NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 11, 2021

3:10 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

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

THE SECRETARY: In Senate, Monday, May 10, 2021, the Senate met pursuant to adjournment. The Journal of Sunday, May 9, 2021, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MAYER: 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: Good afternoon, Madam President.

Amendments are offered to the following Third Reading Calendar bills:

By Senator Myrie, page 24, Calendar 522, Senate Print 294;

By Senator Rivera, page 26, Calendar 550, Senate Print 4257;

By Senator Sanders, page 28, Calendar 613, Senate Print 5096;

By Senator Kaplan, page 35, Calendar 744, Senate Print 52;

And by Senator Brooks, page 36, Calendar 762, Senate Print 1391.

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

Senator Gianaris.

SENATOR GIANARIS: On behalf of Senator Kennedy, I wish to call up Senate Print

5060, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 639, Senate Print 5060, by Senator Kennedy, an act to amend the Vehicle and Traffic Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

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

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT MAYER: The amendments are received.

SENATOR GIANARIS: Also on behalf of Senator Kennedy, I wish to call up Senate Print 6003, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAYER: The

Secretary will read.

THE SECRETARY: Calendar Number 701, Senate Print 6003, by Senator Kennedy, an act to amend the Public Authorities Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

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

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT MAYER: The amendments are received.

SENATOR GIANARIS: Please recognize Senator Lanza.

ACTING PRESIDENT MAYER: Senator Lanza.

SENATOR LANZA: Thank you. Thank you, Madam President.

On motion by Senator Gallivan, on page 36 I offer the following amendments to

Calendar Number 759, Senate Print Number 5877A, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: At this time I move to adopt the Resolution Calendar, with the exception of Resolutions 738, 753, 761 and 762.

ACTING PRESIDENT MAYER: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 738, 753, 761 and 762, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now take up Resolution 738, by Senator Ryan, read the resolution's title, and recognize Senator Ryan.

ACTING PRESIDENT MAYER: The

Secretary will read.

THE SECRETARY: Senate Resolution 738, by Senator Ryan, mourning the death of Madeline Davis, trailblazing gay and lesbian activist, historian, distinguished citizen and devoted member of her community.

ACTING PRESIDENT MAYER: Senator Ryan on the resolution.

SENATOR RYAN: Thank you, Madam President.

It's been a difficult couple of weeks for the LGBTQ community in Buffalo and Western New York. Last week I spoke of the loss of long-time activist Bruce Kogan, and today I rise to honor the life of another leading activist who was born in the City of Buffalo.

Her name was Madeline Davis. She was Dr. Madeline Davis, as she was a Ph.D. She was an active and accomplished woman, and saying that is an understatement. She spent her whole adult life fighting as an activist for equality. She was a teacher, an author, an historian, an accomplished actor, on top of being a trailblazer in so many different ways.

She founded the first gay liberation

organization in Western New York. It was called the Matachine Society of the Niagara Frontier. How far we've come since those days.

She was also very involved in politics, and she became the first openly gay delegate to any political convention in America.

She taught at the University of Buffalo. She formed the first all-lesbian theater company in the United States. This is one person I'm talking about here, not several people.

She was inducted into the Advocate Magazine's Hall of Fame in 2012.

But what she really ended up doing, as she went decades into advocacy, was realizing that she was part of a historic moment. So she became somebody who started writing down the history of the lesbian community, and she collected oral histories of people throughout Buffalo and Western New York. Her whole body of work eventually went to the University of Buffalo, and they have the Dr. Madeline Davis LGBTQ Archive of Western New York at the University of Buffalo.

So she truly made a difference

during her lifetime to so many people. Madeline Davis's legacy will continue for countless years to come. And I offer my condolences to her wife, Wendy, to all her friends and her family.

Thank you, Madam President, for allowing me to speak on this resolution.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

Now can we move on to Resolution 753, by Senator Gaughran, read the title of that resolution, and recognize Senator Gaughran.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 753, by Senator Gaughran, mourning the tragic and untimely death of NYPD Police Officer Anastasios

Tsakos on Tuesday, April 27, 2021.

ACTING PRESIDENT MAYER: Senator Gaughran on the resolution.

SENATOR GAUGHRAN: Thank you, Madam President.

I rise today to mourn the very tragic loss of NYPD Officer Anastasios Tsakos, who made the ultimate sacrifice on April 27th, 2021, bravely protecting the citizens of New York.

On that day Officer Tsakos was performing duties that he often did, just making sure that all New Yorkers and anybody visiting our state could go about their daily lives safely.

This resolution and many accounts of the tragedy and the details that happened to this brave hero have -- are in the resolution, and there are various accounts of what happened that awful day. And I'm not going to repeat them, because I want to really talk about the life of this wonderful human being and brave police officer.

He was the proud son of immigrants who came to the country from Laconia, from

Greece, came to this country. And he grew up in Astoria, Queens, and actually for a brief time he went to Greece and during this time he actually joined, briefly, the Greek military.

He served as a member of the NYPD proudly for 14 years. His tenure included service in the 75th and 93rd Precincts and also Highway 3.

He was active in a whole bunch of important fraternal and charitable organizations because he always gave back to his community.

But most importantly, he was a loving husband and father, leaving behind his wife Irene and two very young children, Jenny and Stavros.

And being assigned to work nights, Officer Tsakos enjoyed playing with his children during the day and teaching them the values of life. So we mourn this very tragic loss for their family.

