NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 9, 2020

11:53 a.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BENJAMIN: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BENJAMIN: The reading of the Journal.

THE SECRETARY: In Senate, Monday, June 8, 2020, the Senate met pursuant to adjournment. The Journal of Sunday, June 7, 2020, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator LaValle

moves to discharge, from the Committee on Local Government, Assembly Bill Number 7493 and substitute it for the identical Senate Bill Number 5571, Third Reading Calendar 684.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Thomas moves to discharge, from the Committee on Local Government, Assembly Bill Number 7011B and substitute it for the identical Senate Bill Number 5667B, Third Reading Calendar 685.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator O'Mara moves to discharge, from the Committee on Local Government, Assembly Bill Number 8222A and substitute it for the identical Senate Bill Number 6369A, Third Reading Calendar 689.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator LaValle moves to discharge, from the Committee on Local Government, Assembly Bill Number 8195 and substitute it for the identical Senate Bill Number 6379, Third Reading Calendar 690.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Liu moves to discharge, from the Committee on Local Government, Assembly Bill Number 9094 and substitute it for the identical Senate Bill Number 7158, Third Reading Calendar 702.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Borrello moves to discharge, from the Committee on Transportation, Assembly Bill Number 8156A and substitute it for the identical Senate Bill Number 7281, Third Reading Calendar 703.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Borrello moves to discharge, from the Committee on Cities, Assembly Bill Number 7648 and substitute it for the identical Senate Bill Number 7538, Third Reading Calendar 708.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Report of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I move to adopt the Resolution Calendar.

ACTING PRESIDENT BENJAMIN: All in favor of adopting the Resolution Calendar please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: At this time, Mr. President, we're going to take up select items off of the calendar. So can we please take up the calendar, and particularly Calendar Number 691, 749, 750 and 751.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number

691, Senate Print 6601B, by Senator Bailey, an act to amend the Civil Rights Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Mr. President. I appreciate the time to be able to speak briefly on this important piece of legislation.

I want to thank Leader Andrea Stewart-Cousins for allowing, once again, another important bill in this package to reach the floor. And I really want to thank my Assembly sponsor, Assemblywoman Nathalia Fernandez, for having a conversation with me about the importance of this bill.

It was related to the 2017 death in police custody of a man by the name of Andrew Kearse. He was a Bronx man, and what happened,

he sustained a heart attack while in the care of police officers in Schenectady, New York.

This has been a significantly difficult experience for the Kearse family, but today we are able to achieve some sort of a modicum of -- of something for that family, in the form of ensuring that there is a duty that, while in the care of an officer, that they have to -- that these officers are going to have to call somebody for backup if they know that immediate medical attention is required.

I think that this goes a long way in, again, securing and ensuring the public trust between officers in our community. And I am proud to cast my vote, and I am appreciative of all of my colleagues who are supporting this legislation as well.

I vote aye, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 691, those Senators voting in the negative are Senators Borrello and LaValle.

Ayes, 57. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 749, Senate Print 8493, by Senator Parker, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of April.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. President.

I rise today to explain my vote on I think a piece of legislation that is well overdue. The order of the day is transparency and accountability. Body cams provide that. We do it in New York City, we do it in multiple places across the state and across the country. It is past time that the State Police get a program to do this.

I was proud to have an opportunity

to work with the State Police and the State Police union in order to craft this bill in a way in which it not only provides the transparency and accountability but also did not interfere with work rules.

And so this is going to be I think an important step in terms of regaining the trust of the public and making sure that both our police remain safe and our citizens have the kind of confidence that they should in their law enforcement agencies.

Thank you so much. I vote aye.

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

Senator Akshar to explain his vote.

SENATOR AKSHAR: I want to thank the sponsor for the legislation.

I too share his passion with programs like this. Back at home I've used a good portion of my public protection dollars to afford police agencies to in fact stand these particular programs up. I think they're beneficial to both the community as well as the members of law enforcement themselves.

Here's what I would ask the sponsor

to do. As we move forward and we roll this program out, programs like this are incredibly expensive. And it would be my hope and desire that this body, along with our friends in the Assembly, would ensure that the Division of the State Police have the appropriate funds to not only stand this program up but to sustain the program through its longevity.

Mr. President, I vote aye.

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

Senator Ramos to explain her vote.

SENATOR RAMOS: Yes, hi, thank you, Mr. President. I am here of course to speak in support of my bill.

Not only did we write this bill months ago thinking about there being parity amongst police officers, making sure that above-ground matches underground -- but over the last few weeks, we've seen that it has taken a pandemic for the world to realize just how egregious police brutality can be.

And unfortunately, the policing of the MTA has been no different. We saw a woman of color during the pandemic, a mother, have her

child removed, we've seen street vendors harassed in subways by police officers, we've seen a gun pulled on subway riders by a police officer -- none of which -- none for which there is footage.

And so we're learning that none of these acts of police brutality and racism -- in many instances, these acts are not all filmed. And so we need to make sure that there's footage out there that will allow the victims of police brutality to be able to seek justice for the mistreatment of the supposed public servants that are out there to protect them.

So I want to thank all my colleagues who are supportive of this bill. It is critical that racism and acts of violence on behalf of the police are filmed, and that we continue to strive towards defunding law enforcement and thinking about actual public safety instead of defending the brass. It's time to disband the brass, and it's time to keep an eye on them in the meantime.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator Ramos to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to

Calendar Number 749, voting in the negative: Senator Ortt.

Ayes, 60. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 750, Senate Print 8495, by Senator Benjamin, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 751, Senate Print 8496, by Senator Bailey, an act to amend the Civil Rights Law and the Public Officers Law.

SENATOR GALLIVAN: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we now please suspend the reading of the calendar and let's take up the one bill that was placed on the controversial calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 751, Senate Print 8496, by Senator Bailey, an act to amend the Civil Rights Law and the Public Officers Law.

SENATOR GALLIVAN: Lay it aside.

ACTING PRESIDENT BENJAMIN: We're in the controversial calendar now, so you laid it aside already. We're going --

SENATOR GALLIVAN: {Inaudible.}

ACTING PRESIDENT BENJAMIN: Yes.

SENATOR GALLIVAN: Thank you.

ACTING PRESIDENT BENJAMIN: No problem.

Senator Akshar.

SENATOR AKSHAR: Mr. President,

thank you for your indulgence. I thank the sponsor as well before we begin here.

Mr. President, through you, if the sponsor would yield for a few questions.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Would the sponsor be so kind as to just give me an explanation of the bill.

SENATOR BAILEY: Sure. This bill would repeal Section 50-a of the Civil Rights Law, but add necessary privacy protections to protect the records of the members that were previously protected under the -- that are currently protected under Statute 50-a until the time that it is repealed from law.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Can you just elaborate a little bit on those protections that you speak of?

SENATOR BAILEY: Sure. So there are some mandatory provisions that appear in Sections 3 and 4 of the bill. The mandatory protections in Sections 3 and 4 of the bill are mandatory redactions. And these mandatory redactions that are always redacted are home addresses, personal telephone numbers, personal cellphone numbers, personal email addresses of the officers and their families.

These -- these are conversations that when I held hearings back in October, one in the City of New York and one up in Albany, that was the number-one concern, that privacy was an issue.

And we heard the concerns of the members of law enforcement, and I share those concerns that their families and their own personal records should not be subjected to disclosure. So that's the reason why we strengthen that ability in this piece of

legislation.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I want to talk about, if we may, the current statutory framework around this issue of 50-a. Through you, Mr. President, could the sponsor -- could the sponsor let me know how these issues are currently dealt with if a member of the public or a defense counsel wanted access to these records?

SENATOR BAILEY: That would be via FOIL. Under FOIL, 50-a bars access to these records.

SENATOR AKSHAR: Mr. President, through you.

SENATOR BAILEY: If that case went to court, the judge would be able to review that in in re {ph} and issue that under only limited circumstances.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: So under the current statutory framework, if a member of the court wanted or needed access to a police officer or a corrections officer, probation, parole -- needed access to that file, there is a current framework in place that would allow access to that information.

SENATOR BAILEY: Under limited circumstances.

SENATOR AKSHAR: Mr. President, through you, could the sponsor tell me what those limited circumstances are.

ACTING PRESIDENT BENJAMIN: The sponsor yields for a question?

SENATOR BAILEY: Yes, I do.

And the attorney that is representing in that matter would have to -- the

information that's being requested would have to be substantially related, which is a significantly high burden to prove under the current framework of this -- of 50-a. Which is why it's necessary to ensure that we repeal Section 50-a.

SENATOR AKSHAR: I'm sorry, Mr. President, did the sponsor just say that the matter if --

ACTING PRESIDENT BENJAMIN: Do you want him to yield?

SENATOR AKSHAR: Yes, I do, Mr. President. Would the sponsor yield to another question?

SENATOR BAILEY: I will yield, yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Did the sponsor just suggest that in an effort for -- in the effort of defense counsel or an attorney making application to the court, access to that information would have to be relevant to the issue at hand, and that is a high burden to reach?

SENATOR BAILEY: That is -- that is

not what I -- that is not what I said, Senator.

The burden is significantly high. And what happens is that -- yes, the protections are available via FOIL. But the issue with 50-a is that 50-a has consistently been used as a tool to bar the release of these disciplinary records that have been requested.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: If I was an attorney, which I'm not, and I was representing my client who was allegedly abused by a member of law enforcement and I wanted access to that police officer's file because I believe that there was information in there that would be beneficial to my client, within the current framework is there a mechanism for me to make application to the court to get access to that information which I believe available?

SENATOR BAILEY: So the issue with the fact pattern that you've laid out is that unless you specifically know what information is contained within the disciplinary record which 50-a bars, you don't know what you're searching for, which essentially leads you down the road of a fishing expedition. So it's really contextual, Senator.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I do.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Isn't that exactly why 50-a was put into the statute, to allow fishing expeditions not to take place?

SENATOR BAILEY: Actually -- through you, Mr. President, I yield -- in 1976, Senator Frank Padavan's original legislative intent was to stop the annoying and harassment of officers. That is not the intent of the officers. Senator Padavan even went as far to go

-- he went so far as to say, in the Times Union in an article I think in 2014, that that was not the intent, that the way that the statute is being used right now has been misapplied and that he did not intend, as the original drafter of the legislation, for it to be applied in that way.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: What part of the law is 50-a in?

ACTING PRESIDENT BENJAMIN: Through you, Mr. President, it's in the Civil Rights Law.

SENATOR AKSHAR: I'm sorry, Mr. President, I didn't hear him.

SENATOR BAILEY: Through you, Mr. President, it is in the Civil Rights Law, CRL.

SENATOR AKSHAR: Mr. President, through you, would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: So it's in the Civil Rights Law, and we are giving up civil rights today by repealing 50-a?

SENATOR BAILEY: Through you, Mr. President, I am not certain how more transparency and more availability of disciplinary records would be a violation of civil rights. I'm -- I'm wondering about that, Senator, if you would be so kind as to proffer that information.

SENATOR AKSHAR: Is the Senator asking me a question?

ACTING PRESIDENT BENJAMIN: Was that a question?

SENATOR BAILEY: It was more of a rhetorical statement. But Senator Akshar is a good colleague, and he's welcome to respond if he'd like. I know it's not necessarily the parliamentary procedures, but --

ACTING PRESIDENT BENJAMIN: Well,

we can do that. Do you want to ask -- do you want to ask Senator Akshar a question?

SENATOR BAILEY: No, I'm fine, Mr. President.

ACTING PRESIDENT BENJAMIN: Okay.

SENATOR AKSHAR: Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Well, from my perspective, the fact of the matter is is that this law was put on the books to protect the civil rights of the people that were written about in this law in 1974.

I want to bring the sponsor's attention to Section 1 of the 14th Amendment, and I'm just going to read it in part. "No state shall make or enforce any law which shall abridge the privileges or immunities of the United States, nor shall any state deprive any person of life, liberty or property without due process of law."

Does the sponsor believe that those that were protected under the current statutory framework are in fact losing their due process?

SENATOR BAILEY: Through you, Mr. President, no.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Under your bill that we are discussing today, what due process is left for a member of law enforcement, corrections, parole, probation, fire? Where is their due process?

SENATOR BAILEY: Through you, Mr. President, the due process is contained within the disciplinary process, the disciplinary processes that are outlined by the respective agencies that these individuals are members of.

We are not changing anything based

upon -- we are not changing any part whatsoever of the disciplinary process of the folks that you mentioned in your statement.

SENATOR AKSHAR: I'm on the bill for just a second.

ACTING PRESIDENT BENJAMIN: Senator Akshar on the bill.

SENATOR AKSHAR: The fact of the matter is we are. We are eliminating that due process. Because based on our prior conversation or prior back and forth, we have had a discussion about as currently authored, those who want access to that file, there is a framework established that allows for an attorney to have access to that information by following certain procedures.

Would the sponsor yield to a couple more questions?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Happily so.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: My good friend is an attorney, is that correct?

