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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 10, 2021

3:14 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

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

15 THE SECRETARY: In Senate, Sunday,
16 May 9, 2021, the Senate met pursuant to
17 adjournment. The Journal of Saturday, May 8,
18 2021, was read and approved. On motion, Senate
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Kaminsky

1 moves to discharge, from the Committee on
2 Housing, Construction and Community Development,
3 Assembly Bill Number 2679 and substitute it for
4 the identical Senate Bill 4742, Third Reading
5 Calendar 491.

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

8 THE SECRETARY: Senator Hinchey
9 moves to discharge, from the Committee on Health,
10 Assembly Bill Number 4594A and substitute it for
11 the identical Senate Bill 5506A, Third Reading
12 Calendar 667.

13 ACTING PRESIDENT PERSAUD: The
14 substitution is so ordered.

15 Messages from the Governor.

16 Reports of standing committees.

17 Reports of select committees.

18 Communications and reports from
19 state officers.

20 Motions and resolutions.

21 Senator Gianaris.

22 SENATOR GIANARIS: Good afternoon,
23 Madam President.

24 Amendments are offered to the
25 following Third Reading Calendar bills:

1 By Senator Ramos, page 11, Calendar
2 Number 113, Senate Print 615;

3 By Senator Parker, page 27, Calendar
4 Number 598, Senate Print 3141A;

5 And by Senator Kavanaugh, page 45,
6 Calendar Number 865, Senate Print 5000A.

7 ACTING PRESIDENT PERSAUD: The
8 amendments are received, and the bills shall
9 retain their place on the Third Reading Calendar.

10 Senator Gianaris.

11 SENATOR GIANARIS: On behalf of
12 Senator Skoufis, I wish to call up Senate Print
13 1759, recalled from the Assembly, which is now at
14 the desk.

15 ACTING PRESIDENT PERSAUD: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number
18 725, Senate Print 1759, by Senator Skoufis, an
19 act to amend the Public Health Law.

20 SENATOR GIANARIS: Move to
21 reconsider the vote by which the bill was passed.

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

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 63.

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

4 SENATOR GIANARIS: I offer the
5 following amendments.

6 ACTING PRESIDENT PERSAUD: The
7 amendments are received.

8 SENATOR GIANARIS: On behalf of
9 Senator Kaminsky, I wish to call up Senate
10 Print 3321, recalled from the Assembly, which is
11 at the desk.

12 ACTING PRESIDENT PERSAUD: The
13 Secretary will read.

14 THE SECRETARY: Calendar Number
15 338, Senate Print 3321, by Senator Kaminsky, an
16 act to amend the Environmental Conservation Law.

17 SENATOR GIANARIS: Move to
18 reconsider the vote by which the bill was passed.

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

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 63.

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

1 SENATOR GIANARIS: I offer the
2 following amendments.

3 ACTING PRESIDENT PERSAUD: The
4 amendments are received.

5 SENATOR GIANARIS: On behalf of
6 Senator May, I wish to call up Senate Print
7 5267A, recalled from the Assembly, which is at
8 the desk.

9 ACTING PRESIDENT PERSAUD: The
10 Secretary will read.

11 THE SECRETARY: Calendar Number
12 640, Senate Print 5267A, by Senator May, an act
13 to amend the Highway Law.

14 SENATOR GIANARIS: Move to
15 reconsider the vote by which the bill was passed.

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

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 63.

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

23 SENATOR GIANARIS: I offer the
24 following amendments.

25 ACTING PRESIDENT PERSAUD: The

1 amendments are received.

2 SENATOR GIANARIS: Please take up
3 the reading of the calendar.

4 ACTING PRESIDENT PERSAUD: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 110, Senate Print 1451A, by Senator Rivera, an
8 act to amend the Public Health Law.

9 ACTING PRESIDENT PERSAUD: Read the
10 last section.

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

13 ACTING PRESIDENT PERSAUD: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT PERSAUD: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar Number 110, those Senators voting in the
20 negative are Senators Akshar, Borrello, Boyle,
21 Gullivan, Griffio, Helming, Jordan, Lanza,
22 Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath,
23 Ritchie, Serino, Stec, Tedisco and Weik.

