NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 10, 2021

3:29 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BAILEY: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 9, 2021, the Senate met pursuant to adjournment. The Journal of Monday, March 8, 2021, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Kavanagh

moves to discharge, from the Committee on Rules, Assembly Bill Number 5847 and substitute it for the identical Senate Bill 2191, Third Reading Calendar 353.

ACTING PRESIDENT BAILEY: The substitution is so ordered.

THE SECRETARY: Senator Harckham moves to discharge, from the Committee on Rules, Assembly Bill Number 5844A and substitute it for the identical Senate Bill 5256A, Third Reading Calendar 503.

ACTING PRESIDENT BAILEY: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, on behalf of Senator Kaminsky, on page 16 I offer the following amendments to Calendar 240, Senate 1185A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BAILEY: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

SENATOR GIANARIS: On behalf of Senator Skoufis, on page 29 I offer the following amendments to Calendar 458, Senate 1780A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BAILEY: The amendments are received, and the bill shall retain its place on the Third Reading Calendar.

SENATOR GIANARIS: Can we now take up previously adopted Resolution 476, by Senator Mannion, read that resolution's title only, and recognize Senator Mannion.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 476, by Senator Mannion, memorializing Governor Andrew M. Cuomo to proclaim March 2021 as Developmental Disabilities Awareness Month in the State of New York.

ACTING PRESIDENT BAILEY: Senator Mannion on the resolution.

SENATOR MANNION: Thank you,

Mr. President.

I rise to speak about the importance of recognizing the month of March as Developmental Disabilities Awareness Month.

As a state and as a society, we have made enormous progress in recognizing the value and contributions of the developmentally disabled community. This body, under the leadership of Leader Andrea Stewart-Cousins, recently took the historic step of forming the first-ever Senate Committee on Disabilities. I proudly chair this committee, and I proudly work with Senator Martucci as the ranking member.

This committee is dedicated to advancing policies that improve lives and provide stringent new oversight of state agencies that provide services to the IDD community.

As the resolution before the body states, despite the many positive changes in societal attitude, workplace and educational culture, healthcare, and available resources and knowledge concerning people with developmental disabilities, much remains to be done to address the prevalence of negative stereotypes, lingering misinformation, and the subsequent discrimination

and barriers some of these vulnerable citizens face.

During Developmental Disabilities Awareness Month, New Yorkers are encouraged to recognize the abilities of all people and to take time to get to know some of the 300,000 New Yorkers with developmental disabilities.

It is crucial that individuals with developmental disabilities have access to the resources which allow them to live secure, fulfilling lives, including education, housing, employment and recreational activities.

Nineteen years ago, a young boy had a litany of atypical behaviors: Delays in speech, delayed echolalia, toe walking. That boy is now a man. He will drive to his college graduation in two months. And that man is my son.

Thank you to my colleagues on the Disabilities Committee and to my fellow Senators for supporting these efforts.

And thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Mayer on the resolution.

SENATOR MAYER: Thank you,

Mr. President.

And thank you, Senator Mannion, for this resolution and for speaking so personally about the challenges that so many families face.

It's an appropriate time, Mr. President, to acknowledge the challenges -- the extra challenges -- the DD community suffered during COVID, during a year in which for many families they could not see their loved ones. For the staff of the residences where our developmentally disabled neighbors stay, who went into work every day, many times leaving their children at home for weeks at a time because of the possibility of transmission of COVID.

And for the families and the loved ones of those with DD, this has been a very, very challenging year. We offer our greatest thanks to those that provide care; to the individuals with developmental disabilities themselves, who have stepped up and had to handle very challenging moments; to their families, who send them love and care and felt very excluded by the process.

This has been a tough year. This resolution says we are with you, we will fight

for you, we have not forgotten what this year has been like for you, and we thank you.

I'd like to end with a quote from Margaret Mead: "If we are to achieve a richer culture, we must weave one in which each diverse human gift will find a fitting place. A fitting place for everyone will make a much richer world."

Thank you, Mr. President.

And thank you, Senator Mannion, for your leadership.

