

TUESDAY, JUNE 12, 2018

11:04 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Monday, June 11th.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I move to dispense with the further reading of the Journal of Monday, June 11th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. In just a moment, I will describe our work for the day, which will be hopefully an opportunity for us to get a lot of work done, but before I do that, let me note that on this day in 1963, Civil Rights Leader Medgar Evers was shot to death in his driveway outside his home in Jackson, Mississippi, by white supremacist Byron De La Beckwith. Mr. Evers had volunteered in the United States Army during World War II, participated in the Normandy Invasion, came home and became a field organizer for the NAACP. When he was shot to death, he received full military honors and was buried at Arlington, Virginia; sad day in American history.

Also, on a somber note, I note that two years ago today at Pulse Night Club in Orlando, Florida, 49 individuals were killed in a shooting inside a nightclub targeted at the LGBT community.

Also, under the heading of "Did you know", Mr. Speaker and colleagues, did you know that Sagamore Hill is the former home -- or the home of former President and New York State Governor Theodore Roosevelt? It's located within the 13th Assembly

District represented by our friend, Mr. Lavine. President Roosevelt lived in the house from 1885 until his death in 1919 and spent summers in the home while serving as President. In fact, many conversations to end the Russo-Japanese War were held at Sagamore Hill. The home was added to the National Registry of Historic Places on October 15th, 1966.

And with that, let me describe our work for the day. We'll have a very busy day and I continue to ask for the members' cooperation as we move through towards our conclusion for the 2018 Legislative Session. Members have on their desks a main Calendar, as well as a debate list and an A-Calendar. Which brings me, Mr. Speaker, to move to advance the A-Calendar.

ACTING SPEAKER AUBRY: On Mr. Morelle's motion, the A-Calendar is advanced.

Sir.

MR. MORELLE: So, we will be working on that and after any introductions and housekeeping, we will be consenting that A-Calendar, starting with Calendar No. 83 which is on page 4. We will work off the main Calendar and the debate list, as well, including a number of Criminal Justice bills from the debate list. Members should be prepared if you're on the following Committees, they will be meeting off the floor, so pay special attention to notices for Real Property Taxation, the Transportation Committee, Local Governments and Ways and Means. At the conclusion of our day, we will adopt a memorial resolution for the members who passed away this past year.

So, Mr. Speaker, I would ask if there are any introductions or housekeeping, this would be the appropriate time to take them up.

ACTING SPEAKER AUBRY: For the purposes of a (sic) introduction, Ms. Rozic.

MS. ROZIC: Thank you, Mr. Speaker. It is my distinct honor today to introduce a very special guest and no stranger to many of us in the Assembly. Today, we're joined by President Felix Matos Rodriguez who is here today on behalf of all of the students, faculty, staff and alumni of Queens College, one of the finest colleges of the City University of New York, as they celebrate their 80th anniversary.

Since it opened, Queens College has been called "The College of the Future", and it lives up to its name, as this institution offers young women and men from over 170 countries and all economic backgrounds an excellent education on which they can build their futures. Queens College has been ranked in the top 1 percent of all American colleges, moving students from poverty to prosperity. It keeps the promise of America that given the right opportunity and a fine education, people can create for themselves successful and meaningful lives. Queens College alumni thrive in whatever field they choose. They flourish in government, as we see many alumni right here in this very Chamber, and they also flourish in many other industries. Some of their alumni include Carole King, Jerry Seinfeld, Ray Romano and, my personal favorite, Fran Drescher. Our

community, City and State have benefitted enormously from their contributions and from this institution, so on behalf of the entire Queens delegation and the many alumni right here in this Chamber, I want to congratulate Queens College on a remarkable 80 years, and if you'll extend them the privileges of the floor, we'd be most grateful. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Rozic, the entire Queens delegation, those members here who are alumni of Queens College, we welcome you -- the Speaker and all the members, we welcome you here again to the New York State Assembly, extend to you the privileges of the floor. Our congratulations on a happy 80th. We hope that this institution continues to lead and provide the excellent education that it has over these past 80 years, and that you will have a successful day here in Albany and a continued success at the institution. Thank you so very much for being with us. Congratulations.

(Applause)

Mr. Benedetto.

MR. BENEDETTO: Thank you, Mr. Chairman, for letting me rise today to acknowledge what everybody is probably feeling here today, this electricity that is in the air because today is, as we all know, Bronx day here in Albany. Yes, it's a full day of celebrating the only borough in the City of New York that is attached to the mainland. And, to tell you the truth, my peace of mind, if we have trouble in the larger community, I want to quick route out of

town, and the Bronx has that quick route out of town. No rivers, no boats, no need to -- just hop in the car and go. We are celebrating today a borough with the Bronx Zoo, Yankee Stadium, the New York Botanical Gardens, wonderful universities like Fordham, Manhattan College, SUNY Maritime. Events will be happening at the Egg, we invite all to travel over. A luncheon is beginning at around 12:00 p.m., but, of course, the big celebration will be tonight when various vendors from the Bronx introducing their wares to the Albany community, you're all welcome to come, partake, celebrate the Bronx.

We always save the best borough for the last, and this is the end of Session. So, again, we'll be voting later on at the end of Session on a resolution celebrating the last borough, the last county to be included in the great State of New York, which celebrated its 100th anniversary last year, for this wonderful day at the Egg and we hope everybody takes some time later on in the afternoon to come over and partake the celebration with us. Thank you for the interruption -- allowing me to speak, Mr. -- Mr. Chairman.

ACTING SPEAKER AUBRY: Thank you, Mr. Benedetto.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. On page 3 of the main Calendar, I'd like to begin with resolutions, beginning with Assembly Resolution No. 1346 by Ms. Hunter.

ACTING SPEAKER BRINDISI: The Clerk will read.

THE CLERK: Assembly Resolution No. 1346, Rules at the request of Ms. Hunter. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim Tuesday, June 12th, 2018 as Women Veterans Recognition Day in the New York State of New York.

ACTING SPEAKER BRINDISI: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1347, Rules at the request of Mr. Zebrowski. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 12th, 2018 as Filipino Independence Day in the State of New York.

ACTING SPEAKER BRINDISI: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1348, Rules at the request of Mr. Santabarbara. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim November 2018 as Alpha-1 Awareness Month in the State of New York.

ACTING SPEAKER BRINDISI: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1349, Rules at the request of Mr. Gottfried. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 11th, 2018 as

Children's Environmental Health Day in the State of New York.

ACTING SPEAKER BRINDISI: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1350, Rules at the request of Mr. Brabenec. Legislative Res -- Resolution memorializing Governor Andrew M. Cuomo to proclaim October 2018 as German-American Heritage Month in the State of New York.

ACTING SPEAKER BRINDISI: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

ACTING SPEAKER AUBRY: Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. I'd like to now go to the A-Calendar on page 3 and take up Resolution No. 1273 by Ms. Lupardo.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly Resolution No. 1273, Rules at the request of Ms. Lupardo. Legislative Resolution urging the United State Congress to recognize industrial hemp as a valuable agricultural commodity and to pass the Hemp Farming Act of 2018, which would permanently legalize hemp, removing it from the purview of the Controlled Substance Act and establishing it -- establishing it as an agricultural commodity.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is

adopted.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. As I indicated, I'd like to begin with the A-Calendar and begin consenting on page 4, starting with Rules Report No. 83 by Mr. Gantt.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00172, Rules Report No. 3 -- 83, Gantt. An act to amend the Vehicle and Traffic Law and the Education Law, in relation to the illegal passing of school buses and to amend the State Finance Law, in relation to establishing the School Bus Motorist Education Fund.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Ladies and gentlemen, this is our first vote of the day so I expect a lot of votes up there on the board. Please cast your vote. And for those members who haven't quite made their way over, we encourage them to with as much speed as they can conjure up to get over here so they can cast their first vote of the day.

ACTING SPEAKER AUBRY: First vote of the day. Members in your seats, please vote now. Are you in the bar of the

Assembly? Please come into the Chamber and cast your vote. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00219-A, Rules Report No. 84, Santabarbara. An act to amend the Vehicle and Traffic Law, in relation to the issuance of a distinctive license plate for members of the New York State Elks Association of the Benevolent and Protective Order of the Elks.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00428, Rules Report No. 85, Bichotte, Ortiz, Richardson, Williams, Solages, Walker, Blake, Hooper, Gottfried, Hyndman, Seawright. An act to amend the Economic Development Law, in relation to the publication of information regarding awards of State contracts.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th

day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A00716, Rules Report No. 86, Gunther, Zebrowski, Cook, M.G. Miller, Rivera, Titus, Gottfried, Arroyo, Hooper, Steck, Pichardo, Richardson, Crouch, Walter, Raia, Montesano, McDonough, Murray, Weprin. An act to amend the Tax Law, in relation to permitting State Lottery winners to remain anonymous to the general public.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A01922-C, Rules Report No. 87, Lifton, Stirpe, O'Donnell, Galef. An act to direct the Department of State to conduct a study on the use of legal material in an electronic format and access to such legal materials.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02358-A, Rules
Report No. 88, Gottfried, L. Rosenthal, Jaffee, Steck, Hooper, D'Urso.
An act to amend the Public Health Law, in relation to managed long
term care plans not being controlled or owned by for-profit health
maintenance organizations or insurers.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02620-A, Calen --
Rules Report No. 89, Perry. An act to amend the Vehicle and Traffic
Law, in relation to issuing "West Indian American Day Carnival"
distinctive license plates.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02826, Rules Report No. 90, Perry. An act to amend the Election Law, in relation to the notice of the days and hours for voting in primary and general elections.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A02879, Rules Report No. 91, Paulin, Galef, Weprin. An act to amend the Public Officers Law and the Civil Practice Law and Rules, in relation to preference given to an appeal to the Appellate Division of the Supreme Court regarding a denial of an exception from disclosure.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02881-B, Rules Report No. 92, Brindisi. An act to amend the General Municipal Law, in relation to the definition of eligible securities in relation to obligations of domestic corporations.

ACTING SPEAKER AUBRY: On a motion by Mr.

Brindisi, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect January 1st.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03136-A, Rules Report No. 93, Abbate. An act to amend the State Finance Law, in relation to the direct deposit of certain salaries.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03210-A, Rules Report No. 94, Ortiz, Abinanti, Weprin, Jenne, Jaffee, Skoufis, Stirpe, O'Donnell, Galef, Blake, McDonald. An act to require the Office of Mental Health to develop educational materials for educators regarding suicide prevention.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03574, Rules Report No. 95, Perry. An act to amend the Executive Law, in relation to requiring a law enforcement officer or peace officer who discharges his or her weapon under circumstances where a person could be struck by a bullet to immediately report the incident.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04772-C, Rules Report No. 96, Woerner, Ortiz, Lupardo, Peoples-Stokes, Hawley, Brindisi, Palmesano, Jenne, Stec, Stirpe, Blankenbush, Jones, Magee, Santabarbara. An act to amend the Tax Law, in relation to providing insurance corporations with a tax credit for investments made in rural business growth funds; and to amend the State Finance Law, in relation to establishing the New York Agriculture and Rural Jobs Fund.

ACTING SPEAKER AUBRY: On a motion by Ms. Woerner, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect July 1st, 2018.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05784-B, Rules Report No. 97, Jones, Pheffer Amato, Castorina, Errigo. An act to amend the Not-For-Profit Corporation Law and the Religious Corporations Law, in relation to prohibiting certain stand-alone mausoleum and columbarium.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to ask members of the Real Property Taxation Committee to join Mrs. Galef in the Speaker's Conference Room. Real Property Taxation.

ACTING SPEAKER AUBRY: Real Property Taxation in the Speaker's Conference Room.

The Clerk will read.

THE CLERK: Assembly No. A07012-B, Rules Report No. 98, Hunter, Cook, Dickens, Hyndman. An act to amend the Insurance Law, in relation to the granting of continuing education credits by the Superintendent of Financial Services.

ACTING SPEAKER AUBRY: On a motion by Ms. Hunter, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07070-A, Rules Report No. 99, Abbate, DenDekker. An act to amend the Public Officers Law, in relation to residency requirements for members of municipal departments of sanitation.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07492-A, Rules Report No. 100, Gottfried, McDonald, Abinanti, Pheffer Amato, Titone, Solages, Jaffee, Garbarino, Raia, Steck. An act to amend the

Social Services Law, in relation to synchronization of multiple prescriptions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07600-C, Rules Report No. 101, Abbate, Colton, McDonough, Woerner, Santabarbara, Solages, Barrett, Pheffer Amato, Weprin, Pellegrino, Skoufis, B. Miller, Curran, Wallace, Steck. An act to amend the Retirement and Social Security Law, in relation to disability retirement for members of the Department of Environmental Conservation, Forest Rangers, University Police Officers and the Regional State Park Police.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07602-A, Rules Report No. 102, Abbate. An act to amend the Retirement and Social Security Law, in relation to loans to members of certain retirement systems.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08108-A, Rules Report No. 103, Abbate, McDonough, Jaffee, Pellegrino. An act to amend the Education Law, in relation to tenure in certain school districts.

ACTING SPEAKER AUBRY: On a motion by Mr. Abbate, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08157-A, Rules Report No. 104, Englebright, L. Rosenthal, Glick, Colton, D'Urso. An act to amend the Environmental Conservation Law, in relation to prohibiting the issuance of permits authorizing the use of wild animals in circuses.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 31st, 2021.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Two things. First, Local Governments. I understand Mr. Magnarelli is prepared to conduct the meeting in the Speaker's Conference Room. Local Governments in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Local Governments, Speaker's Conference Room.

MR. MORELLE: Thank you.

ACTING SPEAKER AUBRY: Mr. Morelle.

MR. MORELLE: Yes, sir. Just a brief interruption for a joyous announcement. We're joined in the Chambers by our dear friend and colleague, Mr. Zebrowski, who is new to parenthood. He and his beautiful wife, Clare, gave birth to Reagan Leigh Zebrowski, who is seven pounds, 13 ounces, 20-and-a-half inches.

(Applause)

I would -- I would just suggest he get a good night's sleep while he's in Albany --

(Laughter)

-- because he won't be sleeping for several more years. But, we're delighted and I just wanted to acknowledge the -- the happy occasion, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A08791-B, Rules Report No. 105, Jean-Pierre, Simotas, Rivera, De La Rosa, Giglio, Cook, Taylor, Seawright, Mosley, D'Urso, Raia, Ortiz, Williams, Hyndman, Vanel, Barron, Dickens, Errigo, Crespo, Pellegrino, Davila, Blake, Espinal. An act to amend the Social Services Law, in relation to information provided to unlicensed or unregistered child day care providers by the Office of Children and Family Services.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A08819-B, Rules Report No. 106, L. Rosenthal. An act to amend the Public Health Law, in relation to the distribution of information to patients at high risk of developing lymphedema.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09017, Rules Report No. 107, Jenne, Jaffee, Englebright, Santabarbara, Gottfried, Simon, Taylor, DenDekker, Colton, Pichardo, Braunstein, Steck. An act to amend the Vehicle and Traffic Law, in relation to prohibiting certain entities from engaging in the business of securing motor vehicle registrations or giving instructions as to procuring motor vehicle registrations.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09686, Rules Report No. 108, Pretlow. An act to amend Chapter 473 of the Laws of 2010 amending the Racing, Pari-Mutuel Wagering and Breeding Law relating to the New York State Thoroughbred Breeding and Development Fund, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Pretlow, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09837-A, Rules Report No. 109, Steck, Gottfried, Dinowitz, Skoufis, McDonald, Raia, Braunstein, Jean-Pierre, Santabarbara, Johns, Titone, Kolb, Finch, Garbarino. An act to amend the Public Health Law, in relation to the implementation of an electronic death registration system.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Raia to explain his vote.

MR. RAIA: Thank you, Mr. Speaker. The anticipation was killing me.

ACTING SPEAKER AUBRY: And we hope not.

MR. RAIA: Well, some people might, but that being said, I'm a co-sponsor on this legislation and it is certainly a long time in coming to get to an electronic death certificate registry. My concerns, though, on this are the fine structure that is set up. You have many -- many small towns in Upstate New York that only have a few hundred people in them and to actually level (sic) fines of \$2,000, \$5,000 or a misdemeanor \$10,000 fine on a very small town that doesn't have a computer in it, that doesn't have an IT department, it's not like they can wave a magic wand and all of a sudden they have the ability to implement this. So, I would hope that somewhere along the line we go back and amend this -- this fine piece of legislation which could be even better if we took out the criminal sanctions against local governments in it. Thank you, Mr. Speaker. I will vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Raia in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09903, Rules Report No. 110, Cusick, McDonald, Schimminger, Brabenec, Benedetto, Barnwell, Rozic, Fahy, Stirpe, Morinello, Braunstein, Colton, McDonough, Montesano, D'Urso, Jones, Wallace, Woerner, Lavine, Pichardo, Titone, Nolan. An act to amend Chapter 507 of the Laws of 1974, relating to providing for the apportionment of State monies to certain non-public schools, to reimburse them for their expenses in complying with certain State requirements for the administration of State testing and evaluation programs and for participation in State programs for the reporting of basic educational data, in relation to the calculation of non-public schools' eligibility to receive aid.

ACTING SPEAKER AUBRY: On a motion by Mr. Cusick, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09909, Rules Report No. 111, Abbate, Colton. An act to amend the Retirement and Social Security Law, in relation to accidental disability retirement for

uniformed court officers and peace officers employed in the Unified Court System.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker, for allowing a brief interruption so we might introduce a distinguished New Yorker who's here as a guest of Ms. Pellegrino. We're delighted to have Anthony Henry, who's a Massapequa resident and the -- from -- the Fire Marshal in the Bureau of Fire Investigation Citywide South Command in the Fire Department of New York City. We're delighted to have the Marshal here, and he has served in the Fire Department for over 15 years, is a, as I said, a very distinguished New Yorker. I know Ms. Pellegrino is excited to have him in the Chambers to observe our legislative proceedings.

If you would please extend all the privileges of the floor to Mr. Henry.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Pellegrino, the Speaker and all the members, we welcome you

here to the New York State Assembly, we extend to you the privileges of the floor. Our congratulations on such great service to the City of New York. Continue that great service. We are so pleased to have you. Feel free to come back whenever you want. Thank you so very much.

(Applause)

And we also extend greetings to all of your colleagues who have joined you today, particularly the smallest one.

(Laughter)

I -- we presume that was a marshal in training, and we hope that you, too, will enjoy today and have extended the privileges of the floor to you. Continue the great work that you gentlemen are doing in preserving and saving the lives of our citizens. Thank you so very much.

(Applause)

Mr. Goodell.

MR. GOODELL: Thank you very much, Mr.

Speaker. I have the -- the great honor and privilege of introducing the family of our Majority Leader, Joe Morelle. And joining us today in the Chamber are his wife, Mary Beth Morelle; his mother, Juliette Morelle; his son, Joseph Morelle, Jr. -- not where sure he came up with that name --

(Laughter)

-- but apparently is following in somewhat in the footsteps of his father, because Joe, Jr. is a Monroe County

Legislator. Also, his lovely -- Joe's lovely daughter-in-law and Joe, Jr's wife, Nicole; and his sister, Gail Morelle. It's always, of course, a great pleasure when we see the family of one of our members here. And we certainly appreciate all they've done to allow Mr. Morelle to serve with us.

So, if you would please extend the greetings and hospitality of our Chamber, I would certainly appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Goodell, the Speaker and all the members, we welcome you this distinguished family here to the New York State Assembly, extend to you the privileges of the floor. And coming from someone who has said "Morelle" more times that I can count --

(Laughter)

-- it is a pleasure to have you with us. We know that you are a close family, and a family that is bonded by love. And clearly, Joe would not be able to do what he does if it -- you were not behind him. Thank you for that support. Thank you for sharing him with us. Thank you.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A09910, Rules Report No. 112, Abbate, Colton. An act to amend the Retirement and Social Security Law, in relation to eligibility for retirement benefits for certain members of the Unified Court System.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. 9921-A --

ACTING SPEAKER AUBRY: Hold one minute.

Mr. Morelle. One more time.

MR. MORELLE: Yes, thank you, Mr. Speaker.

First of all, if we could let members of the Transportation Committee know that Mr. Perry is prepared to conduct that meeting in the Speaker's Conference Room. Transportation in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Transportation, Speaker's Conference Room.

Mr. Morelle.

MR. MORELLE: Yes, thank you, sir, for allowing an interruption to introduce some very distinguished guests in the Chamber. First of all, as guests of Ms. Walker we have a number of members of the -- who are African-American clergy in Brooklyn, and I want a moment to introduce them, if I can, beginning with Overseer Alonzo Jordan and Pastor Andrea Jackson-Jordan from God's Open House for Everyone in -- in Brooklyn. We're also joined by the

Reverend Dr. Dwayne Barnes, who's President of More Than Conquerers. And from His Majesty International Fellowship, Bishop Steve Belgrove and Pastor Rose Samuel. And as well from the United Baptist Church, Pastor Eddie Karim. We are delighted to have these distinguished individuals in the Chamber, appreciate all the work they do in Brooklyn to give spiritual guidance to members of their congregation and we're delighted to have them in the Chambers today.

If you would please extend all the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Walker, the Speaker and all the members, we welcome this distinguished group of clergy here to the New York State Assembly. We extend to you the privileges of the floor. Our gratitude for the work that you're doing in Brooklyn to ensure the spiritual health of your communities. Thank you so very much to continue that work. You are always welcome here. Thank you.

(Applause)

Mr. Morelle.

MR. MORELLE: Yes, thank you, Mr. Speaker. Let me also take a moment to introduce a special guest of Ms. Seawright's. We are joined by Rebecca Wax, who is a lifelong constituent, lives on the East Side of the -- on the -- of Manhattan, East Side of the City, and is a firefighter at the Department -- FDNY, and works in the headquarters of the Fire Department in New York City, and is with the Governmental Affairs Department -- or did work in the Governmental

Affairs. I understand now is at a firehouse in Queens, protecting the good people of the Borough of Queens.

So, we would love to have you extend, on behalf of Ms. Seawright, to this constituent and firefighter, all the privileges of the floor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Seawright, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for the work that you're doing in Queens to protect your communities, and hope that you have had an excellent day here in Albany. Thank you so very much for coming.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. As I indicated earlier, we have a number of bills in our Criminal Justice Package. I would like to begin with the first one now off the debate list, which would be Calendar No. 347 by Ms. Bichotte. That can be found on page 38 of the main Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A04879, Calendar No. 347, Bichotte, Gantt, Mosley, Gottfried, Blake, Walker, Cook, Perry, Pretlow, Ortiz, Dinowitz, Lifton, Peoples-Stokes, Hevesi, L. Rosenthal, Crespo, Weprin, Rodriguez, Quart, Kim, Davila, Pichardo, Simon, Barron, Seawright, Joyner, Hyndman, Jaffee, D'Urso, De La Rosa, Aubry, Taylor. An act to amend the Executive

Law, in relation to ethnic or racial profiling.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker. For an explanation on this bill, racial and ethnic profiling occurs when law enforcement authorities target particular individuals based not on their behavior, but rather, on the basis of their personal characteristics, such as race, ethnicity, national origin or religion. Racial and ethnic profiling is an unjust and ineffective method of law enforcement. It makes us less safe and less secure, not more so. Racial and ethnic profiling is, nonetheless, pervasive. It has been used by the law enforcement authorities at the Federal, State and local level.

Under this bill, law enforcement officers -- that is State and local police and peace officers -- would be prohibited from using racial or ethnic profiling while engaging in their law enforcement duties. This includes when officers conduct traffic stops, pedestrian stops, interviews, ask questions, conduct investigations, frisk, pat downs, searches of individuals and property, data collection and inspections. This does not include when an officer acts on trustworthy information -- also known as "reasonable articulable suspicion" -- to investigate a specific criminal event. This does -- this bill will allow any victim of racial or ethnic profiling or the Attorney General to bring an action for damages or for injunctive relief to stop the agency's improper actions. Current State law does not provide for an individual case -- for individual cause of action for acts of racial

profiling. The Division of Criminal Justice Services would be required to create a form for law enforcement agencies to use to compile data about investigative encounters and traffic stops with civilians. Although a field interrogation report may be filled out, pertinent data about the investigative report, whether it determines a reasonable articulable suspicion, is not on the form. The information recorded would include such things as the number of people stopped; the race, ethnicity, national origin and religion of such persons. This information would be recorded based on observation and perception, not questioning; whether or not there was the risk or search; whether the stop resulted in arrest or citation; and the length of the stop. This is the same type of information NYPD currently requires its officers to record. So, this would not impede law enforcement officers in their regular duties. In fact, it protects the law enforcement officer against any lawsuit if she or he has legitimate reason that it is reasonable articulable suspicion to investigate a specific crime event. This requirement was imposed on NYPD in 2003 following a lawsuit in Federal court alleging discriminatory act -- practices. In fact, currently, the NYPD policy based on a settlement in that the Federal court case requires more information from officers applies to every civilian encounter, and it mandates that officers provide a ticket stub with the reason for the stop to the individual so stopped. The NYPD also publishes such data on its website for public viewing.

The information gathered under this bill would be compiled into the report that the Division of Criminal Justice Services

would then send to the Governor and Legislature. The Division of Criminal Justice Services would also establish a way for the public to view this data -- public -- this data. Public access to such data is currently the practice of many, many police departments in this State.

Again, this bill was influenced after the Floyd, et al v. New York City case where a lawsuit was filed for the disproportionate number of blacks and Latinos stopped for absolutely no other reason than because of their racial and ethnicity. In 2012, racial minorities accounted for 92 percent of all stop-and-frisk incidents. The Court found it was a violation of the U.S. Constitution core practices, the 14th Amendment, equal protection clause under the law to all, and the 4th Amendment, freedom from unreasonable searches and seizures, as well as the 5th Amendment, without any due process of the law. In fact, New York Attorney's (sic) General report found that only 1.5 percent of all stop-and-frisk arrests resulted in jail or prison sentence. And just -- and 50 stop-and-frisk arrests, point one percent --

ACTING SPEAKER AUBRY: Ms. -- Ms. Bichotte, you have expired the time in which to explain the vote. You can come back and ex -- and be on the bill at a later point in time.

MS. BICHOTTE: Okay. Very few stop-and-frisks result in any convictions. Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much. And thank you very much to the sponsor. Would she yield for questions?

MS. BICHOTTE: Sure.

ACTING SPEAKER AUBRY: Will you yield, Ms. Bichotte?

MS. BICHOTTE: Yes.

ACTING SPEAKER AUBRY: Ms. Bichotte will yield.

MR. GOODELL: Thank you, Ms. Bichotte. And thank you for that detailed explanation. I think that was very helpful. You mentioned in your initial explanation this is already the law in New York City?

MS. BICHOTTE: Correct.

MR. GOODELL: And so, this bill would only affect those districts outside of New York City, correct?

MS. BICHOTTE: Correct.

MR. GOODELL: And you're -- and you're from New York City?

MS. BICHOTTE: I'm from New York City, yes.

MR. GOODELL: Okay. You mentioned the problem with stop-and-frisk. That program has ended as well?

MS. BICHOTTE: I'm sorry?

MR. GOODELL: The stop-and-frisk program that was in New York City, that's ended as well?

MS. BICHOTTE: The way it was applied, based on racial -- racial profiling, yes, that was the intent. That doesn't mean that it's not necessarily being practiced. But yes, that was the intent, to put in policies in place.

MR. GOODELL: Since this policy will only apply Upstate, do you have any data on the nature or extent of this issue Upstate? For example, in my district or across the Southern Tier, in the Adirondacks or outside of New York City?

MS. BICHOTTE: Yes, there's been many cases. First of all, it does not only impact Upstate. It -- there's Long Island, there's other surrounding areas that are not considered Upstate. In fact, in Buffalo we had an issue where there were a number of stop-and-frisks that were occurring, and there was a lawsuit that was provided, and we were actually asking for data. After many years, we have still haven't received the data on the stop-and-frisk, and only, I believe, like, 30 percent of data of certain areas were -- were provided. So, this is happening throughout the state. One of the reasons why we are pushing this bill is because we want it to be a more transparent process. When people are stopped and frisked, we want to know why they're being stopped, questioned and frisked. So that's why we're putting this policy so that we have more transparency when law enforcement are randomly stopping people.

MR. GOODELL: Well, you mentioned that certainly this has already been addressed in New York City. Have any other local governments enacted comparable provisions? For example, in the City of Buffalo, the example you gave, that would already implement this on their own authority.

MS. BICHOTTE: They haven't done yet -- I mean, they're -- they've been very reluctant to giving us data. So no, they

haven't.

MR. GOODELL: Now, of course local government has pretty broad authority over their own police department, right? So, there's no legal impediment preventing, as an example, the City of Buffalo, from doing that, or the State Police from implementing it Statewide. Is that correct?

MS. BICHOTTE: Correct.

MR. GOODELL: So, this legislation is not needed to authorize local governments, and New York has already done it. I -- I find it interesting, I think there's 12 different characteristics that have to be filled out for every stop? Is that correct?

MS. BICHOTTE: There are a number of different characteristics, yes. Again, as mentioned in my explanation, many of these are already done as part of their stop duties --

MR. GOODELL: And --

MS. BICHOTTE: -- of the law enforcement.

MR. GOODELL: And one of those things which you mentioned deals with ethnicity, national origin and religion. Now, unless someone is wearing religious garb, there's no way to tell what a person's religion is, is there? Unless you ask them.

MS. BICHOTTE: Unless you ask them. But, your --

MR. GOODELL: But this law says you shouldn't ask.

MS. BICHOTTE: I'm sorry?

MR. GOODELL: But this bill says that that

identification of their religion should not be based on an inquiry, correct?

MS. BICHOTTE: Correct.

MR. GOODELL: And likewise, there's no way to tell someone's national origin, absent an inquiry, is there?

MS. BICHOTTE: You can make -- you can make your best guess based on what you see with your own two eyes.

MR. GOODELL: Okay. Thank you for explaining the bill. I -- I appreciate your comments.

On the bill, Mr. Speaker.

ACTING SPEAKER ZEBROWSKI: On the bill, Mr. Goodell.

