begin a rulemaking  
15   action, in fact, to change their rule, their own  
16   rule, which they're entitled to do.

17                  But since this issue has come to our  
18   attention and we believe that it is an important  
19   subject of statewide concern, and we became aware  
20   that there is no standard currently at all that  
21   indicates how one who has a premises permit can  
22   transport their gun from one place they're  
23   legally entitled to have the gun to another  
24   place, we think that it's an appropriate subject  
25   for state action.   And we're taking that action

1 today.

2 SENATOR ORTT: Through you,  
3 Mr. President, I want to thank the sponsor for  
4 his answers to my questions.

5 I'm not going to ask any more  
6 questions or speak on the bill at this point.

7 ACTING PRESIDENT BENJAMIN: Are  
8 there any other Senators wishing to be heard?

9 Seeing and hearing none, debate is  
10 closed.

11 The Secretary will ring the bell.

12 Read 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: Senator  
19 Ortt to explain his vote.

20 SENATOR ORTT: Yes, thank you,  
21 Mr. President.

22 I'll be voting no today. Normally I  
23 would always support a bill that I thought  
24 expanded gun rights, the rights of legal gun  
25 owners. And I certainly think uniformity, in a

1 general sense, is always good.

2           The problem I have with this  
3 legislation is I believe this legislation is  
4 doing New York City's heavy work for them. So  
5 they have a law on the books, a regulation that  
6 has been challenged legally and is continuing to  
7 go through the courts and may even ultimately end  
8 up in the nation's highest court. And they have  
9 defended this law for six years, in my view  
10 knowing blatantly that it was unconstitutional.

11           And so far be it from this body to  
12 get New York City out of its own pickle. If  
13 they've defended that law and that regulation for  
14 years, then they should defend it up to the  
15 nation's highest court. And if they lose, that's  
16 a victory for all those who support freedom and  
17 the Second Amendment.

18           And so for those reasons, I will be  
19 voting in the negative, Mr. President.

20           ACTING PRESIDENT BENJAMIN:   Senator  
21 Ortt to be recorded in the negative.

22           Announce the results.

23           THE SECRETARY:   In relation to  
24 Calendar Number 983, those Senators voting in the  
25 negative are Senators Akshar, Amedore, Antonacci,

1 Boyle, Flanagan, Funke, Gallivan, Griffio,  
2 Helming, Jacobs, Jordan, Lanza, LaValle, Little,  
3 Metzger, O'Mara, Ortt, Ranzenhofer, Ritchie,  
4 Robach, Serino, Seward and Tedisco.

5 Absent from voting: Senators  
6 Biaggi, Rivera and Sanders.

7 Ayes, 36. Nays, 23.

8 ACTING PRESIDENT BENJAMIN: The  
9 bill is passed. The bill is passed.

10 Senator Gianaris.

11 (Inaudible overtalk.)

12 SENATOR GRIFFO: Mr. President, I'm  
13 a little confused --

14 ACTING PRESIDENT BENJAMIN: Senator  
15 Flanagan.

16 SENATOR FLANAGAN: Could you  
17 reannounce the tally? I don't mean the  
18 individual members, I'm just trying to -- I heard  
19 two different numbers. Could you just tell me  
20 what that number is, please?

21 ACTING PRESIDENT BENJAMIN:  
22 Announce the results.

23 THE SECRETARY: It's 36-23, with  
24 three absentee voters.

25 SENATOR FLANAGAN: Thank you.

1                   SENATOR GIANARIS:    Mr. President.

2                   ACTING PRESIDENT BENJAMIN:    Senator  
3   Gianaris.

4                   SENATOR GIANARIS:    If we can return  
5   to reports of standing committees, there should  
6   be a report of the Judiciary Committee at the  
7   desk.

8                   Can we please take that up and  
9   recognize Senator Krueger -- Senator Hoylman.

10                  ACTING PRESIDENT BENJAMIN:    The  
11   Secretary will read.

12                  THE SECRETARY:    Senator Hoylman,  
13   from the Committee on Judiciary, reports the  
14   following nominations.

15                  As judges of the Court of Claims:  
16   Catherine Leahy-Scott; the Honorable M. William  
17   Boller; the Honorable Sanford Berland; the  
18   Honorable John Higgitt; the Honorable Francis A.  
19   Kahn III; the Honorable Guy Mangano, Jr.; the  
20   Honorable Stephen Mignano; the Honorable April  
21   Anne Newbauer; the Honorable Joseph Risi.

22                  As interim Supreme Court judges:  
23   the Honorable Martin Marcus; the Honorable Robert  
24   Onofry; the Honorable Barbara Panepinto; the  
25   Honorable Ruth Pickholz.

1                   As a judge of the Court of Claims,  
2                   reported on 6/20: Maureen T. Liccione.

3                   ACTING PRESIDENT BENJAMIN:    Senator  
4                   Hoylman on the nominations.

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

7                   I want to acknowledge the presence  
8                   of the two new appointees and their families who  
9                   are here for the Court of Claims: Catherine  
10                  Leahy-Scott, who is here, and Maureen Liccione,  
11                  who is also here with her family.

12                  I want to thank my colleagues on the  
13                  Committee on Judiciary for their support of these  
14                  nominees, for their insight into their  
15                  backgrounds, which was widely discussed in both  
16                  cases, and for Governor Cuomo for advancing these  
17                  nominations of two very high-quality women to  
18                  serve on the Court of Claims, who clearly have an  
19                  understanding of the state's judicial system, our  
20                  communities, and share the principle that justice  
21                  should be equal under the law.

22                  So I congratulate the nominees in  
23                  advance of the vote, welcome their families, and  
24                  thank my colleagues for their support.

25                  ACTING PRESIDENT BENJAMIN:    Senator

1 Boyle on the nominations.

2 SENATOR BOYLE: Thank you,  
3 Mr. President, to explain my vote.

4 I'm particularly, here, very proud  
5 to support the nomination of Maureen Liccione.  
6 She's a constituent of mine. We're long-time  
7 friends on different sides of the aisle, but with  
8 great respect for each other.

9 Maureen is a tremendous attorney, a  
10 great litigator. Her reputation is known  
11 throughout downstate New York. She's also done  
12 so much for our communities, the Bay Shore School  
13 District and many other organizations.

14 This is a very proud day for the Bay  
15 Shore-Brightwaters community, and I proudly  
16 support her for the Court of Claims.

17 ACTING PRESIDENT BENJAMIN:  
18 Senator Gaughran on the nominations.

19 SENATOR GAUGHRAN: Yes, thank you,  
20 Mr. President.

21 I too am very proud of all the  
22 nominees that have come before us for these  
23 judicial offices, but I would especially like to  
24 welcome Maureen Liccione, somebody I have known  
25 for many, many years. And she is really an

1 outstanding attorney who I know will be a very  
2 effective, fair, compassionate and really a great  
3 judge on the Court of Claims.

4 I vote in the affirmative.

5 ACTING PRESIDENT BENJAMIN:  
6 Senator Martinez on the nominations.

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

9 I too rise, first of all to  
10 congratulate everyone as well, but again  
11 specifically to Maureen Liccione.

12 You have not only been a mentor to  
13 me, but a friend. And I am so happy and so proud  
14 of you to be where you are today. And we share  
15 such great memories together. And as you are  
16 emotional, so am I, because of conversations that  
17 you and I have had for quite some time now.

18 And please know that as a woman I am  
19 so proud of you, and I wish you the best success.  
20 And I know you will be an excellent and fair  
21 judge when people come before you at your own  
22 bench. Congratulations.

23 ACTING PRESIDENT BENJAMIN: Senator  
24 Jordan on the nominations.

25 SENATOR JORDAN: Mr. President and



1 my colleagues, I rise to speak in support of my  
2 constituent, Catherine Leahy-Scott, who has been  
3 nominated for the Court of Claims.

4 I had the pleasure of speaking with  
5 her on the phone several days ago, learned a lot  
6 about her. She will make an excellent Court of  
7 Claims judge. Her entire public service career  
8 has focused on ensuring integrity and  
9 accountability to New York's taxpayers.

10 She has served as Inspector General  
11 of New York, and many of you may know her because  
12 she was -- she was actually in the Dannemora case  
13 and was portrayed in the movie. And there she  
14 is. So she has also some movie claim. It's  
15 actually art imitating life in real time.

16 So I am very proud to nominate her,  
17 and I know she will do just a terrific job.

18 Thank you.

19 ACTING PRESIDENT BENJAMIN: Senator  
20 Sepúlveda on the nominations.

21 SENATOR SEPÚLVEDA: Thank you,  
22 Mr. President.

23 I too rise to congratulate all of  
24 the nominees, especially Inspector General  
25 Catherine Leahy-Scott, who we have a similar

1 trajectory in our lives. We both are Hofstra  
2 University undergrad alumni and Hofstra  
3 Law School alumni.

4 So I want to congratulate you. I'm  
5 sure that President Rabinowitz is very proud of  
6 what's happening here today.

7 But I also want to highlight the  
8 issue that we have -- continue to have with the  
9 state courts is that despite the fact that  
10 Latinos make up over 23 percent of the  
11 population, African-Americans, the same or larger  
12 numbers, we still have an issue with nominees on  
13 the court. We still don't have sufficient people  
14 on the court to reflect the population of  
15 New York State and certainly the growing  
16 population of lawyers in communities of color.

17 So I want to bring that to your  
18 attention, as I have every year since I've been  
19 in the Assembly and the Senate. We have to do a  
20 better job.

21 But today it's about the nominees.  
22 Congratulations.

23 ACTING PRESIDENT BENJAMIN: The  
24 question is on the nominations. All in favor say  
25 aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT BENJAMIN:

3 Opposed?

4 (No response.)

5 ACTING PRESIDENT BENJAMIN: The  
6 nominations have been confirmed.

7 To our new Court of Claims judges,  
8 Catherine Leahy-Scott and Maureen Liccione,  
9 please stand and be recognized.

10 (Standing ovation.)

11 ACTING PRESIDENT BENJAMIN: Senator  
12 Serrano.

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

15 I believe there is a report of the  
16 Finance Committee at the desk.

17 ACTING PRESIDENT BENJAMIN: We  
18 will return to reports of standing committees.

19 There is a report of the  
20 Finance Committee at the desk.

21 The Secretary will read.

22 THE SECRETARY: Senator Krueger,  
23 from the Committee on Finance, reports the  
24 following nominations.

25 On the report dated May 30th:

1 Michael Schmidt, as Commissioner of Taxation and  
2 Finance; Theodore Kastner, M.D., as Commissioner  
3 of Developmental Disabilities; Linda Lacewell, as  
4 Superintendent of the Department of Financial  
5 Services; and Maria T. Vullo, as Director of the  
6 State of New York Mortgage Agency.

7 On the report dated June 17th:

8 As members of the Board of Directors  
9 of the Roosevelt Island Operating Corporation:  
10 Jeffrey R. Escobar, Conway S. Ekpo, and David E.  
11 Kapell.

12 As members of the State Insurance  
13 Fund: Sean A. Graham, Bhakti Mirchadani, and  
14 Kenneth R. Theobalds.

15 As members of the SUNY College of  
16 Environmental Science and Forestry: William P.  
17 Fisher; John K. Bartow Jr.; Linda Brown-Robinson;  
18 Matthew J. Marko; and Steven Richard Fedrizzi.

19 As members of the Public Health and  
20 Health Planning Council: Mario R. Ortiz, Ph.D.;  
21 Peter G. Robinson; John D. Bennet, Jr., M.D.; and  
22 Ann F. Monroe.

23 As members of the Board of Visitors  
24 of the Mid-Hudson Forensic Psychiatric Center:  
25 Anna Jean Brigham, Vernon Jordan, and Dhanu

1 Sannesy.

2 As members of the Board of Visitors  
3 of the Pilgrim Psychiatric Center: Alicia  
4 Cloonan and Lisa Leib.

5 As a member of the Board of Visitors  
6 for the New York State Home for Veterans and  
7 their Dependents at Oxford: Randall Lambrecht.

8 As a member of the Board of Visitors  
9 of the Central New York Developmental  
10 Disabilities Services Office: Roger A. Benn.

11 As a member of the Board of Visitors  
12 of the Greater Binghamton Health Center: Albert  
13 S. Prohaska.

14 As a member of the Board of Visitors  
15 of the Staten Island Developmental Disabilities  
16 Services Office: Diane Carbonaro.

17 As a member of the Board of Visitors  
18 of the Capital District Psychiatric Center:  
19 Patricia Pangburn.

20 As a member of the Allegheny State  
21 Park, Recreation and Historic Preservation  
22 Commission: Joseph P. Trusso.

23 As members of the Long Island State  
24 Park, Recreation and Historic Preservation  
25 Commission: Keith M. Corbett and David Okorn.

1                   As commissioners of the Interstate  
2 Environmental Commission: Jeffrey A. Myers and  
3 Philip M. De Gaetano.

4                   As members of the State Fire  
5 Prevention and Building Code Council: Robert  
6 Hughes and Joseph J. Toomey.

7                   As members of the Administrative  
8 Review Board of Professional Medical Conduct:  
9 Steven V. Grabiec, M.D., and Jill M. Rabin, M.D.

10                  As members of the Industrial Board  
11 of Appeals: Patricia Kakalec and Naja A. Farley.

12                  As a member of the State Council on  
13 the Arts: Hildy Kuryk-Bernstein.

14                  As a member of the State Camp Safety  
15 Advisory Council: Dawn Ewing.

16                  As a member of the State Board for  
17 Historic Preservation: Carol Clark.

18                  As a member of the New York  
19 Convention Center Operating Corporation: Gary  
20 Lavine.

21                  As a director of the New York State  
22 Urban Development Corporation: Howard A. Zemsky.

23                  On the report dated June 18th:

24                  As members of the Workers'  
25 Compensation Board: Martin M. Dilan; Pamela

1 Caggianelli; and Arelis Tavares.

2 As commissioner of the Department of  
3 Transportation: Marie Therese Dominguez.

4 As commissioner of the Division of  
5 Homeland Security and Emergency Services:  
6 Patrick A. Murphy.

7 As commissioner of the Office of  
8 Children and Family Services: Sheila J. Poole.

9 As members of the State Board of  
10 Parole: Carlton S. Mitchell; Sheila Y. Samuels;  
11 Chanwoo Lee; Michael S. Corley; and Elsie  
12 Segarra.

