NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 16, 2021

3:03 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: 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 PERSAUD: 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 PERSAUD: The reading of the Journal.

THE SECRETARY: In Senate, Monday, March 15, 2021, the Senate met pursuant to adjournment. The Journal of Sunday, March 14, 2021, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT PERSAUD: 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: Madam President, I move to adopt the Resolution Calendar, with the exception of Resolutions 405 and 478.

ACTING PRESIDENT PERSAUD: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 405 and 478, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Madam President, can we first take up Resolution 478, by Senator Gaughran, read that resolution's title, and recognize Senator Gaughran.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 478, by Senator Gaughran, recognizing October 17, 2021, as National Black Poetry Day.

ACTING PRESIDENT PERSAUD: Senator Gaughran on the resolution.

SENATOR GAUGHRAN: Thank you, Madam President.

Today it is my honor to speak on this resolution recognizing National Black Poetry Day, to celebrate the accomplishments and legacy of the many African-American men and woman whose work has left a lasting imprint on the fabric of our society.

But in particular I would like to honor Jupiter Hammon. He's a cherished and celebrated poet, and he is widely considered to be the first published black poet in America. He was born in 1711 in my district, which was then called Lloyd Manor; today it is the community of Lloyd Harbor.

Jupiter Hammon was born into slavery and he was enslaved, along with his family, by the Lloyd family for his entire life. He eventually went to school and learned to read and write, which allowed him to begin to publish

poetry.

While the exact date of his death is not known, and neither is the exact burial site, we think it is likely that he is buried in an unmarked grave in Caumsett State Park in Lloyd Harbor.

So today, in recognition of his long-enduring contributions to literature and to our society, I am humbled to pass this State Senate resolution in his honor that will recognize October 17, 2021, as National Black Poetry Day.

And I also want to recognize that I'm working alongside an elected official colleague, Huntington Councilwoman Joan Cergol, and Preservation Long Island, where we are working to preserve this burial ground at Caumsett Park, where not only is Jupiter Hammon likely to be buried there, but many other enslaved people, so that we can allow our community to honor, remember and celebrate Jupiter's legacy and his contributions to American literature.

So I vote in the affirmative, Madam President.

ACTING PRESIDENT PERSAUD: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Next we're going to take up Resolution 405, by Senator Reichlin-Melnick, read its title only, and recognize Senator Reichlin-Melnick on the resolution.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 405, by Senator Reichlin-Melnick, memorializing Governor Andrew M. Cuomo to proclaim March 2021 as Social Work Month in the State of New York.

ACTING PRESIDENT PERSAUD: Senator Reichlin-Melnick on the resolution.

SENATOR REICHLIN-MELNICK: Thank you, Madam President. And thank you for your prime cosponsorship of this resolution as well.

So around the country there are more than 700,000 Americans who are employed as social workers. We know that poverty and trauma create lifelong social and economic disadvantages. Social workers, they are trained to help people address personal and systemic barriers.

These dedicated professionals confront some of the most challenging issues facing individuals, families, communities and society, often at very low pay. Social workers are the largest group of mental health care providers in the United States, and they tirelessly work to help people overcome depression, anxiety, substance abuse and other disorders so that they can lead more fulfilling lives.

Social workers have been at the forefront of social justice for decades, pushing for equal rights and an end to discrimination against women, African-Americans, Latinos, individuals with disabilities, the LGBTQ community, and various ethnic, cultural and religious groups.

Despite this record, however, social workers are often not recognized in the same way

as other essential healthcare workers. That's why I'm proud to memorialize March 2021 as Social Work Month, to honor the work that social workers do and encourage New Yorkers across the state to thank the social workers active in their communities for their service.

Madam President, I'm proud to support this resolution.

ACTING PRESIDENT PERSAUD: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: At the request of the sponsors, these two resolutions are open for cosponsorship.

ACTING PRESIDENT PERSAUD: The two resolutions are open for cosponsorship. Should you choose not to cosponsor the resolutions, please notify the desk.

Senator Gianaris.

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

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

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT PERSAUD: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:10 p.m.)

(Whereupon, the Senate reconvened at 3:17 p.m.)

ACTING PRESIDENT PERSAUD: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, there's a Rules Committee report at the desk.

Can we take that up, please.

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

The Secretary will read.

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

reports the following bills:

Senate Print 2836, by Senator Salazar, an act to amend the Correction Law;

And Senate Print 5669, by Senator Kaplan, an act to permit the Great Neck Union Free School District to move the date of their annual meeting and election for the 2021 year.

All bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the Rules Committee report.

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

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

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

SENATOR GIANARIS: Let's take up the calendar at this time.

ACTING PRESIDENT PERSAUD: The

Secretary will read.

