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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

July 23, 2020

12:36 p.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT BENJAMIN: The
14 reading of the Journal.

15 THE SECRETARY: In Senate,
16 Wednesday, July 22, 2020, the Senate met pursuant
17 to adjournment. The Journal of Tuesday, July 21,
18 2020, was read and approved. On motion, Senate
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Rivera

1 moves to discharge, from the Committee on Rules,
2 Assembly Bill Number 10317 and substitute it for
3 the identical Senate Bill 7150, Third Reading
4 Calendar 267.

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

7 THE SECRETARY: Senator Sanders
8 moves to discharge, from the Committee on Rules,
9 Assembly Bill Number 3033 and substitute it for
10 the identical Senate Bill 2231, Third Reading
11 Calendar 572.

12 ACTING PRESIDENT BENJAMIN: The
13 substitution is so ordered.

14 THE SECRETARY: Senator Felder
15 moves to discharge, from the Committee on Rules,
16 Assembly Bill Number 8821 and substitute it for
17 the identical Senate Bill 7211, Third Reading
18 Calendar 581.

19 ACTING PRESIDENT BENJAMIN: The
20 substitution is so ordered.

21 THE SECRETARY: Senator Harckham
22 moves to discharge, from the Committee on
23 Environmental Conservation, Assembly Bill Number
24 4398A and substitute it for the identical Senate
25 Bill 4176A, Third Reading Calendar 881.

1 ACTING PRESIDENT BENJAMIN: The
2 substitution is so ordered.

3 THE SECRETARY: Senator Kennedy
4 moves to discharge, from the Committee on
5 Transportation, Assembly Bill Number 5390B and
6 substitute it for the identical Senate Bill
7 4580C, Third Reading Calendar 882.

8 ACTING PRESIDENT BENJAMIN: The
9 substitution is so ordered.

10 THE SECRETARY: Senator Serrano
11 moves to discharge, from the Committee on Rules,
12 Assembly Bill Number 5169A and substitute it for
13 the identical Senate Bill 5579A, Third Reading
14 Calendar 887.

15 ACTING PRESIDENT BENJAMIN: The
16 substitution is so ordered.

17 THE SECRETARY: Senator Seward
18 moves to discharge, from the Committee on Rules,
19 Assembly Bill Number 10316 and substitute it for
20 the identical Senate Bill 8217, Third Reading
21 Calendar 896.

22 ACTING PRESIDENT BENJAMIN: The
23 substitution is so ordered.

24 THE SECRETARY: Senator Rivera
25 moves to discharge, from the Committee on Rules,

1 Assembly Bill Number 10500C and substitute it for
2 the identical Senate Bill 8450C, Third Reading
3 Calendar 908.

4 ACTING PRESIDENT BENJAMIN: The
5 substitution is so ordered.

6 THE SECRETARY: Senator Montgomery
7 moves to discharge, from the Committee on Rules,
8 Assembly Bill Number 2770C and substitute it for
9 the identical Senate Bill 8525, Third Reading
10 Calendar 911.

11 ACTING PRESIDENT BENJAMIN: The
12 substitution is so ordered.

13 THE SECRETARY: Senator Parker
14 moves to discharge, from the Committee on Rules,
15 Assembly Bill Number 10628 and substitute it for
16 the identical Senate Bill 8598, Third Reading
17 Calendar 926.

18 ACTING PRESIDENT BENJAMIN: The
19 substitution is so ordered.

20 THE SECRETARY: Senator Carlucci
21 moves to discharge, from the Committee on Rules,
22 Assembly Bill Number 10629A and substitute it for
23 the identical Senate Bill 8608A, Third Reading
24 Calendar 929.

25 ACTING PRESIDENT BENJAMIN: The

1 substitution is so ordered.

2 THE SECRETARY: Senator Comrie
3 moves to discharge, from the Committee on Rules,
4 Assembly Bill Number 6070A and substitute it for
5 the identical Senate Bill 8721, Third Reading
6 Calendar 948.

7 ACTING PRESIDENT BENJAMIN: The
8 substitution is so ordered.

9 THE SECRETARY: Senator Sanders
10 moves to discharge, from the Committee on Rules,
11 Assembly Bill Number 3040A and substitute it for
12 the identical Senate Bill 8723, Third Reading
13 Calendar 950.

14 ACTING PRESIDENT BENJAMIN: The
15 substitution is so ordered.

16 THE SECRETARY: Senator Parker
17 moves to discharge, from the Committee on Rules,
18 Assembly Bill Number 8517A and substitute it for
19 the identical Senate Bill 8724, Third Reading
20 Calendar 951.

21 ACTING PRESIDENT BENJAMIN: The
22 substitution is so ordered.

23 THE SECRETARY: Senator Liu moves
24 to discharge, from the Committee on Rules,
25 Assembly Bill Number 9702 and substitute it for

1 the identical Senate Bill 8740, Third Reading
2 Calendar 954.

3 ACTING PRESIDENT BENJAMIN: The
4 substitution is so ordered.

5 THE SECRETARY: Senator Liu moves
6 to discharge, from the Committee on Rules,
7 Assembly Bill Number 8645 and substitute it for
8 the identical Senate Bill 8743, Third Reading
9 Calendar 955.

10 ACTING PRESIDENT BENJAMIN: The
11 substitution is so ordered.

12 THE SECRETARY: Senator Mayer moves
13 to discharge, from the Committee on Rules,
14 Assembly Bill Number 10674A and substitute it for
15 the identical Senate Bill 8748, Third Reading
16 Calendar 956.

17 ACTING PRESIDENT BENJAMIN: The
18 substitution is so ordered.

19 THE SECRETARY: Senator Kaminsky
20 moves to discharge, from the Committee on Rules,
21 Assembly Bill Number 4077A and substitute it for
22 the identical Senate Bill 8750, Third Reading
23 Calendar 957.

24 ACTING PRESIDENT BENJAMIN: The
25 substitution is so ordered.

1 THE SECRETARY: Senator Carlucci
2 moves to discharge, from the Committee on Rules,
3 Assembly Bill Number 10783A and substitute it for
4 the identical Senate Bill 8763A, Third Reading
5 Calendar 960.

6 ACTING PRESIDENT BENJAMIN: The
7 substitution is so ordered.

8 Messages from the Governor.

9 Reports of standing committees.

10 Reports of select committees.

11 Communications and reports from
12 state officers.

13 Motions and resolutions.

14 Senator Gianaris.

15 SENATOR GIANARIS: Good afternoon,
16 Mr. President.

17 ACTING PRESIDENT BENJAMIN: Good
18 afternoon.

19 SENATOR GIANARIS: On behalf of
20 Senator Kavanagh, I move to commit Senate Print
21 6551, Calendar 217 on the order of Third Reading,
22 to the Committee on Rules with instructions to
23 said committee to strike the enacting clause.

24 ACTING PRESIDENT BENJAMIN: It is
25 so ordered.

1 SENATOR GIANARIS: At this time can
2 we take up the reading of the calendar,
3 Mr. President.

4 ACTING PRESIDENT BENJAMIN: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 267, Assembly Number 10317, substituted earlier
8 by Assemblymember Peoples-Stokes, an act to amend
9 the Public Health Law.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:
18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 267, those Senators voting in the
21 negative are Senators Akshar, Amedore, Borrello,
22 Boyle, Funke, Griffio, Helming, Jordan, O'Mara,
23 Ortt, Ranzenhofer, Ritchie, Robach, Serino and
24 Seward.

25 Ayes, 43. Nays, 15.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 294, Senate Print 1446, by Senator Sanders, an
5 act to amend the Real Property Law.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:
15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 294, those Senators voting in the
18 negative are Senators Akshar, Amedore, Borrello,
19 Boyle, Funke, Gallivan, Griffio, Helming, Jordan,
20 Lanza, LaValle, O'Mara, Ortt, Ranzenhofer,
21 Ritchie, Robach, Serino, Seward and Tedisco.

22 Ayes, 39. Nays, 19.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 537, Senate Print 6739, by Senator Gaughran, an
2 act to amend the Public Officers Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

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

7 ACTING PRESIDENT BENJAMIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN: Senator
11 Gaughran to explain his vote.

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

14 A few days ago the former speaker of
15 the Assembly, once one of the most powerful
16 people in Albany, was sentenced to six and a half
17 years for selling out his office. Last August,
18 right outside of Albany, in Cohoes, the mayor
19 pleaded guilty to federal criminal charges in a
20 corruption investigation.

21 Public corruption, from selling out
22 the power of one's office to covering up
23 wrongdoing, has reached the local level, the
24 state level, and the federal level. We know it
25 exists, and everybody has to be held accountable.

1 So today we are closing a loophole,
2 a loophole that says that if you are convicted of
3 public corruption charges by the federal
4 government by a plea of guilty, that you must be
5 removed from office immediately. So no longer
6 may you plead guilty of the charges and then go
7 back to your public office and continue to
8 violate the public trust.

9 So I thank you, Mr. President, I
10 thank the Majority Leader, and I vote in the
11 affirmative.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Gaughran to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: Ayes, 58.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 572, Assembly Print Number 3033, substituted
20 earlier by Assemblymember Solages, an act to
21 amend the Labor Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect on the same date and in the

1 same manner as a chapter of the Laws of 2012.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:
6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar Number 572, those Senators voting in the
9 negative are Senators Akshar, Amedore, Borrello,
10 Boyle, Funke, Gallivan, Griffio, Helming, Jordan,
11 O'Mara, Ortt, Robach, Serino and Tedisco.

12 Ayes, 44. Nays, 14.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 575, Senate Print 5777, by Senator Gounardes, an
17 act to amend the Labor Law.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar Number 575, those Senators voting in the
4 negative are Senators Akshar, Amedore, Borrello,
5 Boyle, Funke, Gallivan, Jordan, O'Mara,
6 Ranzenhofer and Robach.

7 Ayes, 48. Nays, 10.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 581, Assembly Print Number 8821, substituted
12 earlier by Assemblymember Paulin, an act to amend
13 the General Business Law.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:
22 Announce the results.

23 THE SECRETARY: Ayes, 58.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 595, Senate Print 5322, by Senator Parker, an act
3 to amend the Public Service Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 58.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 816, Senate Print 7256, by Senator Ramos, an act
18 to amend the Lien Law.

19 SENATOR AMEDORE: Lay it aside.

20 ACTING PRESIDENT BENJAMIN: Lay it
21 aside.

22 THE SECRETARY: Calendar Number
23 872, Senate Print 432A, by Senator Hoylman, an
24 act to amend the Domestic Relations Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN:
8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar Number 872, those Senators voting in the
11 negative are Senators Amedore, Borrello, Jordan,
12 Ortt and Serino.

13 Ayes, 53. Nays, 5.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 878, Senate Print 1693B, by Senator Krueger, an
18 act to amend the Public Health Law and the
19 Civil Rights Law.

20 ACTING PRESIDENT BENJAMIN: Read
21 the last section.

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

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 881, Assembly Print Number 4398A, substituted
9 earlier by Assemblymember Abinanti, an act to
10 amend the Environmental Conservation Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN: Senator
20 Harckham to explain his vote.

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

23 It's estimated each year that
24 40 percent of the food produced in this country
25 ends up in landfills. It's an environmental

1 catastrophe and also contributes to methane gas
2 in the environment. But closer to home, food
3 insecurity is a big issue. It's estimated that
4 in the best of times over 13 percent of
5 New Yorkers face food insecurity.

6 But during the pandemic, this is
7 clearly the number-one challenge in my district.
8 We can't keep up with the demand. People who are
9 living paycheck to paycheck coming to food banks.
10 People who used to donate to food banks now
11 seeking assistance from food banks. And people
12 who receive no government assistance at all
13 obviously, when the economy went south, need
14 assistance with food. We've had five food
15 drives; our sixth is this Sunday. So food
16 insecurity is very real during this pandemic.

17 This legislation does two things.
18 One, it takes food out of the landfills by taking
19 perfectly good food from the supermarkets that's
20 being discarded and pairs them with local food
21 pantries and local partners to facilitate that
22 exchange.

23 We're saving space in the landfill
24 but, most importantly, we're getting nutritious
25 food to our neighbors who need it. Because in

1 New York, no one should ever go to sleep hungry.

2 I want to thank our Majority Leader
3 for her help on this bill and moving it to the
4 floor.

5 Thank you, Mr. President. I vote
6 aye.

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

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar Number 881, those Senators voting in the
12 negative are Senators Akshar, Amedore, Borrello,
13 Funke, Gallivan, Griffo, Helming, Lanza, Ortt,
14 Ritchie, Robach and Serino.

15 Ayes, 46. Nays, 12.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 882, Assembly Print Number 5390B, substituted
20 earlier by Assemblymember Lupardo, an act to
21 amend the Vehicle and Traffic Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN: The
5 Secretary will announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 882, voting in the negative:
8 Senator Skoufis.

9 Ayes, 57. Nays, 1.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 883, Senate Print 4717A, by Senator Metzger, an
14 act to amend the Tax Law.

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

17 Read the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 883, those Senators voting in the
2 negative are Senators Akshar, Amedore, Brooks,
3 Funke, Gallivan, Gaughran, Griffo, Harckham,
4 Helming, Jordan, Kaplan, Kennedy, Lanza, LaValle,
5 Martinez, O'Mara, Ortt, Ranzenhofer, Serino,
6 Skoufis, Tedisco and Thomas.

7 Ayes, 36. Nays, 22.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 885, Senate Print 5282B, by Senator Kaminsky, an
12 act to amend the Environmental Conservation Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect January 1, 2023.

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Senator Kaminsky to explain his vote.

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

24 I rise today in support of
25 legislation that will address the plastics crisis

1 and the sustainability crisis that our planet has
2 been suffering and that New Yorkers having been
3 disproportionately contributing to.

4 Every year -- I would like to read
5 you some shocking statistics -- 8 million metric
6 tons of plastic enter our oceans, on top of the
7 estimated 150 million metric tons currently
8 circulating in our marine environments. That's
9 estimated to mean 5.2 trillion, with a T, plastic
10 particles currently float in our oceans. Much of
11 that comes from single-use plastics.

12 And today's bill addresses the hotel
13 industry. In just New York alone, single-use
14 toiletries contribute to 27.4 million plastic
15 bottles that end up either in landfills or in our
16 waterways. We can and should do better, and I
17 applaud the hotel industry for working with us on
18 this bill.

19 They are in support because they
20 know that we need to be forward-looking and work
21 together to address the plastics crisis. They
22 know that having dispensers in their hotel rooms
23 makes sense and is the future.

24 So we in New York are taking steps
25 today to say that beginning in 2023, our hotel

1 rooms will no longer be providing customers with
2 single-use plastics. It's an important move that
3 New York is leading the country in showing how we
4 can have a sustainable economy moving forward.

5 Just check this out. Just Marriott,
6 who is working with us, their 7,000 locations,
7 when they provide dispensers instead of
8 single-use plastics in this country, they will
9 save 1.7 million pounds of plastic waste, or
10 500 million tiny particles, from ending up in
11 landfills each year.

12 We as a state can do better. Even
13 though we are in a crisis now, we can still be
14 forward-thinking. And this legislation will get
15 us a more sustainable planet, with New York
16 leading the way.

17 Mr. President, I vote in the
18 affirmative, and I want to thank
19 Assemblyman Englebright for his work on this too,
20 and the Majority Leader for making this happen.
21 I vote aye.

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

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar Number 885, those Senators voting in the
3 negative are Senators Akshar, Amedore, Borrello,
4 Felder, Funke, Gallivan, Griffio, Helming, Jordan,
5 Lanza, Little, O'Mara, Ortt, Ranzenhofer,
6 Ritchie, Robach, Seward and Tedisco.

7 Ayes, 40. Nays, 18.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 886, Senate Print 5470B, by Senator Thomas, an
12 act to amend the Financial Services Law.

13 SENATOR AMEDORE: Lay it aside.

14 ACTING PRESIDENT BENJAMIN: Lay it
15 aside.

16 THE SECRETARY: Calendar Number
17 887, Assembly Print Number 5169A, substituted
18 earlier by Assemblymember Ramos, an act to amend
19 the Environmental Conservation Law.

20 ACTING PRESIDENT BENJAMIN: Read
21 the last section.

22 THE SECRETARY: Section 5. This
23 act shall take effect on the 120th day after it
24 shall have become a law.

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar Number 887, those Senators voting in the
7 negative are Senators Borrello, Gallivan, Lanza,
8 O'Mara and Ortt.

9 Ayes, 53. Nays, 5.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 891, Senate Print 6491B, by Senator Gaughran, an
14 act to amend the Public Authorities Law.

15 ACTING PRESIDENT BENJAMIN: Read
16 the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN: Senator
24 Gaughran to explain his vote.

25 SENATOR GAUGHRAN: Access to water

1 is a human right. For too long, many people who
2 I represent have suffered paying water bills to a
3 private water company that is four or five times,
4 in many instances, more than their neighbor down
5 the block -- in some cases, their neighbor across
6 the street.

7 By creating the North Shore Water
8 Authority, we are establishing a statutory
9 framework so we can move towards public water for
10 these residents. This will bring public water to
11 the residents of Sea Cliff, Glen Head, Glenwood
12 Landing, and other communities in the area.

13 So I thank the Majority Leader for
14 bringing this bill forward, and I vote in the
15 affirmative. Thank you, Mr. President.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Gaughran to be recorded in the affirmative.

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 891, those Senators voting in the
21 negative are Senators Kaminsky and Skoufis.

22 Ayes, 56. Nays, 2.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 895, Senate Print Number 8216A, by
2 Senator Seward, an act to authorize certain
3 police officers to receive certain service credit
4 under Section 384-d of the Retirement and
5 Social Security Law.

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

8 Read the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:
15 Announce the results.

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 896, Assembly Print 10316, substituted earlier by
21 Assemblymember Lifton, an act to authorize the
22 City of Cortland, in the County of Cortland, to
23 offer an optional twenty-year retirement plan to
24 Firefighter Travis Marshall.

25 ACTING PRESIDENT BENJAMIN: There

1 is a home-rule message at the desk.

2 Read the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 899, Senate Print 8303, by Senator Griffo, an act
15 to repeal Section 16 of the General Business Law
16 relating to the prohibition of barbering on
17 Sunday.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 900, Senate Print 8328, by Senator Hoylman, an
7 act to amend the Public Authorities Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

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

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN:
16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 900, voting in the negative:
19 Senator O'Mara.

20 Ayes, 57. Nays, 1.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 907, Senate Print 8448D, by Senator Thomas, an
25 act in relation to the collection of emergency

1 health data and personal information and the use
2 of technology to aid during COVID-19.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN: Senator
12 Thomas to explain his vote.

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

15 New Yorkers need stronger consumer
16 protection during this COVID-19 crisis than ever
17 before. Tech companies are creating new tools to
18 help counter the COVID-19 crisis, such as
19 tracking apps and COVID screening services.

20 Any technology that involves the
21 collection, processing and disclosure of
22 sensitive information can put consumers at
23 increased risk of exploitation. And that is why
24 I introduced this bill, to put reasonable limits
25 on the companies' data collection and sharing of

1 such health data. The risk here is that
2 sensitive data about users are being collected
3 and sent to companies for advertising and
4 profiling.

5 So my bill does the following. It
6 basically says information must be given at a
7 fourth-grade level so that consumers understand
8 what they are opting into. They must have a
9 right to access data that might not be correct;
10 then they can correct it if it's inconsistent.
11 And the data can only be shared if necessary to
12 complete the transaction.

13 They have a right to delete
14 information that's wrong, an individual can
15 access the information that a company has on
16 them, and data protection audits by a third
17 party -- all these protections together will
18 ensure limits of companies' data collection and
19 sharing.

20 I vote in the affirmative. Thank
21 you, Mr. President.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Thomas to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 907, those Senators voting in the
2 negative are Senators Akshar, Griffo, Ortt,
3 Salazar and Skoufis.

4 Ayes, 53. Nays, 5.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 908, Assembly Print Number 10500C, substituted
9 earlier by the Assembly Committee on Rules, an
10 act to amend the Public Health Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

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

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:
19 Announce the results.

20 THE SECRETARY: Ayes, 58.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 911, Assembly Print Number 2770C, substituted
25 earlier by Assemblymember Bichotte, an act to

1 amend the Public Health Law.

2 ACTING PRESIDENT BENJAMIN: Read
3 the last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect on the 60th day after it
6 shall have become a law.

7 ACTING PRESIDENT BENJAMIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:
11 Announce the results.

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 924, Senate Print 8585A, by Senator May, an act
17 to amend the Education Law.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 926, Assembly Print Number 10628, substituted
7 earlier by the Assembly Committee on Rules, an
8 act to amend the General Construction Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

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

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Announce the results.

18 THE SECRETARY: Ayes, 58.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 929, Assembly Print Number 10629A, substituted
23 earlier by the Assembly Committee on Rules, an
24 act to amend the Mental Hygiene Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN:
8 Announce the results.

9 THE SECRETARY: Ayes, 58.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 930, Senate Print 8617B, by Senator Gounardes, an
14 act to amend the Labor Law.

15 ACTING PRESIDENT BENJAMIN: Read
16 the last section.

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

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN:
23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar Number 930, voting in the negative:

1 Senators Akshar and Robach.

2 Ayes, 56. Nays, 2.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 931, Senate Print 8623, by Senator Mayer, an act
7 to amend the Education Law.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

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

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN:
16 Announce the results.

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT BENJAMIN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 941, Senate Print 8658, by Senator Martinez, an
22 act authorizing Marie Glarakis to change the
23 designated beneficiary of her retirement
24 benefits.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN:
8 Announce the results.

9 THE SECRETARY: Ayes, 58.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 944, Senate Print 8691, by Senator Skoufis, an
14 act to amend the Town Law.

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

17 Read the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 944, those Senators voting in the
2 negative are Senators Akshar, Amedore, Borrello,
3 Boyle, Felder, Funke, Gaughran, Griffio, Helming,
4 Jordan, Lanza, Martinez, O'Mara, Ortt,
5 Ranzenhofer, Ritchie, Robach, Serino, Seward,
6 Tedisco and Thomas.

7 Ayes, 37. Nays, 21.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 945, Senate Print 8692, by Senator Mayer, an act
12 to amend the Labor Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

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

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 945, those Senators voting in the
24 negative are Senators Amedore, Borrello, Funke,
25 Jordan, Lanza and Ranzenhofer.

1 Ayes, 52. Nays, 6.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 948, Assembly Print Number 6070A, substituted
6 earlier by Assemblymember Seawright, an act to
7 direct the New York State Department of Financial
8 Services and the New York State Department of
9 State's Consumer Protection Division.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:
18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 948, those Senators voting in the
21 negative are Senators Akshar, Borrello, Gallivan,
22 Griffo, Helming, Jordan, Little, O'Mara, Ortt,
23 Ranzenhofer, Ritchie and Seward.

24 Ayes, 46. Nays, 12.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 949, Senate Print 8722, by Senator Benjamin, an
4 act to amend the Banking Law.

5 SENATOR AMEDORE: Lay it aside.

6 ACTING PRESIDENT BENJAMIN: Lay it
7 aside.

8 THE SECRETARY: Calendar Number
9 950, Assembly Print Number 3040A, substituted
10 earlier by Assemblymember Vanel, an act to amend
11 the Public Health Law.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 951, Assembly Print Number 8517A, substituted
2 earlier by Assemblymember Colton, an act to amend
3 the Public Service Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 58.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 952, Senate Print 8730, by Senator Kaminsky, an
18 act to authorize the County of Nassau to
19 discontinue use of certain lands as parkland.

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

22 Read the last section.

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

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: Ayes, 58.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 954, Assembly Print Number 9702, substituted
10 earlier by Assemblymember Weprin, an act to amend
11 the Correction Law.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 954, those Senators voting in the
23 negative are Senators Akshar, Amedore, Borrello,
24 Boyle, Funke, Griffo, Helming, Jordan, O'Mara,
25 Ortt, Ranzenhofer, Ritchie, Robach, Serino and

1 Seward.

2 Ayes, 43. Nays, 15.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 955, Assembly Print Number 8645, substituted
7 earlier by Assemblymember Hevesi, an act to amend
8 the Social Services Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:
18 Announce the results.

19 THE SECRETARY: Ayes, 58.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 THE SECRETARY: Calendar Number
23 956, Assembly Print Number 10674A, substituted
24 earlier by the Assembly Committee on Rules, an
25 act to amend the Labor Law.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: Ayes, 58.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 957, Assembly Print Number 4077A, substituted
15 earlier by Assemblymember Barrett, an act to
16 amend the Environmental Conservation Law.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:
25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar Number 957, those Senators voting in the
3 negative are Senators Akshar, Amedore, Funke,
4 Gallivan, Griffio, Jordan, O'Mara, Ortt, and
5 Ritchie.

6 Ayes, 49. Nays, 9.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 958, Senate Print 8757, by Senator Comrie, an act
11 to amend the New York State Medical Care
12 Facilities Finance Agency Act.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

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

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 959, Senate Print 8761, by Senator Sanders, an
2 act to amend the Banking Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect on the 60th day after it
7 shall have become a law.

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar Number 959, those Senators voting in the
15 negative are Senators Akshar, Amedore, Borrello,
16 Boyle, Funke, Gallivan, Griffo, Helming, Jordan,
17 Lanza, LaValle, Little, O'Mara, Ortt,
18 Ranzenhofer, Ritchie, Robach, Serino, Seward and
19 Tedisco.

20 Ayes, 38. Nays, 20.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 960, Assembly Print Number 10783A, substituted
25 earlier by the Assembly Committee on Rules, an

1 act to amend the Town Law.

2 ACTING PRESIDENT BENJAMIN: Read
3 the last section.

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

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN:
10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 960, those Senators voting in the
13 negative are Senators Akshar, Boyle, Gallivan,
14 Griffo, Helming, Jordan, LaValle, Little,
15 Ranzenhofer, Ritchie, Serino, Seward and Tedisco.

16 Ayes, 45. Nays, 13.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 961, Senate Print 8780, by Senator Mayer, an act
21 to amend the General Business Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect one year after it shall

1 have become a law.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:
6 Announce the results.

7 THE SECRETARY: Ayes, 58.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 962, Senate Print 8781, by Senator Comrie, an act
12 in relation to requiring certain provisions be
13 included in any procurement or agreement prior to
14 disposal of any asset.

15 ACTING PRESIDENT BENJAMIN: Read
16 the last section.

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

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN:
23 Announce the results.

24 THE SECRETARY: Ayes, 58.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 965, Senate Print 8786A, by Senator Parker, an
4 act to amend the Mental Hygiene Law.

5 ACTING PRESIDENT BENJAMIN: Read
6 the last section.

7 THE SECRETARY: Section 2. This
8 act shall take effect on the 60th day after it
9 shall have become a law.

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Senator Serino to explain her vote.

15 SENATOR SERINO: Thank you,
16 Mr. President. I rise to explain my vote.

17 I'm going to vote in support of this
18 bill. We need to do all that we can to improve
19 mental health outcomes. However, with all due
20 respect to the sponsor, I find the sponsor's memo
21 misleading and frankly insulting, as it implies
22 law enforcement are incapable of assisting in
23 these crisis situations.

