NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 11, 2021

3:14 p.m.

REGULAR SESSION

SENATOR BRIAN A. BENJAMIN, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BENJAMIN: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BENJAMIN: The reading of the Journal.

THE SECRETARY: In Senate, Friday, January 8, 2021, the Senate met pursuant to adjournment. The Journal of Thursday, January 7, 2021, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, let me begin, as we have weekly at this point, by congratulating the Buffalo Bills on their victory, and hopefully we get to do that three more times in the next few weeks.

But at this point we will have an immediate meeting of the Rules Committee in Room 332.

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

SENATOR GIANARIS: The Senate stands at ease.

ACTING PRESIDENT BENJAMIN: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:16 p.m.)

(Whereupon, the Senate reconvened at 3:33 p.m.)

ACTING PRESIDENT BENJAMIN: The

Senate will return to order.

Senator Gianaris.

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

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

The Secretary will read.

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

Senate Print 253, by Senator Myrie, an act to amend the Election Law;

Senate Print 264, by Senator Myrie, an act to amend the Election Law;

Senate Print 360, by Senator Comrie, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 2 of Article 2 of the Constitution;

Senate Print 492, by Senator Hoylman, an act to amend the Election Law;

Senate Print 514, by Senator Sepúlveda, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 15 of Article VI of the Constitution;

Senate Print 515, by Senator

Gianaris, Concurrent Resolution of the Senate and Assembly proposing an amendment to Sections 2, 4, 5, 5-a and 5-b of Article 3 of the Constitution;

Senate Print 516, by Senator Gianaris, an act to amend the Election Law;

Senate Print 517, by Senator Gianaris, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 5 of Article 2 of the Constitution;

Senate Print 528, by Senator Jackson, Concurrent Resolution of the Senate and Assembly proposing an amendment to Article 1 of the Constitution;

Senate Print 631, by Senator Salazar, an act to amend the Election Law;

Senate Print 632, by Senator Jackson, an act to amend the Election Law;

Senate Print 861, by Senator Sepúlveda, an act to amend the Mental Hygiene Law and the Public Health Law;

Senate Print 862, by Senator Gaughran, an act to amend a chapter of the Laws of 2020 relating to authorizing the assessor of the Town of Huntington, County of Suffolk, to accept from Chabad Lubavitch Chai Center, Inc.,

an application for exemption from real property taxes;

Senate Print 863, by Senator Gaughran, an act to amend a chapter of the Laws of 2020 relating to authorizing the assessor of the Town of Huntington, County of Suffolk, to accept from the Joshua Baptist Church an application for exemption from real property taxes;

Senate Print 864, by Senator Gaughran, an act to amend a chapter of the Laws of 2020 relating to directing the Office of Fire Prevention and Control within the Division of Homeland Security and Emergency Services to form a task force;

Senate Print 865, by Senator Benjamin, an act to amend the Public Health Law;

Senate Print 866, by Senator Brooks, an act to amend the Executive Law;

Senate Print 867, by Senator Benjamin, an act to amend the Executive Law;

Senate Print 868, by Senator Skoufis, an act to amend a chapter of the Laws of 2020;

Senate Print 869, by Senator

Hoylman, an act to amend the Public Health Law;

Senate Print 870, by Senator Felder, an act to amend the General Business Law;

Senate Print 871, by Senator Kavanagh, an act to amend the Private Housing Finance Law;

Senate Print 872, by Senator Benjamin, an act to amend a chapter of the Laws of 2020;

Senate Print 873, by Senator Liu, an act to amend the Social Services Law;

Senate Print 874, by Senator Parker, an act to amend the Education Law;

Senate Print 875, by Senator Sepúlveda, an act to amend the Correction Law;

Senate Print 876, by Senator Comrie, an act to amend a chapter of the Laws of 2020 directing the New York State Department of Financial Services and the New York State Department of State's Consumer Protection Division to conduct a study;

Senate Print 877, by Senator Rivera, an act to amend the Public Health Law;

Senate Print 878, by Senator Kaminsky, an act to amend the

Social Services Law;

Senate Print 879, by Senator Benjamin, an act to require the Department of Health of the State of New York to conduct a study on the effect of racial and ethnic disparities on infant mortality;

Senate Print 880, by Senator Breslin, an act to amend the State Finance Law and the General Municipal Law;

Senate Print 881, by Senator Brooks, an act to amend the Executive Law;

Senate Print 882, by Senator Persaud, an act to amend the Social Services Law;

Senate Print 883, by Senator Biaggi, an act to amend the Agriculture and Markets Law;

Senate Print 884, by Senator Gounardes, an act to amend the Real Property Law;

Senate Print 885, by Senator Comrie, an act to amend the Real Property Actions and Proceedings Law;