24 Ayes, 44. Nays, 19.

25 ACTING PRESIDENT PERSAUD: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 293, Senate Print 4027, by Senator Palumbo, an
4 act authorizing the Town of East Hampton to
5 reduce the maximum speed limit.

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

8 Read the last section.

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

11 ACTING PRESIDENT PERSAUD: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT PERSAUD: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 293, those Senators voting in the
18 negative are Senators Reichlin-Melnick and
19 Skoufis.

20 Ayes, 61. Nays, 2.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 428, Senate Print 3909A, by Senator Kennedy, an
25 act establishing the New York Task Force on

1 Automated Vehicle Technology.

2 ACTING PRESIDENT PERSAUD: Read the
3 last section.

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

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar Number 428, voting in the negative:
13 Senator Akshar.

14 Ayes, 62. Nays, 1.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 451, Senate Print 23A, by Senator Kaplan, an act
19 to amend the State Finance Law and the Labor Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

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

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 491, Assembly Print 2679, substituted earlier by
9 Assemblymember Cymbrowitz, an act to amend the
10 Public Housing Law.

11 ACTING PRESIDENT PERSAUD: Read the
12 last section.

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

15 ACTING PRESIDENT PERSAUD: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT PERSAUD: Announce
19 the results.

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 517, Senate Print 2095, by Senator Jordan, an act
25 to amend the Tax Law and the State Finance Law.

1 ACTING PRESIDENT PERSAUD: Read the
2 last section.

3 THE SECRETARY: Section 5. This
4 act shall take effect January 1, 2023.

5 ACTING PRESIDENT PERSAUD: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT PERSAUD: Announce
9 the results.

10 THE SECRETARY: Ayes, 63.

11 ACTING PRESIDENT PERSAUD: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 618, Senate Print 5576C, by Senator Mayer, an act
15 to amend the Education Law.

16 ACTING PRESIDENT PERSAUD: Read the
17 last section.

18 THE SECRETARY: Section 11. This
19 act shall take effect immediately.

20 ACTING PRESIDENT PERSAUD: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT PERSAUD: Announce
24 the results.

25 THE SECRETARY: Ayes, 63.

1 ACTING PRESIDENT PERSAUD: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 638, Senate Print Number 4809, by Senator
5 Reichlin-Melnick, an act to amend the Vehicle
6 and Traffic Law.

7 ACTING PRESIDENT PERSAUD: Read the
8 last section.

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

12 ACTING PRESIDENT PERSAUD: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT PERSAUD: Announce
16 the results.

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 667, Assembly Print 4594A, substituted earlier by
22 Assemblymember Gottfried, an act to amend the
23 Public Health Law.

24 SENATOR LANZA: Lay it aside.

25 ACTING PRESIDENT PERSAUD: Lay it

1 aside.

2 THE SECRETARY: Calendar Number
3 720, Senate Print 1847, by Senator Skoufis, an
4 act to amend the Executive Law.

5 ACTING PRESIDENT PERSAUD: Read the
6 last section.

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

9 ACTING PRESIDENT PERSAUD: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT PERSAUD: Announce
13 the results.

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 743, Senate Print 5760, by Senator Breslin, an
19 act to amend the Insurance Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

22 THE SECRETARY: Section 6. This
23 act shall take effect immediately.

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 757, Senate Print 5715, by Senator Gaughran, an
9 act to amend the Real Property Tax Law.

10 SENATOR GIANARIS: Lay it aside for
11 the day.

12 ACTING PRESIDENT PERSAUD: The bill
13 will be laid aside for the day.

14 THE SECRETARY: Calendar Number
15 763, Senate Print 4255, by Senator Stavisky, an
16 act to amend the Vehicle and Traffic Law.

17 ACTING PRESIDENT PERSAUD: Read the
18 last section.

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

21 ACTING PRESIDENT PERSAUD: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT PERSAUD: Announce
25 the results.

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 774, Senate Print 532, by Senator Persaud, an act
6 to amend the Executive Law.