ACTING PRESIDENT BAILEY: Senator Martucci on the resolution.

SENATOR MARTUCCI: Thank you, Mr. President.

I would like to begin by thanking my colleague and chair of the Developmental Disabilities Committee, Senator Mannion, for bringing this resolution forward today.

As ranking member of the committee, it's my honor to recognize March as the Developmental Disabilities Awareness Month. I have been fortunate in my life to have had a front-row seat to the efforts that have been made to improve the lives of individuals with

developmental disabilities.

My friend Erin has a son with special needs, and I've witnessed the great lengths that she and her family have gone to, to make sure that her son receives the very best education and the appropriate related services. Like so many mothers, Erin would do anything for her son.

I also have a nephew with special needs, and over the years have been astounded at his tremendous progress. This has been the result of the support of his family and also his wonderful teachers. My family is forever grateful to their efforts.

And finally, before coming here to Albany, I owned a school bus company and had the great honor and privilege of being tasked with transporting hundreds of special-needs students every day. These young people served as a personal inspiration to me, with their endless smiles and unceasing determination.

While the world has changed a lot -- and for the better -- for developmentally children and adults in recent decades, there is much work that's left. In the coming years we'll

need to fight for more advances, more support and more money for the IDD community. It's a fight that we must all be fully engaged, it's a fight that we must win, and together we can and we will.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: The resolution was previously adopted on March 9th.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we take up the calendar now, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 127, Senate Print 447, by Senator Hoylman, an act to amend the Public Officers Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 159, Senate Print 1092, by Senator Gaughran, an act in relation to authorizing the assessor of the Town of Huntington, County of Suffolk, to accept from the League for Animal Protection of Huntington, Inc.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 159, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 190, Senate Print 913, by Senator Sanders, an act to amend the Elder Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 255, Senate Print 2837, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 255, those Senators voting in the negative are Senators Borrello, Boyle, Oberacker, O'Mara, Ortt and Rath.

Ayes, 57. Nays, 6.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

299, Senate Print 1215, by Senator Benjamin, an act to amend the Executive Law and the Labor Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 319, Senate Print 571, by Senator Sanders, an act to amend the Urban Development Corporation Act.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 353, Assembly Number 5847, substituted earlier by Assemblymember Woerner, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

SENATOR BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Mr. President. I rise today to explain my vote in support of S2191.

This bill would require every hospital and nursing home in the state to establish an antibiotic stewardship program and

requires relevant healthcare workers to be properly trained to ensure they're knowledgeable in the appropriate use of antibiotics and the hazards of misuse and overuse of antibiotics.

Mr. President, you know, we are obviously at a moment where everyone in our country and our world understands the tremendous harm that can come from a disease that is unchecked, that is untreatable by our current healthcare system.

And we've had extraordinary efforts to develop treatments and drug regimens that will help with the symptoms of COVID-19. And of course we're now in the process of distributing vaccines that will hopefully get us past this terrible paramedic.

But in earlier generations the great healthcare scourges were common illnesses that we now consider to be part of our past. And we consider them to be part of the past because of the great medical miracle of the 20th century, which is the development of antibiotics. Antibiotics cured and made safe many diseases that otherwise had been very seriously dangerous to Americans and to people across the world.

And yet that miracle is now being undermined. Because as we overuse antibiotics in a variety of circumstances, we are developing antibiotic-resistant bacteria, sometimes called superbugs, and they are developing and spreading.

The World Health Organization considers antibiotic resistance to be one of the biggest threats to global health, food security and international development.

The CDC has stated that fighting this threat is a public health priority and estimates that each year at least 2.8 million people get an antibiotic-resistant infection, and 35,000 people in the United States die from antibiotic-resistant infections.

This bill would start New York on a path toward correcting that trend of antibiotic resistance. This bill will not be the only thing that we need to do, but it is a very big step forward, and we have other legislation that we're working on as well.

So I just want to end by thanking the members of the Health Committee and our chair, Senator Rivera, for advancing this bill, and Assembly sponsor Carrie Woerner. This bill

has already passed the Assembly, and by passing it today we're taking a big step forward for public health.

