

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 May 5, 2021

11 11:38 a.m.

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13
14 REGULAR SESSION

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16
17
18 SENATOR JAMAAL T. BAILEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT BAILEY: Reading
14 of the Journal.

15 THE SECRETARY: In Senate, Tuesday,
16 May 4, 2021, the Senate met pursuant to
17 adjournment. The Journal of Monday, May 3, 2021,
18 was read and approved. On motion, Senate
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Persaud

1 moves to discharge, from the Committee on
2 Children and Families, Assembly Bill Number 3496
3 and substitute it for the identical Senate Bill
4 54, Third Reading Calendar 827.

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

7 THE SECRETARY: Senator Ryan moves
8 to discharge, from the Committee on Energy and
9 Telecommunications, Assembly Bill Number 6261 and
10 substitute it for the identical Senate Bill 5992,
11 Third Reading Calendar 853.

12 ACTING PRESIDENT BAILEY:
13 Substitution so ordered.

14 Messages from the Governor.

15 Reports of standing committees.

16 Reports of select committees.

17 Communications and reports from
18 state officers.

19 Motions and resolutions.

20 Senator Gianaris.

21 SENATOR GIANARIS: Thank you,
22 Mr. President. At this time let's take up the
23 reading of the calendar, please.

24 ACTING PRESIDENT BAILEY: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 252, Senate Print 1311A, by Senator Gaughran, an
3 act to amend the Public Authorities Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

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

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Senator
12 Gaughran to explain his vote.

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

15 The AARP and the Public Utility Law
16 Project found that PSEG used lobbyists who
17 lobbied the Long Island Power Authority for rate
18 increases. Why did they do this? Well, to raise
19 electric bills of Long Island's 1.1 million
20 electric customers.

21 And then the PSEG had the audacity
22 to charge the customers of Long Island for these
23 lobbying costs.

24 Why should the people of Long Island
25 be paying for this lobbying? At minimum,

1 customers must be informed that they're actually
2 paying for this lobbying activity and that it may
3 go against their best interests and that they are
4 funding these bills. And, of course,
5 Long Island's rates are among the highest in the
6 country.

7 This legislation will bring LIPA and
8 PSEG to the same standards that every other
9 utility is subject to. They will have to
10 disclose their lobbying activity, their
11 advertising and their marketing activity. And
12 this will protect customers from nonsensical
13 expenditures that contribute to making PSEG
14 Long Island and LIPA's electricity the most
15 expensive in the United States of America.

16 So I vote in the affirmative,
17 Mr. President. Thank you very much.

18 ACTING PRESIDENT BAILEY: Senator
19 Gaughran to be recorded in the affirmative.

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 252, those Senators voting in the
23 negative are Senators Griffo, Helming, Jordan and
24 Oberacher.

25 Ayes, 59. Nays, 4.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 424, Senate Print 1752, by Senator Borrello, an
5 act to amend the Highway Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

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

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Senator
14 Borrello to explain his vote.

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

17 First of all, I'd like to start off
18 by thanking the leadership, both Republican and
19 Democrat, for bringing this bill forward.

20 I think we can all agree that taking
21 landmarks like highways and dedicating them to
22 our heroes that have served our country so
23 bravely is a noble effort, and I thank everyone
24 involved in bringing this bill here today.

25 Today we are passing a law here to

1 declare portions of Route 86 in the Town of
2 Randolph, in Cattaraugus County, as the "Sergeant
3 David Lockwood Memorial Bridge."

4 Sergeant Lockwood was a native of
5 Salamanca who graduated from Randolph Central
6 Schools and attended Jamestown Community College.
7 In 1966 he was drafted to serve in the Vietnam
8 conflict, where he served his country proudly
9 with great honor.

10 You know, my father is also a
11 Vietnam veteran, so I'm aware of the unimaginable
12 hardships that were faced by our servicemen in
13 that war. Sergeant Lockwood, like countless
14 other young Americans, was dedicated to the
15 mission and to serving his nation. He received
16 several accolades, including the Good Conduct
17 Medal, the Vietnam Service Medal, the Combat
18 Infantryman's Badge, the Expert Rifle Badge, the
19 Bronze Service Medal with oak leaf clusters, and
20 the Silver Star with two oak leaf clusters.

