

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 March 11, 2020

11 11:36 a.m.

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13
14 REGULAR SESSION

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18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

4 I ask everyone present to please
5 rise and recite the Pledge of Allegiance.

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

8 ACTING PRESIDENT BENJAMIN: Today's
9 invocation will be delivered by Bishop
10 Fitz Moodie, from the New Life Pentecostal Church
11 in Spring Valley, New York.

12 BISHOP MOODIE: Thank you.

13 Our Father and God, as I stand here
14 around this podium, I look to You. You are
15 sovereign. You are the only wise God. There is
16 no one like You.

17 I'm so thankful that this day, this
18 congregation has asked me to stand here to invite
19 Your very presence. I'm not standing here
20 because I can pray, but I'm standing here because
21 I want to invite Your presence in this Senate
22 chamber.

23 That as I open my mouth, You will
24 hear my voice as I ask God to bless every
25 Senator, man and woman. And as I thank You for

1 blessing us with them, knowing You give them a
2 task to help this state.

3 I ask, Dear God, that like never
4 before, Your power and Your anointing will be on
5 every man and woman in this chamber. I pray they
6 will come to the understanding and realize who
7 You are.

8 You have placed them for such a time
9 like this. You have placed them for an hour in
10 history like this. And because You have placed
11 them and know their name, I hope, God, You will
12 give them the understanding to know their purpose
13 and their will for this state.

14 I am thankful unto You, God, that
15 even the head, the Governor, will be touched, and
16 the understanding that it gives to these people
17 will go beyond their own understanding, knowing
18 You have called them and placed them for this
19 time.

20 God, help them to form laws and to
21 sign it into action that will help the people of
22 New York. I pray right now, Lord, that each and
23 every one of them will understand today they are
24 not just representing a state or a district, but
25 they are representing You, because You are

1 looking on them to uphold Your people, that Your
2 people will be a light unto many nations.

3 New York, New York, a blessed state.

4 I ask it today that as never before,
5 neither diseases or sickness will come because
6 You have chosen men to help us. I pray, dear
7 God, that even the families of these men and
8 women will never reach a time that they are in
9 need because Your hand is upon them.

10 I cry unto You now, touch the entire
11 State of New York and let us realize that this
12 state is a light to many places because we are
13 many people that become one. And out of many, we
14 are one, and we're going to build together.

15 Thank you, Lord, because we look to
16 You, who is our help, and Your help is unto all
17 of us.

18 I pray this day in that mighty and
19 wonderful name, Jesus Christ. Thank you.

20 Amen.

21 (Response of "Amen.")

22 ACTING PRESIDENT BENJAMIN: The
23 reading of the Journal.

24 THE SECRETARY: In Senate, Tuesday,
25 March 10, 2020, the Senate met pursuant to

1 adjournment. The Journal of Monday, March 9,
2 2020, was read and approved. On motion, Senate
3 adjourned.

4 ACTING PRESIDENT BENJAMIN: Without
5 objection, the Journal stands approved as read.

6 Presentation of petitions.

7 Messages from the Assembly.

8 Messages from the Governor.

9 Reports of standing committees.

10 Reports of select committees.

11 Communications and reports from
12 state officers.

13 Motions and resolutions.

14 Senator Gianaris.

15 SENATOR GIANARIS: On behalf of
16 Senator Comrie, on page 28 I offer the following
17 amendments to Calendar Number 494, Senate Print
18 2773, and ask that said bill retain its place on
19 Third Reading Calendar.

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

23 Senator Gianaris.

24 SENATOR GIANARIS: Can we take up
25 previously adopted Resolution 3016, by

1 Leader Stewart-Cousins, have it read in its
2 entirety, and call on Senator Myrie on the
3 resolution.

4 ACTING PRESIDENT BENJAMIN: The
5 Secretary will read.

6 THE SECRETARY: Senate Resolution
7 3016, by Senator Stewart-Cousins, commemorating
8 the 55th Anniversary of Bloody Sunday and the
9 Selma-to-Montgomery march across the
10 Edmund Pettus Bridge in Selma, Alabama, which
11 served as a catalyst for the passage of the
12 1965 Voting Rights Act.