13 As a member of the Metropolitan  
14 Transportation Authority Board: Linda Lacewell.

15 As chair of the State Liquor  
16 Authority: Vincent Bradley, Jr.

17 As members of the Public Service  
18 Commission: Tracey A. Edwards and John B.  
19 Howard.

20 As a trustee of the State University  
21 of New York: Caryl M. Stern.

22 As a member of the New York State  
23 Thruway Authority: Heather C. Briccetti.

24 As a member of the Republic Airport  
25 Commission: Stella M. Barbara.

1           As a member of the Rochester-Genesee  
2 Regional Transportation Authority: James  
3 Bensley.

4           As a member of the Capital District  
5 Transportation Authority: Patrick M. Lance.

6           As members of the Port of Oswego  
7 Authority: Ranjit S. Dighe, Ph.D., and Constance  
8 Cosemento.

9           As a member of the Ogdensburg Bridge  
10 and Port Authority: Sheila S. Peo.

11           As commissioners of the State Liquor  
12 Authority: Lily M. Fan and Greeley T. Ford.

13           And on the report dated June 19th:

14           As members of the Metropolitan  
15 Transportation Authority Board: Robert F.  
16 Mujica; Robert W. Linn; Andrew Albert; and  
17 Randolph Glucksman.

18           ACTING PRESIDENT BENJAMIN:  
19 Senator Krueger on the nominations.

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

22           The Governor has sent us quite a  
23 long list of people for confirmation as we close  
24 down session for this year. I wanted to  
25 recognize -- actually, I need to check one thing.



1                   Excuse me. I wanted to recognize  
2 three of the nominees of that long list that the  
3 Governor has sent us that are here with us today.  
4 One is John Howard, for the Public Service  
5 Commission. I believe he's here with his wife.  
6 One is Ms. Segarra, for the Board of Parole. And  
7 also Robert Mujica, who is the Director of Budget  
8 for the State of New York.

9                   I don't think it is even worth my  
10 attempting to speak on behalf of this very long  
11 list other than to say we appreciate everyone who  
12 is committed to public service and is willing to  
13 work for the great State of New York, either in a  
14 paid or a volunteer position.

15                  I just want to make one small  
16 footnote for history. Mr. Mujica's appointment  
17 is pending a change in statute later today, and  
18 that when the statute is changed, he will be  
19 legally eligible to serve on the MTA Board, but  
20 we will need to get that done later today.

21                  I don't know if there are any other  
22 members who wish to speak, but I will give it  
23 back to you, Mr. President.

24                  Thank you.

25                  ACTING PRESIDENT BENJAMIN:

1 Senator Akshar on the nominations.

2 SENATOR AKSHAR: Mr. President,  
3 thank you. I rise specifically to speak a little  
4 bit about the Parole Board nominations, if I may.  
5 Thank you.

6 You know, in the four years that I'm  
7 here, I think if there is one area that -- in  
8 state government that I have been disappointed  
9 in, it's certainly been the Parole Board. The  
10 Parole Board, at least during my tenure here, has  
11 had no problem releasing cop killers, pedophiles,  
12 murderers, rapists. And that -- that's a fact.  
13 And that is becoming commonplace with this Parole  
14 Board. And quite frankly, it's despicable.

15 Whether we agree or disagree on this  
16 point, there are some crimes that are so  
17 egregious, the people who commit them should  
18 spend the rest of their waking days in prison.  
19 They shouldn't be back out on the street.

20 I find it incredibly unfortunate  
21 that some of my colleagues across the aisle have  
22 been saying we need people on the Parole Board  
23 that think like us. What does that mean? I  
24 don't even understand what that means, "that  
25 think like us."

1                   Other comments: There are so many  
2 more Judith Clarks out there that deserve to be  
3 released. Well, I wholeheartedly disagree. And  
4 I'll tell who else disagrees. The families of  
5 Joe Piagentini and Waverly Jones, the family of  
6 Paula Bohovesky, the families of Peter Paige,  
7 Edward O'Grady, Waverly Brown, and Lisa Solomon.

8                   Do you know who those people are?  
9 Those are people who were killed by Herman Bell,  
10 Richard LaBarbera, Judith Clark, and Matt  
11 Solomon. Cold-blooded, calculated, unrepenting  
12 killers. That's who they are.

13                  I think there's a stark difference  
14 between the Senate Republicans and the Senate  
15 Democrats when it comes to the Parole Board. One  
16 us of us seeks to ensure justice for victims,  
17 their families, and the people of this great  
18 state rather than allowing violent criminals to  
19 go free.

20                  I am a little perplexed by this  
21 list, because when we started there were six  
22 people on the list, and now there are only five.  
23 And I find it interesting that the person who is  
24 not on the list came from within the system,  
25 working with folks that were incarcerated, and he

1 no longer is on the list.

2 So I think that this Parole Board in  
3 its current shape has gone rogue, and I think  
4 that they are making decisions based on the way  
5 that the political winds are blowing. And  
6 they're void of common sense and have forgotten  
7 about everyday New Yorkers.

8 So when you look at the resumes of  
9 those folks, I think they have served their  
10 respective communities and their respective areas  
11 well. I think on paper it looks very good. But  
12 there's an old saying -- and I mean no disrespect  
13 by this -- fool me once, shame on you. Fool me  
14 twice, shame on me. And guess what,  
15 Mr. President. Not today. I'm not going to be  
16 fooled again. And I don't want my fingerprints  
17 on this Parole Board anymore.

18 So I'm standing to say that I cannot  
19 in good conscience, nor will I, support any of  
20 the Governor's nominees.

21 Thank you, Mr. President.

22 ACTING PRESIDENT BENJAMIN: Senator  
23 Kennedy on the nominations.

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

1                   I am honored to stand and cast my  
2                   vote in favor of this tremendous list of  
3                   distinguished honorees that will be serving in  
4                   such important capacities within our state  
5                   government.

6                   A couple of folks that I'd like to  
7                   highlight. First of all, one of Buffalo's own  
8                   and one of Buffalo's finest, and that is Howard  
9                   Zemsky, who will be appointed as director of the  
10                  New York State Urban Development Corporation.  
11                  Unfortunately, Mr. Zemsky cannot be with us, as  
12                  he has lost his father in the last 24 hours, who  
13                  had made an indelible mark on the great City of  
14                  Buffalo and lived to the ripe old age of 93 and  
15                  leaves an extraordinary legacy. But our thoughts  
16                  and prayers are with Howard and Leslie Zemsky and  
17                  the entire Zemsky family.

18                  We are thrilled that he will  
19                  continue to serve our great state.

20                  So many other remarkable individuals  
21                  that came through the Transportation Committee  
22                  that I have had the honor to chair. Marie  
23                  Therese Dominguez will be named as commissioner  
24                  of the Department of Transportation. An  
25                  extraordinary resume she brings to the table.

1                   A number of individuals that will  
2                   serve in capacities as member of various  
3                   authorities, be it the Thruway Authority or  
4                   transportation authorities, port authorities  
5                   across the state, including especially the MTA,  
6                   where we're recognizing the leadership of a  
7                   number of individuals.

8                   One of them is with us here today,  
9                   and I'd like to speak on his behalf, and that is  
10                  Robert F. Mujica, who has already been mentioned.  
11                  We welcome you to the chamber.

12                  You know, I've spoken publicly about  
13                  Mr. Mujica. I think it's important to recognize  
14                  his work here, not just in state government  
15                  generally, but even in this chamber serving the  
16                  other side of the aisle. But we've watched him  
17                  work and work well, and work with honor and  
18                  distinction. And he has always been fair and  
19                  kind and receptive and has worked with others  
20                  regardless of the side of the aisle, regardless  
21                  of maybe a difference in philosophy. He has  
22                  always lent his ear to the conversation, and he  
23                  has always worked to make sure that everyone's  
24                  voice is heard at the table.

25                  We need an individual like Robert

1     Mujica on the MTA to communicate with us in real  
2     time the issues of greatest importance to the  
3     ridership, the millions of people that rely upon  
4     the MTA each and every day.

5                 We need to make the MTA a system  
6     that the people that ride it every day can trust  
7     in again. We have to make it reliable and  
8     dependable. We have to ensure that it continues  
9     to be the engine of our economy, not just in the  
10    13 counties that rely upon it each and every day  
11    to get to and from work and home and school and  
12    other areas throughout the downstate region --  
13    but the economy of the entire state and, quite  
14    frankly, the entire nation is dependent upon the  
15    MTA.

16                Robert Mujica, it's an honor to cast  
17    my vote in your -- in the affirmative.

18                I look forward to continuing to work  
19    with the leaders of the MTA and others: Robert  
20    Linn, who we had before us yesterday; Andrew  
21    Albert; Randolph Glucksman. These individuals  
22    have served their respective communities in our  
23    state in various capacities of distinction, and  
24    we are going to need them to drive an agenda  
25    forward to make the MTA one that is

1 uncompromising, one that people can trust in once  
2 again and one that we as an entire state can be  
3 proud of. But it's all about the ridership.  
4 It's all about the ridership.

5           And there are questions these days  
6 about the system as a whole. Recently we  
7 advanced a leader, Patrick Foye, as -- we  
8 advanced him into his leadership capacity as  
9 leading the MTA into the next phase of  
10 development. Bringing the resources necessary,  
11 we focus in on the infrastructure, making the  
12 changes for the system.

13           We're going to rely upon the men and  
14 women, the hardworking men and women which are,  
15 quite frankly, the most precious resource of the  
16 MTA. Without the men and women that work each  
17 and every day on the line within the system, the  
18 system fails. We have to make sure that they  
19 have the resources necessary to have that system  
20 function at the level that we all need.

21           We have been given a commitment by  
22 each and every one of these distinguished members  
23 that we are promoting today that they will do  
24 their absolute best to make this the finest  
25 system, not only in our nation but on the globe.



1                   Mr. President, with that, I vote  
2     aye.

3                   ACTING PRESIDENT BENJAMIN:  
4     Senator Parker on the nominations.

5                   SENATOR PARKER:     Thank you very  
6     much, Mr. President.

7                   Let me add my voice to those who are  
8     congratulating both the Governor and these very  
9     illustrious nominees who will become  
10    commissioners and members of boards of various  
11    functionaries across our great state.

12                  Particularly let me welcome back to  
13    the chamber Robert Mujica. We, you know, are  
14    happy to have you. You're probably the  
15    hardest-working person in state government, next  
16    to the members of this, you know, great body.

17                  And I also want to just mention one  
18    of our former colleagues, Martin Dilan, who's  
19    going to be a member of the Workers' Compensation  
20    Board, has a great deal of expertise, somebody  
21    who's hardworking, somebody who's been a person  
22    who has represented both his community and the  
23    people of the state with dignity and great  
24    competence. And I'm sure he's going to bring  
25    those same sets of values to the Workers'

1 Compensation Board.

2           There's a lot that needs to happen  
3 here. You heard Senator Sepúlveda earlier talk  
4 about the Court of Claims and the need for  
5 diversity. We've made those same kinds of  
6 requests in the context of nominees. And I think  
7 the Governor has been better here than he's been  
8 with some of the other areas.

9           And particularly with the Board of  
10 Parole and his nominees here, a great deal of  
11 diversity is exactly what we need. And not just  
12 diversity in terms of ethnic diversity, but  
13 diversity in terms of skill sets and competencies  
14 and understandings about what happens in the  
15 context of our criminal justice system.

16           Parole, ladies and gentlemen, is not  
17 about the crime, it's about the time. The folks  
18 who come up for parole have already been  
19 convicted, they have been sentenced, and they  
20 have served some part of their sentence. The  
21 Parole Board is not an opportunity for double  
22 jeopardy. It is not supposed to be set up to  
23 keep people in prison for -- in perpetuity.  
24 Right? I'm not going to say that three times  
25 fast, Mr. President. Right?

1           It's really a board that's supposed  
2 to evaluate the time and the quality of the time  
3 that these folks have spent.

4           America is a place of second  
5 chances. And certainly our state should be a  
6 place of second chances. And, you know, people  
7 commit crimes, people make mistakes, people do  
8 things that are wrong. And in instances in which  
9 that means that they should be punished in a  
10 manner in which they never, you know, leave  
11 captivity, that is in fact an estimation for a  
12 judge and a jury, not one for the Parole Board.

13           At the moment they come in front of  
14 the Parole Board, those men and women should be  
15 evaluating did this person grow while they  
16 were -- in that time? Did they take advantage of  
17 the opportunities to reclaim their lives and make  
18 their lives better? And are they a danger to  
19 society going forward?

20           And certainly I think that the  
21 Governor has done a better job at putting people  
22 who I think have a better understanding of those  
23 things, who come with a breadth of experiences  
24 and trainings to best evaluate that. And we  
25 should no longer have a Parole Board that falls

1     into the trap of making prisons upstate economic  
2     development. And I'm all for economic  
3     development in upstate New York, but prisoners  
4     should not be and the Parole Board should not be  
5     an extension of a prison industrial complex.

6                     And so congratulations again to  
7     everyone who's being nominated today. My good  
8     friend John Howard, I'm looking forward to our  
9     continued work together on the Public Service  
10    Commission. You know, I will be, per usual,  
11    bugging you with all kinds of requests and  
12    problems. But I'm looking forward, as we start  
13    to transform our energy infrastructure in the  
14    state, to having an expert like you, you know,  
15    helping guide the way.

16                    Thank you, Mr. President.

17                    ACTING PRESIDENT BENJAMIN:  
18    Senator LaValle on the nominations.

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

21                    Just very briefly, I want to be  
22    associated with the remarks that were made by  
23    Senator Akshar on the members of the  
24    Parole Board.

25                    And the only standard that I have

1 from the people who sent me here is that they  
2 will be safe in their homes and in their person.

