NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

July 21, 2020

2:55 p.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BENJAMIN: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BENJAMIN: The reading of the Journal.

THE SECRETARY: In Senate, Monday, July 20, 2020, the Senate met pursuant to adjournment. The Journal of Sunday, July 19, 2020, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Breslin

moves to discharge, from the Committee on Rules, Assembly Bill Number 4770A and substitute it for the identical Senate Bill 4629A, Third Reading Calendar 146.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Comrie moves to discharge, from the Committee on Rules, Assembly Bill Number 6370 and substitute it for the identical Senate Bill 5357, Third Reading Calendar 214.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Sepúlveda moves to discharge, from the Committee on Judiciary, Assembly Bill Number 3190A and substitute it for the identical Senate Bill 3942A, Third Reading Calendar 298.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Rivera moves to discharge, from the Committee on Health, Assembly Bill Number 9538 and substitute it for the identical Senate Bill Number 7241, Third Reading Calendar 311.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Breslin moves to discharge, from the Committee on Codes, Assembly Bill Number 8078C and substitute it for the identical Senate Bill 6401B, Third Reading Calendar 370.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Benjamin moves to discharge, from the Committee on Rules, Assembly Bill Number 8149A and substitute it for the identical Senate Bill 6220, Third Reading Calendar 411.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Harckham moves to discharge, from the Committee on Finance, Assembly Bill Number 8349 and substitute it for the identical Senate Bill 5612A, Third Reading Calendar 472.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Hoylman moves to discharge, from the Committee on Rules,

Assembly Bill Number 5630A and substitute it for the identical Senate Bill 3923A, Third Reading Calendar 589.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Benjamin moves to discharge, from the Committee on Health, Assembly Bill Number 5370A and substitute it for the identical Senate Bill 6705, Third Reading Calendar 605.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

THE SECRETARY: Senator Montgomery moves to discharge, from the Committee on Rules, Assembly Bill Number 6710A and substitute it for the identical Senate Bill 724A, Third Reading Calendar 220.

ACTING PRESIDENT BENJAMIN: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, at this time, on behalf of Senator Stewart-Cousins, after consultation with the Minority leadership, I hand up the following committee and leadership changes for the Minority.

ACTING PRESIDENT BENJAMIN: The handups are received and filed.

Senator Gianaris.

SENATOR GIANARIS: There will now be an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT BENJAMIN: There will be an immediate meeting of the Rules Committee in Room 332.

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:58 p.m.)

(Whereupon, the Senate reconvened at 3:29 p.m.)

ACTING PRESIDENT BENJAMIN: The

Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Is there a report of the Rules Committee at the desk?

ACTING PRESIDENT BENJAMIN: There is a report of the Rules Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bills:

Senate Print 52A, by Senator Hoylman, an act to amend the Civil Rights Law;

Senate Print 123, by Senator Ortt, an act to amend the Vehicle and Traffic Law;

Senate Print 425A, by Senator Hoylman, an act to amend the Civil Rights Law and the Judiciary Law;

Senate Print 668, by Senator Boyle, an act authorizing the Church of God by Faith to file an application for retroactive real property tax exemption;

Senate Print 672, by Senator Boyle, an act in relation to authorizing Good Samaritan Hospital Medical Center to file an application for exemption from real property taxes;

Senate Print 1761A, by Senator Brooks, an act to amend the Vehicle and Traffic Law;

Senate Print 1942, by Senator Little, an act to amend the Civil Service Law;

Senate Print 2170A, by Senator Bailey, an act authorizing and directing the Commissioner of Education to conduct a study on the number of children who are caregivers;

Senate Print 2187B, by Senator Bailey, an act to amend the Elder Law;

Senate Print 2649C, by Senator Krueger, an act to amend the Executive Law;

Senate Print 3392, by Senator May, an act to amend the Environmental Conservation Law;

Senate Print 3457, by Senator Montgomery, an act to amend the Criminal Procedure Law;

Senate Print 3688A, by Senator LaValle, an act to amend the Navigation Law and the Insurance Law;

Senate Print 3836A, by

Senator Krueger, an act to amend the Tax Law;

Senate Print 4255, by Senator Carlucci, an act to amend the Mental Hygiene Law;

Senate Print 4352B, by Senator Skoufis, an act to amend the Executive Law;

Senate Print 4454A, by Senator Brooks, an act to amend the Insurance Law;

Senate Print 4549, by Senator Parker, an act to amend the Education Law;

Senate Print 4652, by Senator Sanders, an act to amend the Banking Law;

Senate Print 4819, by Senator Parker, an act to amend the Real Property Actions and Proceedings Law;

Senate Print 5047, by Senator Krueger, an act to amend the New York City Civil Court Act and the Real Property Actions and Proceedings Law;

Senate Print 5090A, by Senator Parker, an act to amend the Workers' Compensation Law;

Senate Print 5140B, by Senator Kavanagh, an act to amend the Education Law;

Senate Print 5210A, by Senator Metzger, an act to authorize Susan Gillinder, the widow of Robert C. Ritchie, to file a new service retirement application;

Senate Print 5342A, by Senator Comrie, an act to amend the Public Housing Law;

Senate Print 5348B, by Senator Kennedy, an act to amend the Vehicle and Traffic Law;

Senate Print 5366, by Senator Comrie, an act to amend the General Business Law;

Senate Print 5414F, by Senator Gounardes, an act to amend the Retirement and Social Security Law;

Senate Print 5537A, by Senator Brooks, an act in relation to authorizing the Town of Babylon to grant Long Island Teen Challenge of West Babylon a real property tax exemption;

Senate Print 5625A, by Senator May,

an act to amend the State Finance Law;

Senate Print 5683A, by Senator Comrie, an act to amend the Real Property Law;

Senate Print 5959D, by Senator Savino, an act to amend the Civil Rights Law;

Senate Print 6266D, by Senator Biaggi, an act to amend the Labor Law;

Senate Print 6302A, by Senator Myrie, an act to amend the Election Law;

Senate Print 6371A, by Senator Brooks, an act authorizing the County of Nassau to alienate and sell parklands to the Coleman Country Day Camp and Coleson Properties, LLC;

Senate Print 6400, by Senator Lanza, an act to amend the Vehicle and Traffic Law;

Senate Print 6430, by Senator Gounardes, an act to amend the Public Authorities Law;

Senate Print 6437A, by Senator Sepúlveda, an act to amend the Mental Hygiene Law and the Public Health Law;

Senate Print 6459A, by Senator Carlucci, an act to authorize the Town of Clarkstown to offer a certain retirement option

to Clarkstown police officers;

Senate Print 6479A, by Senator Salazar, an act to amend the Civil Rights Law and the Education Law;

Senate Print 6502A, by Senator Serrano, an act to amend the Environmental Conservation Law;

Senate Print 6523A, by Senator Parker, an act to amend the General Municipal Law;

Senate Print 6534, by Senator Montgomery, an act to amend the Family Court Act;

Senate Print 6537, by Senator Montgomery, an act to amend the Education Law;

Senate Print 6569, by Senator Jackson, an act to amend the Executive Law;

Senate Print 6658B, by Senator Bailey, an act to amend the Executive Law;

Senate Print 6665, by Senator Benjamin, an act to amend the Executive Law;

Senate Print 6712, by Senator Metzger, an act to amend the

Executive Law;

Senate Print 6829B, by Senator Kaminsky, an act to amend the Environmental Conservation Law;

Senate Print 6836, by Senator Metzger, an act to amend the Vehicle and Traffic Law;

Senate Print 6868, by Senator Gaughran, an act to amend the Public Authorities Law;

Senate Print 6874A, by Senator Gaughran, an act to amend the Real Property Law;

Senate Print 7104A, by Senator Mayer, an act to amend the General Business Law;