24 This is something that's very
25 personal to me. I've spoken about it quite

1 often, about my brother dying by suicide. And
2 there was an occasion -- because he had tried it
3 a few time times -- where he was actually in a
4 hospital, in a room that had glass where they
5 could watch him because of his situation.

6 And somehow he escaped from that
7 room. He got into another room in the hospital
8 and called me from the hospital phone, asking me
9 to pick him up. You can just imagine how I felt,
10 the panic that I felt, having lived through this,
11 two years of him attempting to die by suicide.

12 So I had called law enforcement. I
13 called our local police. And let me tell you, I
14 was a decoy. I sat in the car so he would come
15 up to me. My brother was 6 foot 7, a body
16 builder, personal trainer, a big guy. So, you
17 know, that could have been a bad situation. But
18 it was a great situation. Our law enforcement
19 knew what to do to be able to get my brother and
20 get him back into the hospital.

21 And the reason for that is our
22 sheriffs do the CIT training, which is called the
23 Crisis Intervention Training. I saw so many
24 positive results with this, because they do go
25 through that training.

1 The Senate Majority has cut funding
2 to this program completely in the past two years.
3 This program works, and we need to be investing
4 in it. And we should be encouraging effective
5 partnerships between law enforcement and mental
6 health professionals for situations like this,
7 not seeking to exclude any of the stakeholders.

8 I encourage my colleagues to
9 consider alternative approaches moving forward
10 and encourage them to join us in making CIT
11 training programs a priority for all law
12 enforcement.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BENJAMIN:
15 Senator Serino to be recorded in the affirmative.

16 Senator Helming to explain her vote.

17 SENATOR HELMING: Thank you,
18 Mr. President. I rise today to explain my vote.

19 I have two primary concerns on this
20 bill, and because of these concerns I will be
21 voting no. But the two primary concerns that I
22 wanted to share with this body and to highlight
23 for everyone is, number one, I have technical --
24 I have concerns about some technical issues
25 within the body of this bill.

1 I'll give you just one example.
2 Section 1A, it refers to appointments to the
3 proposed council. And in describing those
4 appointments, it says that four shall be
5 appointed by the Temporary Speaker of the Senate.
6 I'm not aware of that position in this body. But
7 that's just one example of a technical concern
8 that I have.

9 My second concern, and it's a much
10 larger concern, is about -- perhaps the intent of
11 this bill is well-meaning, but what comes across
12 through the sponsor's memo, it's sickening to me.
13 I just want to read the first two sentences from
14 the "Justification," where it says "Concerning
15 mental health responses, police officers do not
16 have a great record."

17 What is that based on? What is that
18 based on? What I've seen in my experiences has
19 been absolutely incredible. Senator Serino
20 mentioned the CIT training opportunities that
21 used to be available to all of our departments,
22 with funding made available by the state. The
23 last two years we saw that funding just cut
24 dramatically.

25 That Crisis Intervention Team

1 training brought together professionals from so
2 many different disciplines -- whether it was law
3 enforcement working together with mental health
4 providers, whether it was the social workers and
5 the case management teams from the probation
6 departments or the corrections offices.
7 Everybody worked together, they learned together.
8 I attended so many of those trainings to witness
9 what was going on.

10 The success stories after people had
11 that training -- I think we can all agree that we
12 all do our best when we work together as a team,
13 and that includes law enforcement working with
14 our mental health counselors.

15 And again, I go back to the
16 "Justification" that I read from the sponsor, and
17 it seems to me it's just pushing out this
18 rhetoric that our police officers don't have a
19 role to play when there are calls for mental
20 health assistance.

21 Police officers need to be engaged
22 with mental health. This isn't a separate
23 one-or-the-other choice. And again, I'm
24 advocating for support, returned funding for the
25 Crisis Intervention Team training, getting that

1 funding back into the state budget.

2 I will tell you on the local level
3 there have been many departments that have
4 continued to fund these programs in spite of the
5 lack of funding coming from the state. However,
6 now that this rhetoric about let's defund the
7 police continues, is anyone doing anything to
8 make sure that these programs remain in place so
9 that our constituents get the services and the
10 protections that they need?

11 So for these reasons and others,
12 Mr. President, I am a no on this bill.

13 ACTING PRESIDENT BENJAMIN:
14 Senator Helming to be recorded in the negative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 965, those Senators voting in the
18 negative are Senators Akshar, Amedore, Borrello,
19 Boyle, Funke, Gallivan, Griffio, Helming, Jordan,
20 LaValle, O'Mara, Ortt, Ranzenhofer, Ritchie,
21 Robach, Seward and Tedisco.

22 Ayes, 41. Nays, 17.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 966, Senate Print 8791, by Senator Brooks, an act
2 to amend the Executive Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

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

7 ACTING PRESIDENT BENJAMIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:
11 Announce the results.

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 967, Senate Print 8795, by Senator Harckham, an
17 act in relation to ordering a study and report on
18 improvements of State Route 9A.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

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

23 ACTING PRESIDENT BENJAMIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BENJAMIN:

2 Announce the results.

3 THE SECRETARY: Ayes, 58.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

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

8 SENATOR GIANARIS: Mr. President,
9 there will be an immediate meeting of the
10 Rules Committee in Room 332.

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

14 SENATOR GIANARIS: The Senate will
15 stand at ease.

16 ACTING PRESIDENT BENJAMIN: The
17 Senate will stand at ease.

18 (Whereupon, the Senate stood at ease
19 at 1:20 p.m.)

20 (Whereupon, the Senate reconvened at
21 1:44 p.m.)

22 ACTING PRESIDENT BENJAMIN: The
23 Senate will return to order.

24 Senator Gianaris.

25 SENATOR GIANARIS: Mr. President, I

1 believe there's a report of the Rules Committee
2 at the desk.

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

5 The Secretary will read.

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

9 Senate Print 3318A, by
10 Senator Jackson, an act to amend the
11 Administrative Code of the City of New York;

12 Senate Print 5041, by Senator Mayer,
13 an act to amend the Westchester County
14 Administrative Code;

15 Senate Print 5627, by
16 Senator Parker, an act to amend the
17 Public Service Law;

18 Senate Print 6758B, by
19 Senator Kaminsky, an act to amend the
20 Environmental Conservation Law;

21 Senate Print 7034, by Senator
22 Borrello, an act to legalize, validate, ratify
23 and confirm the actions of the Panama Central
24 School District;

25 Senate Print 7037, by

1 Senator Gaughran, an act in relation to
2 legalizing, validating, ratifying and confirming
3 a transportation contract of the Cold Spring
4 Harbor Central School District;

5 Senate Print 7038, by
6 Senator Gaughran, an act to legalize, validate,
7 ratify and confirm the actions of the Huntington
8 Union Free School District;

9 Senate Print 7215A, by
10 Senator Savino, an act to amend the
11 Administrative Code of the City of New York;

12 Senate Print 7370, by
13 Senator Metzger, an act to legalize, validate,
14 ratify and confirm the actions of the Monticello
15 Central School District;

16 Senate Print 7565, by Senator Ortt,
17 an act to amend the Highway Law;

18 Senate Print 7708, by
19 Senator Jackson, an act to amend the
20 Public Service Law;

21 Senate Print 7757A, by
22 Senator Kavanagh, an act to amend the
23 Private Housing Finance Law;

24 Senate Print 7762, by
25 Senator Kaplan, an act to amend the Penal Law;

1 Senate Print 7763A, by
2 Senator Hoylman, an act to amend the Penal Law;

3 Senate Print 7775, by
4 Senator Ritchie, an act relating to legalizing,
5 validating, ratifying and confirming a
6 transportation contract of the Fulton City
7 School District;

8 Senate Print 8014C, by
9 Senator Harckham, an act in relation to providing
10 that certain schools shall experience no
11 financial harm for reduced enrollment or
12 inability to operate for the full 180 session
13 days due to the outbreak of coronavirus disease
14 2019 (COVID-19);

15 Senate Print 8334A, by
16 Senator Mayer, an act to amend the Labor Law;

17 Senate Print 8437, by Senator Liu,
18 an act to amend the Insurance Law;

19 Senate Print 8530, by
20 Senator Carlucci, an act relating to validating
21 certain acts by the Pearl River Union Free School
22 District;

23 Senate Print 8609A, by Senator
24 Harckham, an act to amend the Public Health Law;

25 Senate Print 8755, by

1 Senator Serino, an act to amend the Highway Law;
2 Senate Print 8809A, by
3 Senator Metzger, an act to establish a heightened
4 review of new permits for the operation of
5 certain electric generation facilities;
6 Senate Print 8817, by
7 Senator Hoylman, an act to amend the
8 Environmental Conservation Law;
9 Senate Print 8828, by Senator Ramos,
10 an act to amend the Labor Law;
11 Senate Print 8829, by
12 Senator Martinez, an act in relation to requiring
13 that COVID-19 contract tracers be representative
14 of the cultural and linguistic diversity of the
15 communities in which they serve;
16 Senate Print 8831, by
17 Senator Kaminsky, an act to amend the
18 Judiciary Law;
19 Senate Print 8832, by Senator Liu,
20 an act to amend the Tax Law;
21 Senate Print 8833, by
22 Senator Gianaris, Concurrent Resolution of the
23 Senate and Assembly proposing an amendment to
24 Sections 2, 4, 5, 5-a and 5-b of Article 3 of the
25 Constitution;

1 Senate Print 8834, by Senator
2 Montgomery, an act to amend the Family Court Act;

3 Senate Print 8835, by Senator
4 Sepúlveda, an act to amend the Public Health Law.

5 All bills ordered direct to third
6 reading.

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

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

12 (Response of "Aye.")

13 ACTING PRESIDENT BENJAMIN:
14 Opposed, nay.

15 (No response.)

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

18 SENATOR GIANARIS: Please take up
19 the reading of the supplemental calendar,
20 Mr. President.

21 ACTING PRESIDENT BENJAMIN: There
22 is a substitution at the desk.

23 The Secretary will read.

24 THE SECRETARY: Senator Salazar
25 moves to discharge, from the Committee on Rules,

1 Assembly Bill Number 7991A and substitute it for
2 the identical Senate Bill Number 6678A, Third
3 Reading Calendar 485.

4 ACTING PRESIDENT BENJAMIN: The
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 485, Assembly Print Number 7991A, by
9 Assemblymember Simotas, an act to amend the
10 Public Health Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

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

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:
19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar Number 485, voting in the negative:
22 Senator Ortt.

23 Ayes, 59. Nays, 1.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 974, Senate Print 3318A, by Senator Jackson, an
3 act to amend the Administrative Code of the City
4 of New York.

5 ACTING PRESIDENT BENJAMIN: Read
6 the last section.

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

9 ACTING PRESIDENT BENJAMIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN: Senator
13 Jackson to explain his vote.

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

16 I rise this afternoon in order to
17 support this bill. And this bill will relieve a
18 small part of the burden that hundreds of
19 thousands of New York City residents face every
20 single day.

21 And we have finally prohibited --
22 this bill will finally prohibit a surcharge for
23 installation or use of air-conditioners in
24 rent-regulated units. If the tenant pays their
25 own electric bill, that surcharge is lifted.

1 As you know, many of the tenants in
2 our state's biggest city are facing a very tight
3 squeeze financially, like others around the State
4 of New York as we hope to begin reopening our
5 economy. And this helps them now to live in
6 comfort, in slightly more affordable
7 air-conditioning, and repeals a payment that
8 never should have been faced in the first place.

9 So I thank my Assemblymember
10 colleague Jeff Dinowitz for collaborating with me
11 on this bill, and I hope that they pass it so the
12 Governor will sign it into law to give relief to
13 hundreds of thousands of individuals who have
14 air-conditioners in their home.

15 I vote aye, Mr. President.

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

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 974, those Senators voting in the
21 negative are Senators Akshar, Amedore, Borrello,
22 Gallivan, Griffio, Helming, Jordan, Lanza,
23 LaValle, Little, Martinez, O'Mara, Ortt,
24 Ranzenhofer, Ritchie, Robach, Serino, Seward and
25 Tedisco.

1 Ayes, 41. Nays, 19.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 There is a substitution at the desk.

5 The Secretary will read.

6 THE SECRETARY: Senator Mayer moves
7 to discharge, from the Committee on Rules,
8 Assembly Bill Number 5839A and substitute it for
9 the identical Senate Bill 5041, Third Reading
10 Calendar 994.

11 ACTING PRESIDENT BENJAMIN: The
12 substitution is so ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 994, Assembly Print Number 5839A, by
16 Assemblymember Paulin, an act to amend the
17 Westchester County Administrative Code.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar Number 994, those Senators voting in the
4 negative are Senators Akshar, Amedore, Borrello,
5 Boyle, Funke, Gallivan, Griffo, Helming, Jordan,
6 LaValle, O'Mara, Ortt, Ranzenhofer, Ritchie,
7 Robach, Serino, Seward and Tedisco.

8 Ayes, 42. Nays. 18.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 996, Senate Print 5627, by Senator Parker, an act
13 to amend the Public Service Law.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:
22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar Number 996, those Senators voting in the
25 negative are Senators Akshar, Amedore, Borrello,

1 Boyle, Funke, Gallivan, Griffio, Helming, Jordan,
2 Little, O'Mara, Ortt, Ranzenhofer, Ritchie,
3 Seward and Tedisco.

4 Ayes, 44. Nays, 16.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 There is a substitution at the desk.

8 The Secretary will read.

9 THE SECRETARY: Senator Kaminsky
10 moves to discharge, from the Committee on Rules,
11 Assembly Bill Number 10803A and substitute it for
12 the identical Senate Bill 6758B, Third Reading
13 Calendar 1007.

14 ACTING PRESIDENT BENJAMIN: The
15 substitution is so ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1007, Assembly Print Number 10803A, by the
19 Assembly Committee on Rules, an act to amend the
20 Environmental Conservation Law.

21 ACTING PRESIDENT BENJAMIN: Read
22 the last section.

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

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Senator Kaminsky to explain his vote.

5 SENATOR KAMINSKY: Thank you so
6 much, Mr. President.

7 No part of our state, be it
8 Long Island, New York City, the Hudson Valley,
9 the North Country, or anywhere, is anybody's
10 dumping ground. But we've lately seen an
11 epidemic in dumping of toxic construction
12 materials that are fouling our environment,
13 poisoning our water and deeply impacting our
14 communities.

15 And it would not surprise you,
16 Mr. President, to know that these are often
17 dumped in our most disadvantaged communities.

18 Take Roberto Clemente Park in
19 Suffolk County. New York City companies drove
20 through New York City, through Nassau County into
21 Suffolk County and found a community, a diverse
22 community, a community made up of many immigrant
23 families who I guess they thought wouldn't care
24 or notice, or no one would fight for them, and
25 dumped tons and tons of toxic waste in their

1 communities.

2 A grand jury report by the Suffolk
3 district attorney found that toxic dumping is
4 epidemic and yet the law is not equipped to fight
5 it. So today we pass our first anti-toxic
6 dumping bill that will give penalties
7 commensurate to the gravity of the offense and
8 will finally give law enforcement the tools they
9 need to combat this heinous offense.

10 I'm proud to support this bill today
11 because we're finally taking steps to address a
12 problem that's gone unaddressed for too long.

13 I really want to thank the
14 Suffolk County district attorney, Tim Sini, for
15 his hard work in bringing attention and having a
16 serious commitment to fighting this epidemic of
17 toxic dumping; to Assemblyman Steve Englebright
18 and Assemblyman Steve Stern, who labored on this
19 as well; and to our Majority Leader, Andrea
20 Stewart-Cousins, who knew that this crime was
21 unjust, that it was a crime of epic proportions
22 impacting environmental justice communities, and
23 that not acting was not an option.

24 I'm proud to vote in the
25 affirmative, Mr. President.

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

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar Number 1007, those Senators voting in
6 the negative are Senators Akshar, Amedore and
7 Griffo.

8 Ayes, 57. Nays, 3.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 There is a substitution at the desk.

12 The Secretary will read.

13 THE SECRETARY: Senator Borrello
14 moves to discharge, from the Committee on Rules,
15 Assembly Bill Number 8926 and substitute it for
16 the identical Senate Bill 7034, Third Reading
17 Calendar 1008.

18 ACTING PRESIDENT BENJAMIN: The
19 substitution is so ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 1008, Assembly Print Number 8926, by
23 Assemblymember Goodell, an act to legalize,
24 validate, ratify and confirm the actions of the
25 Panama Central School District.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: Ayes, 60.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 There is a substitution at the desk.

14 The Secretary will read.

15 THE SECRETARY: Senator Gaughran
16 moves to discharge, from the Committee on Rules,
17 Assembly Bill Number 8896 and substitute it for
18 the identical Senate Bill 7037, Third Reading
19 Calendar 1009.

20 ACTING PRESIDENT BENJAMIN: The
21 substitution is so ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 1009, Assembly Print Number 8896, by
25 Assemblymember Stern, an act in relation to

1 legalizing, validating, ratifying and confirming
2 a transportation contract of the Cold Spring
3 Harbor Central School District.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 There is a substitution at the desk.

17 The Secretary will read.

18 THE SECRETARY: Senator Gaughran
19 moves to discharge, from the Committee on Rules,
20 Assembly Bill Number 8898 and substitute it for
21 the identical Senate Bill 7038, Third Reading
22 Calendar 1010.

23 ACTING PRESIDENT BENJAMIN: The
24 substitution is so ordered.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 1010, Assembly Print Number 8898, by
3 Assemblymember Stern, an act to legalize,
4 validate, ratify and confirm the actions of the
5 Huntington Union Free School District.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 60.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 There is a substitution at the desk.

19 The Secretary will read.

20 THE SECRETARY: Senator Savino
21 moves to discharge, from the Committee on Rules,
22 Assembly Bill Number 7820A and substitute it for
23 the identical Senate Bill 7215A, Third Reading
24 Calendar 1011.

25 ACTING PRESIDENT BENJAMIN: The

1 substitution is so ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 1011, Assembly Print Number 7820A, by
5 Assemblymember Fall, an act to amend the
6 Administrative Code of the City of New York.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:
15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar Number 1011, those Senators voting in
18 the negative are Senators Kavanagh and Myrie.

19 Ayes, 58. Nays, 2.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 There is a substitution at the desk.

23 The Secretary will read.

24 THE SECRETARY: Senator Metzger
25 moves to discharge, from the Committee on Rules,

1 Assembly Bill Number 10594 and substitute it for
2 the identical Senate Bill 7370, Third Reading
3 Calendar 1012.

4 ACTING PRESIDENT BENJAMIN: The
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1012, Assembly Print Number 10594, by the
9 Assembly Committee on Rules, an act to legalize,
10 validate, ratify and confirm the actions of the
11 Monticello Central School District.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 1013, Senate Print 7565, by Senator Ortt, an act

1 to amend the Highway Law.

2 ACTING PRESIDENT BENJAMIN: Read
3 the last section.

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

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN:
10 Announce the results.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 1014, Senate Print 7708, by Senator Jackson, an
16 act to amend the Public Service Law.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

19 THE SECRETARY: Section 7. This
20 act shall take effect on the 180th day after it
21 shall have become a law.

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN: Senator

1 Jackson to explain his vote.

2 SENATOR JACKSON: Thank you,
3 Mr. President. I rise again regarding this
4 particular bill.

5 This vote goes hand-in-hand with the
6 passage of S7159, which I spoke about yesterday,
7 which ensures that our constituents in the entire
8 State of New York, and all healthcare consumers,
9 will receive accurate and understandable notices
10 about their medical coverage.

11 Our vote today for this bill begins
12 the process of ensuring that residential and
13 business consumers will receive bills that fairly
14 and understandably explain the billing for the
15 electric services that we receive.

16 These are both bills that will begin
17 to level the playing field between giant
18 corporations and our constituents. Our vote will
19 now allow New Yorkers across the state to fully
20 understand their electric bills and make informed
21 decisions about their electric use and their
22 habits.

23 Thank you, Mr. President. I vote
24 aye.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Jackson to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar 1014, those Senators voting in the
5 negative are Senators Akshar, Amedore, Borrello,
6 Funke, Gallivan, Griffo, Helming, Jordan, Lanza,
7 LaValle, Little, O'Mara, Ortt, Ranzenhofer,
8 Ritchie, Serino, Seward and Tedisco.

9 Ayes, 42. Nays, 18.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 There is a substitution at the desk.

13 The Secretary will read.

14 THE SECRETARY: Senator Kavanagh
15 moves to discharge, from the Committee on Rules,
16 Assembly Bill Number 4129A and substitute it for
17 the identical Senate Bill 7757A, Third Reading
18 Calendar 1015.

19 ACTING PRESIDENT BENJAMIN: The
20 substitution is so ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 1015, Assembly Print Number 4129A, by
24 Assemblymember Cymbrowitz, an act to amend the
25 Private Housing Finance Law.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar Number 1015, those Senators voting in
12 the negative are Senators Helming and Ortt.

13 Ayes, 58. Nays, 2.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 1016, Senate Print 7762, by Senator Kaplan, an
18 act to amend the Penal Law.

19 SENATOR AMEDORE: Lay it aside.

20 ACTING PRESIDENT BENJAMIN: Lay it
21 aside.

22 THE SECRETARY: Calendar Number
23 1017, Senate Print 7763A, by Senator Hoylman, an
24 act to amend the Penal Law.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar 1017, those Senators voting in the
12 negative are Senators Akshar, Amedore, Borrello,
13 Funke, Gallivan, Griffio, Helming, Jordan, Little,
14 Martinez, O'Mara, Ortt, Ranzenhofer, Ritchie,
15 Robach, Seward and Tedisco.

16 Ayes, 43. Nays, 17.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 There is a substitution at the desk.

20 The Secretary will read.

21 THE SECRETARY: Senator Ritchie
22 moves to discharge, from the Committee on Rules,
23 Assembly Bill Number 9951 and substitute it for
24 the identical Senate Bill 7775, Third Reading
25 Calendar 1018.

1 ACTING PRESIDENT BENJAMIN: The
2 substitution is so ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 1018, Assembly Print Number 9951, by
6 Assemblymember Barclay, an act relating to
7 legalizing, validating, ratifying and confirming
8 a transportation contract of the Fulton City
9 School District.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:
18 Announce the results.

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.

22 There is a substitution at the desk.

23 The Secretary will read.

24 THE SECRETARY: Senator Harckham
25 moves to discharge, from the Committee on Rules,

1 Assembly Bill Number 10193 and substitute it for
2 the identical Senate Bill 8014C, Third Reading
3 Calendar 1019.

4 ACTING PRESIDENT BENJAMIN: The
5 substitution is so ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number
8 1019, Assembly Print Number 10193, by
9 Assemblymember Abinanti, an act in relation to
10 providing that certain schools shall experience
11 no financial harm for reduced enrollment or
12 inability to operate for the full 180 session
13 days.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

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

18 ACTING PRESIDENT BENJAMIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN:
22 Announce the results.

23 THE SECRETARY: Ayes, 60.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number,
2 1020, Senate Print 8334A, by Senator Mayer, an
3 act to amend the Labor Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN: Senator
12 Mayer to explain her vote.

13 SENATOR MAYER: Thank you,
14 Mr. President. I rise to explain my vote.

15 And I first want to thank our
16 Majority Leader, Senator Andrea Stewart-Cousins,
17 for bringing this bill to the floor, and
18 particular thanks to Eric Katz, deputy counsel to
19 the Majority, who helped me get this bill over
20 the finish line.

21 This bill, requiring the payment of
22 prevailing wage on traditional public works
23 projects for the hauling and delivery of
24 aggregate supply construction materials, is
25 critically important to the working men and women

1 of New York.

2 These working people, many of them
3 members of the Teamsters locals throughout
4 New York, are the bedrock of many of our
5 communities. They help build our state, yet too
6 often they are left behind in our discussion and
7 our action on this floor.

8 Today we ensure that when they pick
9 up, deliver, and return the stones and gravel
10 that are essential for concrete and for building,
11 they are paid prevailing wage for that work. Too
12 often they drive, drop off at a construction
13 site, and return, only to get 20 minutes of
14 prevailing wage when they actually worked for
15 hours.

16 Ironically, some of the most
17 responsible contractors already pay for this, but
18 they're undercut by a race to the bottom for
19 those contractors seeking the cheapest deal.
20 This bill fixes that inequity.

21 There have been questions raised
22 about applicability of this bill to construction
23 projects covered by Labor Law Section 224A that
24 applies prevailing wages to private projects,
25 which was passed last year.

1 First, that section does not take
2 effect until January 1, 2022. And even when
3 Labor Law 224A does take effect, this bill does
4 not extend prevailing wage requirements to
5 delivery or hauling of aggregate supply
6 construction materials to any private
7 construction projects, pursuant to that section.

8 Today's bill limits its application
9 to Labor Law Section 220, prevailing wage
10 construction projects, and does not extend to
11 private construction projects under Labor Law
12 Section 224A.

13 As we end, hopefully, this pandemic
14 and begin to rebuild our communities, let's
15 ensure our working men and women get back to work
16 safely, and let's fix this loophole, make sure
17 our working brothers and sisters are paid the
18 right wage for their work, all that they are
19 owed, and prevailing wage on prevailing wage
20 projects.

21 Thank you, Mr. President, and I vote
22 aye.

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

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar 1020, those Senators voting in the
3 negative are Senators Akshar, Amedore, Borrello,
4 Funke, Gallivan, Griffo, Helming, Jordan,
5 LaValle, Little, Martinez, O'Mara, Ortt,
6 Ranzenhofer, Serino, Seward and Tedisco.

7 Ayes, 43. Nays, 17.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 1021, Senate Print 8437, by Senator Liu, an act
12 to amend the Insurance Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

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

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 1021, those Senators voting in
24 the negative are Senators Akshar, Amedore,
25 Borrello, Funke, Gallivan, Griffo, Helming,

1 Jordan, LaValle, Little, O'Mara, Ortt,
2 Ranzenhofer, Ritchie, Robach, Serino, Seward and
3 Tedisco.

4 Ayes, 42. Nays, 18.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 There is a substitution at the desk.

8 The Secretary will read.

9 THE SECRETARY: Senator Carlucci,
10 moves to discharge, from the Committee on Rules,
11 Assembly Bill Number 9802A and substitute it for
12 the identical Senate Bill 8530, Third Reading
13 Calendar 1022.

14 ACTING PRESIDENT BENJAMIN: The
15 substitution is so ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1022, Assembly Print Number 9802A, by
19 Assemblymember Jaffee, an act relating to
20 validating certain acts by the Pearl River Union
21 Free School District.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 1022, voting in the negative:
8 Senator Lanza.

9 Ayes, 59. Nays, 1.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 1023, Senate Print 8609A, by Senator Harckham, an
14 act to amend the Public Health Law.

15 ACTING PRESIDENT BENJAMIN: Read
16 the last section.

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

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN:
23 Announce the results.

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 There is a substitution at the desk.