3 ACTING PRESIDENT BENJAMIN: Senator  
4 Sepúlveda on the nominations.

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

7 Firstly I want to congratulate  
8 Robert Mujica. I know that I harp a lot about  
9 the advancements of Latinos in New York State --  
10 and that's because if you look at boards  
11 throughout the state in history, you have less  
12 than 2 percent of Latinos on all these boards or  
13 quasi-governmental authorities.

14 And Mr. Mujica has served in quite a  
15 capacity, and he's opened doors for a lot of  
16 young men and women of communities of color. And  
17 he's served with dignity. And I want to thank  
18 him for what he's done.

19 I have to take issue with my  
20 colleague Senator Akshar on what he believes  
21 incarceration should lead to and whether some  
22 people should never be released from prison.

23 The concept of incarceration is and  
24 always has been to give people an opportunity to  
25 rehabilitate. And as the chair of the

1 Corrections Committee, I would never use a litmus  
2 test for a candidate that says that there is a  
3 particular crime that someone should never be  
4 released from. By the same token, I'd never  
5 support a candidate who says that everyone who  
6 appears before the Parole Board should be  
7 released.

8                   This is about them reviewing the  
9 work, the efforts of people that are incarcerated  
10 to rehabilitate themselves, to make an honest  
11 assessment to see if they have changed and  
12 whether they have become less of a danger to  
13 society, but also whether they've changed,  
14 whether they've accepted what they've done,  
15 whether they are remorseful, and whether they're  
16 going to be productive members of society if  
17 they're released.

18                   More importantly, I think if my good  
19 friend Senator Akshar had taken the time to  
20 appear before my committee and seen, reviewed and  
21 discussed or questioned some of the very good  
22 candidates that have appeared, he would have  
23 realized that one of the candidates, Elsie  
24 Segarra, has had a distinguished career in  
25 corrections and parole for over 20 years. So

1 your comments that the only person that's not on  
2 the list is a person who spent a lifetime in  
3 correction is inaccurate.

4           You have members -- candidates here  
5 who have been both on the law enforcement side  
6 and on the social service side. And we should  
7 not look at diversity as something that is bad  
8 for the Parole Board. We should look at it as  
9 something positive. We want people with all  
10 forms and all types of experiences to serve on  
11 this board.

12           And the insinuation that somehow my  
13 colleagues here in the Democratic Conference are  
14 against law enforcement and will only support  
15 candidates that are against people who have  
16 worked in corrections or against law enforcement  
17 is just unfortunate and inaccurate.

18           And these candidates that appeared  
19 before our committee, my Corrections Committee,  
20 we see good people, people who are willing to  
21 sacrifice a lot to serve this state. And we  
22 should applaud them, we shouldn't denigrate them.  
23 We shouldn't characterize them as anti-law  
24 enforcement. And we should thank them for being  
25 willing to serve the state in an honorable

1 fashion.

2                   So I congratulate each and every one  
3 of them, and I vote aye.

4                   ACTING PRESIDENT BENJAMIN:    Senator  
5 Ranzenhofer on the nominations.

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

8                   I rise also today to speak on a  
9 number of the candidates and nominees that are  
10 before us today, and I'll start with Mr. Mujica,  
11 who I believe is sitting behind us here.

12                   I've had the opportunity of serving  
13 in the Senate when he was the head of the Senate  
14 Finance Committee and now, more recently, when he  
15 has been budget director for the Governor.

16                   And there are two important factors  
17 that I look at when I consider a nominee. And I  
18 had mentioned this during our Finance Committee  
19 meeting, which was chaired by Senator Krueger.  
20 The first is whether or not the nominee is  
21 qualified. And I think on that score there's not  
22 a member of this house who feels that he is  
23 anything but outstanding and very, very  
24 qualified.

25                   The second criteria, in my mind, is



1 whether or not he would be able to bring that  
2 expertise, those qualifications of experience and  
3 education, and make the authority better than it  
4 is today.

5           And the one comment that I have to  
6 make is again, as I had said in committee, I  
7 don't have -- I don't live in the MTA region, but  
8 I do have family and friends that do live there,  
9 and just listening to all my colleagues, I don't  
10 think that there is an authority which has had  
11 more complaints, more controversy, and is a  
12 worse-run organization in terms of safety,  
13 timeliness, than the MTA.

14           And if this nominee can bring his  
15 expertise and improve it from where it is today,  
16 then I think that he will serve the authority  
17 well. No matter what your opinion of him is with  
18 respect to -- in your deliberations on budgets  
19 and legislation and, you know, is he -- you know,  
20 obviously he's the budget director for the  
21 Governor. But the bottom line is if he can make  
22 the MTA a better authority, then I think it will  
23 be -- he will be -- the authority will be  
24 well-served in having him on it. And I'm very  
25 happy to rise in support of this excellent

1 nominee.

2 I just want to mention very quickly  
3 there was a judicial nominee from the Eighth  
4 Judicial District who has close to 30 years of  
5 experience, 13 years on the Court of Claims --  
6 his third time that he is being nominated by a  
7 Governor, this will be the third Governor who has  
8 nominated him: William Boller, who will continue  
9 to do an excellent job in dispensing fair justice  
10 throughout the Eighth Judicial District.

11 And I was not going to speak on the  
12 Parole Board nominees, but in light of some of  
13 the comments that have been made, I feel  
14 compelled to rise and speak on this particular  
15 issue.

16 Now, one of the issues, there's a  
17 number of factors that have been raised. And  
18 that is, what is the individual's experience  
19 while he has or she has served in prison? Have  
20 they made progress toward rehabilitation? What  
21 is the likelihood of success once they are  
22 released?

23 But one of the other important  
24 factors that I think people are overlooking --  
25 and that factor is, and it's right in the law, is

1 whether or not the release would diminish the  
2 severity of the crime. And in listening to some  
3 of the nominees that came before the committee, I  
4 really believe, in hearing what I did hear in  
5 committee, is that that factor from some of the  
6 nominees was diminished. They did not feel that  
7 that was an important statutory factor, they  
8 thought other factors were more important.

9 And as I think, as Senator LaValle  
10 said, public safety of the community and the  
11 severity of the crime is certainly a factor that  
12 can be considered. And when I have -- and when I  
13 hear from nominees that one of the factors that  
14 is set forth in law is going to be diminished in  
15 one sense, well, that is cause for concern.

16 Now, if the Legislature wants to  
17 change the law and say that the severity of the  
18 crime is no longer an important factor or the  
19 severity of the crime is no longer, you know, as  
20 important as other factors, well, then maybe we  
21 have to look at it a little differently. But as  
22 long as the law is what it is and the severity of  
23 the crime is what it is, I think that's an  
24 equally important factor. And I did not like  
25 what I heard from many of the nominees that came

1 before the committee.

2 So on a whole, I just wanted to lend  
3 my opinion to some of the nominees that the  
4 Governor has put forth today.

5 Thank you very much, Mr. President.

6 ACTING PRESIDENT BENJAMIN:

7 Senator Bailey on the nominations.

8 SENATOR BAILEY: Thank you,  
9 Mr. President.

10 To the vast majority of the  
11 nominees, I salute you. I applaud you, I thank  
12 you for your commitment to state service. It is  
13 a noble endeavor that you are taking. Whether  
14 your position is full-time or you're serving on a  
15 board, I thank you for making a great commitment  
16 to this great State of New York.

17 Mr. Mujica, thank you for your work  
18 in the Executive Chamber. Your work ethic cannot  
19 be questioned. And I thank you for what you do.

20 But I'm going to talk about the  
21 Parole Board and take some issues with somebody  
22 who I do consider a friend and a colleague,  
23 Senator Akshar -- not issues with him, but his  
24 commentary today, Mr. President.

25 You know, there are times that you

1 think about what a citizen legislature -- what  
2 the advantages of that are. And I think the  
3 advantages of the citizen legislature is that we  
4 have individuals from a variety of backgrounds.  
5 We don't just have lawyers, we don't just have  
6 doctors, we don't just have teachers, we don't  
7 just have physical therapists. We have a wide  
8 variety of individuals who bring their unique  
9 skill set to be able to make this state great.

10 So it troubles me when I hear, well,  
11 the only individual that was taken off was  
12 somebody from law enforcement, which wasn't the  
13 case, as Senator Sepúlveda indicated.  
14 Ms. Segarra has a storied 20-year-plus background  
15 in the Parole Board. Michael Corley has  
16 experience with the COMPAS tool that is utilized  
17 in the parole decisions.

18 And I'm just -- I'm curious as to  
19 how we can make such determinations, especially  
20 when the members voted no in the -- and your  
21 party voted no on these Parole Board nominees,  
22 including the individual who had a law  
23 enforcement background.

24 So we've got to be fair and clear  
25 about these things. And I'm not saying that

1 people should be released just to be released.  
2 The idea that the Democratic Conference is  
3 against public safety, once again, is the most  
4 ludicrous thing that I've heard today. It is  
5 simply not the case. Simply not the case, once  
6 more.

7                   And in that same meeting,  
8 Mr. President, members of the party were less  
9 than impressed with the individual who was a  
10 member of law enforcement, based upon  
11 conversations that we were having. So I don't  
12 get the fascination with this individual.

13                   And while we can agree to disagree  
14 on certain things, we want to keep people safe  
15 but we also can't talk about -- we can't talk  
16 about second chance but not live a second-chance  
17 lifestyle. We can't do that. Not as  
18 individuals, not as legislators. We just -- we  
19 can't do that.

20                   And, Mr. President, no matter what  
21 your views were on the Judith Clark Parole Board  
22 decision, let me make a note for the record that  
23 all three individuals who were on that board were  
24 appointed during the majority of the Senate  
25 Republicans.

1                   I vote aye on the nomination,  
2   Mr. President.

3                   ACTING PRESIDENT BENJAMIN:  
4   Senator Gaughran on the nominations.

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

7                   And I concur with Senator Krueger's  
8   comments on the outstanding qualifications of all  
9   these nominees. And I look forward to voting for  
10  all of them.

11                  But I would just like to focus just  
12  for a second on the nominees to the New York  
13  State Public Service Commission.

14                  I'm very thrilled with the  
15  Governor's choices. These are individuals that I  
16  have known for many years. And we really need  
17  fresh eyes, a breath of fresh air on that Public  
18  Service Commission. And Tracey Edwards, who  
19  lives in my town, has an outstanding background  
20  in public service. And John Howard is somebody  
21  who of course now works for the Governor, and he  
22  is somebody who I have worked with over a number  
23  of years in a variety of areas.

24                  And in particular, what I am so  
25  encouraged by is that on Long Island and in other

1 parts of the state, we have a big problem with  
2 some of these private water companies. Many of  
3 us have public water, so we don't have the  
4 problems that our constituents have with private  
5 water companies. On Long Island, we have the  
6 American Water Company, and the Public Service  
7 Commission continues to increase their rates  
8 dramatically. And there are all sorts of issues  
9 that have to be dealt with with them, and I'm  
10 sure with some of these other companies as well.

11 So I'm excited that these two fresh,  
12 new, outstanding nominees will go on the  
13 Public Service Commission and will take a look at  
14 this and all the other issues that they will be  
15 facing. And I really feel that they will be  
16 strong consumer advocates for the people of the  
17 State of New York, and I will be voting in the  
18 affirmative on all these nominations.

19 Thank you, Mr. President.

20 ACTING PRESIDENT BENJAMIN: Senator  
21 Mayer on the nominations.

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

24 I want to congratulate the nominees,  
25 especially those that are here today. I want to



1 speak about two of them.

2 First I want to speak about  
3 Robert Mujica. I know he's here. He and I served  
4 as colleagues, as staff here during a rather  
5 tumultuous time in the New York State Senate, and  
6 we both lived to come out on the other side. He  
7 may have done better than I, now being director  
8 of the Division of Budget. But we have worked  
9 extremely well together professionally, committed  
10 to the people that we serve jointly, he for the  
11 whole people of the State of New York.

12 And I just want to say on the issues  
13 of education, where on multiple occasions I've  
14 had to go to Robert Mujica on behalf of the  
15 people I served in the Assembly and here in the  
16 Senate to make the case, whether it was schools  
17 for the deaf and blind, special schools for  
18 children with special needs, obviously the  
19 children of the City of Yonkers, I've always  
20 found him to be an excellent listener, a person  
21 who is dispassionate about the facts that are  
22 before him, and someone who is committed to the  
23 ultimate public service goal, which is serving  
24 the people of the state.

25 And I look forward to his service on

1 the MTA Board, and I want to congratulate him.

2 I also want to speak about Acting  
3 Commissioner Sheila Poole, who is nominated for  
4 commissioner of the Office of Children and Family  
5 Services.

6 You know, for many of us in the  
7 Legislature, Mr. President, having commissioners  
8 of agencies respond and care about the people  
9 they serve is so very, very important. And I  
10 have worked with Ms. Poole repeatedly on issues  
11 as they arise among -- regarding some of  
12 New York's most damaged and vulnerable children.  
13 Children who needed someone who cared, who was  
14 willing to give them a second chance in regards  
15 to the conversation that was had previously.  
16 Someone who stood up for children who have made a  
17 mistake or parents who have made a mistake, with  
18 the goal to giving every child in New York the  
19 best life they could.

20 Sheila has been that kind of person  
21 and a colleague, and I know that she leads an  
22 agency which faces many challenges with  
23 tremendous integrity and, moreover, with  
24 commitment to the students and the children of  
25 our state.

1                   So I just would be remiss if I did  
2 not mention Sheila Poole and say how pleased I am  
3 to be voting on her as the commissioner today.

4                   Thank you. I vote aye.

5                   ACTING PRESIDENT BENJAMIN: Senator  
6 Flanagan on the nominations.

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

9                   You know, it's an interesting list.  
10 I give Senator Krueger and our colleagues a lot  
11 of credit, because it takes time and a lot of  
12 diligence to go through these applications and  
13 the resumes of people who are before us for  
14 considering now. And when you get the time to  
15 look through the list, you start hearing names  
16 and things run through your head.

17                  A gentleman whose name has not been  
18 mentioned, but was read into the record, is a  
19 member -- or commissioner of the State Liquor  
20 Authority. I want to extol the virtues of  
21 Greeley Ford, who was -- while Senator Griffo  
22 happens not to be in the room at the moment, he  
23 knows him very well. I think Mr. Ford has done  
24 an excellent job as a commissioner of the State  
25 Liquor Authority. He gets it. I'm glad that

1 he's being reappointed.