Senate Print 7131, by Senator Harckham, an act to amend the General Municipal Law;

Senate Print 7159, by Senator Jackson, an act to amend the Insurance Law;

Senate Print 7203, by Senator Amedore, an act to authorize Stephen Ferraro and Stephen Porcello to take the

competitive civil service examination;

Senate Print 7210, by Senator Savino, an act to amend the Workers' Compensation Law;

Senate Print 7219, by Senator Borrello, an act to amend the Criminal Procedure Law;

Senate Print 7235, by Senator May, an act to amend the Education Law;

Senate Print 7256, by Senator Ramos, an act to amend the Lien Law;

Senate Print 7367A, by Senator Harckham, an act to establish the New York City Watershed Road Salt Reduction Task Force;

Senate Print 7369, by Senator Metzger, an act to amend the Alcoholic Beverage Control Law;

Senate Print 7587, by Senator Skoufis, an act to amend the Education Law;

Senate Print 7589B, by Senator Gaughran, an act to amend directing the Office of Fire Prevention and Control within the Division of Homeland Security;

Senate Print 7591, by Senator Helming, an act providing for the transfer of Onanda Park from the Department of Environmental Conservation to the Town of Canandaigua;

Senate Print 7607, by Senator Breslin, an act to repeal Subdivision 6 of Section 11-0907 of the Environmental Conservation Law;

Senate Print 7655, by Senator Amedore, an act to amend the Real Property Tax Law;

Senate Print 7664, by Senator Breslin, an act to amend the State Finance Law and the General Municipal Law;

Senate Print 7694, by Senator Persaud, an act to amend the Social Services Law;

Senate Print 7740A, by Senator Harckham, an act to amend the Vehicle and Traffic Law;

Senate Print 7760, by Senator Ritchie, an act in relation to authorizing the Town of DeKalb, in the County of St. Lawrence, to reduce the maximum speed limit

on certain public roadways;

Senate Print 7787, by Senator Mayer, an act to amend the State Finance Law;

Senate Print 7845, by Senator Harckham, an act to amend the General Municipal Law;

Senate Print 7870A, by Senator Ortt, an act to amend the Public Officers Law;

Senate Print 7879, by Senator Rivera, an act to amend the Public Health Law;

Senate Print 7881, by Senator Comrie, an act to amend the Insurance Law;

Senate Print 7885A, by Senator Kaplan, an act to amend the Transportation Law;

Senate Print 7926, by Senator Bailey, an act to amend the Family Court Act, the Criminal Procedure Law, and the Domestic Relations Law;

Senate Print 7929, by Senator Mayer, an act to amend the Civil Practice Law and Rules and the Criminal Procedure Law;

Senate Print 7930, by Senator Salazar, an act to amend the Family Court Act;

Senate Print 7986A, by Senator

Stavisky, an act to amend the Education Law;

Senate Print 7995A, by Senator Skoufis, an act to amend the Education Law;

Senate Print 8018, by Senator Boyle, an action in relation to authorizing the Good Samaritan Hospital Medical Center to file an application for a real property tax exemption;

Senate Print 8021, by Senator May, an act in relation to authorizing the Liverpool Central School District to receive state aid for certain approved capital funded projects;

Senate Print 8026, by Senator Kaminsky, an act to amend the Environmental Conservation Law;

Senate Print 8033B, by Senator Seward, an act authorizing the Village of Herkimer, County of Herkimer, to alienate and convey certain parcels of land used as parkland;

Senate Print 8040, by Senator Breslin, an act to amend the Navigation Law;

Senate Print 8046, by Senator Sepúlveda, an act to amend the Correction Law;

Senate Print 8057, by Senator Akshar, an act to amend the General Municipal Law;

Senate Print 8084A, by Senator Funke, an act to amend Chapter 672 of the Laws of 1993;

Senate Print 8129, by Senator Gounardes, an act amending Part B of Chapter 104 of the Laws of 2005;

Senate Print 8146, by Senator Funke, an act to amend the Criminal Procedure Law;

Senate Print 8154B, by Senator Harckham, an act to amend the Public Service Law;

Senate Print 8220, by Senator Gaughran, an act to amend the General Municipal Law and the Town Law;

Senate Print 8224, by Senator Borrello, an act to amend the Public Health Law;

Senate Print 8256A, by Senator Harckham, an act in relation to authorizing the town of Southeast, County of Putnam, to alienate certain lands used as parkland;

Senate Print 8259, by Senator Harckham, an act to amend the

Public Health Law;

Senate Print 8282, by Senator Gaughran, an act to amend the Public Health Law;

Senate Print 8302, by Senator Ritchie, an act to amend the Uniform City Court Act and the Judiciary Law;

Senate Print 8315A, by Senator Rivera, an act to amend the Public Health Law;

Senate Print 8332, by Senator Persaud, an act to amend the Social Services Law;

Senate Print 8421A, by Senator Persaud, an act to amend the Social Services Law;

Senate Print 8451A, by Senator Kaplan, an act authorizing the Empire State Development Corporation to develop a public awareness campaign;

Senate Print 8464A, by Senator Metzger, an act to amend the Agriculture and Markets Law;

Senate Print 8474, by Senator Savino, an act to amend the Education Law and the Public Health Law;

Senate Print 8490, by Senator Skoufis, an act to amend the Highway Law;

Senate Print 8523, by Senator Thomas, an act in relation to authorizing the assessor of the County of Nassau to accept from The Academy Charter School an application for exemption from real property taxes;

Senate Print 8531, by Senator Carlucci, an act to amend Chapter 598 of the Laws of 1938;

Senate Print 8587, by Senator Liu, an act to amend the General Obligations Law;

Senate Print 8643A, by Senator Liu, an act to amend the Social Services Law;

Senate Print 8666, by Senator Benjamin, an act to amend the Criminal Procedure Law;

Senate Print 8707A, by Senator Gianaris, an act to amend the Criminal Procedure Law and the Civil Practice Law and Rules; and

Senate Print 8805, by Senator Metzger, an act to amend the Public Service Law.

All bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT BENJAMIN: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

ACTING PRESIDENT BENJAMIN: The report is accepted and before the house.

SENATOR GIANARIS: Let's now take up the reading of the calendar, Mr. President.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 1, Senate Print 4378A, by Senator Parker, an act to amend the Election Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 4. This act shall take effect January 1, 2022.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 1, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Funke, Gallivan, Griffo, Helming, Jordan, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 42. Nays, 18.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 55, Senate Print 3685B, by Senator Brooks, an act to amend the General Municipal Law and the Town Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 55, those Senators voting in the negative are Senators Ranzenhofer and Skoufis.

Ayes, 58. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 59, Senate Print 2636, by Senator Krueger, an act to amend the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 60, Senate Print 2662, by Senator Savino, an act to amend the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day after it

shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 61, Senate Print 4345A, by Senator Martinez, an act to amend the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number

131, Senate Print 7117, by Senator Sanders, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 131, those Senators voting in the negative are Senators Funke, Jordan, May and Ranzenhofer.

Ayes, 56. Nays, 4.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 141, Senate Print 2224B, by Senator Sanders, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 144, Senate Print 3822, by Senator Savino, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 1 of Article 2 of the Constitution.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 144, those Senators voting in the

negative are Senators Akshar, Amedore, Borrello, Boyle, Funke, Gallivan, Griffo, Helming, Jordan, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 42. Nays, 18.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 146, Assembly Print Number 4770A, substituted earlier by Assemblymember Hunter, an act to amend the Real Property Law.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT BENJAMIN: Lay it aside for the day.

THE SECRETARY: Calendar Number 153, Senate Print 6648, by Senator Kaminsky, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you, Mr. President.