SENATOR BAILEY: That is correct.
SENATOR AKSHAR: Is the sponsor aware of the case The People v. Sandoval?
SENATOR BAILEY: A Sandoval hearing. Yes, I am, Mr. President.
SENATOR AKSHAR: So Mr. President, through you, if the sponsor would continue to yield.
ACTING PRESIDENT BENJAMIN: Does the sponsor yield?
SENATOR BAILEY: The sponsor does yield.
ACTING PRESIDENT BENJAMIN: The sponsor yields.
SENATOR AKSHAR: In a Sandoval hearing -- I am not an attorney, so I'm going to ask you -- in a Sandoval hearing, what happens if the people wish to bring prior criminal acts into a current case? If I was -- if I was charged with a robbery and currently on trial and 10 years ago I committed a previous robbery, how would the people get that information into court?
SENATOR BAILEY: Based upon a conversation that we had in the Codes Committee meeting, I was reminded by our good friend

Senator Lanza that it depends on the probative value, the probative value that is weighed in every case. So it depends on context, Mr. President.

SENATOR AKSHAR: Okay, Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: So in -- in that particular instance in which we are talking, the attorneys would make their arguments in relation to using specific information that was relevant to the case at hand. Is that -- is that correct?

SENATOR BAILEY: So the Senator would be correct in that limited hypothetical circumstance that he so eloquently drew up. But this bill is about transparency, and it's about more than one specific instance that you can point to. This bill is about transparency and ensuring that not only the public but victims of

police brutality have the rights to records and transparency and knowing who's policing us, Mr. President.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: The question I asked was very specific, in that if the people wished to use information about a case that they were currently prosecuting, if they wished to use past bad behavior or past convictions, there is a certain process to go through in order to get that information into the court.

The defendant in that particular case, in the robbery case in which we're speaking, that defendant has certain due process, he has due process, is that correct?

SENATOR BAILEY: In that case about a defendant's -- about a defendant in an alleged robbery case, the defendant does have due

process.

But we're not talking about criminal statutes here. We're talking about, as you said before, the Civil Rights Law. And we're talking about the repeal of Section 50-a. Which, again, was devised, you know, to ensure that harassment and annoyance of officers did not take place.

I am not certain how the due process conversation -- or how the Senator could indicate that due process is being taken away by the removal of the statute and the strengthening of the privacy -- of privacy.

SENATOR AKSHAR: On the bill for just a moment.

ACTING PRESIDENT BENJAMIN: Senator Akshar on the bill.

SENATOR AKSHAR: This is -- this has everything to do with due process, in my humble opinion.

On one hand we're talking about the rights of a criminal defendant having certain -- having due process when it comes to bringing past behavior into the courtroom. And when we're talking about the repeal of 50-a, we're talking about removing that due process from a member of

law enforcement or a member of corrections. No longer, if a defense attorney or a member of the public sought to introduce some bad behavior, past bad behavior of a police officer, would that police officer have that due process.

So my question, if the sponsor would continue to yield --

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: -- how is the due process associated in cases in which we described that was articulated in The People v. Sandoval any different than a member of the public or an attorney trying to get access to the personnel records of a police officer if he or she sought to bring some type of action against that police officer?

SENATOR BAILEY: Through you, Mr. President, this bill does not change the court process, as Senator Akshar mentioned. This bill again points to the issues concerning transparency in Section 50-a.

It is -- again, the repeal in this bill is intended to ensure that the public is

able to have greater transparency when seeking records. It does not change anything concerning due process, despite the assertions of the Senator.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Is the sponsor talking about transparency, or is he talking about access to the record?

SENATOR BAILEY: This bill -- through you, Mr. President, the repeal of Section 50-a is to achieve greater transparency. Because the original statute, again, as it was originally intended, has been misused and misinterpreted, based upon the original intent of the legislator that drafted it.

That's what this -- that's what today's bill in front of us is concerning.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Under the current framework of 50-a, does the sponsor believe that a member of law enforcement, corrections, fire, et cetera, et cetera, does in fact have some due process in terms of shining light on that file?

SENATOR BAILEY: Through you, Mr. President, the notion that the Senator has indicated that -- yes, those members have due process currently. But the burden that has to be shown sort of works in reverse.

So you have to show a higher burden right now for those members that you spoke of without even knowing what's in the file. So it's sort of counterintuitive and, again, it goes against the original intent of the legislation that was -- that has been stated a number of times. They have due process. When 50-a is

repealed, they will still continue to have due process.

Again, the conversation is not about due process. It is about transparency, Mr. President.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Under the current framework, I as a defense attorney could say to the judge, I believe that there is something in Officer A's file, I am requesting that you review that data and see if there's anything substantial in there that is -- that has a direct correlation to the matter at hand.

Is that the sponsor's understanding of the current framework?

SENATOR BAILEY: So the judge has to review the request and issue -- and issue this prior -- even before they know a clear showing of

facts. So again, it kind of runs counterintuitive. How can -- how can you issue that beforehand before you even know what's in the record?

Again, these are the reasons why this statute has been misapplied in its current form and the reason why we need to repeal it.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Do you believe that the people -- I'm going back to the issue of People v. Sandoval, bringing past criminal behavior into the courtroom.

Do you believe that the people as well have a very high burden to meet to bring past criminal activity into a current trial?

SENATOR BAILEY: Again, it depends on the probative value of the information before it's -- it's all contextual, Mr. President.

Through you.

SENATOR AKSHAR: Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: If a prosecutor had knowledge that a police officer had some issue in his background, his or her background, whether it be lying on the stand or an assault issue or a complaint of -- whatever it may be -- do the people have an obligation to disclose that information to the defense?

SENATOR BAILEY: Through you, Mr. President, the problem is that we don't have the knowledge of what's in the file.

SENATOR AKSHAR: Let me just -- Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR AKSHAR: Let me just clarify my question a little bit, do a better job articulating.

You know, maybe not in the City of New York, because the boroughs are so big and -- I'm not, quite honestly, familiar with how the district attorneys' offices are set up. But nonetheless, I would suggest that district attorneys, those prosecuting cases, come to know over a period of time the police officers that they're interacting with on a daily basis.

The question is is if a prosecutor had firsthand knowledge of some issue that could be detrimental to the case and beneficial -- detrimental to prosecuting the case and beneficial to the defense of the defendant, are the people -- do the people have an obligation to turn that information over to the defense?

SENATOR BAILEY: Through you, Mr. President, that would be discoverable information. Anything that is germane to that -- to that -- and that would be considered to be Brady material.

SENATOR AKSHAR: Mr. President,

through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I appreciate the sponsor, during the outset, talking about holding hearings and listening to folks. And I have said publicly in the last couple of days that I appreciated the fact that you listened and you made -- you've made some changes to this particular piece of legislation. While you and I don't agree on it, I am pleased that you have listened and come a little bit forward.

I want to talk about unsubstantiated complaints, because I know that that is an issue in which the police and corrections community have spoken about a lot.

Why -- why were no -- why did you not take it a step further and address the unsubstantiated-complaint portion of this conversation in the context of the statute that

we're currently debating?

SENATOR BAILEY: Through you, Mr. President, the term "substantiated" or "unsubstantiated" is not a term that appears anywhere in this bill. That is a term of art that is unique to the CCRB and the NYPD.

So the notion of the word "substantiated" or "unsubstantiated" could not be added because that is an internal determination. And when it's an internal determination, we don't have the ability to weigh in on substantiated versus unsubstantiated.

SENATOR AKSHAR: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Does the sponsor believe in the CCRB?

SENATOR BAILEY: Through you, Mr. President, I believe that the CCRB exists.

SENATOR AKSHAR: Through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Do you believe that the CCRB is doing the people's work?

SENATOR BAILEY: Through you, Mr. President, the CCRB is charged with a difficult job, as you know as a former member of law enforcement, tasked with reviewing things in context. And that's what we hear all the time about law enforcement, how everything has to be understood in context.

So I am not a member of the CCRB, so it would be very difficult for me to opine on the nature and their job description and work that they're doing every day.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: The sponsor is aware that New York City's very own CCRB has reported that 98 percent of the complaints that are filed against members of the NYPD have been unsubstantiated by that very body?

SENATOR BAILEY: Through you, Mr. President, that is not a statistic that I have. The statistic that I have unsubstantiated is 19 percent, I believe. For 2019, it was 19 percent.

The 98 percent is something that has been bandied around on social media and other mediums, but I have not heard that as confirmed. Substantiated, excuse me, Mr. President, Senator.

SENATOR AKSHAR: Okay. Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR AKSHAR: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I just want to

make sure, because I might be a little confused on the numbers, you might be a little bit confused.

You're suggesting the numbers that you have seen from the CCRB, in the year 2019, 19 percent of the complaints against members of the NYPD have been substantiated?

SENATOR BAILEY: Through you, Mr. President, that is information from the CCRB obtained from their annual 2018 report, yes.

SENATOR AKSHAR: Thank you.

Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Let's go back to unsubstantiated complaints.

Again, number one, why did we not remove -- in your amended versions of this particular statute, why did we not remove unsubstantiated complaints from information that would be turned over?

And to use your word, what probative value does an unsubstantiated complaint have?

SENATOR BAILEY: Through you, Mr. President. Senator Akshar, you would make an excellent attorney. It's never too late to go back to law school.

(Laughter.)

SENATOR BAILEY: And I'm being a hundred percent serious.

When you're talking about unsubstantiated, again, it's very difficult for us to add something that wasn't in the previous iteration. Like "unsubstantiated" or "substantiated," they don't exist in the current statute.

Furthermore, when you're talking about "substantiated" versus "unsubstantiated" in the framework that you're discussing them, you have to think about guilty versus not guilty.

Now, not guilty doesn't mean innocent, it just means that the case could not be proven. Unsubstantiated does not mean that something didn't happen. It just means that there were circumstances around it that mean that -- that meant that it could not be proved as

substantiated.

Neither you or I are able to indicate in every case that a complaint is made whether "unsubstantiated" is something that didn't rise to a certain level. We don't know the specific facts, so it's very difficult to opine on "unsubstantiated" versus "substantiated."

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Well, everybody in this great country is innocent until proven guilty. Could we both agree on that?

SENATOR BAILEY: Through you, Mr. President, absolutely. Based on the Constitution. But it hasn't always been applied like that.

SENATOR AKSHAR: The Constitution also guarantees the right of due process -- I'm

on the bill.

ACTING PRESIDENT BENJAMIN: Senator Akshar on the bill.

SENATOR AKSHAR: The Constitution of the United States also ensures that each of us have due process. And based on our conversations that we've been having, it is very clear to me that the member of law enforcement, fire, corrections, et cetera, et cetera, is losing their right to due process under these particular changes.

I want to -- if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Who's been the driving force behind repealing 50-a?

SENATOR BAILEY: Through you, Mr. President. In a word, everybody. A cross-section of people.

The New York Post mentioned it. Labor unions have mentioned it. The Committee on

Open Government has mentioned it. The families of individuals who have been killed by the police, they've mentioned it. Legislators have mentioned it. A lot of people have mentioned it.

So in this house, much like anything is done, we take consensus. We hold hearings. We hear from the people about what needs to be done and how we do it. And as a legislator, as Legislature, it is our duty to act on what the people want us to do.

And this is something that has been brought forth by the people. No one individual or entity has driven the bus on this, to use a metaphor. This has been cooperatively brought forth by a number of people who are frustrated with the lack of transparency.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: The sponsor is

suggesting that making an oral argument or written argument to a judge as to why he or she should have access to a record, depending on its probative value, and the judge making that determination, is in fact a lack of transparency.

SENATOR BAILEY: Through you, Mr. President. At no time during this debate did I say that. Or suggest it.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: In terms of other professions throughout the state, some of which, of course, are -- have some oversight by some state agency, how are we dealing with their personnel records?

Let me just start with the teachers. What are we doing with those in our public education system? How are we addressing

complaints about teachers?

SENATOR BAILEY: Through you, Mr. President, teachers are incredibly important. And the manner in which the records are -- that the records that can be made available may be different, but teachers are also not charged with protecting the life and liberty of the public. They're also not charged and have the ability to carry a firearm that can inflict serious injury or, worse, death.

So there may be a difference in the way that teachers' disciplinary records can be available, and they can still be made available. But they are not charged with the license to potentially take someone's life.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: I'm sorry, just because somebody chooses to put on a uniform and

put his or her life in jeopardy every single day by protecting the community that he or she loves, that person should be treated differently in terms of protecting their due process, protecting their files, because they choose not to educate our children, they choose to keep our community safe?

And for the record, before you answer, I too agree with you. I'm not picking on teachers; I think those in that profession are incredibly important to the people of this state.

SENATOR BAILEY: Through you, Mr. President, I would -- I would say that it's not about the uniform. I would say that it's not about treating them different. You've chosen an honorable profession prior to your life here, Senator Akshar. Those in law enforcement have an incredible duty. It's not a different treatment, it is simply a different -- it is potentially a different standard in the way that records are applied.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Back to the teachers, if we may. In terms of teachers and how they deal with unsubstantiated complaints, can you kind of walk me through that? Because I asked the question and it has relevancy here because we're talking about not addressing unsubstantiated complaints as they pertain to members of law enforcement. But in the teaching profession there is a very clear delineation about what takes place in the Education Law about unsubstantiated accusations of misconduct against teachers. What happens in that situation?