2 And that's a tough place, man. You  
3 know, that's like -- that's just a tough place to  
4 be, with all the issues that they confront. But  
5 he's done that job and served with distinction.

6 Also, too, his name was mentioned,  
7 Marty Dilan. And I'm glad someone raised his  
8 name. You know, me personally, I hear Marty  
9 Dilan, I'm like, This is good. You know, this is  
10 a nice, good appointment. He was a terrific  
11 elected official. I believe he'll be a valued  
12 member of the Comp Board. And I'm sure that he  
13 will distinguish himself when he assumes that  
14 position. So congratulations to him.

15 And Senator Gaughran brought up  
16 Tracey Edwards. We have both known Tracey for  
17 probably an equal amount of time. She being a  
18 Democrat, Jim of course being a Democrat, I being  
19 a Republican.

20 She is extraordinarily well-liked,  
21 and she has a wide, wide array of experience and  
22 background. She will fit in there very nicely.  
23 I'm very happy for her. She's a very  
24 accomplished individual. And while she has  
25 decades of service, she doesn't look anywhere

1 near her age if she happened to walk into this  
2 chamber. But that is a very strong appointment.

3 Another appointment that I just  
4 wanted to reference, more in the abstract -- but  
5 I want to do this to make a point. The  
6 Department of Financial Services.

7 Sometimes I think what happens --  
8 and it doesn't really matter who's in charge. It  
9 matters to some degree, because they help choose  
10 the nominees. But I swear, a number of us have  
11 sat in on confirmation hearings in committee, and  
12 a big committee, of course, is the Finance  
13 Committee. And you listen to people who come in  
14 and you hear their stories and you look at their  
15 background and you ask them questions, and you  
16 hear what they think. And they tell you what  
17 they're going to do.

18 And then they get there, and you  
19 start seeing what they do, and you're like, Wait,  
20 that's not the person that I remember coming  
21 before the committee and listening to their  
22 qualifications and their story. And sometimes  
23 it's a radical departure from what they say to us  
24 and what they do when they assume these  
25 positions.

1                   Now, I wish Linda Lacewell well.

2       And I hope she succeeds as the superintendent of  
3       the Department of Financial Services. But I will  
4       give a word of caution. In my humble opinion,  
5       her predecessor in that office has been much more  
6       of a prosecutorial agency than an oversight and a  
7       regulatory agency. I think it's tilted in one  
8       direction too far. It has made it very difficult  
9       for entities to do business in New York.

10                  And I believe in regulation and  
11       appropriate oversight. But I think that the  
12       department has run far afield of what its mission  
13       should -- should be. And I hope that our new  
14       superintendent will reflect that in her  
15       policies -- not be a patsy for anyone, and be a  
16       strong enforcer, but recognize what it means to  
17       have that type of oversight and authority and  
18       jurisdiction and to use it wisely and not  
19       overreach.

20                  And then the last person I want to  
21       comment on is Robert Mujica. Now, we all work  
22       here, so you are the only people that will  
23       understand my next comment. I don't know if I  
24       should be euphoric or worried. Now, I can say  
25       I'm euphoric because if Robert Mujica is sitting

1 up there, which he's been doing for almost an  
2 hour, there's only one of two things that are  
3 possible. Either the cleanup and all the work  
4 for the legislative session is done --

5 (Laughter.)

6 SENATOR FLANAGAN: -- or we're  
7 completely screwed and we're going to be here for  
8 another three days because --

9 (Laughter.)

10 SENATOR FLANAGAN: -- he's sitting  
11 up there and not negotiating the issues that are  
12 left for us to consider.

13 I've had the privilege of working  
14 with Robert on many different levels. He of  
15 course was a pivotal part and a very strong  
16 member of our team when he worked here in the  
17 Senate. And of course the Governor can be very  
18 smart about certain things. He stole Robert.  
19 Robert may have run over there willingly, but he  
20 stole Robert.

21 And I saw him, and I said to him,  
22 "What are you doing?" Like, "Why are you doing  
23 this to yourself? Don't you have enough work to  
24 do?" But putting him on the MTA Board is a wise  
25 decision on the Governor's part. And, you know,

1 the Governor recognizes this MTA is his, whether  
2 he likes it or not. And if it's going to be his,  
3 he's got to have the right people there.

4 And the reason I say it's his is  
5 because when we talk about the MTA, and  
6 someone -- you know, we talk about the MTA, well,  
7 you have the city, you have the federal  
8 government, and you have all these different  
9 entities and these layers of government and  
10 bureaucracy.

11 I don't care if you're a bus rider  
12 or a subway rider, when you talk to somebody who  
13 is talking about public transit, they don't care  
14 whether it's the city, they don't care whether  
15 it's the State of New York. They just want to  
16 know that the right people are there and in  
17 charge and working for them. And for far too  
18 long the MTA has not properly met that obligation  
19 and that mission.

20 Robert, kudos to you, props to you,  
21 good wishes to you. And I know that you will be  
22 an integral part of helping ameliorate those  
23 problems there and make them better for the  
24 people of the State of New York.

25 Mr. President, thank you.



1                   ACTING PRESIDENT BENJAMIN:    Senator  
2   Stavisky on the nominations.

3                   SENATOR STAVISKY:    Thank you,  
4   Mr. President.   Very briefly.

5                   I too want to congratulate  
6   Mr. Mujica.   It's interesting if you think  
7   where -- he works on the second floor.   I would  
8   say that's almost the third-and-a-half floor.  
9   But there's a big gap between the second floor  
10   and the legislative chamber.   And few people have  
11   been able to bridge that gap, but Mr. Mujica has  
12   done so.

13                  I thank him for what he's doing, and  
14   I think he's going to be a good member, a good  
15   constructive member of the MTA Board.   He is  
16   currently a CUNY trustee, and we look to him for  
17   opportunities for the CUNY trustees to do  
18   everything that they can.

19                  The main person I want to speak  
20   about is Caryl Stern, who has been nominated as a  
21   SUNY trustee.   She has a very, very interesting  
22   background.   She's a graduate of Oneonta, which  
23   is part of SUNY, but a master's and a Ph.D. in  
24   higher education.   So she understands the issues.  
25   She served as the head of the Anti-Defamation

1 League. And for some time she has been the head,  
2 the CEO of UNICEF United States, which is a major  
3 organization.

4 And we congratulate her as well as  
5 Robert Mujica.

6 Thank you, Mr. President.

7 ACTING PRESIDENT BENJAMIN: Senator  
8 Lanza on the nomination.

9 SENATOR LANZA: Thank you,  
10 Mr. President.

11 First I want to say a few words  
12 about Robert Mujica. I've known him for many,  
13 many years, even before his service in state  
14 government, and I can tell you this about him.  
15 He is one of the most intelligent, dedicated,  
16 hardworking, incredibly passionate public  
17 servants I have ever met anywhere, either in my  
18 work at the DA's office in Manhattan, the  
19 City Council, here in the State Senate.

20 The people of New York are so  
21 blessed and fortunate to have him willing to  
22 bring his considerable talent and energy, which  
23 is beyond description, to the work of this state.

24 And I don't think I would -- I know  
25 I would not say this of anyone else. If you put

1 Robert Mujica's name on a piece of paper, I don't  
2 even need to look at the title of the position  
3 that he is being nominated for. I've never met  
4 anyone who knows more about everything than him.  
5 I don't believe there's anything or any position,  
6 in or out of state government, that he could not  
7 excel at, because I've watched him excel for more  
8 than 25 years at everything he has done, and  
9 we're lucky for it. And I thank the Governor for  
10 his nomination and support Robert Mujica.

11 I want to touch on -- a lot has been  
12 said about the Parole Board nominees, and I want  
13 to add my voice to that. I believe in  
14 redemption. I don't just believe in second  
15 chances, I believe in third chances and fourth  
16 chances when appropriate. And I think it's  
17 appropriate more often than not.

18 I believe Senator Sepúlveda said it  
19 perfectly. He said he wouldn't support anyone  
20 who would say they would release everyone, nor  
21 would he support someone who said they would  
22 release no one. I think that is the perfect  
23 standard. And while I don't -- I also agree with  
24 him I don't typically believe that litmus tests  
25 in these situations are helpful, I do want to

1 bring this body back 20 years -- more than  
2 20 years, to 1980.

3           There was a young girl, 16 years  
4 old, Paula Bohovesky. Lived in a small town.  
5 Coming home from her after-school job working in  
6 a library. Two men saw her walking down the  
7 street, Mr. McCain and Richard LaBarbera. McCain  
8 grabbed a piece of asphalt and hit her over the  
9 head and knocked her down, and then continued to  
10 beat her. And then began to sexually assault and  
11 rape her, as Richard LaBarbera stood by and  
12 watched.

13           It wasn't over, because then Richard  
14 LaBarbera, seeing Paula laying on the street,  
15 believing her to be dead, began to rape her too.  
16 Believing her to be dead, began to rape her too.  
17 And when she stirred, he took out a knife and he  
18 stabbed her to death.

19           Last week members of the Parole  
20 Board of the State of New York decided that  
21 Richard LaBarbera, who has refused to accept  
22 responsibility, who has refused to express  
23 remorse, ought to be released and be able to  
24 return to the neighborhood where Paula's mother  
25 still resides.

1                   Now, I believe in second chances and  
2                   third and fourth chances. And while I don't like  
3                   litmus tests, each Parole Board nominee that is  
4                   being considered right now refused to say that  
5                   they wouldn't release Richard LaBarbera, refused  
6                   to say that they disagreed with that decision.

7                   It's not their integrity that I  
8                   question; I don't know them. But by their  
9                   response to the question about this case, I think  
10                  they reveal their philosophy. And if you cannot  
11                  say that you would not parole someone like  
12                  Richard LaBarbera, then what you are saying is  
13                  that you would parole everyone.

14                 And if that's the case, we do not  
15                 need a Parole Board in the State of New York.  
16                 You are just automatically released, by this  
17                 philosophy. And as Senator Sepúlveda said,  
18                 that's not what we want. We want you to look at  
19                 the facts. We want you to look at the situation.  
20                 And we want you to make a determination based on  
21                 whether or not this is the right thing for the  
22                 safety of the people of the State of New York or  
23                 the wrong thing.

24                 And I defy anyone to tell me that  
25                 they agree with this decision and that releasing

1 someone who has the capacity to do what Richard  
2 LaBarbera did ought to be released and that  
3 that's a good thing for the safety of the people  
4 of the State of New York.

5 For that reason, I did not support  
6 those nominees in committee, every one of them,  
7 as Senator Bailey said, including the person not  
8 before us, because I believe that we ought to  
9 utilize Senator Sepúlveda's standard and not  
10 where we seem to be, which is anyone, no matter  
11 what they did and how they did it and what pain  
12 they caused, is automatically released.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BENJAMIN: Senator  
15 Gallivan on the nominations.

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

18 We have a very distinguished and  
19 accomplished group of nominees before us, and I'd  
20 like to thank them for their public service,  
21 congratulate them all on their nomination. I too  
22 would like to mention Robert Mujica.

23 The leader went before me and stole  
24 what I was going to say, because I was kind of  
25 amazed that Robert has been sitting up there for

1     so long doing nothing. Which has never been the  
2     case in all the years that I've known him.

3                 So I want to congratulate him, echo  
4     the comments of my colleagues, in that he is just  
5     an incredibly talented, dedicated public servant  
6     and New York should be grateful for it. I  
7     certainly am.

8                 I'd also like to mention my neighbor  
9     and friend who's been nominated as a Court of  
10    Claims judge, Bill Boller; Howard Zemsky, from  
11    Western New York; and then of course our former  
12    colleague, Senator Marty Dilan.

13                And that is not to take away from  
14    any of the other candidates, but a lot has been  
15    said about the Parole Board. And things have  
16    been said about the candidates, about the law,  
17    about the process, and I'd like to talk about  
18    that for a few moments. And I speak from a very  
19    unique position. I'm the only member of this  
20    body who served as a member of the Board of  
21    Parole. As a matter of fact, it's the job I left  
22    to represent the citizens of the 59th Senate  
23    District. And I served in that capacity for five  
24    years.

25                Senator Parker I think was the first

1 to mention diversity, and he's absolutely right.  
2 We should have a diverse Parole Board. As a  
3 matter of fact, the law requires it. The law  
4 sets the standard in the Executive Law. There's  
5 qualifications, minimum qualifications to be a  
6 member of the Parole Board.

7 So when I was nominated back in  
8 2005, I was thrilled. And then I looked at the  
9 law, and I was even happier to see that there was  
10 minimum qualifications in the law, and I met  
11 them. So not just the political appointment, but  
12 a college degree, experience in law enforcement,  
13 in the law, in criminal justice, in social  
14 services, in psychology.

15 It's very important that the board  
16 is diverse, from different backgrounds, different  
17 neighborhoods, diversity not just -- and I'm very  
18 glad that what has been talked about is diversity  
19 in many more things than ethnicity, race, sex,  
20 but in backgrounds. And the board can be better  
21 for it when we have people from across that  
22 spectrum.

23 And this group of candidates that  
24 the Governor has put forward is indeed diverse.  
25 They are very accomplished in their various



1 fields that they've come from. Some individuals  
2 have been in different fields throughout their  
3 career. But they surely are distinguished and  
4 successful. Some have served the public, and all  
5 of us should be grateful for that. And also  
6 grateful that the Governor has looked at  
7 individuals that are very talented.

8           When we look at the individuals that  
9 the Governor has put forward, in this case for  
10 the Parole Board -- the same could be said for  
11 pretty much any board -- what we want to make  
12 sure of is that they have an understanding of  
13 what that job is, what it entails, the governing  
14 statute, and a commitment to follow that statute.

