NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 5, 2021

11:38 a.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

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

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

ACTING PRESIDENT BAILEY: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Persaud

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

ACTING PRESIDENT BAILEY: The substitution is so ordered.

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

ACTING PRESIDENT BAILEY: Substitution so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

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

ACTING PRESIDENT BAILEY: The Secretary will read.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you, Mr. President.

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

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

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

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

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

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

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

Announce the results.

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

Ayes, 59. Nays, 4.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Borrello to explain his vote.

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

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

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

Today we are passing a law here to

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

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

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

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

grandchildren.

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

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

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

Thank you.

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

Announce the results.

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

Ayes, 59. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 622, voting in the negative:

Senator Akshar.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

equity throughout the state.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Parker to explain his vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

corrective recommendations to this legislative body.

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

And I vote aye on this bill.

Thank you.

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

Announce the results.

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

Ayes, 48. Nays, 15.

ACTING PRESIDENT BAILEY: The bill is passed.

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

to amend the Public Authorities Law.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

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

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President.

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

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

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

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

I vote aye, Mr. President.

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

Announce the results.

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

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

Ayes, 57. Nays, 6.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 55. Nays, 8.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 51. Nays, 12.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

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

Ayes, 59. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Tedisco and Weik.

Ayes, 47. Nays, 16.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

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

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

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

ACTING PRESIDENT BAILEY: Would the sponsor yield?

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

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR LANZA: Thank you, Mr. President.

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

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

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Certainly.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

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

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

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

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

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

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes, sir.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

So, for instance, if someone were to

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

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

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

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

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

And, Mr. President, if I might also

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

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

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

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

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

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

Thank you, Mr. President.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor continues to yield.

SENATOR LANZA: Through you, Mr. President.

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

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

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

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

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

ACTING PRESIDENT BAILEY: Does the sponsor continue to yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT BAILEY: The sponsor will yield.

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

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

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

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

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT BAILEY: The sponsor will yield.

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

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

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

And I am open to having further

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

SENATOR LANZA: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Lanza on the bill.

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

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

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

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

ACTING PRESIDENT BAILEY: 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 2. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

ACTING PRESIDENT BAILEY: The

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

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

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

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

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

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