SENATOR BAILEY: Again, when we're discussing substantiated versus unsubstantiated, it is very difficult for us to prove what specifically took place in an alleged, unsubstantiated conversation.

For example, in the City of New York roughly 3,000 individuals made complaints about racial profiling. Zero were substantiated. Is it anyone's belief within the sound of my voice

that nobody out of those 3,000 people was racially profiled? Sometimes you don't exactly get what you get when -- you get what you want when you look at things from a binary lens of substantiated versus unsubstantiated, Mr. President.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: To my colleague, I mean, every criminal complaint against a citizen of this state is either substantiated or it is unsubstantiated, based on the facts that present. Is -- can we agree on that?

SENATOR BAILEY: So there are other categories besides substantiated and unsubstantiated. You can have founded and unfounded as well when you're relating to the NYPD.

SENATOR AKSHAR: Mr. President,

could the sponsor just clarify that a little bit?

I'm sorry, is that -- in terms of what you just said, is that a particular disposition on the book, if you will, within the NYPD in terms of a complaint, either it is founded or unfounded, it is substantiated or unsubstantiated?

SENATOR BAILEY: Yes, it's essentially saying that complaints are treated differently depending on the nature of them and the access there -- thereof.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Back to the teacher, because I didn't get an answer.

In terms of the Education Law and the teachers, if there is an unsubstantiated complaint, is that unsubstantiated complaint expunged from the record of the teacher?

SENATOR BAILEY: Through you, Mr. President, teachers have nothing to do with Section 50-a. They have never had anything to do with Section 50-a. And we can talk about teachers, I would love to talk about teachers in the context of a different bill concerning their disciplinary records.

SENATOR AKSHAR: Okay. Mr. President, I'm sorry, and to the sponsor, I'm sorry. Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Does the sponsor of this piece of legislation believe that unsubstantiated complaints against members of law enforcement should be expunged from their record?

SENATOR BAILEY: Through you, Mr. President. Again, there is a difference between substantiated and unsubstantiated. I cannot tell you today that based on every single complaint, whether substantiated or

unsubstantiated, that I will be able to make a determination. Nobody can make a determination, because it is driven by context.

When we're talking about substantiated versus unsubstantiated, right, we have to think about the framework of the allegation. Sometimes unsubstantiated claims happen because people don't want to follow up.

As something that we brought up in the Codes Committee agenda, I've had personal experiences with police where I was stopped for what I believed to be no reason, and I didn't report it. Now, there's no category, no subsection of unreported claims. But it is -- yes, it's my opinion, Senator Robach. It is definitely my opinion, without a doubt. And please don't interrupt me when I'm speaking on the floor.

Substantiated versus unsubstantiated, again, it really depends on the context, Mr. President. That's -- I would finish with that.

SENATOR AKSHAR: Mr. President, through you, would the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does

the sponsor yield?

SENATOR BAILEY: The sponsor will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: What about -- I'll use your word. Again, I don't know if we got clarification -- but in terms of founded or unfounded. If there was an allegation of inappropriateness by a member of the NYPD or any other police department, if that was an unfounded accusation, should that be expunged from the officer's record?

SENATOR BAILEY: Through you, Mr. President. The issue there is that it's an internal disciplinary process that we don't have any control over. So I would have no knowledge as to -- or no one would have the knowledge as to how those records would be -- how those records would be categorized or completed.

SENATOR AKSHAR: Mr. President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Do we expunge the records of criminals, those who commit criminal acts against others, those who violate the public's trust -- do we expunge their records in this state?

SENATOR BAILEY: Through you, Mr. President, we do not expunge records in New York State. Except marijuana convictions that we did last year.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Is the sponsor familiar with Section 160.59 of the Criminal Procedure Law, all records to be sealed of up to two convictions if an individual hasn't

reoffended in the previous 10 years?

SENATOR BAILEY: Through you, Mr. President, the Senator said it himself, sealed. The word "expunged" does not appear in that subsection of the law.

SENATOR AKSHAR: If the sponsor will continue to yield.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR BAILEY: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: Would the sponsor agree that -- I don't want to go down the substantiated/unsubstantiated path anymore because I believe you feel very passionately about that. How about unfounded complaints or accusations against the police department, should they be sealed?

SENATOR BAILEY: Again, it goes to the internal disciplinary process. We don't know how they came to that determination. We don't know what information was compiled in that -- about that incident -- that alleged incident, I should say, to be fair. We don't know how it was

founded or unfounded.

That would be my reply to that, Mr. President.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR BAILEY: I will yield.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR AKSHAR: It seems to me that you are concerned with internal processes as much as having access to the record. Is that a fair assumption? I don't want to make assumptions.

SENATOR BAILEY: Through you, Mr. President. Unfortunately -- and I hate to disagree with my good colleague there -- that would not be an assertion -- that would not be accurate. I am simply responding to your questions.

And when you're asking me questions about internal processes that I would have no knowledge of, that's simply an answer that that

exists.

SENATOR AKSHAR: Mr. President, I thank you, and I thank the sponsor for his indulgence. You know that I appreciate you.

ACTING PRESIDENT BENJAMIN: Senator Akshar on the bill.

SENATOR AKSHAR: I did -- did I not say that? If I didn't say that, my apologies. I'm on the bill.

ACTING PRESIDENT BENJAMIN: Senator Akshar on the bill.

SENATOR AKSHAR: Mr. President, I thank you.

I thank the sponsor for his indulgence. I know that you are incredibly passionate about this issue. You and I disagree on it, and that's okay. But I do thank you for, at the very least, listening to some of the concerns that members of law enforcement have.

Mr. President, I'm going to keep the rest of my remarks to myself until time to explain my vote. Thank you.

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

Seeing and hearing none, debate is

closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

Today is a historic day, and this bill is of critical importance. And I want to start by thanking so many of my colleagues who worked long and hard to get to this point, most notably Senator Bailey, who you just heard debate the bill and will hear from again, and our leader, Andrea Stewart-Cousins, who has been an historic figure in this chamber and has led us to this day.

But it doesn't just stop with the two of them. In the course of this discussion over the last several weeks and months, in talking to members of this body and members of

the Assembly who are leaders in their communities, leaders in the black communities in our state, and how every single one of them has a personal story to tell about how the lives of black people in this country are different than everyone else's when it comes to interactions with law enforcement and with the police.

Many have been very personally affected directly, as we all saw in the news when Senator Myrie and Assemblywoman Richardson were pepper-sprayed when trying to keep the peace in a protest. Others have had their families be subject to that kind of behavior through the years. And almost all of them and all of us that have any friends who are black have heard stories of the inequity of our police forces.

Now, how did we get to this point? Because too often the police themselves -- their union leaders, their defenders -- take an adversarial approach, as if no one can do anything wrong if they're wearing a badge. And you see it any time there's an accusation, the first line of defense: Oh, it must have been something -- you know, it must have been

something else. You don't understand, you didn't see it. Until, lo and behold, everyone got cameras on their phones and body cameras on some uniforms. Then that got stripped away.

Then it must be something else. Then it must be the demonization of the victim, which we've seen time and again, going back 20 years when Rudy Giuliani did it to Patrick Dorsimond, releasing juvenile records, as if that somehow means someone should be abused and beaten and killed.

That instinct to defend at all costs is why we have a systemic problem with law enforcement. And when all those layers get stripped away, when there is no -- when it becomes indefensible when you see some of these incidents, it comes down to, well, then, it must be that individual cop. He's a problem. He's a bad apple, is what we hear a lot.

It's fascinating to me that the bad apple metaphor gets used in this context, because it's almost as if those that use it have lost sight of where it came from. The idea of a bad apple spoiling the bunch is that when you have a basket of apples and one of them's bad, the rot

infests the other apples in the basket.

And that's what's happened in our police in this country. Because there's not been a willingness to acknowledge the systemic problem and deal with it and say yes, there is inequity, there is injustice in law enforcement in this country, we have spoiled the whole barrel of apples and the entire system.

As we sit here today taking what should be the most basic of approaches and saying, let us know who the people with a history of problems are, so that we can work to improve the system and instill more confidence and faith in it on behalf of the public, there's resistance even to that.

I mean, make no mistake, the repeal of 50-a that we're doing right now is critical and important, but it should be just the beginning to changing our society in a way that all people are treated equally and we have a law enforcement that's actually enforcing the laws and not doing things that should not be within its purview.

So I am proud to cast my vote in the affirmative on this bill. I thank, again,

Senator Bailey and all my colleagues who have had to live a different life than many of us. Growing up, I saw a uniform and I saw a protector. That's what I was taught. And for people of color in our country, they look at it and see a threat. And they're not wrong.

And so I'm proud of the entire package of bills we're passing this week, and I'm most proud to cast a vote in the affirmative on this bill repealing 50-a.

Thank you, Mr. President.

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

Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. President.

This really isn't a time for rejoicing. I'm proud to cast my vote aye for this important bill to provide transparency and some accountability to individual police officers.

I know there's been a lot of conversation in this chamber about due process. This is not about taking away due process. This is really about shining light on the records of

some bad individuals who should be protecting our communities but oftentimes are not. It has been almost impossible to get a prosecution of a bad police officer in this state, deservedly or not, because of lack of access to their personnel records.

This bill does a good job at striking a balance between that transparency and protecting the identity of critical information about that officer. And let me thank Senator Jamaal Bailey for his important work, and all the staff here, and of course our leader, Andrea Stewart-Cousins, for continuing to fight to make sure this important legislation gets passed today.

This is going to be really, really important. But as I said, this is no time for rejoicing. This bill has been around for over a decade. This is not a new issue. And the only reason why we're bringing it to the floor now is because the nation is burning.

And frankly, African-Americans shouldn't have to burn down the country in order to get basic civil rights and civil liberties. The right not to be killed in the middle of an

arrest should be a basic right for people who have lived in this country, and we demand it not just for African-Americans but for all people.

And so I'm glad to cast my vote aye today for something that is part of a process of bringing transparency and accountability to the police department and restoring -- or at least hoping to begin the process of restoring -- the confidence of the people of this great state to its government and to its law enforcement agencies.

I vote aye.

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

Senator Salazar to explain her vote.

SENATOR SALAZAR: Thank you, Mr. President.

It's been eight years since Ramarley Graham, an unarmed 18-year-old black teenager, was shot in his own home by NYPD Officer Richard Haste, in the presence of Ramarley's little brother and his grandmother.

Unsurprisingly, Officer Haste never faced criminal charges for stalking Ramarley, for breaking into his home, and for killing him. And

despite the harrowing facts of this case, it was difficult to even get the NYPD to hold an internal disciplinary trial until five years later, while Officer Haste remained on the force.

It is shameful that Ramarley's family had to rely on records sparsely leaked to the press just to find out basic information about the officers who were responsible for killing Ramarley. We know that several officers were directly involved, but even now, eight years later, at this very moment, Ramarley's family has still only been allowed to know some of those officers' names. And we know even less about whether or not those officers' records included previous violence against unarmed civilians.

Repealing Section 50-a is about giving these families answers when we know that, collectively, we have not given them justice. The case of Ramarley Graham is sadly, of course, not the only one. But even more than giving these families the ability to know who killed their children and their siblings, their fathers and mothers, we also have a responsibility to do everything we can to prevent this from happening again and again.

This bill will allow New Yorkers to finally find out whether an officer who's currently policing in our communities has racked up complaints for using excessive force or for making illegal stops or for any other kind of misconduct. It will also indicate to us whether police departments have taken these misconduct complaints seriously in the past or whether they have ignored or dismissed them.

By repealing Section 50-a, we will make it possible to find out whether police departments have ignored repeated patterns and complaints about officers' behavior. Police departments will no longer be able to conceal whether or not they knew about previous excessive-force complaints in their too-frequent attempts to avoid responsibility.

When Officer Haste finally had to face Ramarley Graham's family in an administrative court in 2017, I was present for his disciplinary trial. I listened as the officer gave excuses for profiling Ramarley, for following him home, for breaking into his apartment, and ultimately for taking this young man's life.

Officer Haste testified that as he watched Ramarley from a distance, he was suspicious and he chose to follow Ramarley solely because Ramarley was, quote, walking with a purpose.

I've reflected over the last few years since that trial about what those words really mean, about what his words tell us about racism in law enforcement and in our society. We live in a world in which it is sometimes treated as a crime and a risk to a young black man's life for him to walk with a purpose, for him to simply walk confidently in his own neighborhood.

It shouldn't have taken this current crisis in order to compel us as a Legislature to finally act to improve accountability and transparency. And there's still far more that we must do. We can't afford to continue to delay change and justice. But I'm proud to finally vote in support of repealing 50-a today, and I see this as a step forward. May we all get to see the day when every person, regardless of their skin color, can walk confidently and safely in their own neighborhood.

Thank you, Mr. President.

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

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President. I rise to explain my vote.