MR. GOODELL: I certainly appreciate the sponsor's desire to prevent racial profiling. And, indeed, racial profiling has been illegal in New York State and in the nation for decades. Ever since the Constitution was amended with the 14th Amendment, we eliminated discrimination based on race, color, creed, national origin, sex. All that's illegal. While this policy may make perfect sense in New York City, it doesn't necessarily make sense across New York State. One size does not necessarily fit all circumstances. In my county, where most people drive to and from wherever they're going as opposed to taking the subway or walking -- we don't have any subways -- it's a long ways in a rural countryside to walk. So with the exception of the Amish, who might go by horse and buggy, everyone else goes by car. When you pull over a car or when you're following a

car, it is almost impossible to tell the age, race, religion, sex, national origin, ethnicity or religion of the driver. In fact, all you see is the back of the seat. And so traffic stops, certainly in my district and in most of Upstate, are not based on any of those criteria because you can't even see. But what is certain about this bill is it would require every single stop, for the officer to complete out a detailed form that requests 12 different categories of information. And those 12 categories have to be filled out even if the officer was just giving a friendly warning. Even if the officer wasn't even giving out a ticket. And it requires the officer to make an evaluation not only to the driver -- and by the way, there's a half-dozen characteristics for the driver -- but for every passenger. Which means if the stop is at night, this bill would force the officer to take his flashlight and shine it on every single person in the car. Talk about an intrusive stop just to give a friendly warning. And then, all this data has to be compiled. And while in New York City they may have tens of thousands of employees, in the rural sections of our State, our police departments are very small. And so, it is a substantial unfunded mandate that is probably unnecessary in most of our Upstate jurisdictions, and which can be addressed by local law in those areas where they feel there is a particular need. So, I've never really been keen on unfunded mandates on our local governments. In my district where we have 92 percent white, I don't want my officers spending an extra 10 or 15 minutes on every stop, filling out the form that says "White Anglo-Saxon Protestant." They're not doing racial profiling for that entire category

because they're all in that same category themselves. And so it is a colossal waste of time in my district, and my guess is in a lot of Upstate districts.

So, local municipalities can do it if they wish. It's already illegal, but this is an expensive unfunded State mandate that will burden our law enforcement. And for those reasons and others, I will not be supporting this. Thank you very much, Mr. Speaker. And again, thank you to my colleague for her concern on this issue.

ACTING SPEAKER ZEBROWSKI: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ZEBROWSKI: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Bichotte to explain her vote.

MS. BICHOTTE: Thank you Mr. Speaker. It's just -- it's with great pleasure and passion that I sponsor this piece of legislation which prohibits law enforcement officers from using racial and ethnic profiling. This bill, again, would establish a collection of data on traffic stops. These are duties and -- that are done already in the police department and law enforcement. Data collection is what modern police departments and law enforcement agencies do. So, if data cannot be -- can be collected to prevent crime and catch criminals, why can't it be collected to protect our constitutional right? As you know, we have constitutional laws in place: Our 14th

Amendment, 4th Amendment, 5th Amendment. But every day in our lives in our communities, these constitutions -- the rights of our people are still being violated. That's why it is our fiduciary responsibility to put laws in place throughout the State, to push and make sure that we're protecting the rights of our -- our citizens.

So, with that, Mr. Speaker, I am voting in the affirmative of this bill, and I would ask and certainly hope that all my colleagues do so. Thank you.

ACTING SPEAKER ZEBROWSKI: Ms. Bichotte in the affirmative.

Mr. Barron to explain his vote.

MR. BARRON: You know, it's incredible. I -- I wonder if any people of color, Black or Latino, is in my colleague's district, if they agree with him, that police can't tell who they are. It's incredible -- it's incredible to think that a police officer cannot identify somebody Black or Latino, or wearing something that they may perceive is of a religious -- you can never get rid of racism being in denial that it exists. He's in denial that it even exists. What? I've never heard this before. They're riding so far behind the car that they can't see whether the person is Black or Latino, or another person of color because the head -- the head is -- they're looking at the back of their head and nothing else. Like the police will never pull up next to a car or see somebody, ride by and see them in the front. This is incredibly ridiculous. We cannot get rid of racism denying that it exists. The very least you should be able to do is to say that this law

applies everywhere. There are people of color all over the State. There are Black people, Asian people, Latino people all over the State. There are other groups. And we are getting disproportionately stopped. Not -- and I -- and I caution our people to stop saying, you know, *Driving while Black* is the reason why they're stopping us. No. We're driving past racists. That why they're stopping us, because they are racist. There's nothing wrong with our Blackness, there's something wrong with their racism. So, we're driving while around racists, and they're stopping us. And that's the problem. This law is a good thing for the entire State. We have to do far more to deal with this racism. But when you're stopped, and as my colleague said, and they put the flashlight in your car, that's embarrassing, it's insulting. It's -- it's just ridiculous.

So, we got to end this racist profiling. It's not just stop, question and frisk, it's racial profiling. I commend my colleague for this bill, and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Rivera to explain his vote.

MR. RIVERA: Thank you, Mr. Speaker. On this bill -- on this bill, let me put it this way: I am tired of being tired. I am tired of no justice, no peace. What I'm not tired of is keep hope alive. So, here I am -- as I vote yes, I'm keeping hope alive by hoping that this great State of ours, we gotta understand and see that we do have a problem. And the -- with this bill -- and I congratulate the sponsor, that we can convince everyone -- listen, we are in this great State, this

great City, New York. We live together, we can look out for each other. But we cannot feel that we are being singled out and being harassed.

So having said that, I'm glad I kept under the two-minute limit, and I'm voting yes. Thank you.

(Applause)

ACTING SPEAKER AUBRY: Mr. Rivera in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

The Clerk will read -- no, excuse me.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would like to -- before we continue, we have some very distinguished guests of Ms. Pheffer Amato who have joined us, members of the New York City Fire Department. And we're delighted we have so many guests from the --from the Fire Department here this afternoon. But we have a number of guests from Engine Companies 264, 268, 328, 329, as well as Ladder Company 137, and I'd like to take a moment to acknowledge these distinguished New Yorkers. We're joined by Brian Martin, John Peters, Gene Philcox, Bobby McCormack, Kevin Williams, Chris White, Mike Coogan, Joe Henderson, Evan Davis, Emanuel Kenna, Hasim Cruz and Steve Lynch. I know that Ms. Pheffer Amato is delighted to have them in the Chamber, as are we,

and if you'd please extend all the cord -- cordialities of the House to this distinguished group of firefighters.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Pheffer Amato, the Speaker and all the members, we welcome you here, gentlemen, to the New York State Assembly. We extend to you the privileges of the floor. We thank you for the service that you provide us in the City of New York, particularly in Queens, and hope that you will continue that service. And we will count on you to keep us safe. Thank you so very much.

(Applause)

Mr. -- Mr. Morelle.

MR. MORELLE: Yes, thank you, sir. I'd like to continue our work on criminal justice by taking up on page 66 of the main Calendar, Calendar No. 711 by Mr. Mosley.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A09787, Calendar No. 711, Mosley, Heastie, Gottfried, Gantt, Cook, Perry, Pretlow, Dinowitz, Lifton, L. Rosenthal, Crespo, Weprin, Rodriguez, Kim, Pichardo, Walker, Barron, Seawright, Joyner, Blake, Hyndman, Jaffee, Jean-Pierre. An act to amend the Criminal Procedure Law, in relation to grand jury proceedings.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Mosley.

MR. MOSLEY: Thank you, Mr. Speaker. This bill, the legislation is designated to foster public confidence in the judicial

system in several ways: First, in all cases, it expressly authorizes the presence of a Superior Court judge in a grand jury room except during deliberation and voting. Under existing law, the grand jury is empaneled by the Superior Court, and constitutes a part of such court. The judge, along with the district attorney, serves as a legal advisor to the grand jury, thus, it is appropriate that the judge be among the persons authorized to be in the grand jury room. And, two, this bill would enhance public trust in our grand jury process by granting the court the authority to disclose grand jury material when it serves the public interest. Currently, when an indictment occurs, public charges are filed, and the public generally learns the specific charges, and as the matter unfolds, further details. However, when such indictments occur, all information about the proceeding remains secret, unless released under certain limited circumstances. This lack of information and closed process often leaves individuals distrustful of the system and skeptical of its fairness.

ACTING SPEAKER AUBRY: Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker. Would the sponsor yield for a few questions, please?

ACTING SPEAKER AUBRY: Will you yield, Mr. Mosley?

MR. MOSLEY: Yes, Mr. Speaker. I will yield.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALUMBO: Thank you, Walter. And I just have a few fairly quick questions.

MR. MOSLEY: Certainly.

MR. PALUMBO: With regard to the need for a Supreme Court or Superior Court judge to be in the grand jury as proposed by this bill, can you just tell us the genesis of that and why we would need that, in light of the fact that grand jury proceedings are, of course, overseen and recorded by a stenographer, and in the event of an indictment, the judge actually gets to, in camera, review the minutes subsequently, if, in fact, a true bill is rendered?

MR. MOSLEY: Well, one -- one of the things that we find that many of our -- our grand jury proceedings -- particularly when it deals with law enforcement, and obviously, you have the grand -- you have the district attorney's office involved -- is that they become somewhat *de facto* trials, where we have proceedings taking place under a cloak of secrecy, while at the same time understanding that many of these trials -- and I'll say, for example, the Eric Gardner case in 2014 in Staten Island, where many people knew of the individuals involved, the person who unfortunately lost their lives, but an indictment was not granted, but left the general public uneasy -- uneasy at how the proceeding materialized, what witnesses were called, what witnesses were not called. And subsequently, many in the public eye, to this very day, still have an uneasy opinion about -- of that -- that particular proceeding. But unfortunately, this is not -- this is just one of many proceedings that we see on a day -- daily basis, not only within New York City. But throughout the State of New York.

MR. PALUMBO: Understood. And I -- I -- I get

that position. But this bill calls, and I'll -- if I could just direct your attention on page 2, lines one and four, *for the testimony of all public servants* in line one; and in line four, *the testimony of all other persons who testified before the grand jury*. So this isn't just limited to police situations --

MR. MOSLEY: Right.

MR. PALUMBO: -- this is -- this will be -- could be provided, this information, in the event of any other type of grand jury proceeding that involves a public official, or even involves just an ordinary citizen. And could you just explain to us the reasons for that, to expand it that much further, please?

MR. MOSLEY: Well this is a limited disclosure. Obviously, there's discretion from the judge when you're talking about the safety of law enforcement officers who are still maybe undercover operation, confidential informants. So this is not something that is uniform. There will still be given discretion by the -- by the courts to expose such information to the general public, understanding that we first and foremost have to keep the safety of our law enforcement, those tertiary parties who work in concert with our law enforcement safe and secure.

MR. PALUMBO: Thank you. And that would also include, potentially, undercover witnesses, confidential informants. If it's including all witnesses, then it truly is including all. Would you agree on that?

MR. MOSLEY: Correct.

MR. PALUMBO: Thank you, Mr. Mosley.

On the bill, please, Mr. Speaker.

MR. MOSLEY: Thank you, Mr. Palumbo.

ACTING SPEAKER AUBRY: On the bill, Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker. So, of course, the -- the intent of this bill is certainly regarding disclosure and transparency to the public. But, unfortunately, I think that this is -- this is the immediate response to the *James v. Donovan* case, which was ultimately the appeal taken by the denial of disclosure in the Eric Garner case. And, in fact, that particular decision affirmed the lower court, indicating that grand jury proceedings are secret for a number of very important reasons. And there are vehicles for disclosure in very limited circumstances. However -- I'll read directly from the opinion: *The most frequently mentioned purposes or rationales for preserving grand jury secrecy include: One, prevention of flight by a defendant who is about to be indicted. Two -- and that would be in a de novo indictment, by the way, where it's done secretly and prior to someone being arrested -- Two, protection of the grand jurors from interference with those -- from those under investigation. Three, prevention of subornation of perjury and tampering with prospective witnesses at the trial to be held as a result of any indictment the grand jury returns. Four, protection of an innocent accused from unfounded accusations, if, in fact, no indictment is returned. And five, assurance to prospective witnesses that their testimony will be kept secret, so that*

they will be willing to testify freely. So I -- the chilling effect that this will have on the judicial process, because let's -- let's -- let's call it what it is: This an investigation of people who have committed crimes, and in many circumstances are very bad people. So, the fact that you are already -- and as my experience, I worked in the Manhattan DA's office, the Suffolk County District Attorney's office as a -- and -- and trying to compel a witness to just talk about a shooting that they observed is terrifying to the ordinary citizen. This will have such a detrimental effect on the process that, unfortunately, it's -- it's really something that -- it -- it just -- it wouldn't work in a practical sense to ultimately achieve what it's looking to achieve. I think it's more important to also notice and recognize that this applies to the situations where there's no true bill rendered. So this is the innocent person or the -- the -- and the innocence in the -- in this sense is there was no probable cause or reasonable cause to believe that someone committed a crime, would -- would trigger this particular statute. Now, in my experience having handled even police shootings, most jurisdictions, and the two that I spoke of -- at least when I was there under -- under Mr. Morgenthau in Manhattan and under two district attorneys in Suffolk County -- whenever there is a police shooting, to avoid the appearance of impropriety and declining to prosecute a fellow law enforcement official, it's the practice of those offices to present all of those shootings and all of those facts directly to a grand jury so that 23 ordinary citizens -- let's remember now, this is a secret proceeding, yes. But a grand jury is comprised of people

who live in the district, who live within that area, and -- and they ultimately, for a grand jury term sometimes even further extended in special situations, but they are regular folks, 23 of them, and a majority vote wins and renders an indictment. So, in these situations, you're most of the time presenting non-criminal conduct to make sure that the shooting was justified when there's a police shooting involved and in a death. So, in this situation, they present all their evidence, the grand jury has read the justification statute, and they feel that the shooting was justified.

Now, with all of that in mind, we do also have safeguards in our current system of law to make sure that the wrongly no true bill, for example, someone like in the Eric Garner case, the wrong -- the person who there may have been some sort of impropriety and this person was let free, we have safeguards. And specifically, I'm going to refer to -- I just looked up *Puerto Rico v. Sanchez Valle* -- in 2016 reaffirmed the rule against double jeopardy, meaning, that it is not double jeopardy -- and I'll read from a commentary on it: *The double jeopardy clause provides that no person shall be subject for the same offense to be twice put in jeopardy of life or limb.* However, as this Court recently reaffirmed in *Sanchez Valle*, which is a 2016 decision, *The double jeopardy clause does not prohibit successive prosecutions by separate sovereigns for offenses that consist of the same elements because transgressions against the laws of separate sovereigns do not constitute the same offense within the meaning of the double jeopardy clause.* And the

Supreme Court has said this for years. So, in that event, for example, Abner Louima, another high profile City case, he was in -- Volpe and that crew were indicted for those horrible offenses under State law. Subsequently, the feds took it over, and they had some pleas. They convicted them all, as they should have, but there was a subsequent Federal prosecution that ultimately took care of that -- those awful heinous acts. So, we have safeguards currently in place. And to try these people in the court of public opinion is not appropriate, because this will primarily deal with, particularly in the current climate, law enforcement. And we should not allow this to be -- allow those individuals who are members of law enforcement to be subject to this, and I'm just going to refer to it as a court of public opinion trials and they're -- to make their lives miserable, simply because we think that it -- that there may have been some underlying misconduct. Again, we have these opportunities, and we have a vehicle to currently keep an eye on these things. And as a result, I'll be suggest -- recommending to my colleagues to please vote in the negative.

Thank you.

ACTING SPEAKER AUBRY: Mr. Mosley.

MR. MOSLEY: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MOSLEY: With all due respect to my colleague, I -- I don't want to -- to make this a convoluted initiative. There are a number of exceptions in which we will rely upon in terms of protecting the identify of a witness, protecting the identity of a -- a

confidential informant, protecting the -- the identity of an undercover officer. But more importantly, we -- we know that trials are heard through public opinion all the time. All we're trying to do with this piece of legislation is to ensure that you have a level of transparency and that we are respectful of the pillars of our criminal justice system, which means openness and fairness. I'm not going to talk about justice because, obviously, that's -- that's a term of art that could mean so many things to so many of us here in this room. But at the same time, we have to understand and be real that there are people who are losing their lives and who are relying upon the criminal justice system to, at the very least, be transparent in what they're presenting before the grand jury in an effort so that we do not have a two-tiered court system where we have a -- a system for law enforcement officers who are given the benefit of the doubt in a grand jury proceeding, while others are not given that same benefit of the doubt and being adjudicated, while at the same time being indicted regardless of the information that is presented.

So, I -- I want to just be clear that we don't masquerade this as something as being anti-law enforcement. This is all about being -- just providing a sense of surety and an honesty and openness within our grand jury proceedings. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker, to explain my vote. As mentioned by my colleague, there's a lot of good reasons why the grand jury proceedings have been secret. They've been that way for hundreds of years. This bill says that if an individual is accused of a crime, and a group of 21 innoc -- civilians, 21 civilians determine there's no probable cause to believe that that individual committed the crime, you can still take that proceeding and all the accusations that may have been disproved and you can release it to the press so we can do character assassination. Look, if an indiv -- if an individual is falsely accused and he's been determined by a grand jury that there's no probable cause, there is absolutely no reason to take all that testimony and splash selective portions of it out on the -- on the front pages of any newspaper. When we talk about justice, that is our first and primary responsibility, not making newspaper reporters happy. And as mentioned by my colleague, not only do we engage in character assassination when we publish when they were found not guilty, when there was found no probable cause whatsoever, but we disrupt the very integrity of the grand jury process by creating a danger that people will not feel free to come forward and testify against the real criminals, the real bad guys, because they're worried that their testimony may become public and they may not be alive to see trial.

So, while I appreciate my colleague's desire for transparency, and there's a lot of areas where transparency is important, this is not one area. Thank you very much.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Blake.

MR. BLAKE: To explain my vote, Mr. Speaker. I want to commend Assemblymember Mosley on this absolutely necessary piece of legislation, and I think it's also important to -- to clarify some of the points that have been mentioned by some of our colleagues who continue to convey that the protection of those a part of the proceedings would be at risk. It is clearly not the case at all. If you actually look at Section C, part 2, it says legal instructions would be redacted when necessary. When you look at Section 4, it says there's redacted testimony as well. Section -- Section F says the court shall determine disclosure can be provided and -- and protected, and Section G says that a written order has to be conveyed. So, let's be clear, at the end of the day, it is really hard for us to understand why would you not want to under -- understand the instructions being given in a courtroom when you go through a grand jury proceeding. It is clear that those that are part of the proceedings would be protected. And at the end of the day, are we not here for justice? That is why we are part of this Legislature, that is why we're here as public servants. I absolutely applaud Senator Bailey and Assemblymember Mosley for standing up for this. Lastly, when we think about My Brother's

Keeper with us being the only state in the country that has done this, the reason why that was created, Mr. Speaker and colleagues, is what happened to Trayvon Martin and many other black and brown young men who have lost their lives and have not had justice because of inappropriate direction given in grand jury proceedings. This is actually giving us a chance to give them justice.

I proudly vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Blake in the affirmative.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. May I explain my vote?

ACTING SPEAKER AUBRY: Yes, sir.

MR. BARRON: You know, the grand jury procedure, a judge in this State said that a DA has so much influence over a grand jury that he or she can get an indictment on a ham sandwich. But they have difficulties getting an indictment on police officers. And when you say that you're putting them at risk, what about the trial jurors? Everybody sees the trial jurors. These trial jurors are actually going to convict somebody and send somebody to prison and, nope, the public sees them. As a matter of fact, you can even sit in the court and watch them go through these procedures. They are convicting people and sending people to jail. The grand jurors are charging people. Charging people that might even turn out

to be innocent. So for us to get the transparency, the records of these grand juries, is a necessity. What's going on in there that is so private and secretive? What's happening that you don't want to expose it to the entire State, the entire city? It isn't to protect the grand jurors, it's to keep coming up with no true bill. No true bill. No indictment. So these officers walk and they kill again and again and again, because the signal is that if you kill, particularly a person of color, you will not get indicted. And if you do get indicted, and do get to the trial level, there'll be a softball prosecution by the DA, so you'll either walk out at trial, or never get indicted at all.

I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

ACTING SPEAKER PICHARDO: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker, for allowing a brief interruption so I may introduce a number of guests on behalf of Mr. Titone, Mr. Cusick, Ms. Malliotakis and Mr. Castorina. We are well-protected today at the Capitol should fire break out. We're delighted to have another distinguished group of firefighters from the City of New York. This group is from Staten Island, Engine -- from Engine 154, we have Ryan Biggs and Gennero Reo. From

Engine 160, we have Jonathan Roth and Jonathan Nistico. And from Engine 159 -- I'm not sure if this is a real name, but Matt Titone wants to introduce Matt Tafone. I don't know if that's like just doubling up, but we understand that he is here as well in the Chambers.

(Laughter)

We want to thank them for their distinguished service to all the people in Staten Island, and want to please extend the cordialities of the House on behalf of our friends.

ACTING SPEAKER PICHARDO: Certainly. On behalf of Mr. Titone, Ms. Malliotakis, Mr. Cusick and all the Staten Island delegation, the Speaker and all the members, we welcome these heroes to the New York State Assembly. Always, we extend to you the privileges of the floor. We hope that you are enjoying the proceedings. But again, on behalf of all of the members here we just simply want to thank you for your service, and we appreciate you coming and taking the time and enjoying the proceedings with us today. Thank you so very much.

(Applause)

Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. It is my great honor, on behalf of our colleague Assemblyman Dave DiPietro and Assemblyman Kevin Byrne, to welcome a distinguished group of Filipinos who are here celebrating their 120th year of independence from Spain, which was on June 12th. As you know, the Philippines have been a special friend and ally of

the United States for many, many years. Just on a personal level, my father was -- was in the U.S. Navy during World War II (indicating). And when his service ended, he asked to be discharged in the Philippines because he loved the country and its people so much. I'm glad he eventually came home and married my mom. But here with us in honor of this special occasion is Santos Lopez, who's the grandson of Eusebui Lopez, the original signer of the 1934 Constitution; Vic De Castro, a Filipino-American Filipino Day Chairperson; Rebecca Galusha, President of the Filipino-American of North -- Northern New York; Catherine Codamon, President of the Bayahihan Association Dance Group; Rowena Fuller, who's representing the Filipino-American Club; and in support -- and special guests are the Orange County Choppers with Paul Teutul, Sr., who's the founder and CEO; and Joanna Kap (sic), who's Chief Operating Officer.

So, if you would welcome this group of distinguished guests with their beautiful clothes and their great message of hope and excitement over the independence of the Philippines, I would certainly appreciate it. Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Certainly, Mr. Goodell. On behalf of Mr. DiPietro, Mr. Byrne, the Speaker and all the members, we welcome these distinguished guests of individuals to the New York State Assembly. We extend to you the privileges of the floor. We hope that you enjoy the proceedings today. And this is just simply another reminder of how important diversity is in our State, and that we celebrate all cultures and all communities across this great

State of New York. And Mr. Teutul, on a personal level, I -- I've enjoyed your work over the years. I think you've galvanized young people into getting into engineering, science, building, working with their hands, and showing that great things can be accomplished and built here in the State of New York. So thank you so much for your service.

And to these distinguished guests, thank you so very much in joining us today.

(Applause)

Mr. Goodell.

MR. GOODELL: Thank you very much for allowing me to interrupt for another introduction.

ACTING SPEAKER PICHARDO: Certainly.

MR. GOODELL: This individual, Joseph Gerad -- Girard, sorry -- is here on -- as a special guest of Assemblyman Dan Stec. He is here with us father, Joe, Sr., and his mom, Arlene. Joseph is a unique individual because he is the first person in New York State to break the New York State scoring record for basketball points, which he did on Tuesday, January 30th in an exciting win over Amsterdam High School. He's the first and only member of the 3,000 point-plus club in New York State. He's only a junior, and he has already received 25 offers from 25 Division I schools. So, we have the good fortune today to meet the next United States basketball star right here in our Chamber.

So, if you would intro -- introduce and welcome

Joseph Girard III, his father Joseph, and his mother Arlene, I'd appreciate it.

ACTING SPEAKER PICHARDO: Certainly. On Mr. -- on behalf of Mr. Daniel Stec, the Speaker and all members, we welcome these distinguished guests of individuals to the New York State Assembly. We extend to you the privileges of the floor. And remember, young man, sports accomplishments are worthy, but make sure that it is a wholesome thing, that you involve your community, and you make all New Yorkers proud across the State. So, thank you for joining us, and we extend the privileges of the floor and we hope that you enjoy the proceedings this afternoon. Thank you so very much.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I would like to give direction on the next three bills I'd like to take up as part of our Criminal Justice Package, beginning with Calendar No. 861 by Mr. Aubry, which is on page 78 of the main Calendar. Then I would like to take up Calendar No. 399 by Mr. Perry on page 43. And then conclude this group with Calendar No. 930 by Ms. Walker, which can be found on page 84 of the main Calendar.

ACTING SPEAKER PICHARDO: The Clerk will read.

THE CLERK: Assembly No. -- Assembly No. A03080-B, Calendar No. 861, Aubry, Perry, Arroyo, Barrett, Steck,

Rivera, Gottfried, Cook, Jaffee, Davila, Lupardo, Mosley, Ortiz, Peoples-Stokes, Quart, Weprin, L. Rosenthal, Lifton, Abinanti, Pretlow, Bichotte, Barron, Walker, Blake, Rodriguez, Fahy, Titone, McDonald, Cahill, Joyner, Jenne, Benedetto, Solages, Richardson, Pichardo, Hyndman, Stirpe, Titus, Kim, Simotas, Otis, Jean-Pierre, Dickens, Bronson, Hunter, Rozic, Carroll, Crespo, De La Rosa, Dilan, Vanel, D'Urso, Galef, Taylor, Niou, Pellegrino. An act to amend the Correction Law, in relation to restricting the use of segregated confinement and creating alternative therapeutic and rehabilitative confinement options.

ACTING SPEAKER PICHARDO: An explanation has been requested, Mr. Aubry.

Quiet, please.

MR. AUBRY: Certainly. Mr. Speaker and my colleagues, it is a -- actually a time where we can celebrate the evolution of policy in this State. This bill will limit the use of solitary confinement in both the prisons and local jails in the State of New York. Solitary confinement has been identified by the United Nations as torture, under the Mandela Rules. Most countries, many of our states, have begun the process of eliminating its use. Solitary confinement is essentially locking an individual up for sometimes up to 23 hours a day, allowing them out for one hour. Solitary confinement is used in this State as a regular part of the disciplinary process. What this bill does is modifies the ability of the Department of Corrections and the jail system to use that technique. Why was it

considered torture? Because to isolate a human being, any human being, away from others for such extended periods of time causes more than just corrective punishment. It causes mental problems. It debilitates. We have seen individuals who, because of their inability to deal with it, are commonly recommitted to solitary confinement, sometimes up to long, long periods of time, and then released back in our communities. One might ask why would this particular process be used so extensively? Because as someone said earlier today, *Out of sight, out of mind*. So, individuals who may be --

MR. MORELLE: Mr. Speaker, if we could just ask all the members and staff and guests to please accord the -- the person speaking on the bill their attention, and some quiet and some order in the House.

ACTING SPEAKER PICHARDO: Certainly, Mr. Morelle.

Please, members and staff and guests, we are on debate. Try to minimize your noise to a minimum. Thank you.

Proceed, Mr. Aubry.

ACTING SPEAKER AUBRY: Right now, 2,900 New York State prisoners are housed in solitary confinement, known as SHUs, or Special Housing Units. Inmates in SSUs -- in SHUs are locked into their cells 23 hours a day, with one hour of recreation time in an outdoor cage. They get no phone calls, no personal property, no programming, no religious services, and there are no legal limits to how long they can be kept. Some prisoners have been in SHU for

decades. More than 30 states have moved to recent years to reduce their use of solitary. Their work toward restricting those who goes into solitary confinement and how long they spend there, and create programs to cause a transition from solitary back to the general population. Our bill incorporates components of all three of these approaches.

ACTING SPEAKER PICHARDO: Mr. Giglio.

MR. GIGLIO: On the bill.

ACTING SPEAKER PICHARDO: On the bill, sir.

MR. GIGLIO: I would like to point out, and I think it's important to note that New York State has already made an agreement with the New York State Civil Liberties Union regarding solitary confinement. That happened in December of 2015, and was implemented on March of 2016. The agreement in the settlement lasts for five years. Almost everything that's in this bill is in that agreement. In fact, if you look, this bill was originally wrote -- written in 2014. It's my guess that they took a lot of it and used it in their lawsuit. So this might have been the template for exactly the agreement we already have, the State of New York has, and the New York State Civil Liberties will be monitoring this agreement. As I said before, it will last for a total of five years. We are now, I believe, into the third one. It is a good agreement. We will learn a lot from it. It will keep everybody protected behind those walls, and I think that we need to allow it to work its way through and see what modifications might be necessary after this agreement is done. But

currently, the way this bill is written, it's already being done.

Thank you very much.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This action -- this act shall take effect on the 365th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Aubry to explain his vote.

MR. AUBRY: Actually, I wanted to do more, but we won't. We won't delay the day.

Reform in the prison system always takes the process of either legislative action or judicial action, and sometimes both. Often, we have seen a lawsuit in this House over the years and codified the results of that lawsuit. Because lawsuits, as was re -- remarked, have a limited timeframe, five years. Five years. People have been locked up for 10 and 20 years in these situations. We have no confidence, because the Executive could have ended this immediately. They could have looked at the history of SHUs and immediately taken the action to stop the process; looked at what's going on in the world and stopped the process. But they haven't. Not just this administration, but administrations in the past. Sometimes, we, as legislators, have to step up to the plate and say what is right is right. And it's not for the term, it is for permanent use. And so, what

we're doing with this bill is saying to the State, saying to our population, saying to the people who are incarcerated that we have heard you. Many of them have been to see you in your offices who have suffered from this. They have asked for relief for those who they left behind. It is but right and good that we enact this bill into legislation.

I remove my request and vote in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Aubry in the affirmative.

Mr. Weprin to explain his vote.

MR. WEPRIN: Thank you, Mr. Speaker, for excusing me to explain my vote. This bill is a bill that has -- we've been working on in the Corrections Committee for many years. Yes, there was a settlement, but that doesn't have anything to do with codifying in statute restricting solitary confinement when it's inappropriate. As I said, this -- this is something that's been worked on for -- for many years. I want to thank the -- the sponsor for all his good work over these last number of years. We discussed this extensively in the Corrections Committee that I chair, and I'd like to be excused from voting now and I will cast my vote in the affirmative.

ACTING SPEAKER PICHARDO: Mr. Weprin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

(Applause)

MR. MORELLE: Thank you, Mr. Speaker, for allowing a brief interruption. I want to take a moment to introduce a guest of Mr. Weprin's. We are pleased to have Richard Connelly in the Chamber. Mr. Connelly is a former high school history teacher who started teaching debate in 2001 at the Bronx School for Law, Government and Justice. He is a graduate of Hampton University in Virginia, and received his Masters in Education from Lehman College in the Bronx. In 2014, Mr. Conolly co-founded the American Debate League, a nonprofit that partners with Queens College to provide young people in under-represented communities the opportunity to develop debating, speaking and literacy skills through debate training and competitions. He does this in an effort to improve self esteem, academic achievement, graduation success rates and access to higher education from students of all backgrounds. His teams have been very successful in tournaments across the country, and have also won the New York State Forensic League Championship in our great State. I do note, Mr. Speaker, that the members should pay special attention. I believe Mr. Connelly will be grading our debate skills as he observes the legislative proceedings.