7 ACTING PRESIDENT PERSAUD: Read the
8 last section.

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

12 ACTING PRESIDENT PERSAUD: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT PERSAUD: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 774, those Senators voting in the
19 negative are Senators Akshar, Borrello, Boyle,
20 Gallivan, Griffio, Helming, Jordan, Mattera,
21 Oberacker, O'Mara, Palumbo, Rath, Ritchie,
22 Serino, Stec, Tedisco and Weik.

23 Ayes, 46. Nays, 17.

24 ACTING PRESIDENT PERSAUD: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 792, Senate Print 5720, by Senator Brooks, an act
3 to amend the Executive Law.

4 ACTING PRESIDENT PERSAUD: Read the
5 last section.

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

8 ACTING PRESIDENT PERSAUD: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT PERSAUD: Announce
12 the results.

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT PERSAUD: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 794, Senate Print 6170, by Senator May, an act to
18 amend the Executive Law.

19 SENATOR LANZA: Lay it aside.

20 ACTING PRESIDENT PERSAUD: Lay it
21 aside.

22 THE SECRETARY: Calendar Number
23 806, Senate Print 5753, by Senator Ryan, an act
24 to amend the Education Law.

25 ACTING PRESIDENT PERSAUD: Read the

1 last section.

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

4 ACTING PRESIDENT PERSAUD: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT PERSAUD: Senator
8 Ryan to explain his vote.

9 SENATOR RYAN: Thank you,
10 Madam President.

11 I often find myself standing to talk
12 about good things about libraries. So happy to
13 do that again today.

14 So New York State helps libraries in
15 several ways. One of the ways is through a
16 Library Construction Fund, which the state will
17 provide the lion's share of funding for
18 construction or remodeling, and the local
19 municipalities have to come in with a share of
20 that.

21 So when you look at policies, which
22 we always do, we always want to make sure that
23 policies are both fair and equitable. So
24 sometimes you endeavor for a fair policy, but it
25 turns out, even with your hard work, it doesn't

1 have an equitable outcome.

2 So we found out a few years ago that
3 the bulk of the Library Construction Fund was
4 going to higher-wealth districts because at that
5 time the local municipality had to put in a 25
6 percent share, and the state would come in with
7 75 percent. But we found out that the rural
8 areas and the lower-income urban areas, they
9 couldn't come up with that.

10 So a few years ago we changed it and
11 we came up with a 90/10 program, which would
12 allow poorer districts to only put in 10 percent,
13 which sounded like it was good. But then we
14 looked at the program and we found out that only
15 about 10 percent of the construction fund, the
16 total value of it, went to the poorer districts.

17 So we're making another change.
18 We're dedicating more state funding to the 90/10
19 grants, which will allow this money to be
20 accessed on a more equitable distribution all
21 across New York State.

22 So we're happy for these changes.
23 And Madam President, we're going to make sure
24 that it's essentially -- the local governments
25 that have a difficult time, we're going to make

1 sure that more of the money is allocated to them.
2 So 50 percent of the library yearly construction
3 fund will have to go to 90/10 programs, and the
4 other 50 percent to 75/25.

5 So as we endeavor to make policy
6 that yields both fairness and equity, we're happy
7 for the Public Library Construction Aid Program,
8 but we're more happy because of the changes that
9 we are making today that will ensure that this
10 construction aid money goes everywhere in
11 New York State. So I believe this bill takes a
12 fair process and makes it an equitable process
13 too.

14 So thank you for allowing me to
15 speak on this, and I withdraw my request. And I
16 vote in the affirmative, Madam President.

17 ACTING PRESIDENT PERSAUD: Senator
18 Ryan to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 814, Senate Print 72, by Senator Hoylman, an act
25 to amend the Administrative Code of the City of

1 New York.

2 ACTING PRESIDENT PERSAUD: Read the
3 last section.

4 THE SECRETARY: Section 3. This
5 act shall take effect on the 30th day after it
6 shall have become a law.

7 ACTING PRESIDENT PERSAUD: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT PERSAUD: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 814, those Senators voting in the
14 negative are Senators Oberacker and O'Mara.