I want to thank my colleagues for that debate; in particular, Senator Bailey. I was never so moved on this floor when Senator Bailey earlier this session discussed his great-great-great-grandmother, and the bill of sale that he held surrounding her enslavement was one of the most powerful moments I've ever witnessed on the floor. So I want to thank Senator Bailey for sharing that and for fighting for it. I think she would be extremely proud of you, as I'm sure your entire family is.

I want to speak, Mr. President, as an LGBTQ person, because what I see through this movement is something I share as a gay man who witnessed the birth of our human rights movement at Stonewall 51 years ago in my district.

Stonewall was a riot. Stonewall was a protest. Stonewall was fighting the police. Stonewall was led by black and brown people, including Marsha P. Johnson, a black transgender

woman, and Sylvia Rivera, a black Latina woman. Both of them are representations of what we are witnessing today, that the marches have become a movement and that because of the hundreds of thousands of people across this country -- in our districts, in the city, in the state, internationally -- we have seen civil rights move forward.

I just want to share with you, Mr. President, my office has received close to 500 telephone calls, over 15,000 emails from constituents in support of the repeal of 50-a. The volume of emails in the Senate is so high that Google has actually throttled our accounts because we were sending out so many responses.

This is a landmark moment in so many respects, a transformative movement for all of us.

I also want to say that, you know, within every age group -- we see a lot of young people out on the streets, in my district and in others, of all diversity. It's something President Obama has noted as being seminal to the success of this movement. But one of my former colleagues tweeted that his 94-year-old aunt

wheeled her walker out to a Black Lives Matter demonstration outside of her building. That's what we're witnessing. It's intergenerational, Mr. President.

And I finally want to say that it is a privilege, it is a privilege to be here to stand with my black and brown colleagues, to have this opportunity -- which I hope my colleagues across the aisle share -- that we can respond nationally, internationally, to the needs, to the rights, to the desires, to the dreams of black and brown people by repealing 50-a today.

So I vote aye very proudly, Mr. President, and take a stand for racial justice and against police brutality.

Thank you.

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

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

I'm going to take this off {removing mask} because I find it rather annoying to wear sometimes.

This is a monumental day. It is not

often that civil rights are born and die in this chamber. And a civil right that was born in this chamber in 1976 by a former colleague of ours, Senator Frank Padavan, is passing away here today, led by Senator Bailey -- for the right reason then, the right reason now. It's an odd thing to find yourselves at this moment.

If you look back at the history of 50-a -- I think Senator Bailey touched on it earlier -- the original intent of the law was to prevent attorneys from getting copies of personnel files of police officers to impugn their testimony in criminal trials, to prevent them from being harassed by opportunistic attorneys. It is a law that has been misinterpreted by multiple courts and agencies over the decades, and it has led us to where we are now and has created a level of distrust and a lack of transparency that has created such a sense of distrust amongst the public and law enforcement.

And unlike some of my colleagues, I don't believe one bad cop spoils all of them. I believe that the vast majority of the members of the police departments and law enforcement across

this state are good people who get up every day, put on a uniform and go to work to make sure that I get home every night and you get home every night.

Are there bad ones there? Yes. Should they be dealt with? Absolutely. Should they be disciplined and prosecuted? No doubt. And should we make sure that happens? Quickly, because that one bad apple can make everybody look bad.

Heaven forbid we should be judged by the worst of those who have stood in this chamber. I've been in this Senate chamber 16 years. Nine of us, since I got here, have gone to prison. I would hate to be judged by their behavior.

But we are here today doing something that the public has demanded. And I want to thank Senator Bailey, because he didn't just do a straight-up repeal, he listened. I had the opportunity to talk to him, and I know he consulted the very people who are affected by this.

And we were able to make him understand that a straight-up repeal was just not

fair, that there are things that people do -- everybody makes mistakes at work, everybody gets jammed up. There are disciplinary cases that have nothing whatsoever to do with whether or not you are a danger to the public or whether you're a decent cop. Everyone is late. Everyone calls in sick once too many times. Everyone has a bad day. Those records should not be made public. Your personal information shouldn't be made public. We should protect those things the way we do for other public employees.

He listened, he internalized that, and he put it into this law.

But we need to go further, Senator Akshar. You talked about it earlier, we spoke about it in the Codes Committee. All public employees should have the ability to have unsubstantiated cases, including disciplinary cases where they were exonerated, expunged from their record. They don't have that now. I'm going to introduce legislation to do that. Because that should not remain in their file.

We're going to repeal 50-a, we're going to reform it today, we're going to provide the transparency that the public wants. But I

would like to say I've never been a cop, but I have been a union leader. And it disturbs me greatly to hear people say things like "Some people shouldn't have a voice in work" and "We should get rid of police unions."

And I'm going to get very emotional about that, because the day when we start saying that any worker shouldn't have the right to have a voice at work, we should strip them of their right to bargaining or collective bargaining rights or representation -- what are we saying? I don't care if you like their union, I don't care if you like their union leader. Every worker in this country deserves collective bargaining rights. That is something that shouldn't even be subject to discussion.

I'm going to vote for this bill, Senator Bailey, because I think you've struck the right balance. But let us be careful when we start to talk about who should and shouldn't have rights in this country.

Thank you, Mr. President.

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

Senator Ramos to explain her vote.

SENATOR RAMOS: Yes, thank you, Mr. President, once again.

I came here to Albany to personally vote for this bill because it's just so important that we begin to lift the cap off of hundreds of years of injustice on behalf of an institution that is a direct result from slave patrols in this country 400 years ago.

It's so unfortunate that so many black lives have been lost and that it's taken this pandemic for so many to realize how important it is that black lives matter. Black Lives Matter is the minimum. Black lives shouldn't just matter, they should be cherished, they should be celebrated, and they should be loved.

And that is true of our public policy. Because what we've seen and what I fear we'll see now that we repeal 50-a is that the NYPD as an institution, as a bureaucracy, has not been keeping us safe.

And this is why before, when we were talking about body cameras, I started to talk about defunding the NYPD. Because it's critical that we do have public safety. It's critical

that we rethink, recategorize these emergency response systems that are needed. But there's no need for them to be centralized behind a brass that has a history of being racist, of being misogynist, of being anti-immigrant.

I myself in my district have had instances where police officers refuse to provide translation for my neighbors who don't speak English. I'm someone who's been stopped and frisked. I'm someone who actually marched just a few weekends ago in my district and was hit with a baton -- by a Latino police officer.

It just has to stop. This is not the way to keep us safe. The NYPD as an institution has not been able to do this. And it's time that we start listening to those who are closest to the pain.

So I am here proudly representing not only my black constituents, but all of my constituents, in making sure that we have a bolder vision, a bolder plan that divests from law enforcement and invests in healthcare, in education, in transportation, and in everything a human being needs in order to thrive in this country no matter the color of their skin.

I proudly vote to repeal 50-a. I thank the bill sponsor. And let this be just a bright start for what's to come.

Thank you.

ACTING PRESIDENT BENJAMIN: Senator Ramos to be recorded in the affirmative.

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Mr. President.

I want to thank, first of all, Senator Bailey for his sponsorship of this measure; you, Mr. President, for your leadership on some of these measures, Senator Parker, Senator Myrie, and of course our leader, Senator Andrea Stewart-Cousins, the Majority Leader, for building consensus around this package.

And we are at a stark time in our history, both in our state and in our nation, and it's up to us to now take action. And there are some who would say that this package is somehow anti-police. I would disagree. I would say this is pro-police and pro-community, because it strengthens the bonds between our police departments and the communities they serve

through increased transparency and accountability.

And I think that's why some of these measures have had broad bipartisan support, because transparency and accountability breed trust. You know, sunshine is a great disinfectant; it also makes things grow and flourish.

And this is not just a one-day or a one-set-of-bills remedy. In order to fulfill the promise of our Constitution and our nation that everyone receive fair justice, we are making a start. This is a down payment. But there are so many other avenues of our society, from education to healthcare to housing -- as I believe you said the other day, Mr. President -- we have so much more work to be done.

But let this be a down payment on the notion that justice will no longer be denied, and justice will be fair for all. Thank you. I vote aye on this and the entire package.

Thank you.

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

Senator Borrello to explain his

vote.

SENATOR BORRELLO: Thank you, Mr. President.

The past two weeks have opened a wound in our nation that must demand our attention. Justice must be served for George Floyd and his family, for his shocking and unjust death.

But addressing one terrible injustice by creating the potential for many more is not the answer. The repeal of 50-a of the Civil Rights Law will heighten the already significant risk police officers face every day by opening personnel records, including reports of unsubstantiated and unfounded complaints.

The very nature of law enforcement is one that incites many vengeful perpetrators to retaliate by filing groundless complaints. Now those unfounded complaints will become fodder to discredit officers or, even worse, they may trigger anger and violence.

While any officer who abuses their position must be held accountable in a court of law, this is not about accountability. This is reckless. Just like we saw with bail reform,

leaving the group most affected out of the conversation about how to improve the system will have unintended consequences and tragic results. The repeal of 50-a without a thoughtful dialogue and debate about the reforms will lead to disastrous results, like we saw with bail reform. It's going to make New Yorkers less safe.

This is the repeal of a civil right. Everyone deserves due process, even police officers and members of law enforcement. Where else in our nation do we allow false and unsubstantiated claims to be used against anyone? This is unjust. It's wrong. It is absolutely a violation of our Constitution. We as Americans should always allow due process, and we are innocent until proven guilty. And in other situations in this chamber, we've had that exact discussion. So this is hypocritical at best.

I am voting no. I am standing with those who serve us every day and risk their lives.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Borrello to be recorded in the negative.

Senator Mayer to explain her vote.

SENATOR MAYOR: Thank you, Mr. President. I want to explain my vote.

And thank Senator Bailey and our leader, Senator Andrea Stewart-Cousins, for bringing this bill to the floor.

Today we are taking a bold and important first step toward reform in our system of policing, a step we must take to begin to rebuild the trust between law enforcement and the black and brown New Yorkers they are pledged to serve.

As someone who has worked closely with my local police departments as well as police and other law enforcement unions statewide, this was not an easy decision. Nevertheless, it is the right decision.

For years I thought the incremental changes that I supported within the law enforcement community were practical reforms to address the problem. Like so many others, I thought encouraging diversity in police ranks, community policing, stronger communication between police officials and minority leadership, and enhanced training and tougher leadership that required accountability would limit the targeting

of people of color and in some cases the terrible loss of life.

I was wrong. We need action to change the institutional forces that sadly have brought us to this day. We cannot have our New York neighbors, constituents and others justifiably afraid they will be pulled over in their cars, accosted on the street, arrested, abused, or in some cases killed. We need change now.

I have decided Section 50-a of the Civil Rights Law, adopted over 40 years ago, can no longer be the standard for the release of disciplinary records of officers. Rather, law enforcement officers, like so many other public officials, must be accountable to the public in order for trust to be restored.

While maybe well-intentioned so many years ago, the statute no longer protects the public or balances the public's interest against the privacy concerns that have been used to defend it. The Court of Appeals as recently as 2018, in NYCLU vs. New York Police Department, again interpreted the law so broadly as to fundamentally bar all disclosure of prior police

disciplinary records.

The exception in the law which theoretically allows disclosure is really no exception at all. In reality, under 50-a no one in the public can see an officer's prior disciplinary record under any circumstances.

The bill we adopt today which grants additional personal privacy to law enforcement from some of the disclosure provisions of the FOIL law, is a fair adjustment. It protects law enforcement from unwarranted personal disclosures and allows technical infractions to be withheld from the public record.

This week I spoke with a distinguished judge advocate general, or JAG officer, in my district who struggled to find answers after the death of George Floyd. She thoughtfully reminded me the military sees these issues quite differently. While clearly imperfect, in the military there's an expectation that all officers are held to a higher standard: They have an affirmative duty to speak up and stop unlawful behavior, and the disclosure of information about prior incidents is actually necessary to ensure fundamental trust in the

military system of justice.

We should take this comparison to heart as we move to change the laws that have contributed, unfortunately but justifiably, to a fundamental distrust in our law enforcement system. This is a moment of national reckoning that makes me optimistic and determined at the same time -- optimistic because Americans of all colors, faiths and ages are forcing us to look reality in the eye and acknowledge our system must change to confront and end racism in all its forms.

However, it is a moment of challenge that only determined action can address. Peaceful and loud demonstrations in the streets of my communities and yours -- in New Rochelle, White Plains, Yonkers, Harrison, Mamaroneck, Bedford, Bronxville, Tuckahoe, Port Chester and elsewhere -- are good: Demonstrations protected under the First Amendment, demonstrations in my communities protected by the police. However, they're not enough. They must lead to real reform. We cannot wait for incremental change and continue to rely on the prior innocent belief that simply the good officers would outweigh and

outpower the bad.

Demonstrations need to lead to meaningful reform. Sometimes change is uncomfortable. Sometimes change is not easy. Sometimes change comes with risk, even political risk. However, it is our responsibility as elected officials to make this change.

The bill I vote for today and the others that are part of this package will be an important step toward this change. These bills will not harm the tens of thousands of professional, compassionate and responsible officers I have supported who have nothing to fear and with whom I will continue to stand. However, it will change the culture of secrecy, the patterns of illegality that have been allowed to fester, and the legalized denial of accountability that have held us back for too long.