15           So I want to take the liberty of  
16 just talking about the governing statute for just  
17 a moment, because I don't know that everybody has  
18 a clear understanding of what guides the Parole  
19 Board in their decisions. It is the Executive  
20 Law. It's 259-I. And the Parole Board lays out  
21 a number of factors that must be considered  
22 before the Parole Board makes a determination.  
23 And then the Parole Board lays out the standards  
24 of release, taking all of those factors and  
25 comparing them against the standards. And that

1 involves more than just the individual who is  
2 arrested for a crime, victimized somebody,  
3 ultimately incarcerated, and then is before them  
4 as a candidate for release.

5           It is public safety, certainly. The  
6 welfare of society. The individual's life,  
7 essentially -- past, present, future. The  
8 instant offense is a factor that has to be  
9 considered. The individual's criminal history.  
10 How he's performed on parole in the past. The  
11 accomplishments, the good accomplishments and the  
12 rehabilitation that has taken place, and to what  
13 extent, and then future plans -- where they're  
14 going to live, how they're going to support  
15 themselves, how they're going to live their life.

16           And it's all subjective, of course.  
17 They have to take into account victims, district  
18 attorneys, other people that have input, and then  
19 balance them against standards that of course  
20 include public safety, but the welfare of  
21 society, the likelihood they'll live and remain  
22 at liberty without violating the law. And one  
23 that Senator Ranzenhofer mentioned, about  
24 diminishing respect for the law. That's the  
25 community. That's the people of the State of

1 New York.

2 And the law says, and I quote:

3 "Parole shall not be granted for good conduct  
4 only." It matters to all of us.

5 And so the candidates, the parole  
6 commissioners who follow the law do what Senator  
7 Sepúlveda and Senator Lanza referred to. They  
8 follow the law, balance the factors against the  
9 standards, and then make an appropriate  
10 determination. If somebody comes forward with  
11 individual biases and those biases affect their  
12 decision, they're not doing the job.

13 And that leads me into the process.  
14 And I am so happy Senator Bailey brought up the  
15 nominees that released Judith Clark, released  
16 Herman Bell and others that Senator Akshar had  
17 referred to.

18 Senator Sepúlveda is to be commended  
19 for the process this year. I think with six  
20 nominees it took us over three hours. Every  
21 single member of the committee asked questions of  
22 all of the candidates and asked the same  
23 questions of the candidates and followed up, of  
24 course, as appropriate. It was very extensive.  
25 And I can tell you the Crime Victims and

1 Corrections Committee, at least, did its job  
2 properly in vetting the candidates, at least as  
3 far as the examination and the asking of  
4 questions.

5 As we did two years ago when I was  
6 the chairman of Crime Victims, Crime and  
7 Corrections Committee. We had more than six  
8 candidates. We had some new appointments, and we  
9 had some reappointments. And we did the same  
10 thing. I think we took a total of four and a  
11 half hours when we did that.

12 And every single candidate  
13 articulated their knowledge of the law. They  
14 articulated their knowledge of the factors that  
15 had to be considered and their knowledge of the  
16 standards of release. And they pledged to us  
17 that they would follow the law. They pledged to  
18 us they would do their jobs properly for all of  
19 us, for all of the communities of New York State.

20 They were confirmed unanimously two  
21 years ago. They went through Crime and  
22 Corrections unanimously, Finance unanimously, and  
23 then of course on this floor.

24 And after that time, there were some  
25 of the releases that were spoken of. I want to

1 speak of two of them.

2           In one particular case, Herman Bell.  
3 He was before the board, I think it was -- let me  
4 think -- 2018 and 2016. I read the transcripts  
5 of both particular cases. The common denominator  
6 is an individual who was reappointed and went  
7 before us two years ago, as I've talked about.  
8 The transcript was almost exactly the same. It  
9 was verbatim -- Herman Bell's answers were  
10 verbatim. Herman Bell's stated, by him, remorse  
11 was the exact same if you looked at the  
12 transcripts of both.

13           The only difference in that two-year  
14 period was Herman Bell had a disciplinary issue  
15 in prison. And yet that commissioner voted to  
16 hold him in 2016 and release him in 2018. I  
17 won't even say which one I think is the correct  
18 one.

19           But the same set of facts, the only  
20 thing between the two of them was a negative.  
21 That individual wasn't doing his job in one of  
22 those particular cases.

23           The other case that I want to talk  
24 about -- I actually won't talk about an  
25 individual case, I won't mention the name. But

1 one of the nominees that came before us that  
2 articulated their knowledge of the law, that  
3 pledged to uphold the law, shortly after stated  
4 to a number of other Parole Board members that  
5 "It is my job" -- and I'm quoting -- "my job to  
6 release people."

7 That individual lied to us during  
8 that particular time, despite our best efforts to  
9 properly vet the candidates. That is why some of  
10 my colleagues have concerns. And I understand  
11 their concerns.

12 The candidates that came before us,  
13 I do not -- there was six that went through both  
14 committees. I don't think it's appropriate to  
15 comment on the name not put before us because  
16 that individual is not before us right now, so I  
17 will not comment on that. The other five  
18 individuals, as I say, they come highly  
19 qualified, very, very distinguished. They  
20 pledged to uphold the law. And if they uphold  
21 the law as they have pledged to do, they'll do  
22 their job properly. And I certainly hope that  
23 that is the case.

24 Thank you, Mr. President.

25 ACTING PRESIDENT BENJAMIN: The

1 question is on the nominations. All in favor  
2 signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT BENJAMIN:

5 Opposed?

6 (No response.)

7 ACTING PRESIDENT BENJAMIN: The  
8 nominations have been confirmed.

9 To John Howard, commissioner of the  
10 Public Service Commission, joined by his wife,  
11 Katherine Dollinger; Elsie Segarra, commissioner  
12 of the State Board of Parole; and Robert Mujica,  
13 member of the Metropolitan Transportation  
14 Authority Board, please rise and be recognized.

15 (Standing ovation.)

16 ACTING PRESIDENT BENJAMIN: Senator  
17 Serrano.

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

20 Can we please take up Calendar  
21 Number 1665, which was previously laid aside, and  
22 lay it aside for the day.

23 ACTING PRESIDENT BENJAMIN: The  
24 bill will be laid aside for the day.

25 SENATOR SERRANO: Also can we

1 please call up Calendar Number 1669, which was  
2 previously laid aside, and take that bill up now.

3 ACTING PRESIDENT BENJAMIN: The  
4 Secretary will read.

5 THE SECRETARY: Calendar Number  
6 1669, Assembly Print Number 8126A, by  
7 Assemblymember Paulin, an act establishing the  
8 "Gateway Development Commission Act."

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: Ayes, 62.

19 ACTING PRESIDENT BENJAMIN: The  
20 bill is passed.

21 Senator Serrano.

22 SENATOR SERRANO: Thank you.

23 Can we please take up Calendar  
24 Number 300, which was previously laid aside, and  
25 take that bill up now.



1                   ACTING PRESIDENT BENJAMIN:    There  
2   is a substitution at the desk.

3                   The Secretary will read.

4                   THE SECRETARY:    On page 10,  
5   Senator Carlucci moves to discharge, from the  
6   Committee on Rules, Assembly Bill Number 6740B  
7   and substitute it for the identical Senate Bill  
8   Number 4467B, Third Reading Calendar 300.

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

11                  The Secretary will read.

12                  THE SECRETARY:    Calendar Number  
13   300, Assembly Bill Number 6740B, by  
14   Assemblymember Jean-Pierre, an act to establish a  
15   black youth suicide prevention task force.

16                  ACTING PRESIDENT BENJAMIN:    Read  
17   the last section.

18                  THE SECRETARY:    Section 2.   This  
19   act shall take effect on the 60th 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: Ayes, 62.

2 ACTING PRESIDENT BENJAMIN: The  
3 bill is passed.

4 Senator Serrano.

5 SENATOR SERRANO: Thank you. Can  
6 we please return to motions and resolutions.

7 ACTING PRESIDENT BENJAMIN: Motions  
8 and resolutions.

9 SENATOR SERRANO: Thank you,  
10 Mr. President.

11 On behalf of Senator Hoylman, I move  
12 to recommit Senate Print Number 2987, Calendar  
13 Number 582 on the order of third reading, to the  
14 Committee on Codes, with instructions to said  
15 committee to strike the enacting clause.

16 ACTING PRESIDENT BENJAMIN: It is  
17 so ordered.

18 SENATOR SERRANO: Mr. President,  
19 also on behalf of Senator Hoylman, I move that  
20 the following bills be discharged from their  
21 respective committees and recommitted with  
22 instructions to strike the enacting clause.  
23 These are Senate numbers 43, 51, 305, 1998, 4240,  
24 and 6543.

25 ACTING PRESIDENT BENJAMIN: It is

1 so ordered.

2 SENATOR SERRANO: Mr. President, I  
3 wish to call up Senate Print Number 6346, which  
4 is now at the desk.

5 ACTING PRESIDENT BENJAMIN: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number  
8 1832, Senate Print 6346, by Senator Sepúlveda,  
9 Concurrent Resolution of the Senate and Assembly  
10 proposing an amendment to Section 15 of  
11 Article VI of the Constitution relating to the  
12 New York City Civil Court.

13 SENATOR SERRANO: Thank you.

14 Mr. President, I now move to  
15 reconsider the vote by which this bill was  
16 passed, and ask that the bill be restored to the  
17 order of third reading.

18 ACTING PRESIDENT BENJAMIN: The  
19 Secretary will call the roll on reconsideration.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT BENJAMIN: The  
23 bill is restored to its place on the Third  
24 Reading Calendar.

25 SENATOR SERRANO: Mr. President, I

1 now move to discharge, from the Committee on  
2 Rules, Assembly Print Number 7714 and substitute  
3 it for the identical Senate bill. The Senate  
4 bill on first passage was voted unanimously. I  
5 now move that the substituted Assembly bill have  
6 its third reading at this time.

7 ACTING PRESIDENT BENJAMIN: The  
8 substitution is so ordered.

9 The Secretary will read.

10 THE SECRETARY: Calendar Number  
11 1832, Assembly Print Number 7714, by  
12 Assemblymember Dinowitz, Concurrent Resolution of  
13 the Senate and Assembly proposing an amendment to  
14 Section 15 of Article VI of the Constitution  
15 relating to the New York City Civil Court.

16 ACTING PRESIDENT BENJAMIN: Call  
17 the roll on the resolution.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:  
20 Announce the results.

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT BENJAMIN: The  
23 resolution is adopted.

24 Senator Serrano.

25 SENATOR SERRANO: Mr. President, I

1 move that the following bill be discharged from  
2 its respective committee and be recommitted with  
3 instructions to strike the enacting clause. This  
4 is Senate Bill 6598, by Senator Kavanagh.

5 ACTING PRESIDENT BENJAMIN: It is  
6 so ordered.

7 SENATOR SERRANO: Thank you.

8 At this time there will be an  
9 immediate meeting of the Senate Democratic  
10 Conference in Room 332.

11 Can you please call on Senator  
12 Gallivan.

13 ACTING PRESIDENT BENJAMIN: There  
14 will be an immediate meeting of the Democratic  
15 Conference in Room 332.

16 Senator Gallivan.

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

19 There will be an -- following --  
20 when we get out of here, there will be an  
21 immediate meeting of the Republican Conference in  
22 Room 315.

23 ACTING PRESIDENT BENJAMIN: There  
24 will be an immediate meeting of the Republican  
25 Conference in Room 315.

1 Senator Serrano.

2 SENATOR SERRANO: The Senate will  
3 stand at ease, Mr. President.

4 ACTING PRESIDENT BENJAMIN: The  
5 Senate will stand at ease.

6 (Whereupon, the Senate stood at ease  
7 at 7:53 p.m.)

8 (Whereupon, the Senate reconvened at  
9 10:05 p.m.)

10 ACTING PRESIDENT GIANARIS: The  
11 Senate will come to order.

12 Senator Griffo.

13 SENATOR GRIFFO: Mr. President.  
14 You look high.

15 (Laughter.)

16 ACTING PRESIDENT GIANARIS: I wish  
17 I felt high, Senator Griffo.

18 (Laughter.)

19 ACTING PRESIDENT GIANARIS: Why do  
20 you rise?

21 SENATOR GRIFFO: Mr. President, I  
22 would like to call an immediate meeting of the  
23 Republican Conference in Room 315. It will be a  
24 short conference.

25 All members of the Republican

1 Conference, please report to Room 315.

2 Thank you.

3 ACTING PRESIDENT GIANARIS: An  
4 immediate meeting of the Republican Conference in  
5 Room 315, a very short conference, after which we  
6 will return for business.

7 The Senate stands at ease.

8 (Whereupon, the Senate stood at ease  
9 at 10:06 p.m.)

10 (Whereupon, the Senate reconvened at  
11 10:26 p.m.)

12 ACTING PRESIDENT BENJAMIN: The  
13 Senate will return to order.

14 Senator Gianaris.

15 SENATOR GIANARIS: Mr. President,  
16 there will be an immediate meeting of the  
17 Committee on Rules in Room 332.

18 ACTING PRESIDENT BENJAMIN: There  
19 will be an immediate meeting of the Committee on  
20 Rules in Room 332.

21 SENATOR GIANARIS: And while we're  
22 at it, Mr. President, can you please call up,  
23 from Supplemental Calendar 60A, Calendar Number  
24 1840 that we laid aside earlier.

25 ACTING PRESIDENT BENJAMIN: There

1 is a substitution at the desk.

2 The Secretary will read.

3 THE SECRETARY: Senator Martinez  
4 moves to discharge, from the Committee on Rules,  
5 Assembly Bill Number 4810B and substitute it for  
6 the identical Senate Bill 6585A, Third Reading  
7 Calendar 1840.

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

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1840, Assembly Print Number 4810B, by  
13 Assemblymember Garbarino, an act in relation to  
14 permitting Patchogue Fire District to file an  
15 application for a retroactive real property tax  
16 exemption.

17 ACTING PRESIDENT BENJAMIN: Read  
18 the last section.

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

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: Ayes, 62.

2 ACTING PRESIDENT BENJAMIN: The  
3 bill is passed.

4 Senator Gianaris.

5 SENATOR GIANARIS: The Senate will  
6 stand at ease.

7 ACTING PRESIDENT BENJAMIN: The  
8 Senate will stand at ease.

9 (Whereupon, the Senate stood at ease  
10 at 10:27 p.m.)