15 Ayes, 61. Nays, 2.

16 ACTING PRESIDENT PERSAUD: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 817, Senate Print 4485, by Senator Harckham, an
20 act to amend the Private Housing Finance Law.

21 ACTING PRESIDENT PERSAUD: Read the
22 last section.

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

25 ACTING PRESIDENT PERSAUD: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT PERSAUD: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 817, those Senators voting in the
7 negative are Senators Akshar, Borrello, Boyle,
8 Gallivan, Griffio, Helming, Jordan, Lanza,
9 Martucci, Mattera, Oberacker, O'Mara, Ortt,
10 Palumbo, Rath, Serino, Stec, Tedisco and Weik.

11 Ayes, 44. Nays, 19.

12 ACTING PRESIDENT PERSAUD: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 821, Senate Print 641, by Senator Liu, an act to
16 amend the Administrative Code of the City of
17 New York.

18 ACTING PRESIDENT PERSAUD: Read the
19 last section.

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

22 ACTING PRESIDENT PERSAUD: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT PERSAUD: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar 821, those Senators voting in the
4 negative are Senators Akshar, Borrello, Griffo,
5 Lanza, Martucci, Oberacker, O'Mara, Ortt,
6 Palumbo, Rath, Tedisco and Weik.

7 Ayes, 51. Nays, 12.

8 ACTING PRESIDENT PERSAUD: The bill
9 is passed.

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

12 SENATOR GIANARIS: At this time,
13 Madam President, let's move on to the
14 controversial calendar.

15 ACTING PRESIDENT PERSAUD: The
16 Secretary will ring the bell.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 667, Assembly Print 4594A, by Assemblymember
20 Gottfried, an act to amend the Public Health Law.

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

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

1 Senator Jordan be recognized and heard.

2 ACTING PRESIDENT PERSAUD: Thank
3 you, Senator Lanza.

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

7 SENATOR LANZA: Accordingly,
8 Madam President, I appeal the ruling of the chair
9 and ask that Senator Jordan be recognized.

10 ACTING PRESIDENT PERSAUD: The
11 appeal has been made and recognized, and
12 Senator Jordan may be heard.

13 Senator Jordan.

14 SENATOR JORDAN: Madam President, I
15 rise to appeal the ruling of the chair.

16 The amendment is germane to the
17 bill-in-chief because the bill-in-chief puts one
18 of the Governor's past COVID-19-related executive
19 orders into the Public Health Law.

20 As my colleagues and I have stood up
21 here numerous times to talk about all of the
22 executive orders the Governor has done which
23 specifically amend the Public Health Law, today
24 is yet another example. We are well past a year
25 into this pandemic, and our businesses continue

1 to be held hostage to the whims of our
2 scandal-scarred Governor.

3 Without question, this amendment --
4 our amendment -- is necessary because of the
5 Majority's sham repeal, the phony rescission
6 decision that enabled and empowered this
7 compromised Governor to continue issuing more
8 edicts. King Cuomo continues clinging to this
9 power because the Majority allowed it.

10 We now need a new executive order,
11 or for Empire State Development Corporation
12 and/or the Department of Health to release a
13 hundred pages of new guidance just to allow a
14 business to operate, such as overnight summer
15 camps operating in New York State, who are
16 looking for guidance for proper planning. They
17 need to know how many individuals they can
18 accommodate in camp. They also want to know and
19 need to know about sleeping, eating, and staffing
20 requirements. They need to hire people and
21 purchase supplies. Bottom line, their season is
22 almost here, and camps want to know what's going
23 on.

24 Does anybody know? Does this
25 Governor know? Is this Governor even aware? He

1 should be aware, because I've written to him on
2 behalf of the many camps, campers and parents
3 that have been in contact with my office. I
4 wrote to the Governor on February 11th in an
5 effort to allow overnight summer camps to resume.
6 On February 18th, seven days after I sent my
7 letter, the Governor said overnight summer camps
8 could begin planning to reopen in June.