3 The Secretary will read.

4 THE SECRETARY: Senator Serino
5 moves to discharge, from the Committee on Rules,
6 Assembly Bill Number 8361A and substitute it for
7 the identical Senate Bill 8755, Third Reading
8 Calendar 1024.

9 ACTING PRESIDENT BENJAMIN: The
10 substitution is so ordered.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1024, Assembly Print Number 8361A, by
14 Assemblymember Jacobson, an act to amend the
15 Highway Law.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 1025, Senate Print 8809A, by Senator Metzger, an
5 act to establish a heightened review of new
6 permits for the operation of certain electric
7 generation facilities.

8 ACTING PRESIDENT BENJAMIN: Read
9 the last section.

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

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN:
16 Senator Metzger to explain her vote.

17 SENATOR METZGER: Thank you,
18 Mr. President.

19 I rise to thank Majority Leader
20 Andrea Stewart-Cousins for her support of this
21 very important and timely bill that will require
22 a new and higher level of review of CPV's
23 fracked-gas power plant in Wawayanda as the DEC
24 considers whether to approve a Title V air
25 quality permit for this facility.

1 This power plant should have never
2 become operational in the first place and should
3 not be allowed to continue to operate. It is
4 entirely at odds with the goals of the Climate
5 Leadership and Community Protection Act that we
6 passed last year and that is now the law of the
7 land -- not to mention the health, quality of
8 life, and environmental impacts on surrounding
9 communities in Orange County.

10 This bill requires that the permit
11 be denied if the facility's operation is
12 inconsistent with the CLCPA and the public
13 interest and requires public hearings in making
14 that determination. It is absolutely essential
15 for protecting the health and well-being of the
16 communities I represent, and I vote aye.

17 Thank you very much.

18 ACTING PRESIDENT BENJAMIN:

19 Senator Metzger to be recorded in the
20 affirmative.

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 1025, those Senators voting in
24 the negative are Senators Akshar, Amedore,
25 Borrello, Funke, Gallivan, Griffo, Helming,

1 Jordan, LaValle, Little, O'Mara, Ortt,
2 Ranzenhofer, Ritchie, Robach, Serino, Seward and
3 Tedisco.

4 Ayes, 42. Nays, 18.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 Senator Gianaris.

8 SENATOR GIANARIS: Mr. President,
9 as we continue to go through the calendar, there
10 will be an immediate Finance Committee meeting in
11 Room 332.

12 ACTING PRESIDENT BENJAMIN: There
13 will be an immediate meeting of the
14 Finance Committee in Room 332.

15 There is a substitution at the desk.

16 The Secretary will read.

17 THE SECRETARY: Senator Hoylman
18 moves to discharge, from the Committee on Rules,
19 Assembly Bill Number 4739C and substitute it for
20 the identical Senate Bill 8817, Third Reading
21 Calendar 1026.

22 SENATOR AMEDORE: Lay it aside.

23 ACTING PRESIDENT BENJAMIN: Lay it
24 aside.

25 THE SECRETARY: Calendar Number

1 1027, Senate Print 8828, by Senator Ramos, an act
2 to amend the Labor Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar Number 1027, those Senators voting in
15 the negative are Senators Jordan, Ortt and
16 Ranzenhofer.

17 Ayes, 57. Nays, 3.

18 ACTING PRESIDENT BENJAMIN: The
19 bill is passed.

20 There is a substitution at the desk.

21 The Secretary will read.

22 THE SECRETARY: Senator Martinez
23 moves to discharge, from the Committee on Rules,
24 Assembly Bill Number 10567A and substitute it for
25 the identical Senate Bill 8829, Third Reading

1 Calendar 1028.

2 ACTING PRESIDENT BENJAMIN: The
3 substitution is so ordered.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 1028, Assembly Print Number 10567A, by the
7 Assembly Committee on Rules, an act in relation
8 to requiring that COVID-19 contact tracers be
9 representative of the cultural and linguistic
10 diversity of the communities in which they serve.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

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

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)Al

18 ACTING PRESIDENT BENJAMIN:
19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar Number 1028, those Senators voting in
22 the negative are Senators Borrello, Helming,
23 O'Mara and Ortt.

24 Ayes, 56. Nays, 4.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 1029, Senate Print 8831, by Senator Kaminsky, an
4 act to amend the Judiciary Law.

5 ACTING PRESIDENT BENJAMIN: Read
6 the last section.

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

9 ACTING PRESIDENT BENJAMIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN:
13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar Number 1029, those Senators voting in
16 the negative are Senators Akshar, Amedore,
17 Borrello, Funke, Gallivan, Griffo, Helming,
18 Jordan, Lanza, LaValle, O'Mara, Ortt, Ritchie,
19 Robach, Serino, Seward and Tedisco.

20 Ayes, 43. Nays, 17.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 1030, Senate Print 8832, by Senator Liu, an act
25 to amend the Tax Law.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar Number 1030, those Senators voting in
12 the negative are Senators Borrello, O'Mara and
13 Robach.

14 Ayes, 57. Nays, 3.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 1031, Senate Print 8833, by Senator Gianaris,
19 Concurrent Resolution of the Senate and Assembly
20 proposing an amendment to Sections 2, 4, 5, 5-a
21 and 5-b of Article 3 of the Constitution.

22 SENATOR AMEDORE: Lay it aside.

23 ACTING PRESIDENT BENJAMIN: Lay it
24 aside.

25 THE SECRETARY: Calendar Number

1 1032, Senate Print 8834, by Senator Montgomery,
2 an act to amend the Family Court Act.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

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

7 ACTING PRESIDENT BENJAMIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN:
11 Announce the results.

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number
16 1033, Senate Print 8835, by Senator Sepúlveda, an
17 act to amend the Public Health Law.

18 SENATOR AMEDORE: Lay it aside.

19 ACTING PRESIDENT BENJAMIN: Lay it
20 aside.

21 Senator Gianaris.

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

24 Can we recognize Senator Ramos to
25 speak on the bill we just adopted, Calendar

1 Number 1027.

2 ACTING PRESIDENT BENJAMIN:

3 Senator Ramos.

4 SENATOR RAMOS: Thank you,
5 Mr. President.

6 I'm rising to say thank you to
7 several people who were instrumental in helping
8 us pass this bill to create a more centralized
9 reporting of construction fatalities.

10 Just a few days ago, in Midtown
11 Manhattan, we had a construction fatality; a
12 person fell off of a scaffold. And
13 unfortunately, because there is no centralized
14 reporting, they don't actually count towards the
15 number of worker deaths in our state. This has
16 not allowed for us to really deep-dive into the
17 reasons why especially the construction industry
18 can be so dangerous.

19 I mean, at one point there is a
20 NYCOSH report that says that we have a
21 construction death in New York every five days.
22 That's unconscionable. We need to be able to
23 address whatever dangerous working conditions
24 there are in our state so that we can protect
25 workers, and this bill is going to help us do

1 just that.

2 So I want to thank, of course, our
3 Majority Leader, Andrea Stewart-Cousins, but I
4 also want to thank all of the building trades and
5 especially Mike McGuire, from the Mason Tenders,
6 and also my colleague in the Assembly, Carmen
7 De La Rosa, who have helped push this forward.

8 And hopefully we'll finally be able
9 to protect workers and make sure that they return
10 to their families at the end of the day.

11 Thank you.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Gianaris, that completes the reading of the
14 supplemental calendar.

15 SENATOR GIANARIS: Thank you,
16 Mr. President.

17 At this point we're going to move to
18 the controversial calendar, and we are going to
19 begin with Calendar 1033, please.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Amedore.

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

24 I believe there's an amendment at
25 the desk. I waive the reading of that amendment

1 and ask that you'd recognize Senator Tedisco to
2 be heard.

3 ACTING PRESIDENT BENJAMIN: So we
4 have to read the bill first.

5 SENATOR AMEDORE: Okay.

6 ACTING PRESIDENT BENJAMIN: The
7 Secretary will ring the bell.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 1033, Senate Print 8835, by Senator Sepúlveda, an
11 act to amend the Public Health Law.

12 ACTING PRESIDENT BENJAMIN: Senator
13 Amedore, why do you rise?

14 SENATOR AMEDORE: Thank you,
15 Mr. President.

16 I rise because I believe that there
17 is an amendment at the desk, and I ask that you
18 waive the reading of this amendment and ask that
19 you would recognize Senator Tedisco to be heard.

20 ACTING PRESIDENT BENJAMIN: Thank
21 you, Senator Amedore.

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

25 SENATOR AMEDORE: Mr. President, I

1 appeal the chair's ruling, Mr. President, and ask
2 that Senator Tedisco be recognized.

3 ACTING PRESIDENT BENJAMIN: The
4 appeal has been made and recognized, and
5 Senator Tedisco may be heard.

6 SENATOR TEDISCO: Thank you,
7 Mr. Amedore. Thank you, Mr. President, and my
8 colleagues here today.

9 I believe -- I wear my mask, but I
10 believe I'll be following the CDC guidelines. So
11 as I move forward with this -- because my glasses
12 are getting all fogged up, and I want to make
13 sure I can see everybody I'm talking to here in
14 the room. And we're well-distanced here
15 socially. So I think it will be all right.
16 Right now there's only about 10 of us in the
17 room.

18 As I move forward, Mr. President and
19 my colleagues, with this appeal of this
20 warranted, important and certainly generic and
21 germane amendment, I want to first and foremost
22 wish my colleagues on both sides of the aisle
23 well -- their families, their constituents, my
24 constituents in the 49th Senate District which
25 are concerned about what's happening in our

1 long-term healthcare facilities and our nursing
2 homes, and thank them and their constituents,
3 New Yorkers, for their resiliency. This was five
4 months of not just a health crisis, but we know
5 we're in the midst of an economic crisis right
6 now.

7 And this particular amendment is
8 germane because it directly relates to the
9 bill-in-chief. The bill-in-chief says we're
10 going to enhance some liabilities for our
11 long-term healthcare facilities. We're kind of
12 reduced and minimized when both majorities in
13 this house and in the Assembly passed the
14 Governor's budget. And none of my colleagues, of
15 course, on our side of the aisle voted for that
16 particular budget in the Assembly or the Senate.

17 And what this amendment would do, if
18 we put it forward, if there is going to be more
19 liability and more blame, we should know who the
20 responsibilities are for for what took place with
21 a lot of individuals who were a part of the
22 tragedy that has taken place in New York State,
23 32,000 to 34,000 -- I'm not exactly sure what the
24 numbers are -- New Yorkers lost their lives.

25 But the tragedy within that tragedy

1 of that loss of life -- and one loss of life for
2 New Yorkers is too many -- was our most
3 vulnerable population in our long-term care
4 facilities had an inordinate amount of loss of
5 life due to the coronavirus.

6 It's been speculated, and I call it
7 speculation, that 6,400 nursing home patients
8 lost their life in New York State. Now, I
9 speculate on that because most of the states
10 count those individuals in nursing homes who
11 contracted the virus but then got so sick they
12 had to go to a hospital and passed away at a
13 hospital. I don't believe New York State has
14 done that. So we really don't know the numbers,
15 and there's speculation it could be double that.
16 It could be 12,000, it could be 13,000
17 individuals.

18 This amendment relates to the
19 bill-in-chief because it provides us an outside,
20 independent, bipartisan, nonpartisan -- takes
21 politics, to the best we can, out of any
22 suggestion by the administration or anybody else
23 that it was either the CDC, the president, the
24 federal government, the long-term healthcare
25 facilities themselves, or now what the

1 administration has settled on, it's the blame of
2 the healthcare workers in those facilities. We
3 can probably name those he hasn't blamed for this
4 wildfire that's taken place in those facilities,
5 rather than the people he has blamed.

6 But the fact of the matter is you
7 can't run away from the facts. We need this
8 amendment for this outside, independent,
9 nonpartisan, nonpolitical investigation. Not
10 only so we can get those numbers, not only so we
11 can check on the regulations and the oversight
12 that the state should have had and the nursing
13 homes' work that they should have done, but
14 actually what orders that took place from this
15 executive level actually might have impacted what
16 took place in these facilities.

17 That's why this is germane. It
18 should coincide. If you're going to add
19 liability, where does the liability fall?

20 Now, on March 12th, we probably all
21 know that the Governor put forth an executive
22 order. He put forth an executive order that no
23 friends, family or loved ones shall enter a
24 nursing home to visit their loved ones in the
25 nursing home.

1 Now, he could have said you'll go to
2 a separate room, you'll follow CDC guidelines,
3 you'll be tested before you go in there, there's
4 one person in a room. He I guess erred, he
5 thought, on the side of safety. No loved ones
6 would visit. That's kind of being loosened up
7 right now. Not to the extent, maybe, that it
8 should be.

9 That was March 12th. On March 25th,
10 the administration and the Executive put another
11 executive order out. And this executive order
12 said it would require nursing homes to accept
13 COVID-19 patients being discharged. And nursing
14 homes would be barred from testing those
15 individuals as they entered the nursing homes.

16 Now, there's a disconnect there. I
17 don't have to have hearings on anything, I don't
18 have to have an investigation to be concerned
19 about the fact that on -- two weeks before he
20 said you're mandated to take these individuals
21 who have the virus into nursing homes, two weeks
22 before that he said no family members whatsoever
23 can visit the nursing homes. There's a
24 disconnect there, I think most people would
25 agree.

1 But then as more and more and more
2 of this wildfire built up, 6,400 patients --
3 that's an estimate, I believe. I believe it's
4 much beyond that -- into May, going towards the
5 middle of May. On May 10th the Governor did
6 something else that doesn't make sense.

7 All the way from that 25th executive
8 order to place them in the nursing homes,
9 COVID-19 diagnosed patients, he was saying that
10 did not cause the expansion of the wildfire in
11 those long-term healthcare facilities or the
12 nursing homes. Over and over and over, I guess
13 you could count 15 to 20 times: It did not cause
14 the expansion, my executive order to place them
15 into nursing homes with COVID-19.

16 On May 10th, he gave another
17 executive order. You know what that executive
18 order was? And this is the disconnect.
19 May 25th, you're mandated to put them in --
20 March 25th, rather, you're mandated to put them
21 in the facilities. May 10th, you may not put a
22 COVID-19 diagnosed patient into a nursing home.
23 But from March 25th to May 10th, never caused any
24 wildfire, didn't cause the expansion of the loss
25 of life in the nursing home. That's a

1 disconnect.

2 Now, I appreciate the Governor,
3 through his appointed commissioner from the
4 Department of Health, and through the individuals
5 who he hires with the Health Department in
6 New York State, had an investigation. But I
7 think just about everybody -- the media,
8 Democrats and Republicans, Senators,
9 Assemblymembers, family members -- are taking
10 that with a grain of salt. Because I think we
11 know what happened there.

12 Those individuals were appointed by
13 the Governor, hired by the Governor. The peer
14 review people, many of them were getting funding
15 from the State of New York and donated quite a
16 bit of money to the executive level, to the
17 Governor of New York State.

18 So I appreciate that investigation,
19 but I think we should take it from here as a
20 responsible legislative body. I appreciate the
21 hearings coming up in August. They'll be great.
22 But I don't think that's an outside, independent,
23 bipartisan, nonpartisan use of subpoenas to bring
24 people in and get the real facts.

25 Because you know who deserves the

1 real facts? Who deserves the real facts are the
2 family members, the loved ones, the friends of
3 those who lost their lives in large numbers in
4 those long-term healthcare facilities. Who the
5 Governor, on March 12th, said you can't come and
6 visit your loved ones, and on March 25th I think
7 did a disconnect and really was a part of this
8 wildfire that took place and said: But COVID-19
9 patients must be accepted, and you are barred
10 from testing them to see if they still have the
11 infection, the virus.

12 So my colleagues, Mr. President, I
13 do believe this is germane. If it's not germane,
14 you should bring another bill out, my bill out
15 that does this, and we should just vote straight
16 up on the bill. If we're passing a bill that
17 provides liability, enhanced liability -- which
18 this Majority gave protection from liability to
19 those long-term healthcare facilities -- if
20 you're loosening that up and providing liability
21 at some level, you should be finding out exactly
22 what took place with the loss of all those lives.
23 Their loved ones deserve to get some type, some
24 form of closure.

25 And until we get something that's

1 outside, independent, bipartisan, with subpoena
2 power, I think there's going to be a lot more
3 questions. And they don't deserve to have
4 questions.

5 So I would ask you and my colleagues
6 to reconsider this appeal, to provide this
7 investigation for your constituents, for our
8 friends and loved ones, for our family members,
9 for the people we represent. They deserve it.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BENJAMIN: Thank
12 you, Senator Tedisco.

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

16 Those in favor of overruling the
17 chair signify by saying aye.

18 SENATOR AMEDORE: Request a show of
19 hands.

20 ACTING PRESIDENT BENJAMIN: Senator
21 Gianaris.

22 SENATOR GIANARIS: Mr. President,
23 at this time we'll waive the showing of the hands
24 and record the entire Minority Conference in the
25 affirmative.

1 ACTING PRESIDENT BENJAMIN: Without
2 objection, so ordered.

3 Announce the results.

4 THE SECRETARY: Ayes, 20.

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

8 Senator O'Mara.

9 SENATOR O'MARA: Yes,
10 Mr. President, is the -- who's going to handle
11 this bill on debate?

12 ACTING PRESIDENT BENJAMIN:
13 Senator Kaminsky.

14 SENATOR O'MARA: Oh, Senator. Good
15 afternoon.

16 I just wanted to make sure I was on
17 the right bill, and I am. So thank you.

18 Senator Kaminsky, are you the
19 sponsor of this bill?

20 ACTING PRESIDENT BENJAMIN: Wait.
21 Are you asking the Senator to yield for a
22 question?

23 SENATOR O'MARA: Yes,
24 Mr. President. Will Senator Kaminsky yield?

25 SENATOR KAMINSKY: Yes.

1 ACTING PRESIDENT BENJAMIN: The
2 Senator yields. The Senator yields.

3 SENATOR O'MARA: Okay. Are you the
4 sponsor of this bill?

5 SENATOR KAMINSKY: Through you,
6 Mr. President, I am not the sponsor of the bill,
7 but I will be debating this bill on behalf of the
8 Majority Conference.

9 SENATOR O'MARA: When was this bill
10 introduced? Through you, Mr. President, if the
11 sponsor will yield.

12 ACTING PRESIDENT BENJAMIN: Does
13 the Senator yield?

14 SENATOR KAMINSKY: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 Senator yields.

17 SENATOR O'MARA: When was this bill
18 introduced?

19 SENATOR KAMINSKY: Through you,
20 Mr. President, on Monday. Three days ago.

21 SENATOR O'MARA: On Monday of this
22 week?

23 SENATOR KAMINSKY: Through you,
24 Mr. President, yes.

25 SENATOR O'MARA: Through you,

1 Mr. President, will the sponsor yield?

2 SENATOR KAMINSKY: Yes.

3 ACTING PRESIDENT BENJAMIN: Does
4 the Senator yield? The Senator yields.

5 SENATOR O'MARA: Has there been any
6 public hearings on this legislation?

7 SENATOR KAMINSKY: Through you,
8 Mr. President, no.

9 SENATOR O'MARA: Through you,
10 Mr. President, will the sponsor yield?

11 ACTING PRESIDENT BENJAMIN: Does
12 the Senator yield?

13 SENATOR KAMINSKY: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 Senator yields.

16 SENATOR O'MARA: Does -- can you
17 explain generally what this legislation is doing?

18 SENATOR KAMINSKY: Through you,
19 Mr. President, this bill seeks to narrow the
20 scope of the immunity provided to healthcare
21 facilities in our budget.

22 Specifically, the bill will narrow
23 the immunity provisions to only apply to
24 healthcare services for confirmed or suspected
25 COVID-19 patients, by amending the definition of

1 "healthcare services" to remove those provisions
2 that provided immunity to services for non-COVID
3 patients during the pandemic.

4 Specifically, this bill will narrow
5 the scope of healthcare services that would be
6 protected to only the diagnosis and treatment of
7 COVID-19, and it would require that the provider
8 be directly providing the healthcare services to
9 the patient.

10 SENATOR O'MARA: Through you,
11 Mr. President, will the sponsor yield?

12 ACTING PRESIDENT BENJAMIN: Will
13 the Senator yield?

14 SENATOR KAMINSKY: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 Senator yields.

17 SENATOR O'MARA: This legislation
18 is amending what this legislative body passed in
19 April; correct?

20 SENATOR KAMINSKY: Through you,
21 Mr. President, yes. It amends the parts of the
22 budget bill that specifically reference
23 healthcare liability immunity.

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

1 ACTING PRESIDENT BENJAMIN: Does
2 the Senator yield?

3 SENATOR KAMINSKY: Yes.

4 ACTING PRESIDENT BENJAMIN: The
5 Senator yields.

6 SENATOR O'MARA: Senator, based on
7 that legislation we did in April, based on the
8 emergency of the pandemic that we had at the
9 time, is it your position now that we are no
10 longer in an emergency situation over the COVID
11 pandemic?

12 SENATOR KAMINSKY: Through you,
13 Mr. President, it's our position with respect to
14 non-COVID services that we are now in a place
15 where we believe that if -- especially now that
16 we're putting healthcare facilities on notice
17 that if they are inviting patients to come in and
18 take advantage of their services, and now that we
19 are certainly far from the height of treating the
20 epidemic that we were in April when we -- our
21 hospitals were being overwhelmed, that we are now
22 at a point of being, with respect to non-COVID
23 services, at a place where we expect regular,
24 proper treatment to be given and that families
25 should be able to have recourse, from the time of

1 the signing of the bill forward, to be able to
2 deal with any medical malpractice that they may
3 believe had happened.

4 SENATOR O'MARA: Through you,
5 Mr. President, will the sponsor yield for another
6 question.

7 ACTING PRESIDENT BENJAMIN: Does
8 the Senator yield?

9 SENATOR KAMINSKY: Yes.

10 ACTING PRESIDENT BENJAMIN: The
11 Senator yields.

12 SENATOR O'MARA: Will this
13 legislation -- is this legislation retroactive to
14 the start of the pandemic?

15 SENATOR KAMINSKY: Through you,
16 Mr. President, no. It will take effect from the
17 moment it's signed going forward.

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

20 ACTING PRESIDENT BENJAMIN: Does
21 the Senator yield?

22 SENATOR KAMINSKY: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 Senator yields.

25 SENATOR O'MARA: So still, under

1 this legislation, claims can't be brought against
2 a nursing home or a hospital during that period
3 since the April legislation and the final
4 enactment of this bill; correct?

5 SENATOR KAMINSKY: Through you,
6 Mr. President. To be clear, claims can certainly
7 be brought. The budget provisions provided an
8 affirmative defense that you had to show a
9 connection, if you were a healthcare facility or
10 a healthcare provider, that you were impacted by
11 COVID or impacted by state regulations related to
12 it and that is why you took the action you did.

13 That is going to be the case and
14 still the law up until the time -- if and when
15 the Governor signs this bill, assuming it passes
16 both houses, that would then change. From that
17 moment forward, liability related to non-COVID
18 treatment and diagnosis could be sought.

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

21 ACTING PRESIDENT BENJAMIN: Will
22 the Senator yield?

23 SENATOR KAMINSKY: Yes.

24 ACTING PRESIDENT BENJAMIN: The
25 Senator yields.

1 SENATOR O'MARA: You're aware,
2 Senator, that we have public hearings scheduled
3 on the handling of nursing home patients during
4 this pandemic for the first week or so in August.
5 Wouldn't it be wiser to go through that hearing,
6 get testimony and input from the facilities as
7 well as other care providers and victims as well?

8 SENATOR KAMINSKY: Through you,
9 Mr. President, I am well aware of those hearings.
10 I'm looking forward to them. And this -- what we
11 do today doesn't forestall any future action that
12 might be taken or cause the facts to be gathered
13 at those hearings to simply be ignored. There's
14 certainly action that we can take if we find it
15 compelling at that time.

16 But I'm going to refer to the old
17 Bob Dylan line, which is "You don't need a
18 weatherman to know which way the wind blows."
19 And I think the average New Yorker can tell that
20 we're certainly not at the height of the pandemic
21 where we are finding any space available in a
22 hospital for a given room, where we saw the
23 horrific scenes of having freezer trucks outside
24 to handle the amount of bodies.

25 Hospitals are saying come on in,

1 come to us now, get your colonoscopy, get that
2 heart check, get your services. And they are
3 certainly holding out to the public that they
4 could perform these in a professional way to the
5 highest degree of care, and that mistakes are not
6 going to be made. That's a far cry from where we
7 were during this emergency, and I think having
8 this provision prospectively works.

9 Now, this will not, obviously, be
10 taking anybody by surprise. We are setting the
11 standard and saying from now on we are operating
12 under a different standard, and act accordingly.
13 And I think that will give them enough notice to
14 amend their procedures in such a way that they
15 feel they'll only undertake those that they think
16 they could do properly, and I think that that's
17 fine.

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

20 ACTING PRESIDENT BENJAMIN: Does
21 the Senator yield?

22 SENATOR KAMINSKY: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 Senator yields.

25 SENATOR O'MARA: Would you agree,

1 Senator, that we don't really need a weatherman
2 to tell us that sending COVID-positive patients
3 into nursing homes was like throwing a lit match
4 on dry grass?

5 SENATOR KAMINSKY: I'm not going to
6 respond to that question. It is nongermane to
7 this debate about prospective liability.

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

10 ACTING PRESIDENT BENJAMIN: Does
11 the Senator yield?

12 SENATOR KAMINSKY: Yes.

13 ACTING PRESIDENT BENJAMIN: The
14 Senator yields.

15 SENATOR O'MARA: Does the --
16 Senator, do you feel that the COVID infections
17 that resulted from the Governor's action --
18 demanding and requiring nursing homes to take
19 patients without testing them -- that there still
20 remains COVID infections in these facilities
21 directly related to that?

22 SENATOR KAMINSKY: Through you,
23 Mr. President. I at this time have no
24 information about where a particular COVID
25 infection may or may not have come from.

1 I know that we are having hearings.
2 I know that the three chair members who are
3 associated with those hearings are very serious
4 about digging into the facts, and I look forward
5 to finding out those facts and following them
6 wherever they lead, whether they lead to one
7 place or another. So I think we still have facts
8 to gather, and I welcome that process.

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

11 ACTING PRESIDENT BENJAMIN: Does
12 the Senator yield?

13 SENATOR KAMINSKY: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 Senator yields.

16 SENATOR O'MARA: In a scenario
17 where a non-COVID patient goes into a hospital
18 for a procedure, or into a nursing home as a new
19 resident, and they're not COVID-positive, and
20 they contract COVID while they're in the nursing
21 home or in the hospital for that procedure, under
22 this legislation, can -- can -- is the hospital
23 or nursing home protected from liability for that
24 infection?

25 SENATOR KAMINSKY: Through you,

1 Mr. President, that would have to be a
2 fact-specific question.

3 But it is certainly the case that
4 that facility would make the argument that
5 because that was not related to the treatment of
6 COVID, that they are not protected from that
7 liability.