THE SECRETARY: Calendar Number 118, Senate Print 1557, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 121, Senate Print 155, by Senator Gianaris, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 131, Senate Print 978, by Senator Gaughran, an act to amend the Public Officers Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 154, Senate Print 49, by Senator Kaplan, an act to amend the Real Property Tax Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 154, voting in the negative:

Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 162, Senate Print 1286, by Senator Brooks, an act to amend the General Municipal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam Chair -- Madam President, excuse me.

This bill -- I want to thank Senator Brooks -- is a very important bill that impacts those of us who represent suburban and rural communities, where much of the ambulance service is provided by volunteers.

There's a fundamental unfairness that a regular volunteer ambulance corps can bill insurance for transportation, but a volunteer fire department that happens to have an ambulance corps cannot bill for the same service.

And this puts a financial hardship on our volunteer fire departments. It's a small minority that have these, but it's been a vexing problem for decades in New York State.

And this bill will allow our volunteer fire departments with ambulance corps

to bill insurance for transport the same way volunteer ambulance corps do. So it's an important bill for those of us in suburban and rural areas.

I vote aye. Thank you, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 162, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 325, Senate Print 3257, by Senator Comrie, an act to amend the New York State Urban Development Corporation Act.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 408, Senate Print 1789, by Senator Sanders, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you very much, Madam President.

This is of course Women's History Month, and it's a good time to correct injustices that have been done. And among these injustices is the issue of domestic violence.

It's a serious matter in our society and one that we should deal with. And one way of dealing with it is to allow that people who are working in that field who have the -- working with the clients in that field do not have to testify under certain conditions, that they will have privileges given to other very important people.

This bill allows for that. And 27 states allow this currently, and therefore we

want to join that.

I am very grateful to all of my colleagues who have supported this. I am grateful to do this in this month. And Madam President, it's just time that we do it. Thank you very much to all.

ACTING PRESIDENT PERSAUD: Senator Sanders to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 509, Senate Print 3537, by Senator Kennedy, an act to amend the Civil Service Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 509, those Senators voting in the negative are Senators Boyle, Griffo, Oberacker, O'Mara and Rath.

Ayes, 58. Nays, 5.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 511, Senate Print 4308, by Senator Gounardes, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 511, those Senators voting in the negative are Senators Akshar, Oberacker, O'Mara, Ortt, Rath and Weik.

Ayes, 57. Nays, 6.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 534, Senate Print 1681, by Senator Bailey, an act to amend the Public Housing Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Now we will take up the controversial calendar.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number

325, Senate Print 3257, by Senator Comrie, an act to amend the New York State Urban Development Corporation Act.

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

SENATOR LANZA: Madam President, I appeal -- I'm sorry, Madam President. One moment. Oh, I'm sorry.

Madam President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Boyle to be heard.

ACTING PRESIDENT PERSAUD: 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, Madam President, I appeal the ruling of the chair and ask that you recognize Senator Boyle.

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

SENATOR BOYLE: Thank you, Madam President.

The amendment before the house is germane because the bill-in-chief strives to help small businesses. This amendment being put forward, in fully repealing the Governor's emergency powers, would help small businesses that have been detrimentally affected by the countless directives put in place over the past year.

Madam President, a few weeks ago we had a resolution put forward supposedly taking away the Governor's emergency powers. We on our side of the aisle do not believe that actually occurred.

And I believe the Senate Majority Leader said that that would bring chaos to our state government; we do not think that. There were between 60 and 90 directives, and we would agree on probably 95 percent of them. The Majority here is acting like the Republican Minority would say, Let's be like Texas, let's have -- open up everything, all the seats in Yankee Stadium, Madison Square Garden filled.

Of course not. We would all agree to limitations. We would all agree to mask mandates. We would debate maybe opening a

restaurant till 11:30 instead of 10 p.m., things like that. We could work it out without having to involve the Governor.

Why is this amendment germane and so important? Motivations. All of us in the chamber and in the other body, in the Assembly, and many, many New Yorkers are questioning the motivation behind all the Governor's executive orders going forward and modifying the old ones.

Is the Governor perhaps motivated by opening up the economy in a certain area because another accuser came forward? That seems to be the going trend.

Is the Governor perhaps motivated to change a directive, an executive order, because Larry Schwartz called a county executive and he wasn't giving the proper political support for the Governor, so we're going to maybe change the executive order to affect that county and the vaccinations going into that county.

We as New Yorkers, as legislators, should never have to question the motivation of a Governor with emergency powers over all of our lives. We should do it ourselves.

So that, Madam President, is why I

say we need to pass this amendment, make it found germane, pass it and finally take away the Governor's power when all of us or many of us feel that he shouldn't be there in the first place.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

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

ACTING PRESIDENT PERSAUD: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT PERSAUD: 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 on the 90th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, March 17th, at

3:00 p.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Wednesday, March 17th, at 3:00 p.m.

(Whereupon, at 3:28 p.m., the Senate adjourned.)