9 That was almost three months ago.
10 I've been asking for official guidance for weeks
11 now, as have camping associations. All the
12 while, overnight summer camps wait. Campers want
13 to know when they can sign up. We all wait and
14 wait and wait for this Governor to make
15 announcements via the press, and then we scramble
16 to find out details after the fact. This is no
17 way to run a functioning government, and it's no
18 way to treat the businesses that drive our
19 economy.

20 While they have been told they can
21 operate, official guidance from DOH on what
22 precautionary measures they must take and what
23 restrictions will be in place has not been
24 forthcoming. It is now May 10th. Many of these
25 camps are far behind in their normal planning

1 because they can't get answers, and parents are
2 left in a bind planning for summer care for their
3 children.

4 This is the sole result of the
5 Majority failing, failing to do a full repeal of
6 this Governor's emergency powers, as my
7 colleagues and I have repeatedly called for.

8 Our businesses want to reopen and
9 operate in a safe manner. Our summer camps have
10 always strived to provide a safe, fun environment
11 for our children. It's well past time to end
12 this one-man rule of our state and help our
13 businesses open and recover from the negative
14 impacts of these restrictions.

15 After months of this Governor's
16 indecision and endless waiting, we need to get
17 our overnight summer camps open safely, sensibly
18 and successfully. I urge you to reconsider your
19 ruling, and I urge all my colleagues to do the
20 right thing and vote for this amendment on behalf
21 of all those who sent us here to act in their
22 best interests.

23 Thank you, Madam President.

24 ACTING PRESIDENT PERSAUD: Thank
25 you, Senator Jordan.

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

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

6 SENATOR LANZA: Request a show of
7 hands.

8 SENATOR GIANARIS: By agreement,
9 the showing of hands is waived, and each member
10 of the Minority is recorded in the affirmative.

11 ACTING PRESIDENT PERSAUD: Without
12 objection, so ordered.

13 Announce the results.

14 THE SECRETARY: Ayes, 20.

15 ACTING PRESIDENT PERSAUD: The
16 ruling of the chair stands, and the bill-in-chief
17 is before the house.

18 Any other Senators wishing to be
19 heard?

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

22 Read the last section.

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

25 ACTING PRESIDENT PERSAUD: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT PERSAUD: Announce
4 the results.

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT PERSAUD: The bill
7 is passed.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 794, Senate Print 6170, by Senator May, an act to
11 amend the Executive Law.

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

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

16 I waive the reading of that
17 amendment and ask that Senator Martucci be
18 recognized and heard.

19 ACTING PRESIDENT PERSAUD: Thank
20 you, Senator Lanza.

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

24 SENATOR LANZA: Accordingly,
25 Madam President, I appeal the rule of the chair

1 and ask that Senator Martucci be recognized.

2 ACTING PRESIDENT PERSAUD: The
3 appeal has been made and recognized, and Senator
4 Martucci may be heard.

5 SENATOR MARTUCCI: Thank you,
6 Madam President.

7 I appeal the ruling of the chair
8 because the proposed amendment is clearly germane
9 to S6170, the bill before the house that we seek
10 to amend. The bill-in-chief would require the
11 Inspector General to establish a searchable
12 public database regarding eviction proceedings in
13 the state.

14 The amendment also concerns eviction
15 proceedings, in that it would exempt -- the
16 amendment that I'm bringing forward, in that it
17 would exempt the residential property owners with
18 10 or less units from the recently extended
19 eviction moratorium.

20 Madam President, this Majority has
21 often cast itself as standing up for those in
22 society that have been forgotten and left behind.
23 This is precisely why I rise today, to stand for
24 a group of people who are struggling and who have
25 been left behind and who have been forgotten by

1 the Majority who is committed to appease New York
2 City's cancel rent movement.

3 I'm referring to small property
4 owners -- people like my constituent,
5 Janet Bullis, from Deer Park. She's 78 years
6 old. She's a widow. She rents one unit, a small
7 cottage that's located on her property. However,
8 the extended eviction moratorium has become too
9 much for her to maintain this property, and she
10 needs to sell the home that she loves in order to
11 seek a safer and more manageable housing
12 situation.