8 Or to put it in the reverse, their
9 affirmative defense would be fought with the
10 argument that it had nothing to do with COVID and
11 therefore they are liable for protecting its
12 spread and ensuring that people aren't going to
13 be put in contact and come down with the virus.

14 So it is very possible that a
15 lawsuit could proceed along these lines under
16 this legislation.

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

19 ACTING PRESIDENT BENJAMIN: Does
20 the Senator yield?

21 SENATOR KAMINSKY: Yes.

22 ACTING PRESIDENT BENJAMIN: The
23 Senator yields.

24 SENATOR O'MARA: Is it the
25 determination of yourself and the sponsor and the

1 Majority of this house that we now understand
2 COVID well enough that we can be assured that
3 hospitals and nursing homes can protect
4 individuals from getting infected while they're
5 in the facility?

6 SENATOR KAMINSKY: Through you,
7 Mr. President. I could certainly say that every
8 indication we've gotten from our own government,
9 on to the doctor on Main Street, is they need to
10 come into the doctor and avail themselves of
11 those services.

12 They don't say: However, we have no
13 idea whether we could protect you from getting
14 COVID, so go at your own risk. They're like,
15 Come on in, get your heart checked out, get your
16 colonoscopy, get your work done.

17 And I believe what they mean by that
18 is you will have a very ordinary experience like
19 you would have at any other time, there's no need
20 to be afraid, please come here, do not let fear
21 override your decisions. And I think that's
22 certainly a fair thing to say, because I believe
23 that they can protect people.

24 Now, this liability still --
25 protection, liability protection, still extends

1 to COVID. And I think that's an important
2 distinction. I do think COVID itself is, you
3 know, something that we're still learning about
4 and then deserves to that have protection going
5 forward, and that's why the bill is bifurcated in
6 the way it is.

7 SENATOR O'MARA: Thank you,
8 Senator Kaminsky.

9 On the bill, Mr. President.

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

12 SENATOR O'MARA: I agree with the
13 sponsor on this in lifting the limits on
14 liability for general malpractice, for other
15 activities in a hospital or a nursing home that
16 may be done negligently, without the requiring of
17 showing of gross negligence in those.

18 But I have -- I have grave concerns
19 over the last question that I asked about an
20 individual who's COVID-free that goes into a
21 hospital or a nursing home and then can allege
22 that they then got COVID in that facility,
23 bringing a claim for that.

24 I really have concerns that we're
25 not still fully aware of how COVID is

1 transmitted. And, more importantly, I'm not sure
2 we're fully aware of how we can stop the
3 transmission of COVID.

4 And while you're going into a
5 facility that has COVID in it -- hospitals have
6 had COVID patients. Nursing homes have had COVID
7 patients. Staff coming in and out could have
8 COVID. It exists in those facilities. And while
9 I'm going to vote for this legislation, I am
10 concerned of opening that liability to these
11 facilities.

12 Thank you, Mr. President.

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

15 Seeing and hearing none, debate is
16 closed.

17 The Secretary will ring the bell.

18 Read the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:

25 Senator Serino to explain her vote.

1 SENATOR SERINO: Thank you,
2 Mr. President.

3 I'm going to vote in support of this
4 bill because I believe that we need to do all
5 that we can to ensure that vulnerable New Yorkers
6 have a voice in this process. But I have a few
7 issues that I'd like to get on the record.

8 First of all, this body should be
9 ashamed of how it's handled the nursing homes and
10 long-term facilities during the pandemic. To
11 pass this bill, a bill that holds our healthcare
12 facilities liable for issues that may have arisen
13 as a direct result of bad state policies, is
14 truly outrageous.

15 I have been leading a call for a
16 hearing and an independent investigation on this
17 issue since May. After months of inaction, this
18 body finally set a hearing date for August. And
19 now we're back for our fourth session since COVID
20 hit, and you've passed absolutely no legislation
21 to better protect residents or support the
22 hardworking facilities that care for them.

23 Let me be clear. We need to do all
24 that we can to hold any bad actors fully
25 accountable. But this legislation fails to get

1 to the real problem. It does absolutely nothing
2 to hold the state responsible for its terrible
3 policy decisions and lack of support. It does
4 nothing to get answers to the families of over
5 6,400 New Yorkers who died from COVID in
6 New York's nursing homes. And it only plays into
7 the scapegoating the state is trying to do to
8 turn attention away from its dangerous policies
9 like the March 25th order that sent
10 COVID-positive patients directly into nursing
11 homes.

12 These vulnerable New Yorkers, their
13 loved ones, and their caretakers deserve better.
14 I urge this body to set politics aside, make this
15 issue a real priority, and take real action to
16 better support these residents and the caregivers
17 who have quite literally put their own lives on
18 the line taking care of our loved ones.

19 Thank you, Mr. President. I vote
20 aye.

21 ACTING PRESIDENT BENJAMIN:
22 Senator Serino to be recorded in the affirmative.

23 Senator Borrello to explain his
24 vote.

25 SENATOR BORRELLO: Thank you,

1 Mr. President.

2 You know, throughout this whole
3 COVID crisis we've tried to err on the side of
4 caution. We've been told, you know, that we
5 cannot move forward on some things, like having
6 our families together in a larger gathering.
7 We've been told because we really don't know
8 what's going to happen next.

9 We've been told all along that we
10 always should be careful and cautious. And I
11 believe that those that are caring for our most
12 vulnerable citizens, our elderly, those that are
13 required to be in full skilled nursing or in
14 assisted living, have truly been doing the best
15 they can. Many of them, when the Governor
16 ordered these COVID-positive patients back in
17 nursing homes, stood up, took their own personal
18 liability, said I will pay the fine, but we are
19 not going to do this because it will endanger our
20 residents. They put themselves, their businesses
21 on the line to stand up against what turned out
22 to be a horrific decision.

23 So now we're standing here saying we
24 know exactly what's going on. We're going to
25 lift this limit on liability for these people

1 that are caring for our most vulnerable citizens.
2 One thing I know for sure is that this is the
3 most litigious state in the nation, in the most
4 litigious country in the world. There are
5 already plenty of lawsuits out there. And this
6 legislation does not protect our most vulnerable
7 citizens.

8 Instead, in my opinion, this is just
9 a big wet kiss on the lips for our trial lawyers
10 here in New York State. And that is really what
11 this is all about. We're going to, in this state
12 of flux that we're in, while we are still unsure
13 is there going to be a resurgence of this virus,
14 we are going to let loose the dogs of our trial
15 lawyers on the people that are protecting our
16 most vulnerable citizens in this state.

17 I think it's abhorrent, at the very
18 least. It's premature for sure, because we have
19 yet to have these hearings that we've talked
20 about that will be next month. So why don't we
21 wait for the hearings before we decide that we're
22 going to release the hounds on people that are
23 caring for our senior citizens.

24 Thank you, Mr. President.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Borrello, do you vote yes or no?

2 SENATOR BORRELLO: I'll be no.

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

5 Senator O'Mara to explain his vote.

6 SENATOR O'MARA: I'll pass,
7 Mr. President.

8 ACTING PRESIDENT BENJAMIN: Senator
9 O'Mara to pass.

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar Number 1033, those Senators voting in
13 the negative are Senators Akshar, Biaggi,
14 Borrello, Funke, Griffo, Helming, Jordan,
15 LaValle, Little, Martinez, Ortt, Ranzenhofer,
16 Ritchie, Robach and Salazar.

17 Ayes, 45. Nays, 15.

18 ACTING PRESIDENT BENJAMIN: The
19 bill is passed.

20 Senator Gianaris.

21 SENATOR GIANARIS: Thank you,
22 Mr. President. Can we next move to
23 Calendar 1026.

24 ACTING PRESIDENT BENJAMIN: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number
2 1026, Senate Print 4739C, by Assemblymember Fahy,
3 an act to amend the Environmental Conservation
4 Law.

5 ACTING PRESIDENT BENJAMIN: Senator
6 O'Mara.

7 SENATOR O'MARA: Yes, thank you,
8 Mr. President. Will the sponsor yield? Is that
9 going to be Senator Kaminsky again? Thank you.

10 ACTING PRESIDENT BENJAMIN: Does
11 the Senator yield?

12 SENATOR O'MARA: It's our lucky
13 day.

14 SENATOR KAMINSKY: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 Senator yields.

17 SENATOR O'MARA: You are not the
18 sponsor of this legislation, correct,
19 Mr. Kaminsky?

20 SENATOR KAMINSKY: That's correct.

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

23 ACTING PRESIDENT BENJAMIN: Does
24 the Senator yield?

25 SENATOR KAMINSKY: Yes.

1 ACTING PRESIDENT BENJAMIN: The
2 Senator yields.

3 SENATOR O'MARA: This bill that
4 will ban PFAS in all food packaging materials was
5 introduced by Senator Hoylman on July 20th?

6 SENATOR KAMINSKY: Through you,
7 Mr. President. The original bill -- that is
8 largely intact today -- was introduced in 2018
9 and was actually voted on last year and passed
10 overwhelmingly in this house with bipartisan
11 support.

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

14 ACTING PRESIDENT BENJAMIN: Does
15 the Senator yield?

16 SENATOR KAMINSKY: Yes.

17 ACTING PRESIDENT BENJAMIN: The
18 Senator yields.

19 SENATOR O'MARA: So we're being
20 asked to vote on this bill today that has been
21 revised from prior years and that was just
22 introduced three days ago.

23 SENATOR KAMINSKY: Through you,
24 Mr. President. The only thing that's different
25 is the effective date was pushed back, which I

1 think you would probably find to be a salutary
2 change. And there was also a technical change.
3 It's 99 percent the same bill that was voted on
4 in a bipartisan fashion in favor last year.

5 SENATOR O'MARA: The --
6 Mr. President, will the sponsor yield?

7 ACTING PRESIDENT BENJAMIN: Does
8 the Senator yield?

9 SENATOR KAMINSKY: Yes.

10 ACTING PRESIDENT BENJAMIN: The
11 Senator yields.

12 SENATOR O'MARA: Is there any
13 allowance in this legislation for trace amounts
14 of PFAS being in the material, since PFAS is
15 commonly found in the environment?

16 SENATOR KAMINSKY: Through you,
17 Mr. President, if not intentionally added, then
18 yes.

19 SENATOR O'MARA: Does this --
20 through you, Mr. President, will the sponsor
21 yield?

22 ACTING PRESIDENT BENJAMIN: Does
23 the Senator yield?

24 SENATOR KAMINSKY: Yes.

25 ACTING PRESIDENT BENJAMIN: The

1 Senator yields.

2 SENATOR O'MARA: This legislation
3 does not call for any distinction between what is
4 referred to as a short-chain PFAS versus a
5 long-chain PFAS, is that correct?

6 SENATOR KAMINSKY: That's correct,
7 Mr. President. Because the literature shows a
8 serious amount of harm being caused by both.
9 Even the short-chain chemicals are extremely
10 deleterious to human health.

11 That was also true in the bill that
12 we passed as a body last time, with overwhelming
13 both Republican and Democratic support.

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

16 ACTING PRESIDENT BENJAMIN: Does
17 the Senator yield?

18 SENATOR KAMINSKY: Yes.

19 ACTING PRESIDENT BENJAMIN: The
20 Senator yields.

21 SENATOR O'MARA: Senator, are you
22 aware that the FDA has approved short-chain PFAS
23 as safe to use in packaging? And further, that
24 the FDA is currently reviewing that position?

25 SENATOR KAMINSKY: Through you,

1 Mr. President, the FDA's work is actually being
2 under review. They're re-reviewing it.

3 And other states have taken action
4 against that. And as I said before, the
5 literature is very strong out there that the
6 short-chain chemicals are very seriously
7 impacting, in a negative way, public health.

8 And in fact our own State Department
9 of Health has put out very explicit language
10 about prolonged exposure to those chemicals.

11 SENATOR O'MARA: Through you,
12 Mr. President, will the sponsor yield?

13 SENATOR KAMINSKY: Yes.

14 ACTING PRESIDENT BENJAMIN:
15 Senator, do you yield? The Senator yields.

16 SENATOR O'MARA: You wouldn't think
17 it wise for us to wait for the FDA's further
18 review of this, of what they had previously found
19 as safe and what is commonly used in food
20 packaging from a variety of businesses, that we
21 should wait for something that is under review to
22 see those findings before we just move ahead and
23 ban this outright?

24 SENATOR KAMINSKY: Through you,
25 Mr. President. The National Toxicological

1 Program of the U.S. Department of Health just
2 recently concluded that short-chain and
3 long-chain PFAS have similar toxic effects in
4 humans.

5 And even looking at what industry
6 has done among itself, places like Taco Bell --
7 not known as a bastion of human health --
8 Panera Bread, Whole Foods, Rite Aid, Trader
9 Joe's -- have all taken steps to eliminate PFAS
10 in their food packaging.

11 So I think the time is ripe to take
12 action, just as it was last session when we
13 passed this with bipartisan support. We have a
14 crisis in our state with having these compounds
15 in our water, and we have done a lot through our
16 state budgeting, through state programs, to do
17 our best to clean our water to the extent that we
18 can, to get rid of these emerging contaminants.

19 But stopping their pollution in the
20 first place is important, and stopping their
21 leaching into food that we ingest is important.
22 That's why this is an important step to take
23 today.

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

1 ACTING PRESIDENT BENJAMIN: Does
2 the Senator yield?

3 SENATOR KAMINSKY: Yes.

4 ACTING PRESIDENT BENJAMIN: The
5 Senator yields.

6 SENATOR O'MARA: All food packaging
7 materials have to be approved by the FDA for use,
8 and that process takes several years to go
9 through. And while this bill does not take
10 effect until -- I think the end of next year, is
11 that correct? Then --

12 SENATOR KAMINSKY: December 31,
13 2022.

14 SENATOR O'MARA: 2022. So the
15 process for FDA approval of alternative
16 packaging may not be able to be completed in that
17 time frame, would you agree?

18 SENATOR KAMINSKY: Through you,
19 Mr. President. I have tons of confidence that
20 the Biden administration will be able to move
21 these things a lot faster.

22 SENATOR O'MARA: I'll believe it
23 when I see it.

24 SENATOR KAMINSKY: But I do think
25 it's worth pointing out that the very recent

1 National Defense Authorization Act that was
2 passed by both houses of Congress and that
3 pertains to the health of our military, which we
4 all would think would be and should be of utmost
5 importance, prohibits the use of PFAS in military
6 food packaging.

7 So I think whether it's through
8 industry itself, other states taking action, the
9 U.S. government's own regulation with respect to
10 its military are sending a clear message to
11 business that they should be moving in this
12 direction anyway and should be expeditiously
13 doing so.

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

16 ACTING PRESIDENT BENJAMIN: Does
17 the Senator yield?

18 SENATOR KAMINSKY: Yes.

19 ACTING PRESIDENT BENJAMIN: The
20 Senator yields.

21 SENATOR O'MARA: Senator, are you
22 aware that the packaging industry in New York
23 State is one of our largest manufacturing
24 industries, with roughly 38,000 jobs in the
25 packaging industry in New York State?

1 SENATOR KAMINSKY: Through you,
2 Mr. President, yes.

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

5 ACTING PRESIDENT BENJAMIN: Does
6 the Senator yield?

7 SENATOR KAMINSKY: Yes.

8 ACTING PRESIDENT BENJAMIN: The
9 Senator yields.

10 SENATOR O'MARA: Do you have any
11 concerns over the protection of or loss of those
12 jobs?

13 SENATOR KAMINSKY: Through you,
14 Mr. President. I know the sponsor has been
15 working closely with several industry groups to
16 make sure that they were involved in the process
17 in crafting this legislation. And the New York
18 Sustainable Business Council recently issued a
19 memorandum in support of this bill.

20 SENATOR O'MARA: Excuse me, what
21 was the last one?

22 SENATOR KAMINSKY: The New York
23 Sustainable Business Council, Mr. President.

24 SENATOR O'MARA: Thank you.

25 On the bill, Mr. President.

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

3 SENATOR O'MARA: This bill concerns
4 me, and the pace in which we're moving it, with a
5 bill that was just introduced three days ago, no
6 hearings on this topic.

7 It's a material that, yes, is cause
8 for concern and should be studied and reviewed.
9 And the FDA is in fact in the process of
10 reviewing that now.

11 This legislation is opposed by the
12 American Forest and Paper Association, it's
13 opposed by the National Federation of Independent
14 business, NFIB, and it's opposed by the New York
15 State Business Council, which the Business
16 Council is expressing concerns over the
17 38,000 jobs that we have in New York in the
18 packaging industry and the livelihoods attached
19 to those jobs with this legislation.

20 Thank you, Mr. President.

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

23 Seeing and hearing none, debate is
24 closed.

25 The Secretary will ring the bell.

1 Read the last section.

2 THE SECRETARY: Section 4. This
3 act shall take effect December 31, 2022.

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN:
8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar Number 1026, those Senators voting in
11 the negative are Senators Amedore, Borrello,
12 Funke, Gallivan, Helming, Jordan, Little, O'Mara,
13 Ortt, Ranzenhofer, Robach and Seward.

14 Ayes, 48. Nays, 12.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 Senator Gianaris.

18 SENATOR GIANARIS: Mr. President,
19 can we move on to Calendar 1031, please.

20 ACTING PRESIDENT BENJAMIN: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 1031, Senate Print 8833, by Senator Gianaris,
24 Concurrent Resolution of the Senate and Assembly
25 proposing an amendment to Sections 2, 4, 5, 5-a

1 and 5-b of Article 3 of the Constitution.

2 ACTING PRESIDENT BENJAMIN: Senator
3 O'Mara.

4 SENATOR O'MARA: Thank you,
5 Mr. President. Will the sponsor yield for a
6 couple of questions.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR GIANARIS: I will.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR O'MARA: Senator, this
13 constitutional amendment is amending a
14 constitutional amendment on the Independent
15 Redistricting Commission that was approved and
16 passed by the voters of New York State in 2014;
17 correct?

18 SENATOR GIANARIS: Mostly correct.
19 I should clarify that I believe the
20 word "independent" as it relates to this
21 commission is in dispute, as a judge refused to
22 allow that word to appear on the ballot when it
23 was voted on.

24 SENATOR O'MARA: I'm sorry, I
25 couldn't hear you.

1 SENATOR GIANARIS: The word
2 "independent" as it relates to the current
3 commission has been in dispute for the better
4 part of a decade, and a judge ruled that that
5 word could not be used when it was placed on the
6 ballot.

7 But overall, your statement is
8 correct.

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

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR GIANARIS: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR O'MARA: This amendment
17 effectively eliminates the minority conferences
18 of the Legislature from participating in the
19 redistricting process.

20 The members of the commission, two
21 appointed by each conference, so eight in total,
22 and then two appointed by the -- those
23 commissioners that were chosen, would make the
24 findings and submittals to the Legislature on
25 redistricting.

1 And it would require -- the 2014
2 amendment would require that any situation where
3 there were not seven members of that 10-member
4 board in agreement on the plan to be submitted,
5 that that would be subject to a two-thirds vote
6 by each legislative house, correct? And this --
7 and this amendment reduces that to 60 percent.

8 SENATOR GIANARIS: Incorrect.

9 The important caveat you're leaving
10 out is that rule would only apply in the
11 circumstance where the Democratic Party is in
12 charge of the Senate. Had the Republican Party
13 been in charge of the Senate, an entirely
14 different set of voting rules was established
15 under the current system.

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

18 ACTING PRESIDENT BENJAMIN: Does
19 the sponsor yield?

20 SENATOR GIANARIS: Yes.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR O'MARA: This amendment
24 applies to both whether it's a Democrat majority
25 or a Senate {sic} majority of both houses. If it

1 were Republican majorities of both houses, then
2 it would require a two-thirds vote of the
3 Legislature if seven of those commission members
4 didn't agree.

5 SENATOR GIANARIS: I'm trying to
6 understand what the question is; you just made a
7 statement. But I'll assume you ended that with
8 "is that correct."

9 It's -- you are laying bare, the
10 Senator is laying bare the malfeasance that took
11 place in establishing this commission. The
12 Assembly has been in super-majority status for
13 decades. And for the then-Republican majority of
14 the Senate to say if somehow the Assembly turns
15 Republican too -- which was never in the realm of
16 possibility -- then we'd also be subject to these
17 rules, when in fact on a practical basis the
18 clever wordsmithing of this existing proposal
19 only applied because at the time the Senate
20 makeup was in dispute.

21 Now, it should put Senator O'Mara
22 and others at ease to know that we have beaten
23 them so badly over the last cycle that in fact
24 we're on the verge of a super-majority ourselves.
25 So this entire hypothetical may be moot. But we

1 are just trying to establish that the same rules
2 apply to everybody, regardless of which party is
3 in control.

4 And to have established in the
5 Constitution different rules depending on
6 partisan control is an outrage that we've been
7 staring at in our Constitution for almost a
8 decade. And we are fixing it starting today.

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

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR GIANARIS: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR O'MARA: Wouldn't you
17 agree, Senator, that the Independent
18 Redistricting Commission was designed for
19 bipartisanship and so that it wouldn't be
20 controlled by just one party?

21 SENATOR GIANARIS: No. The
22 commission was established -- the rules that we
23 live under, the commission is a part of that,
24 were designed to protect the majorities at the
25 time they were established.

1 SENATOR O'MARA: I will disagree
2 with that, Mr. President. But if the sponsor
3 will yield for another question.

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR GIANARIS: Yes.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR O'MARA: This amendment,
10 further, changes some language that will allow
11 the Legislature to draw lines that divide towns;
12 is that correct?

13 SENATOR GIANARIS: No. No. The
14 language in the Constitution as it relates to the
15 division of towns is unchanged.

16 SENATOR O'MARA: Excuse me?

17 SENATOR GIANARIS: The language in
18 the Constitution as it relates to the division of
19 towns is unchanged.

20 SENATOR O'MARA: What? I can't
21 hear you. It is what?

22 SENATOR GIANARIS: Unchanged.
23 Unchanged.

24 ACTING PRESIDENT BENJAMIN:
25 Unchanged.

1 SENATOR GIANARIS: While Senator
2 O'Mara is perusing, I can read to you from
3 page 2, line 34 of the bill. This is the
4 existing language of the Constitution. "No town,
5 except a town having more than a full ratio of
6 apportionment, shall be divided in the formation
7 of Senate districts."

8 That's the existing language, and
9 that's unchanged.

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

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR GIANARIS: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR O'MARA: Maybe I need some
18 further clarification. But I'm reading on page 4
19 of the bill. Paragraph 6, lines 37, 38, removes
20 language -- line 40, excuse me, deletes language
21 that states "the requirements that the Senate
22 districts not divide counties or towns as well as
23 the 'block on border' and 'town on border'
24 rules" -- you're removing that language from the
25 amendment.

1 So how is it that you can say that
2 you're not going to be able -- that you're not
3 going to be able to divide towns or the other
4 situations mentioned therein?

5 SENATOR GIANARIS: Because of the
6 language I just read to you that states very
7 clearly that no town shall be divided in the
8 forming of Senate districts.

9 SENATOR O'MARA: Where was that
10 again?

11 SENATOR GIANARIS: Page 2 of the
12 bill, line 34.

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

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR GIANARIS: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 Senator yields.

20 SENATOR O'MARA: Are you stating,
21 Senator, that it is not the intention of this
22 amendment to allow for the division of towns?

23 SENATOR GIANARIS: That's right.

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

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR GIANARIS: Yes.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR O'MARA: This amendment
7 further requires that inmates be counted from
8 their home. How is that determined, Senator?

9 SENATOR GIANARIS: It's already
10 determined. The rule about prison gerrymandering
11 has been in place for over a decade in this
12 state, and it was in place when the last
13 reapportionment occurred. So the state is --
14 already knows how to do this. All we're doing is
15 codifying it in the Constitution itself.

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

18 ACTING PRESIDENT BENJAMIN: Does
19 the sponsor yield?

20 SENATOR GIANARIS: Yes.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR O'MARA: What happens in a
24 situation where an inmate may be incarcerated
25 somewhere and their family relocates to be closer

1 to that prison so they can visit more often, and
2 then the inmate is released and stays in that
3 locale?

4 SENATOR GIANARIS: I'm sorry, can
5 you repeat the question, please?

6 SENATOR O'MARA: Yes, Senator.

7 If the inmate's family relocates to
8 the community in which the prison is, why would
9 that inmate's home not be considered in that
10 community?

11 SENATOR GIANARIS: Well, as I
12 mentioned, the rule on how that is determined is
13 already in place. We are not changing that. And
14 the rule requires that the incarcerated
15 individual be recognized at their place of
16 previous domicile before they were incarcerated.

17 There's no guarantee that that
18 person would choose to live with their family if
19 the family moved. The rule in New York, as it
20 has been for over 10 years, is that that person
21 is counted where they previously resided.

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

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR GIANARIS: Yes.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR O'MARA: What happens in
5 the situation of an inmate that is from out of
6 state?

7 SENATOR GIANARIS: They would not
8 be counted as living here. They would be
9 out-of-state residents.

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

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR GIANARIS: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR O'MARA: There are many
18 instances in this amendment where it is stricken
19 that aliens shall be excluded from the numbers
20 being used for reapportionment. What is the
21 intention of that?

22 SENATOR GIANARIS: The intention is
23 to clarify already existing practice due to
24 constitutional decisions at the federal level.
25 The undocumented have been -- and the documented

1 immigrants have been counted for census purposes
2 for many, many years.

3 So that's more of a cleanup of
4 existing practice because we have anachronistic
5 language in the Constitution.

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

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR GIANARIS: Yes.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR O'MARA: I would disagree
14 with that interpretation that -- yes, aliens and
15 illegal aliens and undocumented have been counted
16 for census purposes. But those numbers have not
17 been utilized for apportionment of districts.

18 SENATOR GIANARIS: Yes, they have.

19 SENATOR O'MARA: Where?

20 SENATOR GIANARIS: At their current
21 residence.

22 SENATOR O'MARA: Excuse me.

23 Through you, Mr. President.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR O'MARA: You're saying
2 in --

3 ACTING PRESIDENT BENJAMIN: Hold
4 on. Does the sponsor yield?

5 SENATOR GIANARIS: Yes.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR O'MARA: So you're saying
9 in prior reapportionments this state has utilized
10 the numbers of aliens, illegal aliens,
11 undocumented, in reapportioning districts.

12 SENATOR GIANARIS: Absolutely, yes.

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

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR GIANARIS: Yes.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR O'MARA: Just last week we
21 had a hearing on the Independent Redistricting
22 Commission that you chaired, Senator, and there
23 was major concerns raised by the interested
24 parties testifying at that hearing of the tight
25 time frame in being able to turn around maps from

1 the Independent Redistricting Commission, and
2 that this legislation would not go into effect,
3 at the earliest, till January 2022. Correct?

4 SENATOR GIANARIS: Correct.

5 SENATOR O'MARA: It will have to go
6 again for another public referendum for the
7 voters of New York to determine whether to
8 approve or disapprove this amendment that was
9 just done in 2014 and has never been utilized;
10 correct?