With that, Mr. President, I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 423, Senate Print 1637, by Senator Skoufis, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 482, Senate Print 572, by Senator Mayer, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President. I rise to explain my vote in favor of S572.

This important bill would authorize our Special Act and 853 schools, which serve our most special children -- and do not receive funds through the normal budget process -- to establish reserve funds of up to 4 percent, as traditional public schools can now do.

Passage of this bill would allow these schools to fund their normal operations,

including payroll, as well as deferred maintenance, without issuing terribly expensive bonds or revenue anticipation notes.

Let me give a striking example. One Special Act school district in Westchester was required to take out a 20-year, $8 million bond, with interest at $4.5 million, simply to meet ordinary capital expenses.

Without the ability to have a reserve fund and meet ongoing upkeep and repair, the normal operating systems of the school building had declined substantially, costing far more to repair or replace. That included their alarm system, security system, internet system, and internal mold in the old buildings.

Then they needed $4 million worth of RAN simply to meet payroll over time.

We cannot ignore these legitimate expenses of the schools educating our most challenged kids and force these schools to raise and then pay millions of additional dollars simply to fund essential capital and operating costs.

Our antiquated system of funding these special schools needs a complete overhaul,

and I hope we begin to do that soon.

Nevertheless, today we take a step forward to allow them to operate responsibly and in the best interests of their students and staff. After all, isn't that our job?

Thank you to NYSUT, the School Boards Association, and the special school community for the support of this important bill.

During this tough year, these schools have stepped up for their students. This is the time to fix this wrong.

I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 503, Assembly Number 5844A, substituted earlier by Assemblymember Abinanti, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 127, Senate Print 447, by Senator Hoylman, an act to amend the Public Officers Law.

ACTING PRESIDENT BAILEY: 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 you recognize Senator Rath to be heard.

ACTING PRESIDENT BAILEY: 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: Accordingly, Mr. President, I appeal the ruling of the chair and ask that Senator Rath be recognized.

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

SENATOR RATH: Mr. President, I rise to appeal the ruling of the chair.

The proposed amendment is germane to the bill-in-chief because both deal directly with state disaster emergencies.

During the current disaster emergency, this Governor has issued 96 orders, creating new directives and suspending and modifying countless New York State laws.

Despite the Majority grabbing headlines claiming the Governor's powers have been revoked, the legislation that this body passed last week was far from that.

Make no mistake, the centralization

of power is alive and well and still continues in New York State. Whether it is one person having all the power or the current three-way split between the majority leaders and the Governor, millions of our constituents are being left voiceless across our great state.

It's no secret that we are still in the midst of a pandemic, and the people of New York are looking to us for leadership and assistance in this crucial COVID recovery process. Yet we are mired by distractions of an Executive whose trust is eroding at a breakneck pace.

Again today, just like last Friday, I ask my colleagues, why not a straight repeal? Colleagues, the voters have sent us to Albany to make tough decisions. They have sent us to Albany to guide them in these trying times. And what are we doing? We are continuing to abdicate our responsibility as state legislators.

Disasters require tried and true leadership -- that's tried and true leadership for each and every one of our constituents. They require respected and refined deliberation. That is what New Yorkers rightly expect of us.

Instead, our disaster response continues to be centered around an Executive administration that taunts and mocks legislators and taunts and mocks our constituents. If anything has become clear in the last several weeks, it is that we need to show all New Yorkers that they can trust in us as a State Senate to represent them and to be transparent and accountable.

I urge my colleagues to support our amendment today to repeal all of the Governor's past emergency powers. New Yorkers do not need his comments. New Yorkers certainly do not need his contempt. What New Yorkers need is collaborative leadership in the face of a disaster, and a true repeal offers that pathway.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Rath.

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.

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

ACTING PRESIDENT BAILEY: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT BAILEY: 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, debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Thursday, March 11th, at 11:00 a.m.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Thursday, March 11th, at 11:00 a.m.

(Whereupon, at 3:49 p.m., the Senate adjourned.)