13 "WHEREAS, The Selma to Montgomery
14 march was part of a series of civil rights
15 protests that occurred in 1965 in Alabama, a
16 state with deeply entrenched racist policies; and

17 "WHEREAS, In March of that year, in
18 an effort to register black voters in the South,
19 protesters marching the 54-mile route from Selma
20 to the state capital of Montgomery were
21 confronted with deadly violence from local
22 authorities and white vigilante groups; and

23 "WHEREAS, As the world watched, the
24 protesters, under the protection of federalized
25 National Guard troops, finally achieved their

1 goal, walking around the clock for three days to
2 reach Montgomery, Alabama; the historic march,
3 and Martin Luther King, Jr.'s participation in
4 it, raised awareness of the difficulties faced by
5 black voters, and the need for a national Voting
6 Rights Act; and

7 "WHEREAS, Even after the Civil
8 Rights Act of 1964 forbade discrimination in
9 voting on the basis of race, efforts by civil
10 rights organizations such as the Southern
11 Christian Leadership Council and the Student
12 Nonviolent Coordinating Committee to register
13 black voters were met with fierce resistance in
14 southern states such as Alabama; and

15 "WHEREAS, On March 17, 1965, even as
16 the Selma-to-Montgomery marchers fought for the
17 right to carry out their protest,
18 President Lyndon Johnson addressed a joint
19 session of Congress, calling for federal voting
20 rights legislation to protect African-Americans
21 from barriers that prevented them from voting;
22 and

23 "WHEREAS, That August, Congress
24 passed the Voting Rights Act of 1965, which
25 guaranteed the right to vote, first awarded by

1 the 15th Amendment, to all African-Americans; and

2 "WHEREAS, Specifically, the Voting
3 Rights Act of 1965 banned literacy tests as a
4 requirement for voting, mandated federal
5 oversight of voter registration in areas where
6 tests had previously been used, and gave the U.S.
7 attorney general the duty of challenging the use
8 of poll taxes for state and local elections; and.

9 "WHEREAS, Along with the Civil
10 Rights Act, the Voting Rights Act was one of the
11 most expansive pieces of civil rights legislation
12 in American history; it greatly reduced the
13 disparity between black and white voters in the
14 United States and allowed greater numbers of
15 African-Americans to participate in politics and
16 government at the local, state and national
17 level; and

18 "WHEREAS, On March 7, 2015, marchers
19 walked over the Brooklyn Bridge in solidarity
20 with the 50th Anniversary of Bloody Sunday and
21 the Selma-to-Montgomery march across the Edmund
22 Pettus Bridge; the Selma is Everywhere march
23 honored those who fought and continue to fight
24 for social injustice and to remind all
25 United States citizens to never forget the pain

1 which was endured in the movement to attain basic
2 civil rights; and

3 "WHEREAS, To commemorate the
4 55th anniversary of Bloody Sunday and the
5 historic march, a myriad of events were held from
6 Selma to New York, and across this great nation,
7 to remember and recall that pivotal day which
8 forever changed the lives of each and every
9 American citizen; one such event included the
10 Manhattan kick-off of the nationwide tour of
11 Turning 15 on the Road to Freedom, a musical
12 filled with songs telling the story of Lynday
13 Blacmon Lowery, the youngest child to walk all
14 the way from Selma to Montgomery; now, therefore,
15 be it

16 "RESOLVED, That this Legislative
17 Body pause in its deliberations to commemorate
18 the 55th anniversary of Bloody Sunday and the
19 Selma-to-Montgomery march across the
20 Edmund Pettus Bridge in Selma, Alabama, which
21 served as a catalyst for passage of the 1965
22 Voting Rights Act; and be it further

23 "RESOLVED, That a copy of this
24 resolution, suitably engrossed, be transmitted to
25 Hazel N. Dukes, president, National Association

1 for the Advancement of Colored People, New York
2 State Conference."

3 ACTING PRESIDENT BENJAMIN: Senator
4 Myrie on the resolution.

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

7 And thank you to Leader Senator
8 Stewart-Cousins for introducing this resolution.

9 The Department of Justice has called
10 the Civil Rights Act and the Voting Rights Act
11 the most expansive and powerful civil rights laws
12 in the history of this country. But this
13 resolution speaks to why we should never forget
14 that before those pieces of legislation entered
15 the halls of Congress, that there were men and
16 women that were brutalized in the defense of the
17 right that protects all other rights.