11 (Whereupon, the Senate reconvened at  
12 10:38 p.m.)

13 ACTING PRESIDENT BENJAMIN: The  
14 Senate will return to order.

15 Senator Gianaris.

16 SENATOR GIANARIS: Mr. President,  
17 can we return to reports of standing committees.

18 I believe there's a report of the  
19 Rules Committee at the desk.

20 ACTING PRESIDENT BENJAMIN: There  
21 is a report of the Rules Committee at the desk.

22 The Secretary will read.

23 THE SECRETARY: Senator  
24 Stewart-Cousins, from the Committee on Rules,  
25 reports the following bills:

1                   Senate Print 6184A, by  
2   Senator Metzger, an act to amend the Agriculture  
3   and Markets Law; and

4                   Senate Print 6614, by  
5   Senator Bailey, an act to amend the Criminal  
6   Procedure Law.

7                   SENATOR GIANARIS:   Mr. President, I  
8   move to accept the report of the Rules Committee.

9                   ACTING PRESIDENT BENJAMIN:   All in  
10   favor of accepting the report of the Rules  
11   Committee signify by saying aye.

12                   (Response of "Aye.")

13                   ACTING PRESIDENT BENJAMIN:  
14   Opposed, nay.

15                   (No response.)

16                   ACTING PRESIDENT BENJAMIN:   The  
17   Rules Committee report is accepted.

18                   SENATOR GIANARIS:   Can we now take  
19   up the reading of Supplemental Calendar B,  
20   please.

21                   ACTING PRESIDENT BENJAMIN:   The  
22   Secretary will read.

23                   Senator Gianaris.

24                   SENATOR GIANARIS:   Mr. President,  
25   in my eagerness to conclude the evening, I

1     prematurely called for the reading of the  
2     calendar, which I understand is on its way from  
3     the room where the Rules Committee took place.

4                 So let's just pause for a few  
5     seconds while we wait for that to arrive, and  
6     we'll get the bills out on everyone's desk.

7                 ACTING PRESIDENT BENJAMIN:     Senator  
8     Gianaris.

9                 SENATOR GIANARIS:     Let's stand at  
10    ease while we wait for that, Mr. President.

11                ACTING PRESIDENT BENJAMIN:     The  
12    Senate will stand at ease.

13                (Whereupon, the Senate stood at ease  
14    at 10:40 p.m.)

15                (Whereupon, the Senate reconvened at  
16    10:59 p.m.)

17                ACTING PRESIDENT BENJAMIN:     The  
18    Senate will return to order.

19                Senator Gianaris.

20                SENATOR GIANARIS:     Mr. President,  
21    can we now take up the reading of Supplemental  
22    Calendar 60B.

23                ACTING PRESIDENT BENJAMIN:     The  
24    Secretary will read.

25                THE SECRETARY:     Calendar Number

1 1844, Senate Print 6614, by Senator Bailey, an  
2 act to amend the Criminal Procedure Law.

3 ACTING PRESIDENT BENJAMIN: Senator  
4 Gianaris.

5 SENATOR GIANARIS: I believe there  
6 is a message of necessity at the desk.

7 ACTING PRESIDENT BENJAMIN: There  
8 is a message of necessity at the desk.

9 SENATOR GIANARIS: Move to accept  
10 the message.

11 ACTING PRESIDENT BENJAMIN: All in  
12 favor of accepting the message of necessity  
13 signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT BENJAMIN:  
16 Opposed?

17 (Response of "Nay.")

18 ACTING PRESIDENT BENJAMIN: The  
19 message is accepted, and the bill is before the  
20 house.

21 Read the last section.

22 THE SECRETARY: Section 5. This  
23 act shall take effect on the same date and in the  
24 same manner as a chapter of the Laws of 2019.

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: In relation to  
6 Calendar Number 1844, those Senators voting in  
7 the negative are Senators Akshar, Amedore,  
8 Antonacci, Boyle, Flanagan, Funke, Gallivan,  
9 Griffio, Helming, Jacobs, Jordan, Lanza, LaValle,  
10 Little, O'Mara, Ortt, Ranzenhofer, Ritchie,  
11 Robach, Serino, Seward and Tedisco.

12 Ayes, 40. Nays, 22.

13 ACTING PRESIDENT BENJAMIN: The  
14 bill is passed.

15 THE SECRETARY: Calendar Number  
16 1845, Senate Print 6184A, by Senator Metzger, an  
17 act to amend the Agriculture and Markets Law.

18 ACTING PRESIDENT BENJAMIN: Read  
19 the last section.

20 THE SECRETARY: Section 11. This  
21 act shall take effect on the 90th day after it  
22 shall have become a law.

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, 62.

4           ACTING PRESIDENT BENJAMIN:    The  
5   bill is passed.

6           Senator Gianaris.

7           SENATOR GIANARIS:   Mr. President,  
8   if we can return to motions for a moment.

9           On behalf of Senator Bailey, I move  
10   the following bill be discharged from its  
11   respective committee and recommitted with  
12   instructions to strike the enacting clause:  
13   Senate Bill 6613.

14          ACTING PRESIDENT BENJAMIN:    It is  
15   so ordered.

16          SENATOR GIANARIS:   On behalf of  
17   Senator Gianaris, I wish to call up Senate Print  
18   6457A, recalled from the Assembly, which is now  
19   at the desk.

20          ACTING PRESIDENT BENJAMIN:    The  
21   Secretary will read.

22          THE SECRETARY:    Calendar Number  
23   1635, Senate Print 6457A, by Senator Gianaris, an  
24   act to amend the Election Law.

25          SENATOR GIANARIS:   Move to

1 reconsider the vote by which the bill was passed.

2 ACTING PRESIDENT BENJAMIN: The  
3 Secretary will call the roll on reconsideration.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT BENJAMIN: The  
7 bill is restored to its place on the Third  
8 Reading Calendar.

9 SENATOR GIANARIS: Okay, and on --  
10 let me see what this is. This is a new one.

11 Okay, on behalf of Senator Gianaris,  
12 I wish to call up Calendar Numbers 137, 914,  
13 1776, and 1836, with their corresponding Assembly  
14 Print numbers: 318A, 1434B, 8091, and 7372.

15 ACTING PRESIDENT BENJAMIN: The  
16 Secretary will read.

17 THE SECRETARY: Calendar Number  
18 137, Assembly Print Number 318A, by  
19 Assemblymember Paulin, an act to amend the  
20 Public Health Law.

21 Calendar Number 914, Assembly Print  
22 Number 1434B, by Assemblymember Santabarbara, an  
23 act to amend the Agriculture and Markets Law.

24 Calendar Number 1776, Assembly Bill  
25 Number 8091, by Assemblymember Magnarelli, an act

1 to amend the Real Property Tax Law.

2 Calendar Number 1836, Assembly Bill  
3 Number 7372, by Assemblymember Paulin, an act to  
4 amend the Public Service Law.

5 SENATOR GIANARIS: Move to  
6 reconsider the vote by which these Assembly bills  
7 were substituted.

8 ACTING PRESIDENT BENJAMIN: Call  
9 the roll on reconsideration.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 SENATOR GIANARIS: I move that all  
13 Assembly bills be recommitted to the Committee on  
14 Rules, and all Senate bills be restored to the  
15 order of Third Reading Calendar.

16 ACTING PRESIDENT BENJAMIN: It is  
17 so ordered.

18 SENATOR GIANARIS: At this time,  
19 Mr. President, we will call a meeting of the  
20 Committee on Finance in Room 332 at 11:15.

21 ACTING PRESIDENT BENJAMIN: There  
22 will be a meeting of the Finance Committee in  
23 Room 332 at 11:15.

24 SENATOR GIANARIS: The Senate  
25 stands at ease, Mr. President.



1                   ACTING PRESIDENT BENJAMIN:    The  
2   Senate will stand at ease.

3                   (Whereupon, the Senate stood at ease  
4   at 11:05 p.m.)

5                   (Whereupon, the Senate reconvened at  
6   12:00 a.m.)

7                   ACTING PRESIDENT BENJAMIN:    The  
8   Senate will return to order.

9                   Senator Gianaris.

10                  SENATOR GIANARIS:    Mr. President,  
11   pursuant to Rule 5, without objection, I move  
12   that we stay in session past the hour of  
13   midnight.

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

16                  SENATOR GIANARIS:    If we can return  
17   to reports of standing committees, I believe  
18   there's a report of the Finance Committee at the  
19   desk.

20                  ACTING PRESIDENT BENJAMIN:    There  
21   is a report of the Finance Committee at the desk.

22                  The Secretary will read.

23                  THE SECRETARY:    Senator Krueger,  
24   from the Committee on Finance, reports the  
25   following bills:

1               Senate Print 6615, an act to amend  
2 the Public Authorities Law; and

3               Senate Print 6616, an act to amend  
4 Chapter 54 of the Laws of 2019.

5               Both bills ordered direct to third  
6 reading.

7               SENATOR GIANARIS:   Move to accept  
8 the report of the Finance Committee.

9               ACTING PRESIDENT BENJAMIN:   All in  
10 favor of accepting the report of the Finance  
11 Committee signify by saying aye.

12               (Response of "Aye.")

13               ACTING PRESIDENT BENJAMIN:  
14 Opposed, nay.

15               (No response.)

16               ACTING PRESIDENT BENJAMIN:   The  
17 Finance Committee report is accepted.

18               SENATOR GIANARIS:   Can we now take  
19 up the reading of Senate Supplemental Calendar  
20 60C.

21               ACTING PRESIDENT BENJAMIN:   The  
22 Secretary will read.

23               THE SECRETARY:   Calendar Number  
24 1846, Senate Print 6615, by Senator Krueger, an  
25 act to amend the Public Authorities Law.

1                   ACTING PRESIDENT BENJAMIN:    Senator  
2   Gianaris.

3                   SENATOR GIANARIS:    Is there a  
4   message of necessity at the desk?

5                   ACTING PRESIDENT BENJAMIN:    There  
6   is a message of necessity at the desk.

7                   SENATOR GIANARIS:    I move to accept  
8   the message.

9                   ACTING PRESIDENT BENJAMIN:    All in  
10   favor of accepting the message of necessity  
11   signify by saying aye.

12                   (Response of "Aye.")

13                   ACTING PRESIDENT BENJAMIN:  
14   Opposed?

15                   (Response of "Nay.")

16                   ACTING PRESIDENT BENJAMIN:    The  
17   message is accepted, and the bill is before the  
18   house.

19                   Read 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 1846, those Senators voting in  
4 the negative are Senators Akshar, Amedore,  
5 Antonacci, Boyle, Flanagan, Funke, Gallivan,  
6 Griffo, Helming, Jacobs, Jordan, Lanza, LaValle,  
7 Little, O'Mara, Ortt, Ranzenhofer, Ritchie,  
8 Robach, Serino, Seward and Tedisco.

9 Ayes, 40. Nays, 22.

10 ACTING PRESIDENT BENJAMIN: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 1847, Senate Print 6616, by Senator Krueger, an  
14 act to amend Chapter 54 of the Laws of 2019.

15 ACTING PRESIDENT BENJAMIN: Senator  
16 Gianaris.

17 SENATOR GIANARIS: Is there a  
18 message of necessity at the desk?

19 ACTING PRESIDENT BENJAMIN: There  
20 is a message of necessity at the desk.

21 SENATOR GIANARIS: Move to accept  
22 the message of necessity.

23 ACTING PRESIDENT BENJAMIN: All in  
24 favor of accepting the message of necessity  
25 signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT BENJAMIN:

3 Opposed?

4 (Response of "Nay.")

5 ACTING PRESIDENT BENJAMIN: The  
6 message is accepted, and the bill is before the  
7 house.

8 Read the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call  
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:  
15 Announce the results.

16 THE SECRETARY: In relation to  
17 Calendar Number 1847, those Senators voting in  
18 the negative are Senators Antonacci, Flanagan and  
19 LaValle.

20 Ayes, 59. Nays, 3.

21 ACTING PRESIDENT BENJAMIN: The  
22 bill is passed.

23 Senator Gianaris, that completes the  
24 reading of the supplemental calendar.

25 SENATOR GIANARIS: Mr. President, I

1 move to recommit the calendar of bills to the  
2 Rules Committee.

3 ACTING PRESIDENT BENJAMIN: The  
4 calendar is recommitted to the Committee on  
5 Rules.

6 SENATOR GIANARIS: Can you now  
7 please recognize Senator Flanagan.

8 ACTING PRESIDENT BENJAMIN: Senator  
9 Flanagan.

10 SENATOR FLANAGAN: Thank you,  
11 Senator Gianaris. Thank you, Mr. President. And  
12 thank you to everyone.

13 I'm kind of laughing -- Senator  
14 Gianaris said 11:15, and I know he believed it at  
15 the time that it would be 11:15.

16 And it just shows you how we're,  
17 like, Pavlovian, right? We are all cheering,  
18 like, Oh, the message is here! And I'm saying,  
19 wait, it's all his fault. We shouldn't have to  
20 wait that long. But we did, and it's here. See?  
21 That's okay.

22 (Laughter.)

23 SENATOR FLANAGAN: I have seen this  
24 movie once or twice, and it's never fun watching  
25 or being in it.

1                   So anyway, I know we're closing up,  
2                   and I wanted to offer some thoughts. And I want  
3                   to thank all of you for giving me the opportunity  
4                   to speak.

5                   I particularly want to thank  
6                   Leader Stewart-Cousins for being gracious to me  
7                   all the time. And I don't lose sight of that.  
8                   So the notion that I can stand here and make  
9                   comments on behalf of the people in our  
10                  conference is something that gives me humility  
11                  and gratitude at the same time.

12                 And, you know, I was walking around  
13                 the halls today, like everybody else, and I'm  
14                 going to start from sort of the ground level.  
15                 It's been a long day. And I know, myself, that  
16                 I've walked around the building, and this place  
17                 is not only beautiful, it's immaculate.