(Laughter)

So, I don't want anyone to feel any extra pressure on the floor here. But we are delighted to have him here in the Chamber as a guest of Mr. Weprin's. If you would please extend all the

cordialities of the House.

ACTING SPEAKER PICHARDO: Pressure is good, Mr. Morelle. Certainly. On behalf of Mr. Weprin, the Speaker and all the members, Mr. Connelly, thank you to your -- for the service to the students of the State of New York and the Borough of the Bronx. We extend to you the privileges of the floor. We hope that you give us a good grade and enjoy the proceedings today. And again, we extend to you the cordialities of the House, and we hope that you enjoy the proceedings. And if you can give us some pointers, it's always welcome. Thank you so very much, sir.

(Applause)

(Pause)

ACTING SPEAKER AUBRY: Mr. Morelle.

Shh. Ladies and gentlemen.

MR. MORELLE: Thank you very much, Mr. Speaker, for allowing a -- a brief interruption. I want to acknowledge on behalf of Ms. Bichotte another group of New York's Bravest who are here, members of the New York City Fire Department from Engine 255, L157 on Rogers Avenue from Flatbush, Brooklyn. We are delighted to have them in the Chamber. We appreciate all of the incredible work that these firefighters do on behalf of the people and County of -- Kings County. And I know Ms. Bichotte is excited to have them in the Chambers. And again, we want to extend all the privileges of the floor to this distinguished group.

ACTING SPEAKER AUBRY: Certainly. On behalf

of Ms. Bichotte, the Speaker and all the members, we welcome these incredible public servants here to the New York State Assembly, extend to you the privileges of the floor. So happy that you have come, both gentlemen and lady who are here. And we're so proud that it is a lady that is here today. Thank you again. You have our undying gratitude for the work that you do to keep our communities safe.

Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A05617, Calendar No. 399, Perry, Mosley, Gottfried, Gantt, Cook, Pretlow, Peoples-Stokes, L. Rosenthal, Crespo, Weprin, Rodriguez, Quart, Kim, Pichardo, Walker, Barron, Seawright, Joyner, Blake, Jaffee, Abinanti, D'Urso, Jean-Pierre, Hyndman, Niou, McDonald, Taylor, Vanel, Rivera, Arroyo, Hevesi. An act to amend the Executive Law and the Criminal Procedure Law, in relation to establishing the Office of Special Investigation.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Perry.

MR. PERRY: Thank you, Mr. Speaker. Who dared asked for an explanation? Mr. Speaker, the criminal justice system is still an issue that remains at the very top of the agenda for all Americans, all New Yorkers who dream of and who work for a society where justice is assured for all people; not based on the pigmentation of your skin, not based on the size of your bank account,

or any other measure. But a system that can assure -- that is structured to assure fairness, transparency, and balance as a part of our criminal justice system. This bill is an attempt in this House to restructure our current system to provide for that assurance of fairness and transparency. This bill will enhance public confidence in the integrity of our criminal justice system in specific regards to the use of deadly force by police and peace officers. It establishes the Office of Special Investigation within the Office of the State Attorney General with investigative powers and authority to prosecute any alleged criminal offense or offenses committed by a police or peace officer concerning the death of a person as a result of an encounter with a police or peace officer.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield?

MR. PERRY: I will.

ACTING SPEAKER AUBRY: Mr. Perry yields.

MR. RA: Okay. So just walk me through this because I know this is a bill we've debated and voted on previously. So just as a starting point, I know the Governor a few years ago did issue an Executive Order to provide for this. Does this merely codify what the Governor did in that Executive Order, or does it have any differences or go any further than the Governor did?

MR. PERRY: It basically codifies what the Governor promulgated, but it goes a little further than that. The Governor's

Executive Order did not establish clarity in the jurisdiction as regards to the AG's authority to prosecute. This bill does take care of that issue, and definitely puts all -- it clearly says that in the Office of -- of Special Investigation, the prosecution -- the investigation, prosecution of all actions pertaining to police-involved death of a citizen would be in the jurisdiction of that office.

MR. RA: Okay. Now, this office, you know, currently, you know, there is an opportunity for a special prosecutor in certain circumstances, but this would primarily be the authority of our local district attorneys right now. So, this office would have jurisdiction above the district attorney, concurrent to the district attorney? What would the relationship be of this office as opposed to our district attorney, who would also have the power to investigate this type of situation?

MR. PERRY: It is -- it essentially ends the jurisdiction of a local prosecutor in the prosecution of a -- a crime involving the death of a citizen during activity with the police or a peace officer.

MR. RA: So, would the local district attorney still have the authority to conduct their own investigation, or once this was in the hands of this Office of Special Investigations, would -- would they not be able to do so until this is completed?

MR. PERRY: Oh, I can imagine that the local district attorney could be working with the -- with the A -- with the -- with the Office of Special Investigation; however, the jurisdiction for

investigation and prosecution of a matter involving the death of a citizen in an encounter with the police would be clearly within the jurisdiction of this office, except where the district attorney -- where the -- the AG would ask for the help of the local DA.

MR. RA: Okay. So, just in terms of timing. So an incident occurs, right, this office would immediately have the jurisdiction to go in and conduct an investigation, correct?

MR. PERRY: Yes.

MR. RA: It wouldn't have to wait for anything, for the local DA to ask for assistance, for the local DA to do any investigation of their own? They could immediately jump in?

MR. PERRY: Full and complete jurisdiction.

MR. RA: Okay. And I -- I believe actually under the wording of it, they don't just have investigation, but they would actually have the duty to perform an investigation, because the language is "shall investigate."

MR. PERRY: Exactly.

MR. RA: Okay.

MR. PERRY: You got it right.

MR. RA: Okay. So, what I'm -- one of the concerns that I see with that, you know, obviously, a lot of this, in this bill, the previous bills -- you know, we're talking about justice, we're talking about accountability, and in each of our counties, under our State Constitution, right in -- right here in our State Constitution it says, each -- *In each county, the district attorney shall be chosen by the*

electors once every three or four years as the Legislature shall direct.

So this is a constitutional officer who's accountable to the people, who is elected by the people, who has the jurisdiction to investigate these matters. So, is it not most accountable to the people when -- when that prosecutor is going to have to face the voters as opposed to somebody who is just going to be appointed by the Attorney General's Office?

MR. PERRY: Let me bring you back to my opening statement about our criminal justice system. We are concerned about transparency, and Americans who care about fairness and justice are concerned about the accountability and the transparency in our criminal justice system. And this is an effort to restructure or to reconstruct a system that has not worked. A system where almost every year there is a cry and a hue for changes. This is one of the changes that we think is important to bring us into accordance with what we, as Americans, dream of of being justice for -- in our criminal justice system, where every citizen in this Empire State can feel that if they have an encounter or any member of their family have an encounter with the police that results in the death of a family member, that the system is going to deal fairly with that feeling, and the outcome is going to be -- the -- the community is going to be assured that the outcome came through a fair process where the police was held accountable.

MR. RA: Thank you, Mr. Perry.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RA: Thank you, Mr. Speaker. So, you know, as I stated, we have district attorneys in each county. They're -- they're a constitutional officer, they -- they're spoken about it in our State Constitution, they face their voters locally, and they're -- you know, they're prosecutors, but -- but I think in a lot of ways they're more than that. Because, you know, their job is to -- to do justice. Their job is to decide, based on the information they have, cases to pursue, cases not to pursue. And -- and certainly in many of these matters, they'll go -- they'll impanel a grand jury, they'll call witnesses, and a result comes out of that. We may not always like the result, but it is a process that, overall, has -- has worked pretty well for -- for a very, very long time. You know, these types of cases, we all know become highly politicized, are out there in public. And unfortunately, our Attorney General's Office, going back a ways now, has become an office that likes to chase the headline, you know. And if our goal is to make things more fair and -- and just and have a -- really have a fair outcome, I'm not so sure allowing an appointed individual from the Attorney General's Office to go in and grab authority from a locally-elected district attorney is the way to make sure that an officer has -- has a fair hearing after an incident has occurred. You know, our men and women in law enforcement have an incredibly difficult job. And yes, we've had some tragic circumstances. We've also had some very tragic circumstances on the other side of this, where officers have been assassinated just because of that uniform they wear, because they were

law enforcement officials. And we've had people that were just sitting in a car, we've had people where they've called the police and ambushed them. So, I think we have to recognize that our law enforcement have an inherently difficult job. I think more often than not, they react in a better way than most of us would because they are well-trained. They go through trainings on when to use certain types of force, how to react to certain situations. And we are fortunate in this State. We have the most well-trained law enforcement in the country, and perhaps in the world. So, I think that I appreciate what this bill is trying to do and -- and what many of this package of bills are trying to do, but we're -- you know, we -- we can't forget, we're singling out a specific class of individuals that we're going to subject them to, you know, different types of prosecution and different types of scrutiny because of the job, and not truly understanding that they have a job that is incredibly difficult on a day-to-day basis. And on any given day -- and we -- we pray that this happens as infrequently as possible, but on any given day, they could be faced with a life or death situation that I don't think any of us want to try to put ourselves into the -- their shoes in those situations and determine how we would have responded.

So, I know a number of folks are going to be voting on the negative on this bill because we feel that the local elected DA is really the most accountable to the public, and is the fairest way to allow these proceedings to go forward. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. --

Shh. Shh.

Mr. Perry to explain his vote.

MR. PERRY: Thank you, Mr. Speaker. I take the opportunity to thank my colleagues and staff and all who have worked so hard and supported efforts to bring this bill to the floor. Efforts to reform our criminal justice system, Mr. Speaker, is not an attack on the police. It's never part of some intent to go after police officers. But where there are problems in the system that impact on the citizens' feeling of fairness, feeling -- feelings of transparency, and assurance that when you have to deal with the system, you don't stand alone, but you stand with all the nation, and the State and the system, to protect you and ensure that what -- the outcome is fair. Too many families have lost loved ones in interaction with the police. And we -- today we have the availability of quick videos that appear on YouTube and all social network to show how many times. There's the case with Rodney King, and we all that saw that video, and we all watched and worked through that investigation. We saw the case of Garner in Staten Island, choked to death. Amadou Diallo, 41 bullets. And just to demand that the process is fair shouldn't be a burden on any of us.

Mr. Speaker, I thank you for the opportunity. I

withdraw my request and vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Perry in the affirmative.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you so much, Mr. Speaker, for allowing an interruption so that I might introduce a number of distinguished groups that are here. This may test my skills, so bear with me. First of all, on behalf of Mr. Hikind, we have a distinguished group of young people and teachers from the Yeshivah-Vien. We have 25 eighth-grade students. I had a chance to say hello to them, a great-looking group of young men who are here. They -- they're suggesting somehow that they're learning more here than they would in school. I'm not sure I entirely agree, but we're all going -- we're all going to buy into that. But we are really excited that they're here and have an opportunity to observe the proceedings. And I do want to introduce the -- the adults who are with them. First of all, beginning with Rabbi Landau, who's the principal of -- of the school; Rabbi

Fromowitz, who is the administrator; Rabbi Katz, who is the co-administrator; and Rabbi Obsfeld, who is the eighth-grade teacher charged with molding their minds. And we are so happy, and I know Mr. Hikind is -- is so excited to have this group from Borough Park, and we want to make sure that they -- hope that they've enjoyed their experience, and that they continue to visit with us and observe the proceedings.

And if you'd please extend all the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Assemblymember Hikind, the Speaker and all the members, we welcome this extraordinary group of students and -- and teachers and advisors here to the New York State Assembly. This is the People's House. We are so pleased to have you. You will always enjoy the privileges of the floor, we are always pleased to see you. And you certainly make Assemblymember Hikind happy because he gets to host such a grand group on one of the last days of Session. Thank you so very much, and continue your education. Thank you.

(Applause)

Mr. Morelle to continue.

MR. MORELLE: Yes, sir. Thank you. We have Brooklyn, and now we have a distinguished group from the Bronx. We are delighted, Mr. Benedetto and all the members from the Bronx. I know that it was mentioned earlier today that it is Bronx Day in Albany, and we have a delegation of distinguished Bronxites

representing Bronx businesses -- businesses and institutions who are here to share with us all that is good in Bronx County, and I know there is much that is good. And I believe later today there will also be further celebrations, Bronx Night. We can't get enough of the Bronx, so we're delighted to have them all here. And if you'd please extend all the privileges of the floor to this distinguished group.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Benedetto, the entire Bronx delegation, the Speaker and all the members, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for the wonderful Bronx Day that you have provided us, and I'm made to understand it extends until tomorrow morning. We get lunch, dinner and breakfast with you guys. It is a marvelous thing you're doing. We hope that your businesses will continue to thrive and you will keep the Bronx rising and growing. Thank you so very much.

(Applause)

Three times, Mr. Morelle.

MR. MORELLE: Three times is the charm here, Mr. Speaker.

On behalf of Mr. Ortiz, we have a distinguished group from the Republic of China. We are delighted. They are from the Guangzi Zhuang Autonomous Region. They are a delegation who is interested in learning American -- American government and the financial budgeting system and how we keep public spending supervised, and other related topics. I'm not sure what they'll learn

about us spending -- supervising spending, but we hope that they pick something up. And we certainly are delighted to have them observe our proceedings and hope that they find this of interest and -- and educational and academic interest to them.

So, on behalf of Mr. Ortiz, if you would please extend all the cordialities and greetings of the House and thank this fine group for being here.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Ortiz, the Speaker and all the members, we welcome this distinguished group from China here to the New York State Assembly, extend to you the privileges of the floor. Thank you for spending this time with us. Hope that your trip will be beneficial, and that you will return safely back you to your home. And please always know that you're welcome here. Thank you so very much. So many of us have had the pleasure of visiting China. It's great to see a group come and visit us. Thank you so very much.

(Applause)

Mr. Morelle.

MR. MORELLE: Thank you, sir. I'd like to invite members of the Ways and Means to join Ms. Weinstein in the Speaker's Conference Room. Ways and Means in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Ways and Means, Speaker's Conference Room.

The Clerk will read.

THE CLERK: Assembly No. A10137-A, Calendar No. 930, Walker, Lentol, Rozic, Ryan, Seawright, Taylor, Titus, Perry, Abinanti, Weprin, Peoples-Stokes, Hunter, Pretlow, Gottfried, Simon, Epstein, Buchwald, Lavine, Jean-Pierre, Jaffee, Fernandez, Fahy, Pichardo, Williams, Carroll, D'Urso, L. Rosenthal, Simotas, Mosley, Barron, Dickens, DenDekker, Arroyo. An act to amend the Criminal Procedure Law, in relation to the issuance of securing orders and in relation to making conforming changes.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. This bill reduces our reliance on cash bail without sacrificing public safety. It respects the presumption of innocence, which is guaranteed by our Constitution. It eliminates cash bail on nonviolent felonies and all misdemeanors, with the exception of some sex crimes. It provides access to bail, which looks at individual financial circumstances, as opposed to sexual orientation, race, ethnicity, character or the color of your skin. It provides you a hearing in the place where bail is imposed, to ensure that the people have the right and access to counsel. It also gives people access to *Brady* materials that may be exculpatory for them at an earlier point in their criminal trial. Furthermore, it -- looking at the overwhelming number of the black and brown communities that bail dispiritedly impacts, it provides a means that ensures that we get justice and that it's not just us.

ACTING SPEAKER AUBRY: Mr. Curran.

MR. CURRAN: Will the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Will you yield, Ms. Walker?

MS. WALKER: Certainly, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. CURRAN: Thank you, Mrs. (sic) Walker. Just a couple of questions. I know several people are going to talk about the specifics of the bill, but I'm going to talk to you about the finances of the bill. So, in reviewing the bill memo, it states, *There are no required fiscal costs. Significant savings for local governments and the State can be expected through a reduction of unnecessary pretrial detentions and increased use of alternatives incarcerations.* That's what -- that's what the bill memo says. So, is it your position that the bill will not cost the State or any local governments any money if this bill should become law?

MS. WALKER: Well, it is my position after having read a number of reports on how much it costs to incarcerate individuals, pretrial at this point -- I read somewhere even recently that it was upwards of \$168,000 per year, per inmate. This bill keeps people out of jail and, ultimately, is a cost-saving measure to the State of New York.

MR. CURRAN: Absolutely. And -- and obviously, there will be cost savings, and I'm going to get to that in a second. But

let me just ask you, because of this bill, and also because of a very similar bill that was instituted and passed in New Jersey, the Regional Economic Studies Institute of Towson University performed a study which reviewed the New Jersey pretrial services program costs of 2017, and an analysis of the program implementation in New York State. Are you aware of that study?

MS. WALKER: New Jersey is very new.

MR. CURRAN: It is. You're absolutely right, 2017 is actually when it became -- it went into effect. But are you aware of the study?

MS. WALKER: Yes, I am.

MR. CURRAN: Okay. So, in looking at that study -- you know, the two programs, your legislation and the program in New Jersey are very similar on all grounds. There is one big difference: The New Jersey pretrial program set aside -- it established a fund to allegedly pay for the program. It was called the 21st Century Justice Improvement Fund. So, let me just ask you this: Now to begin with, does this legislation set up a fund to pay for this legislation once it goes into effect?

MS. WALKER: We did propose some funding in the State budget this year, and we will do so again next year.

MR. CURRAN: Okay. But -- and -- and I honestly don't know, so was it passed in the budget?

MS. WALKER: It was -- it was passed in our one-House budget.

MR. CURRAN: Okay. But was it passed in the final budget?

MS. WALKER: It was passed in our one-House budget.

MR. CURRAN: Got that. But the final -- the final 2018-2019 budget for New York State, did it contain a fund? Did it create a fund that would theoretically pay for this program if it went into effect?

MS. WALKER: A lot of local assistance for these pretrial services do exist at present. And we will continue with those resources as well, and also be providing proposals for next year's budget --

MR. CURRAN: Okay.

MS. WALKER: -- in addition to that.

MR. CURRAN: So, I'm being told that it wasn't included in the final bill -- in the final budget, so there is no fund. But let me just ask this: Since there is no fund in existence to help pay for, at least partially pay for this -- this program, is it fair to say that any additional costs that come from this program would fall on the counties specifically to, say, hire and compensate pretrial service agents?

MS. WALKER: Counties have already been paying for criminal justice. They do so each and every day.

MR. CURRAN: Absolutely.

MS. WALKER: This is a cost-saving measure. And

I would imagine that they'd be happy at the cost savings that they would be going through as opposed to having this -- an excess amount of dollars on detaining people each and every day.

MR. CURRAN: Okay. So, then, if I understand what you're saying and telling me, then your -- your position is that this bill will not see any cost being associated with the counties. In fact, what you're telling me is that counties are actually going to financially benefit from the implementation of this legislation. Is that -- am I understanding that correctly?

MS. WALKER: Probation services are certainly cheaper than jail.

MR. CURRAN: Okay. So, does this --

MS. WALKER: Defendants are working --

MR. CURRAN: Let me -- let me just ask you this: So if, by chance, that counties actually assume or incur additional costs under this program, does this legislation all -- allocate any additional funds to the county to cover any additional costs?

MS. WALKER: Unfortunately, this is not the budget bill. But if this certainly was in the budget bill, I'm sure we'd be supportive of all of that, and I hope that you would join me in that support.

MR. CURRAN: And I would -- absolutely will, and I'm going to get to the reason why. But, from your answer, I'm -- I'm assuming, then, this bill does not allocate any monies to our counties to cover any excess costs. So, with regards to the New Jersey, since

New Jersey, as you said, just started, they had a year to look at it, and this study actually looked at the cost. And what they did was, they -- New Jersey first -- when they established and they looked at this program, they thought that it was going to cost \$22 million to implement this -- this program. And they created this fund. And at the end of that year, Tow -- the study says that that fund is going to be short \$13 million to cover the excess costs for the implementation in New Jersey. So based upon that, is it still your position that -- that local counties will not incur any costs?

MS. WALKER: What it -- what my position is and my position has been and will continue to be, is that it definitely costs more money to -- to complete pretrial detention than it would be under a circumstance where we are releasing individuals to the community so that they can participate in the workforce, return back home to their families, et cetera, et cetera.

MR. CURRAN: Okay. So -- and again, so I'm going to get to that in a second. So, it's still your position that the cost benefit is going to outweigh any expense that they may actually incur. But just getting back to New Jersey and the study. So, in addition to that \$22 million for the -- what they put aside in that fund, and now they're finding that that \$22 million is short in the fund by \$13 million, they're saying that that doesn't even calculate the cost, the additional cost, of the New Jersey program on their counties. So what this study showed was that the entire cost of the program in New Jersey, which is extremely similar to the one in New York, the total cost is \$125

million. So, my point is this: The -- the study showed that if the New York legislation, if this bill goes through, the cost estimates for this program would be \$85.4 million in startup costs, \$185.6 million in operating costs, and \$16.8 million in additional costs. Would you agree with those numbers from that study?

MS. WALKER: Well, I can't say that I agree with those numbers. But numbers that I do agree with looks at some detainees that have been held across the State of New York, looking at eight counties only, that there were 113,015 people who were detained between the years of 2000 and 2014. And if you multiply that by \$168,000 per year, I am sure that the net savings that one county or any particular groups of counties would be able to benefit from, would certainly outweigh any cost that this bill will provide that they incur.

MR. CURRAN: And I'm glad you say that, because this study actually looked at the cost savings that New Jersey -- and since New Jersey's program is very similar to New York, why don't we take a look at what they found with regards to cost savings? Now, the -- the memo points out that there is certainly cost savings and a reduction with regards to the unnecessary pretrial detainees. What the study said that it indicated that the New Jersey experienced a cost-savings benefit through decreased pretrial detainees in the amount of \$67 million. Now, when you compare that New Jersey cost-savings, \$67 million, with the overall cost of the program, which was \$125.6 million, you're talking about a deficit of \$67 million deficit. So, you just said that we would certainly see a cost benefit

when you compare it to the overall cost of the program, and that's certainly not true, or it hasn't been the experience of New Jersey in the one year that they've had this program. So, are you still telling us that the -- actually the cost-savings is going to outweigh the actual cost of the program?

MS. WALKER: What I am saying is that you have a pretty good grasp on what's happening in New Jersey. And perhaps they'd like to hear from you. However, this bill does not defer the cost of pretrial detention to the State of New York like New Jersey does. Instead, it keeps the cost associated with counties and the responsibility and the accountability are on counties to do so, as opposed to the State, as opp -- like what is taking place in New Jersey.

MR. CURRAN: Yeah, so, let me just first be clear. This -- this study was done specifically for two purposes: One, to actually calculate the cost of the New Jersey program, but then they did it with the sole purpose of determining how much it's going to cost us here in New York if we implement the very same system, or close to it, which we are doing by this bill. So, if I understand what you're saying is, okay, the State doesn't have to assume this additional monies, because clearly, if we're going to actually have the same results New Jersey does, the State's not going to have to pay for it, but our counties are going to actually have to assume five times the amount of what the projected estimates for the cost of this program is. And we have not provided anything in this legislation to cover their costs.

MS. WALKER: I'm having trouble understanding the five times. And -- and as my -- my colleague loves to say, two plus two don't equal 22.

MR. CURRAN: Fair enough.

MS. WALKER: What we're saying here is that there's going to be a net cost savings to counties because they're already spending that money. We are not shifting these costs from the counties to the State of New York. So, ultimately, I still believe and stand behind the fact that this will not incur any additional cost burdens to the State of New York, nor to those counties.

MR. CURRAN: Fair enough. So since you said that you were having difficulty understanding it, let me just, then, try to clarify it. According to the study, the New Jersey program, which is, again, similar to this legislation, was estimated to cost the taxpayers of New Jersey \$22 million. But in the end of the year, it actually cost \$125.6 million, which is more than five times the original cost estimate. So, my point is, if we are saying that the legislation is similar and that the cost funding is going to be similar, our counties are going to be assuming a cost of five times the amount of what we're saying this program is going to cost, which you started off by saying it's not going to cost us anything.

MS. WALKER: What I am saying is that I have a -- I have, you know, trouble comparing apples to oranges. The key here, what I'm trying to communicate to you, is that New York State is not assuming a Statewide pretrial services agency. What it is doing is

working with the counties that are already responsible for this job to begin with. So, you're trying to, you know, to say how New York State is like New Jersey. That's not what this bill does. Maybe you didn't have an opportunity to read this bill as well as you did the New Jersey bill, but I do encourage you to take a look and really see what this bill actually does, and I'm sure that you would agree with me that we will benefit from a net cost savings as opposed to any additional cost to the State of New York.

MR. CURRAN: No, I actually did read both bills, and I think I have a pretty good understanding of it. I guess what my -- my concern is, is that the bill memo is saying that there is going to be no cost, and that we have a study performed of a similar bill in New Jersey that has shown that there is not only a cost to it, but it is a tremendous cost. And as you have outlined on -- on several occasions during this debate, that the cost is going to be incurred by the counties; not the State, but the counties. And we have put in no mechanism to actually -- to provide help, financial help to the counties to actually deal with this.

Mr. Speaker, on the bill.

Thank you.

MS. WALKER: Thank you. Well, please let me also state that we do provide probation aid to counties, as well as access for resources to help out with pretrial services.

MR. CURRAN: Thank you very much.

MS. WALKER: Thank you.

MR. CURRAN: Mr. (sic) Speaker, on the bill.

ACTING SPEAKER SEAWRIGHT: On the bill.

MR. CURRAN: Okay. So, this -- this study that was performed by Towson University, it came up with a couple of conclusions, and the conclusions was (sic) that if this legislation is enacted, the total estimated cost to implement and operate this program is \$287.8 million a year. The study also estimates that a reoccurring annual cost is approximately \$202.4 million. All of these costs are going to fall to our counties to deal with, and we have provided them no fiscal assistance in dealing with this. We have bantered around the word a lot, *unfunded mandate*. This is a huge unfunded mandate that we are putting on our counties, and they don't know it -- it's coming down to the pike.

So, because of those reasons, I'm going to ask my colleagues to vote in the negative. Thank you.

ACTING SPEAKER SEAWRIGHT: Mr. Morinello.

MR. MORINELLO: Thank you, Madam Speaker.

Would the sponsor yield for just a couple of questions?

MS. WALKER: Certainly.

MR. MORINELLO: And I'm going to preface it with I'm only going to deal with domestic violence on this particular bill.

Was there any conversations with any advocates or victims of domestic violence?

MS. WALKER: Yes.

MR. MORINELLO: Okay. And can you tell me to

the degree that you had conversations, and was it -- I'm going to clarify that with, was it victims?

MS. WALKER: We have had conversations with victims, yes.

MR. MORINELLO: Okay. And did they express to you the most dangerous time in their lives is after they have the courage to make -- to call the police for an arrest when they are being abused?

MS. WALKER: They have explained some of those instances, yes.

MR. MORINELLO: Okay. And what about the advocates?

MS. WALKER: There are a number of different advocates who were victims as well, so...

MR. MORINELLO: Okay. And I'm -- were there any -- any of the drafters of this bill, did they take any courses regarding the psychology of abusers or victims and the red flags and the danger periods and the danger times in a victim's life?

MS. WALKER: Well, I'm glad that you mentioned red flags, because there are laws in place that take away their guns and --

MR. MORINELLO: We're not talking guns. Let's not mix apples with oranges. Let's stay with what we're on. And I know you like to spin off to the gun issue. We're not talking the gun issue, we're talking safety and security of domestic violence victims

when there's an arrest made. So let's stay with the topic, okay?

Please.

MS. WALKER: Okay. Well, we can take it as --

MR. MORINELLO: All right. Thank you.

MS. WALKER: -- we can take it one at a time, or we can take it three at a time. Because at the end of the day, the beauty of being in this position and having grown up in the community that I grew up in, I am no stranger to domestic violence, whether it was in my own home looking at my own mom, or going through my own experiences, the experiences of sisters and brothers who are all around me. So, not that -- I'm not going to say that it makes me an expert in the issue, but it at least gives me a level of cultural competency to be able to be a legislative advocate on their behalf as well. So, I am confident in what we did here with respect to victims of domestic violence.

MR. MORINELLO: By letting the abuser out without any restrictions, without any bail, without any cooling off period --

MS. WALKER: I'm not sure which -- which bail reform bill that you read, you know, most respectfully --

MR. MORINELLO: Well --

MS. WALKER: -- but that's not what happens here in this bill.

MR. MORINELLO: I just read this bill, and you did -- from the previous bill, you did amend it to include sex crimes, but

not for domestic violence. And the -- the statistics will show that a -- a perpetrator of a sex crime is less likely to leave the courthouse and commit a crime immediately, as opposed to an abuser in domestic violence.

MS. WALKER: Well, for the most part, you know, Judge, we have included provisions for electronic monitoring when it comes to folk who commit domestic violence crimes. There are also Orders of Protections that are in place in order to protect victims. But in addition to that -- I mean this -- this bill does -- it -- it doesn't just, you know, do a wholesale, you know, everyone just go home. In the event that you were convicted of a felony within the past five years, and many times in domestic violence situations, there's no domestic violence crime, you either commit a felony or you didn't. And where you did, if you commit a misdemeanor, in this particular situation, then you still won't have -- you still have access to bail. The judge has discretion even in these situations as well. So, I will guarantee you that if we have had an opportunity to really just flesh out all of the details, and the benefits, to victims who -- who are -- may be fearful in their homes of somebody coming home, that we did take into their -- take their situations into consideration. We've heard their cries and we've done as best as we could to answer all of those individual circumstances.

MR. MORINELLO: Well, when you say the "best you could," okay, electronic monitoring does not prevent them. An Order of Protection does not stop a bullet or a fist or a bomb or a knife

--

MS. WALKER: But you said guns. And you said don't bring up guns. And one of the things --

MR. MORINELLO: No, no, no.

MS. WALKER: -- that I mentioned was that --

MR. MORINELLO: You're talking about --

MS. WALKER: -- we also removed their access and their ability to carry guns --

ACTING SPEAKER SEAWRIGHT: One at a time.

MR. MORINELLO: That's -- I held off, that's why, if you noticed, okay? Thank you. I caught that point.

But, the point I'm trying to make with you is this: It wouldn't have been a hard fix to just allow a judge more discretion in a domestic violence incident to allow a cooling-off period and not make it an immediate release. You went to the felonies, but we're not dealing with that. We're dealing with a misdemeanor domestic violence call for help to the police. Yet, you want to release them to the streets immediately. Now, I don't understand why. In this House, you know that you advocated for protection for victims in domestic violence. We had that Women's Protection Week. Yet, it just seems that you've ignored that point. And it wouldn't have been a hard fix to just address that issue in this bill and allow a judge total discretion on domestic violence. I'm not arguing the concept with you, I'm not arguing the need for bail reform. I'm just arguing that I -- I submit to you that there's the one area that probably is the most severe that was

just left unanswered.