Nobody is born a racist or an antisemite or with hate in their heart. But this last year, we have seen a rash of incidents throughout our state and our country that are just despicable. The Anti-Defamation League found last year to have the most antisemitic incidents on record since they kept track in 1979.

And there has been a spate of racial violence and acts of racial intimidation involving the noose and other hate graffiti that our state has not witnessed in a very long time, and it's quite disturbing.

Education has to be part of this answer. We have to know that our students are leaving our school system understanding what tolerance means and what intolerance looks like. And that means specifically learning about the hateful symbols of the swastika and the noose.

The Nassau County district attorney, Madeline Singas, has been sending young offenders

to a program at the Museum of Tolerance on Long Island, where they learn about the history of the swastika. And when they do, they are horrified by their own actions.

We can do better. Our schools can do better. And the social studies teachers that I talk to want the ability to teach about the swastika and the noose and other symbols of hate in their curricula. This bill would mandate that it be so, so we can have a more just, inclusive and tolerant society.

Mr. President, I vote in the affirmative, and I'm proud to have introduced this bill.

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

Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

I want to thank Senator Kaminsky and all my colleagues for supporting this important legislation. And like the previous speaker had mentioned, antisemitic and racist acts have been on the rise in this country and across the

nation.

And in New York State, where we have 19 million people from every corner of the globe, every culture represented, it's really our responsibility and our obligation here in New York State, in the Empire State, to reverse this trend, to end antisemitism, to end racism.

So in order to do that, we have to change the paradigm. We have to be proactive. We can't wait for our children to see a symbol of hate, whether it's a noose or a swastika, painted in graffiti on some bathroom stall or on some social media website. We have to be proactive.

That's why having age-appropriate curricula, starting in the 6th grade -- to be proactive, to get to our students early. I know with my children -- I have a 4-year-old and a 6-year-old. You know, my 4-year-old, he gets ahold of my cellphone, he knows how to use it better than I do. Right? So we are not going to be able to shield our children from the divisive, the hateful rhetoric that we see online.

What we have to do is prepare them for it. We have to be proactive, we have to teach them about these symbols so they really

understand what they are and what they are not.

It's New York State's responsibility to be the Empire State, to lead by example. That's why this legislation is so important.

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

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 153, voting in the negative: Senator Boyle.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 157, Senate Print 2705, by Senator Kennedy, an act to amend the Executive Law and the Agriculture and Markets Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 157, those Senators voting in the negative are Senators Akshar, Borrello, Funke, Helming, Jordan, Little, O'Mara, Ortt, Ritchie and Seward.

Ayes, 50. Nays, 10.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 166, Senate Print 3969B, by Senator Kennedy, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 170, Senate Print 1029A, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 170, voting in the negative: Senator Ranzenhofer.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 175, Senate Print 297, by Senator Gianaris, an act to amend the Banking Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 175, those Senators voting in the negative are Senators Amedore, Borrello, Funke, Gallivan, Helming, Jordan, LaValle, O'Mara, Ortt, Robach, Seward and Tedisco.

Ayes, 48. Nays, 12.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 176, Senate Print 2106A, by Senator Sanders, an act to amend the Banking Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 176, those Senators voting in the negative are Senators Akshar, Borrello, Funke, Gallivan, Griffo, Helming, Jordan, LaValle, Little, O'Mara, Ortt, Seward and Tedisco.

Ayes, 47. Nays, 13.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 189, Senate Print 35, by Senator Hoylman, an act to amend the General Business Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 189, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Funke, Gallivan, Griffo, Helming, Jordan, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Seward and Tedisco.

Ayes, 44. Nays, 16.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 209, Senate Print 2709A, by Senator Kennedy, an act to amend the Business Corporation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number

213, Senate Print 4117A, by Senator Kaplan, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 213, those Senators voting in the negative are Senators Akshar and Funke.

Ayes, 58. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 214, Assembly Print Number 6370, substituted earlier by Assemblymember Williams, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 214, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Funke, Gallivan, Griffo, Helming, Jordan, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 43. Nays, 17.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 215, Senate Print 6156, by Senator Stewart-Cousins, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 217, Senate Print 6551, by Senator Kavanagh, an act to amend the Local Emergency Housing Rent Control Act.

SENATOR GIANARIS: Lay it aside for the day, please.

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

THE SECRETARY: Calendar Number 219, Senate Print 6214, by Senator Montgomery, an act to amend the Family Court Act.

SENATOR GIANARIS: Lay it aside temporarily.

ACTING PRESIDENT BENJAMIN: Lay it aside temporarily.

SENATOR GIANARIS: Calendar Number 220, Assembly Print 6710A, substituted earlier by Assemblymember Rozic, an act to amend the

Correction Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 220, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Funke, Griffo, Helming, Jordan, Little, Ortt and Ritchie.

Ayes, 49. Nays, 11.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 224, Senate Print 2945B, by Senator Stavisky, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 230, Senate Print 7112, by Senator Kaminsky, an act to amend the Retirement and Social Security Law.

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

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

THE SECRETARY: Calendar Number 240, Senate Print 1557, by Senator Serrano, an act to create a temporary state commission to study and make recommendations concerning the incidence of asthma in the Borough of the Bronx in New York City.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 240, voting in the negative: Senator Akshar.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 245, Senate Print 2328A, by Senator Kavanagh, an act to amend the State Finance Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 256, Senate Print 2311, by Senator Kavanagh, an act to amend the Election Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Mr. President.

This is a bill that adds another important step to our broad effort over the past year and a half to improve people's ability to vote in our state.

Last year we took an important step of first passage for a constitutional amendment that will permit same-day registration, people being able to register to vote up to and including Election Day. Unfortunately, as a constitutional amendment, that can't go into effect yet.

This is a bill that goes as far as we can statutorily without changing the Constitution. It takes a current deadline of 25 days before the election and moves it to 10 days before the election, which is the constitutional minimum time period before which the Legislature can permit somebody to register to vote.

It will allow somebody on the Saturday, on the weekend preceding Election Day, to register to vote. It happens that with early voting, which we also put in place last year,

they'll also be able to cast their vote that day.

And again, I thank Senator Myrie and all of the Senators, and the leader, who have brought forth this very important package of legislation that we've done in pieces over the last year. And I vote aye on this bill.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 256, those Senators voting in the negative are Senators Amedore, Borrello, Funke, Gallivan, Griffo, Helming, Jordan, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Seward and Tedisco.

Ayes, 46. Nays, 14.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 258, Senate Print 6463, by Senator Myrie, an act to authorize the City of New York to establish an electronic voter registration transmittal system.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 258, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Funke, Gallivan, Griffo, Helming, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 40. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 279, Senate Print 598, by Senator Hoylman, an act to amend the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first of November.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 279, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Funke, Gallivan, Griffo, Helming, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Robach, Serino, Seward and Tedisco.

Ayes, 41. Nays, 19.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 281, Senate Print 2475, by Senator Sanders, an act to amend the Penal Law and the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 282, Senate Print 2661, by Senator Savino, an act to amend the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 284, Senate Print 4171A, by Senator Martinez, an act to amend the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 298, Assembly Print Number 3190A, substituted earlier by Assemblymember Hunter, an act to amend the Real Property Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 298, those Senators voting in the negative are Senators Akshar, Funke, Helming, Jordan, Lanza and Ortt.

Ayes, 54. Nays, 6.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 303, Senate Print 6062, by Senator Brooks, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 309, Senate Print 6415, by Senator Harckham, an act to amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 309, those Senators voting in the negative are Senators LaValle and Serino.

Ayes, 58. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 311, Assembly Print Number 9538, substituted earlier by Assemblymember Gottfried, an act to amend the Social Services Law and the Public Health Law.

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 325, Senate Print 4234A, by Senator Gianaris, an act to amend the Agriculture and Markets Law and the General Business Law.