18                 There are thousands of people  
19                 traipsing through here every day. I know,  
20                 myself, I probably used the restroom seven,  
21                 eight, nine times today, and the folks are in  
22                 there working, making sure this place is clean,  
23                 and making it a nice place for us and the people  
24                 who visit.

25                 So when I think of the staff, I

1 don't just think of the people who happen to be  
2 in this chamber at this moment. And they -- you  
3 know, if they're all here, then they're all  
4 healthy. So to the staff in a generic sense, I  
5 want to say thank you for the work that they do  
6 to make this place beautiful.

7                   And I'm still in awe after all these  
8 years, being able to walk through the halls in  
9 this Capitol. And I find myself enjoying it the  
10 most on a Sunday night if I happen to come in,  
11 and really nobody is here, and just seeing the  
12 beauty and splendor of this Capitol. And we all  
13 know we have one of the most beautiful state  
14 capitols in the entire country, and we shouldn't  
15 lose sight of that. And I don't think the people  
16 in this room do.

17                   So from a staff perspective, you  
18 know, we're all very lucky. And I want to start  
19 with the Majority, and I want to thank -- I don't  
20 see her as much, but she's there and she's  
21 smiling and she is like doing great. Exhausted,  
22 but doing great. Shontell, I want to say hello,  
23 I want to thank you.

24                   And, by extension, I know some --  
25 Nic and Jess, you've been sitting there all



1 along. But Nic, Jess, Kenan, Eric, you all do  
2 great work on behalf of the members that you  
3 represent.

4 And I know, Eric, you've played a  
5 pivotal role in making sure that our members were  
6 properly informed and properly treated. It does  
7 not go unnoticed. And for that, I know we are  
8 all grateful.

9 And by extension -- they seemingly  
10 are staff, but they are also members in this  
11 body. Senator Gianaris has done a superb job,  
12 and he has worked extraordinarily with our  
13 colleagues and with Senator Griffo.

14 So, Mike, to you -- Senator  
15 Gianaris, to you, respectfully, thank you for  
16 helping make sure that we could actually get the  
17 people's business done and that we are acting in  
18 a timely capacity.

19 Senator Benjamin, I've said this to  
20 you before, I'll say it again publicly. You  
21 distinguish yourself by how you help run the  
22 chamber. And I know it's not always easy.  
23 Senator Griffo did it for a long time. I  
24 actually did it for a while as well. And the  
25 smooth flow in terms of how things get done, it

1 may -- it's seamless, and sometimes the people  
2 who come here don't realize it.

3           Senator Griffo, of course, has been  
4 more than I could have ever asked for as a  
5 colleague, as a friend, and as our floor leader.  
6 He has a combination of humility, he has a  
7 sassiness to him when it's appropriate. He has a  
8 great sense of humor. And he knows all the  
9 rules. So he knows where to push forward and to  
10 pull back, and I don't think that's lost on  
11 anybody.

12           So I think I'm on solid ground by  
13 saying we collectively, as a body, deserve credit  
14 for doing the people's business in a timely  
15 fashion.

16           From our side of the aisle, we have  
17 great staff. We don't have as many staff as we  
18 used to have but, you know, we have great staff.

19           (Laughter.)

20           SENATOR FLANAGAN: And you all know  
21 that. And that's okay, because that's the way of  
22 the world.

23           So Shawn MacKinnon, our Finance  
24 team -- Shawn has been around for a long time, as  
25 many of you know. Shawn MacKinnon, Joe Messina,

1 Scott Reif, Joe Conway, Morgan and Ben and Morgan  
2 and Ben and Morgan and Ben, for all their work on  
3 the floor. They help us get our business done.

4 And Joe has been a gem. You all  
5 know him for a long period of time. I see Eric  
6 shaking his head. He's nodding in assent, not  
7 going the other way. But Joe has really been  
8 fantastic in helping get things done in our  
9 chamber here.

10 For me personally, I mentioned a  
11 number of our staff, had an opportunity to speak  
12 with them individually, and we had the  
13 opportunity to bring back, from semiretirement --  
14 Madam Secretary, I forgot to recognize your  
15 yeomanlike efforts on behalf of keeping the  
16 lights on, keeping the place running. Very  
17 helpful to all of us. You have worked very well  
18 with our team, including Frank Patience, who is  
19 still revered by many here. I was very grateful  
20 to have him come back, and our support staff.

21 And in my office, I'm going to take  
22 the liberty of talking about Robin Mueller, who's  
23 been around for a long time. And many of you  
24 know who she is. She does a fantastic job just  
25 making people feel good, simply making people

1     feel good and welcome. Peter Mooney has been  
2     with me for a very long time, and Carl Mills is  
3     floating around here somewhere, right back there.

4                 So we all have our lists. And I  
5     know what my list looks like, and I'm very  
6     grateful to everyone that I work with.

7                 Now, I also want to congratulate our  
8     new members, the 17 new members in this body.  
9     And yes, you have 15, we have two. But we have  
10    17 new members, and I am grateful to every one of  
11    you who took the time to put your name out there,  
12    your reputation, your work ethic, and you  
13    succeeded. And you deserve plaudits and applause  
14    for that, and coming here to Albany.

15                And for people who haven't worked  
16    here before, it can be overwhelming. Senator  
17    Jordan, one of our new colleagues, worked here as  
18    staff. It's vastly different when you come in as  
19    a member. Without an iota of disrespect to the  
20    staff, it's vastly different when you come in as  
21    a member.

22                Now, we've had some very poignant  
23    debates over the last couple of weeks -- even the  
24    last couple of days. And I want to highlight the  
25    qualities of being a public servant, not from an

1     elected's standpoint, but from a staff  
2     standpoint. There's a whole bevy of people here  
3     who help run this place.

4                     Now, I watched the other night -- I  
5     watched Senator Sepúlveda debate the driver's  
6     license bill. And I watched him, but I saw the  
7     passion and the dedication of the staff that was  
8     swarming behind him.

9                     (Laughter.)

10                    SENATOR FLANAGAN:     And you know  
11     what? It's daunting. It is tough.

12                    And for our seasoned staff, it's one  
13     thing. When you have new young staff who come in  
14     with -- full of vim and vigor and enthusiasm, we  
15     should be embracing that. Because they are our  
16     leaders. And you all will be our future leaders  
17     here, not only at the staff level, but some of  
18     you are going to run for office. Daphne Jordan  
19     ran for office. I'm very grateful, and we should  
20     all be very grateful that we have people like  
21     that.

22                    So we are blessed on so many  
23     different levels for competent people, and having  
24     that new blood goes a long way. And in this  
25     chamber, this is like -- this is a hotbed of

1 ideas. This is a place for an exchange of ideas  
2 and honest debate back and forth. And lately  
3 it's been a little tougher. It's been a little  
4 tougher. Because you have strong ideas, and we  
5 have strong ideas. And each of us is doing our  
6 due diligence and passionately representing the  
7 people that elected us to come here to the  
8 Senate.

9                   So I think of basic words: Respect,  
10 decorum, civility, true and earnest debate. And  
11 there should be nothing wrong with that. Anyone  
12 in this chamber -- I'm looking at Diane Savino.  
13 She is no -- never going to be a shrinking  
14 violet. And you know what? That's great. But I  
15 should be able to have a debate with her, go at  
16 it, and then walk out and smile and shake hands  
17 and give each other a hug.

18                   And that's the type of thing that I  
19 think we need to demonstrate to the people who  
20 come here and lobby. And I want to make sure  
21 that we really do focus on that, because how we  
22 do things in here is a reflection of what happens  
23 outside.

24                   We need to demonstrate to the people  
25 who come here that they should be giving

1 respect and decorum and civility to everybody in  
2 this chamber, staff and members. I saw people  
3 this year under siege, and on occasion I didn't  
4 think that was appropriate. But I just think we  
5 need to be mindful of how important it is to make  
6 sure that this chamber is a hallowed place.

7           It doesn't make us special. It  
8 doesn't make John Flanagan special at all. But  
9 the notion that we can come here in a democracy  
10 and have this free exchange of ideas, that's  
11 something we should never, ever lose sight of.

12           And when I think about what has  
13 happened this year, you know, I do want to talk  
14 about some specific things and then a broader  
15 thing, and then I promise I will wrap up my  
16 remarks.

17           Going back, this is my 33rd session.  
18 And when we -- I know the word "history" has been  
19 used on multiple occasions. And that's okay. So  
20 from a historical perspective, I want to  
21 recognize Senator Montgomery and I want to  
22 recognize Senator LaValle.

23           And you know what -- I mean, I say  
24 that with reverence. I absolutely say that with  
25 reverence. The longest-serving member in your

1 conference; the longest-serving member in our  
2 conference and the dean of the New York State  
3 Senate. And you know what? That's a badge that  
4 he should wear proudly. Senator Montgomery, you  
5 deserve those accolades as well.

6                   And I think after that,  
7 Senator Seward and I are probably next in terms  
8 of seniority.

9                   I haven't spent my whole career  
10 here. But I still am very, very grateful to be  
11 able to serve as a public servant. And for me, I  
12 wanted to express to everybody how proud I am to  
13 work with you and how lucky, how lucky I am to be  
14 a member of this body.

15                   I missed the beginning of the year,  
16 and Senator Griffo did monumental work on behalf  
17 of the people here. And I missed it physically,  
18 but I also missed it mentally. But the good news  
19 is, I was able to come back. And I don't know if  
20 I can properly express for all of you how much  
21 that means.

22                   And you know what? You all know  
23 this. I'm not saying this to be a wise guy. I'd  
24 like to still be sitting there. But there was a  
25 bigger plan. And I'm comfortable being here,



1 very proud to work with my colleagues and deliver  
2 the message that we think we need to.

3           So I have always felt a sense of  
4 gratitude, this year in particular, keeping  
5 things in perspective and recognizing that life  
6 can be fleeting and short. So if we're here, by  
7 golly, let's make the best of what the heck we're  
8 doing.

9           So I think where we are, from our  
10 conference's standpoint, is we're in a time that  
11 we have strong philosophical differences. And I  
12 know -- I think I'm confident about some of the  
13 things that Senator Stewart-Cousins will say  
14 about historical things that occurred this year.  
15 And you would be right. It's historic that  
16 you're in the majority. It's historic that you  
17 are the new leader, on so many different levels.  
18 And the people decided that's the way it was  
19 going to be in the State of New York.

20           We have an obligation to govern  
21 along with you. We have an obligation to keep  
22 your feet to the fire. We have an obligation to  
23 just passionately represent the people that sent  
24 us here.

25           So when I look back to the beginning

1 of the year, you know, I think we had a major  
2 lost opportunity with Amazon -- 25,000 jobs,  
3 \$27 billion in revenue. You know, but I'm going  
4 to bring these things up, in fairness, because  
5 I -- you know, I'm not casting it on anybody, I'm  
6 bringing up issues. Issues that I think matter.  
7 Because when I go home, there are certain things  
8 that I want to talk to people about in terms of  
9 what our priorities are and what our philosophy  
10 is. So yes, in my opinion, that was a lost  
11 opportunity.

12 And there was landmark legislation  
13 passed, some of which I agreed with and others  
14 that I very strongly and vehemently disagreed  
15 with. You know, in terms of the budget, there  
16 were tax increases. Every tax that came up was  
17 passed. There were no tax cuts. We don't think  
18 there was appropriate economic development. We  
19 don't think there was enough done to create jobs  
20 in the State of New York. And it's not like I'm  
21 saying this as a case of first impression,  
22 because Senator Stewart-Cousins knows I've said  
23 this all along. You all have disagreed. But  
24 we're going to sort of stake out our claim.

25 So in terms of priorities, we feel

1     like some of the things that we used to go for  
2     have not been given the requisite attention that  
3     they should. For example, there's no state  
4     spending cap. That's something we passed every  
5     year. And I've listened to a lot of people talk  
6     about the property tax cap, and I heard people  
7     saying, well, we should be thanking you.

8                     In reality, the person who started  
9     the property tax cap debate was George Pataki.  
10    George Pataki proposed the STAR program with a  
11    property tax cap. People forget that. And we  
12    fought and fought and fought and fought and  
13    fought to get that, passing it every year,  
14    passing the spending cap.

15                    And I will say I am very happy that  
16    the property tax cap has been made permanent.  
17    That saves billions of dollars for taxpayers all  
18    across the state. But I think we played a  
19    pivotal role in getting that across the finish  
20    line. And the Governor wasn't on board  
21    originally, but he did come around. That's good  
22    for your conference, that's good for our  
23    taxpayers. And I think those are things that we  
24    should be paying attention to.

25                    You know, and then just on criminal

1 justice, in the last couple of days we had some  
2 significant debates. And I'm going to repeat, I  
3 don't doubt the sincerity of our colleagues  
4 whatsoever. But when we passed a resolution  
5 saying that we're going to reduce sentences for  
6 17,000 people for drug-related offenses, that's  
7 not what I believe in. That's not what my  
8 constituents believe in.

9 And I thought 17,000 was a lot until  
10 we did the bill today on the decriminalization of  
11 marijuana -- and I understand some of the parts  
12 of that bill. But now we're talking about  
13 reducing sentences for well over hundreds of  
14 thousands of people. I don't think that's what  
15 the constituents that I represent want. And I  
16 think when I say that I'm reflecting the values  
17 of the people in our conference.

18 On criminal justice, we just simply  
19 don't believe that the focus was enough on  
20 victims. I respect the fervor and the passion  
21 associated with what you've advanced in terms of  
22 criminal justice reform, the bail issues, the  
23 general reform issues, fighting for things on  
24 issues like solitary confinement, which has not  
25 happened.

1                   But nonetheless, we are in a  
2                   different position, and our orientation is just  
3                   not the same as the one that this Majority  
4                   represents. And we're going to keep pushing.  
5                   And we're going to have those disagreements. And  
6                   we're going to see where the people end up.  
7                   So -- but when I go home, I want to be able to  
8                   talk straight to the people I represent.

9                   The last two things that I want to  
10                  say -- you know, I can talk about things like the  
11                  DREAM Act and other things like that, but I'm  
12                  going to focus on two last things.