MS. WALKER: Well, I -- I disagree with you that -- that the situation was left unanswered. One of the things, again, I don't proclaim to be a domestic violence expert, but one thing that I know looking at my own home, was that my mom was dependent economically and otherwise on my father. And I also remember that, you know, if -- during the situations where he was behind bars, guess what? He wasn't working. Guess what? There were some issues that we had to deal with due to the fact that he lost his job. So, at the end of the day, there are other -- other factors that we have to consider and look at here, which still provides a level of protection for victims. I mean, even when I think about, you know, just how -- how many people how -- based on the economics of a situation and people needed access to their -- their spouse or whomever being home, how many people would even to court and say, *You know what? I want to remove the -- I want to remove whatever these charges it is that I have against this person because I need my husband at home to help me take care of the children.* So I don't think that we just totally left their circumstances by the wayside. I do look forward to working with you further to discuss this bill so that some of the questions that you may have, that you will find that many of the answers are right here within the four corners of this document. This is a bill that I stand behind, and I'm very, very proud of. And I'm sure that there are many advocates from the domestic violence community who support me in that stance.

MR. MORINELLO: Well, thank you.

On the bill, Madam Speaker.

ACTING SPEAKER SEAWRIGHT: On the bill.

MR. MORINELLO: I -- I just find the hypocrisy of this particular bill for the following reasons: We discussed an expert. Ten years, I sat as a domestic violence judge. Four times a year I went to conferences and trainings. Yes, many times they need the other party back in their household. But it would not have been a hard fix to allow the judge total discretion in a domestic violence situation. And I'm not talking a simple harassment, but I'm talking an assault, a misdemeanor assault. And many times, the victim, it takes them many beatings, many incidents of psychological abuse, many incidents of financial abuse, before they have the courage to call for help. And what happens in most of those instances, whether it's a day, two days that they've been kept apart for the cooling-off period, it provides the victim with a sense of security to be able to protect themselves. I find that, yes, we need to address the bail situation. But I find that this misses the mark on the most vulnerable. We did include the sex crimes. But the sex crimes doesn't really note the cooling-off period. The Orders of Protection in sex crimes have a little more stability. An Order of Protection in a domestic violence situation is a piece of paper. I've talked -- since the first bill came before this and I spoke on it, and this bill, I have gone back and talked to my detectives, the investigators, and the advocates and victims. Victims that have broken out of that cycle of abuse. And they all take homage with the

fact that this just completely disregards. An ankle monitor doesn't protect them, because by the time you find out where that ankle monitor is, there can be a death. Let's look at the number of victims that have been killed that have had Orders of Protection.

So, with that being said, and with this House always protecting the -- the victim of domestic violence -- and in most instances, over 90 percent are women -- I'm going to ask my colleagues to vote no on this particular bill, not because it's not warranted. Not because we need to address the bail situation, but because it misses the mark on the most serious part of what we're trying to protect. Thank you very much.

ACTING SPEAKER SEAWRIGHT: Mr. Barron.

MR. BARRON: Thank you. On the bill.

We have been fighting hard over the decades --

ACTING SPEAKER SEAWRIGHT: On the bill.

MR. BARRON: -- to deal with this question of mass incarceration. Heard some of my colleagues talking about the economic cost of this bill. What about the life cost of this bill? People don't understand that there was a man by the name of Kalief Browder, who stayed on Rikers Island for three years. Not receiving a trial for three years, came out depressed, committed suicide. And you want to talk about the cost. What about the cost of life? Committed suicide. Had we had bail reform, he would have never stayed on Rikers Island for three years. We need to get to speedy trials. We need to get to no bail, as some of the misdemeanors and other charges

in this case have. This bill will not empty out Rikers Island and cure everything. And by the way, on the question of domestic violence, all of us are concerned about that, and there will be some more discussion on it, and there's some more things that could happen. Certainly, the sponsor is more concerned about that probably than anyone sitting here. Do I like how far it went? Did it go far enough for me?

Absolutely not. I want it to go farther. I'd like to see the O'Donnell bill and this bill come together and go further. But right now, the way this bill is designed, I'm going to support my colleague on this because there are people in Rikers Island that 500 -- have \$500 bails, \$1,000 bails for misdemeanors that are locked on Rikers Island. And some people -- there are different motives behind shutting down Rikers Island. Some people want everybody out so they can get the real estate and make some money and build some land. They could care less about who's in Rikers Island. But those of us, like the sponsor, who cares about the people, this bill ain't perfect. This ain't nowhere near it, but it's going to get some out. And then we can still build on it and amend what we have to amend, or have associate bills to go with it so that we can reach the final destination, and that's to end mass incarceration, particularly of black and Latino people and poor people who can't afford \$500 or a \$1,000 bail and stuck on Rikers Island for some nonsense. Kalief Browder took a backpack. Took a simple thing -- and didn't even do it. He was innocent. And yet, he's gone because we've got some foolishness around bail.

They want to build jails in the inner cities now. Shut

down Rikers, transfer all of the inmates, pretrial, to the inner cities. Wow, what a solution. If you don't do speedy trials, if you don't do bail reform, if you don't do something like this -- we don't want them transferred from Rikers Island to the Bronx or Brooklyn. We want them out -- or Queens -- we want them out. We want them out. These are pretrial incarcerated people. They're innocent until proven guilty. They're innocent. No matter what level of the crime is, they're innocent until proven otherwise. So keep that in mind. Every crime that we're talking about here, the person is innocent until proven otherwise. Bail is not supposed to be to retain people that you think is guilty. The 8th Amendment says no excessive use of bail. That's the 8th Amendment of the Constitution, no excessive use of bail. And it's not supposed to be used as a punishment for someone that's innocent because you think they're guilty and they haven't even had a trial yet.

So, I'm supporting this bill. Didn't go as far as I wanted it to go. You really would have been upset if you heard what I wanted.

(Laughter)

But, at least, at least, the sponsor worked hard. She talked to all of us. I even went back and forth. Last minute, I was ready to bail out and she said, *No, let's stick with this*, because she was working hard on it. She looked at everything. I think this is a step in the right direction. And as we step in this right direction, if we want to really, really take care of mass incarceration, remember that next time when we have \$168 billion budget and you don't do nothing

about poverty. Nothing about the income disparity. It's easy to keep us on this level, but when you have an opportunity in a city that has a \$90 billion -- \$89 billion City budget they just passed, \$168 billion State budget, and you're wondering why we're locked in our neighborhoods committing these little petty crimes, because we do nothing about poverty. We should have a multibillion-dollar program to end poverty in these communities, because there's a direct connection to poverty and criminal behavior. The real crime is those of us who have the money, those State apparatus that has the money and refuses to use it for the neediest people in this State. This bill tries to patch up something that the deeply-rooted problem of really allocating resources to our communities that will bring crime down.

And I don't want to disappoint you and not tell you that it's capitalistic greed. A greedy, parasitic capitalist system where the rich get richer and the poor get poorer. And then we sit here and talk about how we could incarcerate them, who should be let out and who shouldn't be let out. This bill is a small step in the right direction. It ain't gonna to ends mass incarceration, nor is it going to release everybody in Rikers Island. But let's start it, improve it. And I commend the sponsor for doing this at this time for our community.

Thank you.

ACTING SPEAKER AUBRY: Mr. Taylor.

MR. TAYLOR: Thank you, Mr. Speaker. I rise to share why I support this --

ACTING SPEAKER AUBRY: On the bill, Mr.

Taylor.

MR. TAYLOR: On the bill, absolutely.

(Laughter)

Nothing else but the bill. So help me.

(Laughter)

MR. TAYLOR: I think the sponsor has introduced a phenomenal piece of legislation. And it reminds me of a gentleman that got picked up in the 30 Precinct one Sunday morning at about 4:00. And he was accused of being the infamous subway burglar that had been robbing folks throughout the Metropolitan. And because he fit a description, he was quickly carted off to.... what's that -- Center Street. And a few of us got together later that evening and we went to find out what is going on with this young man? He's part of my prayer walk team. He's a knucklehead, but he's not a criminal. So, I speak to the district attorney and I spoke to the defense attorney, and she kept saying, *Well you've got to have some money. You've got to have some money.* And I'm saying, *Why do we have to have money if he hasn't done anything?* To do that, you've got to have money. You know, or how much do you have amongst you? Who can we call? I mean, here's a guy that has done nothing, but he's got to have some money. So, I held my line, and three hours later we're still sitting in court, night court, waiting before the bus goes to Rikers for people that don't make bail. And the judge asked, *Who's in the audience for this young man?* And there were 12 of us from the community, each of us employed, between the City and the State. And we shared who we

were and why we were here, and we talked about the young man. The ADA was asking for \$50,000 bail. Not that he had a history, but that this was a serious crime. And the crime was that they were not paying attention to this individual and that he had done nothing. There was a possibility that he was innocent, but the crime was he was going to have to pay \$50,000 if he wanted to walk out. Thanks be to God, that judge listened to the people that were standing there, and gave this man an opportunity -- he lost his job because he couldn't go to work, but my former employer and boss, Assemblyman Herman Farrell, gave his guy a job until he was able to get another one, but he would have had lost everything because he would have been sitting in Rikers for seven months, at minimum.

So, I rise to say I support this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Mosley.

MR. MOSLEY: Thank you, Mr. Speaker, to explain my vote.

ACTING SPEAKER AUBRY: You're --

MR. MOSLEY: I want to first commend --

ACTING SPEAKER AUBRY: You're on the bill, Mr. Mosley.

MR. MOSLEY: On the bill. Thank you.

ACTING SPEAKER AUBRY: We're not voting yet.

MR. MOSLEY: I'm sorry. I first want to commend my -- my colleague from Brooklyn for championing this bill. No bill is a perfect bill. I think that comes to mind the SAFE Act, which is

my first bill in which we voted. We've come to amend that bill several times over, when we're dealing with the issue of gun safety. But, this bill, as my colleague said, from Brooklyn, Mr. Barron talked about the cost savings. We're talking about the cost of lives that have been lost. The cost of opportunities that have been taken away. The cost of placements in colleges and universities because a person is languishing in jail, waiting for their trial because they can't afford bail. All too often, as we visit jail -- jail -- Rikers Island on several occasions, time and time again we hear of people who have lost out on so much because they couldn't afford so little in an effort to be out carrying out their lives as they await trial. So, I want to commend the Speaker and the leadership. I want to commend our colleague from Brooklyn. But on behalf of Venida and Kalief Browder, who unfortunately, gave the ultimate price and the ultimate cost in giving up their lives, those impacted unjustifiably so by this system, or lack thereof, that I can only be -- it can only be fitting that we support this piece of legislation and to work on it going forward, while at the same time impacting the lives of those who are being impacted on this very day and in this very moment.

So, I wholeheartedly, on behalf of this -- on -- on the bill, I can't wait to vote in the affirmative in support of this important piece of policy and legislation. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Mosley.

Mr. Blake.

MR. BLAKE: On the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Blake.

MR. BLAKE: On April 18th, 2016, *The Atlantic* magazine released a story that was focused on the economic conditions that exist for people across this country. And the Federal Reserve asked in that study, Mr. Speaker, of respondents, if you faced an emergency of \$400, how many could not afford that? Forty-seven percent of Americans in the country said they could not afford an emergency of \$400 that would come upon them at that time. Secondly, when looking at reports in 2012 and in 2016, colleagues, where 52 percent of pretrial detainees couldn't afford bail, and you look at 2016, where 88 percent of those that are on Rikers right now are black and Latino.

First and foremost, I want to commend the sponsor of this bill, who not only has a background in the law, has an understanding from a public housing upbringing, understands the issues that have been described first and foremost, and so we salute you and let us not try to disrespect her because of gender, which is what I kept feeling was happening in the midst of that debate. Now, when I hear of Kalief Browder, allow us to put this back into perspective again. Kalief was our constituent. Kalief was trying to turn his life around. Kalief was at Rikers for allegedly stealing a bookbag, which, for the record, never was conveyed that he actually did. They tried to get him to cop a guilty plea because he refused to

do that. People also sometimes forget, Mr. Speaker and colleagues, that Kalief tried to take his life while he was incarcerated because of fights that broke out in Rikers because they were trying to get him to again commit to a crime he had not committed. Then after he came out from jail, Kalief was trying to turn his life around. Kalief was at Bronx Community College. We sat there with this family as he tried to turn his life around. And Kalief eventually took his life because we weren't addressing what was happening around mental health and all the challenges that happened. Thereafter, his mother Venida, who was also our constituent, the reason why Venida is not here any longer is her heart literally gave out from the consistent heart attacks that she was experiencing because we have this inhumane system where you're keeping people incarcerated because they can't afford bail. It is wrong. It is unjust, it is inhumane in all aspects. And whenever we start talking about this, the reason why we're here right now is people should not be denied justice because you can't afford to pay a bill. When we talk about equity, which often is referred to, you can't assess this and not have a broader conversation unless seeing what's happening here. The courthouse that's in the Bronx is in our district, as is Bronx defenders. It's the reason why so many of us keep talking about addressing bail. Because too many people are having their dreams denied and delayed, purely because they don't have enough in their bank account, purely because they don't have enough in their pocket.

So, not only do I support this bill, but I ask us that

when we keep trying to look after perfection -- and I'm always interested when I listen to conversations and people assess their values in this aspect -- I try to remind people also as a lay minister, that injustice happened against Jesus at the end. When the crowds tried to go against him, and the crowds spoke out against him, and because of a criminal injustice system that happened then, and one that continues to happen now, we're continuing it and be in this aspect on today. Too often, black and brown communities are being devastated purely because of the amount of money they don't have. Let's not continue this new form of Jim Crow. Let us not continue this new form of discrimination. It is time for us to change the policies that exist. I adamantly support this. I commend the sponsor of this bill. It is time for us to move forward on ending bail and ending the discrimination that happens against our communities.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Dickens.

MS. DICKENS: On the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Dickens.

MS. DICKENS: This bill, in most instances, eliminates the option for a court-imposed monetary bail requirement. However, not exclusively. The court has not lost its ability to decide that there needs to be a bail set, nor does this bill deny the court the ability to decide that there needs to be other ramifications, such as persons who have not appeared timely in court. Today we've heard

arguments that makes it seem as if that is the case. I stand with my colleague in support of this, because discrimination has been used over the years to deny black and brown people the ability to be free until convicted. And that is what our Constitution says, that you are innocent until proven guilty by a jury of your peers. So, when bail has been set and those persons cannot afford it for lesser crimes, then that is outright discrimination. We also, when we talk about the cost of -- of these bills that we enact, let us think about that -- the savings that comes when we are not able to have to pay for -- for salaries for the extension of jails to be open for detainees for lesser crimes, when we could put that money to better use, such as in drug treatment centers or alternatives to incarceration. What cost do we put on a life today? What cost do you put on your child's life today?

So I stand with my colleague. I thank her for standing up and doing something that should have been done years ago. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. On the bill. I --

ACTING SPEAKER AUBRY: On the bill.

MRS. PEOPLES-STOKES: -- want to join my colleagues in applauding the sponsor of this legislation, and just remind my other colleagues that, you know, it's been 1791 since our Constitution, specifically the 7th Amendment and the 8th Amendment

said you should have a jury trial. And it also said that, you know, bail should not be oppressive. That's been since 1791. In fact, Mr. Speaker, that's the same year as the 2nd Amendment that says you have a right to bear arms. If that one is important, it has to be preserved, then the other two have to be preserved as well. And so I think what my colleague has done here today is to try to right things. Put things right back where they're supposed to be, where people should have a jury trial before they're incarcerated extended periods of time, and when people should not be oppressed by bail because they can't afford it. I -- I think this is a -- a great start on this legislation. And you know what? I -- I want to ask folks who want up to bring up red herrings about things that are not in here, to put themselves in the position of Mr. Kalief, who is not here any longer. Would you like to be incarcerated for years, months, for something that you didn't even do, just because you couldn't afford bail? You know, we look at -- spend money all the time, Mr. Speaker. It says, *In God We Trust*. But do we really? Do we really, when we want to treat some people differently because they have less money than other people? Do we really? I don't think we do. And I think I will call into judgment anybody's thought process who wants us to stay in 2018, when, quite frankly, we belong in 1791 when this amendment was created and gave us all the right to a jury trial and to a right to a non-oppressive bail.

So, I applaud the speaker of this legislation -- the presenter of this legislation, and I look forward to voting in the

affirmative. And I hope that my colleagues will join me, because it's the right thing to do. It will not hurt anyone. In fact, it will help us all. God help us all.

ACTING SPEAKER AUBRY: Ms. Glick.

MS. GLICK: I support the legislation. I applaud the -- the sponsor of the legislation. And I think that it has long been and many different periods since *Blackstone* have there been statements that indicate that it is better for a guilty person to go free than to incarcerate or to execute an innocent person. Some have said it's better for 10 guilty, or 100 guilty, to go free so that an innocent person is not unjustly treated. And so, there have been many wealthy people who have committed pretty heinous crimes, or alleged to have committed heinous crimes, and the district attorney makes an arrangement with their high-priced lawyer for them to come in at a particular time so that they can use their resources to post bail, and then they leave. They are -- never spend any time in jail while accused, while so many poor people caught up in our justice system -- which is not always so just -- have no recourse. They are living on the edge. They don't have sick days, they don't have personal days, so they lose their job. If they lose their job, they lose their housing. The cost to society for making a mistake is tremendous. It's not just for that family, that person. It could be their family. And it is ultimately a cost that we all bear. So, I think that this is a reasonable and commonsense -- which apparently is no longer so common -- for us to eliminate what is the equivalent of a -- a poverty tax. If you don't have

money and you're accused of something, then too bad. And nobody turns around and hands that person back a job. Nobody hands them back the housing. Nobody does anything. Their lives are turned upsidedown. Their children could be affected. Their parents could be affected. This is about making our laws more just, and reflecting on what is clearly a racial bias in our society.

So, I commend the sponsor, and I will proudly be supporting the bill and hope that we get traction in both Houses. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. DiPietro.

MR. DIPIETRO: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DIPIETRO: I want to give you a little different perspective, just because I've dealt with this for the last 60 days, so I'm going to tell you something that's been going on in my life daily for 60 days. Our best friend's daughter, who's 22, was arrested. She's a heroin user. The parents have tried. They're great Christians and they've tried to get their daughter help. The daughter doesn't want it. And she's got -- she's been going back. And she was at a point where they found her, after two weeks missing. And if you know heroin users, when it gets to a certain point, they cut themselves. They -- they scar their faces and it gets very -- they -- they don't know what they're doing. They're -- they're so far gone. And when the police picked her up and they took her in, the parents were frantic. They were happy she

was alive. And I'm telling you this because the judge in the -- in a small community in this county, set the bail extraordinarily high, \$25,000. And the parents called me and said, *Anything you can do? Not to fix it. We don't want her out, they said. We don't want her out. If she gets out, she's going to -- she'll be dead in a day.* And I called the judge, he was actually on vacation on a beach in California. And he called me right back, and he said, *Dave, I know the case. He goes, I set that bail high. And I said, No, I'm not here to argue the bail, the parents don't want her out. He says, I agree, that's why I did it. I talked with the DA. I talked with her attorney. I talked with the police. They said if she gets out, she's dead. She's not going to make it 24 hours. And so on this -- in this response -- and I told her parents, they're so happy, that this bill, I support it. And -- and they told me two things. They said, number one, Dave, use this case as a reason we don't support this bill. And at the time, 60 days ago, I said, I'm not really familiar with it. And they -- and they sent me over the language of this, and I -- and they said, Dave, use this case. If this law goes through, there's -- our hands are tied. We have to let her go, and she's dead. End of story.* This is from the judge and the DA of Wyoming County. And I -- and I when looked at it -- and then they said, the -- the second part was, they said, *Dave, we also understand why this bill is there, because we see it. We talked to our counterparts in New York City. This is a huge issue. And we support --*

ACTING SPEAKER AUBRY: Ms. Walker, why do you rise?

MR. DIPIETRO: Oh, I'm sorry.

MS. WALKER: I rise, Mr. Speaker, to just point out a number of things that this bill does actually accomplish --

ACTING SPEAKER AUBRY: Ms. Walker, you can ask the speaker to yield, but you'd have to wait in order to make a statement --

MS. WALKER: Thank you.

ACTING SPEAKER AUBRY: -- so if you would --

MS. WALKER: Would you --

ACTING SPEAKER AUBRY: -- ask him a question, you can --

MR. DIPIETRO: I would -- can you wait one second? I'll be glad -- I just want to finish this story because I actually support this, but I wanted to let you know that there's another side, where in the smaller communities, they actually -- they --they don't set bail arbitrarily or -- or capriciously, they -- they look at every individual case. I know in bigger -- like in Erie County, where Buffalo is, that doesn't happen because there's so many cases. But on the smaller -- on the smaller ones, they said, *Dave, we look at every case. We go through with the social workers, and we know what's going on.* And so we try not to set exorbitant bail because we know our community. They said, but in -- like in New York or in Buffalo and Erie County, they do that. And he says, *We understand why, and we understand that this -- what this bill does.* They support it. But they said they would like it tightened up in a couple of areas, because

in this certain case, we would have someone that everyone agreed would not make 24 hours.

So, I just wanted to give the other side of the story, because I've been dealing with it for 60 days and it has affected our family greatly. And I've been working with the DAs and the judges and they've been talking about this bill, pro and con, and I wanted to let -- just let you know I'm not trying to change the -- the dynamic of a vote here, I just wanted to give you -- there is another side to that story. And I'd be glad to answer any -- any questions.

MS. WALKER: In that regard, thank you so much. Are you aware that in this bill, that the judge has the ability, in some of the non-monetary conditions, for the judge to recommend that a person seek drug treatment?

MR. DIPIETRO: They -- they do. She is actually -- in the last two weeks, she's in Vermont in a -- a bed specific for her -- for her treatment.

MS. WALKER: So, even in the event that she may not get a \$25,000 bail set on her, she still has access to make sure that she's getting the treatment that is necessary so that everything that we do sort of speaks in the same language. And we're not criminalizing people who have drug addictions. And we're treating it like a public health issue, the way that it should, so that she can gain access to the necessary treatment to help her relieve herself from that issue. In addition to that, there is also a place within a -- within this bill that she can voluntarily request that bail be set on her, whether through herself

or through her attorney. So, there are some conditions that -- that we have taken into consideration for under those very circumstances, though it's not limited to those circumstances, that someone can avail themselves of in the event of that very unfortunate situation, but a situation that I think we know all too well.

So thank you very much.

MR. DIPIETRO: And -- and thank you, Mrs. (sic) Walker. I just want to respond. Under this circumstance, her attorney pled not guilty even though whatever, but they had pled not guilty and they asked -- she asked to be released on her own recognizance and the judge told me that the way that they defended that, because it took six weeks to get her into the appropriate program and she did not want to go in, that they would have had to, by law, let her go under this bill, okay? And that's -- and, like I said, then it would have been disaster, okay, but that's what it was. She was -- under this bill, she would have had to go and that's what they were really upset about in talking to me in putting this treatment plan together. So, I just -- just want to let you know that there was another part, and I understand how it goes, they've told me around the different parts of the State where the bail has been onerous and discriminatory, but in some, on the smaller level, sometimes it works to our advantage. And this is an exact case where -- where it did, and the parents were actually so happy that it was set high because, like I said, everyone -- everyone involved thought she would have not made 24 hours. So, on that, I thank you, Ms. Walker, I appreciate that. And, Mr. Speaker, thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Lentol.

MR. LENTOL: Thank you, Mr. Speaker. The first thing I want to do is commend the Speaker on this bill for putting it out on the floor and commend Ms. Walker for her very able presentation and explanation and handling of the debate. But I also want to commend Mr. Quart for the work that he's done on this bill over the past year or two in an effort to try to bring a bill to the floor that will actually work.

But I just want to point out to my colleagues that we are continuing a debate longer than I have been Chairman of the Codes Committee about the question of bail. As a matter of fact, the question of bail came up in 1965 when we adopted the present Penal Law to determine, and I'm not going to give you a real historical perspective, but I just want to tell you that in 1965 when -- when the Penal Law was adopted - the new Penal Law which we're operating under today - there was considerable debate over the question of preventive detention, which is really what we're talking about, but we're talking around it. We're not talking about the question of bail, which always has been -- and the purpose of bail, which always has been to secure a persons' coming back to court for the return date after he's been arrested. That really is the sole purpose of bail. It's not to detain somebody who is dangerous, or you think is dangerous, or that, more importantly, you presume is dangerous even though you know the Constitution of the United States says, as Mr. Charles Barron

pointed out, exists in the Constitution of the United States of America that there's a presumption of innocence in this country. But we've been operating in a system that really ignores the presumption of innocence.

And how do we do that? Even though the framers of the Penal Law in 1965 -- by the way, all Republicans, the Republicans controlled the Assembly, the Senate and the Governor's House in 1965 and adopted a Penal Law that rejected preventative detention as a concept in the law and said that, *We really can't do this*. They argued it forever. It took very long to pass the new Penal Law because it was a big argument, a debate over conservatives and liberals as to what the purpose of bail should be. And they decided in 1965 in probably a mostly white New York State, not one that was black and brown in addition to white New Yorkers, they decided that preventative detention had no place in the law of New York State because the judges were probably exercising their own system of public safety as we now like to call it in determining who should get bail and who should not.

Now, is that illegal, because we don't have public safety in a bill like this, or in any bill that passed before? Of course it's illegal, but judges do it anyway. They take into account the case that they have before them, the persons' individual, not his determination on if he's able to pay, but just on the nature of the crime. And that debate continues today, because that's what we're really arguing about, aren't we? We're not arguing about what kind of bail to

set. We're arguing whether or not the person before us, if you're a judge, is dangerous and should he be kept in jail because he's dangerous, whether it's a domestic violence case, whether it's a murder case, whether it's any kind of a case; we're talking about dangerousness. And we don't like to admit that, but let's talk about it up front, because that's the problem and that's why we're in the situation that we're in today, because we can't make a determination as to what we're going to do. Are we going to treat bail as something that keeps somebody in because we think or the judge thinks that he's dangerous, or are we going to let people out because they can't pay and find some other way of setting bail, or not setting bail, I should say, or making sure that that person comes back to court.

That's what this bill is. This is a bill that tries to wrestle with that. Is it a perfect bill? Of course it's not, and that's why you can poke holes in it. Because the Speaker, in his wisdom, decided that we should take sex crimes out because it's tough to put a sex crime in a bill when you're thinking about a bill that regards dangerousness, too, instead of who is going to be able to afford bail and who is not.

And so, we can't make up our minds as to what we really want to do. And what *we* really want to do in our Conference is come up with a bill like this. If this isn't the bill -- you know, we have a Senate that wouldn't even consider this bill in its present form. Well, maybe now if the Lieutenant Governor could vote, they would, but we don't have a Senate that would ever take this bill up because they have

to debate the same thing that we're going to debate, whether they're going to treat bail as a determination of who should get bail based on public safety or based on whether or not the person is innocent until proven guilty and whether a reasonable bail should be set in the case or no bail should be set in one case or another. And what we're trying to do today is come up with a compromise. And, as I said, this isn't a perfect one, but it's one that I'm determined to vote for because it's the right way to go so that we can keep the people out of jail before trial as best we can so that it's not based on a system that you have to have a cash register in your house or have a credit card that you're able to afford bail no matter what it is. And, ladies and gentlemen, I commend to you that if we pass this bill, even if the Senate won't ever take it up, we're on the right road to reforming the bail system because the only way we're going to do it is if we do it in here and the other House takes it up, and then we'll have a system that really works. Thank you very much.

ACTING SPEAKER AUBRY: Mr. DenDekker.
Mrs. Arroyo.

MRS. ARROYO: Thank you, Mr. Speaker. First of all, I want to thank the Speaker for the initiative of this bill and Ms. Walker for the beautiful job that you have done today. I think that listening to the discussion here, I learned something very important and you know what the importance was this? That there are two systems, one for those that have certain levels in the society, and one for those that have no level. And that is my people. And what I

learned from that is that while it's not wrong, is when my colleague, Mr. Barron, speak, he speak about the ones that I defend. But we have to understand, under the Grace of God, that one is not better than the other, and that is the issue here. We have to work together to change the system. People should not be detained for months and years. People should be -- the system should take care of them in days or months and there should not be two systems, one for the top and another for the bottom. Thank you very much.

ACTING SPEAKER AUBRY: Ms. Walker.

MS. WALKER: Thank you, Mr. Speaker. On the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Walker.

Shh.

MS. WALKER: You know, my first experiences with bail probably took place when I was about seven years old. And I had a cousin who was arrested and his girlfriend would pick me up and we'd hop on the bus and we'd go out to Rikers Island with our clear plastic bag, all of our goods, paying into commissary for something that, ultimately, my cousin was charged for that he was acquitted of. And I remember that rickety rockety bus and how demeaning and inhumane the treatment was that we got there even when we were just on Rikers Island as a visitor. So, if they were treating us this way, I could only imagine what was happening behind those bars.

Then just recently I had a situation where there's a young person that I know who was arrested. Initially, his bail was set at \$25,000. Then it was reduced to \$7,500. When his family decided that they were going to try to put money together to get him out, his sister said, *Well, Ms. Walker, I'm not going to pay my rent this month because I know that my mom needs the money to bail out my brother.* Then the mother said, *Well, I have to go food shopping and I'm not sure where the resources are going to come from, but I'm going to take that money and I'm going to pool it together.* Then they got on the telephone and then they called up an aunt, and then the aunt says, *Well, I'm not sure if I'm going to have the resources,* then they called the grandmother, the grandmother had to buy her prescription drugs, she couldn't afford to do that, but, yet, she said, *I'm not going to pay for those drugs this month, I'm going to give you the money in order to bail out my grandson.* Then we were able to get all of those resources together - and we utilized the support of charitable bail which I think is a great thing, as well - we got those resources together and the bail was posted. But as this young man was sitting there, his girlfriend, who had a five-month-old baby, was calling, as well -- *Well, Ms. Walker, can I get some help with Pampers? Can we get some help with some of the milk and the Similac and different things like that in order to care for our five-month-old son.*

In addition to that, he worked at the Salvation Army and they were worried that he wasn't going to be able to keep his job which was the only thing that -- that his family was able to depend

upon for economic support. Once we answered all of those things, bail was posted for him and then a \$1 bail was placed on him and it still did not even let him out. So, even after we posted bail, there was another bail which was only set at \$1. So, I called up the same individuals who pooled all of these resources together and I asked them, *Well, can you pay this dollar?* And one of the family members said to me, *I would go down and pay it myself, but I don't have the car fare to get downtown.*

So, we're talking about what poverty and how poverty affects a system that we know is only supposed to ensure that a person returns to court. And if we're talking about, oh, these are bad individuals and people are always going to go to court, the one indicator that we know that you're going to return to court, nine times out of 10, is whether or not you returned to court in other cases. And most instances, individuals do do that and do operate under these circumstances.