Senate Print 886, by Senator Rivera, an act to amend the Social Services Law and the Public Health Law;

Senate Print 887, by

Senator Hoylman, an act to amend a chapter of the Laws of 2020;

Senate Print 888, by Senator Hoylman, an act to amend the General Obligations Law;

Senate Print 889, by Senator Kaplan, an act to amend the Economic Development Law;

Senate Print 890, by Senator Kaminsky, an act to amend the Environmental Conservation Law;

Senate Print 891, by Senator Kaminsky, an act to amend the Alcoholic Beverage Control Law and the Tax Law;

Senate Print 892, by Senator Parker, an act to amend the Public Service Law;

Senate Print 893, by Senator Kavanagh, an act to amend the State Technology Law;

Senate Print 894, by Senator Comrie, an act to amend the Insurance Law and the Vehicle and Traffic Law;

Senate Print 895, by Senator Liu, an act to amend the Insurance Law;

Senate Print 896, by Senator Comrie, an act to amend the Not-For-Profit Corporation

Law;

Senate Print 897, by Senator Harckham, an act to amend a chapter of the Laws of 2020;

Senate Print 898, by Senator Thomas, an act to amend the Financial Services Law;

Senate Print 899, by Senator Serrano, an act to amend the Environmental Conservation Law;

Senate Print 900, by Senator Rivera, an act to amend the Public Health Law;

Senate Print 901, by Senator Harckham, an act to amend the Environmental Conservation Law;

Senate Print 902, by Senator Kaminsky, an act to amend the Environmental Conservation Law;

Senate Print 903, by Senator Skoufis, an act to amend the Insurance Law;

Senate Print 904, by Senator Comrie, an act to amend the Not-For-Profit Corporation Law;

Senate Print 905, by Senator Harckham, an act to amend a chapter of

the Laws of 2020;

Senate Print 1027, by Senator Gianaris, an act to amend the Election Law; and

Senate Print 1028, by Senator Comrie, an act to amend the Election Law.

All bills reported direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT BENJAMIN: Opposed, nay.

(No response.)

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

SENATOR GIANARIS: Please take up the reading of the supplemental calendar.

ACTING PRESIDENT BENJAMIN: The Secretary will read.

THE SECRETARY: Calendar Number 1, Senate Print 253, by Senator Myrie, an act to amend the Election Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 2, Senate Print 264, by Senator Myrie, an act to amend the Election Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 3, Senate Print 360, by Senator Comrie, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 2 of Article 2 of the

Constitution.

ACTING PRESIDENT BENJAMIN: Call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 3, those Senators voting in the negative are Senators Borrello, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec and Weik.

Ayes, 50. Nays, 13.

ACTING PRESIDENT BENJAMIN: The resolution is adopted.

THE SECRETARY: Calendar Number 4, Senate Print 492, by Senator Hoylman, an act to amend the Election Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 5, Senate Print 516, by Senator Gianaris, an act to amend the Election Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 5, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 6, Senate Print 631, by Senator Salazar, an act to amend the Election Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

THE SECRETARY: Calendar Number 7, Senate Print 632, by Senator Jackson, an act to

amend the Election Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Jackson to explain his vote.

SENATOR JACKSON: Good afternoon, my colleagues. I rise this afternoon to speak in favor of this bill.

In the shadows of the COVID-19 pandemic, the primary and general elections in 2020 showed us the ongoing need to expand access to the ballot. In response to the lessons we learned from last year, I introduced this bill making permanent, by my colleague Senator Myrie's idea during the pandemic, to make it easier to get an absentee ballot by requesting it electronically, either through online portal or via email.

The dramatic increase in new absentee voters across the country points to this

bill's importance.

This bill will protect those at greater risk of severe complications from COVID-19. It also overcomes the issues encountered by many due to mailing delays.

While we should not overlook any potential weak points in our elections that would open them up to fraud or legitimate concerns about integrity, we also shouldn't let unfounded fears of voter fraud prevent us from increasing access to the ballot box and administering a fairer and more representative election.

There is no evidence that requesting absentee ballots online is more subject to fraud than the traditional method. Both are incredibly fraud-resistant. The qualifications to vote by absentee ballot are well-established. The fact is that to request a ballot online is safe and secure. Just like any other absentee ballot, those ballots requested online will undergo verification at the local Board of Elections before they are counted as per law.

And as we saw the previous year, voters were able to request absentee ballots through a secure and accessible online portal.

This is further evidence in practice, not just in theory, that the online method of requesting an absentee ballot is an implementable solution that both addresses the public health pandemic and strengthens our democracy.

And even beyond the pandemic, in the 21st century, we should be able to ask for an absentee ballot online. And at a time when government agencies already create and maintain reliable computerized records for most New Yorkers, it defies common sense to force millions of voters to request ballots via postal mail.