13 The problem is she can't sell her
14 home, Madam President. Why? Well, the eviction
15 moratorium that's been passed by the Majority
16 treats Janet Bullis, this little old lady, the
17 same as billionaire apartment owners and huge
18 real estate companies in New York City.

19 Ms. Bullis's tenant simply refuses
20 to move, citing the eviction moratorium. In
21 fact, according to Ms. Bullis, her tenant bluntly
22 told her: "Cuomo says you can't make me move."

23 This is America, Madam President.
24 Does this Majority or this Governor really think
25 it should have the power to tell a little old

1 lady that she must keep her home, maintain a
2 house, pay all the bills so that a tenant can
3 stay in the house, acting like a squatter and
4 continue to live there rent-free? Does this
5 Majority believe it's fair to deny Janet her day
6 in court?

7 In this country we have private
8 property rights. People ought to have an
9 absolute right to due process. And this
10 amendment, which is also a stand-alone bill I've
11 introduced, S6597, would exempt folks like Janet
12 from the eviction moratorium that the Majority
13 extended last week until the end of August. It
14 would provide any small-property owner who owns
15 10 or fewer units relief from this
16 one-size-fits-all policy that is not working.

17 Last week we heard from the sponsor
18 of the moratorium that it needed to be extended
19 in the interest of public health. Well,
20 Madam President, 59.4 percent of New Yorkers have
21 gotten one round of the COVID vaccine. The
22 Governor has reopened stadiums -- you can go
23 watch a ball game or a concert. And those who
24 are vaccinated have absolutely no capacity
25 limits, or soon will have no capacity limits.

1 The CDC originally argued that the
2 eviction moratoriums would go away at the end of
3 June, and now a federal judge has weighed in,
4 repealing those.

5 Now, I understand exercising caution
6 even in the face of these positive health
7 indicators is important. But what I cannot
8 support and do not understand is treating my
9 constituents who are small landlords the same as
10 billionaires and large real estate companies for
11 the sake of pleasing loud voices on the extreme
12 political left who want their rent debts
13 canceled.

14 That's wrong, Madam President. And
15 this amendment would address this glaring
16 inequity.

17 Some on the other side may argue
18 that we should ask Janet Bullis and others to
19 continue to wait for rental assistance that we
20 had placed in this budget. They argue that
21 eventually the Office of Temporary and Disability
22 Assistance will get its act together and these
23 folks may receive some help.

24 Well, given the disaster I've seen
25 in our unemployment system and the disaster of

1 the initial vaccine rollout, I for one am not
2 willing to put her fate in the hands of the Cuomo
3 administration to act on whims as it sees fit.

4 If the Majority is really on the
5 side of the little guy and Senators in this
6 chamber really want to help small landlords, they
7 will do this and pass this amendment. I urge all
8 my colleagues to vote yes, because people like
9 Janet Bullis and people just like her, many of
10 whom live all across the State of New York, are
11 counting on us to act.

12 Thank you, Madam President.

13 ACTING PRESIDENT PERSAUD: Thank
14 you, Senator Martucci.

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

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

20 SENATOR LANZA: Request a show of
21 hands.

22 SENATOR GIANARIS: We are again
23 waiving the showing of hands and recording each
24 member of the Minority in the affirmative,
25 Madam President.

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

3 Announce the results.

4 THE SECRETARY: Ayes, 20.

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

8 Are there any other Senators wishing
9 to be heard?

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

12 Read the last section.

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

15 ACTING PRESIDENT PERSAUD: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT PERSAUD: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar 794, those Senators voting in the
22 negative are Senators Akshar, Borrello, Gallivan,
23 Griffo, Jordan, Lanza, Martucci, Mattera,
24 Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie,
25 Stec, Tedisco and Weik.

1 Ayes, 46. Nays, 17.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

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

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

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

10 SENATOR GIANARIS: Move to adjourn
11 until tomorrow, Tuesday, May 11th, at 3:00 p.m.

12 ACTING PRESIDENT PERSAUD: On
13 motion, the Senate stands adjourned until
14 Tuesday, May 11th, at 3:00 p.m.

15 (Whereupon, at 3:43 p.m., the Senate
16 adjourned.)

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