21 Upon returning home, he returned to
22 school, graduating from the Rochester Institute
23 of Technology. He worked as an engineer until he
24 passed away in 2018, leaving behind his wife,
25 Patricia, and two daughters and four

1 grandchildren.

2 Now, today is particularly
3 interesting because the bridge on this road that
4 will be part of the naming of this route was
5 actually a project that Sergeant Lockwood worked
6 on as an engineer. He actually had a hand in
7 building the bridge that will now bear his name.

8 So God bless his service to our
9 nation in the military, and God bless his service
10 to the community as someone who built roads and
11 bridges that will live on long beyond his own
12 life.

13 So thank you so much again, and I
14 want to thank not only Sergeant Lockwood for his
15 dedicated service, but every single member of our
16 military. May God bless all of our
17 servicemembers and veterans, and may God bless
18 America.

19 Thank you.

20 ACTING PRESIDENT BAILEY: Senator
21 Borrello to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 424, voting in the negative:
25 Senator Brisport.

1 Ayes, 59. Nays, 1.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 622, Senate Print 4248, by Senator Skoufis, an
6 act to amend the Domestic Relations Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

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

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 622, voting in the negative:
18 Senator Akshar.

19 Ayes, 62. Nays, 1.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 661, Senate Print 2987A, by Senator Parker, an
24 act to declare racism a public health crisis and
25 to establish a working group to promote racial

1 equity throughout the state.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

4 THE SECRETARY: Section 8. This
5 act shall take effect on the 30th day after it
6 shall have become a law.

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Senator
11 Parker to explain his vote.

12 SENATOR PARKER: Thank you very
13 much, Mr. President.

14 I rise to explain my vote. And I'm
15 voting aye on this very important bill. This
16 actually is, in my sense, one of the most
17 important bills I've had the honor to carry and
18 to pass. It's a bill that declares racism a
19 public health crisis here in the State of
20 New York.

21 W.E.B. Du Bois is famous for saying
22 that the problem of the 20th century is going to
23 be the color line. And there he referred to the
24 problems of racism and the conflicts and issues
25 that it's going to create in our society. And

1 not only was he right about the 20th century, he
2 was also right about the 21st century.

3 Racism is the original sin of this
4 country, as great as it is. And certainly
5 New York State is no different and has its hand
6 in that same history of racism. What was
7 originally created as an anthropological concept
8 in order to justify the enslavement of African
9 people has spread and been dealt with in the
10 context of people who are Latino, people who are
11 Asian, people who are gay and lesbian,
12 transgender, you know, to Muslims and other kind
13 of religious minorities.

14 This notion that we should treat
15 people differently -- and not just differently,
16 on a hierarchy, right, where whites are at the
17 top and everybody else is at the bottom, is the
18 basis of what racism is.

19 And it affects every aspect of
20 people's lives. And certainly here in the
21 context of the pandemic that we've been
22 struggling through, we have seen that dynamic.
23 We've seen it in terms of the disproportionate
24 amount of deaths and infections that we've seen
25 of COVID-19 amongst African-Americans, Latinos,

1 people who are Native American. We have seen it
2 in the context of healthcare, housing.

3 We've seen it in the context of
4 police treatment of people. And certainly,
5 obviously, the quintessential example in this
6 moment is the murder of George Floyd at the hands
7 of a police officer in Minneapolis.

8 But certainly New York has not
9 been -- you know, New York's hands aren't clean
10 when it comes to the kind of racism that we have
11 seen from the police here in our great state.

12 We have seen, again, access to
13 services, access, you know, to transportation,
14 access to education all affected by the notion of
15 racism. And due to racism we see, for instance,
16 the disproportionate murders of Black and Latino
17 transgenders, you know, over the last year. I
18 mean, just at a rate that really has created its
19 own pandemic in our communities.

20 And the harmful effects of racism
21 are really all-encompassing. Racial inequality
22 creates a poor quality of life for everybody, not
23 just the Blacks, Latinos, Asians, women, Muslims,
24 gay and lesbian communities, LGBT communities in
25 general, but it even creates bad conditions for

1 whites. Because we really cannot be a free, open
2 and inclusive society that takes everybody into
3 account until the least of those are being taken
4 care of.

5 And so we see that, for instance,
6 studies have found that racism leads to higher
7 maternal mortality rates for Black women, who are
8 three to four times more likely to die from
9 pregnancy-related causes. And certainly due to
10 racial bias and racial animosity, Black men are
11 up to three times more likely to be killed by the
12 police than white men.