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 337, Senate Print 2088, by Senator Sanders, an act to amend the Banking Law and the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 337, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Funke, Gallivan, Griffo, Helming, Jordan, Lanza, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Seward and Tedisco.

Ayes, 41. Nays, 19.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 339, Senate Print 2827, by Senator May, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 339, voting in the negative: Senator Amedore.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 344, Senate Print 2490, by Senator Addabbo, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: In relation to Calendar Number 344, those Senators voting in the negative are Senators Amedore, Borrello, Gallivan, Griffo, Jordan, Little, O'Mara, Ortt and Robach.

Ayes, 51. Nays, 9.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 346, Senate Print 5619, by Senator Martinez, an act to direct the Department of Environmental Conservation to study alternative municipal uses for recycled glass.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: In relation to Calendar Number 346, those Senators voting in the negative are Senators Akshar and Griffo.

Ayes, 58. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 354, Senate Print 5671A, by Senator Martinez, an act to amend the Vehicle and Traffic Law and the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first of November.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 354, voting in the negative: Senator Ranzenhofer.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

THE SECRETARY: Calendar Number 358, Senate Print 2832A, by Senator Savino, an act to amend the Labor Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 360, Senate Print 4396A, by Senator Ramos, an act to amend the Labor Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 360, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Funke, Gallivan, Helming, Jordan, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 42. Nays, 18.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 362, Senate Print 6204, by Senator Hoylman, an act to amend the Labor Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 362, voting in the negative: Senator Akshar.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 364, Senate Print 3301, by Senator Brooks, an act to amend the General Municipal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 364, voting in the negative are Senators Krueger and Senator LaValle.

Ayes, 58. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 370, Assembly Print Number 8078C, substituted earlier by Assemblymember Woerner, an act to amend the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 370, voting in the negative are Senators Kaplan, Krueger and Serrano.

Ayes, 57. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 372, Senate Print 6679C, by Senator Biaggi, an act to amend the Penal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 372, voting in the negative: Senator Savino.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 373, Senate Print 257, by Senator Kennedy, an act to amend the Election Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 374, Senate Print 3447, by Senator Stavisky, an act to amend the Election Law and the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 374, voting in the negative: Senator Helming.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 385, Senate Print 5695A, by Senator Liu, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 385, those Senators voting in the negative are Senators Akshar, Borrello, Funke, Gallivan, Helming, Jordan, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 45. Nays, 15.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 398, Senate Print 2741A, by Senator Addabbo, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 398, voting in the negative: Senator LaValle.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 402, Senate Print 1256A, by Senator Parker, an act to designate certain zip codes as cease and desist zones.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to

Calendar Number 402, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Funke, Gallivan, Griffo, Helming, Jordan, Kaplan, Lanza, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward, Skoufis and Tedisco.

Ayes, 39. Nays, 21.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 411, Assembly Print Number 8149A, substituted earlier by Assemblymember O'Donnell, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 411, those Senators voting in the

negative are Senators Amedore, Borrello, Funke, Gallivan, Griffo, Helming, Jordan, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Serino, Seward and Tedisco.

Ayes, 45. Nays, 15.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 417, Senate Print 4190, by Senator Kennedy, an act to amend the Real Property Actions and Proceedings Law and the Civil Practice Law and Rules.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number

425, Senate Print 7335, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 431, Senate Print 3348, by Senator Hoylman, an act to amend the Business Corporation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 31. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 431, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Breslin, Funke, Griffo, Jordan, LaValle, Little, O'Mara, Ortt, Robach, Seward and Tedisco.

Ayes, 46. Nays, 14.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 449, Senate Print 180, by Senator Serrano, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 449, voting in the negative:

Senator Jordan.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 450, Senate Print 7274B, by Senator Serrano, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect six months after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 454, Senate Print 7728, by Senator Sepúlveda, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read

the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 455, Senate Print 4759C, by Senator Kaminsky, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first of November.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 455, those Senators voting in the

negative are Senators Borrello, Gallivan, Griffo, Helming, Jordan, O'Mara, Ortt, Ranzenhofer, Serino and Tedisco.

Ayes, 50. Nays, 10.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 472, Assembly Print Number 8349, substituted earlier by Assemblymember Ryan, an act to amend the Environmental Conservation Law.

SENATOR GRIFFO: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 474, Senate Print 6159, by Senator Brooks, an act to amend the Executive Law.

SENATOR GIANARIS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 494, Senate Print 2773A, by Senator Comrie, an act to amend the Public Authorities Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 513, Senate Print 7543A, by Senator Robach, an act to amend the Public Authorities Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 515, Senate Print 3009, by Senator Funke, an act to amend the General Municipal Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 517, Senate Print 6359, by Senator Addabbo, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 517, voting in the negative: Senator Little.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 518, Senate Print 7719, by Senator Addabbo, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number

527, Senate Print 7650, by Senator Mayer, an act to amend the Education Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 538, Senate Print 6828, by Senator Gounardes, an act to amend the Executive Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as Chapter 161 of the Laws of 2019.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: In relation to Calendar Number 538, those Senators voting in the negative are Senators Borrello, Helming, Jordan, Lanza, O'Mara, Ortt and Seward.

Ayes, 53. Nays, 7.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 546, Senate Print 2248A, by Senator Sanders, an act to create a Veterans' Mental Health and Suicide Prevention Task Force.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

THE SECRETARY: Calendar Number 547, Senate Print 3669, by Senator Gianaris, an act to amend the Public Authorities Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 547, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Boyle, Funke, Gallivan, Griffo, Helming, Jordan, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 41. Nays, 19.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 555, Senate Print 6492B, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 555, voting in the negative: Senator Boyle.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 560, Senate Print 7765, by Senator Serrano, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 566, Senate Print 4089A, by Senator Thomas, an act to amend the Vehicle and Traffic Law and the Public Officers Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 566, voting in the negative are Senators Akshar and Ranzenhofer.

Ayes, 58. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 579, Senate Print 5151, by Senator Addabbo, an act to amend the General Business Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 579, those Senators voting in the negative are Senators Amedore, Lanza and Skoufis.

Ayes, 57. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 582, Senate Print 7712, by Senator May, an act to amend the Elder Law, the Executive Law, and the Administrative Code of the City of New York.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 589, Assembly Print Number 5630A, substituted earlier by Assemblymember Weinstein, an act to amend the General Obligations Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 19. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN:

Announce the results.

THE SECRETARY: In relation to Calendar Number 589, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Funke, Gallivan, Griffo, Helming, Jordan, LaValle, Little, O'Mara, Ortt, Ranzenhofer, Robach, Serino, Seward and Tedisco.

Ayes, 43. Nays, 17.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 591, Senate Print 7638, by Senator Comrie, an act to amend the Judiciary Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 605, Assembly Print Number 5370A, substituted earlier by Assemblymember Solages, an act to amend the Public Health Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 610, Senate Print 3415A, by Senator Martinez, an act to amend the Social Services Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 610, voting in the negative: Senator Akshar.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 611, Senate Print 6222, by Senator Martinez, an act to amend the Domestic Relations Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 611, those Senators voting in the negative are Senators Akshar, Funke and Ortt.

Ayes, 57. Nays, 3.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 612, Senate Print 1672A, by Senator Brooks, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BENJAMIN: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we return to Calendar Number 219, which was laid aside temporarily.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 219, Senate Print 6214, by Senator Montgomery, an act to amend the Family Court Act.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Montgomery to explain her vote.

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

I have on the calendar today this bill, along with another bill, that I am considering as part of our strengthening the family legislation.

This particular bill, as one that is related to another one that we passed earlier this year -- and it was eventually passed in the budget -- to reform the state child registry law. And so in that instance, we strengthened the requirements for reporting someone who would end

up on the statewide central child registry -- register.