11 SENATOR GIANARIS: Correct.

12 SENATOR O'MARA: Can you --

13 ACTING PRESIDENT BENJAMIN: Are you
14 asking the sponsor to yield?

15 SENATOR O'MARA: Will the sponsor
16 yield?

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR GIANARIS: Yes.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR O'MARA: There are
23 currently eight individuals that have been
24 appointed by the four conferences of the
25 Legislature to the Independent Redistricting

1 Commission as it stands today, correct?

2 SENATOR GIANARIS: Correct.

3 SENATOR O'MARA: And they have not
4 met -- through you, Mr. President.

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR GIANARIS: Yes.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR O'MARA: And those
11 commissioners have not yet met to choose the two
12 independently chosen commissioners; correct?

13 SENATOR GIANARIS: I believe that's
14 correct.

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

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR GIANARIS: Yes.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR O'MARA: In this year's
23 budget that was passed in April, I believe there
24 was \$750,000 appropriated for the Independent
25 Redistricting Commission, and presently the

1 majorities of the Assembly and the Senate have
2 not released that funding for the Independent
3 Review Commission to get to the work?

4 SENATOR GIANARIS: Mr. President,
5 the commission, until it's fully constituted, is
6 not fully constituted, and so those monies are
7 not needed at this time.

8 I should also point out, to correct
9 an answer I gave earlier, we do not have eight
10 members of the commission because a commissioner
11 appointed by the Senate Republicans has resigned,
12 and that seat is vacant. So perhaps if that seat
13 were filled more promptly, the commission could
14 go about its work.

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

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield?

19 SENATOR GIANARIS: Yes.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR O'MARA: How is the current
23 members of the Independent Redistricting
24 Commission, of which there's presently a quorum
25 of those that have been appointed -- how are they

1 supposed to meet, how are they supposed to meet
2 without any resources whatsoever? They have no
3 office space, they have no computers, they have
4 no phones. You know, this is kind of a
5 chicken-and-egg scenario. So how do we get
6 started with this commission?

7 SENATOR GIANARIS: It's a bit of a
8 red herring, Mr. President. If the commission is
9 looking for a place to meet, I'm more than happy
10 to offer the Majority Conference Room for their
11 purposes. They can meet on Zoom like everybody
12 else.

13 The point is you need to make an
14 appointment that's vacant, your conference does,
15 Senator O'Mara, and then the eight remaining --
16 the eight existing commissioners at that point
17 need to pick the other two. That's what's
18 holding up their activity.

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

21 ACTING PRESIDENT BENJAMIN: Does
22 the sponsor yield?

23 SENATOR GIANARIS: Yes.

24 ACTING PRESIDENT BENJAMIN: The
25 sponsor yields.

1 SENATOR O'MARA: For the record,
2 that appointment was filled this morning.

3 SENATOR GIANARIS: Oh.
4 {Inaudible.}

5 SENATOR O'MARA: So they're all
6 there, they're all ready, they're available. And
7 they have to get about -- through you,
8 Mr. President.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR GIANARIS: Yes.

12 Can I ask who the appointee is,
13 since we're not aware of it?

14 SENATOR O'MARA: We just know it's
15 been appointed, I don't ...

16 It's former Senator Jack Martins.

17 SENATOR GIANARIS: Oh, excellent.

18 ACTING PRESIDENT BENJAMIN: Does
19 the sponsor yield?

20 SENATOR GIANARIS: Yes.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR O'MARA: Oh, this amendment
24 also changes the process of picking the
25 co-executive directors. And I believe it was the

1 intention of the 2014 amendment that the
2 co-executive directors of the commission be
3 chosen in a bipartisan fashion. As the language
4 said, one of them must be from the largest party
5 of registered voters in the state, and the other
6 one from the second-largest party of registered
7 voters in the state.

8 And that has been removed so now you
9 could have both executive directors from the same
10 party; correct?

11 SENATOR GIANARIS: Only if the
12 Republican appointees to the commission would
13 agree to do that. You need seven votes of the
14 commission to appoint the executive directors.

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

17 ACTING PRESIDENT BENJAMIN: Does
18 the sponsor yield? Sponsor, do you yield?

19 SENATOR GIANARIS: Yes.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR O'MARA: Why was that
23 language removed that more clearly specified that
24 so it would be, in fact, bipartisan?

25 SENATOR GIANARIS: Well, the -- as

1 I mentioned earlier, the setup that exists in the
2 current language was designed to bake in an
3 advantage for the party that was afraid of losing
4 its majority and then in fact it did.

5 The specific provisions that you're
6 talking about now are modeled in many ways after
7 the much-maligned structure of the Board of
8 Elections, where you assume that there's one from
9 each party doing everything.

10 In fact, we set up a structure where
11 the commission will vote and the vote of that
12 commission will, as a practical matter, require
13 the agreement of representatives of both parties.
14 So I don't think the scenario you're laying out
15 is really a source of concern.

16 SENATOR O'MARA: Through you,
17 Mr. President, if the sponsor would yield.

18 ACTING PRESIDENT BENJAMIN: Does
19 the sponsor yield?

20 SENATOR GIANARIS: Yes.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR O'MARA: The initial work
24 of the eight commission members that have already
25 been appointed, their initial work is to choose

1 the two independent members, as I guess we refer
2 to them. But they'll be chosen by those eight.

3 Without having a budget and any
4 resources, no staff, how do they go about the
5 process of soliciting individuals for the
6 independent commissioners, for collecting,
7 receiving and reviewing background information on
8 those prospective commissioners? How does that
9 get done with no resources?

10 SENATOR GIANARIS: Very simply, is
11 the answer.

12 But let me also point out that the
13 scope of the question you're asking has nothing
14 to do with what we're proposing here today. The
15 problems you are seeking to identify, if in fact
16 they are problems, have nothing to do with the
17 proposed changes we want to make.

18 If you're concerned the commission
19 is not moving fast enough or doesn't have the
20 resources it needs to do its work, that's a
21 problem before we pass this, it will be a problem
22 potentially, if it exists, after we pass it, but
23 it has nothing to do with what we're proposing
24 here today.

25 SENATOR O'MARA: On the bill,

1 Mr. President.

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

4 SENATOR O'MARA: I think the fact
5 that no funds have been released for the
6 Independent Redistricting Commission to date that
7 were appropriated in April in the budget really
8 speaks volume for what the intent of this
9 Majority of this chamber is about today, and that
10 is not about independent redistricting.

11 And I can tell you that now that the
12 shoe is on the other foot, the sponsor is singing
13 a totally different tune than he did back in
14 January of 2012, when he was screaming "I'd like
15 to see fairness in this process. We have a
16 process that's controlled by the majorities, and
17 they want to damage the minorities," was his
18 attitude then.

19 Two wrongs don't make a right, if
20 that even was the case then. And I don't believe
21 it was, because we had a fair process. We had
22 bipartisanship between the Assembly and the
23 Senate in that process. And the independent
24 redistricting amendment that was done in 2014,
25 approved by the voters of New York State, has not

1 even been utilized yet.

2 So it's clear to me that these
3 majorities are not about fairness, they're not
4 about independent redistricting. And it's clear
5 that it's an attempt to control the whole
6 process, to draw the minority conferences out of
7 existence.

8 This amendment changes the vote
9 required to approve the redistricting maps from a
10 two-thirds vote, which the minority conference in
11 the Senate currently -- currently can block
12 because of that two-thirds requirement. It
13 reduces that to 60 percent, which the current
14 minority of the Senate does not have enough votes
15 to block that -- those maps that were drawn or
16 submitted. So it's clearly not bipartisan.

17 It is -- it couldn't be better
18 stated than this memo of opposition from the
19 League of Women Voters and Citizens United {sic},
20 and I'll just read from some of that: "A fair
21 and open districting process is free from
22 political interests, fosters public
23 participation, and guarantees every person's vote
24 has equal value.

25 "This proposed constitutional

1 amendment takes a step back in ensuring these
2 principles and risks returning to the same
3 politically controlled process that has existed
4 in New York for decades.

5 "In particular, this amendment would
6 eliminate the minority party from having any
7 effective voice in redistricting. It diminishes
8 the role of the Independent Redistricting
9 Commission, which was approved by the voters in
10 2014. It limits public participation in the
11 redistricting process and will create legal
12 uncertainty."

13 And something that -- if approved in
14 November of 2021, the new commission would have
15 to submit their first maps in January of 2022,
16 when that amendment wouldn't even be effective
17 until January 1st of 2022.

18 The League of Women Voters and
19 Citizens United further state that in 2014,
20 New Yorkers approved a constitutional amendment
21 that limited the role of the Legislature in
22 drawing new maps and added protections that
23 ensured that no one political party could
24 dominate the redistricting process. This
25 proposed amendment eliminates these provisions.

1 It repeals the special legislative
2 voting rules in place in case one party controls
3 both houses, which required the plans to be
4 approved by at least two-thirds of the members of
5 each house. Now that is reduced to a 60 percent
6 majority.

7 It takes away the voting rights of
8 minority appointed commissioner members in
9 appointing the two co-executive directors of the
10 commission. The proposed amendment effectively
11 cuts off the minority party from having any
12 influence on the redistricting process.

13 The amendment significantly reduces
14 the role of the commission in the entire process.
15 If the commission does not reach a decision by
16 November 1st, its plans will be submitted -- if
17 it's not submitted by that date, then the plans
18 will be -- the Legislature will introduce its own
19 redistricting plans.

20 It is likely that the redistricting
21 commission will not get a decision by January 1,
22 2022, the effective date of this proposed
23 amendment. The bipartisan nature of the
24 commissioners requires the two parties to work
25 together. That role is diminished. Practically,

1 the real redistricting process would begin on
2 January 1, 2022, rubber-stamping legislatively
3 drawn lines, and the work of the Independent
4 Redistricting Commission will become all but
5 meaningless.

6 The existing 2014 amendment we did
7 that created the Independent Redistricting
8 Commission calls for public involvement of
9 12 public hearings at designated locations across
10 the state. Now, for an Independent Redistricting
11 Commission that won't take effect until
12 January 1st of 2022, they're required to submit
13 their plans -- I believe the date is by the end
14 of January 2022.

15 How can they possibly select
16 independent commission members, hire co-executive
17 directors, hire staff, get the computers and
18 computer software necessary to draw the maps, and
19 hold the 12 public hearings across the state in a
20 month?

21 This amendment all but
22 effectively -- this amendment effectively
23 nullifies the Independent Redistricting
24 Commission and will make it impossible to follow
25 an independent redistricting process come 2022.

1 I urge a vote in the negative.

2 Thank you, Mr. President.

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

5 Seeing and hearing none, debate is
6 closed.

7 The Secretary will ring the bell.

8 Call the roll on the resolution.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN: Senator
11 Amedore.

12 SENATOR AMEDORE: We request a slow
13 roll call, please.

14 ACTING PRESIDENT BENJAMIN: So
15 ordered.

16 THE SECRETARY: Senator Addabbo in
17 the affirmative.

18 Senator Akshar in the negative.

19 Senator Amedore in the negative.

20 Senator Bailey in the affirmative.

21 Senator Benjamin in the affirmative.

22 Senator Biaggi in the affirmative.

23 Senator Borrello in the negative.

24 Senator Boyle in the negative.

25 Senator Breslin in the affirmative.

1 Senator Brooks in the affirmative.

2 Senator Carlucci in the affirmative.

3 Senator Comrie in the affirmative.

4 Senator Felder in the affirmative.

5 Senator Funke in the negative.

6 Senator Gullivan in the negative.

7 Senator Gaughran in the affirmative.

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

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

12 I heard the comments of my
13 colleagues earlier, and I just wanted to clarify
14 a couple of things.

15 First of all, what we're dealing
16 with in large part is a plan drafted by them. So
17 to the extent they've got problems with it, they
18 should talk to their colleagues who assembled
19 this mockery of a process almost a decade ago.

20 The things we're changing are
21 improvements to make it fairer. Perhaps they're
22 upset because knowing they were on the downslope
23 of their long majority, they tried to build in
24 protections for themselves for when they were no
25 longer in the majority, and now that day has

1 come. Thankfully, I might add.

2 Now, I thought it was amusing that
3 Senator O'Mara kept referring to Citizens United,
4 because it says a lot about what they think of
5 the democratic process. Let me correct him.
6 Citizens United is the Supreme Court case that
7 says corporations can spend freely in our
8 elections. It should be overturned, but that's
9 got nothing to do with what we're talking about
10 here today.

11 I believe he was referring to
12 Citizens Union, which is one of the groups here
13 in New York.

14 What I would like to do is cite
15 organizations I consider more credible. Common
16 Cause, NYPIRG, and Reinvent Albany have a
17 statement of their own that says that "The
18 proposal that we have before us today is laudable
19 specifically because it eliminates the partisan
20 commission voting rules. And it eliminates the
21 convoluted rules that change depending on the
22 partisan makeup of the Legislature."

23 This is a democracy, and you don't
24 get to bake in an advantage for the Republican
25 Party for all time just because you're a member

1 of the Republican Party.

2 Yes, the voters approved the
3 language that's there today, and the voters will
4 have to approve the changes we're proposing. If
5 it gets on the ballot of November 2021, it
6 doesn't go into effect in January of 2022, but
7 the commission will have full knowledge that it's
8 going to go into effect for a full two months, so
9 they can prepare accordingly and plan so that
10 they're -- when we hit January 1, they can comply
11 with the new calendar requirements in this
12 proposal.

13 So I've seen a lot the last couple
14 of years in our time in the majority here, and I
15 must say the unfairness of what the legislative
16 process used to be is really evident when those
17 that abused it for so long are now complaining
18 that they're on the receiving end. And even
19 still, we try and be fair. What we're trying to
20 do here is just eliminate the provisions that
21 created that unfairness.

22 We're not saying we can do whatever
23 we want. We're not saying get rid of this
24 commission -- which I opposed at the time, I
25 might add. We're just saying let's take some of

1 the worst things that you did in here -- to give
2 a minority a permanent advantage is not going to
3 stand. That's not how democracy works. You
4 don't get to be rejected by the 19-plus million
5 people of New York State and then say, But I'm
6 still going to have power over redistricting more
7 than the majority party.

8 It's an affront to democracy. It
9 explains why most of you voted against all our
10 efforts to allow more people to vote just
11 yesterday.

12 And fortunately we have a majority
13 now that cares about people being heard and that
14 cares about what the majority in this state want.
15 That's what this proposal does. I'm proud we
16 have the support of such great organizations for
17 the provisions of this proposal from Common
18 Cause, from NYPIRG, from Reinvent Albany.

19 They have -- and just to clarify,
20 they have said they want us to go even further in
21 changing what you have created. But they do say
22 that what we have done and are proposing today is
23 an improvement over what exists today.

24 And that is why I'm voting in the
25 affirmative, Mr. President. Thank you.

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

3 THE SECRETARY: Senator Gianaris in
4 the affirmative.

5 Senator Gounardes in the
6 affirmative.

7 Senator Griffo in the negative.

8 Senator Harckham in the affirmative.

9 Senator Helming in the negative.

10 Senator Hoylman in the affirmative.

11 Senator Jackson in the affirmative.

12 Senator Jordan in the negative.

13 Senator Kaminsky in the affirmative.

14 Senator Kaplan in the affirmative.

15 Senator Kavanagh in the affirmative.

16 Senator Kennedy in the affirmative.

17 Senator Krueger in the affirmative.

18 Senator Lanza in the negative.

19 Senator LaValle in the negative.

20 Senator Little in the negative.

21 Senator Liu in the affirmative.

22 Senator Martinez in the affirmative.

23 Senator May in the affirmative.

24 Senator Mayer in the affirmative.

25 Senator Metzger in the affirmative.

1 Senator Montgomery in the
2 affirmative.

3 Senator Myrie in the affirmative.

4 Senator O'Mara in the negative.

5 Senator Ortt in the negative.

6 Senator Parker in the affirmative.

7 Senator Persaud in the affirmative.

8 Senator Ramos in the affirmative.

9 Senator Ranzenhofer in the negative.

10 Senator Ritchie in the negative.

11 Senator Rivera in the affirmative.

12 Senator Robach in the negative.

13 Senator Salazar in the affirmative.

14 Senator Sanders in the affirmative.

15 Senator Savino in the affirmative.

16 Senator Sepúlveda in the
17 affirmative.

18 Senator Serino in the negative.

19 Senator Serrano in the affirmative.

20 Senator Seward in the negative.

21 Senator Skoufis in the affirmative.

22 Senator Stavisky in the affirmative.

23 Senator Stewart-Cousins in the
24 affirmative.

25 Senator Tedisco in the negative.

1 Senator Thomas in the affirmative.

2 Ayes, 40. Nays, 20.

3 ACTING PRESIDENT BENJAMIN: The
4 resolution is adopted.

5 Senator Gianaris.

6 ENATOR GIANARIS: Mr. President,
7 can we now move to Calendar 816.

8 ACTING PRESIDENT BENJAMIN: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 816, Senate Print 7256, by Senator Ramos, an act
12 to amend the Lien Law.

13 ACTING PRESIDENT BENJAMIN: Senator
14 Amedore.

15 SENATOR AMEDORE: Thank you,
16 Mr. President. Will the sponsor yield for a few
17 questions?

18 ACTING PRESIDENT BENJAMIN: Does
19 the sponsor yield?

20 SENATOR RAMOS: Yes, Mr. President.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields.

23 SENATOR AMEDORE: Through you,
24 Mr. President. Senator Ramos, could you explain
25 this bill?

1 SENATOR RAMOS: Sure. Thank you,
2 Senator Amedore.

3 Through you, Mr. President, this
4 bill is set to address one of the biggest issues
5 in the labor workforce here in New York, which is
6 rampant wage theft. According to the U.S.
7 Department of Labor, nearly a billion dollars is
8 lost in stolen wages every year. And this is of
9 course not only a problem for workers who are
10 trying to make ends meet and feed their families,
11 it's also unfair to businesses who follow the
12 guidelines, do the right thing, and they pay
13 their employees properly.

14 So we want to make sure that we are
15 adhering to fair competition among businesses,
16 but also -- and more importantly -- making sure
17 that the blood, sweat and tears of workers are
18 actually being compensated for the hours that
19 they've worked.

20 SENATOR AMEDORE: Through you,
21 Mr. President, will the sponsor continue to
22 yield?

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR RAMOS: Yes, Mr. President.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR AMEDORE: Thank you,
4 Senator Ramos, for your explanation. Ramos,
5 sorry.

6 SENATOR RAMOS: That's okay.

7 SENATOR AMEDORE: Would you --
8 would you answer a few questions in regard to the
9 certain circumstances or situations that we face
10 today?

11 As you mentioned, maybe there's some
12 small businesses, employers, employees -- whether
13 it's wage theft or other issues that you're
14 trying to protect on the employee side. With the
15 pandemic and the crisis that we face today and
16 the shuttering of so many businesses in the State
17 of New York, do you think that this is a very
18 timely bill when we don't have an economy right
19 now in the State of New York?

20 SENATOR RAMOS: Through you,
21 Mr. President. I think it's always the right
22 time to do the right thing, and nobody should be
23 working for free during the pandemic. Especially
24 when wage theft is usually rampant, particularly
25 with low-wage workers like construction workers,

1 nail salon technicians, and many others.

2 I mean, virtually any New Yorker
3 really can be shortchanged on their paycheck, and
4 that unfortunately, obviously, has been the case
5 for many, many workers, to the tune of \$1 billion
6 every year.

7 So I think that actually during the
8 pandemic, if you're putting in the hours of work,
9 you should be paid for your work. Don't you
10 think, Senator Amedore?

11 SENATOR AMEDORE: Through you,
12 Mr. President, will the sponsor continue to
13 yield?

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR RAMOS: Of course.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR AMEDORE: Does this bill
20 cover pre- or post-judgment situations?

21 SENATOR RAMOS: This bill covers
22 pre-judgment situations. It allows for the
23 worker to be able to place a lien on the
24 employer's assets in order to make sure that
25 every dime they're owed is paid.

1 SENATOR AMEDORE: Through you,
2 Mr. President, will the sponsor continue to
3 yield?

4 ACTING PRESIDENT BAILEY: Does the
5 sponsor yield?

6 SENATOR RAMOS: Yes, Mr. President.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR AMEDORE: Is there any due
10 process afforded to employers prior to a lien
11 being placed?

12 SENATOR RAMOS: This lien follows
13 the mechanic's lien that has already been in
14 place and ensures that workers are able to put a
15 lien on without due process.

16 Of course, this would be a huge
17 hindrance, particularly for undocumented workers
18 who may not feel comfortable doing that. But
19 also, more importantly, it prevents further theft
20 by ensuring that employers don't have enough time
21 to transfer their assets to a family member or to
22 a different LLC, as which is usually the case.

23 Because unfortunately, even though
24 workers may file claims of lost wages with the
25 Department of Labor, with the NLRB, there

1 actually isn't really a recourse right now for
2 them to be able to actually get the money that
3 they're owed. And I have several stories that I
4 can tell, Mr. President, in which these
5 injustices continue to occur.

6 So this bill would actually bring
7 justice to many of those workers.

8 SENATOR AMEDORE: Through you,
9 Mr. President, will the sponsor continue to
10 yield?

11 ACTING PRESIDENT BAILEY: Does the
12 sponsor yield?

13 SENATOR RAMOS: Yes, Mr. President.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR AMEDORE: How long is the
17 lien term?

18 SENATOR RAMOS: For a year. But
19 the employer can demand that the case be heard
20 within 30 days.

21 SENATOR AMEDORE: I'm sorry, I
22 just -- I couldn't hear the last part.

23 SENATOR RAMOS: I'm sorry, that the
24 employer would be able to make sure that the case
25 is heard within 30 days.

1 SENATOR AMEDORE: Through you,
2 Mr. President, if the sponsor would continue to
3 yield.

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR RAMOS: Yes, Mr. President.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR AMEDORE: Are liens
10 triggered by substantiated proof or merely pure
11 allegations?

12 SENATOR RAMOS: So these would be
13 based on allegations, with a penalty for the
14 worker should the allegations be untrue.

15 SENATOR AMEDORE: Through you,
16 Mr. President, if the sponsor will continue.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR RAMOS: Yes, I yield.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR AMEDORE: In the current
23 draft of this bill, is there any collective
24 bargaining exemptions in this bill?

25 SENATOR RAMOS: No, Mr. President,

1 there aren't any collective bargaining exemptions
2 made in the bill.

3 SENATOR AMEDORE: Through you,
4 Mr. President.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR RAMOS: Yes, Mr. President.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR AMEDORE: I know placing a
11 lien on a business could affect many aspects of
12 that business. How would this proposal that you
13 have here affect businesses in the COVID world
14 specifically with respect to their attempts of
15 reopening?

16 SENATOR RAMOS: I think that --
17 Mr. President, through you, sorry.

18 I believe that during the pandemic,
19 if you're not able to pay your workers for the
20 work that they have done for you, then you do not
21 have a viable business.

22 We shouldn't be adamant about
23 businesses opening if they're expecting their
24 workers to work for free. We want small
25 businesses to open, but we should have a standard

1 in which workers are actually paid the wages that
2 they were guaranteed when they accepted the job
3 in the first place.

4 SENATOR AMEDORE: Through you,
5 Mr. President, will the sponsor continue to
6 yield?

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR RAMOS: Yes, Mr. President.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR AMEDORE: Is there a
13 provision in the bill here that allows an
14 automatic wage lien to businesses?

15 SENATOR RAMOS: Can you repeat
16 that, please, Senator?

17 SENATOR AMEDORE: I'll rephrase the
18 question for you.

19 What will an automatic wage lien do
20 to businesses' ability to access credit markets?

21 SENATOR RAMOS: Through you,
22 Mr. President, what the lien does is actually put
23 a -- the lien is on the employer's assets,
24 private assets, not necessarily the business.

25 And the -- there is no really cost

1 to remove the lien. I mean, the idea is that
2 we're protecting those honest businesses. There
3 is an ability for the businesses who have a lien
4 to be able to post bond if so be it. But also
5 they can just do the right thing by paying their
6 workers.

7 SENATOR AMEDORE: On the bill,
8 Mr. President.

9 ACTING PRESIDENT BAILEY: Senator
10 Borrello on the bill.

11 SENATOR AMEDORE: On the bill,
12 Mr. President.

13 ACTING PRESIDENT BAILEY: Senator
14 Amedore on the bill, I'm sorry.

15 Senator Borrello, you debated a lot
16 yesterday. I apologize.

17 (Laughter.)

18 SENATOR AMEDORE: I want to thank
19 the sponsor of the bill for her explanation and
20 for answering the questions.

21 And, you know, these are
22 unprecedented times. We all know. We face it,
23 we feel it. And we're all concerned about
24 employees and employers. We are all waiting
25 patiently to make sure -- to get our economy

1 going again, to get people back on their feet,
2 self-sustaining and working and making sure that
3 our kids are safe and our families are fed and
4 the necessary revenue is coming in for our
5 household finances.

6 And in order to do that, we need
7 strong businesses. We need an environment that's
8 going to make sure that we are pro-business,
9 friendly in every aspect, as well as providing
10 the protections needed.

11 And I know that there are some
12 employers in the State of New York who are bad
13 apples, who want to take advantage of the
14 hardworking man and woman who are providing the
15 services in that business. And shame on that
16 employer for ever taking advantage of someone's
17 hard work and not paying the wage that is due to
18 them because maybe that employer is a bad manager
19 or is just a bad person.

20 But I do know that there's a whole
21 lot more good businesses in the State of New York
22 than bad. Who follow the laws. And in the State
23 of New York, we all know that we have some of the
24 most regulations and statutory provisions that
25 bring protection to all New Yorkers, employees

1 and employers. Our labor laws are in place. The
2 Department of Labor comes in, Tax & Finance comes
3 in, does their various audits and reviews to many
4 employers, to make sure that no one is taken
5 advantage of, or a corporation or an LLC or any
6 type of business of any size will not take
7 advantage of its employees.

8 But this legislation is based on a
9 lien based on what the sponsor said, merely an
10 allegation. That to me is extremely troubling.
11 It's not substantiated proof, but it's an
12 allegation. And I know there's a lot of hurting
13 people out there right now in the State of
14 New York. And maybe one person can go out and
15 say you know what, that individual, he didn't pay
16 me or she didn't pay me that wage that I thought
17 I deserved, and I'm going to put a lien on that
18 business.

19 And that business has got it all on
20 the line. And that individual who signed
21 personal guarantees, bank loans to open up a
22 business to employ people, to put food on someone
23 else's table, a total stranger's table, and takes
24 on the liability and risk -- to then have someone
25 come to them and say, Oh, you didn't pay me what

1 is due to me and now you've got a lien on your
2 personal property or on your business. Which
3 then, because of the lien laws that we have in
4 the State of New York, that business is not able
5 to even go back, knock on the door of a bank or a
6 lending institution, maybe not even be able to
7 afford obtaining the PPP that was available to
8 most small businesses in the State of New York
9 and around this country during this pandemic,
10 because of an allegation.