18 That march from Selma to Montgomery
19 has left indelible images in our country's
20 history. We remember seeing black men, black
21 women, white men and white women marching and
22 being brutalized in order to protect the
23 franchise. It is a reminder that the rights that
24 we enjoy today, the rights that we take for
25 granted, were paid for in blood by brave men and

1 women 55 years ago.

2 And let us also remember that while
3 we are not brutalized at the polls today, that
4 voter suppression still exists and that it
5 requires us to step up to the promise of the men
6 and women that marched from Selma to Montgomery.
7 We remember Dr. King's speeches. We remember the
8 civil rights leaders of our history. But we are
9 now charged with carrying the torch. We must
10 continue to march. We must continue to protect
11 the rights of the franchise.

12 So I thank you for voting for this
13 resolution, and I hope that all of you will join
14 me in remembering the 55th anniversary of this
15 momentous occasion in this country's history.

16 Thank you, Mr. President.

17 ACTING PRESIDENT BENJAMIN: The
18 resolution was previously adopted on March 10th.

19 Senator Gianaris.

20 SENATOR GIANARIS: Can we now take
21 up previously adopted Resolution 2957, by
22 Senator Montgomery, read its title only, and
23 recognize Senator Montgomery.

24 ACTING PRESIDENT BENJAMIN: The
25 Secretary will read.

1 THE SECRETARY: Resolution 2957, by
2 Senator Montgomery, honoring Esmeralda Simmons,
3 Esq., upon the occasion of her retirement after
4 more than 34 years of distinguished service as
5 the Founding Executive Director of the Center for
6 Law and Social Justice.

7 ACTING PRESIDENT BENJAMIN:
8 Senator Montgomery on the resolution.

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

11 It is so befitting that we -- I rise
12 today to honor Esquire Esmeralda Simmons,
13 especially in light of the fact that we're also
14 honoring the Selma, Alabama, event.

15 We're honoring Esmeralda today for
16 her role in founding the Center for Law and
17 Social Justice at Medgar Evers College, that's so
18 true, and what she has done there to empower so
19 many parents, especially, and others in her
20 community.

21 We also note that she was the first
22 deputy commissioner for human rights for New York
23 State. She was also the civil rights attorney
24 for the U.S. Department of Education, and she was
25 also New York State assistant attorney general

1 and the New York City assistant corporation
2 counsel.

3 However, I want to point out a role
4 that she has played as it relates to voting
5 rights that is not in this particular resolution,
6 and that is the fact that as a young attorney in
7 the City of New York, Esmeralda Simmons, along
8 with a couple of her colleagues, in concert with
9 PRLDF, the Puerto Rican Legal Defense Fund, the
10 NAACP Legal Defense Fund, was able to go into
11 court and sue in the name of the Voting Rights
12 Act, the 1965 Voting Rights Act, and especially
13 as it related to the drawing of districts which
14 allowed for the representation of the people who
15 actually lived in those districts.

16 So this Voting Rights Act case was
17 brought on behalf of people living in the County
18 of Kings and the County of Queens especially.
19 And so it is really based on that lawsuit,
20 brought on behalf of residents of those counties,
21 that some of us have been able to be
22 representative in both the New York City Council
23 as well as the State Legislature.

24 So I am truly indebted to the work
25 of Esmeralda Simmons, who, as a voting rights

1 special attorney, has been able to create a level
2 of representation in the houses of the
3 legislature at both the city and the state level
4 that we enjoy today.

5 We all owe her an -- and I am
6 particularly proud of the fact that I have known
7 her, she has worked in her community with those
8 of us in elective office, but more especially on
9 behalf of the citizens that she has been able to
10 ensure equal representation in their communities
11 and in the legislatures of the city and the
12 state.

13 So I'm happy that I'm able to bring
14 this resolution. Thank you, Mr. President, for
15 allowing me -- and our leader for allowing us --
16 to be able to celebrate a woman who has meant so
17 much, especially to people of color in this state
18 as it relates to our Voting Rights Act.

19 Thank you, Mr. President.

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

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

24 I believe that Esmeralda Simmons is
25 a constituent of Senator Montgomery's, but the

1 Center for Law and Social Justice is in the heart
2 of the 20th Senate District, and so I claim part
3 of her as well.

4 It really is an honor for us to be
5 introducing this resolution today -- I want to
6 thank Senator Montgomery -- because Esmeralda
7 Simmons is the pinnacle of what public service
8 is. All of us should aspire to be what she has
9 meant not just to Brooklyn, but to the entire
10 State of New York.

