NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 19, 2021

3:05 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: Reading of the Journal.

THE SECRETARY: In Senate, Friday, April 16, 2021, the Senate met pursuant to adjournment. The Journal of Thursday, April 15, 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.

The Secretary will read.

THE SECRETARY: Senator Hoylman

moves to discharge, from the Committee on Judiciary, Assembly Bill Number 297 and substitute it for the identical Senate Bill 69, Third Reading Calendar 201.

ACTING PRESIDENT PERSAUD: Substitution so ordered.

THE SECRETARY: Senator Kennedy moves to discharge, from the Committee on Transportation, Assembly Bill Number 1863 and substitute it for the identical Senate Bill 3925, Third Reading Calendar 634.

ACTING PRESIDENT PERSAUD: Substitution 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: Thank you, Madam President.

I wish to call up my bill, Senate 1034A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 119, Senate Print 1034A, by Senator Gianaris, an act to amend the Labor Law.

SENATOR GIANARIS: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT PERSAUD: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT PERSAUD: The amendments are received.

SENATOR GIANARIS: On behalf of Senator May, I wish to call up Senate Print 1509, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 280, Senate Print 1509, by Senator May, an act to amend the Transportation Law.

SENATOR GIANARIS: I move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT PERSAUD: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT PERSAUD: The amendments are received.

SENATOR GIANARIS: On behalf of Senator Kaplan, on page 4 I offer the following amendments to Calendar Number 99, Senate Print 343, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR GIANARIS: Thank you,

Madam President.

Can we now take up the reading of the calendar.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 178, Senate Print 2135A, by Senator Hinchey, an act to amend the Agriculture and Markets 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 201, Assembly Print 297, substituted earlier by Assemblymember Gottfried, an act to amend the Uniform City Court Act.

ACTING PRESIDENT PERSAUD: Read the

last section.

THE SECRETARY: Section 9. This act shall take effect on the first of September.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 201, those Senators voting in the negative are Senators Borrello, Boyle, Griffo, Jordan, Martucci, Oberacker, Ortt, Palumbo, Rath, Serino, Stec and Tedisco.

Ayes, 51. Nays, 12.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 438, Senate Print 412, by Senator Biaggi, an act to amend the Mental Hygiene Law and the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. 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: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 488, Senate Print 3467A, by Senator Mayer, an act to amend the General Business Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. 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: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

559, Senate Print 4431, by Senator May, an act to amend the General Municipal 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 560, Senate Print 4481, by Senator Harckham, an act to amend the General Municipal 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 570, Senate Print 2008A, by Senator Jackson, an act to amend the Insurance Law.

ACTING PRESIDENT PERSAUD: 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: In relation to Calendar 570, those Senators voting in the negative are Senators Borrello, Gallivan, Griffo, Oberacker, O'Mara, Ortt, Rath, Serino and Stec.

Ayes, 54. Nays, 9.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

612, Senate Print 4897, by Senator Gounardes, 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: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 621, Senate Print 3666, by Senator Comrie, an act to amend the Real Property Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 634, Assembly Print 1863, substituted earlier by Assemblymember Magnarelli, an act to amend the Vehicle and Traffic 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: Please go to the controversial calendar.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 621, Senate Print 3666, by Senator Comrie, an act to amend the Real Property Law.

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

SENATOR LANZA: Madam President, I believe there's an amendment at the desk. I

waive the reading of that amendment and ask that Senator Serino be recognized and 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 Senator Serino be recognized.

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

SENATOR SERINO: Thank you, Madam President. Nice to see you.

The proposed amendment is germane to the bill at hand because the bill amends the Real Property Law with the intention of limiting unreasonable fees.

While I support this bill and have voted for it in the past, I find it awfully ironic that we're voting to limit an unreasonable fee on something as small as a house key, while this body continues to take no real action to limit the mountain of unreasonable orders that

have been issued since the start of the pandemic.

Over the past year, the Governor has issued countless executive orders amending not just the Real Property Law, but laws that impact every single area of our lives. Many of these have been arbitrary and unreasonable, putting undue burdens on New Yorkers that have impacted their entire livelihoods.

On March 5th, the Legislature's supermajority passed legislation that was supposed to limit the Governor's emergency pandemic powers. Wow. Everybody was really excited -- if that was really true.

That legislation expressly requires the Governor's office to explain the need for any extension or modification of emergency directives. Absolutely. That makes sense. That's the way it should be.

However, on April 6th -- and everybody will remember we were just wrapping up the budget -- the Governor quietly issued a new executive order that extended all previously issued directives for 30 days, and only posted the need for the extension of seven out of 175 directives on the state's website.

What about the other 168 directives? What is this body doing about it? Nothing.

I said it at the time, and I will say it again, that measure was an absolute sham. And it did nothing to bring about meaningful changes for New Yorkers.

We still have arbitrary rules in place, like the random restaurant curfew and the ridiculous rule that requires the purchase of food with your beverage. This despite agreement on both sides of the aisle that these should be repealed -- and despite our effort to do what was suggested by the Majority, when we introduced a concurrent resolution to repeal these rules.

This body has proven time and again that it lacks the will to do what's right, exert itself as the coequal branch of government that it is, and be accountable to the residents who elected us.

In the sponsor's memo of the bill at hand, my colleague correctly argues: "This sort of price-gouging serves as a very expensive punishment for tenants who need their keys reproduced." He goes on to rightly say that "bad actors necessitate this prohibitive legislation."

Well, I would argue that these kinds of arbitrary rules serve as a very costly punishment for New Yorkers who have done their part and made considerable sacrifices in the name of public health.

I would also argue that the bad actor in this case -- huh, our scandal-scarred Governor -- necessitates the prohibitive amendment I'm proposing which would truly strip the Governor of his emergency pandemic powers.

Should the price of a house key really be at the top of our priority list while the Governor's baseless orders are closing businesses, separating families, costing jobs and actually ruining New Yorkers into debt, as they may never get out of it?

I urge my colleagues to set politics aside and do right by the residents we serve by putting an end to the one-man rule, by supporting the amendment I'm proposing once again here today.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator Serino.

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 have 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 immediately.

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 621, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Stec, Tedisco and Weik.

Ayes, 47. Nays, 16.

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, Tuesday, April 20th, at 3:00 p.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Tuesday, April 20th, at 3:00 p.m.

(Whereupon, at 3:18 p.m., the Senate adjourned.)