13 So this bill, which I was proud to
14 sponsor and happy that we are bringing it to the
15 body today, first and perhaps most importantly is
16 a bill that formally acknowledges that racism is
17 a public health crisis. And I think that's
18 absolutely critical, because we really can't
19 start addressing the issues in our society unless
20 we first acknowledge them. And this bill, first,
21 and your vote on this bill acknowledges those
22 inequities.

23 And second, the bill creates a
24 racial equity working group to study the
25 pervasive effects of racism and provide

1 corrective recommendations to this legislative
2 body.

3 And so again I want to thank my
4 colleagues for voting for this bill. I certainly
5 want to thank our leader, Andrea Stewart-Cousins,
6 for her courage and leadership in always bringing
7 the important issues to the floor of this body to
8 make sure that we address them. This is just
9 another example of that.

10 And I vote aye on this bill.

11 Thank you.

12 ACTING PRESIDENT BAILEY: Senator
13 Parker to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: In relation to
16 Calendar 661, those Senators voting in the
17 negative are Senators Borrello, Boyle, Gallivan,
18 Helming, Jordan, Lanza, Mattera, Oberacker,
19 O'Mara, Ortt, Palumbo, Rath, Stec, Tedisco and
20 Weik.

21 Ayes, 48. Nays, 15.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 700, Senate Print 5991, by Senator Lanza, an act

1 to amend the Public Authorities Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

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

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 734, Senate Print 960, by Senator Krueger, an act
17 to amend the Agriculture and Markets Law.

18 SENATOR LANZA: Lay it aside.

19 ACTING PRESIDENT BAILEY: Lay it
20 aside.

21 THE SECRETARY: Calendar Number
22 735, Senate Print 1130, by Senator Gianaris, an
23 act to amend the Agriculture and Markets Law and
24 the General Business Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

2 THE SECRETARY: Section 7. This
3 act shall take effect one year after it shall
4 have become a law.

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Senator
9 Gianaris to explain his vote.

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

12 This is an important proposal that
13 we've passed before in the Senate that deals with
14 something a lot of people are not necessarily
15 familiar with. A lot of folks will walk down the
16 street, down a retail strip in their
17 neighborhoods and see puppies dancing in the
18 window, and they look cute, as they're supposed
19 to, and can't imagine there's anything wrong with
20 it.

21 What they don't know is where those
22 animals are coming from and how they are treated
23 at these mills throughout the country that are
24 abusive to these animals, to their mothers. And
25 the list of violations is long. There is hardly

1 a retail pet shop that is not tainted by the
2 puppy mill industry.

3 In fact, in researching this
4 proposal over the years, you can find violations,
5 serious violations from suppliers of just about
6 every single one of these pet stores, and the
7 violations would startle you and leave you
8 aghast: Animals being euthanized by being shot
9 in the head, being left in their own feces,
10 complete disregard for the health of these
11 animals, treating them as if they're some kind of
12 mass production device as opposed to a living
13 thing that deserves respect and care and will
14 ultimately produce offspring that become members
15 of people's families.

16 What does this mean for the consumer
17 in this situation? They are often left with pets
18 with serious health problems because of the lack
19 of proper breeding that then results in a
20 lifetime of care and cost for these people who
21 are trying to do the right thing and take care of
22 an animal as part of their own families.

23 This bill, importantly, would
24 continue to allow responsible breeders to exist
25 and for consumers to deal directly with those

1 breeders. It simply cuts off what has become the
2 puppy mill pipeline of irresponsible breeders
3 producing animals that end up in these retail
4 shops that get purchased by people.

5 We should not be treating animals as
6 if they are a commodity, as if they're a can of
7 soup that we take off the shelf at the
8 supermarket to buy. These are living things that
9 deserve our respect and are beloved members of
10 our families.

11 And that's why this is an important
12 proposal today. I thank my colleagues on both
13 sides of the aisle who support it. And we're
14 seeing some progress in the Assembly this year;
15 hopefully we get this enacted before the session
16 is out.

17 Thank you, Mr. President.

18 ACTING PRESIDENT BAILEY: Senator
19 Gianaris to be recorded in the affirmative.

20 Senator Jackson to explain his vote.

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

23 My colleagues, I rise to speak in
24 favor of Senate Bill Number 1130, by
25 Senator Gianaris.

1 Today New York takes a step to shut
2 down the puppy mill pipeline for good. We have
3 passed this legislation in the past, but this
4 pandemic has been exploited as puppy mills
5 traffic animals into our state daily.