11 She has served as a law clerk to a
12 federal judge. She has served as the first
13 deputy commissioner of human rights for the State
14 of New York. She has served as an assistant
15 attorney general in the State of New York. She
16 has served as an assistant attorney in the
17 Department of Education. She has served as an
18 assistant corporation counsel in the City of
19 New York.

20 She was a mayoral appointee to the
21 city's Board of Education. She was a mayoral
22 appointee to the Commission on Redistricting.
23 She argued before the United States Supreme Court
24 legend Thurgood Marshall.

25 All of us should aspire to be the

1 public servant that Esmeralda Simmons is. And
2 she did all of this while being a black woman in
3 a profession where only 5 percent of lawyers look
4 like her.

5 Her impact will be felt for years to
6 come. She helped form the CCRB, the citizen
7 complaint board. She helped millions of dollars
8 go back into the hands of employees who were
9 discriminated against because of their color.
10 And she helped serve our immigrants in our
11 community before those structures were set up.

12 And so we pay homage to
13 Esmeralda Simmons for everything that she has
14 done for the city, for the state, and indeed for
15 this nation. We honor you today and thank you
16 for your service.

17 Thank you, Mr. President.

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

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

22 I rise to add my voice to those who
23 are honoring Esmeralda Simmons today on the
24 floor. It is very apropos during Women's History
25 Month that we would bring up the legacy and the

1 life of Esmeralda Simmons and how important it
2 has been.

3 I had prepared remarks,
4 Mr. President. I unfortunately misplaced them,
5 but I'm glad that Senator Myrie found them and
6 read them verbatim.

7 (Laughter.)

8 SENATOR PARKER: No, I certainly
9 want to associate myself with Senator Myrie's
10 exhaustive remarks about Esmeralda Simmons'
11 background, and certainly want to thank Senator
12 Velmanette Montgomery. You know, what she's not
13 telling you is her mentorship of not just members
14 of this body, but of people like Esmeralda, is
15 part of what gave birth to the Center for Law and
16 Social Justice.

17 And so let me make two quick points,
18 one about the Center for Law and Social Justice
19 and how important it has been for serving the
20 Central Brooklyn community.

21 This institution really has been on
22 the front lines of making sure that equal rights
23 and civil rights for Brooklynites and for
24 New Yorkers generally have been at the forefront.
25 They have been engaged in everything from census

1 to redistricting to commissions on charter
2 revision, they were engaged both times.

3 They have taken up individual cases
4 around immigration and helping people in the
5 immigrant community get the rights that they need
6 and are entitled to, and have been really
7 involved in making sure that things like stop and
8 frisk and other illegal practices in our
9 communities have been quashed.

10 And so I certainly have been a
11 supporter of the center and want to thank
12 Esmeralda for her stalwartness in that.

13 And let me just make a comment about
14 Esmeralda Simmons as a person. And she's
15 somebody who I've known quite well, and she's
16 been a mentor to me in the same way that she's
17 been mentored by people like Senator Montgomery.
18 She has tried to bring me along and certainly has
19 come to me with many important issues and helped
20 me on some things that I'm sure that
21 Senator Myrie is working with her and the center
22 still on voting rights issues.

23 And one of the things I'm hoping
24 we'll take up in this body is expanding the
25 Voting Rights Act. Now that we've lost

1 preclearance and those things on the federal
2 level, it is an opportunity for us to do those
3 things here on the state level. And certainly I
4 know he's been engaged in that, Senator Leroy
5 Comrie I know is super interested in that as
6 well.

7 But it is really Esmeralda Simmons
8 who has been the person banging -- you know, been
9 the drum major on making sure that voting rights
10 in the State of New York is something that we
11 protect for every class of persons in this state.

12 And so I just have a -- owe a world
13 of thanks to her and her pouring into me, both
14 personally, professionally but then also
15 spiritually. She is somebody who has a deep
16 spiritual practice that is rooted in traditional
17 African culture and practice, and an essential
18 reverence, and certainly that has been important
19 not just for her life but to what she's brought
20 to the center and what's brought to our community
21 and to myself.

22 And so I thank her for all that she
23 does. And I think that this resolution today is
24 just a modicum of the kind of acknowledgment and
25 respect that she deserves, and happy to have an

1 opportunity to add my voice to those who are
2 singing her praises.