13                 Rent control was lauded by the  
14                 Majority on so many different levels. That is  
15                 not good public policy, in my opinion. Not in  
16                 the short term, but in the long term I think it's  
17                 going to be even worse. And I know a number of  
18                 you are saying, You don't know what you're  
19                 talking about. I'm giving you my informed  
20                 judgment and my informed opinion by listening to  
21                 a lot of the people that I work with. So I think  
22                 permanentizing rent control is just not good for  
23                 the people that we represent.

24                 And I've said this before. I want  
25                 everyone's district -- I'm looking at Senator

1 Kennedy. If people are doing well in your  
2 district, that's good for José Serrano and that's  
3 good for me. So I don't lose sight of that. But  
4 rent control, that's tough.

5 And I think in the last day, when we  
6 did the farmworkers bill, that -- that was a big  
7 one. That was a really, really big one for the  
8 members of our conference. And I just, again,  
9 think it's a reflection of where we are.

10 And I don't want to paint for one  
11 second a picture that this is us versus them or  
12 you versus us. It's a core set of ideas that  
13 we're just going to strive to continue to bring  
14 forward. Do we want to talk about tax cuts?  
15 Yes. Do we believe in investments in education  
16 and highway infrastructure and the environment?  
17 Of course we do. But how do we get there?

18 So when we go home, I want to be  
19 able to talk to my constituents and my colleagues  
20 want to be able to talk to our constituents about  
21 what happened in Albany. And yes, it is  
22 historic. But I don't think all of it's good. I  
23 don't think it's all good for the people that we  
24 represent.

25 And I will just close by saying

1 again, thank you to the leader, thank you to all  
2 of you for taking the time to listen to me. I  
3 know a lot of you don't agree with some of the  
4 things I said, but I'm never going to equivocate  
5 in terms of where we are. As I said, a hotbed of  
6 ideas and exchange, real debate, and we'll let  
7 the public decide as we move forward whether  
8 you're right or whether we're right.

9 And I am grateful to be with all of  
10 you. Safe travels, a healthy, productive summer  
11 for everyone. And God willing, we'll run into  
12 each other but we won't see each other until  
13 January.

14 (Laughter.)

15 SENATOR STEWART-COUSINS: Or we'll  
16 see each other and not run into each other.

17 SENATOR FLANAGAN: Well, okay.

18 (Laughter.)

19 SENATOR FLANAGAN: Leader  
20 Stewart-Cousins, thank you.

21 Mr. President, thank you.

22 (Standing ovation.)

23 ACTING PRESIDENT BENJAMIN: Senator  
24 Gianaris.

25 SENATOR GIANARIS: Mr. President,

1 at this time can you please recognize the  
2 Temporary President of the Senate, Majority  
3 Leader Andrea Stewart-Cousins.

4 ACTING PRESIDENT BENJAMIN:  
5 Temporary President of the Senate and Majority  
6 Leader Andrea Stewart-Cousins.

7 SENATOR STEWART-COUSINS: Thank you  
8 so much, Mr. President.

9 And it is -- the hour is late, and I  
10 think everybody is, like I am, ready to just go  
11 back and remember the history but very happy to  
12 be back in our districts.

13 But I think that it -- it would be  
14 remiss if I didn't spend just a little bit of  
15 time talking about the history that was made here  
16 and talking about the productivity of this  
17 incredible session.

18 But first I do want to thank my  
19 legislative partner in the Assembly, Speaker Carl  
20 Heastie. It was great being dubbed, early on,  
21 the Wonder Twins and actually being able to do  
22 good work together and, you know, leave with the  
23 feeling that we've accomplished so much.

24 I think that this year we had more  
25 of the laws, more same-ases that were passed,



1 about 800. And that says something about the  
2 ability of our two houses to cooperate.

3 (Scattered applause.)

4 SENATOR STEWART-COUSINS: And I  
5 also, of course, want to thank the Governor. You  
6 know, I think everyone knows that we've had our  
7 ups and downs. But, you know, I think he and I  
8 both decided that we would end this year up. And  
9 so I do want to thank him. Although we did, as  
10 you said, have to wait a little while for this  
11 moment.

12 (Laughter.)

13 SENATOR STEWART-COUSINS: And of  
14 course Senator Flanagan. I am always pleased to  
15 be, you know, your colleague and to really, as I  
16 always told you when you were here, we always  
17 agreed that either one of us could be the other  
18 one of us. And so we always were mindful of how  
19 the other would want to be treated wherever they  
20 were. And I think we've been able to work as  
21 good partners because the respect has always been  
22 there, as well as obviously for all of our  
23 colleagues.

24 I think when we talk about the  
25 decorum and the way we are supposed to be, I like

1 the way this chamber feels. I think people --  
2 although we've had so many philosophical,  
3 politically different debates, I think everyone  
4 has really managed to raise the bar. And so I  
5 thank you for your collegiality, and of course to  
6 all of the members here on the other side of the  
7 aisle who worked with us in different  
8 circumstances.

9 And of course Senator Griffo, you've  
10 already gotten your plaudits for working so well  
11 with Senator -- my deputy -- Gianaris, and the  
12 two of you do run this chamber in extraordinary  
13 style. And, you know, you get our work done.  
14 And so, you know, for that I thank you.

15 And obviously my deputy, Senator  
16 Gianaris. You know, you are somebody who, you  
17 know, you just know when to -- when to stand up,  
18 you know when to stop, you know when to say go.  
19 But as I said, I really appreciate having been  
20 your partner in this journey, which has been  
21 quite, quite interesting and exciting. But I  
22 thank you for the work that you continue to do on  
23 behalf of all of us.

24 And, you know, we talked about the  
25 staff, and I've got to say, Senator Flanagan, you

1 name-checked a lot. So I'm -- I appreciate that.  
2 And it's true, because, you know, on this -- it  
3 takes a lot. It takes a lot to run this and to  
4 make it -- to make it look like there's no  
5 hiccups and that there's no -- no snafus and no  
6 drama. And you have to have a lot of talented  
7 people. And we certainly do, again, on both  
8 sides of the aisle.

9                   And for us, you know, I want to give  
10 a special recognition to Shontell Smith, because  
11 as my chief counsel and my chief of staff, she  
12 has taken on a role -- and again, we didn't have  
13 the opportunity -- I mean, this was all  
14 on-the-job training. And, you know, she just  
15 clicked. So I want to thank you, Shontell, for  
16 being the gatekeeper and No. 72 in power. Can  
17 you imagine this?

18                   (Laughter.)

19                   SENATOR STEWART-COUSINS: But I  
20 really want to thank you for that.

21                   And of course I want to thank Todd,  
22 Todd Scheuermann, who came new, came from the  
23 second floor, and really jumped in and made sure  
24 we were able to navigate those budget waters, of  
25 course alongside Liz, who, you know, I know is

1 not necessarily easy because she knows absolutely  
2 where she wants to get. So, Todd, you've been  
3 masterful.

4 And I do want to also give a  
5 shout-out to Mike Murphy, who has managed the  
6 press over these years. And, you know, again,  
7 our press has been very -- quite different from  
8 when we were in this situation a while ago.

9 And I also want to give a special  
10 shout-out to Laura Manno, who again runs my  
11 day-to-day operations, and all of the staff that  
12 again make this an easier job than it would  
13 ordinarily be.

14 And then of course I want to thank  
15 this amazing conference. You know, we started  
16 39 strong. And 15 new people, as you said. You  
17 know, 14 women on this side when we started,  
18 20 women in the chamber. And I was just so -- so  
19 excited, and everyone again was saying, Well, how  
20 are you going to manage all these people? And,  
21 you know, they're all so different and you've got  
22 the new people and they're -- everything was  
23 supposed to be so hard.

24 But it wasn't. Because as I say,  
25 day after day, the thing that binds this

1 conference, the thing that makes this conference  
2 excellent is the fact that each and every one of  
3 you is dedicated to making sure that  
4 New Yorkers -- not just in your district, but  
5 across the state -- have your attention and have  
6 your commitment to the very best job you can do.

7           And I really thank you for making  
8 what would normally be -- we talk about historic.  
9 You know what we've done. I'll go over it  
10 quickly -- but for making it, again, fast and  
11 easy. We were cohesive, we were collective, and  
12 we've gotten the job done. You have been  
13 incredible.

14           Before I go into some of the things,  
15 I do want to thank Ale. Because she's a  
16 history-maker as well. And we are in this  
17 beautiful chamber. And Ale, thank you for making  
18 sure that, again, you know, this place lives up  
19 to what New Yorkers expect it to live up to.

20           At the beginning of this historic  
21 session, I stood in this hallowed space and spoke  
22 of our choices. I said that we could travel down  
23 two paths. We could travel down a path of  
24 putting up barriers, or we could travel down a  
25 path that would create opportunities.

1           I spoke as the first woman Majority  
2 Leader in this state's 230-year history. And as  
3 I looked out at the new Democratic Majority which  
4 was occurring for just the third time in  
5 50 years -- as I said earlier, there were people  
6 who had doubts because they had already painted  
7 us with the broad strokes of years past.

8           However, today it's clear that over  
9 the past months we've fought to break down  
10 barriers and we've chosen the path of creating  
11 opportunities. This session we've chosen to  
12 stand up with the people over special interests.  
13 We've chosen to invest in the future over the  
14 failed policies of the past. We've chosen  
15 science over rhetoric. We've chosen equality  
16 over divisiveness. That was the most -- this was  
17 the most historic and productive legislation  
18 session in New York State history, period.

19           If not for the long hours that have  
20 preceded us, I could read off pages and pages of  
21 accomplishments. But you do have them, so -- you  
22 just happen to have them. But I will read some  
23 and not all of them, just so you know.

24           We delivered sweeping and historic  
25 reforms demanded by New Yorkers; commonsense gun

1     legislation; voting reforms; Child Victims Act;  
2     GENDA. We banned gay conversion therapy on  
3     minors. We did the DREAM Act. We did ethics  
4     reform, including closing the LLC loophole. We  
5     did the Reproductive Health Act, Comprehensive  
6     Contraceptive Coverage Act.

7                 We put forth a fiscally and morally  
8     responsible and on-time budget that included  
9     record investment in school funding. We finally  
10    did make the property tax cap permanent. We  
11    protected New York's access to affordable and  
12    quality healthcare. And long overdue changes, as  
13    you mentioned, Senator, to our criminal justice  
14    system.

15                This year the new Senate Democratic  
16    Majority set out across New York State. We held  
17    hearings on issues ranging from housing to  
18    surrogacy. And as the #MeToo movement pushed  
19    society forward, we -- yes, as we mentioned  
20    earlier this week, held the first sexual  
21    harassment hearings in 27 years that led to  
22    important legislation to combat sexual harassment  
23    that we just passed.

24                By talking directly and working  
25    directly with New Yorkers and not just within the

1 Albany bubble, we were able to tackle issues that  
2 some said we'd never be able to do. The  
3 strongest affordable housing legislation and  
4 tenant protection in history. And the most  
5 aggressive, comprehensive climate change  
6 legislation in the nation.

7 And during these final days, we have  
8 been able to work together to have a remarkable  
9 end of session, with efforts that have included  
10 the Green Light Bill that boosts our economy,  
11 makes our roads safer, helps so many people;  
12 expanding the statute of limitations on rape in  
13 the second and third degrees; abolishing gay and  
14 trans panic defenses; addressing wage  
15 discrimination and equal pay for equal work. We  
16 supported MWBEs, farm laborers yesterday. And  
17 today -- thank you, Jamaal. I didn't come out --  
18 I didn't have a chance to come out earlier, but  
19 thank you, Jamaal, for leading, finally, the  
20 decriminalization of marijuana.

21 You know, just briefly, I know that,  
22 Senator Flanagan, you mentioned that and how it  
23 would, you know, change the trajectory of  
24 hundreds of thousands of people. And you know,  
25 quietly, when you said that, I said, Yes, and



1 many of them look like me.

2           The reality is that there has been a  
3 difference and a disparity in who pays for  
4 certain things. And I'm hoping that, you know,  
5 those people will be able to proceed with their  
6 lives without the criminalization which would  
7 prevent them from being in a place like this.

8           So it was just so important, so much  
9 that we've done. From Buffalo to Brooklyn, the  
10 Island to the Hudson Valley, each one of us has  
11 worked tirelessly to make New York a fairer place  
12 to live and to prosper. And once again, we've  
13 sent the message to New Yorkers -- and even the  
14 rest of the nation -- that when given the choice,  
15 this house, this Majority will always take the  
16 path of creating opportunities and tearing down  
17 barriers.

18           While Washington continues to go  
19 against some of our values and morals,  
20 New Yorkers can know that this state government  
21 is fighting for them at home, and America can  
22 look to us as a beacon not only of resistance but  
23 of progress and of hope and of action.

24           So, Senator Flanagan, you talked  
25 about a lot of things that we still have to do,

1 and we know that. We, like you, like all of us,  
2 care about building our economy and jobs and,  
3 again, creating those opportunities.

4 And after we have a break, after we  
5 go back to our districts, reconnect with our  
6 families, get grounded in being back in the  
7 district, enjoy the summer, enjoy the rest of the  
8 time -- and when we come back, we will come back  
9 redoubling our efforts to work together to make  
10 this state the greatest it can possible be.

11 Please enjoy, and thank you so much  
12 for a historic and good session.

13 Thank you.

14 (Extended standing ovation.)

15 ACTING PRESIDENT BENJAMIN: Senator  
16 Gianaris.

17 SENATOR GIANARIS: Senator  
18 Benjamin -- Mr. President -- is there any further  
19 business at the desk?

20 ACTING PRESIDENT BENJAMIN: There  
21 is no further business at the desk.

22 SENATOR GIANARIS: I move to  
23 adjourn to a date and time at the call of the  
24 Temporary President of the Senate, with  
25 intervening days being legislative days.

1                   ACTING PRESIDENT BENJAMIN:    On  
2    motion, the Senate stands adjourned until a date  
3    and time at the call of the Temporary President  
4    of the Senate, intervening days being legislative  
5    days.

6                   (Loud cheers; applause.)

7                   ACTING PRESIDENT BENJAMIN:    The  
8    Senate is adjourned.

9                   (Whereupon, at 12:42 a.m., the  
10   Senate adjourned.)

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