This bill, related to that law, provides an opportunity for the Family Court Act to allow for a procedure that is often used in criminal court, in criminal law, called the adjournment in contemplation of dismissal, or the ACD. It also provides for the possibility of an extension through a suspended judgment of the ACD, which ultimately allows for the judge to be able to provide an opportunity for a person, particularly a parent, to be able to rectify possible problems that have brought them to the point where they have been reported as having abused or neglected their children.

So ultimately there is a possibility that during the course of a year -- or, in a suspended judgment, more than a year -- that a person can avoid the possibility of losing their children, possibly for long periods of time, and in many instances for the rest of their lives, the children's lives, until they're out of foster care.

So this bill will allow for us to avoid in many instances placement of children out

of their homes, away from their parents, because there is an opportunity for them to have a second chance.

The second bill also strengthens families, because as you know, Mr. President, there are 100,000 children in the State of New York with at least one parent who is incarcerated. And we also understand that it is important for both the children and their parent to maintain a relationship even though one parent may be incarcerated, so that the children are not actually being forced to pay the price of whatever it was that got the parent to be incarcerated.

So this bill would require that DOCCS consider the fact that when a person is being placed for their final placement, after the initial point where people actually are receiving their -- when you are incarcerated, there are receiving facilities, that's five or six of them in the state. Once you go through the process of evaluation vis-a-vis the receiving institutions, you are then given a more permanent, quote, unquote, placement.

We're asking DOCCS to make sure that

when they decide on the placement of people, they consider the fact that they do have children and family and that they are placed in facilities that are as close as possible to the point where their families are located.

And just to give you an example, one of the facilities -- one of the three facilities for women in our state is 375 miles from New York City. So any woman who ends up at Albion is 375 miles from her family and probably her children. And some of the facilities for men are as much as 400 miles.

And, Mr. President, if you are visiting someone in any facility, you must be there by a certain time. Otherwise, you're not allowed to go in to visit.

So it requires, therefore, if someone ends up from New York City and they end up at an Albion or an Auburn or a Clinton or one of those places that's 400 miles away, you have to go the night before. Because it's very hard, unless you leave at 3 a.m. in the morning, to get to a facility in time.

So these -- both of these are meant to strengthen the possible bond between parent

and their children even when the parents have made a mistake. We want to allow for a rebuilding and a strengthening and a continuing to have that kind of relationship that we think and we know is the best situation for both parents or children.

So I thank the leader for bringing this and the staff for bringing these two bills to the floor today. And I believe that if this becomes law, ultimately, we are turning the corner on how we support families, even families who are in trouble.

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

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 419, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, O'Mara, Ortt, Ritchie, Serino, Seward and Tedisco.

Ayes, 47. Nays, 13.

ACTING PRESIDENT BENJAMIN: The

bill is passed.

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

SENATOR GIANARIS: Can we now take up the controversial calendar, please.

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 311, Assembly Print Number 9538, by Assemblymember Gottfried, an act to amend the Social Services Law and the Public Health Law.

ACTING PRESIDENT BENJAMIN: Senator Griffo, why do you rise?

SENATOR GRIFFO: Mr. President, I believe there is an amendment at the desk. I ask that the reading be waived and that you call upon Senator Helming.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Griffo.

Upon review of the amendment, in accordance with Rule 6, Section 4B, I rule it nongermane and out of order at this time.

SENATOR GRIFFO: In accordance with your ruling there, Mr. President, I then ask that

we appeal that ruling and that Senator Helming be recognized for that appeal.

ACTING PRESIDENT BENJAMIN: The appeal has been made and recognized, and Senator Helming may be heard.

SENATOR HELMING: Thank you, Mr. President.

This resolution is germane, as it relates to health and health issues within our state.

The legislation that's before this body right now would amend the Executive Law to eliminate the very extremely expansive authority that was previously given to the Governor to issue any directive necessary during a state disaster emergency.

I believe we can all agree in times of crisis, decisions must often be made quickly, but they should not and they should never be made in a way that undermines the very foundation of our democracy and disrupts the very delicate system of checks and balances.

As we all know, the power to create laws is a multi-step process. Both the Legislature and the Executive have distinct roles

to fulfill. Over the last several weeks I've heard colleagues on both sides of the aisle express concern that no Governor, no Governor, regardless of political party, should have the ability to make hundreds of unilateral decisions without input or votes from the Legislature. Yet we all know this is exactly what's happening in our state.

Since the beginning of the COVID-19 pandemic, our Governor has unilaterally enacted or changed hundreds of laws. New Yorkers from the Bronx to Buffalo, from Staten Island to Saratoga and beyond have expressed their concern with this process. They want to know that their Senators who they have elected have a say and the vote in the decisions being made -- decisions that impact their families in the most profound ways.

Just think about that for a moment. Whether it's making a decision about your child's education, whether it's making a decision about a loved one's long-term care, maybe placing them into a nursing home and trying to balance that tough decision, or whether it's about a work-related job issue. Our constituents did not

vote solely for Governor. They voted for us. We live in the districts with them. We understand the unique priorities, the needs and the circumstances of our districts and the people who live there. And most importantly, we understand the consequences rule-making has on the lives of those we serve.

Mr. President, today I call on my colleagues on both sides of the aisle to be bold -- be bold -- and take action. It's time for us to join together, as members of the New York State Senate and take back our authority and be wholly accountable to the people we were elected to represent. We must take back our authority and we must continue to be wholly accountable to the people we represent.

Thank you, Mr. President. I ask that you reconsider and rule this resolution germane.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Helming.

I want to remind the house that the vote is on the procedures of the house and the ruling of the chair.

Those in favor of overruling the

chair signify by saying aye.

(Response of "Nay.")

The ruling of the chair stands, and the bill in chief --

SENATOR GRIFFO: I ask for a show of hands, virtually and present.

ACTING PRESIDENT BENJAMIN: Senator Gianaris.

SENATOR GIANARIS: Mr. President, allow the record to reflect, by unanimous consent, that all 20 of the Minority Conference has raised their hands.

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT BENJAMIN: The ruling of the chair stands, and the bill-in-chief is before the house.

Are there any other Senators wishing to be heard?

Seeing and hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 311, those Senators voting in the negative are Senators Borrello and Funke.

Ayes, 58. Nays, 2.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 325, Senate Print 4234A, by Senator Gianaris, an act to amend the Agriculture and Markets Law and the General Business Law.

SENATOR O'MARA: Explanation, please.

ACTING PRESIDENT BENJAMIN: Senator O'Mara.

SENATOR O'MARA: I request an explanation, please, Mr. President.

ACTING PRESIDENT BENJAMIN: Are you asking the sponsor to yield for a question?

SENATOR O'MARA: To explain the bill.

ACTING PRESIDENT BENJAMIN: Oh. Oh. Senator O'Mara to -- wait.

SENATOR O'MARA: I am requesting Senator Gianaris, the sponsor, to explain his bill, please, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR GIANARIS: Thank you, Mr. President. Thank you, Senator O'Mara.

SENATOR O'MARA: I know we're a little out of practice here.

(Laughter.)

ACTING PRESIDENT BENJAMIN: Well, you still have to ask the sponsor to yield.

Go ahead.

SENATOR GIANARIS: This bill is intended to combat the scourge of puppy mills throughout the country that abuse animals and -- in a way that if most people had seen or were aware of they would be shocked to know that the

dogs, the cats and even the rabbits that we love as members of our extended family, our pets, are often the result of a horrible, horrible, cruel system of breeding that often leads to not only the death of animals at the mills, but in ailments to the animals that are then purchased by consumers into their homes.

Oftentimes that leads to thousands and thousands of dollars of medical bills because of the horrible upbringing that these animals have, and it leads to all sorts of medical problems.

And we are trying to make New York the third state in the country to take this approach. Both Maryland and California have banned the retail sale of these types of animals, and we are doing the same here in New York.