Allowing voters to request an absentee ballot online and by email is a progressive step we should have taken years ago. And I look forward to working with all of you, all of my colleagues, to make it a reality today. Let us demonstrate our commitment to ensuring that all eligible New Yorkers can access the ballot box and become involved in civic life and the future of our nation.

Thank you, my colleagues. I vote aye.

ACTING PRESIDENT BENJAMIN: Senator

Jackson to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 7, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 8, Senate Print 1027, by Senator Gianaris, an act to amend the Election Law.

ACTING PRESIDENT BENJAMIN: Read the last section.

THE SECRETARY: Section 12. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you,

Mr. President.

Let me begin by acknowledging the great work of our Elections chair, Senator Zellnor Myrie, for what has become a tradition in this chamber: On the first day of legislative business, we pass an important package of bills to improve our democracy and make sure our elections run more smoothly.

In the past it's been early voting, or making absentee voting more accessible, or automatic registration -- big changes that are going to increase the participation of voters in New York State.

Among the things we're doing today is this bill, which I'm very proud of. I think most of us who are in this line of work know that we are the only state in the nation that still has an unresolved Congressional election. As we sit here today, in the middle of January, there's an entire Congressional district that is unrepresented as this Congress sits and casts important votes. And that's because we take so long to tabulate the results and to count absentee ballots and to go through the challenge process.

This bill will require the Boards of Elections to do that process much more swiftly -- in fact, to begin canvassing absentee ballots even before Election Day itself, so that we can announce results, as so many other states do, either on Election Night or very shortly thereafter.

And I am proud to take this step that's going to instill confidence in our electoral process so that the people of New York will have representation before the new terms begin, which has not been the case over the years. And this will go a long way towards achieving that.

So thank you, Mr. President. Thank you again to Chairman Myrie and to Leader Stewart-Cousins for the vision to focus on election reforms every single year. And I proudly cast my vote in the affirmative.

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

Senator Mannion to explain his vote.

SENATOR MANNION: Thank you for the opportunity to speak.

I'd like to start by thanking the

election commissioners, both Democratic and Republican, in the counties of Onondaga and Cayuga, who pulled off a herculean task in going through all of the events of this past year and making sure that our elections were secure and done well. Those would be Commissioners Czarny, Sardo, Heary, and Lacey.

The races I ran in 2018 and 2020 only highlight the need for this legislation. In 2018, at the end of Election Night, I trailed by 3,000 votes, with 7,000 absentee votes. We did not aggressively object to ballots in a frivolous manner, because we knew that those election commissioners of those counties had already done their jobs and done them well, as did their staff.

In 2020, I trailed by approximately 8,000 votes, with 40,000 absentees out. Frivolous objections slowed down the process, cost taxpayer dollars, exposed volunteers and staff during a global pandemic to the potential of ending up with COVID-19 -- and that happened. We had to stop the count, quarantine individuals, it dragged the process out.

But more than putting a public

health crisis upon everyone, it added to the level of distrust in our election system, which is absolutely unnecessary and destructive. It gave time for that messaging to be perpetuated that our elections are not valid.

I again commend the election commissioners. I appreciate that this legislation is brought to the floor, and to avoid putting a sledgehammer to the pillars of democracy, this will help to instill trust in the process, as we have had trust in this process for generations -- centuries -- in this state and in this country.

I am proud to cosponsor this, and I am proud to cast my vote in the affirmative.

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

Senator --

SENATOR GIANARIS: One moment, Mr. President. Because of our protocols, we're getting the next Senator in the chamber.

ACTING PRESIDENT BENJAMIN: Senator Gaughran to explain his vote.

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

I would like to thank Senator Gianaris for sponsoring this important legislation and our leader, Andrea Stewart-Cousins, for this and all the packages -- the package of legislation today that we're passing. Because once again in New York, we welcome the elective franchise, we encourage everybody to vote, and we try to make it so that everybody has the opportunity to vote.

And what we saw with this pandemic in this last election was that millions of New Yorkers cast their ballots by absentee. And this created some issues for our Board of Elections, who have been working very hard to get us through this past election.

So as we move towards expanding no-excuse absentee ballots through a constitutional amendment, and absentee ballots this year, it's clear that the State Legislature has to make some improvements, some technical improvements so that we can smooth the process.

And in particular, this legislation will allow for most of the absentee ballots to actually be counted by the end of Election Night, and it will also be done in such a way that we

will be making sure that we have all the safeguards to preserve the integrity of the electoral process.

And as the chair of the Local Government Committee, I think it is very important this year especially that we pass this, because we're going to have thousands of local elections all across this state. Often many of these elections are decided by a very few number of votes. And therefore it is important that we try to get as much certainty as we can on Election Night and the days thereafter so that all our governments can succeed.