3 Thank you, Mr. President.

4 ACTING PRESIDENT BENJAMIN:
5 Senator Sanders on the resolution.

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

8 First I'd like to correct the
9 record. Somehow we hear this Brooklyn, but she
10 must be from Queens. She's always in Queens, so
11 therefore she must be from there.

12 (Laughter.)

13 SENATOR SANDERS: Perhaps she is
14 more of a ubiquitous figure, and that's what I
15 mean. But she's a hero in many different ways.

16 She played a major role in the
17 disparity study of New York City when we were
18 trying to figure out how to correct a historic
19 wrong. We went to -- I was in charge of that
20 effort, and I went to a major school whose name I
21 will not mention, and they basically were trying
22 to charge the entire price that we had -- the
23 entire amount that we had to work with. And what
24 they were offering was not much.

25 When I went to the center where

1 Esmeralda and others were, they did four times
2 the amount of work for half the price and a far
3 better job, and a study that has stood
4 unlegislated ever since.

5 So under those conditions, she is a
6 hero of no small magnitude, and I want to thank
7 the sponsor for putting her forward.

8 I wish her well in her so-called
9 retirement. I'm sure she will work even harder
10 now than she was before. But while that's
11 happening, I do offer her to come to Queens,
12 where she really needs to be.

13 Thank you very much. Mr. President,
14 thank you.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Comrie on the resolution.

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

19 I rise to align myself with the
20 words of my colleagues on behalf of Esmeralda
21 Simmons and her retirement. She truly has been a
22 person that has been a stalwart of so many
23 activities that have improved our city, that have
24 changed opportunities, that have created a new
25 spirit for women in the legal profession to be

1 social activists.

2 So I won't repeat all of the
3 wonderful words that have been said, but she
4 isn't just Brooklyn's jewel, she's the city's
5 jewel. And she's actually a jewel of this entire
6 state, because she has been someone that has been
7 unafraid, unapologetic, and willing to take on
8 the difficult tasks and willing to do them with
9 panache, with style, with detail, with
10 information, and with a power in her delivery
11 equal to anyone here -- except for maybe Andy
12 Lanza when he gets on one of his major
13 speeches --

14 (Laughter.)

15 SENATOR COMRIE: -- you know. And
16 to my good colleague, I'm giving credit where
17 credit is due, you know.

18 But I just want to acknowledge her,
19 thank Senator Montgomery, who has also been a
20 stalwart of this state and will be missed in this
21 body when she retires at the end of this year.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BENJAMIN: The
24 resolution was previously adopted on March 10th.

25 Senator Gianaris.

1 SENATOR GIANARIS: Can we take up
2 the reading of the calendar, Mr. President.

3 ACTING PRESIDENT BENJAMIN: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 125, Senate Print 2145, by Senator Gianaris, an
7 act to amend the General Municipal Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect on the first of January
12 next succeeding the date on which it shall have
13 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: Ayes, 58.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 152, Senate Print 5073A, by Senator Mayer, an act
24 to amend the Education Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect July 1, 2020.

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN: Senator
8 Mayer to explain her vote.

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

11 I'm so pleased that this bill is
12 coming before the floor today and that we're
13 going to pass this legislation that will further
14 the ability of 16- and 17-year-olds to have the
15 opportunity to preregister.

16 Last year when we made significant
17 changes to the Election Law and allowed
18 16-year-olds, in addition to 17-year-olds, to
19 preregister, we had provisions in the bill to
20 encourage our local Boards of Elections to work
21 with our schools to facilitate this.

22 In too many school districts it
23 takes an active social studies teacher or a
24 principal or a League of Women Voters chapter to
25 actually do the work of setting up tables and

1 getting kids to preregister.

2 We are saying to the schools, find a
3 way, adopt a policy that furthers this state law,
4 that gives every child 16 and 17 years old the
5 opportunity -- obviously, without any pressure,
6 without any undo influence -- to choose, if they
7 do, to register to vote and have the opportunity,
8 when they are old enough, to be able to cast
9 their ballot.

10 It's one of the most wonderful
11 things about our democracy that voting is viewed
12 so positively, but frankly we have to do better
13 with our young people, and we need to encourage
14 them. This bill is a step in that direction.