11 Now, if we want to get businesses
12 back to work in the State of New York, we need a
13 better approach. And I know the intent of the
14 sponsor is to protect people, and that is my
15 intent too. But we need to send a narrative out
16 there in the State of New York, this body needs
17 to send a narrative, the Majority in this house
18 needs to send a narrative that we are open for
19 business and we got your back and we're going to
20 penalize those bad actors.

21 But to make this bill become a law
22 and pass this bill is the wrong message at the
23 wrong time when we have many businesses that are
24 shuttered and will never open again because of
25 this crisis.

1 So, Mr. President, I hope that the
2 sponsor would listen to the Governor's veto
3 message that he wrote last year when this bill
4 passed this house and the Governor vetoed it.
5 Because even the Governor and his counsel had
6 many concerns and vetoed this bill.

7 Because of the allegations and
8 because of the times we are in, I will be voting
9 in the negative. Thank you, Mr. President.

10 ACTING PRESIDENT BAILEY: Are there
11 any other Senators wishing to be heard?

12 Seeing and hearing none, debate is
13 closed.

14 The Secretary will ring the bell.

15 Read the last section.

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

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY:
23 Senator Ramos to explain her vote.

24 SENATOR RAMOS: Thank you,
25 Mr. President.

1 This really is a historic day in the
2 Senate chambers, because we're bringing some
3 modicum of justice to people who have been stolen
4 from, traditionally for a very long time.

5 You know, none of us here are native
6 Americans in this chamber. We all descend from
7 immigrants or people who were brought against
8 their will into this country. And we cannot
9 permit free labor to continue in this state.

10 It is unconscionable to me that the
11 party that typically advocates for crazy
12 sentences for petty theft now is telling me that
13 they're fine with a employer stealing a week, a
14 month, a year's wages from a worker. That's not
15 fair. It's un-American.

16 And I also want to debunk a few
17 myths that my colleague mentioned in his
18 comments. There is no opportunity here for there
19 to be frivolous claims in order to put a lien.
20 Even though there are allegations, if the
21 allegations are proven untrue, then the costs,
22 including the legal costs, will be a burden for
23 that worker.

24 That is a serious penalty for lying
25 if that would be the case. There is actually no

1 history of frivolous allegations of wage theft in
2 New York State to this day. And in that same
3 way, liens are also not the only factor that
4 determines an extension of credit for a business.

5 There is no actual cost to
6 businesses with this bill. And what we're doing
7 is actually restoring, hopefully, the \$1 billion
8 that is owed to communities of color every year.
9 That is fair, that is right.

10 And I want to thank the bill's
11 sponsor in the Assembly, Linda Rosenthal, who has
12 been fighting this fight for many years. And of
13 course the coalition of workers that have been
14 behind this bill: The New Immigrant Community
15 Empowerment organization that is in my district;
16 nail technicians who have organized, so many
17 people who unfortunately are taken advantage of
18 and are shortchanged at every turn in order for
19 an employer to make a quick buck.

20 We cannot allow free labor to
21 persist in our state. And now more than ever,
22 during this pandemic we need to ensure that
23 low-wage workers are not taken advantage of.

24 So thank you, Mr. President, and I'm
25 really, really happy that we've done the right

1 thing today. Thank you.

2 ACTING PRESIDENT BAILEY:

3 Senator Ramos to be recorded in the affirmative.

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar Number 816, those Senators voting in the
7 negative are Senators Akshar, Amedore, Borrello,
8 Boyle, Funke, Gallivan, Griffo, Helming, Jordan,
9 Lanza, LaValle, Little, O'Mara, Ortt,
10 Ranzenhofer, Ritchie, Robach, Serino, Seward and
11 Tedisco.

12 Ayes, 40. Nays, 20.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 Senator Gianaris.

16 SENATOR GIANARIS: Thank you,
17 Mr. President. Next can we move on to
18 Calendar 886.

19 ACTING PRESIDENT BAILEY: The
20 Secretary will ring the bell.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 886, Senate Print 5470B, by Senator Thomas, an
24 act to amend the Financial Services Law.

25 ACTING PRESIDENT BAILEY: Now

1 Senator Borrello.

2 SENATOR BORRELLO: Mr. President, I
3 rise to speak on the bill.

4 ACTING PRESIDENT BAILEY: Senator
5 Borrello on the bill.

6 SENATOR BORRELLO: Thank you,
7 Mr. President.

8 These are unprecedented times here
9 in our state. And as a small business owner, I
10 can tell you that access to credit, fast and
11 flexible credit, is a lifeline right now that
12 many small businesses are taking advantage of.

13 And with that I would,
14 Mr. President, ask if the sponsor would yield for
15 some questions.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield for some questions?

18 SENATOR THOMAS: Through you,
19 Mr. President, yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR BORRELLO: Mr. President,
23 through you. Thank you very much.

24 First of all, have you been
25 contacted by any organizations that oppose this

1 bill? Through you, Mr. President.

2 SENATOR THOMAS: Sorry, can you
3 repeat the question?

4 SENATOR BORRELLO: I'm sorry. Have
5 you been contacted by any organizations that are
6 opposed to this bill?

7 SENATOR THOMAS: Opposed to this
8 bill?

9 SENATOR BORRELLO: Yeah.

10 SENATOR THOMAS: Small Business
11 Finance organization. Transaction Association.
12 Commercial Finance Association. And PayPal.

13 SENATOR BORRELLO: PayPal, okay.
14 Through you, Mr. President.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield for a question?

17 SENATOR THOMAS: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR BORRELLO: First of all,
21 thank you for the list. I didn't -- I was just
22 expecting a yes or no. But thank you.

23 (Laughter.)

24 SENATOR BORRELLO: You know, yes,
25 but you did actually mention several of them that

1 had concerns. What concerns did they have? And
2 I'm not asking for a complete list. But, you
3 know, what type of concerns did they have in the
4 bill?

5 SENATOR THOMAS: Through you,
6 Mr. President, their concerns were mostly about
7 the technicalities of the bill and what is being
8 disclosed.

9 SENATOR BORRELLO: Okay, so
10 technicalities. Through you, Mr. President.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield for a question?

13 SENATOR THOMAS: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR BORRELLO: Was anything
17 done about those concerns?

18 SENATOR THOMAS: Yes. We have been
19 working with everyone for this bill. We started
20 drafting this bill maybe over a year ago, and we
21 worked with all parties to get to the point where
22 we are right now.

23 SENATOR BORRELLO: Through you,
24 Mr. President.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR THOMAS: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields for a question.

5 SENATOR BORRELLO: So you've been
6 working on this for a year. But I know in
7 particular the Small Business Finance Association
8 had given you a list of 13 concerns which were
9 technical. And some were, you know, pretty -- I
10 guess, for lack of a better term, egregious. And
11 it appears that none of those have been addressed
12 in any way.

13 So, you know, there was a question
14 in fact in Section 808 that this bill calls to
15 demand the use of a question in the
16 disclosures -- again, we're talking about
17 disclosures of fees, which is an important
18 thing -- demand they use the term "double
19 dipping" in that question.

20 I've looked, and I cannot find any
21 financial disclosure document anywhere in the
22 United States where the term "double dipping" is
23 used. Now, I know what it means when you're at a
24 party and someone does it with a bowl of potato
25 chip dip; I get that. But when it comes to

1 financial services, could you please tell me what
2 we would use "double dipping" for.

3 SENATOR THOMAS: So through you,
4 Mr. President, this -- we've got to look at
5 everything in context, right? So under Section
6 808, this is disclosure requirements for renewal
7 financing.

8 So for example, if a mom-and-pop
9 business has another loan that they need to pay
10 off and this lender here wants to give them
11 another loan, they want them to pay that off
12 first. So in the original loan there might have
13 been some finance charges that were associated
14 with giving out that extension of credit, but now
15 with the new extension of credit that they are
16 receiving, we want to make sure that whoever is
17 taking out that extension knows whether there's
18 another finance charge involved here.

19 So that's the context here about
20 double dipping, whether there's two separate
21 finance charges. Again, we are working with
22 unsophisticated business owners, and putting
23 everything out on the table is the best way for
24 them to compare apples to apples so that they can
25 go on with their business.

1 SENATOR BORRELLO: Through you,
2 Mr. President.

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield for a question?

5 SENATOR THOMAS: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR BORRELLO: Well, I
9 understand that, you know, calculating an annual
10 percentage rate, an APR, on a personal loan is
11 one thing, but there is an entirely different way
12 of going about it when it comes to commercial
13 loans, determining that.

14 Can you tell me how things are
15 calculated differently between a commercial and a
16 personal loan when it comes to the rates that are
17 charged?

18 SENATOR THOMAS: So let me --
19 through you, Mr. President, let me start off by
20 saying if APR alone was the only thing disclosed,
21 we would have a problem here about, you know,
22 what's being disclosed. There's no single
23 definition for APR. TILA, for example, which is
24 meant for consumers, not for businesses, TILA
25 provides different rules for calculating APR on

1 closed-end and open-end transactions.

2 So in my bill there are different
3 sections that talk about, you know, sales-based
4 financing, open-ended, closed. There are a lot
5 of different ways that APR can be calculated.

6 The actual formulas are so complex
7 that it is impossible to replicate them for you
8 in this setting. But that's why in those
9 sections we've drafted the bill to say
10 approximate APR and estimated APR.

11 SENATOR BORRELLO: Through you,
12 Mr. President.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield for a question?

15 SENATOR THOMAS: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR BORRELLO: So you've said
19 that some simple mom-and-pop business owners are
20 going to have a hard time understanding, yet
21 you've charged the lenders with the task of
22 actually having to, you know, put this into
23 simple terms.

24 So how are they going to simply
25 define the fees that are being charged when you

1 yourself have just said that it's a complex
2 calculation that's subject to I guess a best
3 guess? How are they going to successfully
4 achieve that in a disclosure document?

5 SENATOR THOMAS: Through you,
6 Mr. President. They've been doing this for
7 years. And lenders are way more sophisticated
8 than the mom-and-pop store owners. All right?

9 So when we look at these lenders,
10 they are mostly online. And there is a vast
11 majority of them that don't give out all the
12 information needed for someone to actually
13 decide, comparing products before they sign on
14 the dotted line.

15 So a lender who's more sophisticated
16 has the ability, has the experts on hand to
17 create that formula, to go forward and present it
18 on their disclosure, so that the everyday
19 business owner can then decide what is best.

20 SENATOR BORRELLO: Through you,
21 Mr. President.

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield for a question?

24 SENATOR THOMAS: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR BORRELLO: So what you're
3 saying is is that this can be done, yet -- I'm
4 not sure if you're aware, but the State of
5 California recently passed a law like this that
6 requires small business lenders to disclose
7 lending terms and APRs, rate calculations, just
8 like you're asking for.

9 It's my understanding that the
10 California regulators have not been able to
11 implement this law for over a year because the
12 small business lenders were unable to properly
13 meet those mandates because of the whole
14 best-guess idea.

15 Are you aware of this law in
16 California and the fact that in a year it has not
17 been able to be implemented?

18 SENATOR THOMAS: Through you,
19 Mr. President, I am aware of it. But that is
20 exactly why we have Section 811, which basically
21 lets the superintendent formulate the rules that
22 will make this work. I'm giving DFS the power to
23 look at the definitions, look at the
24 technicalities and see what they can do to make
25 this work here in New York.

1 SENATOR BORRELLO: Through you,
2 Mr. President.

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield for a question?

5 SENATOR THOMAS: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR BORRELLO: I see you
9 brought up the Department of Financial Services.
10 You know, they would be obviously the people that
11 are responsible for executing this. Have they
12 weighed in on this bill?

13 SENATOR THOMAS: Through you,
14 Mr. President, no, they have not.

15 SENATOR BORRELLO: Through you,
16 Mr. President.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield for a question?

19 SENATOR THOMAS: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR BORRELLO: Well, I'm
23 obviously glad that you think that the Department
24 of Financial Services has some kind of a magic
25 wand here, because, you know, in California they

1 haven't been able to do it for over a year. But
2 you are expecting, then, that the Department of
3 Financial Services is going to do this, and they
4 haven't really had a chance to weigh in on this
5 bill before we're going to pass it today, is that
6 correct?

7 SENATOR THOMAS: Through you,
8 Mr. President, I have not had extensive
9 conversations with DFS where they said that this
10 is not doable for them.

11 Again, this is exactly why I have a
12 section in there that allows the superintendent
13 to do what is necessary to make this work here in
14 New York.

15 SENATOR BORRELLO: Through you,
16 Mr. President.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield for a question?

19 SENATOR THOMAS: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR BORRELLO: So do you
23 sincerely, then, think that the Department of
24 Financial Services will be able to promulgate
25 rules to implement this new requirement, even

1 though there's been very little discussion with
2 them and we really have no way to properly and
3 accurately calculate it?

4 SENATOR THOMAS: Through you,
5 Mr. President, I have full confidence in DFS to
6 make sure this works. Because these
7 technicalities are minor in nature. These are
8 about dotting the Is and crossing the Ts. These
9 are not something that would go towards the core
10 of the bill.

11 SENATOR BORRELLO: Mr. President,
12 on the bill.

13 ACTING PRESIDENT BAILEY: Senator
14 Borrello on the bill.

15 SENATOR BORRELLO: You know, I have
16 to disagree with you. First of all, credit is
17 tight right now as it is, because of what's going
18 on with this COVID crisis. And this is going to
19 really dry up a lot of credit opportunities,
20 particularly for our small businesses that,
21 again, rely on these type of fast, flexible and
22 usually short-term loans.

23 In fact, the organizations that
24 represent small business lenders have brought
25 several concerns forward. This is certainly, at

1 the very least, a cake that's not fully baked.

2 One of the comments that was made in
3 the letters opposing this said that the outcome
4 of this well-intended but flawed statute instead
5 will be a reduction in lending in New York State
6 by impacted financial institutions, at a time
7 when working capital is critical to restarting
8 our state's economy.

9 This is very true. Particularly
10 now, we're talking about one more nail in the
11 coffin of small business here in New York State,
12 and that's troubling to me, because this State
13 Legislature really hasn't done much to help small
14 business, and yet we're going to do more things
15 that are going to make their access to capital
16 that much more difficult.

17 You know -- and really, right now,
18 if we're looking at putting restrictions on
19 everyone that lends, that would be one thing.
20 But this is going to again affect just
21 state-chartered institutions here in New York
22 State. And that's really an issue, because they
23 are now going to say, We're just going to pull
24 out of New York State when it comes to the
25 capital.

1 They might be a nationwide or a
2 worldwide organization that has allocated funds
3 in New York State, but why would they stay here
4 and face these rules when they know that the
5 disclosures are going to distort the actual
6 numbers? Because we really have very little
7 evidence that it can be done successfully and
8 accurately, so they'll instead divert their
9 funding to other states, which will further
10 burden New York State's small businesses
11 especially.

12 If you're a big business -- let's
13 face it, big banks only like to lend to people
14 that don't need the money. Right? That's a big
15 problem here and across the nation, but
16 especially here in New York. It's lenders like
17 this that are flexible that can save -- throw
18 that lifeline, when needed, to a small business.

19 And as someone who started his own
20 business at the age of 23, I can tell you that
21 those lifelines were crucial at many points in my
22 business as well. So I take this a little
23 personally, that we're going to go after those
24 lifelines, but at the same time I understand the
25 intent.

1 I would rather see something that
2 has been collaborated with the industry on, and
3 also that DFS has a chance to look at it, because
4 they have a herculean task, if you go by what
5 happened in California, to do in New York State
6 what the State of California could not do.

7 So, Mr. President, as a result, I'm
8 going to strongly suggest that we vote no on this
9 bill. Thank you. And thank you to the sponsor
10 as well.

11 ACTING PRESIDENT BAILEY: Are there
12 any other Senators wishing to be heard?

13 Seeing and hearing none, debate is
14 closed.

15 The Secretary will ring the bell.

16 Read the last section.

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

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Senator
24 Thomas to explain his vote.

25 SENATOR THOMAS: Thank you,

1 Mr. President.

2 The intention of this bill is
3 because of where we are in this society in terms
4 of online lending. Non-bank online lenders are
5 the mainstream alternative providers to financing
6 small businesses. These online lenders vary
7 significantly in the type of information
8 presented to the customer. This bill asks them
9 to make terminology standard so customers who are
10 not really sophisticated get all the information
11 they need to make an informed decision.

12 So what the bill asks them to do is
13 disclose things like the total cost of capital,
14 the term limits, payment frequency, APR, average
15 payment amount, and basic information about
16 prepayment. This information, presented as a
17 standard format, would be very useful for product
18 comparisons.

19 And in this COVID pandemic that
20 we're living in, there are a lot of small
21 businesses that are suffering. And when you give
22 them a number of websites where information is
23 not really available, they're not able to make
24 the best decision. And that's why this bill is
25 important. That's why New York leads.

1 And that's why financial
2 institutions and non-bank entities like these
3 online lenders will never leave New York, because
4 we are number one here in the U.S. and we are
5 leading by putting these safeguards in place, by
6 making terminology standard, so that mom-and-pop
7 stores, unsophisticated individuals -- some are
8 sophisticated, like my colleague here, but not
9 all of them are as sophisticated -- they get to
10 compare apples to apples and make an informed
11 decision so that they can get back on their feet
12 and get the economy moving.

13 I vote aye on this bill. Thank you
14 very much.

15 ACTING PRESIDENT BAILEY: Senator
16 Thomas to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 886, those Senators voting in the
20 negative are Senators Akshar, Amedore, Borrello,
21 Boyle, Funke, Gallivan, Griffo, Helming, Jordan,
22 Lanza, LaValle, Little, O'Mara, Ortt, Ritchie,
23 Serino and Seward.

24 Ayes, 43. Nays, 17.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 Senator Krueger.

3 SENATOR KRUEGER: Thank you,
4 Mr. President.

5 Would you please now call up
6 Calendar Number 949.

7 ACTING PRESIDENT BAILEY: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 949, Senate Print 8722, by Senator Benjamin, an
11 act to amend the Banking Law.

12 ACTING PRESIDENT BAILEY: Senator
13 Borrello.

14 SENATOR BORRELLO: Yes. I rise,
15 Mr. President, to speak on the bill.

16 ACTING PRESIDENT BAILEY: Senator
17 Borrello on the bill.

18 SENATOR BORRELLO: Thank you,
19 Mr. President. Just like our previous
20 conversation, talking about how we are unfairly
21 targeting state-chartered institutions in some of
22 the laws that we make.

23 And with that, I'd like to ask if --
24 respectfully, if the sponsor would yield for some
25 questions.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield for a question?

3 SENATOR BENJAMIN: Yes.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR BORRELLO: Thank you very
7 much, Senator Benjamin.

8 Do you know how many for-profit
9 prisons we actually have here in New York State?

10 SENATOR BENJAMIN: For-profit
11 prisons in New York State, we don't have any
12 state-run for-profit prisons, because as you
13 know, we banned that in 2007. But presently in
14 Queens there is a detention facility that is
15 operated by the GEO Group.

16 SENATOR BORRELLO: Through you,
17 Mr. President.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield for a question?

20 SENATOR BENJAMIN: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR BORRELLO: Yes, so there
24 are no state for-profit prisons. And yes, I
25 realize that was passed a while back. And if I'm

1 not mistaken, you also advocated so that our
2 state pension fund would not invest in those
3 prisons, certainly an admirable goal there.

4 So I understand that that's -- we've
5 moved in that direction here. But again, I'm
6 focused really on the state chartered
7 institutions and their ability, you know, to make
8 a living here in New York State, which is the
9 most difficult place for any business to do
10 business.

11 So would the sponsor yield for
12 another question.

13 ACTING PRESIDENT BAILEY: Does the
14 sponsor yield?

15 SENATOR BENJAMIN: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR BORRELLO: Do you happen to
19 know what percentage of banks in New York are
20 actually state-chartered?

21 SENATOR BENJAMIN: Somewhere
22 between 15 and 20 percent. We think closer to 15
23 than 20.

24 SENATOR BORRELLO: Thank you.

25 Through you, Mr. President.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield for a question?

3 SENATOR BENJAMIN: Yes, I will.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR BORRELLO: Yes, actually
7 17.5 percent, so you're right in the middle. So
8 that's very good. Buy a lottery ticket today.

9 (Laughter.)

10 SENATOR BORRELLO: But in all
11 seriousness, though, there's about 114 out of the
12 656 institutions.

13 But, you know, we used to actually
14 have about 50 percent of the financial
15 institutions, lending institutions in New York
16 State were state-chartered. That has continued
17 to dwindle as the regulations have continued to
18 be ratcheted up on them. And those banks are
19 actually your community banks, the people where
20 the lender in the bank makes a decision on
21 whether or not a small business might get a loan.
22 And we are continuing the decline of that because
23 it's, again, harder and harder for them to do
24 business.

25 And with that, would the sponsor

1 yield for another question.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR BENJAMIN: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR BORRELLO: Do you know, for
8 those state-chartered banks, how much money they
9 actually may have invested in for-profit prisons?

10 SENATOR BENJAMIN: We have not --
11 just to clarify, we have not heard from one
12 state-chartered bank any letters of concern, any
13 calls. We've reached out, we've not heard from
14 one bank concerns about this bill.

15 But that being said, I'm not aware
16 of any state-chartered banks that have
17 investments or lending to private prisons.

18 However, there are -- there were or
19 still are, I'm not sure -- PNC and BNP Paribas
20 that have foreign subsidiaries here in New York,
21 and they had some roles in private prisons.
22 However, they had agreed, along with JPMorgan
23 Chase, Wells Fargo, Bank of America, SunTrust,
24 Fifth Third Bank and PNC, to pull out of the
25 private prison industry because of their concerns

1 recently with how those banks are moving.

2 As you -- you weren't here last
3 year. Last year we brought this bill to the
4 floor and at that time Chase, JPMorgan and a few
5 other banks had decided as for-profit businesses
6 that they will stop lending to private prisons
7 because of some of the issues that have been
8 going on.

9 And so we -- the two banks that I
10 believe have had some roles, even though they're
11 not sort of U.S. banks, they're international
12 banks that have a charter through New York, they
13 have agreed also to pull out. So my
14 understanding is there should be zero at this
15 point.

16 SENATOR BORRELLO: Through you,
17 Mr. President.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield for a question?

20 SENATOR BENJAMIN: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR BORRELLO: So really, since
24 those are either national or international
25 chartered institutions, it was really the

1 advocacy, not the regulation, that led them to
2 divest in private prisons, is that correct?

3 SENATOR BENJAMIN: I'm sorry, one
4 more time?

5 SENATOR BORRELLO: I'm sorry, it
6 was really advocacy, not regulation, that led
7 those national federally chartered banks to
8 divest from those investments.

9 SENATOR BENJAMIN: I would say so.

10 SENATOR BORRELLO: Okay. Through
11 you, Mr. President.

12 SENATOR BENJAMIN: Yes.

13 ACTING PRESIDENT BAILEY: Would the
14 sponsor yield? The sponsor agrees to yield.

15 SENATOR BORRELLO: Thank you.

16 Does the legislation right now that
17 we just passed that allows for an increase in our
18 public pensions -- we just passed this I think it
19 was yesterday or the day before, allowing them to
20 invest up to 20 percent of their money into
21 foreign companies, by our public pension systems.

22 Do you know if that would allow them
23 to invest in foreign financial institutions?

24 SENATOR BENJAMIN: I'm not aware of
25 that. But I'm happy to try to get an answer for

1 you at another point. I know we're debating this
2 bill, so I wasn't prepared for that. But I
3 will -- we will get you an answer to that
4 question.

5 SENATOR BORRELLO: Through you,
6 Mr. President.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield for a question?

9 SENATOR BENJAMIN: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR BORRELLO: So -- and maybe
13 you can't answer this either. But could that
14 increased investment also allow those pension
15 systems, those public pension systems which have
16 been invested with taxpayer dollars, to
17 indirectly invest in private prisons by investing
18 in foreign financial institutions?

19 SENATOR BENJAMIN: So just so I'm
20 clear -- can I -- I just want to get some
21 clarification. Mr. Chair, can I get a
22 clarification?

23 ACTING PRESIDENT BAILEY: The
24 sponsor seeks a clarification on the question.
25 Please rephrase, Senator.

1 SENATOR BENJAMIN: Are you speaking
2 about the New York State pension fund that is
3 governed by Comptroller Tom DiNapoli? Or are you
4 speaking about something else?

5 SENATOR BORRELLO: So for
6 clarification, we passed a bill that allows all
7 public pension funds in New York State to
8 increase their investment in foreign securities
9 from 10 percent to 20 percent. I actually voted
10 against it; I thought it would be better to keep
11 that money here in the United States. So that's
12 what I'm speaking of. Does that clarify?

13 SENATOR BENJAMIN: Got it.

14 SENATOR BORRELLO: Okay.

15 SENATOR BENJAMIN: So just so --
16 last year -- I want to share this with you. Last
17 year when -- no, I'm sorry, not last year, in
18 2018, in the conversations with Comptroller Tom
19 DiNapoli about this very issue -- because I had
20 introduced a bill wanting the state to divest
21 from the \$10 million that it had in private
22 prisons, and it was indirect. It was my
23 understanding at that point that no indirect fund
24 allocations can end up in private prisons.

25 So my answer to you would be that

1 the answer to that would be no based upon Tom
2 DiNapoli's decisions. However, it's not in
3 statute. So if you would love to cosponsor my
4 bill to put that in statute, I would happily
5 accept your support.

6 SENATOR BORRELLO: I'll certainly
7 take that into consideration.

8 SENATOR BENJAMIN: But right now,
9 in all seriousness, to answer your question,
10 Comptroller DiNapoli, that is his standard that
11 that is what he's going to do. But
12 obviously that is at his discretion.

13 SENATOR BORRELLO: On the bill,
14 Mr. President.

15 ACTING PRESIDENT BAILEY: Senator
16 Borrello on the bill.

17 SENATOR BORRELLO: First of all,
18 thank you very much, Senator Benjamin.

19 You know, I think that in this
20 particular incident that I just described, when
21 you're talking about taking our state-chartered
22 institutions and restricting what they can invest
23 in -- I understand that in private prisons that's
24 a laudable goal. But it's a slippery slope,
25 really, because we're saying that we're going to

1 limit what they can invest in, which is going to
2 essentially not stop a dime officially flowing
3 into -- whether it's private prisons or whatever
4 else we're restricting, because they can get that
5 money and are getting that money from other
6 organizations, other lending institutions.

7 In the case I brought up with the
8 pension funds, there's really no way for us to
9 know if a public pension fund -- not ones
10 controlled by obviously our Comptroller,
11 Mr. DiNapoli, but ones that are controlled by
12 other, you know, fund managers -- are not
13 investing in companies, foreign companies, where
14 it would be very difficult if not impossible for
15 us to determine exactly where that money is
16 flowing through, following -- you know, trying to
17 follow the money.