So Mr. President, I vote in the affirmative.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 8, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 9, Senate Print 1028, by Senator Comrie, an act to amend the Election Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BENJAMIN: Lay it aside.

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

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

ACTING PRESIDENT BENJAMIN: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1, Senate Print 253, by Senator Myrie, an act to amend the Election Law.

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

SENATOR LANZA: Mr. President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that

Senator Helming be recognized and heard.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Lanza.

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

SENATOR LANZA: Mr. President, accordingly, I appeal the ruling of the chair and I ask that Senator Helming be recognized.

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

SENATOR HELMING: Thank you, Mr. President.

Today we appeal the ruling of the chair because this proposed amendment is clearly germane to S253, the bill before the house that we seek to amend.

Both Senator Myrie's bill and the amendment would relate to the powers of the government. The Governor, in his executive orders, has issued several orders which amend sections of the Election Law, several of which are impacted by Senator Myrie's bill.

This amendment would repeal the

Governor's powers to issue those orders, including modifying the sections of law amended by Senator Myrie's bill, together with all other sections of the Election Law.

More specifically, this amendment would restore the rightful power of the State Legislature, which under our State Constitution cannot delegate its legislative authority to any other entity, including but not excluding the Governor or the executive branch.

As we all know -- I don't think anyone would argue with this -- the State Legislature is an independent, coequal branch of government with the constitutional authority and the responsibility to make laws.

I say the Legislature is a coequal branch of government, but right now we're not necessarily functioning that way. Many of my colleagues on both sides of the aisle have recognized this and are eager to restore their role in state government and help lead the efforts to battle this pandemic, get people back to work, and reopen New York's economy.

Today during the State of the State, I heard Governor Cuomo say that we have to hold

Washington accountable. I couldn't agree more. But I would take it one step further and say that as state leaders we must also hold ourselves accountable. People are sick and tired of the finger-pointing. We must restore legislative oversight to our state government.

And this is the most important reason why. Restoring legislative oversight is how we ensure that the voices of our constituents are heard in the important matters facing the state. We were each elected to represent the people of the districts.

Again, going back to what the Governor had to say during the State of the State, he made it very clear to say that elected leaders must lead. And again, I agree with him. Yet how can we assure our constituents that we are leading, that their views and concerns are being heard, when we've abdicated our responsibilities?

Let me be very clear about one point. This amendment does not preclude the Governor from making the quick decisions that are needed to be made in the interests of public health during this pandemic. It simply precludes

the Governor from making all of the decisions alone without the Legislature's input or consideration.

We must have a say in the critical decisions that are being made, decisions that every single day affect the survival of our small businesses, the security and the livelihoods of the individuals and families of this state, the education and the development of children, and the physical and mental well-being of our seniors, especially those living in nursing homes.

We all know, we see it every day -- driving into Albany, I'm shocked. The pictures I see out of New York City -- businesses are closed, some temporarily others permanently, including restaurants that can no longer withstand these restrictions that change every single day. There are fewer jobs, higher unemployment, increased rates of depression, substance abuse, and suicide.

The rollout of the vaccine was fumbled on the first play, yet the Legislature has taken no action. Look at our agenda today. Look, it's tradition, right, to talk about

elections and voters on opening day. But we've never before been in a pandemic like we are now. We should be talking about how to better roll out that vaccine, how to get it into more people.

And you know what? We need to be talking about and putting something in place to rollout more state-funded free testing sites. In communities like mine, people are still struggling to find areas -- they're driving more than an hour to get their tests done, and that shouldn't be the way it is.

We must do better and we absolutely can do better. Since being granted emergency powers last spring, the Governor has used that authority to enact or change hundreds of laws without any input from or votes in this state body. It's time to change that.

"Excelsior" -- moving higher, doing better. Let's do better. We can do better. Refusing this change undermines the very foundation of our democracy and our system of checks and balances. I have heard from hundreds of my constituents -- if not thousands -- on this matter, and I'm sure my colleagues on both sides of the aisle have heard as well.

Regardless of personal politics, people are overwhelmingly supporting restoring the Legislature's role. Major newspapers in districts across the state have published editorials advocating for this as well.

With the utmost urgency I call on my colleagues to support this amendment and restore this chamber to its lawful role as a coequal branch of government -- not for our own interest, but for the interest of the constituents we have taken an oath to serve and represent.

For these reasons, Mr. President, I strongly urge you to reconsider your ruling.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Helming.

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

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

SENATOR LANZA: Show of hands, please.

SENATOR GIANARIS: Mr. President, we've agreed to waive the showing of hands and record each member of the Minority in the

affirmative on this vote.

ACTING PRESIDENT BENJAMIN: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Announce the results.