So, where I look at the glaring numbers of black and brown individuals in terms of who this really impacts and who it really affects, and they ask me is this about justice or is this just us? And what are we showing them? So, I think that there are a number of reasons as to why this important piece of legislation needs to be passed today and it needs to be brought to bear not only in this House, but also in the other House, is that it's just the right thing to do. Get people out of there. Why are they there in the first place? Because, you know what? That same young man who was arrested with the

\$25,000, the \$7,500 and the \$1, his next court date wasn't until November. So, he would have been made to languish there in all of those months.

And we talk about Kalief Browder. But guess what? I have a cousin named Ivory Rollaing. And my cousin Ivory was arrested and my cousin Ivory died and he died in Rikers Island. I don't know what the circumstances were. I don't know what he went through when he was back there, but I do know that just like Kalief Browder, he had a mother; his mother's name was Jeannette Rollaing. And my Aunt Jeannette died of a heart attack and I'll swear to you today that she died of a broken heart just like Kalief mother's has. And guess what? It's not just them. There are hundreds, if not thousands of other family members and mothers who fall victim to this very unfair and unjust Criminal Justice system.

So when we think about victims and we talk about victims, we have to think about all of the individuals that we victimize at our own hands. Let's talk about victims here. Let's talk about how we victimize communities of color each and every day by allowing the system of Jim Crowe to be perpetuated throughout this State. I've had enough. And it's time for us to do the right thing and to do something about it and call from here through the hills to say that this system which was in place since 1791 who said that bail should not be excessive, making sure it's not excessive, who said that bail should not be used in a case of cruel and unusual punishment, to make sure that people are not experiencing the cruelty and -- and punishment from

their own State that they believe in, that we all believe in.

So, I thank you all and I really want to commend the Speaker for bringing this important piece of legislation to bear. Of course, we did it in Raise the Age. I know we can do it again. We have faith in you. We have faith in this Body. But I also want to commend Assemblymembers Dan Quart and also Danny O'Donnell who have not only committed their professional lives, but also their personal lives to making sure and ensuring on the ground that the system of injustice that perpetuates in our City and in our State does not have to affect individuals that they encounter. Sometimes we deal up here in a lot of theory and everything is theoretical, but then there's also that individual who hovers down and are really on the ground and -- and in court each and every day and on the telephone and making sure that people do not have to languish behind bars.

So, I am proud today. I can't wait to bring this piece of legislation to the floor in order for me to vote in the affirmative and I encourage each and every one of you to do the same. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Curran to explain his vote.

MR. CURRAN: Thank you, Mr. Speaker, just to

explain my vote really quickly. I want to commend the sponsor on this and her desire to reform this system. The system does need to be reformed; however the conversation that we had today -- first, I can't vote for this legislation just because it goes too far with regards to the crimes that we're including that will not require bail. But the second thing is if we're going to reform the system, we have to have an honest conversation about all of the ramifications to what this legislation will do, including the fiscal ramifications. And if we have a study right in front of us saying exactly -- or giving us a pretty good idea how much it's going to cost us, and we're going to maintain that it's not going to cost us anything, we're going to actually see a benefit when we know that not to be true, we're not doing a service to the system. We're going to -- we're going to change the system not for the better, but for the worse. So, for those reasons, I'm going to vote in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Curran in the negative.

Mr. DenDekker to explain his vote.

MR. DENDEKKER: Thank you, Mr. Speaker. I -- I have some very, very mixed feelings about a lot of the debate that happened today, and I was very concerned about what one of my colleagues said about how somebody was suffering from a substance abuse issue. He would want them to stay in jail because there was no other alternative. I think that's a different issue here. There -- we need more treatment for substance abuse, we need to find alternative means

to get people the treatment that they need. The justice system should not be taking in somebody who needs treatment and holding them, and it's unfortunate that parents have to feel that way, that there's no more hope left and we're in such desperation to help our loved ones that we'd rather see them go to jail because there's no other treatment options. And I -- I -- I -- I so hope we can get more treatment.

But as far as it comes to bail, bail and bail's only purpose is to make sure that the defendant appears at trial, and it has been abused over decades. And I applaud you, Mr. Speaker - Mr. Aubry - for working on this for many, many years, as well as Mr. O'Donnell, Mr. Quart and the current sponsor of the bill. I applaud you for -- for making this happen. This is a very important piece of legislation and bail is not supposed to be used for any other purpose and it's unfair that people are being held in jail because they cannot pay \$10, \$50, \$100, \$250 for something that's so insignificant and nonviolent that doesn't deserve it to happen. And I believe that this bill will make our justice system slightly better. There still needs a lot more things that need to be done, but I applaud the sponsor and I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. DenDekker in the affirmative.

Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker, to explain my vote. I just want to once again thank the Speaker, the Majority here in the Assembly, the sponsor of this bill for continuing this call

for Criminal Justice reform that started long ago. I remember being an intern when we were talking about a police package of reforms, many of which had the same sort of dynamics of fortunate party lines in terms of support or opposition, but we have proven time and time again in the City of New York that when we have implemented some of these changes, we have seen positive results in terms of the numbers in our communities.

The City of New York, the Borough of the Bronx have some of the safest numbers it has had in decades, in large part because of reforms that were instigated by the experiences of those of us who have the unfortunate dynamic of being both poor and of color. We have to make a change that allows for justice to serve all people, not just some people. And every time I read a headline of somebody of means who was able to buy their way to freedom while one of my constituents who can't make that decision to pay the rent and keep a roof over their head or make bail for a family member have watched the Kalief Browders of the world linger in jails like Rikers.

For those of you who represent communities that have poverty, as well, and I know many of you are also voting against this, you may not have the diversity problems, but understand, we're not here blaming anyone. We're just acknowledging a reality that has affected our communities for far too long. And if you don't understand, then come visit our districts, visit our jails, talk to these families. There are better ways to ensure somebody appears in court than a monetary test that every one of my constituents, including me as

their Assemblyman, despite my wife and I having a job, despite our children doing well, I could not afford bail if it caught me off guard, or else my kid's tuition would not be paid, or else my rent would not be paid and I might get evicted as an Assemblymember here in the Chamber. Trust me when I tell you, this isn't about making things easier for somebody who committed a mistake because, as has been pointed out, these are people who are innocent until proven guilty. This is about giving people who have no economic means an opportunity at the same justice that those with means have been able to buy consistently in our system. And I'll be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Crespo in the affirmative.

Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker, for allowing me to abstain from voting for the purposes of explaining my vote. Just very quickly. Our system of justice is based upon levels of intrusion. We start out with the right to request information and the right to inquire and then the stop-and-frisk aspect under *Terry v. Ohio*, and then we get to probable cause. And then after that, we have safeguards at arraignment where the court considers the risk of flight and also the seriousness of the crime, as well as the strength of the People's case are factors under New York law. Dangerousness applies only on -- in the Federal level where that can be considered as a factor, but also the prior history of non-appearances. And it isn't meant to be punitive, it is meant to keep them in line and to make sure that the

defendants return to court to answer the charges. And after arraignment, if you're not indicted within 144 hours on a felony, you're released. But even then -- then the next level, of course, is 23 grand jurors, a majority vote, you get indicted and then, of course, the beyond a reasonable doubt standard trial.

So, these increasing levels of intrusion have always been the safeguards, and there -- there have been some terrible and really sad stories that my colleagues have given today with respect to bail situations, but we can't brush the entire Criminal Justice system with the same broad stroke. And for that reason, I think we have a very serious issue with this particular bill. More importantly, we have certain crimes, all non-violent felonies that are mandatory release. Let's think this through. And you folks all know what my history was as a prosecutor. Manslaughter in the Second Degree is a C Non-violent Felony. So, if someone's drunk, drives up on the sidewalk and kills four people, we're going to -- it's a mandatory release.

So, when we talk about victims, I talk about the family's victims. I've sat with those people for years. And we need to think about, there is a balancing test. You do forfeit certain rights, of course, even when you're charged with a crime even wrongfully. So, I think we all are in agreement, there is some reform needed, but this bill is not the answer. And, as a result, I'll be voting in the negative and I urge my colleagues to do the same. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Palumbo in the

negative.

Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker, for allowing me to abstain and explain my vote. First and foremost, I want to thank the Speaker, as well as the sponsor, for putting this legislation on the floor. I know that every day when we start the legislative Session, we recite the Pledge of Allegiance. And most of us, we say these words "liberty and justice for all". Unfortunately, in the State of New York there are two justice systems. As has been said before, there's one for the wealthy and there's one for everybody else.

I want to take this opportunity to quote an article that came out on June 4th, a couple weeks ago, that really put into stark contrast on how the Criminal Justice system works in our State. "Here's how it works: Upon learning the charges, Mr. Weinstein's high-priced renowned criminal defense attorney, Benjamin Brafman and Manhattan prosecutors discussed the circumstances of the mogul's surrender and agreed to a bail amount barely 0.4 percent of Mr. Weinstein's estimated \$240- to \$300 million net worth." And to quote a colleague of mine, "What happens in criminal court was a scripted practice," said Manhattan Assemblymember Dan Quart. "There was a conversation that took place ahead of time and that is not what happens for average poor people, African-Americans and Latinos who appear in criminal court each day." This is what's happening today.

In my years as a member of this -- of this House, I have never seen a perfect bill, but I am a strong believer that the

perfect should never be the enemy of the good and to -- to -- I want to commend, again, the sponsor and highlight her work on this important issue and I think that this bill, with its flaws, we can still work on it and I know that this is, at the minimum, a step in the right direction to righting the wrong of creating two separate and unequal Criminal Justice systems that exist in New York. Again, one for the rich and one for everybody else and I vote in the affirmative on this bill.

ACTING SPEAKER AUBRY: Mr. Pichardo in the affirmative.

Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker, I rise to explain my vote. I just want to commend the sponsor for bringing this bill to the floor. And it's clear to me in my district and across the State that we are incarcerating far too many black and brown New Yorkers for no apparent reason. We have a bail system that's broken.

Fortunately, this bill is moving us in the right direction - expanding discovery, limiting bail, but let's keep in mind where we are. We still have a class-based system that stays in place. The structure stays in place. It does not end the bail bond system, which is totally problematic. And I believe this is the first step in the right direction, moving forward to end bail and the bail system, but we need to do more, and I know we need to do more. I look forward to working with my colleagues as we do so. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Epstein in the affirmative.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr Speaker, for allowing me to explain my vote. I am so proud and want to thank my colleague and my sister, Assemblymember Walker, for introducing and sponsoring this bill, this is much-needed legislation to reform the bail system that has been negatively impacting primarily black and Latino and low-income communities. For decades, our communities have suffered unconstitutional practices of the 8th Amendment where excessive bail and fines has (sic) been imposed and, with cruelty, have been punishing primarily, again, people of color and low-income residents.

Last week marked the third anniversary of the suicide of Kalief Browder. Kalief took his life after spending three years in -- in Rikers Island for something that he didn't do, stealing a -- a backpack. He spent some time in solitary confinement. And we often asked, *What was his crime?* He then later committed suicide. I often think about Kalief and the thousands like him whenever the issue of bail reform is brought up. The time has come to do away with cash bail for misdemeanors and non-violent felonies. We must have alternatives to bail like turning in a gun or wearing an ankle monitor, which is what this bill actually does. The simple fact is that our State must take steps to the right direction of the injustice of our bail system. There can never be another Kalief Browder situation.

So, again, today, I stand here with the sponsor of this bail and my colleagues in support of this bill and I encourage all others

to do so. Thank you.

ACTING SPEAKER AUBRY: Ms. Bichotte in the affirmative.

Ms. Richardson.

MS. RICHARDSON: Thank you, Mr. Speaker. I rise in support of this piece of legislation as well as to commend the sponsor of this legislation, Assemblywoman Walker. You know, when we look at our justice system, we use Lady Liberty, and she has a blindfold, almost to signify that justice should be equal for all. But it is clear, very clear, by the data it is clear, visually it is clear that there is racial disparities in our Criminal Justice system and men and women of color are being incarcerated at record rates other than other, you know, nationalities. But you know what? When we came up with the system of bail, and it was mentioned here today it was to ensure that people return to court. But we are watching bail being used to ensure that in some counties that people have a job. Yes, I said it. And the money that is being made off this Criminal Justice system and the laws that we have on the book that act as a feeder into the Criminal Justice system, a feeder into mass incarceration is just wrong.

And so, there's so much more things that we can do to try to tweak this bill, and I believe that over time, we will do that, but this is truly a step in the right direction. And I want to -- I want to speak very honestly about something. You see, you got to give credit for life experience. I don't have to ask anybody, I didn't have to take a class, I'm not a victim; I'm a survivor of domestic violence. Yes. A

survivor of domestic violence. And let me tell you something, bail couldn't have helped me, the Order of Protection couldn't have helped me, but you know what? I'm sure that ankle monitor would have served as a deterrent had it actually been something that could have been implemented by a judge. So, Assemblywoman Walker, we thank you as a Conference for working so hard all legislative Session on this piece of legislation. And with that I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Richardson in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. For several years before I came to the Assembly, I practiced criminal defense law and I saw how the bail system, which imposes bail greater than someone can afford, particularly on poor people, negatively impacted equal protection of the law. It really perverted our system of Criminal Justice. First, poor people are usually represented by either legal aid or an 18B lawyer; very often very good lawyers, but very over-burdened. So, they don't have the resources to prepare for trial, and the defendant is the only one who can prepare that case properly, the only one who can find witnesses and accumulate the information that is necessary. So those who are in jail start off with a great disadvantage.

And secondly, Mr. Speaker, I saw many a situation where a defendant pled guilty to something they protested that they never did just to get out of jail, because sitting in jail awaiting trial

was a longer time than the sentence they would have gotten by pleading guilty. So, people pled guilty just to get out of jail and get time served, and then accrued a criminal record for something they said they didn't do. So, I support this legislation, Mr. Speaker, and I urge my colleagues to do so.

ACTING SPEAKER AUBRY: Mr. Abinanti in the affirmative.

Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. You know, sometimes people may wonder, does it make a difference who gets elected to the Legislature and where they come from and what they bring to this job. And I think we have seen in today's debate how extraordinarily important it is that we have an Assembly made up of people from an incredible variety of backgrounds and experiences who -- who out loud bring that experience and that background to bear here on the floor. Today's debate was I think one of the best I've heard in all the years I've been here. I think we all should be proud of this afternoon's debate and of the bill that we're going to be passing. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Gottfried in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I certainly want to bring one thing to the table here. I know we've talked a lot today

about Kalief and how this negative bail situation has impacted New York City, but just to be fair, Mr. Speaker, it also impacts Upstate New York. And, in fact, in Upstate New York according to a study that was done for the Partnership for Public Good, 60 percent of the people that are incarcerated in Upstate New York are there on -- I shouldn't say incarcerated, I should say that are in jail on pretrial crimes that they have not been convicted of -- 60 percent. That's a pretty large number, that's a pretty large number. And so, if this bail reform that we've -- are doing here today can do anything to begin to restructure that, then I think certainly those in Upstate communities will I -- I believe see some savings. And even if we don't see savings, at least we're getting towards a more just society.

Again, there are not as many black and brown people in Upstate New York as there is in New York City, but there are an awful lot of low-income people, Mr. Speaker, who deserve the exact same freedoms as everyone else. So, for me, this is a great vote. And so I want to, again, commend the Speaker and, certainly, the sponsor of this legislation and look forward to voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Ms. Fernandez to explain her vote.

MS. FERNANDEZ: Thank you, Mr. Speaker, for allowing me to explain my vote. I think it's a little obvious, I am a young legislator here, probably the youngest woman, if not person, in

this Chamber. And being a young individual new into -- in the system and new into politics, this was a very important and a very important bill that I wanted to support. And I do give Ms. Walker all the credit and commend her for introducing it and for fighting so hard for it.

But to echo a lot of what everyone -- a lot -- a majority of what the floor said today, this is something that needs to change. Families are being torn apart, if not the individual that is sitting in Rikers or whatever correctional facility, for something that they have not been convicted for. It's obviously and very much needed -- a needed step in the right direction to fix the system because it is severely flawed and is only hurting New Yorkers, if not also, mainly, the minorities of New York State. So, I happily and proudly vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Fernandez in the affirmative.

Ms. Fahy.

MS. FAHY: Thank you, Mr. Speaker, for allowing me to abstain while I explain my vote. And I rise to support this bill and just, I wanted to talk about a couple of things. While I agree, the -- without question, the scales of justice have not always been balanced and many, many of these reforms are so long overdue because too often, justice has been based on the size of one's pocketbook as opposed to the need for justice itself.

But there -- and I want to mention a couple of hesitations that I did have with the bill while commending the sponsor,

the Chair, and the Speaker for addressing a number of our concerns on the sexual assault pieces and for exempting those from -- from this bill. I still want to raise a hesitancy, if you will, on some of the domestic violence issues, and recognizing that I do believe there is a need for more judicial discretion with those types of crimes, and we talked a little -- well, we heard a little bit today about the need for more of a cooling off period, and I do think there is something to be said for that, particularly with those types of misdemeanor assaults where there may be more of a need for -- where sometimes an Order of Protection or an electronic monitoring is not sufficient.

The other -- the second piece that I have a little pause on, but it was not a need -- it did not concern me enough to vote against the bill, but I do want to echo some of the concerns raised about the cost. I do think that those are very real questions, they are something that we hear a lot about, unfunded mandates, particularly with regard to local and county costs. Again, it wasn't a reason not to go forward on this bill, but it is something I hope will be addressed, if necessary, in next year's budget because it is something very serious with our counties.

So, with those two exceptions, again, I commend the sponsor, the Chair and the Speaker for this long, long overdue reform. And with that, I vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Perry.

MR. PERRY: Thank you, Mr. Speaker. If you don't want to vote for -- thank you, Mr. Speaker. If you don't want to vote for bail reform, you can always find a reason to vote against this bill if you're not in favor of Criminal Justice reform, every bill that comes up in this House to do that work, you'll find a reason to vote against it. No matter how we try, how hard we work, I'm sure we couldn't come up with a better bill. We couldn't come up with a perfect bill, but we have to start somewhere. We have to start somewhere to fix the imperfections in our Criminal Justice system and fix it as we implement a good bill like this one where we find the errors to occur. This bill tips the scale of justice to a fairer balance and that's the reason, Mr. Speaker, I want to vote in the affirmative. And I withdraw my request and thank you for the opportunity to explain my vote.

ACTING SPEAKER AUBRY: Mr. Perry in the affirmative.

Ms. Jean-Pierre.

MS. JEAN-PIERRE: Mr. Speaker, I'd like to thank the Speaker for bringing this legislation to the floor, but I want to thank the sponsor for being a true advocate and raising the many issues that impact many black and brown communities. I don't represent a district in the City, I represent a suburban district on Long Island. And this legislation is imperative, because I, too, think of my brother who I raised and who still lives with me, if he was to have to post bail and to be able to afford \$5,000, \$10,000, I wouldn't be able to do it. And we have to think about the families. This -- this Body is

families first. Our budget is about families first, supporting New Yorkers. And we have to work collectively. We may not represent a black and brown community, but our goal to come here is to learn from our colleagues so we can do best what's for New Yorkers. So, Mr. Speaker, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre in the affirmative.

Mr. Rivera.

MR. RIVERA: Very quickly, Mr. Speaker. I agree with some of our colleagues that this has been for over an hour a very interesting back and forth exchange. If anyone in this Body actually believes that this is not a perfect bill, then it's simple, I believe that if Ms. Walker took her time with the support of the -- the Speaker and others to draft the language of this bill -- and it was an emotional at some point presentation by my colleague, Ms. Walker, that she believes strongly that, yes, this is the perfect bill for now. If anyone that has voted or spoke about this not being a perfect bill and you're planning to vote until there comes a perfect bill, be my guest. But as far as I'm concerned, this is the bill that we need because we have to continue to send a clear message out there. She believes strongly that this is the way to do it. So, I join you, Ms. Walker, the Speaker, and all my colleagues and I am saying to my friend here because she complain, how come I didn't videotape her, I'm not even videotaping myself.

(Laughter)

Thank you, Mr. Speaker. I vote yes.

ACTING SPEAKER AUBRY: Mr. Rivera in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like to take up off the main Calendar, Calendar No. 46 by Ms. Rosenthal on page 12.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00588-B, Calendar No. 46, L. Rosenthal, Lupardo, Jenne, Pheffer Amato, Peoples-Stokes, Seawright, Jaffee, Simon, De La Rosa, Arroyo, Simotas, Jean-Pierre, Lifton, Wright, Titus, Richardson, Niou, Williams, Hooper, Joyner, Hunter, Davila, Gunther, Glick, Solages, Hyndman, Blake, Carroll, M. G. Miller, Brindisi, Crespo, Paulin, Rivera, Colton, Gottfried, Walker, Weprin, Aubry, Steck, Quart, Ortiz. An act to amend the Correction Law, in relation to providing feminine hygiene products at no cost to individuals in correctional facilities.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Would you please call up Calendar No. 534 by Mr. Cahill, it's found on page 58 of the main Calendar.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07611-C, Calendar No. 534, Cahill, Colton, Arroyo, Jean-Pierre, Taylor, McDonough. An act to amend the Financial Services Law, in relation to establishing protections from excessive hospital emergency charges.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. I'd like

you to take up, off the main Calendar, Calendar No. 1054 by Mr. Mosley; it's page 91.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A10523, Calendar No. 1054, Mosley, Weprin, Pellegrino. An act to amend Chapter 591 of the Laws of 2001, amending the Banking Law relating to limiting the check cashing exemption for national banks and other regulated entities, in relation to the effectiveness of such chapter.

ACTING SPEAKER AUBRY: On a motion by Mr. Mosley, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you very much, Mr. Speaker. This bill creates a legislative geographic monopoly for check cashing operations, making it illegal for any competition with check cashing operations within a certain geographic distance by any bank. I believe in free and open competitiveness and I oppose any monopolies, especially a geographic monopoly that favors one set of companies over a separate one and, therefore, I will be voting no. Thank you very much, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Goodell in the

negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. In just a moment, I'll be taking up a very important resolution, but before we do that, could you take up any other resolutions and housekeeping at this time?

ACTING SPEAKER AUBRY: Certainly.

Housekeeping first.

On the A-Calendar: On a motion by Mrs. Peoples-Stokes, page 13, Rules Report No. 127, Bill No. 10744 - 10744 - amendments are received and adopted.

On the A-Calendar: On a motion by Mrs. Barrett, page 14, Rules Report No. 131, Bill No. 10836, amendments are received and adopted.

On the main Calendar: On a motion by Mrs. Peoples-Stokes, page 36, Calendar No. 325, Bill No. 4303-A, amendments are received and adopted.

On behalf of Mr. Dinowitz, Bill No. 10085, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the General Obligations Law.

ACTING SPEAKER AUBRY: There is a motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

On behalf of Mr. Englebright, Bill No. 1492, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Environmental Conservation Law.

ACTING SPEAKER AUBRY: There is a motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

Several fine resolutions, we will take them up on one vote. On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 1352-1354

were unanimously approved.)

SPEAKER HEASTIE: Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Ladies and gentlemen, we are going to take up an important resolution, but before we do that, I'd ask members to take their seats, staff to take their seats, guests to take your seats or people who need to leave the Chambers, do so now, and limit -- let's limit the conversation.

Mr. Speaker, this is an important day. This is the day that we take up a Legislative Resolution honoring the memory of the deceased members of the New York State Assembly in recognition of their careers in public service. I do -- would note that tomorrow morning at 8:00 a.m., at St. Mary's Church, there will be a service honoring their memory, as we do annually, and I'd like to take a moment, if I may, Mr. Speaker, just to read the list of names of people being honored in the resolution this afternoon: Robert M. Blakeman; Herman "Denny" Farrell, Jr.; Maurice D. Hinchey; Luigi R. Marano; John Brian Murtaugh; Angelo F. Orazio; Herbert A. Posner; Michael Simanowitz; Frank K. Skartados; Louise M. Slaughter; Ronald H. Tills; Paul A. Worlock.

Before -- before we begin and ask members who wish to be heard, let me note that we have members of two families of dear colleagues of ours. First from the Farrell family, we're joined by Barbara Klar, Denny's children: Monique Guidry-Farrell, Herman D. Farrell III, and the Sophia Ilene Farrell; by his grandchildren Simone Adele Guidry, Joseph Brooks and, of course, Denny's extended family,

someone we all know so well, Marcia Coleman is here. From the Simanowitz family, we're joined by Michael's wife, Jennifer, his children, his son, Josh, and daughter, Alyssa, and his mom and dad, Sheila and Sherman Simanowitz. I would ask members who choose to speak on the resolution, there are a number of names here so to the extent that colleagues wish to speak on one or more of the deceased members, that we'd ask you to consolidate your comments so that everyone would have an appropriate opportunity to express themselves. And with that, Mr. Speaker.

SPEAKER HEASTIE: The Clerk will read the title of the resolution.

THE CLERK: Assembly Resolution No. 1351, Mr. Heastie. Legislative Resolution honoring the memory of the deceased members of the New York State Assembly, in recognition of their careers in public service.

SPEAKER HEASTIE: As I often say to even new members that only 150 of us get to do this wonderful job out of 19 million people. In the resolution is included many, many wonderful names of people who served this State and this House with distinction, but I'm going to touch on the three that I had the pleasure to serve with. And the first I'm going to talk about is our dear colleague, Frank Skartados. And when I first became Speaker and I said that I wanted to visit every member's district outside of the City of New York, I learned how big this State really is and many places, quite honestly, I may never have gotten to if I didn't have the -- the privilege that many

of you have given me to be elected Speaker. And my experience, I remember with Frank, Frank owned a farm and here it is, I'm a Bronx guy, a City boy, you know, animals, you know, on a farm, the only animals I really would get to see is in the Bronx Zoo. But Frank took me to his farm and actually posted a picture on Facebook where he was actually teaching me how to milk some of the -- I mean feed some of the animals and -- in -- in the farm. And Frank was such a dear, dear guy, very quiet, but when he got up to speak on things that was important to him, you knew he was very serious. So, I'm going to personally miss Frank so much.

And I know we have the Simanowitz family there, and my experiences, I haven't really attended many funerals in the -- in the Jewish Orthodox faith and finding out that -- that Mike had passed, I tried to reach out and I did get to speak to Mrs. Simanowitz, but in the matter of hours when I was there at Mike's funeral, to see literally the hundreds of people there that turned out for him in a matter of hours, it was almost stunning and it was just a feeling of everybody loved and cared about Mike the same way that I felt that I did. And one of the wonderful things I'll say about Mike Simanowitz is you always knew where you stood with Mike and you always knew where he was. And in the business far too often where people are not brave enough to tell you how they feel, Mike would either give you a "yes" or he would give you a "no", but you clearly knew where he stood with you and on whatever issue. And I do remember when we asked Mike to be one of the -- the Leaders in Conference and I said, Well,

this is going to be funny having this big guy telling people to have to give up the microphone, but I always called Mike my big teddy bear and so, we're going to miss him as well.

And then finally for me and then for Denny, and excuse me, Denny Farrell III, but I'm going to share a piece of the -- the note that you just -- that you just wrote to me, but I want to get back to -- and one of the comments that I made about Denny at his funeral was, we all know that Denny was the son of -- of tailors and I always knew with Denny and, of course, with our Sergeant-at-Arms Wayne Jackson, that if you were going to walk into this Chamber, you better be dressed correct or someone was going to -- to shout you out. But the thing I want to touch in and -- and -- to -- to -- to Denny III, you -- you wrote in this note, and forgive me for sharing the personal note that you wrote me -- you thanked me for keeping Denny as the Ways and Means Chair, but I have to thank all of you and I have to thank Denny because when I did have the opportunity to become Speaker and we had really, a month into Session we had a budget to get done, there was no way I was going to replace Denny Farrell, not with 40 years of experience, the class and respect that the members on both sides of the aisle had for him. So, Denny did me a favor, I did not do him a favor. So I want to say that to all of you, how important and special Denny was to me.

Thank you.

(Pause)

Mr. DenDekker.

MR. DENDEKKER: Thank you, Mr. Speaker. I want to talk, too, about Frank Skartados. He was a dear friend of mine. I also got to go to his farm and he was quite proud of his background and he is truly, truly going to be missed. He was such a dedicated public servant. And he was so quiet that I think a lot of us maybe -- might have taken him for granted, but he was a -- a very wise man and he cared very deeply about his community. And I will always remember him.

Michael Simanowitz is a very, very dear close personal friend from Queens. I thought of him today as I was walking outside because the sun was shining and someone came over to me and said, *How are you doing?* And I said, *Living the dream*, because so often, as all of us know, that would be Mike's tag line. And -- and -- and just all of his service that a lot of people don't know about and his love for the Auxiliary Police Department. I -- I -- I will always try to carry on one of his bills that he tried to pass so hard, but the love that he has for the men and women that volunteer their time to wear a uniform in their community is astounding. And his love for -- for law enforcement and being part of the community needs to be always remembered. He was actually in the Auxiliary Police Department I believe since, like, 1995, so he spent quite a number of years there. Plus, his love for the Mets was always another great thing that we would go and watch the Met games together and we brought the TV inside - some of us will talk about that - but wearing our blue and orange watching the games together. He was a true -- a truly great

man.

And then Denny Farrell. I remember the first time that I met him when I first became a member, I called him Mr. Farrell and he said, "My father is Mr. Farrell; my name's Denny." And that started our relationship. And then he would see me with my motorcycle sometimes in -- in the LOB parking lot. And he'd say, *Oh, you ride a motorcycle; I wouldn't do that*, but he had a beautiful Mustang convertible, which -- which a lot of people probably didn't know was also a stick, which admired me so much that he drove a stick shift Mustang convertible. I had nothing but the utmost respect for him right then and there. And we bonded. And just the dignity and respect that he brings to this Chamber every day and the way he stood there for hours on end taking questions and answering questions about the budget was, I don't even have that stamina now to stand and sit in Session during those long debates. I don't know how he did it and I will always remember him for that. He was such a generous man and a good, giving soul.

So, I -- I -- I am happy to celebrate the three lives of those members that I served with, and although I know this is a memorial, for me, it's a celebration of all their lives and -- and I will remember each and every one of them in my own special way. But thank you for bringing this resolution to the floor, Mr. Speaker.

SPEAKER HEASTIE: Ms. Weinstein.

MS. WEINSTEIN: Thank you, Mr. Speaker. You know, one of the great advantages of serving a long time in this House

is you get to meet some incredibly wonderful people. It also then becomes a sad day, like today, when you realize how many of them are gone.