In the process, we will move our state toward a more just state for every New Yorker -- those whose skin is darker than mine, but those who are equally entitled to our system of justice for all.

I proudly vote aye.

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

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I want to speak on all of the bills just at one time, because we are clearly all having a broad discussion here today.

I also want to recognize and thank my members who have taken the lead on most of the bills that are passing today, most of whom are of color. Because in fact what we are talking about is needing change to ensure that in a country that prides itself on saying we have equal rights for all, that we make sure that we have laws that protect us all equally and respect us all equally.

And clearly, for anyone who has not been in a coma recently, we understand that literally the country has stood up, taken to the streets, taken a knee, and said enough is enough, we need to address institutional racism throughout our society.

But perhaps most relevant, because of the danger and the harm being done, is making

sure we are clear that the laws that we write as legislators and get implemented through our police departments and our courts are implemented in a way that is colorblind, even though clearly none of us are colorblind and we have not addressed core racism in our society.

Over the last weeks I have never seen as many emails, calls, and texts from people within my own district, a disproportionately Caucasian district, begging me to support these bills, demanding me to come back to Albany to make sure that these bills get passed.

I've never seen the engagement, in the 18 years I've been in the Senate, on the streets -- not only of my entire city, but specifically the people in my district taking to the streets in my district in a peaceful and organized way. This incredible response makes me more proud than ever to represent my community, because my community understands these reforms are decades past due and they are demanding justice disproportionately for people who don't live in my community.

And though these bills represent progress, they only go a small way towards

righting the wrongs our current system inflicts on African-American people and other people of color on a daily basis in our society. Our housing policies, our public health policies, our education policies, our environmental policies all create the conditions that perpetuate widespread segregation in our country, our state, and our City of New York.

That segregation has a direct human cost for individuals and communities of color. We see it clear as day in the disparity of deaths caused by COVID-19 in these communities. Going forward, we must continually recommit ourselves to addressing the structural, systemic racism that results in significantly diminished outcomes for people of color in education, healthcare, employment, the criminal justice system, and on many other fronts.

Let me be very clear. These pieces of legislation are not an attack on police officers or any police department. Police officers, like elected officials, are public servants. Elected officials, because we have been given the power to make laws and to allocate public funds, should be held to a higher standard

than other citizens. I have always fundamentally believed that since I took this job as an elected official. After all, nobody forced us to take this job.

Similarly with police officers, because they are given the power to make arrests and use deadly force when necessary, they must also be held to a very high standard and oversight of their conduct.

That's the goal of all the bills we are passing today and yesterday and perhaps tomorrow. The vast majority of police officers and those who support them should welcome efforts to root out the so-called bad apples before they spoil the whole barrel, because we all need a civil society that we can live in in peace, where we can respect each other, where legitimate protest is allowed and encouraged. I repeat, encouraged.

We need a court system that recognizes habeas corpus, which right now apparently we have a few problems with as well in this state and with a few judges who don't seem to understand the right to arraignment and habeas corpus. We all need to do better.

So I am very proud, despite the controversy some seem to believe come with these bills, I am very proud to be part of a history that will reflect my support for this legislation, my vote for this legislation, my vote for this entire package.

Again, I want to thank the lead sponsors for their incredible work, and I want to thank Andrea Stewart-Cousins, our leader in the Senate, because I'm quite sure these bills would not be passing today or have ever hit the floor of the Senate if we did not have a leader named Andrea Stewart-Cousins.

Thank you, Mr. President.

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

Senator Gallivan to explain his vote.

SENATOR GALLIVAN: Thank you, Mr. President.

Many in the chamber know my background. I was a New York State trooper and the sheriff of Erie County and very proud to have served as a law enforcement officer and with two

extremely professional law enforcement agencies who worked hard each and every day to ensure professional and ethical law enforcement and to ensure that those that crossed the line within their ranks were held accountable.

It's my experience that the overwhelming amount of police officers and police agencies across the country are honest, decent public servants who work hard each and every day to keep our communities safe. We need to look no further than the police statistics up until last year -- or the crime statistics were at record lows. And certainly the police officers didn't do it by themselves, they did it in conjunction with the community. And the best communities, the best police agencies, the best likelihood of success is no doubt where the police and community work together and trust each other.

There is no honest, decent police chief, there is no honest, decent police officer who does not want to make sure that the bad cops are held accountable. The question, of course, is how best do we do that. We don't do it by taking the civil rights away from individuals, in this case police officers.

We now, by repealing 50-a of the Civil Rights Law, we put New York State's law as it relates to police disciplinary records on par with Minnesota, which allows for full public accessibility to police disciplinary records. We look at what took place in Minnesota -- and I don't even want to say the police officer's name. He was a disgrace to everybody. It was reprehensible what took place. He should be held accountable, and no doubt he will.

We know now, because it's been publicized worldwide, that that officer had, if I'm not mistaken, 18 complaints of misconduct against him. The Civil Rights Law -- or the lack of our Civil Rights Law here or that lack of the equivalent over there had nothing to do with the lack of accountability of that officer. The Minneapolis Police Department and its administration failed everybody, city hall over there failed everybody by not holding that police officer accountable and allowing him to be out there and those ultimate events to take place.

We've talked, we talked in committee -- we had an hour 45 minute Codes Committee that really was among the best

discussions that I heard in my time here. Clearly there's points of disagreement amongst the members here, but I think we share many common goals in trying to right wrongs and ensure a system is in place to ensure accountability.

I have a problem, though, where we allow unfounded and unsubstantiated complaints to be used against any individual. We hear debate, we hear people often talking about the police wrongly accusing a citizen of something. This is no different. A wrongful accusation is a wrongful accusation, and it shouldn't be allowed to be used against anybody. It opens the door to impugning a good police officer's reputation, hurting his career, hurting his family. Even more importantly, it has the potential to jeopardize cases and hurt our community.

A wrongful accusation is wrong for everybody, and allowing it I think flies in the face of common justice for all. I'll be voting in the negative. Thank you.

ACTING PRESIDENT BENJAMIN: Senator Gallivan to be recorded in the negative.

Senator Akshar to explain his vote.

SENATOR AKSHAR: Mr. President,

thank you very much.

Allow me to thank once again the sponsor of the legislation for the back and forth. I said it earlier, Senator Bailey, I respect you. We happen to disagree from time to time on issues. But I take solace in the fact knowing that you and I, as two grown men from different parts of this great state, can have reasonable discussions about issues that affect all New Yorkers.

You know, I want to just come back to something that my colleague from Queens said earlier in making a statement about bad apples. You know, Senator Gianaris, I hope and pray to God that you don't truly believe that one bad cop can spoil or has spoiled an entire profession. Because, you know, there are more than 65,000 cops in this great state, more than 800,000 cops across this great nation, and 99.5 percent of them are good. Does the police department, sheriff's offices, NYPD -- is there room for improvement? There certainly is.

Today I guess is a historic day if you're supporting this piece of legislation. I happen to think it's a sad day for those in

law enforcement, in corrections, the fire department, parole and probation, because I think we've very clearly said that, based on the language of the statute, that you no longer have due process, and you no longer have your civil rights purely because of the uniform that you choose to wear.

The 15 years that I spent in law enforcement were a great 15 years, and it really was the best job that I've had in my 41 years on this earth. I would say this. I think that it is incredibly important for all of us to recognize, no matter where we come from, that systematic racism, systematic injustices and inequities, they do in fact exist. They do in fact need to be addressed. But those inequities, those injustices, that racism, it's not born in the police department. It's not born in the NYPD or a precinct or a police station. It is born in communities like Binghamton, like Buffalo, like Astoria, like Jackson Heights, all throughout this great state, all throughout this great nation.

I've said this many times, it is my belief that we are not going to legislate our way

into a fairer, less unjust community. The only way that we do that is by having a willingness as people, as different people -- as white people, brown people, black people -- to have a willingness to admit that yes, those inequities and those injustices exist, not one profession is responsible for that, but that we must in fact sit at a table and work to improve our communities and do away with those injustices, that racism, and those inequities.

You know, if we want to help the police, if we want to make the police more accountable and make sure they're trained appropriately, let's not defund the police. That's not the appropriate answer.

As a matter of fact, we should be in fact funding programs like the crisis intervention training, crisis intervention funding for members of law enforcement, so maybe they have the things that they need to not use deadly physical force in certain situations. I'm sad to report this year there is zero money for that program. In 2017 we funded that program at a million and a half dollars.

Psychological exams are not

mandatory when you hire a member of law enforcement. Maybe we should have a discussion about that. I come from an organization that was accredited by the Division of Criminal Justice Services. Not every organization is accredited. In that program you're required to fulfill 109 very specific standards to make your agency the best it can possibly be, follow best practices, follow very important policies.

Maybe those are some of the conversations we should have about moving forward. I for one want my colleague, the sponsor of this bill, and everybody else who sits on the other side of the aisle to know that I am fully prepared, despite what you all may think because of my previous employ, to in fact sit at a table and have those meaningful conversations about how we move this community forward. Because the facts are the facts. If the Bronx does well, Binghamton does well. If Queens does well, Binghamton does well. And I think that's what's important for all of us.

Mr. President, as I said earlier, I'm not going to support this bill, I'll be voting no, but I in fact thank the sponsor.

ACTING PRESIDENT BENJAMIN:

Senator Akshar to be recorded in the negative.

Senator Sepúlveda to explain his vote.

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

First of all, I want to thank Senator Bailey for a very thoughtful bill. He listened to many different factions throughout the state. So if anybody wants to accuse him of not bringing anyone into the discussion, I think my colleagues, Senator Akshar and many, can tell you that Senator Bailey is very thoughtful and considerate on many points of view. And I want to thank him for that.

When I was a first-year law student, one of the first things that my law teacher, one of the first statements that he made in my first year of law school at Hofstra University was that sunlight is the best disinfectant. Now, what did he mean by that? He means let's have transparency.

Transparency is what takes care of a lot of these issues that we have between the

police and the community. And I daresay that those good actors, police officers that we respect -- and the notion that members on this side of the aisle believe that all police officers are corrupt or engage in abusive behavior is just flat wrong. I think most of us believe that a majority of them get up every day and do their job, respect the law, put their lives at risk, and do the right thing.

But where the problem arises for those that don't do the right thing, those that abuse communities of color, those that treat people that I represent like third-class citizens, the reality is that they have a shield. And that has been a systemic problem in this state for many, many years.

No one is taking away a police officer's civil rights. I'd say to some degree that is a smoke screen, with all due respect to my colleagues on the other side. No one is saying you cannot have a disciplinary hearing within the department anymore because of some inappropriate behavior or bad behavior, as they call it, as a police officer.

Now, let me tell you something about

these disciplinary hearings. See, as a young lawyer coming out of law school, actually my first job was with a firm that represented the PBA. And I participated in some of these disciplinary hearings. And the best way to describe them is that they're a kangaroo court. Because the hearing examiner is hired by the commissioner and by the department, and the department can find you -- can find whether the complaint was validated or not at will.

In fact, I remember during one of these hearings that I attended having a bathroom break and hearing the hearing examiner speaking to the police department representative about how they were going to deal and rule on an issue.

So this concept that a police officer has a disciplinary hearing, whether that should be divulged if it's unfounded or not founded, again is not just not an accurate measure of the policeman's behavior, of the outcome of those hearings. It is really an accurate measure of how the department and the hearing examiner wants to find at the end of the day for the police officer. And I can tell that it's equally unfair to the police officer.

So if you want to talk about not releasing unfounded disciplinary actions, then let's talk about having an independent individual have these hearings when police officers are subjected to disciplinary proceedings. Let's not have it within the department, let's have it outside of the department. Let's pass bill where we create a new department that will essentially investigate and rule on these disciplinary hearings. Make it an independent person. Then that argument has some validity.

Look at the big picture here. When you peel the onion of what the opponents of this law -- and it's not a complete repeal -- what they're doing, no matter how you peel this onion, is they're trying to create a barrier, a shield to protect bad actors. And what that does is it does a disservice to those men and women in law enforcement who are doing the right thing on a daily basis.

Now, some individuals in this chamber, some have said that 5 percent of -- or 99 percent of police officers are good actors. I think that number may be somewhat high. But I invite any one of you to come and walk the

streets of my neighborhood and see the interaction between the police department and the citizens. Experience what I have experienced when I'm told, when I walk into a wealthier neighborhood and I'm told -- me, a sitting State Senator -- that I don't look like I belong in that neighborhood. Or I experienced, at a stoplight, police officers jumping out of a vehicle asking seven or eight kids -- 15-, 16-, 17-year-olds -- to go up against a wall and let me see your I.D. When we all know that in order to request an I.D., there has to be -- someone may be committing a crime or about to commit a crime.

But these kids, six or seven 15- or 16-year-olds lined up against a wall and asked for their I.D., asked for their addresses, asked for their names -- things that are unconstitutional and things that happen every single day in the community that I represent.