THE SECRETARY: In relation to Calendar Number 1, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt,

Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

THE SECRETARY: Calendar Number 4, Senate Print 492, by Senator Hoylman, an act to amend the Election Law.

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

SENATOR LANZA: Mr. President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that Senator O'Mara be recognized and heard.

ACTING PRESIDENT BENJAMIN: Thank you, Senator Lanza.

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

SENATOR LANZA: Mr. President, I appeal the chair's ruling and ask that Senator O'Mara be recognized.

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

SENATOR O'MARA: Thank you, Mr. President, for the opportunity to be heard on this amendment and the germaneness of it initially.

This underlying bill of Senator Hoylman, S492, amends Article 8 of the State Election Law. The underlying amendment likewise amends Article 8 of the Election Law. Very similar law change to what, in the same area of law, that the underlying bill is meant to change. Therefore, I would argue that it's germane.

More specifically, this amendment would amend Section 8-303 of the Election Law to add the requirement that a voter that votes in person present at their polling place a current and valid government-issued photo identification to cast their ballot.

And likewise, with regards to absentee ballots, as this underlying bill seeks to establish drop boxes around the community to put ballots in, it would require a voter casting an absentee ballot to include in the outer envelope a copy of their current and valid government-issued photo identification to cast their ballot.

This is in no means an effort to restrict access to voting. I and my Republican colleagues on this side of the aisle wish the greatest participation in our democracy that we can have. But we also have an obligation to ensure the integrity of our elections, the integrity of the individual ballot being cast, so that we can provide confidence to the public of the results of the election, that the individual voting is truly eligible to vote and that it is that individual casting that ballot.

We've lived for far too long in chaos in this country as a result of lack of confidence in our voting system. With the great increases in absentee balloting that we saw this year, it makes it all the more imperative, as states control their electoral processes, that we in New York seek to instill confidence in our election results. That is why the integrity of the ballot, as to who is casting it, is first and foremost of importance.

The bill-in-chief we're seeking to amend here talks about absentee ballot drop boxes. Not through the postal system, but to be monitored by the county boards of elections and

picked up. Nothing in that legislation talks about how many ballots can be stuffed into that box at the same time. We need to ensure that those ballots going into that box, that the absentee ballots going into the mail, are being submitted by the duly registered qualified voter, to instill confidence and integrity into our electoral process.

Therefore, I would ask that we take a vote on the appeal of the chair, the ruling of the chair, and ask that the amendment move forward.

Thank you, Mr. President.

ACTING PRESIDENT BENJAMIN: Thank you, Senator O'Mara.

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

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

SENATOR LANZA: Request a show of hands, please.

SENATOR GIANARIS: Again, Mr. President, we've agreed to waive the showing of hands and record each member of the Minority

in the affirmative.

ACTING PRESIDENT BENJAMIN: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

As co-prime sponsor of this bill, I want to thank my colleague Senator Hoylman for bringing this forward.

I think drop boxes are a really important tool in the toolbox of boards of elections to allow people to submit their votes without worrying about the postal delays or without having to appear in person at a polling site.

As chair of the Committee on Aging, I think this is an especially valuable tool for our older New Yorkers to use, and so I'm very glad to support it.

I also just want to speak in general on this whole package of bills and thank the leadership, thank Senator Myrie and my colleagues for bringing these bills forward.

My district includes a piece of the 22nd Congressional District, where there is unfolding an incredible fiasco in terms of trying to count absentee ballots in an extremely close race. The danger is that this race is going to be decided by lawyers and not by the will of the people. And a lot of that is because of all of the technicalities that absentee ballots right now are vulnerable to.

Absentee ballots come from military voters, they come from people in hospitals and

nursing homes, they come from people whose work takes them out of town during an election. They should not be treated in this second-class way where they are so much more vulnerable to challenge and to being thrown out than votes cast in person.

So I applaud the sponsors of all of these bills, and I proudly vote aye.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 4, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 6, Senate Print 631, by Senator Salazar, an act to

amend the Election Law.

ACTING PRESIDENT BENJAMIN: Senator Borrello.

SENATOR BORRELLO: Thank you, Mr. President. Good to see you. Happy New Year.

ACTING PRESIDENT BENJAMIN: Happy New Year as well.

SENATOR BORRELLO: Will the sponsor yield for questions?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR MYRIE: Yes, Mr. President.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: Thank you. Through you, Mr. President.

Happy New Year.

SENATOR MYRIE: Happy New Year.

SENATOR BORRELLO: I see we are changing the Election Law to allow for essentially an unlimited access to absentee ballot requests at any time. So this concerns me.

My first question is, could I request a ballot today for, say, an election in

the year 2031, an absentee ballot for the year 2031?

SENATOR MYRIE: Through you, Mr. President, my understanding is that you could not.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: What specific part of the legislation addresses that request not being valid for a ballot far into the future?