15 I'm pleased to vote aye, and I thank
16 my colleagues and the leader for allowing this
17 bill to come to the floor.

18 Thank you, Mr. President.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Mayer to be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 152, those Senators recorded in
24 the negative are Senators Amedore, Borrello,
25 Boyle, Flanagan, Funke, Griffo, Helming, Jacobs,

1 Jordan, Lanza, Little, O'Mara, Ortt, Ritchie,
2 Robach, Serino, Seward, Tedisco.

3 Senator Amedore in the affirmative.

4 Senator Akshar in the negative.

5 Ayes, 40. Nays, 18.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 197, Senate Print 6327, by Senator Parker, an act
10 to amend the General Business Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Senator Parker to explain his vote.

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

23 First let me thank my colleagues who
24 are going to vote for this important measure
25 today. This bill puts some teeth into the Do Not

1 Call Law.

2 You know, as many of us remember,
3 you know, years ago before the Do Not Call Law,
4 you'd be sitting at dinner with your family,
5 trying to enjoy it, and then the phone would
6 ring. And you'd think it's a relative or
7 something like that, and you'd pick it up, and it
8 was a telemarketer. And then you'd hang up and
9 you'd sit back down and you're about to, you
10 know, get back to your corned beef -- you know,
11 St. Paddy's Day reference, we're getting there --

12 (Laughter.)

13 SENATOR PARKER: -- and, you know,
14 the phone rings again, another telemarketer. And
15 so we created the Do Not Call Law.

16 There's a loophole in it that now,
17 with the advent of cellphones, telemarketers are
18 using that technology to get around it. And so
19 now all of us are scared to answer a phone call
20 that is not a number that we don't recognize on
21 our phones, because we're getting so many
22 telemarketing calls. This law is going to close
23 that loophole, protect the privacy of the people
24 of the State of New York.

25 And I want to thank everyone for

1 their vote today, and looking forward to making
2 the world safe for dinner again.

3 Thank you.

4 (Laughter.)

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

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar Number 197, recorded in the negative:
10 Senator Flanagan.

11 Ayes, 57. Nays, 1.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 288, Senate Print 769A, by Senator Breslin, an
16 act to amend the Insurance Law.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

19 THE SECRETARY: Section 4. 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, 58.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 289, Senate Print 1603, by Senator Breslin, an
6 act to amend the Insurance 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, 58.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 300, Senate Print 6168, by Senator Hoylman, an
21 act to amend the Family Court Act and the
22 Domestic Relations Law.

23 ACTING PRESIDENT BENJAMIN: Read
24 the last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the 90th day after it
2 shall have become a law.

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, 58.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 306, Senate Print 1455, by Senator Sanders, an
13 act to amend the Public Health Law.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

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

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN:
23 Announce the results.

24 THE SECRETARY: Ayes, 58.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 343, Senate Print 4004, by Senator Carlucci, an
4 act to amend the Social Services Law.

5 ACTING PRESIDENT BENJAMIN: Read
6 the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 345, Senate Print 5196, by Senator Kaminsky, an
20 act to amend the Environmental Conservation Law.

21 ACTING PRESIDENT BENJAMIN: Read
22 the last section.

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

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 345, those Senators recorded in
7 the negative are Senators Akshar, Amedore, Funke,
8 Gallivan, Griffio, Jacobs, Jordan, O'Mara, Ortt,
9 Ritchie and Tedisco.

10 Ayes, 47. Nays, 11.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 376, Senate Print 5462A, by Senator May, an act
15 to amend the Election Law.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN: Senator
24 May to explain her vote.

25 SENATOR MAY: Thank you,

1 Mr. President.

2 One of the more discouraging aspects
3 of our election law in New York State has been
4 how difficult it is to get off the ballot if you
5 have a minor party line and then you don't win
6 the major party primary that you're seeking. So
7 you're stuck being a spoiler on the ballot even
8 if you don't want to run.

9 And your choices are to get off the
10 ballot, you can either die or move out of state
11 or be convicted of a felony or run on some other
12 line for some office that you don't actually
13 want. So all of these things are either really
14 inadvisable or actually further undermine public
15 trust in our democracy.