6 I am a pet owner, my family and I.
7 My staff and constituents are pet owners. But we
8 are more than that. We are animal lovers, and
9 they are members of our family. We take
10 responsibility for our pets and must take
11 responsibility from where they come from when so
12 many remain in shelters awaiting adoption.

13 This law comes with the
14 collaboration of multiple animal welfare
15 organizations and other advocates that have
16 worked to educate communities of the recklessly
17 inhumane puppy mill industry. Thanks to my
18 colleague Senator Gianaris for taking a stand
19 against a cruel and deceptive industry.

20 I vote aye, Mr. President.

21 ACTING PRESIDENT BAILEY: Senator
22 Jackson to be recorded in the affirmative.

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar 735, those Senators voting in the

1 negative are Senators Akshar, Griffo, Jordan,
2 O'Mara, Ritchie and Stec.

3 Ayes, 57. Nays, 6.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 736, Senate Print 4081A, by Senator Hinchey, an
8 act to amend the Agriculture and Markets Law.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

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

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce
17 the results.

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 741, Senate Print 5231, by Senator Kavanagh, an
23 act in relation to directing the Department of
24 Financial Services and the Division of Housing
25 and Community Renewal.

1 ACTING PRESIDENT BAILEY: Read the
2 last section.

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

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

10 THE SECRETARY: Ayes, 63.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 745, Senate Print 1368, by Senator Brooks, an act
15 to amend the General Municipal Law.

16 ACTING PRESIDENT BAILEY: There is
17 a home-rule message at the desk.

18 Read the last section.

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

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 745, those Senators voting in the
3 negative are Senators Akshar, Borrello, Griffo,
4 Oberacker, O'Mara, Ortt, Rath and Serino.

5 Ayes, 55. Nays, 8.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 773, Senate Print 6108A, by Senator Thomas, an
10 act relating to providing public awareness of
11 COVID-19 programs and resources.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

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

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: Ayes, 63.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 784, Senate Print 2992, by Senator Harckham, an

1 act to amend the Executive Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

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

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: Ayes, 63.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 803, Senate Print 3706A, by Senator Comrie, an
16 act to amend the Education Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

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

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 827, Assembly Print 3496, substituted earlier by
6 Assemblymember Hevesi, an act to amend the
7 Social Services Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

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

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 829, Senate Print 5628, by Senator Bailey, an act
22 to amend the Social Services Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: In relation to
8 Calendar 829, those Senators voting in the
9 negative are Senators Borrello, Griffo, Helming,
10 Jordan, Lanza, Martucci, O'Mara, Ortt, Palumbo,
11 Serino, Tedisco and Weik.

12 Ayes, 51. Nays, 12.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 834, Senate Print 6196, by Senator Krueger, an
17 act to amend the Workers' Compensation Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

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

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar 834, those Senators voting in the
4 negative are Senators Griffo, O'Mara and Ortt.

5 Ayes, 59. Nays, 3.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 836, Senate Print 6266, by Senator Ramos, an act
10 to amend the Workers' Compensation Law and the
11 Insurance Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

14 THE SECRETARY: Section 6. This
15 act shall take effect January 1, 2022.

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar 836, those Senators voting in the
23 negative are Senators Akshar, Borrello, Gallivan,
24 Griffo, Helming, Jordan, Lanza, Martucci,
25 Oberacker, O'Mara, Rath, Ritchie, Serino, Stec,

1 Tedisco and Weik.

2 Ayes, 47. Nays, 16.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 839, Senate Print 4784A, by Senator Mayer, an act
7 to amend the Real Property Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

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

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 840, Senate Print 6193A, by Senator Gounardes, an
22 act to amend the Executive Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 853, Assembly Print 6261, substituted earlier by
12 Assemblymember Stern, an act to amend the
13 Economic Development Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

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

3 SENATOR GIANARIS: Let's now move
4 on to the controversial calendar, please.

5 ACTING PRESIDENT BAILEY: The
6 Secretary will ring the bell.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 734, Senate Print 960, by Senator Krueger, an act
10 to amend the Agriculture and Markets Law.