SENATOR MYRIE: Through you, Mr. President, my understanding is that in order to request an absentee ballot for an election, there has to be an election date. And currently there's no election date for the year 2031.

SENATOR BORRELLO: Through you, Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So it's my understanding, if I remember my civics classes correctly, that presidential elections are on specific days of every year, even though -- and those dates can be infinitely addressed. So we have a date for the presidential election, say, in -- whether it's 2024 or 2028, 2032 and beyond.

So would I be able then to request an absentee ballot right now for -- and if I'm doing math correctly -- the presidential election in 2032.

SENATOR MYRIE: Through you, Mr. President. If my colleague is able to furnish a date for the 2031 presidential election and/or several of the other elections that we partake in every single year, then perhaps that would be a question for the local Board of Elections. But on the application for an absentee ballot, you must specify the election that you are requesting to participate in.

SENATOR BORRELLO: Mr. President, will the sponsor yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So this particular piece of legislation, if I understand it correctly, addresses letters that have been sent, not applications. So I can send a letter saying I would like a ballot for the 2032 presidential election, and that letter, by fax or by mail, would have to be honored by the local Board of Election, would it not?

SENATOR MYRIE: Through you, Mr. President, I do not believe that is correct.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So if I have this letter, can I really request an unlimited amount? I mean, am I limited to just one at a

time? Or can I have an unlimited amount, theoretically?

SENATOR MYRIE: Through you, Mr. President, you cannot request an unlimited amount. But not as restricted to the confines of this particular bill, but consistent with other areas of the Election Law, that would be fraudulent. And that, of course, is punishable as a felony in the State of New York.

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So if I have requested a ballot for sometime into the future -- because I think we've established that it's unclear, at the very best, but most likely able to, by letter -- who's going to keep track of that ballot?

Let's say I request my presidential ballot for 2032 tomorrow. Who is in charge of

keeping track of ensuring that I get that ballot, you know, several years from now?

SENATOR MYRIE: Through you, Mr. President, I again would disagree with the premise that you could request a ballot for a presidential election happening a decade from now.

But assuming that we could do such a thing, there would be no distinction, in my mind, between who would be responsible. Our local boards of elections track the absentee ballot applications and subsequent sending of the absentee ballots, and I don't see any reason why that would not be consistent for this hypothetical.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: So let's assume that for whatever reason I request my ballot for the 2024 election now -- because we have a date

for that. What happens if I die, God forbid -- knock on wood -- who is in charge of ensuring that that ballot does not get mailed out?

SENATOR MYRIE: Through you, Mr. President, I would hope that you are with us in the 2024 election.

But if that is not the case and the ballot is mailed to you, I think we should remember that these are not the usage of the ballots, but simply the application for it. If that ballot is not used, then there is no violation of law, there is no fraud that has taken place.

And so just consistent with every single other county Board of Elections jurisdiction over absentee ballots, that 2024 ballot I believe would be tracked by that Board of Elections.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: I believe, according to the language of the bill, that it's asking that that ballot be sent, a live ballot be sent out.

So I could request now a live ballot for what's, you know, four years from now, eight years from now. So that will be a live ballot that could be sent, theoretically, to someone who is no longer eligible, whether they passed away, moved away, whatever it might be.

So what happens then? Who's in charge of ensuring that that does not happen?

SENATOR MYRIE: Through you, Mr. President, I'm unclear of what the term "live ballot" means.

Unless you're making a distinction between a ballot that has been submitted and used and canvassed or a ballot that has not, there is no distinction in the Election Law as to whether or not an individual has received that ballot or not due to their death or their circumstances.

I'm trying to understand where you are going with this hypothetical. The county Boards of Elections have the jurisdiction over our ballots, and they are entrusted with the

tracking of those ballots.

We are also passing legislation today that would allow for voters to track that process as well, as the county Board of Elections are doing so.

SENATOR BORRELLO: Will the sponsor continue to yield?

ACTING PRESIDENT BENJAMIN: Will the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BENJAMIN: The Senator yields.

SENATOR BORRELLO: Thank you.

So I guess the clarification is is that, you know, the request is for a ballot. Not for an application for an absentee ballot, but an actual absentee ballot. So that's just to clarify what I'm talking about here.

So once again, I'm just not clear, if I request this today for the 2024 presidential election, which we have a date for, and something happens, who is responsible for ensuring that nearly four years from now that ballot doesn't go out?

SENATOR MYRIE: So I -- through

you, Mr. President, I would again disagree with the premise that such a request could be made. But assuming for the hypothetical that it could, the county Board of Elections would be responsible.

SENATOR BORRELLO: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT BENJAMIN: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Mr. President.

You know, there's a number of issues here. But I think the way that this is now reading, we've created a lot of gray area in an area that should be crystal-clear, in my opinion.