The pet stores would still be permitted to partner up with not-for-profit rescue agencies and have animals in their shops that can be adopted out. But we are trying to encourage rescues and combat the awfulness of some of the puppy mills that exist throughout the country.

I also want to point out that people

that are interested in having a particular breed of dog or want to deal with a reputable breeder would still be permitted to do that under this bill. There would be no prohibition on people purchasing animals from breeders, but they would have to deal directly with the breeder, not through the middleman of a retail store.

SENATOR O'MARA: Mr. President, will the sponsor yield for a question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Senator Gianaris, you mentioned the description "puppy mills." And I wholeheartedly agree that there are some abhorrent puppy mills in our state and across the country with horrendous conditions for the animals that we're dealing with here -- dogs, cats and rabbits.

However, your legislation before us does not even mention the word "puppy mill." Do you have a definition of what a puppy mill is?

SENATOR GIANARIS: Senator O'Mara,

the reason that's the case is because the approach that we are taking is to cut off the -- what we call the puppy mill pipeline.

The retail shops that tend to sell puppies and kittens, the ones that you see prancing in the window as you walk down the street, are overwhelmingly supplied by out-of-state breeders, over whom we have no jurisdiction. And what has been effective in other states is to cut off the demand for those animals.

Because I've got to tell you, I was startled to -- as I dug into this issue, to review some of the records of inspections and violations that some of these breeders had -- awful, awful things like shooting female dogs when they are no longer capable of breeding, just executing them summarily because they didn't provide any additional monetary value to the owner of the mill.

To answer your question more directly, puppy mills are not strictly defined in this bill because they're kind of a term of art that refers to these operations around the country that just have awful records of

mistreating their animals -- cramped conditions, dirty conditions, matted hair, and yes, the death of too many animals and the sickness of a lot of others.

SENATOR O'MARA: If the sponsor would yield for another question, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: As I stated before, Senator, I have no disagreement with you on the abhorrent nature of certain so-called puppy mills.

But I think we should be dealing with puppy mills, and eradicating those, rather than how -- we'll get into a couple of questions about the pet store and what can be done now. So I don't disagree with you there, but I think we're going about it the wrong way.

You mentioned in the legislation a pet dealer. Can you define for me what a pet dealer is?

SENATOR GIANARIS: I believe "pet

dealer" is defined in the Agriculture and Markets Law. And it's in Section 752 -- Section 752 actually of the General Business Law defines "pet dealer," Senator O'Mara.

Would you like me to read it to you?

SENATOR O'MARA: Which section are you looking at?

SENATOR GIANARIS: Section 752 of the General Business Law.

SENATOR O'MARA: Is that Section 5 of your bill here?

SENATOR GIANARIS: I believe it's Section 4 of the bill. Section 5 defines "retail pet shop."

SENATOR O'MARA: Oh, above that one. Okay, so a pet dealer is anybody who engages in selling or offering for sale more than nine animals a year. That's the definition we're using here?

SENATOR GIANARIS: Nine animals per year for profit.

SENATOR O'MARA: So through you, Mr. President, if the sponsor will yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: It goes on further in Section 6 of your bill, and there's references to breeders. Can you clarify for us what the distinction is between a breeder -- a pet breeder and a pet dealer?

SENATOR GIANARIS: As defined, a pet breeder means someone who breeds animals. And they are included within the definition of pet dealer when a breeder sells more than nine animals per year for profit to the public.

SENATOR O'MARA: Through you, Mr. President, if the sponsor will yield.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So then can a pet breeder who produces eight of those pets in a year, can that pet dealer or breeder sell those to a retail pet shop?

SENATOR GIANARIS: The way I would

answer that question, Senator O'Mara, is that the restrictions of the bill are on retail pet shops, not so much on the pet dealers or breeders.

So the bill in Section --

SENATOR O'MARA: My question is, Senator, can a retail pet shop sell a pet that was bred by a pet breeder that produced less than nine of those pets that given year?

SENATOR GIANARIS: My understanding -- and what I was -- the way I was trying to answer your question was that the bill restricts retail shops, retail pet shops from selling -- let me get the terms here -- selling, offering to sell, bartering, auctioning or otherwise transferring ownership of any dog, cat or rabbit. So that's regardless of how many animals a particular breeder might be producing for sale.

SENATOR O'MARA: So through you, Mr. President, if the sponsor will yield.

ACTING PRESIDENT BENJAMIN: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So then in the Section 4 where it talks about offering for sale more than nine animals for profit in a year, it really has no distinction in this legislation because a pet dealer that produced or offered for sale only eight of such animals could not put them -- offer them for sale to somebody that owns a pet shop.

SENATOR GIANARIS: That's correct.

The definition of pet dealer that you're looking at in Section 4 is already in law. We're not doing anything to that other than clarifying that it does not include the term "retail pet shop," which is what we're actually regulating.

SENATOR O'MARA: Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So is it accurate to say, then, that anybody who breeds a dog, a cat or a rabbit, even if they breed one of them,

and they want to sell it, it can't be sold in a retail pet shop?

SENATOR GIANARIS: That's correct. But those animals could be offered for sale directly to consumers.

SENATOR O'MARA: Does this -- through you, Mr. Speaker.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Does this legislation restrict the sale or offering for sale of animals by a pet dealer that breeds more than nine animals in a year, does this restrict them selling them directly to the public?

SENATOR GIANARIS: Wait, I'm sorry, the breeders, you're saying? I misunderstood your question, Senator.

SENATOR O'MARA: A pet dealer, which I think we've kind of agreed is the same as a pet breeder --

SENATOR GIANARIS: A breeder is included in the definition of dealer, among other

things, yes.

SENATOR O'MARA: So a pet dealer or a pet breeder that breeds more than nine of such animals during a year, are they restricted from selling them to the public directly?

SENATOR GIANARIS: Outside of the retail pet shop, no, it does not restrict them. In other words, they can sell directly to consumers.

SENATOR O'MARA: So a pet dealer -- through you, Mr. Speaker.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So is it accurate to say, then, that one of these so-called puppy mills that breeds hundreds of these pets in an annual given year can still market those pets to the general public, they just can't sell them through a pet shop?

SENATOR GIANARIS: Right. The whole idea, Senator O'Mara, is that the individual who's looking to take an animal into

their home, if they see with their own eyes the horrible conditions of a puppy mill, as opposed to a legitimate breeder, they can make a judgment as to whether that's a wise decision or whether they want to take an animal that's been subject to abuse or the result of an abusive environment into their home, versus someone who is handling the animals in a more responsible way.

The entire point is that we want the direct consumer interaction. Because when someone's walking down Main Street and they look in a window and there's a cute puppy, they have no idea where that animal came from or what condition it was bred in.

SENATOR O'MARA: Through you, Mr. Speaker.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So a pet dealer or a pet breeder could set up their own shop for the sale of their own bred animals; correct?

SENATOR GIANARIS: I still don't

understand the question. You mean set up their own retail establishment or --

SENATOR O'MARA: They can raise animals, the dog, the cat or the rabbit, they can offer them for general sale to the public, and they can have a facility where they sell those from.

SENATOR GIANARIS: At the moment when they become a retail pet shop, they will be regulated as a retail pet shop under this bill when they have a storefront and they're selling at retail.

As opposed to someone who's a backyard breeder or who's breeding at home.

SENATOR O'MARA: Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: How do you draw a distinction between an individual that's breeding in their backyard six, seven or eight in a litter as opposed to somebody who is breeding hundreds

of these pets in their backyard?

SENATOR GIANARIS: The definition of retail pet shop is in Section 5 of the bill. It means a for-profit establishment open to the public that sells or offers for sale animals to be kept as household pets, pet food, or supplies.

SENATOR O'MARA: Through you, Mr. Speaker.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So then can a pet breeder -- let me rephrase that, Mr. Speaker.