18 And we've just allowed them to
19 double the amount of money that they can invest
20 in foreign investments. So I would say that the
21 chances of them now investing in private prisons
22 is -- could be much higher, because we've also
23 increased the amount of money -- which is
24 billions of dollars, by the way, that could now
25 be invested in foreign institutions. So we'll

1 set that aside for a moment.

2 But the danger here is that we are
3 talking about restricting our state's -- based on
4 a public advocacy of something that we don't
5 like, and I get that. But I think that's a
6 slippery slope, because now we could start
7 saying, Well, our state-chartered banks now can
8 no longer invest in car dealerships, because cars
9 produce greenhouse gases, so we're going to say
10 state-chartered banks cannot invest in car
11 dealerships.

12 We could also then take that even
13 further and say, you know what, we don't want our
14 state-chartered banks investing in beverage
15 companies because, you know, sugar is bad and we
16 don't want our kids drinking sugar. And the list
17 goes on and on and on.

18 What you have proved, what Senator
19 Benjamin has proved is that through advocacy, you
20 can actually have more effect. Our Senator got
21 federally chartered institutions to divest from
22 investments in private prisons. Well done.

23 Restricting investments and opening
24 the door to more restrictions, which have lowered
25 our state-chartered banks from more than

1 50 percent down to 17.5 percent, is one more nail
2 in the coffin, again, of our local New York
3 businesses. We cannot continue to do this.

4 While I understand the laudable
5 goal, I think the unintended consequence is to
6 further restrict financial opportunities and
7 business here in New York State. So I will be
8 voting no on the bill.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BAILEY: Are there
11 any other Senators wishing to be heard?

12 Seeing and hearing none, debate is
13 closed.

14 The Secretary will ring the bell.

15 Read the last section.

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

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY:
22 Senator Benjamin to explain his vote.

23 SENATOR BENJAMIN: Thank you,
24 Mr. President.

25 I want to thank Senator Borrello for

1 those questions. And before I start what I
2 originally wanted to say, I want to answer a
3 quick point that he referenced.

4 One of the things that
5 Senator Borrello mentioned was that this could be
6 the beginning of a slippery slope. So we don't
7 like private prisons, that could end up taking us
8 to cigarettes, that could end up taking us to car
9 dealerships, et cetera.

10 The only small nuance here is that
11 the private prisons are actually illegal in
12 New York State. And so I think it is fair to
13 reason that if something is illegal in New York
14 State, that you can say to state-chartered banks:
15 You're not permitted to lend to those
16 institutions. And I think that's the nuance that
17 I think is worth mentioning here.

18 It is not our goal to destroy banks
19 and to destroy business and small businesses.
20 But it is our goal to have values and to make
21 sure that our institutions live up to the values
22 that we set as a society. And quite frankly,
23 New York State in 2007 was very clear that we
24 will not operate for-profit prisons. And so
25 therefore we should not be investing through our

1 pension funds in private prisons, nor should any
2 of our state-chartered banks be lending to
3 private prisons.

4 You know, one of the things that
5 gives me some level of hope here is that since I
6 came to the Senate in 2017, at that time, as it
7 was mentioned, our pension fund had some money in
8 private prisons. And it was indirect. And
9 because of advocacy, Comptroller Tom DiNapoli
10 said, You know what, Senator Benjamin, you're
11 right, let's pull out this \$10 million. It's not
12 just symbolic, it's actually real money, and we
13 should put that into something else.

14 The banks stepped up -- Bank of
15 America, Chase and others -- and said, We will
16 decide to stop lending.

17 Just because those things happened
18 does not mean that we are not obligated to make
19 sure that any opportunity for investments in
20 private prisons of any kind be stopped. Why is
21 that? Because I think it's not important to not
22 forget what we're talking about here.

23 Private prisons on their face make
24 their money by having more incarceration. I
25 mean, that is fundamentally the business model.

1 As someone who, like others, comes from a
2 business background, I understand how businesses
3 work. And when you operate a business, one of
4 the things you want to do is increase revenues.
5 Right? And you want to keep costs low so that
6 you can have more profit.

7 In this case, increasing the revenue
8 is more people incarcerated, decreasing costs is
9 giving them less stuff so that you can have more
10 profit. There's no place for private business in
11 corrections.

12 And I wanted to use that word
13 "corrections" because that's what it's supposed
14 to be. When folks are incarcerated, we're
15 supposed to be trying to correct, we're supposed
16 to be trying to rehabilitate. Private businesses
17 are not interested in rehabilitating or
18 correcting. They're interested in making
19 profits.

20 And so we have to keep that in the
21 public space. There are states that have made
22 decisions to contract with private prisons
23 because it keeps costs low and they believe the
24 private prisons will operate the business better
25 than they would. But it should not be a

1 business.

2 This should be about taking folks
3 who have made mistakes, trying to rehabilitate,
4 correct, and prepare them to be reintegrated back
5 into society. Not to allow for some private
6 businesses to make shareholder wealth off of the
7 backs of those who have been incarcerated.

8 And I will also add, as we are
9 seeing what's going on in Portland right now, and
10 federal agents swarming the country here,
11 immigration detention facilities, those should
12 not be privately run either. You know, there are
13 a number of people who are coming to this country
14 seeking asylum. The fact that they are in --
15 they're being thrown into some of these
16 horrendous facilities, we should be ashamed of
17 ourselves as a country.

18 And so anything we can do or I can
19 do to try to create a situation where there is no
20 lending of any of kind to any of these
21 facilities, I will always do it.

22 And I look forward to the day where
23 we have a president who will take this to the
24 next step and not allow any federally chartered
25 prisons to be owned or operated by any private

1 entity. This has got to be in the public space.

2 You know, I don't even want to start
3 getting into some of the things we've seen with
4 some of the judges, Mr. President, being bribed
5 by some of these businesses. The fact that they
6 literally use campaign donations to try to
7 encourage more and longer sentences -- that's a
8 known fact -- this is just not the kind of
9 businesses that should be operating in this
10 country. And I look forward to the day when we
11 no longer have one private prison in the
12 United States.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BAILEY: Senator
15 Benjamin to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 949, those Senators voting in the
19 negative are Senators Akshar, Amedore, Borrello,
20 Boyle, Funke, Gallivan, Griffo, Helming, Jordan,
21 Lanza, LaValle, Little, O'Mara, Ortt,
22 Ranzenhofer, Ritchie, Robach, Serino, Seward and
23 Tedisco.

24 Ayes, 40. Nays, 20.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 Senator Krueger.

3 SENATOR KRUEGER: Thank you,
4 Mr. President.

5 Could you now call up Calendar
6 Number 1016.

7 ACTING PRESIDENT BAILEY: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 1016, Senate Print 7762, by Senator Kaplan, an
11 act to amend the Penal Law.

12 ACTING PRESIDENT BAILEY: Senator
13 Amedore.

14 SENATOR AMEDORE: Thank you,
15 Mr. President. Will the sponsor yield for a
16 question?

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR KAPLAN: Yes,
20 Mr. President.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR AMEDORE: Through you,
24 Mr. President.

25 Hello, Senator Kaplan. How are you?

1 SENATOR KAPLAN: I'm fine, thank
2 you. How about you?

3 SENATOR AMEDORE: Good. I've got a
4 few questions, if you can bring some clarity to
5 me.

6 What is an unfinished frame or
7 receiver? What's the definition or --

8 SENATOR KAPLAN: What's the
9 definition?

10 SENATOR AMEDORE: Yeah.

11 SENATOR KAPLAN: The definition is
12 essentially any piece of material that has been
13 shaped for purposes of becoming the frame or
14 receiver of a firearm and can easily be made into
15 a finished frame or receiver.

16 SENATOR AMEDORE: Through you,
17 Mr. President, will the sponsor continue to
18 yield?

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield for a question?

21 SENATOR KAPLAN: It's also
22 referenced in the bill.

23 SENATOR AMEDORE: Well, I read the
24 bill, and that's why I'm asking you for the
25 definition, because it's very unclear to me. It

1 just says --

2 ACTING PRESIDENT BAILEY: Senator
3 Amedore, are you asking the sponsor to yield?

4 SENATOR AMEDORE: Yes. I thought I
5 did, I'm sorry.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR KAPLAN: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR AMEDORE: It's very unclear
12 to me in the bill -- I read the bill, and it just
13 says "unfinished frame or receiver." My question
14 is, what is a frame and a receiver? Unfinished
15 frame and receiver.

16 SENATOR KAPLAN: So, Senator --
17 through you, Mr. President. Senator Amedore, if
18 you just sit on it behind a computer and just
19 type in "ghost guns," page after page will show
20 up of different manufacturers who put in a kit
21 that basically looks identical to a finished
22 firearm, with the exception of four holes. The
23 kit comes to your house, you can deliver it, it
24 gets delivered to your house in three days' time.
25 It takes about one hour. They sent all the

1 different parts plus a CD that walks you through,
2 step by step, how to put this together and have a
3 finished firearm.

4 SENATOR AMEDORE: Mr. President,
5 will the sponsor continue to yield?

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR KAPLAN: Yes,
9 Mr. President.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR AMEDORE: Thank you,
13 Senator Kaplan, for that.

14 You used the word "ghost guns." And
15 that's why I'm a little confused here, because I
16 see no reference in this bill of even the word
17 "ghost." And I know that -- I believe earlier
18 today Senator Hoylman had a bill that
19 specifically talked about ghost guns. Your bill
20 is specifically talking about unfinished frame or
21 receiver. And it makes reference to various
22 types of firearms, whether it's a rifle or a
23 shotgun. So --

24 SENATOR KAPLAN: Through you,
25 Mr. President, that's just the terminology. They

1 are also -- the same applies to 80 percent
2 finished receivers on the web.

3 SENATOR AMEDORE: Through you,
4 Mr. President, will the sponsor continue to
5 yield?

6 ACTING PRESIDENT BAILEY: Does the
7 sponsor continue to yield?

8 SENATOR KAPLAN: Yes,
9 Mr. President.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR AMEDORE: So if someone has
13 in their possession parts and pieces of a firearm
14 that's not together -- that would make it an
15 unfinished firearm -- would that law-abiding
16 citizen be able to possess those parts and
17 pieces?

18 SENATOR KAPLAN: Through you,
19 Mr. President. The piece that covers my bill,
20 it's one piece, and it's identical with the
21 exception of four holes, which anyone can
22 actually drill. And those holes are
23 intentionally left out, because that's what makes
24 it 80 percent finished.

25 SENATOR AMEDORE: Mr. President,

1 will the sponsor continue to yield?

2 SENATOR KAPLAN: And it allows it
3 to escape regulation.

4 ACTING PRESIDENT BAILEY: Senator
5 Kaplan, will you yield? Does the sponsor yield
6 for a question?

7 SENATOR KAPLAN: Yes,
8 Mr. President.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR AMEDORE: Senator Kaplan,
12 I'm asking these questions because the bill --
13 and I'm not trying to be smart about it and give
14 you a hard time, but I don't see any imagery. I
15 see words. And to someone who -- whether it's --
16 who has, a law-abiding citizen who has parts and
17 pieces of a firearm that is not together, whether
18 it's got four holes, six holes, no holes -- we're
19 talking about -- we're talking about pieces of a
20 firearm -- that this law would be making that
21 individual a potential criminal or felony charges
22 or misdemeanor charges could be applied to them
23 if they're in possession of them.

24 So can you bring -- give me some
25 clarification here? Because this is not

1 referring to a ghost gun.

2 SENATOR KAPLAN: So through you,
3 Mr. President, I'm more than happy to supply you
4 with actually diagrams that clearly illustrates
5 this. That it's not just the four holes; this is
6 a piece that intentionally is being used to put
7 together to produce a firearm.

8 SENATOR AMEDORE: Mr. President,
9 will the sponsor continue to yield?

10 ACTING PRESIDENT BAILEY: Does the
11 sponsor continue to yield?

12 SENATOR KAPLAN: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR AMEDORE: So under this
16 bill would a law-abiding citizen be able to
17 possess an unfinished frame or receiver?

18 SENATOR KAPLAN: So there's a
19 companion bill with my bill, Senator Hoylman's
20 bill, that allows a gunsmith to get a license to
21 put this together and make it into a firearm,
22 which would also require them to put a
23 registration number on it -- a serial number on
24 it and register it.

25 People who actually try to get on

1 the web and purchase these kits are people who
2 are trying to go beyond getting a background
3 check and also not to have firearms that are
4 traceable, meaning not to have firearms that have
5 a serial number.

6 SENATOR AMEDORE: Mr. President,
7 will the sponsor continue to yield?

8 ACTING PRESIDENT BAILEY: Does the
9 sponsor yield?

10 SENATOR KAPLAN: I would.

11 Mr. President, I would like to ask
12 Mr. -- Senator Amedore a question.

13 SENATOR AMEDORE: No, I -- I have
14 the privilege of the floor to ask her a question.
15 She yields.

16 SENATOR KAPLAN: Mr. President, I'm
17 happy to take this question, and then I'd like to
18 ask him a question.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields to you, Senator Amedore. But
21 following the answer, would you yield to a
22 question post that?

23 SENATOR AMEDORE: Yeah, I have
24 other questions that I still have to ask.

25 Would this criminalize countless

1 New Yorkers who currently possess various parts
2 and pieces of a firearm that would be considered
3 unfinished?

4 SENATOR KAPLAN: No, it would just
5 require them to get licensed, to get the serial
6 number on them and to have them registered.

7 SENATOR AMEDORE: So through you,
8 Mr. President, so an individual, a New Yorker can
9 purchase parts and pieces, possess them without
10 any criminal aspect, charges or being -- or
11 having a threat of being charged of a crime, to
12 bring them to a gunsmith who's licensed to put
13 them together, the parts and pieces, that then
14 would make it -- I guess what you would think to
15 be legal.

16 SENATOR KAPLAN: So, Senator
17 Amedore --

18 SENATOR AMEDORE: So my question is
19 can they possess these pieces, these parts and
20 pieces, any consumer in the State of New York?

21 SENATOR KAPLAN: Through you,
22 Mr. President, the short answer is no. The
23 reason, for purposes of my bill and
24 Senator Hoylman's bill, is to make sure that
25 people who are purchasing these kits are going to

1 go ahead and get a serial number for those guns
2 and have them registered.

3 SENATOR AMEDORE: Through you,
4 Mr. President --

5 SENATOR KAPLAN: The people who are
6 engaging in this as a hobby are law-abiding
7 citizens, and they're welcome to do that. And
8 they know that they should register and have a
9 serial number.

10 Based on the federal act of 1968,
11 the Gun Control Act, any manufacturer of firearms
12 and importer of firearms has to make sure there
13 is a serial number. And that's what this simply
14 does.

15 And because it's people who are
16 putting these components together to make sure
17 that they are going through the same process and
18 go through a background check and registering
19 them, and that there is a serial number that
20 helps the law enforcement to be able to trace
21 those guns to their origin.

22 Mr. President, I'd like to ask
23 Senator Amedore a question.

24 ACTING PRESIDENT BAILEY: The
25 sponsor has the floor and she's asking you to

1 yield, Senator Amedore. Do you yield to a
2 question from Senator Kaplan?

3 SENATOR AMEDORE: Not at this time.
4 I still have questions to ask her.

5 ACTING PRESIDENT BAILEY: So
6 Senator Amedore is -- does not yield.

7 Senator Kaplan, you may ask him to
8 yield at a later time.

9 SENATOR AMEDORE: Through you,
10 Mr. President, will the sponsor continue to
11 yield?

12 ACTING PRESIDENT BAILEY:
13 Senator Kaplan, do you continue to yield?

14 SENATOR KAPLAN: Yes,
15 Mr. President.

16 ACTING PRESIDENT BAILEY:
17 Senator Kaplan yields.

18 SENATOR AMEDORE: Is there any
19 provision, Senator Kaplan, in your legislation
20 here, your bill, that exempts antiques, antique
21 firearms?

22 SENATOR KAPLAN: Through you,
23 Mr. President, any guns that were produced prior
24 to 1968, and antique guns, are excluded. And
25 that's Senator Hoylman's bill, not my bill.

1 SENATOR AMEDORE: I'm talking about
2 this bill.

3 SENATOR KAPLAN: That's why they're
4 companion bills. No, it's not in my bill, it's
5 in his bill.

6 Mine simply deals with possession,
7 and Senator Hoylman's bill deals with serial
8 number and registration.

9 SENATOR AMEDORE: Through you,
10 Mr. President, will the sponsor continue to
11 yield?

12 ACTING PRESIDENT BAILEY: Does the
13 sponsor yield?

14 SENATOR KAPLAN: Yes,
15 Mr. President.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR AMEDORE: So are you saying
19 that those antique receivers or frames someone
20 may possess -- maybe even a World War II
21 veteran -- who have them, would they then --
22 those World War II veterans with an antique
23 firearm, would they now become a potential felon
24 for possessing a firearm in this legislation, in
25 this bill?

1 SENATOR KAPLAN: Through you,
2 Mr. President. My bill just deals with
3 possession of the unfinished receivers and
4 frames, which are intentionally left incomplete
5 because it falls short of the federal regulation
6 and New York State law.

7 If these are ones that were made
8 prior to 1968, they are exempt.

9 SENATOR AMEDORE: Through you,
10 Mr. President --

11 SENATOR KAPLAN: And they're also
12 finished guns, they're not parts of the gun to be
13 put together.

14 SENATOR AMEDORE: Will the sponsor
15 continue to yield?

16 ACTING PRESIDENT BAILEY: Does the
17 sponsor yield?

18 SENATOR KAPLAN: Yes,
19 Mr. President.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR AMEDORE: You made
23 reference to Senator Hoylman's bill which you
24 are -- it's a companion bill and you're cosponsor
25 to. So is there a Assembly sponsor on that bill

1 that you keep referring to?

2 SENATOR KAPLAN: Through you,
3 Mr. President, yes, there is.

4 SENATOR AMEDORE: Thank you.

5 Through you, Mr. President, will the
6 sponsor continue to yield?

7 ACTING PRESIDENT BAILEY: Does the
8 sponsor continue to yield?

9 SENATOR KAPLAN: Yes,
10 Mr. President.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR AMEDORE: I haven't found
14 that Assembly sponsor of that bill. But we're
15 talking about your bill.

16 SENATOR KAPLAN: There is a member,
17 Assemblymember, they're not just identical.

18 SENATOR AMEDORE: Senator Kaplan,
19 do you recognize that the Attorney General --

20 ACTING PRESIDENT BAILEY: Are you
21 asking the sponsor to yield, Senator Amedore?

22 SENATOR AMEDORE: Will the sponsor
23 continue to yield?

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR KAPLAN: Yes,
2 Mr. President.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR AMEDORE: Do you recognize
6 that the Attorney General announced an agreement
7 with 17 online dealers not to sell any of these
8 types of parts or pieces to the residents of
9 New York? So is that agreement toothless?

10 SENATOR KAPLAN: Through you,
11 Mr. President, that is actually an announcement
12 that our Attorney General Tish James made, which
13 stopped -- went after and had some of -- 17
14 ghost-gun websites stop selling to New York
15 because it actually violated SAFE Act law.

16 We are here as a body and we can
17 pass legislation and make sure that we're doing
18 everything for our communities in terms of
19 keeping them safe.

20 SENATOR AMEDORE: Will the sponsor
21 continue to yield?

22 ACTING PRESIDENT BAILEY: Does the
23 sponsor continue to yield?

24 SENATOR KAPLAN: Yes,
25 Mr. President.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR AMEDORE: Who would
4 determine what is considered an unfinished frame
5 or receiver, if someone is in possession of it?

6 SENATOR KAPLAN: Through you,
7 Mr. President, finished frames or receivers have
8 a serial number. The unfinished frames or
9 receivers do not have a serial number, as
10 determined by federal law.

11 SENATOR AMEDORE: On the bill.

12 SENATOR KAPLAN: Mr. President, I
13 want to ask a question from Senator Amedore.

14 ACTING PRESIDENT BAILEY: Senator
15 Amedore, do you yield to a question from
16 Senator Kaplan?

17 SENATOR AMEDORE: I will yield to
18 the polite Senator.

19 SENATOR KAPLAN: Thank you.

20 ACTING PRESIDENT BAILEY: Senator
21 Amedore yields.

22 SENATOR KAPLAN: So, Senator
23 Amedore, if a gun was found to have been used in
24 the commission of a crime and that gun was found
25 to have its serial number physically removed or

1 altered, would you consider that a problem?

2 SENATOR AMEDORE: Is it an illegal
3 gun? Is it a street gun? Is it a stolen gun?
4 Is it a permitted firearm?

5 SENATOR KAPLAN: Through you,
6 Mr. President, by law any alteration or removal
7 of a serial number is against the law.

8 SENATOR AMEDORE: Senator Kaplan,
9 there is no -- there's not a law out there that's
10 going to prevent someone of scratching off and
11 anyone could scratch off a serial number on any
12 part of a firearm if they so choose to.

13 SENATOR KAPLAN: I think the law is
14 very clear in stating that every gun should have
15 a serial number and it should be registered.

16 And that brings me to my point:
17 What is the difference between having a gun
18 that's finished, with a serial number, or having
19 an 80 percent gun that gets delivered to you, you
20 put it together, and that doesn't have a serial
21 number?

22 SENATOR AMEDORE: Mr. President, on
23 the bill.

24 ACTING PRESIDENT BAILEY: Senator
25 Amedore on the bill.

1 SENATOR AMEDORE: Thank you,
2 Senator Kaplan, for answering the questions. And
3 I do believe you have the heart to try to keep
4 your constituents and serve them the best you
5 can.

6 But we're talking about law-abiding
7 citizens here who, if they so choose to go and
8 purchase a part -- a piece, a stock, a receiver,
9 a trigger, a spring, a muzzle, a barrel, a sight,
10 a forearm, a magazine or any part of a firearm --
11 a rail, a rack, any part of a firearm that is not
12 together -- and many law-abiding citizens in this
13 great State of New York who are sportsmen, sports
14 enthusiasts, who may just go target practice or
15 competition shoot or hunt or have just the means
16 of a safety protocol that they believe is safe to
17 dismantle their firearms -- and within those
18 parts and pieces, if any one part of that firearm
19 does not have an identification or serial number
20 that the sponsor continues to reference and it is
21 not together, forming or making the shape of a
22 firearm -- when I read this bill, I see some very
23 gray areas and I believe it could be an overreach
24 of our constitutional rights.

25 Because someone may have some

1 parts -- an enthusiast, an antique collector,
2 someone who has an antique that may not have a
3 serial number because it's so old and it's -- and
4 there's parts and pieces there. This bill, as
5 it's drafted, would and could make that
6 law-abiding citizen now a felon or have a
7 criminal record, someone who has gone through
8 rigorous hours of firearm training, programming
9 of -- and education of how to dismantle and put
10 together, how to clean, how to safely store, how
11 to handle and respect a firearm.

12 And because it's dismantled, whether
13 it's a frame or whether it's a receiver, whether
14 it's a pistol grip or a forearm -- there's many
15 components that make a firearm. And I think what
16 the good Senator is trying to do is talk about
17 ghost guns, but this bill makes no mention of
18 ghost guns. There's not even the word "ghost" in
19 this bill.

20 And that's why I asked the
21 questions, because I know of -- whether it's
22 Senator Kaplan or myself, we have many
23 constituents who do possess these various
24 components. And whether they're together,
25 whether it has a hole that's drilled in it,

1 predrilled or not, whether it's someone who is
2 crafty and wants to put together a -- you know,
3 the pieces that they purchased, this bill I'm
4 afraid would make that law-abiding citizen now a
5 potential felon. I don't think that that's the
6 intent that Senator Kaplan has, but the way this
7 bill is drafted and written, it most certainly
8 describes that case.

9 And so I don't see a carve-out for
10 antique receivers or frames. I don't see --
11 which then really could make potentially our
12 veterans who fought in foreign wars, who may have
13 these parts and pieces, now a criminal.

14 And yes, the Attorney General has
15 announced an agreement with multiple online
16 dealers. And yes, the State of New York has the
17 SAFE Act. And you can't even go online today to
18 buy really anything that deals with firearms, not
19 ammunition or not even a firearm. They all have
20 to go through an FFL dealer, a licensed firearm
21 dealer, in any purchase you make in the State of
22 New York today.

23 So I don't think that this bill is
24 necessary. I think that the companion bill that
25 she references, Senator Kaplan references with

1 Senator Hoylman, talks more specifically about
2 ghost guns, and this bill does not. And I
3 believe that this is an overreach to our
4 Second Amendment and to many law-abiding citizens
5 in the State of New York.

6 And because of that, I will be
7 voting in the negative. Thank you.

8 ACTING PRESIDENT BAILEY: Are there
9 any other Senators wishing to be heard?

10 Seeing and hearing none, debate is
11 closed.

12 The Secretary will ring the bell.

13 Read the last section.

14 THE SECRETARY: Section 5. This
15 act shall take effect on the 120th day after it
16 shall have become a law.

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Senator
21 Gaughran to explain his vote.

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

24 And I want to thank Senator Kaplan
25 for a very thoughtful and very important piece of

1 legislation, and our colleague Assemblyman
2 Chuck Lavine, who I know is carrying this in the
3 Assembly.

4 What I believe we are really talking
5 about today is the fact that we have criminals
6 who, in order to evade the gun laws that we now
7 have in this state and other parts of this
8 country, are using the internet to assemble guns.
9 You go on the internet, a whole bunch of
10 different sites, and get these how-to guides to
11 make a gun, to make a very powerful gun that
12 could kill a lot of people.

13 So what we're doing today is simply
14 another act to try to save some lives here in New
15 York State. And I guarantee the passage of this
16 bill is going to save some lives. And, you know,
17 some of those lives are going to be children,
18 some of those lives could be mom and dads.

19 And these guns have killed folks
20 across the country. These guns have killed brave
21 police officers working in the line of duty to
22 protect us.

23 So I'm very supportive of this bill,
24 but I also just want to mention that it is named
25 after Scott Beigel. Scott Beigel was a teacher

1 and a coach at Parkland High School in Florida --
2 no, I mean at Marjorie Stoneman Douglas
3 High School in Parkland, Florida, I have to
4 correct that. And he's somebody who lived near
5 where I lived.

6 I never met him. I met his mom and
7 dad, who have done some wonderful things in
8 fighting for this very important effort to try to
9 save lives. And I've also met some of the young
10 people that he taught, that he coached -- young
11 people who have also been inspired by him and are
12 also active every day in the street to try to
13 fight to make sure that we are saving lives.

14 So I very much again thank the
15 sponsor, and the Majority Leader for bringing
16 this bill forward, and I vote in the affirmative.

17 Thank you, Mr. President.

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

20 Senator Krueger to explain her vote.

21 SENATOR KRUEGER: Thank you very
22 much, Mr. President.

23 Well, I did enjoy that debate. And
24 I want to thank Senator Kaplan for bringing this
25 bill to us. I am proud to support it.

1 I also think there was an
2 intentional attempt to obfuscate during the
3 debate. And everyone has the right to debate on
4 whatever they wish to on the floor, I strongly
5 believe in that, but I do feel that some people
6 might be confused if they had attempted to listen
7 to the back-and-forth.