When I first got here -- or actually when Louise Slaughter first got here two years after me, we sat over there (indicating) next to each other and I remember Louise speaking on the floor saying the first time on an Equal Pay Day debate when she said the first time she ever got paid the same time -- the same amount as a man was the day she got elected to the State Legislature. And that's really, all these years, has really stuck with me. And after she left here and got to serve her Rochester community with that wonderful Upstate accent that we all came to love, she would call me every other year and ask for a Red Book and I was happy to -- happy to send them along, even if it was just for us to be able to keep in -- keep in touch.

Brian Murtaugh was one of my classmates. On the first day we were up here for our orientation, he asked the then-Speaker Fink if he could get a good bridge game at night, and I think we all stared at him because we knew that wasn't really the right question to be -- to be asking.

You know, Mike Simanowitz, I really came to learn to love him and to appreciate him. Here we had a couple of mutual friends from his Yeshiva days and he always was, besides his activities here that we all observed, he talked to me about -- he'd bring it to my attention some issues of -- that could help serve the community and he was never one of these, *Well, you know, if you*

could do it Helene, that'd be great; we just need to get it done. And he was very selfless in that regard and he was really a pleasure his serving here and working with him.

You know, it's even -- it's hard for me to stand in this spot where Denny stood for so many years where I'd see him. When -- before I got elected, my dad mentioned to me that he met this tall guy with a big afro who said -- who thanked him for winning his election because when Stanley Fink became Speaker, he appointed Denny Farrell Chair of Banks, and it was the first Committee he -- I believe he was Chairing. And I hadn't thought about it, I never talked to Denny about it. Then, Mr. Speaker, when you appointed me to chair Ways and Means after Denny left when we chatted, one of the first things he spoke about is how we were connected before I even got elected and recounted -- recounted the story about how because of my father, he became Chair of Banks and that paved the way for his becoming Chair of Ways and Means.

I served on the Ways and Means Committee for 20-plus years with Denny as the Chair, and most of that time I sat to his right. And while it was always interesting watching him run the Committee, the best times we had I think on the Committee were before while the Committee started when we were waiting for members to arrive and Denny would tell stories about his days in the *shmata* business, as we -- as he would say and as we say in Brooklyn, in the clothing industry, sewing -- sewing dresses and he'd always have some hints on fabrics and sewing and styles for all of us there.

But really, the best times in the Ways and Means Committee -- and Denny would get phone calls every so often, you'd see him hit that button and decline the call, but when someone -- when this young woman called, he always took the call. And when Sophia called, he would pick up the phone and say, *I can't really talk, but, you know, what's up, go ask your mom*, and you could just see that smile on his face these years when -- when that happened. And it's really been incredible just in the one year of Chairing the Ways and Means Committee, my admiration for what Denny did for all those years has only increased. I'm so glad that we had the opportunity for him to serve in this House and to be able to spend so much time leading us, and we also, as a benefit -- added benefit, we got to meet the whole family and have them become part of our family. We'll certainly miss his presence here.

SPEAKER HEASTIE: Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker. Frank Skartados was a man with whom I shared representation in Ulster County. He stood here for three counties, three very, very different small cities in the Hudson Valley and several small towns. He was a farmer. He was a small businessman. He was a community activist and he never let us forget that he was an immigrant. Frank's story was, in many respects, the classic "American Dream", and in a place where being heard and who says what is often thought to be more important than what is said, Frank proudly described himself as a workhorse, not a show horse. We mourn his passing and we miss

him.

Michael Simanowitz. Mike was a colleague who made many of us look forward to our Party Conferences.

(Laughter)

"I'll wait", as Mike would say.

(Laughter)

While we treat that venue as a privileged and confidential place, I will deviate from that rule of honor just to mention Mike's influence there. If a colleague or I even entertained the notion of being verbose, of being repetitive or irrelevant, we thought twice because of Mike Simanowitz. With a little more than a look or an occasional sigh, and every once in a while a comment just above a mumble, Mike could instill discipline in our Conference. He did everything he could to create the impression that he was brusque, with little patience for others, but the opposite was true. Mike was engaged. He was passionate and endlessly curious about others' points of view, but he also insisted that none of us ever take ourselves very seriously. We miss him, we miss his discipline, we miss his big bear of a presence, but equally so, and maybe even more so, we miss his good humor.

Denny. I just got some good news that makes me a little sad, but it's good news and I know Denny is looking down. And I was just talking to Sophia, and little Sophia who we all saw grow up here tomorrow finishes middle school and starts high school.

(Applause)

Whenever anyone in Albany calls anyone of us "Mr. Chairman", I turn my head to see if Denny Farrell walked into the room. He was dapper. He was elegant. He was dignified. He was a natural born leader. While he regularly acknowledged the complexity of the matters before us, no one could break down the most complex, the most daunting of subjects, our budget, better than Chairman Farrell. And Denny was our go-to guy.

When I was just a freshman in the midst of the *Law and Order* frenzy of the '90s, Saul Weprin convened a task force, and that task force was charged with -- with Criminal Justice reform. Denny chaired that task force, and he kept peace among many of us with polar opposite points of view, and shepherded an agenda so progressive, ladies and gentlemen, so far ahead of its time that this very year, many of those concepts were reintroduced as new ideas, some today on the floor here. A few years later, Denny was part of -- was put in charge of getting ahead of what seemed like an inevitable crisis, a flood of municipal financial collapses. His careful deliberations not only provided us the tools to deal with what -- with what to do should it occur, but actually prevented it from happening altogether.

As the Leader of our Party, Denny Farrell was the epitome of the "Iron Fist in the Velvet Glove." The respect one and all had for Denny cannot be overstated. He allowed me to substitute for Sophia as the official page turner in the Ways and Means meetings. He invited all of us without regard to his political affiliation, seniority,

or even our membership on the Ways and Means Committee into his circle. The passing of Denny Farrell truly feels like a loss in our Assembly family. And along with his actual family, we will miss those phone call interruptions and a pocketful of crackers, and we will celebrate a life well-lived and mourn his departure from this mortal Earth.

I also stand today to recognize my predecessor. In 1975, Maurice Hinchey was sworn into the Office of the New York State Assembly for the very first time. When he put together his initial staff, I was honored to be part of that staff. And now 43 years later, we mourn the passing of a leader of unparalleled compassion, unquestioned integrity and unbridled energy. During the intervening decades, Assemblyman and then-Congressman Hinchey worked every day to improve the lives of the people he loved and served. One of our nation's early environmental leaders, Maurice inspired, authored and improved laws to protect our land, air and water and health. He fought mobsters in chemical manufacturers when they poisoned or tried to poison the Earth. He created the Hudson River Greenway and the historic heritage areas. He brought unprecedented attention to our beautiful Catskills, and he helped start environmental superfunds here in New York and all over the nation.

In our House, in the New York State Assembly, Maurice defined the role of the Chair of Environmental Conservation Committee. As an activist, proactive, cutting edge and uncompromising, a tradition carried on by all of his successors,

Brodsky, DiNapoli, Sweeney, and our current Chair, Steve Englebright. Though best known for his environmental leadership, Maurice D. Hinchey was an early champion of the modern women's rights movement, universal healthcare, social economic and Criminal Justice reform and much, much more. Both before and during his tenure in Congress, he was a leading and sometimes lone voice against unnecessary military incursions by our nation across the globe.

He stood shoulder-to-shoulder with Civil Rights freedom fighters, workers demanding fair treatments and in the dark days of the 1970s, and ever since, Maurice was the champion we all longed for. He feared no giants and stood up to every bully in politics, in business, in all of his life. We mourn his passing.

SPEAKER HEASTIE: Mr. Cusick.

MR. CUSICK: "Living the dream." If you passed Mike Simanowitz in the hallway, in the Capitol, anywhere in Albany, Queens, wherever he was, and you said, *How you doing, Mike?* He would say, *Living the dream*. And as Mike DenDekker said, he said it to everybody. And as someone who was very close to Mike, he meant it. You know, his delivery sometimes was a little gruff --

(Laughter)

-- some walking with him from the Capitol to here and sometimes in a rush or maybe something happened before, someone would ask him and he'd say, *Living the dream*, depended on his delivery. Sometimes it was sarcastic, but he still meant it. He was living his dream. You know, after his family, after Jennifer, Josh and

Alyssa, his kids, his mom and dad, we were his family. You know, many of us in this room, we have aspirations for other office, we have -- but this was his dream. You know, being the Assemblyman from his district was what Mike wanted to be. And he was living it. And all of us here were part of that. You know, Mike had dedicated his entire life to serving his community. You know, whether it was - excuse me - whether it was as a (sic) auxiliary police officer or as a community activist in his community, Mike loved his job.

You know, Mr. Speaker, on behalf of myself and some of Mike's closest friends, I want to thank you for appointing him as Chair of the Conference because some of my fondest memories in my perch from the Conference Room, I got to see every facial expression and, Mr. Speaker, you know this because you sat behind Mike and you had the visual of me reacting to Mike's facial expressions. And it was just fun to watch. And Mike may have come off as being annoyed, maybe the third time some members got up to speak.

(Laughter)

He had -- had some favorites.

(Laughter)

But I will stick to the rule of not mentioning names.

SPEAKER HEASTIE: Cough - Abinanti - cough.

(Laughter/Applause)

MR. CUSICK: Thank you, Mr. Speaker. Thank you.

But folks, folks, you know, as a joke years ago, Matt

Titone had put a picture on my desk that I still have of Mike as an intern. He started here as an intern and he has a smile on his face that you would not believe, and that's the smile he had when he was here all the time. And that was because of all of you. We're here together many hours, we become family, but he truly, he truly felt that this was his family and I miss him, I miss our brother. This place is not the same, but Mike Simanowitz will always be a member of the State Assembly, and he will always have a presence here in the Assembly. Thank you, Mr. Speaker.

SPEAKER HEASTIE: Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker. This is such a unique place. We're away from our families, sometimes we're here what seems like weeks on end even though there usually is a weekend in between, but you barely get to recover when you're back, and it's this time of year when, you know, everyone's nerves are a little bit frayed, but it is a place where you get to know people in a very personal way that is different from, certainly, the City Council in New York City where people go home to their families at night. Here, you get to know when somebody's not feeling well, when somebody's, you know, had a bad day because something happened with a bill, and so you get to know each other. Sometimes you get to know people really well, but regardless, you know people just in a different fashion.

And I have served here quite a long time and I remember a number of people who are on this very sad list. And I remember Brian Murtaugh -- (talking low and fast) -- Brian talked

very quickly and he muttered and you didn't really know exactly what he was saying and you just heard him -- and he did it by always sort of hiking up his pants and launching into something in both in Conference and here on the floor. But he had served at one time as a merchant sailor and he traveled all over the world and he had such interesting experiences which I think a lot of people would never have assumed was a part of his life. He didn't seem like somebody who had ever gotten on a ship. And we agreed on most things and -- but we shared, we used to spend a lot more hours here, incidentally, for the newer members, and so on the third morning when you were a little bit seemingly drunk without ever having had anything to drink, you were just completely addlebrained from hours without sleep, you would sit down with people and you would hear their life stories and Brian was a really fascinating guy who had had an incredible life experience, and I was very sad to learn of his passing.

And, of course, Frank sat right over here (indicating) and we would have an opportunity to talk. I had learned some, I guess you'd call them curse words, in Greek from my partner who had studied ancient Greek, and every once in a while when it was, you know, somebody said something really annoying, I would say something to Frank and I remember he -- I should have waited until he finished drinking that soda.

(Laughter)

But he laughed because he didn't expect me to know that particular word.

Maurice Hinchey was, I didn't serve with him long, but he went on to not only be a leader in the environment here, but in Congress. And there is an interpretive center, the Catskill Interpretive Center is named after him and it's on Route 28 in Tremperskill -- Mt. Tremperskill (sic). Mt. Tremper, there is a Tremperskill, but this is in Mt. Tremper, and I urge people, if you're up in the Catskills, to stop by. It's a beautiful -- not all of us are going to have a tributes to us that are that tangible, but that is a unique place and a real fitting memorial for Maurice, who did so much for the Catskills and, certainly, for the environment. All of us benefit greatly from the work that he did.

Mike Simanowitz was on my Committee and most Chairs understand how important it is to have at least one member on the Committee who understands duty and obligation --

(Laughter)

-- and shows up. Mike -- Michael did that, and he had a very dry wit, which one might have taken for sarcasm, but he was someone you could depend upon and I know that his close friends and, certainly, his family knows that if he said he was going to do something, he did it. And he was -- we shared, unfortunately, too close to the end, we had some Conferences where people complained about every Chair and some people stood up for some of the Chairs and Mike had said something that was really kind of surprisingly nice about me and he said, *I hope you don't mind that I used you as an example.* And I said, *Well, you would be the only one,* first of all and, second of all, it was very touching and of course I didn't mind and I

actually thank you so much, it meant a lot to me to have somebody say something positive. And I was so shocked because I thought Michael was looking so well, and I was very shocked and pained. He's a young man and he had a young family and no matter how long your life is, it's too short, but painfully so in the case of Michael who was so much younger than I, and who had so much to offer.

And, of course, the great Chairman, Denny Farrell. Denny was an institution in an institution and he did so much for so many people, and many of us who went to the service heard from so many people about so many things you didn't even know he had done for others. But before and after -- usually it was after, he tended not to come into the meeting so much until he actually, you know, the staff had rounded up enough people that we could actually conduct a meeting, but afterwards sometimes we would sit there, especially late in the Session, we would sit there for, you know, a very long time. Who wanted to come back out on the floor? We had a good excuse, we were talking to the Chairman. And he regaled us with stories from all different parts of his life and history here. I learned so much from him.

And I will just close with this. I told some of the colleagues this story. After the service I went up to the country where my wife has the great good fortune to spend most -- most of her time, and we were driving on a country road and I was telling her stories that had been told at the service and we came around a bend and there in the distance was a red Mustang convertible and I thought that

Denny's spirit had been conjured up from the stories that I had been telling her. We will miss all of our colleagues, and may they -- may their memory be a blessing.

SPEAKER HEASTIE: Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. Let me thank my colleague, Ms. Glick, for giving a sense of what it is to be like for all of us together, sort of the idea that we are each others' extended families. And for those of us who will not be serving here next year, I know Mr. Brindisi, Mr. Oaks, Mr. Titone, Mr. Butler, Mr. Castorina, myself, this day is a really, really special day, and this is one of the hallmarks of this institution that I love so much, taking time out to reflect on those who have served and gone before us.

And so I do just want to take a moment to acknowledge some of the great people I had a chance to serve with. Ms. Glick mentioned Brian Murtaugh, and did, I thought, a splendid impression of him. So, thank you for that. I wouldn't even attempt it, but I did have an opportunity to serve with Brian and served on his Committee. He was a kind and thoughtful legislator, always had time even for the most junior of members.

And I remember Maurice Hinchey who I only had the pleasure of serving with for just a couple of years, but always thought he was such a distinguished legislator who, as Mr. Cahill notes, Chaired the Committee on Environmental Conservation and was really such a terrific legislator and went on to serve with equal distinction in the U.S. House of Representatives.

Frank Skartados, who was so earnest and dedicated, would come into my office down the hall from time to time and talk about what was going on here and sharing his perspective, and he was just so dedicated to it. He wasn't flashy. He didn't -- he wasn't a legislator who you needed to speak to very often or talk to, but when you did, you could sense his just complete devotion to -- to this work and to public policy.

I do want to note, also my dear friend, Louise Slaughter, who passed. I didn't have the chance to serve with her, but did serve with her back home and had so much respect for her, love for her. She was not only a colleague in government, but a dear, dear friend and a pathfinder, really set the tone for -- for some many people, particularly for women in government as the only woman to ever serve as the Chair of the House Rules Committee, I know that those of us back in our community reflect on what a giant she was in Washington, but what an equal giant she was in -- in Rochester in our community.

And I want to just say an extra word or two about two of -- legislators who have passed who were dear friends. First of all, Mike Simanowitz. Gone far too soon, as others have commented. People mentioned, I think some of his attributes. One was he, from time to time, exhibited some impatience.

(Laughter)

You know, I'd walk into the Chambers sometime and it would be Mr. Simanowitz, Mr. Miller - God bless him - and myself

and Mike would say, *Why can't we start?*

(Laughter)

And I'd say, *Well, because after Mr. Miller, myself and you, we need 73 more members just to dispense with the reading of the Journal, and we'll have to wait a little bit.* But, of course, Mike was in a hurry always, but aside from his impatience, he was so earnest, so smart, so passionate, so dedicated to the cause and really so, so funny. We became immediate friends when I met him and I loved to spend time with him and to talk.

And, sadly, we ended up bonding over something much different. His illness was very nearly the same as my daughter, Lauren, and we would meet on Mondays and we would sort of share notes on treatment, on side effects. He would never talk about his pain. He would never talk about how he was doing. He always wanted to know, *How's my friend Lauren's doing?* He sent me a beautiful message the day she died and I told him in my return message to him how much I loved him. What he never mentioned was how advanced his illness was, and I'll never forget just two days after Lauren passed, Mr. Speaker, you texted me and said that we had lost Mike. So, we're forever bound by that. My prayers are with Jennifer, his children, his parents. May you find some comfort in the knowledge that so many people here loved Mike Simanowitz, and I will always love him.

And my friend, Denny Farrell. Distinguished, elegant. I so respected Denny Farrell. We served together for 26

years. He was the best of this place, of this institution. Deborah said it well, an institution within an institution. He was a giant among us. I loved talking to him. He'd call or I'd call and he'd say, *How you doing, guy?* We'd talk about all kinds of things, Coogans, the polo grounds, Harlem politics, his history, the history of the Assembly, State government. He'd talk about how he started trying to get a, I think, a sponsor for a baseball team is how he got into politics, but he'd talk about the Army. He talked about being an auto mechanic. He talked about his dyslexia. He talked about how his entry into politics in a way just changed his life. But he changed politics more than it changed him. He was a history here. He knew so much about everything. But the way he did it with such distinction and so much honor and, in a way, Denny was not only a modern person, but old world and old school and knew just how to do things. I remember one day, someone had asked him to report out a bill when he was Chairman of Ways and Means, report out a bill, it was a Morelle bill, and I didn't know the person had gone to him. He asked for a moment with me in my office, so I said of course, and he came in and sat with me and he said, *I just want you to know how this works. If you need a bill out of my Committee, your plate says "Number 2", don't forget that.* And I said, *Well, I would never impose,* but Denny said, *No, this is the place -- this is the way this works, this institution.* So important, to remember it, to remember others, to know what we all do together that while we're all individual and we all have our egos and we all have our agendas, that it's the collective spirit here which makes this

such an amazing, amazing and special place.

I remember the last time we spoke. I called him just a few weeks before -- a couple weeks before he passed and Sophia answered the phone. And I said, *Is your dad there?* And she said, *Well, we just came to the hospital and he's having an IV put in,* and I said, *Oh, well please just tell him I was thinking about him, I love him,* and she said, *No, he wants to talk to you.* I said, *No, I don't think so;* *No, no, he wants to talk to you.* So, even while there were people obviously around him getting him settled in, he wanted to talk about politics. He wanted to know how everyone was doing. He wanted to know how Al Taylor was doing. I said, *Ehh, he's okay --*

(Laughter)

I'm teasing, Reverend.

But this was so much a part of what he did. It's hard to think of the State Assembly without thinking of Denny Farrell; I know I never will. We will never see the likes of Denny Farrell again, but we will never forget him. So, God bless him and his beautiful family. May he rest in peace.

SPEAKER HEASTIE: Mr. Barron.

MR. BARRON: Thank you very much, Mr. Speaker, I met Denny Farrell in 1985. As a matter of fact, I was the Chief-of-Staff to Reverend Herbert Daughtry and we had an organization called the National Black United Front, and we're the radicals in town, but Denny was not afraid to march with us across the Brooklyn Bridge when Mayor Koch was fighting him, and Denny

used to march with us all the time. Then all the black leaders got together in New York and decided that we would get rid of Ed Koch. That he had to have some opponent. So most of the people that were gathered, they were voting for Herman Badillo and it looked as though Herman Badillo was going to be the candidate against Mayor Koch. And then at the last minute, Charlie Rangel, Percy Sutton, Basil Paterson and David Dinkins decided Herman "Denny" Farrell should be the candidate. It shook up the whole City. The people were sitting around and trying to figure out what happened and I remember the vote vividly, it was 28-14 in favor of Denny Farrell. A lot of the leaders abandoned him. They got upset because everybody cut their little private deals and Denny just shook everything up.

But that's when I got close to Herman Farrell III (sic). We got very close because me and Reverend Daughtry stuck with him and we decided that that's what the Democratic process said and we would stick with him. And so we stuck with him. We went into churches and we kept the campaign going and he said, *I will never forget you for this because when I needed somebody to stick with me, we did.* Now, I must confess, when we did get him in the black church, I was trying to tell Denny, you got to move a little bit, man, you can't --

(Laughter)

-- you know -- if you could just do this one time, we might be able to get a vote. I know you're cool and slick and from Harlem, but in the black church, you got to bust a move, man.

(Laughter)

So, we became very close and when I got here, he said, *Whatever you need, and I said the same thing for your wife when she was here.* He looked out for us. He even told me, he said, *I'm going to sign on to your reparations bill, but it ain't going nowhere.*

(Laughter)

And I said, *Well, thanks; thanks Denny, but I appreciate the sign on.*

(Laughter)

And then finally, this is going to come as a surprise to all of you, I actually -- me and Simanowitz, we had a good relationship. We took a real liking to each other. I have never disagreed with somebody totally, but liked him, and he liked me and I used to turn around and he would give me a non-verbal and he had a non-verbal way of speaking like --

(Laughter)

-- I know you're not voting for that, right?

(Laughter)

He wanted to keep me in my radical consistency as much as he disagreed. So I just, you know, I actually took a liking to him, you know. We had a very good, respectful relationship. And so may God, may all of them rest in peace, and I'm glad that I had an opportunity to cross both their paths.

SPEAKER HEASTIE: Mr. Skoufis.

MR. SKOUFIS: Thank you, Mr. Speaker. This is

the first time I'm speaking on this resolution in the six years I have been here because this is the first time that there are names on this list that, to me, represent more than just political acquaintances or Assembly acquaintances, and there are a number of people I have considered friends.

First, Frank Skartados. I certainly had a connection with him as a neighboring Assemblyman. I had a connection with him as a fellow Greek-American and there -- make no mistake. There was no more authoritative voice on the annual Greek Independence Day Resolution than Frank Skartados. But more than anything else, as has been mentioned a couple of times, he was a good, decent man. He represented, he really did, the American Dream coming here as a young man and making his way to the Assembly. And in my mind, he represented, really, the purest form of politics, the politics that comes from ancient Greece, you know, his -- his homeland where politics was viewed as this noble calling, this noble profession and he embodied that everyday in the Assembly. He was here for the right reasons.

The other friend, Mike Simanowitz, you know we were, in many ways, political polar opposites and I -- and I suspect many of the people here hardly ever escaped his biting sarcasm, but he, too, was a true gentleman. He was a good man. And I'll share two, I had a number of personal moments with him, I'll share two thoughts that -- that I still have. First, as has been mentioned many times, he was really a sight in Conference and he had these sort of

phases of grief as Conferences dragged on.

(Laughter)

You know, the first phase was, you know, usually an audible sigh that he would purposely, you know, right into the mic he would let people know he was starting to get upset. Then that was usually followed by a really deep eye roll. Really, he hit Mach 5, though, when he would just lay his head into his hands for minutes at a time and his *kippah* would start to slide down his head, he'd adjust; he just couldn't take it anymore. And after one particular Conference that dragged on for a very long time, you know, he and I were walking out and I had spoken in that Conference and he made the comment, *You know, Skoufis, you speak way too much, but at least most of the time it's usually something worthwhile that comes out of your mouth.* That is perhaps the highest compliment, given who it came from, I've received in six years in the Assembly.

(Laughter)

And the other more serious memory that I'll share is this time last year, actually - and this captures who he was as a person - as we all sit and stand here remembering colleagues and former colleagues who passed away over the past year, it was Mike Simanowitz who never forgets the people who are often overlooked and who may not -- may not be remembered if not for him. He gets up and remembers the staff here in the Assembly who passed away who, otherwise, at least at this moment would have gone forgotten. That's the kind of person he was, and in his memory, let us also remember

those who work here in the Assembly on our behalf and who have passed away over the past year. Thank you.

SPEAKER HEASTIE: Mr. Bronson.

MR. BRONSON: Thank you, Mr. Speaker. I'd like to talk about a number of people, Frank Skartados first of all, who sat right over here and I think Joe said it very well. Frank was a quiet man. We would have conversations here. He would talk about issues here, but he really kept to himself most of the time. But you could tell from your conversations with Frank that he was here for one reason, and that is because he wanted to do good. He believed that America had offered him opportunities and he wanted to make sure that he created an environment where those opportunities were afforded to others. So, I remember Frank as the quiet workhorse that he was.

Mike Simanowitz. I didn't know Mike that well. I remember Mike through his body language, as was mentioned, and I thought he was kind of, you know, because he would -- he would speak sarcasm every so often in conference, like every conference. He would -- he could get -- he was impatient. He'd get frustrated, but I garnered tremendous respect for two reasons about Mike. One, as the Speaker mentioned, you always knew where he stood. And on education, we were on different ends of the spectrum, but we -- I felt respect from him from my position and I certainly respected him for his position. But I think it was a resolution we were doing on the floor and I remember him standing up across the way. And he talked personally about his illness. And he reminded us that Breast Cancer

afflicts men, too. And that he wanted to make sure that as a Body that's involved in policy making that we remembered that, and we remembered that whatever decisions we made, we had to make sure that we included men in our -- our policies that would help deal with Breast Cancer.

Denny Farrell. I met Denny Farrell when I was running for State Senate in 2002. He was one of the few people who actually supported me as the sacrificial lamb out of Monroe County. Joe remembers that. And he actually came up to meet me. He drove, I think he did have the red Mustang at that point. And he didn't know me from anybody, but he knew from the people who were supporting me from home that he ought to be helpful. And then when I came to the Assembly both as, initially as a staff person and then as an Assemblymember, I knew that when Denny Farrell stood up in Conference and he was going to make a statement, it was time to listen. Because with his wealth of knowledge and experience and the fact that he was judicious in weighing in on issues that we should listen to what Denny had to say.

So, Denny, Mike and Frank, I'm going to miss them dearly, but let me talk about a personal friend of mine, Congresswoman Louise Slaughter. Louise was a person that dared greatly. She did not stand in the sidelines. She was a woman scientist when women weren't expected to go into science. She ran for office, knocked on doors and had people say things like, *Who's going to take care of your children*. And, Louise, with her Upstate accent,

Kentucky accent, would say, *I think my husband can handle the children for a couple of days a week.* And she also became a county legislator, worked her way through and became the first, and to this point in history, the only female Chair of Congress' Rules Committee.

Louise believed in evidenced-based science policy making. She believed that we should look at facts when we decide policy decisions, something that is going to be dearly missed in Congress in this current context. She fought for women's rights, she fought for workers' rights and she fought for the LGBTQ community long before it was politically popular to do so. In 1996, she voted against Don't Ask/Don't Tell. She fought for anti-discrimination legislation at the Federal level. She fought for hate crimes legislation at the Federal level. For our LGBTQ community, Louise is a beacon of hope. She's a beacon of hope because she always fought for full equality for everyone no matter who they were or who they loved. She's a beacon of hope because she always looked at what is possible.

I remember she supported me when I ran for county leg the first time and actually hosted a fundraiser for me. People hadn't seen her for awhile, and, you know, mostly it was gay guys at this fundraiser, and one of the guys is looking at her, like, *Louise, you look marvelous.* She grabs him by the arm and she goes, *Ah honey, nothing money can't buy.*

(Laughter)

So, Louise knew how to connect to people. And on a personal level, along with Assemblywoman Susan John, Louise

convinced me to run for the New York State Assembly and helped me to win this seat. Louise will always be a friend and always be a mentor to me. And those of you from the greater Rochester area will know what I mean when I say I am another neighbor for Louise. Louise, I love you dearly and I miss you.

SPEAKER HEASTIE: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. And I'd be remiss if I didn't start by passing along my condolences and thoughts to Denny's family, who was as much a distinguished gentleman as I've ever had the opportunity to serve with.

But I want to talk about two members, one of which I had the opportunity to serve with, and one of which who served long before any of us. But just quickly about Mike Simanowitz. Having had the pleasure of sitting over in that section (indicating), and those of us on our side of the aisle always are curious as to who gets selected to sit in that kind of, portion of the Chamber because, you know, is it the less impressionable on the Democratic side or what, but, you know, Mike sat over there and had this way about him of oftentimes we'd be talking about something, you didn't know Mike was listening, but then he'd turn around and make a comment towards you. So, we certainly miss his -- his sense of humor and his personality in this Chamber. And as a fellow frustrated Met fan, I remember one time last year we were trying to organize a group of members to go to a game and it had gotten into May and things had gone south like they are going once again this season --

(Laughter)

-- and half the team was on the disabled list and I was talking to somebody about whether they were going to be able to make the game and Mike just turned around and said, *You're still doing that?*

(Laughter)

So I will -- I will always remember him that way of, he kind of had the pulse of us over there sometimes as a debate was dragging on. So, my thoughts and prayers are with his family. I will always remember him fondly as a friend.

And I want to talk about somebody who, as I mentioned, served long before any of us in this Chamber, even before, you know, some of the most -- longest tenured members, and that's Robert Blakeman, who served in this Chamber in the 1960s. He had served our country during World War II, came back home to Valley Stream, served as a village attorney there and was instrumental in local parks, in establishing the local library. And then he came here to the Assembly, served three terms and perhaps had his greatest impact when he went back home and, certainly, on something that continues to have an impact on our community to this day, he was involved in really establishing and saving our local hospital several times. He was the first President of Franklin Hospital in 1973 when he led a group of investors to take what had been a, you know, a hospital privately-owned by a group of doctors and making sure that health care was available in our local area. I certainly benefitted from that

growing up having been stitched up by the doctors in that hospital many times. And then in the '90s when that hospital was again on shaky ground, he really led a group of people to save it, make sure it would be there for the next generation and help negotiate its transfer to what's now Northwell, what was then North Shore LIJ and because of that, actually the street adjacent to the hospital is called Blakeman Drive today. So, I'm thankful for that contribution that he made to our local community that is now a thriving medical institution now -- now known as -- as LIJ Valley Stream. And generations of local residents have quality health care in their community because of the work of Robert Blakeman.

So, I wanted to add my voice today to remember our -- our colleagues who served in this Chamber before us. Their work here is certainly never forgotten and it lives on through each and every one of us. Thank you.

SPEAKER HEASTIE: Mr. Oaks.

MR. OAKS: Thank you, Mr. Speaker. I had a chance to serve with a number of members who are on this resolution, but I wanted to just spend a moment or two to talking about Denny Farrell and his impact on me and, I think, many who are here today.