How does a pet breeder offer for sale an animal that they have bred?

SENATOR GIANARIS: I think the distinction which -- I think you're trying to find the distinction between a breeder and a retail pet shop.

And I would say the distinction comes in whether the establishment is open to the public as opposed to someone who requires someone to make an appointment to come visit and look at

the animals.

SENATOR O'MARA: Mr. Speaker, through you.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So the pet breeder/reprehensible puppy mill operator can offer their puppies for sale through the internet, online, you just need to make an appointment to come get it. And that appointment could be at the breeder's beautiful little farmhouse and have no association or visibility to the actual horrid conditions that these animals are bred in. Correct?

SENATOR GIANARIS: Except if somebody is trying to bypass the law or the intent of the law, that could be a question of enforcement. And if Senator O'Mara wants to suggest amendments to make this even stronger and tougher, I'm open to discussing that with him.

SENATOR O'MARA: On the bill, Mr. Speaker.

ACTING PRESIDENT BENJAMIN: Senator O'Mara on the bill.

SENATOR O'MARA: I think this is a laudable goal in dealing with the puppy mill, so-called puppy mill issues that we have. And we do have them, I wholeheartedly agree, and these conditions are horrendous, they're abominable conditions in which these animals are kept, in which they're forced to breed again and again and again.

But this legislation doesn't get at that. This legislation just makes it more difficult for pet shop owners, for true dog breeders that are breeding pedigree animals from being able to sell those well-bred, well-cared-for, top-of-the-line animals through pet stores.

I agree with the concept of pet stores offering for sale animals from shelters, and that should be done. This bill does nothing here to prevent puppy mills from operating or to allow a legitimate animal breeder from offering their product, their bred purebred animals through a retail pet store. I think that saying that if somebody comes and sees a puppy mill,

they're not going to want to buy that puppy -- and I would agree a thousand percent. But when I call and say I want to come pick out a puppy that you've got, they're going to say, Okay, come to this address.

And there may be a gigantic barn out behind, maybe a tiny barn with a hundred crates stacked on top of each other, or 200 crates -- but I'm invited into their home to look at probably a half a dozen puppies in a little cage in a room that looks great. This doesn't expose me to the horrendous puppy mill activities behind the scenes. This legislation does nothing to get at that. Therefore, I would urge a no vote on this legislation.

Thank you, Mr. President.

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

Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

Let me thank Senator O'Mara for his thoughtful questions.

This is an important bill. And I think most people don't appreciate how necessary it is, because what the public is typically exposed to is the classic puppy in the window in a store that looks super-cute and entices people to come in and buy the animal.

What they don't know is what goes on behind the scenes to get that puppy there, and the brutal, awful conditions that have occurred as a result of the puppy mills around the country, where they don't consider that these animals are living beings that we end up loving as members of our families, but treat them as commodities: How many can they produce in a day to get them out into those windows so they can make more and more money. Treating animals as if

cans of soup on a shelf as opposed to sentient beings that have feelings.

And what struck me as I was going through this -- because I heard a lot from owners of pet stores. And every time I heard from one of them, I went back and researched the violations from their suppliers. And I was aghast to see what had happened in some of these places -- places where females were shot in the head, executed, simply because they were no longer capable of giving birth. Dirty conditions, medical needs that were going unmet. Matted hair, fleas, animals lying in their own feces. Because these people are not looking at these animals as lives to be respected, but as a way to make more and more money.

And so what we're trying to do here today is what California and Maryland have already done, which is say let's cut that off. If somebody wants to go deal with a breeder, let them go see with their own eyes what happens at that breeder's location. Let's not allow the shops to dress them up and put them in a window and disguise that from people.

Because it's not just the cruelty to

the animal, it's also a bottom-line question for the consumer who ends up oftentimes getting animals that are sick, requires thousands of dollars of medical care that they did not know would be necessary at the outset.

And I'm certainly sympathetic to the business needs, but the industry makes 2 percent of its revenue from the sale of animals. Ninety-eight percent of the revenue for the industry comes from the sale of product -- food, cat food, dog food, supplies, litter boxes, leashes, et cetera.

So yes, there may be some businesses that need to rethink their business model and focus more on the 98 percent of revenue that the industry typically gets from those things, as opposed to the 2 percent that comes from the sale of animals, which is often the result of incredible, incredible cruelty.

And so I want to thank my colleagues for their support of this legislation today, and hopefully it will take a big step forward towards treating our beloved four-legged friends with the respect that they deserve.

I vote yes, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 325, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Funke, Griffo, Jordan, Little, O'Mara, Ortt, Ranzenhofer, Ritchie and Seward.

Ayes, 48. Nays, 12.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 472, Assembly Print Number 8349, by Assemblymember Ryan, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BENJAMIN: Senator O'Mara.

SENATOR O'MARA: Thank you, Mr. President. Would the sponsor provide an explanation, please.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield for a question?

SENATOR HARCKHAM: Absolutely, Mr. President.

ACTING PRESIDENT BENJAMIN: The

sponsor yields.

SENATOR O'MARA: I asked for an explanation, Mr. President.

ACTING PRESIDENT BENJAMIN: He has to yield first.

SENATOR HARCKHAM: Mr. President, I ask could the good Senator from across the aisle be a little bit more specific about what he would like an explanation of?

SENATOR O'MARA: What does this bill do?

SENATOR HARCKHAM: Sure. Thank you.

This bill protects Class B streams. Right now A and B streams are currently protected. Class C streams are streams that people can swim in -- it's called a primary contact stream -- and people can fish in, as well as boating.

The reason it is important -- and I'll just give you one small example from my district, which is a large district. The municipalities of my district are now charged a $500 million price tag to remove phosphorus from our water bodies. Because phosphorus is a

nutrient that causes eutrophication, that ugly brown growth that we see in water bodies. It's unsafe to swim in, it's unsafe to drink.

We also see blue-green algae that's promulgated by nutrients such as phosphorus. Blue-green algae is also very dangerous for people to swim in.

So these streams, not only do people swim in directly, many of the communities in my district don't have community pools, they have community lakes. They have neighborhood lakes. And it's just days like this when the county health department comes to close them down because the blue-green algae has reached an unsafe level.

So what this bill will do is protect the natural stream banks. Because for too long we have ignored nature's infrastructure, and it's much more cost-effective to protect our water supply than to clean it up after it's contaminated.

SENATOR O'MARA: Mr. President, will the sponsor yield for a question?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HARCKHAM: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Senator, isn't it true that Class C streams can also be classified by the Department of Environmental Conservation as a Class C(T) or a Class -- I mean, a Class T -- no, C, a Class C stream with a (T) designation or with a (TS) designation for trout or trout stream?

SENATOR HARCKHAM: Right.

SENATOR O'MARA: And they have the ability to do that in these cases. And those streams that are currently classified as a C(T) or a C(TS) require the extra permitting steps that you're requesting here for work to be done in them; correct?

SENATOR HARCKHAM: That is correct, Mr. President.

But I would say that in terms of the permitting, many activities are exempt. For instance, most agricultural activities are exempt. Activities of soil and conservation districts, activities of highway departments. If

they are running best practices, they have a memorandum of understanding with DEC already, so they don't have to repeatedly go back to DEC for permits that are routine.

Things that are under -- disturbed under a hundred feet on the stream bank also are what's called a minor permit. And there is a maximum deadline of 45 days for that permit to be issued, not just by DEC but across four different agencies.

SENATOR O'MARA: If the Senator will yield for another question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Can you direct me where in your legislation or where in the law it says that farmers or soil and conservation districts or your town or county or village highway department can continue without requesting a permit each time? Because your legislation does not mention that.