8 And again, as I think Senator
9 Gaughran just articulated very clearly, there's a
10 very specific purpose for this bill. It is to
11 address a real and growing issue in our state.
12 It has nothing to do with veterans of foreign
13 wars having antique guns. It has really nothing
14 to do with law-abiding citizens who have guns.

15 Even the statement that was made,
16 well, anybody could take the I.D. numbers and I
17 guess wear them off the gun or drill them off --
18 that, by definition, is people who don't want to
19 be caught with guns that they have or have made
20 out of pieces that they know are illegal,
21 probably for illegal activities.

22 Because we do have clear gun laws in
23 this state for most purposes. And as was pointed
24 out over and over again, there is federal
25 established law here. And we are just trying to

1 keep up with the disturbing behaviors that some
2 people will do when they can to get themselves
3 illegal guns, even by building them up from
4 pieces in their home, ordering them online.

5 So I do want to just say thank you
6 to Senator Kaplan for bringing this bill. It's
7 an excellent bill, and I hope it can go into law
8 as soon as possible.

9 Thank you. I vote yes.

10 ACTING PRESIDENT BAILEY:
11 Senator Krueger to be recorded in the
12 affirmative.

13 Senator Kaplan to explain her vote.

14 SENATOR KAPLAN: Thank you,
15 Mr. President.

16 I want to thank Senator Amedore for
17 his questions and for the debate on this bill. I
18 also just want to clarify a couple of things.

19 My bill clearly deals -- and it's
20 very clear on its face -- deals with a piece of
21 material that has been shaped for the purposes of
22 a frame or a receiver that can easily be finished
23 with a few holes. It is not about different
24 parts and citizens, law-abiding citizens, being
25 held responsible for having different parts.

1 These kits arrive in people's homes
2 clearly with one intention, for them to be
3 assembled and made into a firearm without any
4 serial number on them and without them having to
5 register them and bypassing the background check.
6 That's as simple as it gets.

7 Furthermore, Everytown had done a
8 study that -- a gun safety study of 114 federal
9 prosecutions showing ghost guns or unfinished
10 receiver guns, and found that nearly half of the
11 defendants would not have passed a criminal
12 background check. People who purchase these do
13 them on purpose because they cannot obtain guns
14 legally.

15 Mr. President, it is really a great
16 day today. It is a great day because today we
17 come together to work and do the work of the
18 people who sent us here to represent them. And
19 the people who sent me here are no different.
20 They did so because they expected me to pass
21 commonsense laws that would work and keep our
22 communities safer. And that's what we are doing.

23 I rise proudly to sponsor this bill,
24 along with my partner, Senator Hoylman, because
25 the Scott J. Beigel Unfinished Receiver Act has a

1 very simple purpose, to close a dangerous
2 loophole that lets untraceable weapons fall into
3 the hands of people who would otherwise be unable
4 to obtain them legally.

5 Here in New York, we have passed
6 some of the strongest gun safety laws in the
7 nation, and we did it with the support of our
8 residents, residents who are sick and tired of
9 the epidemic of gun violence that they're seeing
10 across this nation. But sometimes even those
11 strong laws have their weakness, and today we're
12 going to fix that.

13 Under federal law, it is perfectly
14 legal to sell a mostly completed receiver that
15 just about anyone can turn into a gun like an
16 AR-15 in a few single -- simple steps. The
17 process can take as little as an hour, and there
18 are YouTube videos that walk you through every
19 step. By the time the video is over, you've got
20 yourself an untraceable AR-15 with no records, no
21 serial number, and you never had to go through a
22 background check to get it.

23 If you think this sounds like an
24 egregious end run around our well-intentioned gun
25 safety laws, you're not alone. When asked his

1 feelings on the topic of 80 percent unfinished
2 receivers back in September, Tom King, the
3 president of the New York State Rifle and Pistol
4 Association, said the following, and I quote:
5 "The 80 percent guns are providing a way for
6 prohibited people to buy a firearm," referring to
7 people who don't have a gun permit or are
8 otherwise prohibited from possessing a gun.

9 He went on to explain that
10 self-assembled guns provide a way for competition
11 shooters to make a custom-fitted firearm, but
12 that such weapons should have serial numbers and
13 be registered because, in his words: "It appears
14 what was meant to be something for competitive
15 shooters and serious shooters to build their own
16 unique firearm may be turning into a criminal
17 enterprise."

18 So to recap, we have a problem that
19 is universally recognized by the head of the
20 New York State Rifle and Pistol Association --
21 who again, I mentioned earlier, is also an NRA
22 board member -- every major law enforcement
23 organization around the state, every major gun
24 safety organization around the state and the
25 country, our own State Attorney General, and

1 countless residents across my district and the
2 entire state.

3 And today we have the opportunity,
4 with this simple bill, to fix this problem and
5 make our communities safer. I believe that's the
6 definition of a commonsense law.

7 I'm especially proud to carry this
8 bill because this bill also pays tribute to a
9 true hero. Scott J. Beigel senselessly lost his
10 life to gun violence at Marjorie Stoneman Douglas
11 High School in Parkland, Florida, on February 14,
12 2018. Scott was a hero, an MSD teacher who gave
13 his life to heroically protect his students.

14 I dedicated this legislation to
15 Scott's honor and his memory because I know this
16 bill will save lives just like Scott did. And I
17 dedicated this legislation to Scott as a reminder
18 to all of us just what's at stake here.

19 We know that when we don't take
20 action to strengthen our gun safety laws, our
21 communities are less safe, our schools are less
22 safe, our families are less safe. And
23 unfortunately, there are too many parents in this
24 country who lay their head down on a tear-stained
25 pillow each night, wishing someone had done

1 something, someone had taken some action.

2 Well, I'm here to say there are many
3 here who stand to take those actions, to ensure
4 our communities are safer by passing commonsense
5 laws like the Scott J. Beigel Unfinished Receiver
6 Act and the José Webster Untraceable Firearms
7 Act.

8 First and foremost, I would like to
9 thank our leader, Andrea Stewart-Cousins, for
10 always ensuring that the safety of our
11 communities is paramount and that we're passing
12 good laws that are responsive to the needs of our
13 residents.

14 And I want to thank Senator Brad
15 Hoylman for his tireless work on gun violence
16 prevention legislation, going back for years, and
17 for his partnership on this legislative package
18 today.

19 And most importantly, thank you to
20 Linda Beigel Schulman and Michael Schulman,
21 Scott's parents, who propelled this issue forward
22 with raw honesty and humanity and unending love
23 for their son Scott. This is a victory for every
24 resident in the State of New York, and I could
25 not have done this without their effort. Thank

1 you, Linda and Michael.

2 Mr. President, I proudly vote aye.

3 ACTING PRESIDENT BAILEY:

4 Senator Kaplan to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 1016, those Senators voting in
8 the negative are Senators Akshar, Amedore,
9 Borrello, Boyle, Funke, Gallivan, Griffio,
10 Helming, Jordan, Lanza, LaValle, Little, O'Mara,
11 Ortt, Ranzenhofer, Ritchie, Robach, Serino,
12 Seward and Tedisco.

13 Ayes, 40. Nays, 20.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 Senator Krueger, that completes the
17 reading of the controversial calendar.

18 SENATOR KRUEGER: Thank you,
19 Mr. President. I believe there are several
20 privileged resolutions at the desk. Please take
21 these up.

22 ACTING PRESIDENT BAILEY: The
23 Secretary will read.

24 THE SECRETARY: Senate Resolution
25 3299, by Senator Stewart-Cousins, amending Senate

1 Resolution R2144 of 2019 establishing a plan
2 setting forth an itemized list of grantees for
3 the New York State Economic Development
4 Assistance Program established pursuant to an
5 appropriation in the 2008-2009 state fiscal year
6 and in Part QQ of Chapter 57 of the Laws of 2008
7 relating to such itemized list of grantees.

8 ACTING PRESIDENT BAILEY: The
9 question is on the resolution.

10 Call the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT BAILEY: The
16 resolution is adopted.

17 THE SECRETARY: Senate Resolution
18 3300, by Senator Stewart-Cousins, establishing a
19 plan setting forth a methodology for allocating
20 certain appropriations for the 2020-2021 state
21 fiscal year for services and expenses related to
22 Lyme and tick-borne disease education and
23 research; such plan shall be subject to the
24 approval of the Temporary President of the Senate
25 and the Director of the Budget and thereafter

1 shall be included in a resolution calling for the
2 expenditure of such monies, which resolution must
3 be approved by a majority vote of all members
4 elected to the Senate upon a roll call vote.

5 ACTING PRESIDENT BAILEY: The
6 question is on the resolution.

7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT BAILEY: The
13 resolution is adopted.

14 THE SECRETARY: Senate Resolution
15 3301, by Senator Stewart-Cousins, establishing a
16 plan setting forth an itemized list of grantees
17 for a certain appropriation for the 2020-2021
18 state fiscal year for grants-in-aid for
19 school-based health centers, as required by a
20 plan setting forth an itemized list of grantees
21 with the amount to be received by each, or the
22 methodology for allocating such appropriation.

23 ACTING PRESIDENT BAILEY: The
24 question is on the resolution.

25 Call the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT BAILEY: The
6 resolution is adopted.

7 THE SECRETARY: Senate Resolution
8 3302, by Senator Stewart-Cousins, establishing a
9 plan setting forth a methodology for allocating
10 certain appropriations for the 2020-2021 state
11 fiscal year for services and expenses related to
12 sickle cell research and treatment.

13 ACTING PRESIDENT BAILEY: The
14 question is on the resolution.

15 Call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: Ayes, 60.

20 ACTING PRESIDENT BAILEY: The
21 resolution is adopted.

22 Senator Krueger.

23 SENATOR KRUEGER: Thank you.

24 Mr. President, the Senate will now
25 stand at ease and then at some point come back

1 for nominations.

2 ACTING PRESIDENT BAILEY: The
3 Senate stands at ease.

4 (Whereupon, the Senate stood at ease
5 at 5:15 p.m.)

6 (Whereupon, the Senate reconvened at
7 5:32 p.m.)

8 ACTING PRESIDENT BENJAMIN: The
9 Senate will come to order.

10 Senator Krueger.

11 SENATOR KRUEGER: Mr. President, is
12 there a report of the Judiciary Committee at the
13 desk?

14 ACTING PRESIDENT BENJAMIN: There
15 is a report of the Judiciary Committee at the
16 desk.

17 The Secretary will read.

18 THE SECRETARY: Senator Hoylman,
19 from the Committee on Judiciary, offers the
20 following nominations.

21 As Judges of the Court of Claims:
22 Veronica G. Hummel, Honorable Charles M. Troia,
23 Honorable Adrian N. Armstrong, and Adam W.
24 Silverman.

25 ACTING PRESIDENT BENJAMIN:

1 Senator Krueger.

2 SENATOR KRUEGER: Thank you.

3 Please recognize Senator Bailey.

4 ACTING PRESIDENT BENJAMIN: Senator
5 Bailey.

6 SENATOR BAILEY: Thank you,
7 Mr. President.

8 I rise in support -- I will be
9 moving the nominations of all the judges, but I
10 want to recognize one of the specific judges
11 that's being nominated to the Court of Claims,
12 Judge Adrian Armstrong.

13 You know, there was a conversation
14 and I was on the other side of some good-natured
15 humor about my basketball skills. And the reason
16 for that was that I've known Judge Armstrong for
17 quite some time. You see, sometimes in this
18 chamber we get to have conversations about people
19 that we've professionally known and that we've
20 run into or we've tried cases in front of. I've
21 known Judge Adrian Armstrong since I was about
22 eight or nine years old. And that's because he
23 ran a basketball tournament in my neighborhood
24 called Varsity Sports.

25 And you can look at Adrian

1 Armstrong's resume and you can look at his time
2 in the City Court, you can look at his ability to
3 teach and you can look at all of the things that
4 he's done in the community -- but what's not on
5 his resume are the things that I'm going to
6 articulate to you.

7 That out of his own pocket in the
8 Northeast Bronx, he recognized that there was a
9 need for kids to be able to have certain
10 activities, and he founded an organization called
11 Varsity Sports. And Varsity Sports was -- it was
12 a basketball league that allowed a lot of
13 individuals to play basketball, because we had a
14 tournaments uptown. And there was a tournament
15 that only the best players were allowed into.
16 Mr. President, I wasn't allowed in that
17 tournament.

18 Varsity Sports, while it had some
19 really good players, was a place where kids that
20 loved to play basketball could do so. And again,
21 it wasn't because of a 501(c)(3) or an
22 organization, it was because of now-Judge Adrian
23 Armstrong's desire to fund this program out of
24 his own pocket. That speaks to the breadth of
25 who he is as a person and in the Judiciary

1 Committee.

2 And maybe he wasn't the best
3 basketball coach, because look at me. But Adrian
4 Armstrong was quite a skilled basketball player
5 at Evander Childs High School, and he went on to
6 law school and then to be a law clerk for many
7 years in the Bronx and in Manhattan.

8 And when he got to Mount Vernon
9 City Court, I was a newly admitted attorney, and
10 I appeared in front of Judge Armstrong, somebody
11 who I had known pretty much my entire life, more
12 or less -- and Judge Armstrong treated me just
13 like he would treat any other attorney. That
14 tells you a lot about who he is as a person and
15 about why he's the type of judge that we need in
16 the Court of Claims.

17 Judge Armstrong has done some
18 incredible things with the adolescent
19 diversion -- the Diversion Part. He believes in
20 restorative justice, not just as a talking point,
21 but he actually lives it. Because if you see him
22 in the City of Mount Vernon -- Mount Vernon is
23 but so big. It's a great city of four square
24 miles, and in that four square miles you kind of
25 run into everybody. And when I run into the

1 judge, he's seeing people that have appeared
2 before him and they're having conversations about
3 the progress that's being made.

4 Adrian Armstrong cares about the
5 people in the City of Mount Vernon and in the
6 State of New York as well, Mr. President.

7 He also presides over something --
8 over a Drug Court Part, where he gives
9 alternatives to incarceration through the ability
10 to put individuals through a program. And
11 there's a young man who comes back to speak at
12 every Drug Court graduation that talks about how
13 Judge Armstrong saved his life. And this young
14 man can recount the number of days that he's been
15 clean and sober. And that's due to that young
16 man's will, but the opportunity that Judge Adrian
17 Armstrong has given to him and so many other
18 individuals have been nothing short of
19 remarkable.

20 He resides in Mount Vernon with his
21 three children, who are all grown, but they are
22 still incredibly proud of him.

23 And the reason why I know Judge
24 Armstrong is because he's a childhood friend of
25 my uncle. You know, and my uncle -- my Uncle Lee

1 is very proud of him as well.

2 A boy from the Bronx who moved to
3 Mount Vernon to do great things -- Judge
4 Armstrong, I salute you. And I am incredibly
5 excited that you will be sitting on the Court of
6 Claims, because you're exactly the type of person
7 that we need in our state's judiciary.

8 With that being said, I will move
9 the other nominations forward for the Court of
10 Claims.

11 ACTING PRESIDENT BENJAMIN: Leader
12 Andrea Stewart-Cousins on the nominations.

13 SENATOR STEWART-COUSINS: Thank
14 you. Thank you, Mr. President.

15 And it's really -- really an honor
16 to be able to move all of these wonderful judges.
17 And Senator Bailey, I was -- had the opportunity
18 to speak with nominee Adrian Armstrong, and I
19 told him how proud you were of him, and he said
20 he was equally proud of you.

21 And of course being a Westchester
22 person myself, I know him, and I know he'll be a
23 tremendous asset. But, you know, thank you for
24 your passionate words.

25 I did have the opportunity to speak

1 with also Honorable Judge Troia, as well as Adam
2 Silverman, and all of these nominees are going to
3 be tremendous for our state.

4 I personally, though, wanted to
5 speak of my constituent, who I had the privilege
6 of recommending for this position on the Court of
7 Claims -- and I just want to thank the Governor
8 for all of his choices, and certainly for this
9 choice, and that is Veronica Hummel.

10 So Veronica was raised right here in
11 Albany, and she went to Albany Law. And she went
12 to Albany Law on a full scholarship. She
13 received her LLM degree of the academic study of
14 law from Columbia Law School, where she was the
15 associate editor of the Columbia Business Law
16 Review.

17 She's had a 30-year career, and
18 she's done everything from clerking for a judge
19 on the highest court in the State of Maine; she
20 worked for years as a court attorney with judges
21 in New York County, in the Supreme Courts,
22 handling both criminal and civil law. Over
23 decades in the courtroom, she's worked in a
24 variety of types of lawsuits, from commercial
25 litigation to zoning laws and everything in

1 between.

2 In addition, Veronica Hummel has
3 litigated cases in state and federal court while
4 in private practice. She was well-respected in a
5 Manhattan law firm.

6 I know her, though, as my
7 constituent and, yes, as a great attorney, as
8 someone who has trained for the judgeship in
9 every facet of her life.

10 But I know her as a committed
11 community resident who is where she is needed
12 every chance she gets, whether it's working with
13 a nursing school or, during this COVID pandemic,
14 going out of her way day after day, week after
15 week, to make sure hungry neighbors in
16 Westchester -- and yes, there are hungry
17 neighbors in Westchester -- were fed.

18 She worked with Feeding Westchester
19 as well as the Hillside Outreach Food Pantry.
20 She delivered food and she inspired others to
21 contribute and give of themselves. Because of
22 what she did I named her, as I did with some
23 other outstanding constituents, a "COVID Hero."

24 So as I said, she -- just like you
25 were talking about Adrian Armstrong, somebody who

1 gives more than you would expect and more than
2 frankly you would think they would have the time
3 to give or even the wherewithal or the desire.
4 But Veronica Hummel is one such person.

5 So that being said, Veronica's skill
6 set, her dedication, her commitment, her
7 temperament, her compassion, her passion for this
8 work will make her an outstanding judge.

9 So I want to congratulate her and I
10 want to congratulate her husband, Peter Kolbert,
11 and her three sons, and know that she will serve
12 us extraordinarily well on the Court of Claims.

13 Congratulations.

14 Thank you.

15 ACTING PRESIDENT BENJAMIN: Senator
16 Mayer on the nomination.

17 SENATOR MAYER: Thank you,
18 Mr. President.

19 And I rise to support these
20 nominations to an extremely important judgeship
21 for all of us -- for those of us who are
22 attorneys, but really more important, for the
23 thousands of litigants who appear before judges
24 of the Court of Claims who sit in other courts of
25 our state -- in Supreme Court, in County Court,

1 in Family Court -- and do the work of the judges.

2 And I want to, one, congratulate
3 Adrian Armstrong, as someone who represents the
4 best of our judiciary and the needed diversity
5 that we must see among those that are judges.

6 I also want to speak in favor of my
7 friend also, as the leader did, Veronica Hummel,
8 who I'm very, very pleased to see is being
9 nominated and has been nominated by our leader
10 and chosen by the Governor for this prestigious
11 position.

12 Two things strike me as very
13 important to note about Nicky, as we call her.
14 One, as a principal court attorney, she really
15 understands the nature of judging, making
16 decisions, making thoughtful decisions that will
17 be upheld on appeal, that are right on the law,
18 that are right on justice. And that is the kind
19 of experience that I think will serve all
20 litigants well.

21 And the second point that the leader
22 made is her work as an individual, really a
23 rather fearless individual. And during the
24 height of the COVID epidemic in our community, I
25 saw that she was going not to serve collectively

1 large groups of people, as I did and many of my
2 colleagues on both sides of the aisle did, but to
3 go to people's houses who didn't have food.

4 And I called her up and I said,
5 "Nicky, how did you get the addresses and know of
6 these individuals who need the food?" And she
7 said she went to the Hillside Food Pantry and
8 they gave her the names and addresses.

9 And I would point out that she's a
10 white woman, she went throughout our
11 communities -- Southwest Yonkers, Mount Vernon,
12 Peekskill, she didn't care. She went where
13 people needed food, to their homes, knocked on
14 their doors, because she knew it was the right
15 thing to do, they were dependent on it.

16 She is that kind of person who
17 believes in her mission, she believes in justice.
18 She is not cowed or swayed by those who may try
19 to talk her out of it, she does what is right.
20 And that is why I know she will be an excellent
21 judge, a judge of the highest integrity and
22 intelligence, and the kind of judge we need to
23 see in the Court of Claims.

24 I'm proud to support her nomination.

25 ACTING PRESIDENT BENJAMIN:

1 Senator Ramos on the nominations.

2 SENATOR RAMOS: Thank you,
3 Mr. President, for allowing me to address the
4 Governor's nominations for the Court of Claims.

5 I want to begin my remarks by
6 congratulating the nominees. It's clear that
7 they've worked hard, and it's my hope that they
8 will serve with honor and make our justice system
9 better.

10 However, I cannot be supportive of
11 those nominations and I will be voting against
12 them because I feel very strongly that these
13 nominations don't go far enough in addressing the
14 diversity that we need to see on the bench in the
15 State of New York.

16 Unfortunately, only 7 percent of
17 judges in the State of New York are of Latinx
18 descent, and the numbers are even worse for those
19 who are Asian-Americans. We deserve
20 representation in a justice system that so
21 frequently takes advantage of us, criminalizes
22 us, and punishes us. We need to be seen on the
23 bench as well.

24 And in fact, I have here with me a
25 binder with several resumes of qualified,

1 talented attorneys and judges from Queens County
2 who should be considered for the Court of Claims
3 and beyond, including one Latinx attorney who had
4 already been considered for the Court of Claims
5 but is yet to be called.

6 We can do better than this. And I
7 want to thank specifically the Latino Lawyers
8 Association of Queens County, the South Asian and
9 Indo-Caribbean Bar Association of Queens, and the
10 Asian American Bar Association of New York, who
11 helped me put this together in a few minutes
12 yesterday.

13 I believe that the Governor's office
14 is quite capable of making these same phone calls
15 and getting this same information, not just from
16 Queens County but from every single county across
17 our great state.

18 Thank you.

19 ACTING PRESIDENT BENJAMIN: The
20 question is on the nominations of Veronica
21 Hummel, Charles Troia, Adrian Armstrong, and Adam
22 Silverman. All in favor say aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT BENJAMIN:

25 Opposed?

1 (Response of "Nay.")

2 ACTING PRESIDENT BENJAMIN: The
3 nominees are confirmed.

4 Senator Krueger.

5 SENATOR KRUEGER: Thank you.

6 On receiving the request of more
7 than five members, the negative votes will be
8 recorded in the Journal. Any Senator wishing to
9 vote in the negative on any nominees this evening
10 please inform Majority or Minority counsel staff
11 with your votes.

12 Thank you.

13 ACTING PRESIDENT BENJAMIN: It is
14 so ordered.

15 Senator Krueger.

16 SENATOR KRUEGER: Thank you. One
17 moment.

18 Is there a report of the Finance
19 Committee at the desk?

20 ACTING PRESIDENT BENJAMIN: There
21 is a report of the Finance Committee at the desk.

22 The Secretary will read.

23 THE SECRETARY: Senator Krueger,
24 from the Committee on Finance, reports the
25 following nominations.

1 As Major General of the New York
2 Army National Guard: Brigadier General Michael
3 A. Natali.

4 As Chair of the Civil Service
5 Commission: Lola Brabham.

6 As Chair of the SUNY Board of
7 Trustees: Merryl Tisch.

8 As members of the SUNY Board of
9 Trustees: Camille Varlack, James Haddon, and
10 Marcos A. Crespo.

11 As Chair of the Urban Development
12 Corporation: Steven Cohen.

13 As members of the Financial Control
14 Board: Steven Cohen, Bill Thompson, and
15 Rossana Rosado.

16 As members of the New York State
17 Bridge Authority: Lou Lanza, Michael O'Brien,
18 Ilan Gilbert, Joan McDonald, Alexander Berardi,
19 Maria Bruni, and Colin Jarvis.

20 As members of the Niagara Frontier
21 Transportation Authority: Jennifer Persico,
22 Reverend Mark Blue, and Steven Tucker.

23 As members of the Ogdensburg Bridge
24 and Port Authority: Toni Kennedy,
25 Jennifer Quirk-Pickman, Nicole Terminelli,

1 Megan Whitton, and Vernon "Sam" Burns.

2 As members of the Olympic Regional
3 Development Authority: Kelly Cummings,
4 Betty Little, Diane Munro, Elinor Tatum, and
5 Thomas Keegan.

6 As members of the Behavioral Health
7 Services Advisory Council: Glenn Liebman, Chacku
8 Mathai, Michael Orth, Carlee Hulsizer, Brianna
9 Gower, Debra Pantin, Ian Shaffer, Yiu Ng, David
10 Woodlock, Kerry Whelan-Megley, Patrick Seche,
11 Constance Wille, and Hilda Rosario Escher.

12 As a member of the Stewart Airport
13 Commission: Roger Higgins.

14 As members of the Minority Health
15 Council: Ngozi Moses, Guillermo Chacon,
16 LaRay Brown, Tandra LaGrone, Mecca (Santana)
17 Mitchell, Luis Freddy Molano, Diann Holt, and
18 Helen Arteaga Landaverde.

19 ACTING PRESIDENT BENJAMIN:
20 Senator Krueger.

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

23 On behalf of the Finance Committee
24 and the other committees who interviewed nominees
25 during the course of this week, I just want to

1 congratulate all 52 who are listed and we just
2 heard their names.

3 Only one of them is a paid employee,
4 Lola Brabham, who will now become the official
5 commissioner of the Department of Civil Service,
6 although she's actually been working as the
7 acting commissioner for an extended period of
8 time.

9 But I don't want to give short
10 shrift to any of the people who the Governor
11 nominated and went through the process of being
12 interviewed and reviewed and vetted and have made
13 a commitment to do important public service work
14 for the people of New York.

15 So despite the empty chamber, I do
16 want to recognize all of them for the commitment
17 they are showing to the State of New York for
18 agreeing to take on very often challenging jobs
19 that you get very little attention or credit for
20 and you don't get paid for -- and yet we have
21 endless New Yorkers willing to stand up and try
22 to do the right thing for our state, even in
23 difficult times like this. So I just wanted to
24 show the appreciation of the Senate for all of
25 them.

1 I don't believe we have anyone else
2 speaking on it, so now I move the nominations to
3 the floor of all 52 names that were just read
4 out.

5 ACTING PRESIDENT BENJAMIN: The
6 question is on the nominations. All in favor say
7 aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT BENJAMIN:
10 Opposed?

11 (No response.)

12 ACTING PRESIDENT BENJAMIN: The
13 nominees are confirmed.

14 Senator Krueger.

15 SENATOR KRUEGER: Thank you,
16 Mr. President.

17 Is there any further business at the
18 desk?

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

21 SENATOR KRUEGER: Well, then, I
22 move to adjourn subject to the call of the
23 Temporary President, intervening days being
24 legislative days.

25 ACTING PRESIDENT BENJAMIN: On

1 motion, the Senate stands adjourned subject to
2 the call of the Temporary President, intervening
3 days being legislative days.

4 (Whereupon, at 5:53 p.m., the Senate
5 adjourned.)

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