So while they may be 5 percent of bad actors, that 5 percent has done extreme damage to the relationship between the police department and our communities. They have brought pain and hurt to the communities that I

represent. They have brought destruction to the communities that I represent.

It is a humiliating experience, a humiliating experience when an adult, a black or Latino, predominantly male, is pushed up against a wall, is asked to kneel down and put his hands behind his back for reasons that are completely unjustified. It is a humiliating experience when a 12-, 13-, 14-year-old black or Latino male or female is put in a police car and questioned for no reason whatsoever to justify that process. And what happens is that when that 14- or 15- or 16-year-old grows up, their experience with the police department will essentially guide how they deal with the police department for the rest of their lives.

It is humiliating. It was humiliating to me as an 18-year-old when I got arrested because the police officer didn't like the way I looked at him. Now, fortunately, I try to be open and don't take the position that I hate police officers because of that experience. I believe that that police officer was an idiot, and I believe ultimately he was removed from the force. At least I hope he was. But these are

the experiences that black and brown men and women have to deal with on a daily basis.

So don't tell me that it's a small majority. It may be a small majority of police officers that are not acting correctly, but it's a huge impact in the communities of color. And these sets of bills that we'll be voting on today and we voted on yesterday -- and 50-a will not remove any civil rights of any police officer. They still have their hearings. They still have procedural protections. It's not a violation of any provision of the United States Constitution, not a single one.

And it's interesting how people who are now talking about due process, when it came to us reforming our criminal justice system, due process was an afterthought.

So let's be fair. Let's not be hypocrites. Let's do what's right for future generations. Let's do what's right so that the children that I represent, my poor black and brown individuals in my community, when they grow up, they say, "I want to grow up to be a police officer, and not "One of the things that I have to make sure is that I don't get shot, that I

don't get abused by a police officer." That is not the kind of dialogue that I want to have with my son.

And the way to do that is by opening up information. This bill does not release any personal information of a police officer. Personal information will be protected. What this bill does is it would hold those police officers accountable for bad behavior. And the argument against it just doesn't hold water. The argument that any criminal attorney can get all these bad acts and introduce them into the record is completely untenable, because even the worst of judges will not allow this evidence to come into a case if it's not germane to a particular issue.

You know, this is not a proceeding, now there won't be proceedings where anything that a police officer does will now be brought into a trial. That is just not the way our trial systems work.

So let's do what's right. Let us vote today in a way so that future generations will look up to the police, and my community and my children and the children in my district will

all one day want to become police officers.

I vote in the affirmative.

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

Senator Liu to explain his vote.

SENATOR LIU: Thank you, Mr. President.

Finally, finally we are repealing Section 50-a. I want to thank Senator Bailey for his incredible leadership in making this happen.

And this repeal is necessary. It's necessary to bring justice for the families of so many New Yorkers who have had their lives taken at the hands of police officers. But it is also important beyond that kind of accountability to remove this shield that has allowed impunity on the part of not all police officers, but some police officers, to think that their behavior is not something that they would be held accountable for, ever. It is important that we repeal 50-a.

I'm so proud to have marched alongside my constituents in Bayside, Queens, Whitestone, College Point, Douglaston, Little Neck, so many of the neighborhoods that I proudly represent -- receiving thousands and

thousands of emails, telephone calls, messages from people demanding that this unjust section of New York State law is repealed once and for all.

And as I marched alongside them and had discussions with them, it was "Black Lives Matter." Now, I'm not black, but to me and so many of my constituents, (raising voice) Black Lives Matter. Black Lives Matter. But even when we're walking the streets or having conversations on Zoom, there are some people who scream out car windows as they're passing by: "All lives matter." Or sometimes they whisper it: "But all lives matter."

And I have to constantly remind people, and I will remind some of my constituents right now, that it's important to think about why you're saying "all lives matter." People say every person that I have heard say "all lives matter" has appeared to me as if they have bristled at hearing the phrase "Black Lives Matter." They don't like hearing that, so they say "all lives matter."

Well, why do we say "Black Lives Matter"? Because it's always a black life, it's always a black life that gets taken by law

enforcement, by cops who not only not uphold their responsibility, but they are breaking the law themselves. They need to be held accountable for that. It's always a black life -- unarmed, subdued already, and their life is still taken. That's why we say "Black Lives Matter."

You all know about our colleagues Assemblymember Diana Richardson and Senator Zellnor Myrie. They weren't even out protesting. They were out among protesters to try to ensure peace and to prevent any kind of misunderstandings or confrontations that might take place in the heat of the moment. And yet they, along with a group of other protestors where nothing violent was going on, nothing untoward was going on, they were seized by police officers and pepper-sprayed to the point of blindness and pain for hours, and corralled into a police van until the two of them were recognized by a police chief. At which point the police chief instructed the officers to let the two of them go.

Senator Myrie doesn't talk about that, about himself. He talks about the dozens of other people who were cuffed and maced -- or

not maced, but pepper-sprayed at the same time he was. But they didn't get recognized as being a Senator or Assemblymember. They stayed in the truck. They were probably processed, and if not for the moment that we're in now, and what some of the statements of the district attorneys have suggested, they probably would have been processed with some kind of record that would stay with them for potentially the rest of their lives, disabling them from getting a job or housing or other opportunities that you and I take for granted.

And why were Senator Myrie and Assemblymember Richardson taken along with that entire group? Why Senator Zellnor Myrie -- if you know him, the last person who would ever be singled out by police officers. If you know his history, his temperament, his intelligence, nobody would ever take him out. But Senator Myrie is guilty of something. He's guilty of an American crime, and that American crime is being born black. That's why he was treated the way he was before he was recognized by a police chief.

So we need to really reckon with ourselves and understand why it is the phrase

"Black Lives Matter" has been chanted millions of times over the last couple of weeks. And indeed it hasn't been people of color out there protesting, marching in the streets. Some people say, Oh, it's been a pretty diverse crowd. Come on. What you mean is it's been a lot of white people. In fact, at all the marches that I've been in, and I've been to a lot of them, it appears the majority of marchers are white.

And so, you know, look, I'm not a sociologist, I'm not a psychoanalyst, but I know this is a point, a time in history, a moment in history where we have to take advantage of this to make serious changes, serious changes recognizing that repealing 50-a and the several other bills that we are passing this week are just the tip of the iceberg. Because it is not about just assuring and demanding accountability on the part of individual officers. There are some people who just should never have been cops. But I will say the vast majority of officers are in it for the right reasons and do the right thing.

But it is not just about individual accountability. We have to step back and take a

look at the system that has evolved over time. Why is it that the homeless and people who are in need of social services have huge interactions with the police department? Why is it that in New York City it's members of the NYPD who are patrolling the hallways? Not just high schools, but middle schools and elementary schools. Pre-Ks.

We need to understand, acknowledge that too much of our society has become a police state. We need to reprioritize. It's not just about shifting some dollars from the NYPD to community organizations and programs. We need to make a wholesale evaluation of where our values really lie, get back to the origins of the police department -- not just the funding, but the constitution themselves of the police departments. This is a moment in time when we have to reevaluate all of those.

Yes, restore individual accountability by repealing 50-a and enacting the other measures before us this week. But we need to take a much deeper dive into what our society is all about. At the end of the day it should not be a situation where you have numerous

encounters with the police department or law enforcement. In fact, one should be able to live a life without ever having any encounter with law enforcement or the police department.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator Liu to be recorded in the affirmative.

Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President and my colleagues.

I rise today to speak in favor of Section 50-a. I have prepared testimony, and I made some additional notes. But first I would like to thank the Majority Leader, Andrea Stewart-Cousins, for her leadership during these tough times that we all are going through.

It's important to know -- and I've mentioned this before -- in the history of New York State we have the first woman to ever be elected the Majority Leader of the New York State Senate. That's history. In addition, she happens to be the first woman of color in the history of the State of New York in order to serve as the Majority Leader.

I turn to my colleague Jamaal

Bailey. And let me thank you for your leadership on this particular bill. You know I have called you specifically about this and the discussions that we had about it. Thank you for your leadership. This bill is clearly passing today.

So here we are in the New York State Senate chambers right around the same time, when this hearing started, where George Floyd is being buried and his funeral is in Houston, Texas.

I'm going to throw out some names, to mention some names to all of you. You may recognize some; you may not for others. Akai Gurley. Allan Feliz. Amadou Diallo. Anthony Baez. Antonio Williams. Carlos Lopez, Jr. Clifford Glover. Delrawn Small. Eric Garner. Jayson Tirado. Kadeem Torres. Kawaski Trawick. Kimani Gray. Mohamed Bah. Noel Polanco. Ramarley Graham. Shaheed Vassell. Sean Bell. Shantel Davis.

These are the names of some of the black and brown people killed at the hands of police in New York City -- names that have come rushing back to us after the killing of Breonna Taylor and George Floyd. These police killings have awakened us once more in New York

City and around the world. And as you know, New York City is the epicenter of the COVID-19 pandemic. A huge swath of our community -- black people, brown people, Asian people, white people -- have come together to demand change to our racist system. And in fact, John Liu discussed it, we mentioned it earlier: Many of those individuals that are rallying with signs that say "Black Lives Matter" and many other things that the signs are saying, are young white individuals. They care about their brothers and sisters of the human race.

So Jumaane Williams, the Public Advocate of the City of New York, Corey Johnson, the Speaker of the City Council of New York, Scott Stringer, the City Comptroller of the City of New York -- three out of the four highest elected officials in the City of New York -- we took a knee at 43rd Street and Times Square for 8 minutes and 47 seconds, the same amount of time that we watched on video George Floyd being killed.

And let me tell you, if you've never taken a knee for 8 minutes and 47 seconds, it's a long time. Just like when people say, oh --

because I've run a New York City marathon -- that's 26 miles. And I say no, no, no, 26.2. Don't forget that .2, especially when you run 26.

But also Luis Sepúlveda talked about stop, question and frisk with respect to his testimony here today. I cochaired the New York City Council's Black, Latino and Asian Caucus for eight years. We filed an amicus brief in the lawsuits. And I say to you that this was a major issue in New York City, people being stopped and thrown up against the wall and being mistreated and abused. It was a major issue, and we won on behalf of all of the people. And people said, oh, crime is going to go up. Well, crime didn't go up. Crime went down. Different perceptions.

So we're not going to legislate our way out of systemic racism. The legislation we're passing right now is about addressing one of the many symptoms of that racism, in my opinion, police brutality. We have an obligation that the laws we pass look out for the people of our state and bring respect and dignity to everyone, and that's what we're doing.

The bills we're voting on today, especially repealing 50-a, should have been done

a long time ago under previous leadership in the New York State Senate. We have heard loud and clear from our communities that these bills must be passed. And like my colleagues, we've received hundreds of phone calls, emails and texts about this particular matter.

The Black, Puerto Rican, Hispanic and Asian Caucus of the New York State Legislature, 63 members strong, held a virtual press conference last week around the entire state, from Long Island to Buffalo, to Harlem, to Albany, Rochester, Buffalo. And its saying was: Enough is enough, black lives matter, repeal 50-a.

This past Sunday my office put together a march and rally where we wound up at the Riverbank State Park. About 2500 constituents marched with us to demand an end to police brutality and to say loudly the need for police transparency and accountability.

For all those families who have lost loved ones to police brutality, for our black and brown communities across New York State and across the country, for my constituents in the 31st Senatorial District who demand change, for

myself as a black man and for my black grandsons, Esa and Imira in Virginia, I'm proud to vote yes on this bill today.

And I say to all of my colleagues: As-salamu alaykum. You may say, what does that mean? Peace go with everyone.

Thank you, Mr. President.

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

Senator Montgomery to explain her vote.

SENATOR MONTGOMERY: Thank you, Mr. President.

This certainly is a very, very special and historical moment for me because, for once, I'm going to be very happy and excited to cast my vote yes to all of the criminal justice bills that we have had before us and that we have before us at this moment, including 50-a.

As you know and everyone knows me for, voting no on every bill practically that came before us that did anything to extend or increase the sentencing or the time that anyone spends in prison or increases the number of crimes that we consider or the number of actions,

activities that we consider to be crimes, increasing the penalties, and on and on.

And why was I consistently voting no? Because I understood that those bills, however well-intentioned, to whatever extent we thought we were helping people, we were actually casting a net to include more and more people in the criminal justice system, which already was totally unfair and would capture more and more, especially young people of color. So I have historically voted no.

But today and this week and these last few weeks, I must say I am especially pleased that we have -- this is a new time for us. We have a new Majority Leader. I am so grateful for her leadership. We have a staff that has worked with us to help fashion the legislation that we have been able to pass. I have my colleagues. I have enjoyed and appreciated the debate. I was just so thrilled with Senator Bailey debating Akshar. I thought he was wonderful. Thank you, Senator.

And let me just say to the people of America, thank you for bringing us to this point and saying in no uncertain terms that none of us

can breathe if a few of us can't breathe.

And I will say lastly that I've been to court with young people, I've been to school with young people. I have witnessed such pain and anguish in parents whose children were caught up in the system, either killed or even if they were just in the system sometimes, parents lose their children and can't find them when they've been arrested. So it's a very painful thing to live with.