SENATOR HARCKHAM: Mr. President,

if we go to -- where would this -- Chapter 5 -- Title 6, Chapter 5, Subchapter E, Part 608, use and protection of waters. 608.2 highlights what permits are required and it also lists the exemptions. And it says, number one, a local public corporation that has entered into a written memorandum of understanding with the department. And that is a common business practice. And number two says any person actively cultivating land devoted to agriculture.

So there are a number of agricultural exemptions that are listed.

SENATOR O'MARA: Through you, Mr. Speaker -- Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HARCKHAM: Sure. Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: The exemptions that you've mentioned there, what limitations are there upon a farmer from taking steps to fix, repair, remediate a stream that may have flooded out during a storm to in many circumstances limit

the erosion and sediment going down that stream? What limitations are there on that farmer on what the farmer can or cannot do with that stream without getting a permit?

SENATOR HARCKHAM: So any time -- Through you, Mr. President. Any time there is active work on the bank -- disturbing the bank, repairing the bank, shoring up the bank, those things would require a permit.

If it is something like a replacement -- you had mentioned repair, replace -- say a small bridge or a culvert, something like that, that would be done with the minor permit and that would be turned around in 45 days.

SENATOR O'MARA: Through you, Mr. President, if the speaker would yield for another question.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Can you tell me how many Class C streams there are in New York

State right now?

SENATOR HARCKHAM: Through you, Mr. President, it is about 40,000 miles.

SENATOR O'MARA: How many specific streams?

SENATOR HARCKHAM: I don't have that number, but the mileage is 40,000 miles.

SENATOR O'MARA: So through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield? Does the sponsor yield?

SENATOR HARCKHAM: Oh, absolutely, I'm sorry.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: So we are now, in this legislation, requiring 40,000 new miles of streams to be regulated under the Article 15 permit process. Is that what we're doing here?

SENATOR HARCKHAM: Essentially we are.

SENATOR O'MARA: Now, according -- may I continue?

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: According to both the New York State County Highway Superintendents Association, the State Association of Conservation Districts, and most importantly the director of my home county, Chemung County, Soil and Water Conservation District, who has been in this field for decades, says that -- they all say and agree that the Article 15 permitting process is about a four-to-eight-month process under today's current circumstances, and that now these 40,000 miles of work they want to do will require them to get a permit for which they are not now required to get a permit to do work in those streams.

SENATOR HARCKHAM: Through you, Mr. President, I would point out two things.

Number one, the best business practice is for highway superintendents, municipalities, and soil and water conservancy districts to enter into an MOU with the Department of Environmental Conservation so they don't have to go through this. They have an open

contract, and that is how it is routinely done. So first I would suggest that those municipalities and those public corporations do that to make their lives easier as of right.

The second is DEC law requires that a decision must be rendered within 45 days.

SENATOR O'MARA: Through you, Mr. President.

ACTING PRESIDENT BENJAMIN: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BENJAMIN: The sponsor yields.

SENATOR O'MARA: Have you ever seen DEC issue a permit in 45 days?

SENATOR HARCKHAM: Yes.

SENATOR O'MARA: Well, I have not.

And I guess on the bill, Mr. President.

ACTING PRESIDENT BENJAMIN: Senator O'Mara on the bill.

SENATOR O'MARA: There's widespread opposition to this massive expansion of permit requirements for Class C streams. These classifications have always been kept under the

purview of the Department of Environmental Conservation to determine what class a particular body of water is in -- streams here we're talking about in this case.

But the expansion of this is going to expand some 40,000 miles. Their estimates of the work that they normally do -- the soil and water districts, the town and highway supervisors that typically, for issues that need a repair -- say, for example, New York State DOT comes out and says that bridge has failed, you can't use it -- they used to be able to get to work on that within one to five days in Chemung County.

Under the time frame of what's expected under the expansion and the permitting required here can expand -- will likely expand that, because we know how backlogged DEC is on all permitting, to likely from 200 to 400 days.

That according to the County Highway Superintendents Association, some counties, many upstate and rural counties, 80 percent of the municipally owned bridges and culverts could be located on Class C streams where the work has typically been done quickly, expeditiously and inexpensively by either the highway department or

working in conjunction with our soil and water conservation districts.

The state county highway superintendents oppose this legislation for that reason. The Farm Bureau of New York State opposes this legislation and states, the Farm Bureau states: The addition of Class C streams would hinder farmers' ability to quickly clear waterways. Waiting to obtain a permit could be time-consuming, and farmers do not have extra time when protecting their crops from nature's elements.

The permitting process -- and it's not explicit in this legislation that they would be exempt clearly from applying for permits each time -- will drastically slow down the response of farmers, of highway departments, of our soil and water districts, in making repairs to bridges.

If these get dragged out from four to eight months to a year -- which is more likely, because it's estimated this will increase 40 times the number of these permits to DEC. And when your local bridge is out and your highway department can't get in to repair it and you've

got to take the long way around, which can be miles and miles and miles upstate, that doesn't work.

And we need to make a process work that will have expeditious repairs to these types of situations and allow those that are in the field, that do this as a career, to work with DEC and do it.

The Chemung County highway superintendent, Mark Watts, says to me in a letter he's done this for his whole career. And over his career he's had to apply for over 1500 of these Article 15 permits. And out of those 1500, DEC has never rejected or made a change to any of those plans. Yet those projects are delayed by months and months to get the job done.

We have to rely on our experts in the field that know how to do this, that have concerns about the environment, that's at the forefront of their concerns -- that's what the soil and water conservancy districts' work is all about. They're some of the stellar organizations we have in our counties across this state that the work they do on such shoestring budgets -- and now we're going to make them use their

precious resources for permit expenses, for extra engineering reviews, for work way over the top for something that typically can be done in a few days.

This is unnecessary further regulation in this state that we don't need. And we should just leave it to the experts at DEC to determine what streams should require this kind of permit or not. And currently, and forever, DEC has determined that Class C streams do not need this type of permit requirement.

Thank you, Mr. President.

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

Seeing and hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator

Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Mr. President.

I want to thank Senator O'Mara for a great debate.

I just want to point out a couple of things. We passed this in a stronger version last year, 51 to 11. And at the request of some of the organizations who Senator O'Mara mentioned, we took out Class D streams. So this is just Class C streams.

I just want to correct a few things on the record. Number one, this will take nothing away from emergency repairs. Emergency repairs have always been able to be handled.

Number two, Class C streams were not not regulated by DEC because DEC chose that, they were regulated by the federal government and the Army Corps of Engineers. It was this federal administration that, through executive order, stopped protecting these streams, which is why we had to in New York State step in. And in fact, we use a consolidated process much faster than the Army Corps.

Finally, as we said before, any

public corporation -- a county, a municipality, a soil and water conservation district, as a best practice should have a memorofan -- memoraf -- memorandum -- I'm having a hard time saying that word today -- memorandum of understanding with DEC so they don't have to keep going back time and time again. And most activities of agriculture are exempt.

This is so important because of the cost of phosphorus impeding our water supplies from swimming, from drinking, from recreational activities -- hundreds of millions of dollars for one Senate district alone. So we've got to stop asking on the front end how much is this going to cost as opposed to how much is this already costing us on the back.

I vote aye. Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 472, those Senators voting in the negative are Senators Akshar, Amedore, Borrello, Funke, Gallivan, Griffo, Helming, Jordan, Lanza,

Little, O'Mara, Ortt, Ranzenhofer, Ritchie, Robach, Serino, Seward and Tedisco.

Ayes, 42. Nays, 18.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

SENATOR GIANARIS: Is there any further business at the desk, Mr. President?

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, July 22nd, at 12:00 noon.

ACTING PRESIDENT BENJAMIN: On motion, the Senate stands adjourned until Wednesday, July 22nd, at 12:00 noon.

(Whereupon, the Senate adjourned at 5:22 p.m.)