11 ACTING PRESIDENT BAILEY: Senator
12 Lanza, why do you rise?

13 SENATOR LANZA: Mr. President,
14 would the sponsor yield for a couple of
15 questions.

16 ACTING PRESIDENT BAILEY: Would the
17 sponsor yield?

18 SENATOR KRUEGER: Yes, I will,
19 Mr. President.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

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

24 Through you, could the sponsor tell
25 us what this bill does?

1 SENATOR KRUEGER: Through you,
2 Mr. President, this bill removes one word,
3 "serious," in Line 3 of Subdivision 1, so that it
4 would read only as "intentionally causes physical
5 injury to a companion animal," wherein the
6 current law has "causes serious physical injury."

7 SENATOR LANZA: Mr. President,
8 would the sponsor yield.

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR KRUEGER: Certainly.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR LANZA: Through you,
15 Mr. President. And what -- if a person was found
16 guilty of the crime described herein, what is the
17 level of the crime?

18 SENATOR KRUEGER: Under current law
19 or under the law after I -- if we change it?

20 SENATOR LANZA: Through you,
21 Mr. President, the bill before us.

22 SENATOR KRUEGER: Okay. It would
23 change it such that if you were found guilty --
24 I'm sorry, you could be found guilty of a
25 felony -- oh, I'm sorry.

1 So you would still have to establish
2 the requisite intent to be found guilty, but
3 since you're removing the term "serious physical
4 injury" language, the definition of -- it would
5 change the definition of "aggravated cruelty to
6 animals," which is a Class E felony and would
7 remain a Class E felony.

8 So we're not increasing the penalty,
9 we're in fact clarifying when a judge can
10 determine that you could be found guilty of this
11 crime and face a Class E felony, which could be
12 imprisonment of not more than two years and a
13 final of up to \$5,000.

14 SENATOR LANZA: Mr. President,
15 would the sponsor yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR KRUEGER: Yes, sir.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR LANZA: Through you,
22 Mr. President. So the contact that would be
23 covered by this legislation -- if I could give a
24 couple of hypotheticals.

25 So, for instance, if someone were to

1 maliciously attack a dog and stab that dog, maim
2 that dog, kill that dog, or somebody would
3 torture a cat and put him in a cage, not feed
4 him, not care for him, and let that cat sadly
5 die -- so those are the types things that would
6 be considered a felony under this legislation?

7 SENATOR KRUEGER: First you have to
8 establish intent to do that harm to the animal.

9 But the dilemma without the fix in
10 the law is right now the animal would basically
11 have to die for the court to define it as falling
12 into the felony category.

13 So if you did all those terrible
14 things to the animal but somehow it didn't die,
15 then you're facing a misdemeanor. (Pause.)

16 So if it was maimed, the court might
17 still determine that it was a felony. But we
18 make it too difficult for courts to categorize
19 terrible violence against animals because of that
20 word "serious." And if we remove "serious," you
21 still have to prove intent, still have to prove
22 all these things happened, but you don't actually
23 have to have a dead animal or a horribly
24 physically maimed animal.

25 And, Mr. President, if I might also

1 clarify, this is a growing problem in our
2 society. Cruelty and abuse of animals is
3 growing. And there's more and more research
4 showing that allowing it to go on leads to
5 violence towards children and even sociopathic
6 violence to adults, and murders.

7 And so the district attorneys around
8 the country have actually started to recognize
9 the patterns of abuse and cruelty to animals as
10 something to be watching and measuring when
11 things then escalate, which unfortunately they
12 do, to human beings.

13 So this is not "this just doesn't
14 happen." This does happen. And also, for the
15 record, if I'm found guilty of dog fighting, I
16 can get \$250,000 in fines and up to I think seven
17 years in prison. But in order to prove dog --
18 and so in dog fighting the dog may be horribly,
19 horribly treated but they will still want it to
20 live because they're making money off of it.

21 But it's hard to prove dog fighting
22 in certain circumstances. So this isn't just
23 sometimes individual actions between a person
24 being abusive and cruel to an animal. This can
25 be groups of people and groups of animals. And

1 frankly, our laws just aren't there to respond to
2 these situations.

3 And so it seems to me -- and I
4 believe to this house, since we've passed this
5 bill multiple times -- that as long as we are
6 sure that intent has to be proven, the act has to
7 be proven, that removing "serious" so that you
8 don't have to have a dead animal to make your
9 case is just the right thing to do.