Obviously, he was an icon in New York politics and I think of his stature, his commitment to the people he represented and his political savvy; he really did stand above the crowd in so many different ways. And I was here when he was appointed -- first appointed to the -- as the Ways and Means Chair so, for many of those

years, I observed him in that position and how he handled it. But I truly appreciated his style and his perspectives as a member and as someone that I had a chance to interact with. I never saw, that I remember, the afro, but the ponytail or whatever hairstyle was always accompanied by the best dressed guy in the place. And so, you couldn't help but -- my family and young kids, *Whose that guy?* Because among us, again, he -- he always stood out.

I'm so pleased that he didn't want it, but I know you, Mr. Speaker, Mr. Morelle, and perhaps others pushed to honor him last year and so when he was among us, we could stand and say some of the things and not just limit it here. And so to his family and -- and whatever, many of us said some positive things that day, but Denny, again, so pleased that we did that and I know as members on this side of the aisle, we didn't always get the responses we were looking for --

(Laughter)

-- but I know Leader Kolb and our entire Conference had a deep appreciation and respect for him and how he carried himself.

It's interesting, in the budget hearings, I clearly felt like I was on the same team. We were next to each other and a lot of it is, how do you get through this and still allow people to be heard without it being 11:00 at night when you get out of it. And so, working on the same team, I wish I had a chance to do that more because oftentimes we were pitted a bit; he doing his job, me doing mine, whether at the Committee level or, obviously, on the floor. But,

again, Denny always carried himself so positively. During those debates, there were opportunities -- or the budget hearings, there were many opportunities of down-time waiting for the next person to come or whatever, so discussions would you go into family, importance of issues and sometimes I found I might support some of the issues I thought he did, and he might support some of the issues he thought I might more than, you know, it was always with his hand over the mic, however...

But, Denny, again, he from Big City USA, me from Small Town USA, found many things in common. I had -- I'll just say one quick thing. I had what I thought was going to be a local bill. I had such a complex issue and a person distraught over it and there was no way to solve it. And it's solved today because Denny Farrell says, *I'll go and help, you know, make that happen*. And it ended up not taking a local bill, but it happened and the solution that a person literally was, you know, went on for years being distraught over was finally solved. I had a chance to talk to him as we were doing the budget hearings, as we passed the budget and I planned on talking to him about retirement. That didn't happen, but I know all of us appreciate the life he led, how much he gave here, how much he took away from you to give us here, but, again, New York State is a better State for his service. Thank you.

SPEAKER HEASTIE: Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. I knew most of the names on the list through my family through my late

father, Saul Weprin, and, of course, I served with Frank Skartados as was said. He was in politics and in this job for the right reasons. But I want to talk about two of our former colleagues. First, Mike Simanowitz, who I've -- knew for over 25 years, first I guess when he was working as Chief-of-Staff to former Assemblymember Nettie Mayersohn for almost 20 years, I think. And Mike would always say that he had a different perspective as an Assemblymember having served as a Chief-of-Staff and a staffer before that, because he had -- he was down-to-earth and had a sense of reality and, as many people have said, he didn't take himself too seriously and, of course, at one point before Mike was Chair of our Conference, I was Secretary to the Conference as many of you may remember, and I was in charge of trying to cut people off and I often had trouble doing that, but Mike Simanowitz was there as -- as a member of the Conference holding up the sign before I did to move it along. And, of course, Mike didn't speak on every issue, but when he did speak on an issue, people listened. He did it with great intelligence and, of course, as we all know, with great wit and humor and, as was said, he doesn't -- he didn't take himself too seriously and he made us all realize that we shouldn't take ourselves too seriously.

The other former member I want to talk about, of course, is Herman "Denny" Farrell who I knew in many, many different capacities. I knew him as a college student. I was a SUNY Albany student in the '70s. I graduated in 1977 and Denny had come in as a new member and, as was said, my father was a colleague of his

and I was kind of shocked to realize that my father was only four years older than Denny, but he could have been a generation because Denny was the coolest for a college kid, a young college kid interested in politics whose father was in the Assembly, and I was so impressed with Denny. Denny, you know, was the coolest, as was mentioned; the hair, the dress, the car. He was every college student's dream and, of course, I grew up in -- in politics and I love politics and I learned so much from Denny. As a matter of fact, when I served in the City Council and -- and in my district office in the Assembly, I modeled myself after Denny's wall-of-fame, where Denny would have his photos in a collage on the wall and I was in his office many times and if you come to my district office in Queens, I followed that model. I have about four walls of photos. And what people love about those photos is the different incarnations of how you looked and, of course, how Denny looked over the years with so many, you know, famous people.

And I remember, you know, there was that image as a college kid with Denny, but then I also was Deputy in the Banking Department under Mario Cuomo and Denny was Chairman of the Banks Committee and I actually worked with him on legislation back then. He was still the coolest, but I -- but we obviously, we worked on serious issues and then it was a great pleasure to consult Denny kind of as a mentor when I first ran for the City Council in 2001 and then when I was contemplating running for my brother's seat and my father's seat in 2010. And I consulted Denny and Denny was really,

gave so much good advice and, of course, he was -- he was such a political icon, but what I most remember - and I'll close with this - Denny, of course, wore many hats. He was Chairman of the New York County Democratic Committee. He was New York State Democratic Chair and he was Chairman of the Assembly Ways and Means Committee. So, every time at that period when he had all three of those titles I'd always say to him, *Hello, Mr. Chairman, Mr. Chairman, Mr. Chairman*. And, of course, he always took it in good spirit. So I'll close with this: Rest in peace, Mr. Chairman.

SPEAKER HEASTIE: Mr. Aubry.

MR. AUBRY: Thank you, Mr. Speaker. To both families, it is our honor that you join us here today. To the youngens, it is occasions like this that have made me admire and love this institution, because we have the opportunity to stop the individualness that we all are, the 150 egos that operate here, and to pause for that moment to talk about people who have touched us.

You remember things that stay in your memory. For me, for Michael Simanowitz, it would be resolutions. Now, if you pay any attention to resolutions as we start the day - most of you don't because you're on cell phones and talking and doing those things - but we will call out a resolution: "All those in favor signify by saying aye; those opposed say no." Who would say no?

(Laughter)

Mike Simanowitz would say no invariably, don't matter what it was, because he thought that resolutions were a waste

of time.

(Laughter)

And I would always give him a glare. It didn't matter to him, because he understood the humor that he did it with and the way in which he operated. An incredible gentleman, so much has been said about him, living the dream, all of those things. He was a part of this institution in many ways that some of us weren't, because he worked here, he was an intern here, he served here and he came to be a member here. A remarkable commitment to a place that is so unique. I often come in in the morning and he's here and so - one or two others - and look up, just as I'm sure he does, and say, *What a place to come to work to*, not only just physically, but what we do and who we are to each other. And so, his spirit will always be in this institution, in this place for me.

Denny Farrell. So, we were a part of the tall guys club, right.

(Laughter)

de Blasio and we would take pictures together, everybody straining to see whose taller than who, but no one more sharp, no one more poised, no one more skilled than Denny Farrell.

For me, 20 something years ago, Denny was here when I came and he set a standard for me about how to carry yourself, the issues you should care about, paying attention to detail. You know, Denny, we live in a different era now than when Denny did, I'm sure, and we have all of these instruments of information that flow to

us. But when I came, there was no instruments of information that you had so you sat and you listened and you learned. And so, sitting at Denny's feet as a part of that process, can't not think of Keith Wright and I and my good friend, Gary Pretlow, the three of us learning from Denny in many different ways.

And one of the things that you -- people was mentioned before, certainly at the funeral, was Denny's commitment to the Black and Puerto Rican Caucus, and the work that he did to ensure that we stayed alive, and the work that he did to ensure that there was stability in the organization and time, because we did come from all kinds of different walks of life, from different parts of the State, the Arthur Eves side, the, you know, Harlem side, the Brooklyn side, the Queens side; we all came from different places, but understood that we had a common purpose and that as we took different shades of the issues, that we were reminded, by Denny, oftentimes, that they was but one unifying purpose that we were here to do, which was to expand that opportunity. And Denny worked tirelessly to do that in his way, particularly in the financial field.

Many of us -- many folks now are very much about, you know, the expansion of the Minority- and Women-owned Businesses. Denny really took that on and passed that along. And he would pass it on in different ways in the financial field which, many of us at the time, never even thought about, African-Americans in the financial field talking about being on Wall Street. We were trying to get jobs in the grocery stores and Denny had already seen where the

world was going and what we could do. And so many people, particularly staff people, Denny moved on, he nurtured. He taught us how to do that, to nurture them, to move them down the line, that that was how you grew a neighborhood or community and, ultimately, a State because the diversity of who we are today is because of the work in those fields what we do.

And so, it was very hard to say goodbye to Denny. I will always remember when I got on Ways and Means - which wasn't early in my career, it came later - how Denny was introduced by Wayne Jackson. So, if ever there was royalty, Wayne made you understand the royalty that Denny was because the Chairman was coming in the room. And Denny would remind you that that bottle of scotch was due once you got on the -- on the Ways and Means.

(Laughter)

I don't know what bottle Helene will require --

(Laughter)

-- but, and I don't know that anybody ever actually gave Denny a bottle, but he always laid that out. What a remarkable man. What a truly remarkable man. And, of course, today we have many young people who come and share with us, but maybe Denny was the first to really institutionalize it. So, Sophia, being a part of our world, coming so that we saw her on a fairly regular basis, so we understood that that was new, that was a way to grow. Mr. Speaker, certainly you took advantage of that and many others now feel no problem in bringing that experience to this place, which makes us

better.

I shared with other members, Brian Murtaugh and so many, and Maurice Hinchey, also, but it is a sense of this place that we transcend our politics at a base level and understand our humanity and because we do that, we make better laws, we make this State stronger. Thank God for Denny and Mike.

SPEAKER HEASTIE: Mr. Crespo.

MR. CRESPO: Thank you, Mr. Speaker. Frank Skartados was somebody that I wish I would have spent more time talking to, but I'll never forget how passionate he always was on those occasions where he would open up and just kind of have a lot to say, but he would talk about the pride of his heritage and this conversation often came up whenever I would talk about Puerto Rico or being Latino, and he would -- he would talk about his heritage and how proud he was, and -- and he's someone that I'll miss even though I -- I acknowledge and regret that I didn't get a chance to spend more time with.

Mike Simanowitz, someone I had so much in common with on our views, on education in particular. We would talk a lot, you know, the fact that we were staffers and became members and just, we would talk about our family all of the time. He would talk about his kids and I would talk about mine. We often vented about the cost of tuition and -- and the two things that we would often vent to each other about were pay raises and the Mets. I can't imagine which we'll get first, a Championship or a pay raise --

(Laughter)

SPEAKER HEASTIE: Pay raise.

(Laughter/Applause)

MR. CRESPO: Mike, if you're up there, the Mets could really use an angel in the outfield, in the dugout and on the mound. So, do what you can, buddy.

But his -- his sense of humor, his honesty, his -- just his, just his presence, Mike was somebody that I -- I really came to love. And I wanted to apologize to his family that I never made it to the *Shiva*, but I want to take this opportunity to tell you that many of us really loved Mike for -- for the gentleman that he was. And I can tell you that on every conversation that we had, he would talk about each and every one of you and that passion for family is something we shared and so I'll miss him dearly.

And, Denny, a lot has been said and -- and I think at the funeral it was quite impactful to hear so many stories about him, but something very simple. While Denny truly was and is an iconic figure politically and in the institution, it was sometimes the little things that he did that made the biggest impact, and I'll never forget when I got elected, it may not seem like it now, but I was very shy and afraid to speak, those days.

(Laughter)

And you can blame him for encouraging me to speak out. You can thank Mike Simanowitz for scaring me into staying quiet.

(Laughter)

But, Denny, I'll remember this like it was yesterday, and I mentioned this story to -- to Assemblyman Taylor that one day early, my first year, Vanessa Gibson and I got up in Conference quite a bit. Actually, it was one of those long Conferences on the Budget, there were so many issues that were important to us and I realized, I was thinking to myself in Conference, like, I'm getting up, this is the, I think, the second or third time in this long day and I don't want to create that impression on members, but I really feel like I need to say this, and I was kind of talking to myself and wondering if I was doing the right thing or I was closing the bad impression, and on my way out of Conference, the Conference Room, Denny pulled me aside and says, *I want to tell you something*, and I'll never forget this, he said, *You know something? I was listening to you and Vanessa and you make me so proud to watch young people remind me of me and some of the guys back in the days and those members who -- who started a movement to change dynamics in our community. You guys, I can see a lot of us in you.* And I've got to tell you, I've been, you know, over the years a lot of great experiences, but that moment validated so much for me.

And -- and I got to tell the family, for me personally, every time I speak, I wonder, *Am I making Denny proud? Am I saying something that would make him proud?* And whether he's here or not, I will measure everything I do with that stick, to know that whether or not I can -- I can meet his expectations for what our generation means.

And I say that because Denny was always willing to mentor. It was those little conversations in the Lounge or in the hallway and he always had something just important to say, and it meant something. It's like in church when the preacher says something and you realize, *He's speaking to me.* Well, Denny always knew what to say and, you know, when I became the County Chair while you, Mr. Speaker, tried to make me think it was a good idea, it was Denny Farrell who first offered his condolences for the job.

(Laughter)

And every step of the way at every turn, he would always take the time to encourage me and I bring that up because as we honor and celebrate the lives and the legacy of so many great colleagues, we should not only remember them in the occasions like this or in the one day of the memorial, but really, we need to take those lessons into our everyday discourse and -- and exchange and in our collegiality and the mentorship that is so important. We talk quite a bit about the change, the generational change in our Chamber, and Denny really believed in the institution and making sure that the institution of the Assembly functioned the way it should and that we respect each other and respect seniority and do the things that really makes this all work.

And so I say that because in the same way that Denny was always willing to offer a word of mentorship, let us not forget that and let's make sure that we look out for each other. Our -- our -- our -- our collective success, not just our individual ambitions, but our

collective success is the very thing that makes this institution the People's House and the thing that makes an impact in New Yorkers' lives. And so to the family and to all those that we've lost, we honor and celebrate your life and to Denny and Mike, I appreciate you, I thank you and I love you and I know that your memory will stay with me, and I hope that it changes the way we treat each other for the better. Thank you.

SPEAKER HEASTIE: Mr. Lentol.

MR. LENTOL: Thank you, Mr. Speaker. So, I have to -- I have to say that this is very difficult because I've been here a long time and almost everybody on this list, Mr. Speaker, I have served with. And it's very hard for me to say everything I want to say about all of them, even though I like that you have them all in one resolution and the memorial masses for all of them tomorrow, it makes it difficult probably only for me and Mr. Gottfried.

But nevertheless, I have to -- I have to tell you that what I have in common with most of my colleagues who have spoken already is that what goes on in this place, I can tell you that I loved them all. All of the names on the list I remember very fondly, even if I hated them at that time.

(Laughter)

So, I'm not going to -- I'm not going to speak very long. I just want to speak about the folks whose families are here today and how -- how much I felt about them. And Michael, I know why -- Mr. Simanowitz, Michael Simanowitz always talked about

living the dream, because I may be the only one who remembers that he was an intern in this House and he worked for George Friedman, Assemblyman George Friedman. And when he was an intern, I knew that he had designs to become a member of this Assembly. He was very interested in everything that George did. I guess his parents knew that about George and how he respected and loved this institution when he was seemingly a child in college.

And so, when he was able to finally secure the seat after a long-serving member had decided to give it up, of course he's living the dream, and what a guy. I know that his wife used to send cake to my office because she knew Kathy Lyons, who used to work for George, and sent it to her because he loved -- she loved the cake that she made. And seeing Mike grow up in this place and becoming the Leader of our Conference was just, I don't know how I can explain how good that make me feel -- that made me feel at the time, because it's just like seeing your own child grow up to be somebody. And, boy, you guys, didn't he become somebody? He grew here like nobody I've ever met. He was somebody who we respected and not only loved, but loved to hear him talk because we knew the next word out of his mouth was going to send somebody crying. And he never disappointed us in that regard.

Mike Simanowitz always complained to me about getting his bills out of Codes; sound familiar?

(Laughter)

And one of the things that he told me, I won't repeat,

but he convinced me. And you all remember the cadaver bill? I guess his family remembers the cadaver bill. Well, we got that bill out of Codes, surprise, and it was really one of his outstanding achievements in this Assembly. I know how good he felt about not only because of his religious convictions, but because he thought it was the right thing to do and I thought it was the right thing to do, and sometimes I'm able to convince my staff that it's the right thing to do.

(Laughter)

And so, we got that bill passed. But there never was a kinder, gentler giant, Mr. Speaker, you said it right. Never a kinder guy and I -- I can't tell you how much I miss him now. And one of the reasons I miss him so much was because not only did I see him grow up, but I had a colleague, Mr. Braunstein's predecessors a few removed, who died of Breast Cancer. And when Mike was going through that, Vincent Nicolosi, I can say his name now, but nevertheless, Vinny Nicolosi died of Breast Cancer in 2014 and when I found out that Mike was suffering from the disease, I knew how devastating it was to his family, but I also knew how serious it was. And it just seems to me that it's more serious sometimes for men to contract the disease or that type of cancer because it takes them so quickly. And I was -- I was devastated when I found out that he died because, like you, I thought he would never die and he looked so good all the time. He never looked like he was even sick. God rest his soul.

Denny Farrell was somebody who -- you don't know when you serve with somebody, you never know that you're serving in

the midst of a giant, somebody who is -- is a person who lives above us and has -- and has not only the mentality and the -- the ability to work with others and the ability to do things that you can't do, and you know that this is a superior human being that you're serving your life with. And believe me, as others have told you, life around here is very close-knit. We are like a family and we know who the guys and gals are that we serve with pretty well after a certain period of time, and especially me, because I have served a lot longer than many of you.

But I have to say that Denny Farrell was kind to me immediately. And others have talked about his hairdo, I remember all the women talking about how he looked like William Powell or David Niven and were smitten by -- by Denny Farrell when he arrived. He was one of the handsomest guys you would have ever seen in your life, ladies. You should have seen him when he was a young man who came to Albany. And even though he had that long, bushy hair that I loved, because now mine is getting very thin --

(Laughter)

-- but, nevertheless, Denny's -- Denny's outlook on life was purely joy to have in your life and somebody who -- who was your friend who -- who you knew you could count on for almost anything. And there was a time when I used to wear all these funky old ties that my dad had; some of them are threadbare now, and they were really old ties and silk, and some of you have seen them in the past. It's hard for me to wear them anymore. I have to go to the tie shop, they have a tie shop in New York, to get them fixed and I'll start

wearing them again. But when Denny saw how bad they were, he got me some of his dad's ties to wear, and these were the chest protector types; you know what I'm talking about?

(Laughter)

And I still have them. And I'm sorry I didn't wear -- I didn't know we were going to do this resolution today, otherwise I would have brought them and worn them tonight. But the experience -- one of the experiences, and I don't want to steal Clyde's thunder, but one of the great experiences I had this last year was to convince Denny to do a video with Clyde so that we could capture the kind of guy that he was, and that was played last year at the memorial that Clyde did and it was such a wonderful production and I'm so glad you got to do it, Clyde, and I know you're going to talk about it, but it kind of capsulizes -- capsulizes the life of Denny Farrell.

And the last thing I want to say is I almost cried when I saw him at Costco about a month ago. I was in the parking lot and I see this yellow convertible in the parking lot and this guy with all gray hair sitting in it and I said, *What are you doing here?* And he says, *Well, Barbara and Sophia are in there, in the store; I'm just sitting in the car, I'm not going in there.* But I saw -- I also saw that he had -- that he had a breathing apparatus that he had to use all the time and it really saddened me. But, nevertheless, we stopped and we chatted for about 15 to 20 minutes, we caught up and I remembered how much I missed him, and I'll miss him today and I'll miss him forever. Rest his soul. Thank you.

SPEAKER HEASTIE: Mr. Rosenthal.

MR. ROSENTHAL: Thank you, Mr. Speaker.

Our community suffered a tragic loss with the passing of Mike Simanowitz. Over the years, Mike became a friend, an advocate for so many in our community. He was selfless, he was a person who always made himself available to help or just to talk. Not long before he passed away, I was having -- I was having some personal issues and I went into his office and we spoke for probably almost two hours - and this was less than a month before he passed away, and he didn't mention once about how sick he was or how -- or how his illness was progress -- progressing. He just sat there and gave me guidance. Over the past few months as I've been meeting with civic leaders and community leaders and clergy in the district, it has been really humbling to hear so many stories how they called Mike and how Mike always answered the call and how he was able to help. People from all walks of life, whether it was a priest, a Rabbi, a community leader or a civic leader, every single person has a story of how Mike helped to answer their call right away.

He was the true essence of a public servant. He was selfless and he worked tirelessly for our community. And his family who is here today, I want to thank you for letting him work so hard and work so selflessly for our community. He is greatly missed and it is truly humbling to be here today in his place and try to -- try to continue the great work that he did for our community.

SPEAKER HEASTIE: Ms. Malliotakis.

MS. MALLIOTAKIS: Thank you, Mr. Speaker. I also wanted to add my voice to those who have spoken about those we were so honored to serve with.

As a fellow Greek American, I remember vividly when Frank Skartados would get up every time we had the Greek Heritage Resolution. And, as you mentioned earlier, he was always a quiet guy, but he became like a lion and was so passionate speaking about our heritage. On March 25th when we did the resolution this year, I looked up to see where he was, because usually, you know, he's the first one to stand up and speak for a lengthy amount of time on the resolution, but sadly at the time, I didn't know that he was fighting for his life.

Mike Simanowitz always had a great sense of humor. He loved his auxiliary police department, he loved being a member of the Assembly, and he always made us laugh. And I particularly will miss watching how he just used to crack Mike Cusick up. But he really had one of the greatest sense of humors that I've come to know, especially during my time in the Legislature.

And Denny Farrell was somebody who always had wise words and advice. And as many of the members mentioned here, he would always pull you aside and tell you a story or tell you advice that you can use in your own path. And last year when I entered the Mayor's race, having that he had run in 1985, he actually told me some really great stories and even though I was from the other side of the aisle, he gave me some very nice advice, which I appreciated.

And just to show how much he was respected on both sides of the aisle, many of you who are on the Ways and Means Committee, and Sophia who would be there at the last meeting, would know when Deborah Glick and I would put on "Hail to the Chief" when he would walk in for that final meeting every year.

I had the pleasure of visiting all their districts and I know that their constituents loved them, they miss them and my condolences to all their constituents and their families. Thank you.

SPEAKER HEASTIE: Now for the person who served with every single Assemblymember in history, Mr. Gottfried.

(Laughter)

MR. GOTTFRIED: Well, thank you, Mr. Speaker. Actually, of the 12 who we're remembering today, I only served with nine.

You know, one thing that is striking is that -- and it says I think a lot of good things about us, it's after 7:00 o'clock, we've been discussing this resolution I don't know for how long, almost every seat is filled. You know, a lot of people say a lot of things about people in our line of work, but if you think about the people who we are remembering today, they're a terrific group of people. They're all people who ran for the Legislature and served in the Legislature because they were focused on trying to put into laws and budgets the things that they cared about.

I'm not going to try to talk about all of the nine that I served with, because many people have talked about many of them. I

want to say a couple things about a few of them.

Maurice Hinchey, who started out in life, as I recall, as a juvenile delinquent, who almost got sent to jail, but the judge offered him the option of enlisting in the Navy instead. And Maurice always had hanging in his office a picture of the destroyer that he served on. Here in the Legislature, he was a passionate fighter for the things he believed in, particularly the environment. I remember holding joint hearings on environmental health issues with Maurice and Jim Tallon when he Chaired the Health Committee. We went around the State to several communities and those hearings went on 'til, often 'til practically midnight and Maurice, you know, sat there riveted through the whole thing. One remark of his that I always think of, years ago when he was sitting in this row right behind me here (indicating) sitting next to Bob Connor, and in the debate about something or other one of the Republican members said something that struck Bob Connor as making sense and it didn't happen all that often, but -- and Bob said, *You know, he has a point.* And Maurice looked at him sternly and jabbing with his finger he said, *No, Bob; they never have a point.*

(Laughter)

Brian Murtaugh. His day job, if you will, he was a merchant seaman and was a merchant seaman long before he was -- got elected to the Legislature, and continued to serve as a merchant seaman while in the Legislature. There would be months when we were not in Session when Brian would be gone for months at a time

because he had literally gone to sea. And this was in the era before everybody had a cell phone. Sometimes, when you had to connect with -- with Brian, we learned -- I learned a lot about ship-to-shore radio. And when we were picking a successor for Speaker after Stanley Fink retired, you know, the Manhattan Delegation was having, you know, intense conversations about who we would support. Often very hushed conversations, and at one point I had to call Brian Murtaugh to tell him, you know, where people were tending to go. And having this conversation with him in which we both had to shout at the top of our voices about this stuff we were trying to have confidential conversations about, and at the end of each sentence you would have to say "over" so the other one would know when to -- it was just a very strange way to have a conversation, hollering into a phone to somebody who was, I don't know, somewhere in the Atlantic or Pacific.

I think Brian Murtaugh would want us to remember how dedicated he was to the issues of alcoholism and substance abuse. Part of that came from his own personal history, but he was passionate and utterly involved in trying to get the Legislature to pay more attention and to spend more money on those issues.

Angelo Orazio, known to his colleagues, many of his colleagues, anyway as "Landslide Orazio" because I think in his first re-election, he won by I don't know how small a handful of votes, which I think partially had to do with the fact that some religious or fraternal group in his district whose leadership was allied with his

opponent were on a foreign tour and were due to land at Kennedy on Election Day and, as luck would have it, their flight was delayed and so none of them got to vote and Angelo got reelected.

(Laughter)

He was passionately devoted to an issue that I always thought made a lot of sense, but never really caught on and that was to get rid of the local property tax and replace it with a local income tax. Again, I -- I thought it made perfect sense, but it, you know, despite the fact that it never really caught on, that didn't stop Angelo from continuing to fight for it.

Herbert Posner was essentially the Assembly's accountant. He was a CPA by trade, and one of the things that Herb did around tax time every year was see to it that we all got a very detailed memo from him which he would then be willing to explain, you know, person-to-person about how legislators ought to account for their expenses and whatnot. This was before some of the Tax Law changes that many of us took advantage of were enacted and it was all a lot more complicated. But Herb saw to it that we all understood what the deal was.

Finally, Ron Tills, a Republican member from Hamburg, New York. I don't think I've ever had nice things to say about Ron Tills, but, you know, we tend not to -- not to socialize all that much across the aisle, which I think is unfortunate. Ron Tills was a fairly conservative, pretty adamantly conservative Republican member. He served here for I -- I guess five or six years in the

Minority and then -- in the Majority, rather, and then three years in the Minority. But I would say about Ron Tills what I said at the outset, even though he and I probably agreed on almost nothing, at least not the issues where people tend to disagree on, but he was somebody who was here because he was passionately interested in advancing his views on the issues, dedicated to those issues and somebody for whom even though I virtually never agreed with him, I would -- I would have to say I always had enormous respect for him. And I think he was a -- a really fine example of what legislators ought to be, and that -- an example that I think the overwhelming majority of us live up to, and certainly all the people that we've been talking about this evening live up to that model. And I think we should all be proud to serve in a Body that has been graced by such people and to always resolve to live up to that standard. Thank you.

SPEAKER HEASTIE: Mr. Blake.

MR. BLAKE: Prayers and -- and blessings to each of the members that have transitioned on, specifically comments onto the Simanowitz family. Mike was behind me in Conference and if Hevesi was here, he would comment on the colorful words that he would say behind us regularly, not just about what was going on in Conference, but any time I would make a comment about my Yankees, he would remind me that he's a much bigger man than I am --

(Laughter)

-- and if I wanted to continue my tenure in the Assembly, I would stop talking at that moment, which is one of the

few times that a young black guy was afraid of a big white guy.

(Laughter)

So, I appreciated that and understood my sense of survival.

(Laughter)

So, we loved Mike. He -- it is true, he -- he -- he was and is a big teddy bear and the love he had for the family was paramount all of the time, and we say God bless you.

About Denny Farrell. So, I've only been here about 4-plus years, but when I first came and I was sitting behind Leader Morelle, there was a point where I didn't really appreciate the importance of the flags and -- when they sat there. And there was a point when there were three Jamaican flags in the same area. It was myself, it was Denny and it was Nick. And so at that first point, you start to really appreciate that you have someone that has joy for Jamaica. And I would talk to Denny about first how I was named after Michael Manley and Alexander Bustamante, and he would then talk to me about his love of Jamaica and he would say, *Well, first, I just want to remind you that light-skinned Jamaicans are more attractive than dark-skinned Jamaicans.* I was like, *Okay, Denny, I got you. I appreciate that right now.*

(Laughter)

And then he would tell me that, *Well, if you ever want to go back home to go visit, you can always stay at the apartment if the apartment is fixed up correctly; however, the most important thing*

is we have to address the issue of the mosquitos because the mosquitos are always biting everybody and you got to be mindful of that. And I said, Okay, Denny, I -- I reflect on that and I appreciate that. But what I didn't realize is, first, that Denny had impact on -- on my life in many ways before even knowing who he was, because for any of us that grew up in the Bronx, especially in the Western part of the Bronx, I would go to Riverbank all the time, and never really understood the significance of it until the years transitioned down the line.

Thereafter, as Jeff mentioned, the first main bill that I spent the majority of my time on was the Minority- and Women-Business bill. And I will always appreciate that Denny and -- and Michael Johnson made it a point to come over and say, *We have a chance to help more women and more people of color and we need to go do this.* And Denny called me up and he said, *We're going to moved forward on this*, and I said, *Thank you*, out of my appreciation, but he said, *Don't ever forget that we have a responsibility as black men to continue to stand up for our communities.*

That continued when I decided to move forward and when I wanted to run for DNC, the first two calls were to Denny and to Vivian, because they're both DNC members, and Denny said, *I want you to understand that if you get a chance to do this, there's not been a black man that has served in this capacity since Ron Brown, and that you have a responsibility to continue this legacy what comes before you.* He had such pride when talking about who we all collectively were, and when the Speaker was making comments at the

funeral about this, about those that came before and for any of us that were young officials coming in, the "gang of four" that would always get talked about in Harlem, one thing that Denny continued to remind us and me about, if you have a chance to be here, then do something with it.

So, we want you to know that we are forever grateful to your family. That when all of us sit here and we get to represent our respective communities and countries, I didn't really internalize the importance of what it meant to be Jamaican-American and to represent until I got a chance to spend time with Denny Farrell.

I'll close by saying you really understand the impact of someone and their legacy when people that come there after them carry it on with great honor. Many members may not realize this, but we have a members-only Bible study that happens each week. And some of us try to get there consistently, but the one that has been the -- the anchor of that, Reverend Al Taylor, who Al has such a not just pride in having a connection to Denny, but he consistently reminds us to be doers of the Word. And I want us to all appreciate that while we sit here and while we reflect on Denny, we're grateful that we have the honor to walk in their legacy and his legacy, and it's being presented here.