And the last conversation that I had with my son, who is now an avid cyclist -- even though he's a young adult, he's my baby. And I said to him, "Be careful about the neighborhoods that you ride your bicycle in, because you're in danger if you go into the wrong neighborhood."

So I feel this as a mother, I feel this as a legislator, and I feel this as a person in America who has lived with a system where every day you're in fear that your brother, your son, your husband is going to not come home.

So thank you, Mr. President. I vote aye.

ACTING PRESIDENT BENJAMIN: Senator Montgomery to be recorded in the

affirmative.

Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Mr. President.

And before I start, let me just note that today is my mom's birthday. And so, Mommy, happy birthday. I love you. Sorry that I cannot be with you in person, and I hope that you understand why I have to be here today.

Mr. President, we have heard from some folks that our grievances against police brutality and our attempts to rid it out of our police departments are us taking advantage of a political moment. Some people have said that it isn't a real grievance, that this is not happening here in New York. You are taking advantage of what's happening around the country, and you're only doing it now.

So if I may direct our collective attention to the year 1942 -- that's 44 years before I was born -- where Palmer Anderson, an unarmed black man, was killed by the New York Police Department. In 1946, four years later, Charles Ferguson, killed at the hands of law enforcement in Freeport, New York.

The very next year, in 1947, an unarmed black small-business owner assaulted within inches of his life by law enforcement. No serious consequences for the officers involved.

In 1950, Jeff Harrod shot in the chest, directly in the heart, at the hands of law enforcement. No serious consequences for those police officers.

In 1952, a young man by the name of Jacob Jackson, beaten nearly to death by the New York Police Department. No serious consequences for those police officers.

We skip ahead to 1964. We're still 22 years before I was born. A teenager, 15 years old, Jimmy Mitchell, killed at the hands of the New York Police Department. No serious consequences for those law enforcement officers. In fact, there was unrest in the city after Jimmy was killed, much like what we are seeing today. People took to the streets. And even those who were peacefully protesting were met with the same brutality. In 1964, Thessalonia, shot in the back while walking away from the New York Police Department. In 1964, Barbara Baxter, while peacefully protesting, shot in the thigh.

We fast forward 20 years; we're now in 1984, two years before I was born. A young black man, Michael Stewart, killed at the hands of law enforcement. That same year, a senior citizen -- while she was being evicted -- Eleanor Bumpurs, killed at the hands of the New York Police Department.

In 1994 -- I'm eight years old now -- Anthony Baez threw a football, hit the wrong police car, he is choked to death at the hands of the New York Police Department.

The next year, 1995, Anthony Rosario and Hilton Vega shot to death by the New York Police Department. Unarmed.

In 1997, Kevin Acevedo, shot in the back while running away from the New York Police Department. He was unarmed, and he was killed.

The rest of my teenage years and into my adulthood, I saw unarmed person being brutalized after unarmed person being brutalized: Abner Louima, Amadou Diallo, Trayvon Martin, Breonna Taylor, Sandra Bland, Eric Garner, George Floyd.

So 11 days ago, when I put on a neon green T-shirt with my name and title on the back,

I walked to Barclays Center not just as a State Senator, but as a black man who has grown up in this country and has seen brutality have no consequence for my people. And what I was met with was not open arms. Instead, I was pushed, I was shoved, I was hit in the back, pepper-sprayed and handcuffed.

So you're right, this is the moment. We are tired. There has been no consequence for the brutality against our people. And to this day I don't know if the officer that sprayed me and my colleague in the Assembly has a history of excessive use of force.

That is what this bill is about. It is about the history. We have seen brutality go unanswered. This isn't an attack; this is accountability. This isn't targeting; this is transparency. This isn't anti-police; this is pro-people.

Listen to the New Yorkers who have taken to the streets. Listen to what they are saying. My life matters. Black lives matter. Repealing 50-a and the other reforms that this majority will pass hopefully will send the message that we mean that when we say it.

Senator Bailey, this isn't just a story of tragedy, but one of triumph. Because while brutality is in the soil and DNA of our country, so is hope. And only in this country can a black boy from the Bronx grow up to chair the Codes Committee and pass what we are passing today. Only in this country can I be pepper-sprayed on a Friday and be the policymaker on a Tuesday. It isn't just a tragedy, it is a triumph.

So what we do today is of course historic. But I'm voting aye not because it's historic, I'm voting aye for all of the families who have lost their loved ones to police brutality. I am voting aye for the thousands of New Yorkers that have taken to the streets and have said enough is enough. I am voting aye because it is the right thing to do.

Senator Bailey, thank you for your leadership. Madam Leader, thank you for your leadership. And to my colleagues, thank you for your support.

I'll be voting in the affirmative, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator

Myrie to be recorded in the affirmative.

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Mr. President.

It's been quite a day. It's been quite a couple of weeks. It's been quite a 37 years for me as a black man on this planet.

I'm going to correct something for the record. Senator Borrello mentioned that there wasn't discussion. We held hearings -- and I think Senator Akshar spoke to that, and I think Senator Gallivan spoke to that as well. Senator Flanagan reached out. Senator Lanza reached out. We had discussion about these things. And just because we don't agree on the subject matter doesn't mean that the conversations don't happen. Let's be very clear about that.

And we talk about the vast majority of people, the vast majority of officers are inherently good. Without a doubt. The vast majority of people are inherently good, but we still have a penal code, Mr. President. That is in the event that people commit bad acts against one another.

I'll redirect to my original

comments. And I want to thank Senator Akshar for a spirited debate and thoughtful conversation, despite differing on the subject matter of what we discussed today.

I want to thank Leader Andrea Stewart-Cousins for not just being a trailblazer, but being someone who listens. Allowing me to be the chair of the Codes Committee. Your leadership in such a tumultuous time, Madam Leader, is greatly appreciated.

My brother Senator Myrie was pepper-sprayed on a Friday, and you called me on Saturday morning. The Book of Matthew says: Ask and you shall receive. Seek and you will find. That's Verses 7 and 8. I asked, we received, and now we're going to find justice in this state.

I want to thank Shontell Smith because one day Shontell called me when I was on Gun Hill Road -- I'll never forget where I was, I was about to get a haircut, when barbers were open -- and she said that "Because Senator Squadron is leaving, you should be the ranking member on the Codes Committee."

And I bristled for many reasons, one of them being what Senator Montgomery mentioned,

that in the last couple of years it was penalty-enhancers day by day. And I don't subscribe to that theory of legislating, and it was tough. But Shontell said: "Stick in there. Because if we get the majority, you could become the chair of the Codes Committee, and you'd be quite a good one."

So I want to thank myself for listening to Shontell, and I want to thank Shontell for talking me into this.

Senator Montgomery. We mentioned it earlier in session, Velmanetting. Every person, not just person of color, owes you a debt of gratitude for your fearlessness and leadership. To Nadia and Ken and Chris, Dorothy and Noel, for your incredible work and preparation, I thank you.

Thank you to Assemblymember Danny O'Donnell for championing this bill and allowing me to carry it in this house.

And to my mentor, my brother, Assembly Speaker Carl Heastie, for always standing up for what's right, staking your speakership to the reformation of a broken system.

And to the caucus. Senator Jackson mentioned it, it bears repeating, that we held a series of press conferences throughout the state last week to stand in solidarity and indicate that we just want the right change.

There is a sense of frustration in the air that many of us have, especially those of us who are people of color, specifically black people. George Floyd said he couldn't breathe. They didn't listen. This goes beyond Mr. Floyd. It goes to the devaluation of lives of black men that wears on us like the current does on the coast, day by day.

That knee on Mr. Floyd's neck was a wake-up call for America. And while that murder didn't happen in New York, the actions of police in that case and many cases before that have led to a renewed call by the public for what many legislators like myself and many folks in the community have been saying for quite some time: We need policing reform. That doesn't mean that we're anti-police. I just want to make sure we specifically delineate that and make that clear for the record. It just means that we needed to change a few things but people weren't listening

before, Mr. President.

This is about transparency, not a desire to remove tools from officers for policing, which is an incredibly difficult job. It's frustrating to have to couch our language like that all the time. It should be understood that we understand and respect police. But every time, time and again, it seems like we have to say it. So I'll say it again. We respect the police. But we need to be respected by the police.

I want to trust the police. I want my kids to trust the police. And Senator Gianaris brought it up that, you know, bad apples spoiling a bunch. But I'll take it a step further than that. If I'm going to the supermarket and I see a bad apple time after time after time -- forget about spoiling that bunch, I'm not buying apples anymore.

That's the public trust argument. That's what we're getting to the heart of, Mr. President. So that people can trust those who police them. Dylann Roof gets Burger King, but George Floyd gets death? Armed protestors at the Capitol get nothing, but Amadou Diallo, with

a wallet in his hand, gets 41?

Now, I remember in law school we spoke about a case, The People v. Du, which spoke about the killing of young Latasha Harlins in Los Angeles for allegedly attempting to steal a bottle of orange juice. She was going to pay, Mr. President, but that didn't come out until the facts and until the videotape and the witnesses clearly said that this was a clear homicide.

Voluntary manslaughter, maximum prison sentence of 16 years. But the judge in that case? Four hundred hours of community service, five years of probation and a $500 fine. No jail time.

Now, I remember being in law school thinking about the holding or the main idea of this case, and they're talking about sentencing. And I'm sitting there like, hold on. You're talking about sentencing and we're talking about the devaluation of black life in America.

Now, Latasha Harlins was mentioned by Tupac Shakur in many songs, but I'll reference his song I Wonder If Heaven Got a Ghetto. "Here on earth, tell me what's a black life worth? A bottle of juice is no excuse, the truth hurts."

It hurts when you feel devalued, Mr. President. It's felt like that for a long time with interactions between black people and the police. Now, every time when I left the house when I was younger, no matter how jovial the conversation prior with my dad, he would turn immediately serious and he said, "Be safe." Maybe because I wasn't a parent, maybe because I just didn't understand what the world was like, but that "be safe" was more than just don't trip outside, it was a reminder that as a black man in America you may be facing targets from multiple places. It's the talk that our fathers had with us as black men.

Now, I don't think you can imagine the frustration, the confusion that I had to feel as a parent, elected official, and as a black man when my daughter asked me: "Dad, why is that police officer hurting that man? I thought police officers protected people."

And I explained, you know, "Police officers do. That was a bad incident." My daughter is only five, so she doesn't know the series of bad incidents that have happened to us. Therein lies the frustration.

Many of us had have a feeling of that could be me. What you learn as a black man in America is that nothing insulates you from this. They say: Stay out of trouble. Go to law school. Be a state senator. Be polite. Mind your manners. Identify yourself. But that doesn't matter. That's the frustration.

So I can tell you about being 12 years old and being asked, "Why were you loitering at a bus stop?" I want you think about that, loitering at a bus stop, Mr. President. When you come back from the orthodontist and you have your braces tightened and you're thrown in a police van because you fit the description, when you're pulled over for -- or you're told that you're being pulled over for driving an expensive car when you're driving a 1984 GMC Jimmy, or when weapons are drawn on you by an officer who identifies themselves after the fact, and you've never been arrested.

We spoke about unsubstantiated and substantiated. I'll talk to you again about unreported. When things happen to you, Mr. President, and you don't feel enough faith and confidence in the system, you're not going to

report them because you feel like it won't do a thing.

So thank God for video. Ahmaud Arbery and George Floyd. In both cases, again, it could have very easily been us. Success doesn't matter. NBA guard Sterling Brown, in Milwaukee -- a gun pulled on him, he was tased and electrocuted. Thabo Sefolosha, another NBA player -- hit with a baton, thrown on the floor, and eventually broke the lower part of his leg and missed a part of the season, eventually settled with the NYPD. James Blake, world-famous tennis player, standing in front of his hotel, waiting to go to the U.S. Open, and he was tackled by an officer, despite cooperating.

Now, Audre Lorde said your silence won't protect you -- and your success doesn't either. Now you understand why Colin Kaepernick took a knee to silently protest injustice. And now when we protest silently, it seems to try to be used against us. So to Colin, I understand. I'm even wearing your sneakers today, Colin.

There's beauty in the struggle, ugliness in the success. NFL apologized when they said that black lives matter, but let's make

sure that they matter even more and get Brother Colin back on the field if that's what he wants.

As we lay Mr. George Floyd to rest today, we have to ask who stood up strong in the face of such adversity and never wavered. The reality that George Floyd said -- yes, he said he couldn't breathe, but his last words? He called out for his mother. Now, for gravity's sake, I want you to realize that Mr. Floyd's mother had predeceased him. Mr. Floyd's mother was not alive at the time when he was fighting for his life. But even taking his last breath, he sought comfort from his mom.

So to the mothers of the movement and their family members who pleaded with us as a Legislature -- press conferences, marches calls, everything under the sun -- if my daughters scrape their knees, I'm apoplectic, I run for the neosporin. I could not imagine having my children killed and being that strong. So to Gwen Carr and Valerie Bell, Constance Malcolm and more, I'm in debt to you for permitting me the opportunity to learn from you and learn your strength and resolve.