16 So I am proud to sponsor this bill,
17 and I'm grateful to my colleagues for supporting
18 it.

19 Thank you, and I vote aye.

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

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 376, those Senators recorded in
25 the negative are Senators Akshar, Amedore,

1 Borrello, Flanagan, Funke, Griffo, Jordan, Lanza,
2 Robach, Seward and Tedisco.

3 Ayes, 47. Nays, 11.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 476, Senate Print 6533, by Senator Montgomery, an
8 act to amend the Family Court Act.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

11 THE SECRETARY: Section 3. This
12 act shall take effect on the first of November in
13 the year next succeeding.

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

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

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

21 I'm very excited to be able to vote
22 on this bill today. This is a bill, if it
23 becomes law, that would require the video
24 recording of interrogations of juveniles in
25 juvenile delinquency proceedings in Family Court.

1 Because we understand that recording
2 of juvenile proceedings creates an objective
3 record and provides an independent basis to
4 resolve credibility disputes about Miranda
5 warnings, waivers or statements. It also helps
6 to identify false confessions and provides an
7 objective and reliable record of what occurred
8 during an interrogation.

9 I have met with many judges in our
10 state and they have said to me that through their
11 practice, video interrogations is only the best
12 means of preserving credibility and making the
13 justice system actually mean justice, especially
14 for juveniles.

15 And in addition to the words of the
16 judges, the Justice Task Force in January 2012
17 issued recommendations regarding electronic
18 recording of custodial interrogations as a means
19 of rectifying the problem of false confessions
20 that has led to wrongful convictions.

21 So, Mr. President, if this bill
22 becomes law -- when this bill becomes law, we
23 should never experience a situation such as
24 happened with the Central Park Five in the City
25 of New York.

1 So I vote yes. Thank you,
2 Mr. President.

3 ACTING PRESIDENT BENJAMIN:
4 Senator Montgomery to be recorded in the
5 affirmative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 476, those Senators recorded in
9 the negative are Senators Akshar, Borrello,
10 Gallivan, Helming, Jacobs, O'Mara, Ortt and
11 Seward.

12 Ayes, 50. Nays, 8.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 498, Senate Print 5228C, by Senator Gounardes, an
17 act to amend the Vehicle and Traffic Law.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the 180th 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, 58.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 516, Senate Print 6142, by Senator Addabbo, an
8 act to amend the Racing, Pari-Mutuel Wagering and
9 Breeding Law.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:
18 Announce the results.

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 532, Senate Print 6800A, by Senator Metzger, an
24 act to amend the State Administrative Procedure
25 Act.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Senator Metzger to explain her vote.

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

12 I've had quite a number of
13 conversations with local businesses in my
14 district who have expressed frustration with not
15 having information about new regulations, new
16 laws. And of course it's difficult to comply
17 with them if you don't have the necessary
18 information.

19 So this legislation is important.
20 It requires the Secretary of State to put
21 together annually a small business guide that
22 will provide them with access to this information
23 in plain English, and also do outreach around
24 that guide to make sure it gets into their hands.

25 Small businesses, they are the

1 backbone of our economy. Every 67 cents on the
2 dollar of sales stays in the community. But at
3 the same time, they really lack the bandwidth.
4 So this bill will help them and support their
5 efforts to comply.

6 So thank you very much. I vote aye.

7 ACTING PRESIDENT BENJAMIN:

8 Senator Metzger to be recorded in the
9 affirmative.

10 Announce the results.

11 THE SECRETARY: Ayes, 58.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 533, Senate Print 7123, by Senator Persaud, an
16 act to amend the Economic Development Law.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

19 THE SECRETARY: Section 4. This
20 act shall take effect on the first of April.

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, 58.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

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

6 SENATOR GIANARIS: Back to motions
7 and resolutions, Mr. President, the two
8 resolutions we took up today should be open for
9 cosponsorship.

10 ACTING PRESIDENT BENJAMIN: The
11 resolutions are open for cosponsorship. Should
12 you choose not to be a cosponsor of the
13 resolutions, please notify the desk.

14 Senator Gianaris.

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

17 ACTING PRESIDENT BENJAMIN: There
18 is no further business at the desk.

19 SENATOR GIANARIS: Move to adjourn
20 until Monday, March 16th, at 3:00 p.m.,
21 intervening days being legislative days.

22 ACTING PRESIDENT BENJAMIN: On
23 motion, the Senate stands adjourned until Monday,
24 March 16th, at 3:00 p.m., intervening days being
25 legislative days.

1 (Whereupon, at 12:19 p.m., the
2 Senate adjourned.)
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