First and foremost, we've created yet another unfunded mandate for local government. As a former county executive and 10-year veteran of county government, I can tell you that this state -- and in particular, this Legislature -- has made the execution of our elections difficult, to say the least. On top of expensive and in some cases chaotic, we saw that this year particularly with our June primary, which was a national embarrassment.

So now we're going to continue to burden local government. But on top of that, we are really removing any restrictions. Because the language that we've amended now -- and it's a very small amendment, opens up a wide array of issues -- I can send a letter to request something; we have dates for elections going well into the future. So the issue for me really is what's to stop this from happening, from people being inundated -- Boards of Elections being inundated with requests for ballots?

Now, you might say, Well, that's never going to happen. Well, not so. Recently we made changes to the 50-a rule, and we were told don't worry, nothing bad's going to happen. And yet we had an out-of-state company send requests to police agencies throughout New York State requesting personnel files for every police officer in their department dating back to 1972. So the unintended consequence there was a tremendous burden on those local governments, for something that was frivolous at best.

This change has the same potential. This was done hastily and should not pass today.

Mr. President, I'll be voting no.

Thank you.

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

Seeing and hearing none, the debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Salazar to explain her vote.

SENATOR SALAZAR: Thank you, Mr. President.

The violence that we witnessed in our nation's capital this past week threatened to obstruct the democratic process and undermine the will of voters, the will of the American people. And it's in moments like this that we're reminded that we must continue to do everything we can to empower people to exercise their right to vote.

We saw a significant increase in voter turnout in our state in this past election.

And while that is an achievement that we should celebrate, the election also demonstrated in some ways the need for our local Boards of Elections to be fully equipped and prepared to process every request for an absentee ballot and effectively get those ballots to voters, so that New Yorkers wouldn't need to choose between protecting their health and casting their ballots.

This bill will not only make absentee voting more accessible, but also will effectively allow more time for boards to process absentee ballot requests.

I'm proud to vote yes on every bill in this package, and I thank Senator Myrie for his leadership in bringing this over the finish line.

Mr. President, I vote aye.

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

Senator Lanza to explain his vote.

SENATOR LANZA: Mr. President, thank you. To explain my vote.

You know, one of the great aspects of what we do here in this chamber is the ability

to debate. It's an important function for us as members of this Senate because we get to flesh out the details of legislation before us, and we ourselves get to better understand the effects that such legislation would have in the event that it becomes law, not only for ourselves but for our constituents.

In listening to the debate between Senator Borrello and Senator Myrie, I learned that there is area of disagreement but also area of agreement here. The contention by Senator Borrello is that this legislation would allow someone to request a ballot for, let's say, 2032. I heard Senator Myrie, it seemed to me, suggest that he did not believe that the legislation would allow that, but moreover that he didn't think it was a good idea either.

It seems to me, upon reading the legislation, that there is nothing here that would preclude that. So given that there is this agreement here, I would respectfully request of the sponsor to review the legislation and ensure that before this were to go to the Governor, if it does, that that is worked out and that is clearly specified in the legislation.

For that reason, Mr. President, I'm going to vote in the negative.

ACTING PRESIDENT BENJAMIN: Senator Lanza to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 6, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT BENJAMIN: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 9, Senate Print 1028, by Senator Comrie, an act to amend the Election Law.

ACTING PRESIDENT BENJAMIN: Senator Rath on the bill.

SENATOR RATH: Thank you, Mr. President. On the bill.

I rise today with a unique perspective on Election Law and our local governments. Having served in the county

legislature for the past 13 years, I have seen firsthand the impact of unfunded mandates on our counties. Many counties, over 50 percent -- if not 75 percent -- of their total budget is comprised of unfunded mandates.

This is suffocating our counties. All across New York State our counties are struggling, because of COVID-19, with revenues, with providing services, with the capacity for them to do the work that they're expected to do, and unfunded mandates are suffocating our county governments.

Also in 2020 we saw firsthand the impact of many of the Election Law changes this year, and the administration of the elections was nearly impossible. This was due to another aspect of these unfunded mandates. This will overwhelm the election system for our counties and across New York State. We need to ease up on the unfunded mandates, give our counties a break and help them in a time of crisis.

Secondly, I'm not sure why we're rushing to judgment. I believe that we should be focused on doing our due diligence, taking time as a deliberative body to work with the subject

matter experts on this issue, which is our local Board of Elections; to work with our localities, who have something to say about the changes to the Election Law; and perhaps even look at what's happening in other states -- what's working, what's not working, and lessons that have been learned.

This to me appears to be a rush to judgment, and I believe we should slow down and do our due diligence because the residents of New York State are asking that of us. They're asking for us to take our time. They're asking for us to get it right. They're asking for us to talk to the experts, get their perspective, and make sure that what we're passing is appropriate, timely, necessary and works properly.