So, when I look at the flag as a reminder, "The sun shineth, the land is green, the people are strong and creative." That is the motto of Jamaican flag and I think it embodies the legacy of Denny Farrell. God bless you.

SPEAKER HEASTIE: Mr. Taylor. Reverend Taylor, excuse me.

MR. TAYLOR: Mr. Speaker, thank you. I'm not sure -- yeah, I am, I'm pretty sure, there's a lot I'd like to say, but I won't go through the decades of spending that with you tonight. But hopefully over the years that I spend, you'll get to hear more about Denny and what he really meant. But for tonight, I want to thank Herman and Joseph and Barbara and Simone and Candy, Marcia, Sophia. Wow. I came here as an intern and I -- I enjoyed it. I didn't have ambitions for these seats, I just enjoyed it. I was kind of like the member, was it Maurice, you know, I kind of had an option between going there or going to the military. And I joined the military and in there, I found life and got a diploma and came home to projects, public housing, Dyckman, Inwood, and I'd walk to school to Lehman College, because I didn't have car fare and my military benefits hadn't kicked in. And so, when the opportunity came to take an internship, I was like, sure. And someone said, well, go to this guy named Herman Far-rell.

(Laughter)

That's what I thought they said and I tried to spell it, I said, Far-rell. And so, I take the internship and I spend some time in his district office. I never see the guy, I'm like, who is he? And the first time I see Denny, and this is not for the memes, but everybody before the memes, right? Oh, the memes are the millennial's. All right, so prior to that there were newspapers and everybody had

newspapers. So, I saw Denny standing outside the district office with his car, it was a Chrysler, it wasn't a convertible at that time. And he had I think every newspaper that was being manufactured. And he was standing there and he had this huge afro, but I don't know if we can call it an afro, but it was huge and he would just kind of pat it a little bit, and he had the cigarette and he's just reading. I'd say, *Oh, how you doing, Mr. Farrell?* And Denny went, *Hmph.* I'm like, *Am I here? Do you see me?*

(Laughter)

I don't know if you've ever had that feeling. So, I'm looking, I'm like, my wardrobe is just tight as his --

(Laughter)

-- so I'm like, hey, whatever it is. And then someone said, *There's an internship in Albany, you'll get 15 credits and a stipend.* I think the stipend was like two grand; it was tough. Living in public housing, having been allocated -- so we need to talk to this, allocated a certain amount of money for being a student in the City, but then you had to have two apartments because you're living in Albany, you have to maintain your apartment. But it wasn't designed for that. But I meet Marcia and she's just phenomenal. So, I was like, okay, I tell my honey, I said, *Honey, you got to bring this woman a bag.* She's like, *You want to bring this woman a bag? What woman?* And I said, *It's Marcia, everybody knows Marcia.* And she says, *I want to see this Marcia.* So, Marcia has been our family since 1984, '83.

So, I was just entering my senior year when I finally got to meet Denny and so I take off my jacket and I hang it on the door, you know, like where you close the door, and there's no hooks, so my jacket -- and Denny walks in and he looks, and he goes, Hang that up. I'm like, that's my jacket, so I hang it up. You never say no to Denny, right, and you never lie to Denny. I never lied to Denny. And he'd ask me some tough things, which I'm not going to tell you guys, but I didn't -- I didn't lie to him. I answered those questions because he treated me like a son. He invited me to his home, his family. So I am a Farrell. So maybe I'll get me a Jamaican flag. I'm still trying to figure it out, because I'm not mad at the American flag, but I just don't see all my identity in that flag as of yet. So I'm just -- that's me personally, I want to present. So, I haven't put a flag there.

But we are a combination of so many different things. And Denny said to me when I finished my internship, he said, *Hmm, hmm; so what are you doing for the summer?* I said, *I'm looking for work.* I only came because I wanted to tighten my resume. I'm working for Chair of Banks. But I learned while working for Denny, Denny was the first one to call for divesture of New York State funds out of South Africa, folks doing business with South Africa. Denny was also responsible for check clearing. So we have, right now if you put in your check in a bank, you know how long it's going to take before it's clear, and whatever it is, whether it's the City, State or out of the country, that was Denny's handprint on it. So, when you use your money, you're always thinking about Denny. And the idea of

paying for your money was ridiculous until they went into banking deregulation. So, I got a chance to watch this man and ride with him and I was like, he's gonna get me a job? This is, I'm like, *Man, I get a job?* I said, *What I am going to do, drive?* He said, *I do my own driving.*

(Laughter)

So I said, *What am I going to do? You're going to be with me.* I was like, that's exciting. Ride with someone and all they listen to is classical and you're still getting into the hip hop groove.

(Laughter)

So, I became cultured and, you know, I thought my wardrobe was tight. Denny's was tighter, you know. So, when I used to wear all green or all black or all blue, you know, you're sort of kind of like, my honey -- my honey is phenomenal. So, she's kind of like, *Dude, you alright, but let me take you* -- they had a place called NBO in Queens, right, National Brand Outlets. And she worked and she just always used to take of me. So, I'm -- I'm telling you, with Denny and my honey and the opportunity to hang out with his family was phenomenal. And, Mr. Barron, I remember Mr. Barron in '85 because nobody wanted to stand with Denny. They all said they would, and it was at Astor Place, there's a union right there, it used to be on Astor in the Village and I remember they came out and they said unanimous. Denny's standing on the stairs for City Hall and there were people picketing him.

But one of the things I learned about Denny was

when people were kicking his butt in the media, he never said a word back to them. Denny was the type of gentleman, he said, *I will talk to them face-to-face somewhere, but I'm never going to go dog fight for dog fight with somebody in the paper. Let it die.* He taught me so much. He said, *Listen, listen to what people say and watch what they do.* So, I -- I hope, Herm, I just hope I can be half of what Denny was in this place. You know, it's not easy, because they don't make 'em like Denny anymore. I mean, 6'4; he wasn't 6'3. Whatever he was, he stood head and shoulder over people, not just because of his height, but because of the level that he chose to play at. And oftentimes, people referred to him as part of the "Gang of Four." Do the history. He wasn't. He was a scholar from Washington Heights. He had that end of town and he understood that, *If I'm going to win anything, I have to bring the numbers.* I said, *Denny, how do you tolerate this stuff?* He said, *People will always come together around the issue. The issue will always bring you to the table; whether you like each other or not, the issue will put you at the table.*

And I believe that is so true then and it is today. If we continue to do -- we represent, I think the Speaker said 19 million people, 19 million people we represent in this room. We influence them, they influence us. They vote for us. They send us here to do the right thing. And sometimes the right thing is not sexy, but it's the right thing. And sometimes the right thing may not be what they want you to do, but it's the right thing.

Thank you, Mr. Speaker.

SPEAKER HEASTIE: Mr. Castorina.

MR. CASTORINA: Thank you, Mr. Speaker. Had a sobering thought that some day on a day very much like today in the dog days of Session that a Speaker will be reading every one of our names, very sobering. I rise today to speak about an amazing jurist, lawyer, friend and a member of this Body from 1957 to 1964. Goes back so far that the Republicans were in the Majority, Mr. Speaker. I'm talking about Judge Luigi Marano. I met Luigi Marano, Judge Marano, in 1998. I was a 17-, 18-year-old kid and he was one of the pillars of my community in Brooklyn. It was back when I lived in Brooklyn before I moved to Staten Island many years ago. And he was a pillar in the Italian-American community, always fighting for Italian-American values and -- and issues of the day.

When he left this Body in '64, he went on to run for Congress and then Borough President of Brooklyn, was later appointed to the Family Court and then was appointed to the Court of Claims by Nelson Rockefeller. He served with distinction in the New York State Supreme Court in Brooklyn for many, many years. And some years later after I met Judge Marano, had lost touch and I had moved to Staten Island, I was a young practicing lawyer and I had a case down in Supreme Court in Brooklyn and it was sent out for an inquest. And little did I know that I was being sent over to a JHO, a Judicial Hearing Officer, and it turned out to be Judge Marano. And so I got to actually appear before him.

When he retired, he was 90 years old. He practiced

law for over 70 years. He was admitted for over 70 years and he passed away at the very ripe old age of 96. Though it gives me great pleasure to speak about him today, and I express my deepest condolences to the family of Denny Farrell and, of course, Mike Simanowitz and all those who we remember today. Thank you, Mr. Speaker.

SPEAKER HEASTIE: Mr. D'Urso.

MR. D'URSO: Thank you, Mr. Speaker, for this opportunity to say a few words. Because it's past 7:30, I will not -- I will not take advantage and I will be as briefly (sic) as I can. First, I wanted to say a few words about my colleague that sat near me about seven, eight months, and we struck a friendship because we shared so many -- so many things. He's a Greek immigrant, I'm an Italian immigrant. He loved the Greek history, I loved the Roman history, and we discussed a lot. And because he spoke with such a fervor, with such enthusiasm, sometimes had to calm down and I give in and let him has way, not just to carry on, so...

(Laughter)

But I remember one thing that he told me when I first came here and he said, *Tony, what you do up here is very important, but what you do down at district, that's more important. They vote for you; up here they don't vote for you.* And I took that with a grain of salt, but as days go by, I begin to believe that. So. That's why I'm making six stops on Friday, six stops on Saturday and six stops on Sunday this past week. So, my face is all over the place. So, may God

rest his soul. I enjoyed his friendship because he taught me even how to cast my vote electronically. I didn't know what to push here (indicating), so he told me what to do. And every time I go down on the Thruway, going home at night or coming here in the morning, when I get around Route 84 near Newburgh Bridge, I remember Frank because of what he explained me over his district, he straddled three different counties and that's the area that he served. I will never forget forever when I pass that area, an image of Frank is always with me. I still a photo here from the wake.

Anyway, now I would like to talk about a dear friend of mine that got me started in politics in 1974. Mr. Gottfried already mentioned his name, Angelo Orazio. We were neighbors. His wife, Adeline, taught my four kids in school. He was an engineer from Sperry Rand, which was a defense contractor. He ran a few times before that, but never made it. But in 1974, he did make it. I had the pleasure to work side-by-side with Tom DiNapoli; he was hardly 21 years of age at the time. He had just won a seat at the Mineola School Board and he is -- I wanted to venture by saying that he's friends to many members of this, you know, this Assembly here because he served here for 20 years. So, but Angelo would always be in my mind and his family, I know the family well, and we cemented a friendship that will last even beyond my days because my kids grew up with that family when his wife used to teach my kids. So, may God rest his soul. Thank you for the opportunity.

SPEAKER HEASTIE: Mr. Lavine.

MR. LAVINE: Mr. Speaker, thanks for permitting me to say a few words about three of the individuals who we -- are among those we honor today, and those are the three who I knew personally and had the honor of working with, and they are Denny, Mike and Frank. Now, you might think that three such separate individuals would have very few shared qualities, but, in fact, these three men had much in common. Each of them was a towering intellect. Each of them was loving. Each of them was truly passionate in his beliefs. Each of them were always, during debate, always very, very respectful. Each was honest, each was dedicated and each was kind.

Now, we live in an age in which political discourse, public discourse, political argument, the art of political argument seems at times to have devolved to the crude and to the -- the base. But Denny, Mike and Frank stood always for the opposite. They always fought for dignity. We who are privileged to work in this magnificent room are each the beneficiaries of their nobility.

So, it's my sincere hope that the Simanowitz and the Farrell families have a sense of the respect, the admiration, the love, the adoration that we had for Denny and for Mike. They set the standard. They were the models for what public service is all about and they were the standard and they were the models for the way public servants should handle themselves, and the way public servants should ask. So, I think it's important for their families to know. I hope it's important for their families to know that they will always be

our guiding lights and they were, they are today and they always will be our better angels. Thank you.

SPEAKER HEASTIE: Mr. Perry.

MR. PERRY: Thank you, Mr. Speaker, for the opportunity to speak about colleagues who -- to pay tribute to colleagues who have passed on. My prayers and condolences go to the families, especially Mike Simanowitz and my Jamaican brother, friend, Denny Farrell.

Denny Farrell became my colleague after I got elected. I knew about him as a young man growing up transitioning from my life in Jamaica to being a New Yorker and -- but I didn't know of his Jamaican connection. And read about him, watched him run for Mayor, and then I had the honor of getting elected and coming to Albany and really getting to know him. And the more I got to know him, not just as a colleague, but he became a friend, and I saw the kind of dignified, committed and Stately person that he was.

He was a political leader in the Town of Harlem and in the City, and politicians a lot of times don't have a reputation of always telling you where they stand or what they mean. And we learned about each other as we deal with our colleagues and develop perceptions of who you can trust and who you can deal with and make deals and whether the deal is a deal or not. And I got to learn that Denny made life easier. As a younger member, I tried to get elected to positions in the Caucus as soon as I got here, because I -- I was eager to take on leadership challenges. And I -- I went to Denny because I

had learned that Denny had Jamaican connections and I figured, well, it shouldn't be hard to win Denny's vote because I was a real Jamaican in the Chamber. And so I thought I could talk Denny into supporting me. One thing I learned that he was honest. He never misled me about what he thought or how he would vote. And he also told me, *You got to learn to count, Nick, and know when you have the votes. And if you don't have the votes, you got to know when to fold it. That's the art of being a good politician.* Denny made it easy for me to count, not unlike some of my colleagues in the Caucus who promised to vote for me, but votes went the other way.

(Laughter)

Now, Denny did put me in my place when I got up and mentioned that I was the Head of the Jamaican Caucus.

(Laughter)

Because I figured that because Denny was born in Harlem and I was a Jamaican, but Denny sat me down and he told me about his Jamaican heritage and his Jamaican experience. He went to school in Jamaica and that he was as Jamaican as I can imagine. So, if there's going to be any Jamaican Caucus, I wasn't going to be the head of the Caucus.

(Laughter)

And I got me a flag and I put it on my desk, and he ordered me to get him one, too, because he said, *You can either get me one or you lose yours.*

(Laughter)

So, I got him a flag and I felt really proud that we had two Jamaican flags flying in the Chamber until Mike Blake joined us, and he didn't want to buy his own flag, so I got him one, too.

(Laughter)

And so we had three Jamaicans. We were joined later by some what we call half-Jamaicans like Alicia; she's Guyanese and Jamaican. And so, the Caucus continued to grow.

And I remember Denny running for Mayor and we were at a meeting at the Hilton and his son came to the meeting, and we didn't know that he was Denny's son. There was a little caucus in the back because we were saying, *Who is this white guy doing here?*

(Laughter)

We were about to kick him out of the meeting, Roger Green and a couple of us, but we quickly recognized that he was the distinguished son of our candidate for Mayor and the tension eased. Denny spent a lot of time in Jamaica, you know, and he had this place in Jamaica that if you really knew Denny well, he would let -- and you were going to Jamaica, he was very kind and gracious and generous and would let you use the place and didn't charge you any money. That was really kind. But then Denny would go to Jamaica a lot and then I said, *Denny, when was the last time you went home?* And he said, *I don't -- and I haven't been there for quite awhile and I don't know when I'm going to go back.* And I said, *Why?* He said, *Well, there's a mosquito problem in Jamaica and the mosquitos have this fever, or this disease called Zika.* So I said, *Denny, I've been to*

Jamaica three times this year and Zika is not a big problem. It's one in a couple of hundred thousand that will give you the Zika. And he said, Well, I'm that one, and I'm not going to go to Jamaica and get bit by a mosquito and die down there. So, he didn't go back to Jamaica for, I don't know - did he ever go back - because he didn't want to be that one in the number that would get the Zika.

Denny, I will miss you, as we all do. And we didn't expect him to go so quickly. Hoped that he would have been around to enjoy his retirement much longer, and looked forward to see him. It was my hope that we would have been able to honor him at our Caucus next year, since usually you reserve the big honor for someone after they have retired. So, it is with great sadness that we had to mourn him passing this year. And I wasn't able to make the funeral that was -- tried so hard to change my flight to get back. That's one regret I have. But I did have my wife attend on my behalf. And thank you, Mr. Speaker. We miss Denny Farrell, all of us. The Caucus lost an iconic leader. New York and Harlem lost a great legislator, someone we'll never be able to -- someone whose shoes we'll never be able to fill.

Thank you.

SPEAKER HEASTIE: Mr. Englebright.

MR. ENGLEBRIGHT: Thank you, Mr. Speaker, for this opportunity to speak. I just want to, in particular, honor the memory of Maurice Hinchey. I first met Maurice Hinchey in 1984. That's how long I knew him. I had just been elected to the Suffolk

Legislature, and he came at my request, down to Suffolk County to take a look at Pine Barrens. And I had the privilege -- this is long before Tom DiNapoli pioneered the preservation of the Pine Barrens. It didn't just happen overnight, it happened, in part, in -- in good part, because there was a very thoughtful process that led to the solution of this puzzle of how to protect in -- in one of the most sprawling -- in fact, in the area where we invented suburbia, how to protect over 100,000 square acres. The man who helped first from New York State was Maurice -- Maurice Hinchey. He came down and we toured Manorville, we went out to the headwaters of the Peconic River, and he began to work on that problem in -- in my first year as a county legislator. I have to tell you, he was an inspiration. He was strongly supportive, encouraging in every way. Thoughtful, honorable, and he had his eyes on the horizon. And he had a vision for protecting the environment that made him stand out, in my mind, as one of the great environmentalists of our time. He was carrying out the vision of Rachel Carson, who had helped launch the environmental movement in the early 1960s, and he was methodically and systematically going forward to evolve the policies, procedures and methodology for protecting the environment that we all take for granted today. But he helped make so much possible that I really just think it's important to place in perspective the role he played during those formative years where there was a, again, a solution being evolved on how to take the old Department of Conservation, that basically issued hunting licenses, and transform it -- and I have to tip my hat also to Mr.

Gottfried -- to transform it with Health. For all practical purposes, this was a new invention, this Department of Environmental Conservation, where human health and the environment in the larger sense -- not just hunting and fishing and trapping -- was the new priority. It was part of a national movement, and New York helped lead that. And in New York, Maurice Hinchey was the one who was evolving that thought and those concepts and those solutions. So, this isn't just any environmentalist, this was perhaps the leading environmentalist in this part of our nation. And I think he should be remembered today as an environmental hero of the first order. He understood how to use the tools for protection of the environment. He became the personification of protection for the Adirondacks, the Catskills, the great river that drains most of our State, the Hudson. Indeed, if you look at his legacy, he protected these areas and he really was the tallest tree in the forest. He leaves all of us with a legacy that we should make every effort to continue; a legacy of courage, of fearless confrontation when necessary. He did the same thing in Congress after he left here, and I had the privilege of serving with him here for just one year before he went to Congress, where he carried on similar traditions. He led the effort to alert us all to the concerns relating to the practices relating to fracking and extraction of natural gas from black shale.

His legacy is that of a great New Yorker and a great American. I am privileged to help remember him today here today. I think that he will be remembered for a long time. May his soul rest in

peace. Thank you, Mr. Speaker.

SPEAKER HEASTIE: Ms. Dickens.

MS. DICKENS: Thank you, Mr. Speaker. And the day's been long, so I will be short. Unfortunately, I did not get to know Mike and Frank as well as so many of you, but Denny Farrell, I've known for most of my life. And everything that everyone said is true. But that's the superhuman legislator Denny Farrell. I want to talk about the human Denny for a minute. David Weprin brought up about the "Wall of Fame" in his office. Well, in Denny's office, when you went there, you would always see your photograph on his wall. And you would be so impressed because your photograph would be on his wall. Next week, when Jenny Jones went, her photograph would be up on the the wall and yours would be gone.

(Laughter)

Denny rotated that wall of fame like he had a rolling pin.

(Laughter)

But -- but Marcia understood it. And so, Marcia would cover for him, because when you went back and you looked for your picture, your photo, and you would say, *Well, where am I*, Marcia would cover for him. The Speaker spoke about Denny's father, who was a tailor who was friends with my father. In 2005 when I first decided to run for the City Council, we had a meeting at Denny's house, and when everyone left, he asked me to stay behind, he had something to say to me. The first thing he said to me was that I was

vertically challenged and, therefore, that I must always wear heels whenever I was out. God, did my feet hurt when we campaigned. And if he could only see me now in sneakers.

(Laughter)

The next thing he showed me -- and Barbara, you know what I'm talking about -- Denny talked about clothes, and he told me he gets his shirts made, and that I needed to get suits made as well. And he explained to me that when he got his shirts made, he got two collars done and two cuffs -- or four cuffs -- because when the collars on the first frayed, that he could -- because he could sew, he could take the collar that comes off and sew the new ones back and on he had a brand-new shirt. Only Denny.

The last thing that Denny said to me was that women were now wearing pantsuits -- and he disagreed with that -- but that he realized I was going to wear a pantsuit. So he told me in order for me not to look like a man, I needed to wear a lapel pin, always, on any suit that I wore so that they could differentiate me from a man. Which I thought was easy to do.

(Laughter)

The last thing was -- and I think it was in 2008 when we went to Boston for the Democratic National Convention, Denny drove Carol Rowan and I to Boston. Six hours with the top down at 90 miles per hour --

(Laughter)

-- and my hair flapped in the wind. Do you know

what we looked like when we got to Boston?

(Laughter)

Lastly, I want to say this to the family, to thank them for sharing Denny with us for so many years, because I know that what we had, and our gain was your loss.

But this is for Sophia: That in 2016, when I was running for this seat, and I spoke to Denny, of course, I -- I knew I had his endorsement, I thought I had his endorsement, but I thought I would ask anyway. And so I asked him for his endorsement. And he thought about it for a minute, and he then said yes. You know, he would give it to me on one condition. I asked him, *What's that?* He said, Well, I will endorse you to come to the Assembly if you agree and promise that you will help to get Sophia elected to public office.

(Laughter)

Barbara, don't laugh. You've got something on your hands with that one.

(Laughter)

So I just, you know, wanted to just take a moment to reflect upon the human Denny. The Denny that, maybe, many people didn't know, but that God blessed -- blessed me to be able to know. Not like -- like, of course, like Al Taylor, not like, of course, his family, but as -- as an extended part of the family, and to publicly thank them for allowing him to be the Herman "Denny" Farrell that we all know, love and respected.

Thank you.

SPEAKER HEASTIE: Mr. Ramos.

MR. RAMOS: I, too, sense -- share the same sense of loss, and I would like to also thank the families for sharing. You know, I had the pleasure of sitting next to Frank Skartados in -- in conference and got to know him very well. We shared a lot of things in our district, worked on a lot of legislation having to do with gang violence together. I don't know if a lot of people know, but Frank spoke Spanish with a Puerto Rican accent. He was fluent. In fact, for the first year, I -- I thought he was Puerto Rican and that -- that is a -- he is a great loss to us.

With Denny, you know, I think Denny was a right of passage for everybody who came here. When we first came, Denny seems to be the first person to reach out a hand, to give you some advice, to really be a mentor to -- to us. And I remember my first year, when I saw him debate the budget here, as we all have, hours upon hours of standing here, answering questions. And I would listen to him sometimes, and I would hear his answers and I didn't understand anything he was talking about.

(Laughter)

And -- and I said to myself, *This guy's at another level*. I mean, it -- I just don't understand it. And I remember, I went to him and I was talking to him one day and I told him that. I said, *You know, sometimes when you answer, you don't -- it -- you -- it's so complicated. I don't know how you stay on top of it, all these things,*

because it -- I -- I can't make heads or tails of it. I -- you know, it doesn't make sense to me. And he says -- and Denny said to me, No, but you're right. I'm not making sense. And sometimes the person who's debating me is too embarrassed to say they don't understand me and they just move on to the next subject.

(Laughter)

And -- but he will forever be missed.

And -- and for Mike Simanowitz, he will -- his sense of humor, especially at the end of Session when things were tight, I know he kept us laughing. And I will never forget, in conference whenever somebody would stand up, you know towards, the end of conference, you know, or the end of budget, actually, where we're relieved that we have a budget, some of us got what we want, some didn't. But if somebody happened to stand up and say, *Mr. Speaker, I want to thank you for your hard work on this -- on this budget and for looking out for us and doing the right thing*, like clockwork, wherever Simanowitz was sitting, you would hear this (making kissing sound into mic).

(Laughter)

May God bless their souls, and Godspeed to their families.

Thank you.

SPEAKER HEASTIE: Ms. Pheffer Amato.

MS. PHEFFER AMATO: Thank you, Mr. Speaker.

On that note, if Michael was here right now, he would say, *What are*

you doing, talking about me for this long? He would never handle this. He would say -- he was the true definition of humble. He would say, *I cannot believe it's Bronx Night and you're standing here still talking about me. What about you? How are you doing?* And that's what I miss the most, the fact that he was a true, true friend. I'm -- I'm looking at Jennifer right now, and I had the privilege of spending every morning for breakfast with Michael. I told the Speaker last night, you know, when you first got elected, you know, you're anxious. And I would wake up at 5:30 in the morning and I would go down to have breakfast in the hotel and Michael would be there, and that started our routine. And we never talked about this place, per se. We talked about our families. And, Jen, you and the kids are the love of his life. You know, that's what we spoke about. We had this little secret shopping thing going on, him and I, and we took care of our families because that's what I also needed to do in the morning, was take care of mine. But we all -- you know, as -- as we all mentioned before, we talked about our relationships and our collegiate behavior that we have here, but Michael was the true definition of a friend. And I look at Michael Cusick and -- and loyalty, because many of us last year -- two years ago experienced one of the worst snowstorms here in Albany. And Michael was that guy that when we were desperate in the hotel, that he took the -- he took that walk for us to get that six-pack of beer.

(Laughter)

And I don't know -- as a Rockaway Beach girl, I don't

know anything more that says loyalty to me than a six-pack of beer.

(Laughter)

But he was that guy. He was the guy when it snowed, he -- he shoveled -- he wiped down my car. Most of us in the hotel didn't even know it snowed, but he would go out there -- I'm looking at Mike, *What a snook* -- and he would go out there and he would wipe down our cars, or when it did snow that -- it snowed that bad day, and Michael went to work early in the morning, and Mike -- we were at breakfast and he said, *Cusick, he's -- he's stuck in the Capitol. He's already at the Capitol. What can I do?* I said, *Take my truck.* And he went out to get his friend. And I think that's what I miss most, is my friend. Because we -- we just -- you know, it -- it's just that part of our relationships that we build here is the friendships. And to me, he was perfect. And everything about him -- he -- he didn't give one hint of anything. It was always about what I needed, what could he do for me. When I -- he knew I would drive up on a Sunday and I could see the other committees sitting up there, my father. And they'd say, *You're crazy to drive up there.* I would speak to him for two hours on the phone as we both drove to get up here on Sundays, and I will miss that, and I know your family does. But know, as he did, if anything you ever need of me, I will be there for you as he was for me.

God bless you all.

SPEAKER HEASTIE: As we mentioned before, Mike's favorite name, Mr. Abinanti.

(Laughter)

MR. ABINANTI: Thanks, Mr. -- thank you, Mr. Speaker.

(Laughter).

Aw, here we go.

(Laughter)

SPEAKER HEASTIE: We're family, we can tell the truth here, right?

(Laughter)

MR. ABINANTI: That's fine. Yes, I will miss Michael for that. There you go, time. Time. It's good that I love you all you guys, you know?

(Laughter)

Anyway, I -- you know, it's interesting to listen to this. A guy I used to practice law with every day would read the obituaries in the *New York Times*. And I'd say, *But you don't know these people. Why are you reading this?* And he said, *I'm learning history. History is written by people, and when you read their obituaries, you learn a lot about what went on before you.* And this is a great institution. And it's fascinating to sit here and listen to the individual comments about people who went before us, because we're learning what we're supposed to be doing and what people, great people, did before us.

I'm not going to comment on Michael and Denny, because people who knew them much better than me have already. Just my condolences to the family and thank you for giving us two

great people.

I'd just like to comment on a couple of people that most of us here just never met. One of them is Luigi Marano. I agree. I had the privilege of being the attorney for an Italian organization out in Brooklyn, and I think Marano was probably the counsel for that organization 30 years before me. But in the Italian-American community, he was the pillar of the community. He was so well-respected, and he was the guy. He was the man. So thank you for -- for mentioning him.

Angelo Orazio. I had the privilege of being counsel to the Democratic Study Group here in 1975, and I got to meet all of those Democrats who got elected in that sweep in '74. Angelo was one of them. Angelo was just a great man. And he took me under his wing. I had dinner with him probably once a week. It didn't matter that I was this brand-new lawyer and he was an Assemblyman. But he took me out and we talked, and I learned a lot about him and about getting into politics and the stuff that he was interested in as a person.

Maurice Hinchey. I met him at that time also, and I got to see, as everybody has said here, a really dedicated public official. Maurice inspired me as well, just like you said he inspired you. One of the things that he did that really, I thought, was amazing, he went after organized crime as the chairman of a committee. I think Kevin mentioned it -- I think Kevin mentioned it before. And he did a report, and I was so impressed with that report that inspired me. I set up a Solid Waste Commission as a County Legislator in Westchester

County, and I read his report. We modeled our -- our research and our committee hearings on what he did. And to this day, one of the exhibits that we used to pass that law is hanging on the wall in my Assembly office. It's a enlarged copy of the front page of the Assembly report on organized crime in Westchester County -- in -- on organized crime in -- in New York State. So, Maurice had -- had an influence that -- most of us here never served with Maurice. Most people probably didn't even know who he was, but he had a major, major influence on the direction of New York State.

So I'd just like to join my colleagues in paying tribute to all of these great men. Thank you, Mr. Speaker.

SPEAKER HEASTIE: Mr. Morelle.

MR. MORELLE: Thank you, Mr. Speaker. As we conclude in just a moment and adjourn with the adoption of this resolution, we do so until 11:00 a.m., Wednesday June 13th, tomorrow is a Session day.

Mr. Speaker.

SPEAKER HEASTIE: Thank you.

On the resolution, the members will rise to indicate their support and in memory of our colleagues. Particularly, again, to the farmer, to the teddy bear, and as Mr. Weprin reminded me, I used to call Denny "The Chairman to the Third Power." As a suggestion, I -- I want to give a little credit to Assemblyman Crespo. Normally, we give a moment of silence, but I think we're going to break protocol. And because of the great list of distinguished legislators including the

three that we most recently served with -- and before I mention that, I do personally also want to tell the families of -- of Denny and -- and Mike, I want to thank them for coming up here and listening to the stories. I hope they brought you some comfort and reminded some -- reminded you of the love and appreciation that we had for our colleagues. But instead of doing the moment of silence, I think we should give our colleagues a resounding standing ovation.

(Applause/standing ovation)

The Assembly stands adjourned.

(Whereupon, at 8:16 p.m., the House stood adjourned until Wednesday, June 13th at 11:00 a.m., that being a Session day.)