10 Thank you, Mr. President.

11 SENATOR LANZA: Mr. President,
12 would the sponsor yield.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor continues to yield.

18 SENATOR LANZA: Through you,
19 Mr. President.

20 First let me say that I'm glad to
21 have listened to Senator Krueger put those
22 comments into the record, Mr. President. I agree
23 with everything that she believes and has said
24 about this legislation. In fact, once again I
25 will be supporting this legislation.

1 I just have two more questions. The
2 conduct covered by this legislation -- through
3 you, Mr. President -- Senator Krueger, would you
4 describe that as a violent crime?

5 SENATOR KRUEGER: Yes, I do think
6 that that would be a violent crime.

7 Excuse me. My counsel has advised
8 me under the Penal Law it is not literally a
9 violent crime.

10 SENATOR LANZA: Mr. President,
11 would the sponsor yield.

12 ACTING PRESIDENT BAILEY: Does the
13 sponsor continue to yield?

14 SENATOR KRUEGER: Yes, I will.

15 ACTING PRESIDENT BAILEY: The
16 sponsor will yield.

17 SENATOR LANZA: So through you,
18 Mr. President, your learned counsel is correct.
19 So let me pose the question a different way.

20 Not legally under New York's Penal
21 Law, but would you consider the conduct that
22 we've been talking about to be violent?

23 SENATOR KRUEGER: So not as a legal
24 statement, but as an observational do I define
25 these types of crimes as violent, yes, I do.

1 SENATOR LANZA: Mr. President,
2 would the sponsor yield for one more question.

3 ACTING PRESIDENT BAILEY: Does the
4 sponsor yield?

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor will yield.

8 SENATOR LANZA: Through you,
9 Mr. President. Given that fact, and also given
10 that under the bail reform laws that this
11 person -- arrested and accused of the types of
12 crimes that we're talking about here that would
13 be covered by this legislation -- would not be
14 eligible for bail, would you consider -- as I
15 know your conference has added some crimes to
16 those that are now eligible for bail, would you
17 consider adding this to that list?

18 SENATOR KRUEGER: So I do believe
19 that I understand the question.

20 If the law in the State of New York
21 was that this was -- this animal cruelty and
22 abuse was defined as violent under the law, it
23 would fall under violent felonies, which would
24 change the rules about parole and probation.

25 And I am open to having further

1 discussion with my colleague. I don't know if
2 that is a bill that this house would be open to
3 taking up or not.

4 SENATOR LANZA: Mr. President, on
5 the bill.

6 ACTING PRESIDENT BAILEY: Senator
7 Lanza on the bill.

8 SENATOR LANZA: Mr. President,
9 first I want to thank Senator Krueger, not just
10 for this discussion, but for putting this bill
11 before us. This is a very good bill.

12 The things that she described I
13 think touch all of us. And as a society,
14 certainly there is no place for the types of
15 actions and conduct and abuse and cruelty to our
16 pets and to animals, and so I will be supporting
17 this legislation.

18 And I am going to accept
19 Senator Krueger's offer to continue to discuss
20 the bail issue with regard to this legislation,
21 and I thank her for that as well.

22 When it comes time to vote,
23 Mr. President, I'll be voting in the affirmative.

24 ACTING PRESIDENT BAILEY: Are there
25 any other Senators wishing to be heard?

1 Seeing and hearing none, debate is
2 closed. The Secretary will ring the bell.

3 Read the last section.

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

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar 734, those Senators voting in the
13 negative are Senators Brisport and Myrie.

14 Ayes, 61. Nays, 2.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

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

19 SENATOR GIANARIS: Mr. President,
20 returning to motions for a second, on behalf of
21 Senator Skoufis, on page 18, I offer the
22 following amendments to Calendar 301, Senate
23 Print 1878, and ask that said bill retain its
24 place on Third Reading Calendar.

25 ACTING PRESIDENT BAILEY: The

1 amendments are received, and the bill will retain
2 its place on the Third Reading Calendar.

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

5 ACTING PRESIDENT BAILEY: There is
6 no further business at the desk.

7 SENATOR GIANARIS: Move to adjourn
8 until Monday, May 10th, at 3:00 p.m., intervening
9 days being legislative days.

10 ACTING PRESIDENT BAILEY: On
11 motion, the Senate stands adjourned until Monday,
12 May 10th, at 3:00 p.m., intervening days being
13 legislative.

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