To Constance Malcolm, a constituent

of my mine, that Saturday morning at Community Board 12 after your son was taken from us far too early, your strength and resolve was something that I studied back then and it's something I appreciate now.

There are countless names that we read off, almost like a Who's Who of souls lost well before their time. Eric Garner. Sean Bell. Ramarley Graham. Sandra Bland. Breonna Taylor, who was an EMT on the front lines fighting for us with COVID-19, even she wasn't immune to this. Tamir Rice. Philando Castile. Walter Scott. Alton Sterling. Terence Crutcher. Michael Brown. Danroy Henry. Andrew Kearse. Freddie Gray. Amadou Diallo. Anthony Baez. Eleanor Bumpurs. Delrawn Small. Oscar Grant. Laquan McDonald. Botham Jean. Tony McDade. And so many more.

Now the silver lining on this incredibly dark cloud is that the sun is finally starting to shine on injustice. It's starting to make people question what has been said for so long, and maybe it was the perfect storm of Amy Cooper plus quarantine plus George Floyd. Maybe it's the unmistakable -- in my opinion,

undisputable -- video evidence that we saw a live murder on TV, but it's done something to the consciences of America. It's created more of a willingness to listen, to share and to care.

Emotional conversations have happened in living rooms, dining rooms, boardrooms, and Zooms throughout the country. That includes our conference. Many conversations fraught with raw emotion and pain, the pain of a wound that not only never heals, but it's a wound that you couldn't even seek treatment for, Mr. President.

So to my colleagues, many of you who are standing in positions that may be uncomfortable, I appreciate your vote on this important, critical and personal issue. I thank you for listening to me and other colleagues who impressed upon you the importance of this. More importantly, I thank you for your willingness to send a strong message that black lives do matter.

And to Senator Myrie, the courage that he's shown while wearing a shirt with his name on it, to be pepper-sprayed while peacefully demonstrating, and to have the strength and resolve to not only continue to advocate but

advocate even stronger, I salute you. The reality is that right before he went to go protest, he sent me a text message saying "Looks like things might be going awry. I'm going to go over there and see if I can help folks out." Help.

There's a lot of gravity that comes with this position, Mr. President, and all of us feel the heavy weight. But I don't know if there could be a more meaningful piece of legislation to me and this body, because it's way more than just policy. It is a time not only to correct what we thought and knew to be a flaw in the state law, but to correct misconceptions that many of us have carried for too long for things that we can never experience.

To the advocates who pushed and prodded for this day, protesters, and anyone that ever lifted a finger to text, tweet, or exercise your First Amendment rights, I thank you. Anyone who ever used their voice to uplift the downtrodden, to listen to someone who felt silenced, I appreciate you. I encourage you not only to speak up today but all the days thereafter, because the greatest thing about

democracy is dissent.

As I close, I'm not sure of a prouder moment, again, that I could have as a member of this body. George Floyd is being laid to rest today. And his daughter Gianna said that "Daddy changed the world." Now, Gianna, you may not know me, but you're right. George Floyd changed the world. He changed this state.

So to George, happy Father's Day in heaven in a couple of weeks, Brother Floyd. Thank you for stirring the soul and consciousness of America. Black Lives Matter.

I vote aye, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 751, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Flanagan, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 40. Nays, 22.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

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

SENATOR GIANARIS: Mr. President, can we now return to the reading of the noncontroversial calendar, please.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 441, Senate Print 4670, by Senator Kaplan, an act in relation to authorizing the assessor of the County of Nassau to accept, from Lubavitch of Old Westbury, an application for exemption from real property taxes.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 441, those Senators voting in the

negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 457, Senate Print 6873, by Senator Ritchie, an act to authorize the Towns of Lorraine and Worth in Jefferson County to elect a single town justice to preside in the town courts of such towns.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 531, Senate Print 6383A, by Senator Benjamin, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 556, Senate Print 6715, by Senator Little. An act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 576, Senate Print 7846, by Senator Harckham, an act to amend the Labor Law and the Public Service Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 674, Senate Print 59, by Senator Robach, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 680, Senate Print 3856, by Senator Lanza, an act to amend the State Law, the Highway Law and the Administrative Code of the City of New York.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 681, Senate Print 3860, by Senator Lanza, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 682, Senate Print 4334B, by Senator Metzger, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 683, Senate Print 4701A, by Senator Brooks, an act in relation to permitting Roosevelt Fire District to file an application for a retroactive real property tax exemption.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 683, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

THE SECRETARY: Calendar Number 684, Assembly Print Number 7493, substituted earlier by Assemblymember Thiele, an act in relation to the designation of the East Hampton Volunteer Ocean Rescue and Auxiliary Squad.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 685, Assembly Print Number 7011B, substituted earlier by Assemblymember Darling, an act to authorize the assessor of the County of Nassau to accept an application for exemption from real property taxes.

ACTING PRESIDENT BENJAMIN: Read

the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 685, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

There is a substitution at the desk. The Secretary will read.

THE SECRETARY: Senator Skoufis moves to discharge, from the Committee on Rules, Assembly Bill Number 7821 and substitute it for the identical Senate Bill 5948, Third Reading Calendar 686.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number

686, Assembly Print Number 7821, by Assemblymember Zebrowski, an act authorizing the Commissioner of General Services to transfer and convey certain unappropriated state land to Rockland Recovery Homes, Inc.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 687, Senate Print 5993, by Senator Serino, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 689, Assembly Print Number 8222A, substituted earlier by Assemblymember Palmesano, an act to amend the Village Law and the Public Officers Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number

690, Assembly Print Number 8195, substituted earlier by Assemblymember Thiele, an act to amend the Town Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 692, Senate Print 6611, by Senator Brooks, an act relating to authorizing the Town of Hempstead to be able to grant the Roosevelt Fire District of Roosevelt a property tax exemption.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 692, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 694, Senate Print 7867, by Senator Metzger, an act to amend Chapter 262 of the Laws of 2005.

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

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 694, those Senators voting in the

negative are Senators Akshar, Amedore, Borrello, Boyle, Flanagan, Funke, Gaughran, Griffo, Jacobs, Jordan, Martinez, O'Mara, Ranzenhofer, Ritchie, Robach, Serino, Seward, Skoufis and Tedisco.

Ayes, 43. Nays, 19.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 695, Senate Print 6768A, by Senator Akshar, an act to amend the Village Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 696, Senate Print 6823, by Senator Gallivan, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 697, Senate Print 6854, by Senator Little, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 698, Senate Print 6915, by Senator Flanagan, an act to authorize the town of Smithtown to extend the boundaries of the St. James Fire District to include the Village of Head of the Harbor.

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

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 699, Senate Print 7012, by Senator Ranzenhofer, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 700, Senate Print 7069A, by Senator Kaminsky, an act to authorize the assessor of the County of Nassau to accept a retroactive application for exemption from real property taxes.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to

Calendar Number 700, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 701, Senate Print 7070, by Senator Kaminsky, an act to authorize the assessor of the City of Long Beach in the County of Nassau to accept a retroactive application for exemption from real property taxes.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 701, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

THE SECRETARY: Calendar Number 702, Assembly Print Number 9094, substituted earlier by Assemblymember Rosenthal, an act to amend Chapter 667 of the Laws of 1868.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 703, Assembly Print Number 8156A, substituted earlier by Assemblymember Byrnes, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 704, Senate Print 7282A, by Senator Borrello, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 705, Senate Print 7295, by Senator Addabbo, an

act to amend the Environmental Conservation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 706, Senate Print 7359, by Senator Stewart-Cousins, an act authorizing Beth El Synagogue Center to file an application for retroactive real property tax exemption.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 706, voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 707, Senate Print 7360, by Senator Breslin, an act in relation to authorizing the assessor of the City of Albany to accept from the Koinonia Primary Care, Inc., an application for exemption from real property taxes.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 707, those Senators voting in the

negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 708, Assembly Print Number 7648, substituted earlier by Assemblymember Goodell, an act to amend the General City Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 709, Senate Print 7574, by Senator Martinez, an act in relation to creating the Davis Park Fire Department Benevolent Association.

ACTING PRESIDENT BENJAMIN: Read

the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 710, Senate Print 7579, by Senator Borrello, an act to authorize the Towns of Mina and French Creek in Chautauqua County to elect a single town justice to preside in the town courts of such towns.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 711, Senate Print 7586A, by Senator Thomas, an act in relation to permitting Uniondale Land Trust to file an application for certain real property tax exemptions.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 711, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number

712, Senate Print 7714, by Senator Seward, an act relating to the dissolution of the Village of Groton Industrial Development Agency and the disposition of the assets thereof.

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

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 713, Senate Print 7729, by Senator Borrello, an act to amend the Town Law and the Public Officers Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 714, Senate Print 7749, by Senator Akshar, an act to authorize the Town of Union in the County of Broome to convey to New York State Electric & Gas an easement.

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

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

THE SECRETARY: Calendar Number 715, Senate Print 7750, by Senator Jacobs, an act to amend the Town Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 716, Senate Print 7790, by Senator Amedore, an act to amend the Public Officers Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 717, Senate Print 7794, by Senator Harckham, an act to amend the Village Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 718, Senate Print 7857, by Senator Gaughran, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BENJAMIN: Read

the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 719, Senate Print 7880B, by Senator Breslin, an act prohibiting the incineration of aqueous film-forming foam.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 720, Senate Print 7897B, by Senator Metzger, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 722, Senate Print 7923, by Senator Serino, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 723, Senate Print 7953, by Senator Thomas, an act in relation to authorizing the Town of Hempstead to grant Southern Tier Environments for Living, Inc., a property tax exemption.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 723, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 724, Senate Print 7973, by Senator LaValle, an act to amend Chapter 238 of the Laws of 1963.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 725, Senate Print 7999, by Senator May, an act to amend the Judiciary Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 725, voting in the negative: Senator Tedisco.

Ayes, 61. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 726, Senate Print 8019, by Senator Boyle, an act in relation to authorizing the Good Samaritan Hospital Medical Center to file an application for real property tax exemption.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar 726, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 727, Senate Print 8027A, by Senator Kaminsky, an act to authorize the assessor of the Town of Hempstead, County of Nassau, to accept from Mercy Medical Center an application for exemption from real property taxes.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 727, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 728, Senate Print 8054, by Senator Persaud, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 729, Senate Print 8068B, by Senator Kaminsky, an act to authorize the assessor of the County of Nassau to accept a retroactive application for exemption from real property taxes.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 729, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 730, Senate Print 8075, by Senator Harckham, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect January 1, 2021.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to

Calendar 730, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Funke, Gallivan, Griffo, Helming, Jacobs, Jordan, Lanza, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Seward and Tedisco.

Ayes, 45. Nays, 17.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 731, Senate Print 8087B, by Senator Helming, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 732, Senate Print 8093, by Senator Martinez, an

act to amend the Town Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 733, Senate Print 8136, by Senator Gaughran, an act in relation to authorizing the assessor of the Town of Huntington, County of Suffolk.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: In relation to Calendar Number 733, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 735, Senate Print 8204, by Senator Harckham, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 735, those Senators voting in the negative are Senators O'Mara, Ortt and Serino.

Ayes, 59. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 736, Senate Print 8225, by Senator Montgomery, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 736, voting in the negative: Senator Skoufis.

Ayes, 61. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 737, Senate Print 8285, by Senator Brooks, an act to amend the Nassau County Civil Divisions Act.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 738, Senate Print 8299, by Senator Jordan, an act to amend the Public Officers Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 739, Senate Print 8344A, by Senator O'Mara, an

act authorizing the alienation of certain reforested lands in the County of Yates.

SENATOR GIANARIS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 741, Senate Print 8350B, by Senator Thomas, an act in relation to authorizing the Nassau County assessor to accept an application from NGIP, Inc., for a real property tax exemption.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 741, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

THE SECRETARY: Calendar Number 742, Senate Print 8378, by Senator Jacobs, an act to amend the General City Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Calendar Number 743 is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 744, Senate Print 8484, by Senator Metzger, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 744, voting in the negative: Senator Skoufis.

Ayes, 61. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 745, Senate Print 8485, by Senator Montgomery, an act authorizing the Commissioner of General Services to sell certain land to TCH Holdings, LLC.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 746, Senate Print 8489, by Senator Kaminsky, an act in relation to authorizing the assessor of the County of Nassau to accept from the Eglise Baptiste Etolie Du Matin an application for exemption from real property taxes.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 746, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number

747, Senate Print 8491, by Senator Bailey, an act to amend the Highway Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Calendar 752 is high and will be laid aside for the day.

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

SENATOR GIANARIS: Mr. President, can we please return to motions and resolutions.

On page 30, I offer the following amendments to Calendar Number 570, Senate Bill 6052B, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BENJAMIN: The

amendments are received, and the bill shall retain its place on the Third Reading Calendar.

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, June 10th, at 11:00 a.m.

ACTING PRESIDENT BENJAMIN: On motion, the Senate stands adjourned until Wednesday, June 10th, at 11:00 a.m.

(Whereupon, at 3:02 p.m., the Senate adjourned.)