Lastly, I believe we have some misplaced priorities here today. We are enduring the worst pandemic in the last 100 years. We need to focus, I believe, on the health, the safety, the employment and the human services for the residents of New York because of COVID-19, and not pushing through legislation in a rapid-fire fashion.

We could speed up the vaccine

process to help the residents of New York State. We could help the unemployed residents across New York State who have lost their jobs due to COVID-19.

And small businesses all across this state are struggling like they've never struggled before. If it's a restaurant, if it's a small business, if it's a gymnasium, whatever it may be, many of them are going bankrupt. And they're going bankrupt and losing their life savings. Multigenerational businesses are struggling to keep their necks above water.

So I believe we have misplaced priorities here today as well.

So in conclusion, Mr. President, I rise in opposition to Senate Bill 1028.

Thank you.

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

Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BENJAMIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BENJAMIN: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I've been outside listening to the debates and discussion on the whole group of bills we're doing today, and I have come into the chambers to say how critically important it is that all of these bills get passed. And I have just listened to one colleague say we shouldn't be rushing.

Well, I've been in the Senate for 19 years effective this 2021, and we haven't been rushing. I've waited for decades now for us to move important legislation to expand the ability of New Yorkers to be able to vote. I have waited desperately for us to be able to move legislation that ensures people have more options to allow them to vote.

I have watched as New York State has fallen further and further behind statistically in the number of New Yorkers who vote. The great

State of New York has become an embarrassment of how few people vote. And I tell you the reason why, Mr. President: Because we make it too hard for them to vote. It's as simple as that.

The bills before us today, the resolutions to go for vote ultimately by the people to make our Constitution make sense in the 21st century, each of these proposals will give options to voters on being able to voter earlier, being able to vote in multiple places, being able to drop their ballots off in ballot boxes -- simple, basic things that we know, from other states in the country who have already done them, will increase the opportunities for more people to vote, and we will see an increase in voters because of it. And that can only be good for the state.

I'm not going to disagree, some of these may have some costs associated. Some of them save us money. We can be a 21st-century state with a 21st-century model for voting. We need to do that.

None of this is being rushed. I am proud to be voting yes on every one of these bills.

Thank you very much, Mr. President.

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

Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Mr. President.

Let me first start off by thanking our Majority Leader for starting off our session and prioritizing democracy, just as we did at the beginning of the last session.

You know, I've heard a number of my colleagues talk about whether or not this is the time for us to be focusing on democracy. And I'd argue that there is no better time than today for us to be addressing this issue, given what we have seen happen in our country over the last week.

Mr. President, I have -- in preparation for debate, I've brought the sum of our Election Law. And this is the book. It's long, it's complicated, it's dense. To most normal people, it's boring. But every word, every sentence, every paragraph, section, chapter is us trying to protect our democracy against

tyranny.

And yes, it is not perfect. Yes, we have to make changes to it. This Majority is very comfortable making changes to it. We made about 60 of them last session.

But when you see what happened in this country last week, it is a direct attack on that fundamental principle that we can change the laws because we hold free and fair elections for people to decide who can change them.

What we saw last week was an attack on that foundation. And while it may have been shocking, it should not have been surprising. When the President of the United States traffics in false allegations of election fraud, when members of his party encourage that sort of language, we should not be shocked when people believe what they say.

Words matter. And just as our Election Law is built on words and sentences and phrases, so too our democracy can be undone with those very words.

So we cannot cower in the face of this violence and insurrection. We must confront it with more democracy, not less. We will never,

never buckle in the face of this violence. You give someone an inch of misinformation, and they take a mile of violence and insurrection.

So I will not speak for any other legislative body, but just say that this Democratic Majority will continue to fight for more democracy. We will not countenance misinformation and voter suppression. We will continue to fight.

As Supreme Court Justice Louis Brandeis said, the states -- not the federal government, the states are the great laboratories of our democracy. And while New York has a long way to go, we will continue to do work in this laboratory so that every eligible voter can be a part of their democracy and truly enjoying their constitutional right to vote.

I vote aye. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 9, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza,

Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BENJAMIN: The bill is passed.

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

SENATOR GIANARIS: Thank you, Mr. President.

On behalf of Majority Leader Stewart-Cousins, I hand up the following Majority Conference committee assignments and ask that they be filed in the Journal.

ACTING PRESIDENT BENJAMIN: The hand-up is received and shall be filed in the Journal.

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Tuesday, January 12th, at 11:00 a.m.

ACTING PRESIDENT BENJAMIN: On

motion, the Senate stands adjourned until Tuesday, January 12th, at 11:00 a.m.

(Whereupon, at 4:35 p.m., the Senate adjourned.)