Recently the Tsakos family bought a home on Long Island, in East Northport. He immediately became involved with his neighbors in his new community. And during this difficult COVID period, he actually volunteered countless

hours and he delivered food to many of his neighbors who couldn't leave their houses -- some of them had COVID, some of them were older. And he just wanted to do his part on his own time. He even did some home improvements for some neighbors that were in need.

So Officer Tsakos's exemplary life makes this tragedy just so much more profound, because we know he would have accomplished so much more good for his community and for this state.

We will forever honor the heroic service of Police Officer Anastasios Tsakos to New York and once again express our deepest condolences to the Tsakos family and to the NYPD.

I vote in the affirmative, Madam President. Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Gaughran.

Senator Mattera on the resolution.

SENATOR MATTERA: Thank you. Thank you, Madam President.

Last week the family of Detective Tsakos, the Long Island community, along with his fellow police officers and the New York Police

Department, laid to rest Detective Tsakos. A hero was taken from his family and our state in a senseless tragedy.

Today, led by Senator Jim Gaughran, we stand together to honor his life and to let his family know that we will never forget his life. Detective Tsakos was a 14-year veteran who gave his life protecting our state's residents, and we owe him an unpayable debt.

Throughout his career he was a member of the New York Police Department who had been called the best of the best by his fellow police officers, a mentor to all. He was a shining example of how important our police are and how much we owe all of them for their service. Sixty-seven-thousand New York State police officers protect all of us from harm's way every day.

Most importantly, he was a husband, a son, a brother, and a father, a neighbor and a friend. We hope his entire family knows that their state is with them during this difficult time and that we share in their loss.

To his wife, Irene, we stand with you in this trying time. We will continue to be

there for you as you deal with this tragedy.

To his young son, Stavros, and his young daughter, Jenny, we hope you know that your daddy was and is a hero, both in how we serve our residents and who was in his community.

We will never forget his selfless service to our residents to serve and to protect. We will never forget the impact he had on our community. And we will never forget his sacrifice. Rest in peace, Detective Tsakos.

Thank you.

ACTING PRESIDENT MAYER: Thank you.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Now, Madam President, Resolution 761, by Senator Rath, read the title of that resolution, and recognize Senator Rath.

ACTING PRESIDENT MAYER: The

Secretary will read.

THE SECRETARY: Senate Resolution 761, by Senator Rath, congratulating Joan Fishburn upon the occasion of her designation as recipient of the "Unsung Hero" SPARK Award by Arts Services Inc.

ACTING PRESIDENT MAYER: Senator Rath on the resolution.

SENATOR RATH: Thank you, Madam President.

I am happy to honor Joan Fishburn today as an Amherst resident who has been recognized as a recipient of the "Unsung Hero" Award by the Arts Services Inc. at their annual SPARK Awards. The SPARK Awards identify outstanding individuals and organizations from across Western New York for their dedication, talent and impact on the arts and the cultural sectors of our community.

Joan has dedicated her time and her talents to the Western New York community for over six decades, and as a member of the Amherst Symphony Orchestra since 1959. She has committed herself to the arts, and that has been an impressive set of accomplishments in our

hometown.

She has dedicated her time as the president of both the Women's and the Friends Committees of the Amherst Symphony, as well as the Amherst Symphony Association's board of directors.

Joan has expanded many programs, brought hundreds of young people to participate in symphony concerts, and has brought symphony members into our schools in Amherst for educational presentations.

She has been an advocate for the positive impact of music and what it can have on the lives of the children and adults alike in our community.

So I would like to say thank you and congratulations to Joan Fishburn and thank her for all the incredible and outstanding impact she has had in our Amherst community.

Madam President, thank you for the opportunity to speak on this resolution.

ACTING PRESIDENT MAYER: Thank you.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: And finally, Madam President, let's move to Resolution 762, also by Senator Rath, read the title of that resolution, and recognize Senator Rath.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 762, by Senator Rath, congratulating Williamsville North wrestler Cameron Catrabone upon the occasion of winning the Freshman Division Title at the National High School Coaches Association Tournament.

ACTING PRESIDENT MAYER: Senator Rath on the resolution.

SENATOR RATH: Thank you, Madam President.

I am honored to recognize an outstanding student athlete from my district, Cameron Catrabone.

Cameron Catrabone is a freshman at

Williamsville North High School and a wrestler on the Wrestling Team. And as a wrestler, Cameron recently won the Freshman Division Title at the National High School Coaches Association Tournament held on Sunday, April 25th, in Virginia. This marks his sixth victory of the tournament, and he conducted all of that without a loss over the three-day tournament.

Adding to the impressive feat, this was Cameron's first time at this national tournament. It is also believed that he is the first winner from Western New York since 2015 for this esteemed title.

His dedication to his sport and studies is extremely remarkable. Cameron is actually a neighbor of mine, living one street over, and I've watched him grow up and become the remarkable young man that he is.

And I wish him all the best in his future matches and look forward to following his future success.

Thank you, Madam Chair. I appreciate the opportunity to speak on this resolution.

ACTING PRESIDENT MAYER: Thank you.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The resolutions are open for cosponsorship. Should you choose not to be a cosponsor of any of the resolutions, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: Let's take up the calendar, Madam President.

ACTING PRESIDENT MAYER: The Secretary will read.

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

ACTING PRESIDENT MAYER: Read the

last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Madam President.

I rise to vote aye on this bill. It's an important issue around domestic violence and how there are issues related to people who are trying to get out of these circumstances and their utility bills.

In the U.S. there are more than 10 million people who are abused by their intimate partners annually. One particular difficult challenge for many survivors of domestic violence is utility debt. A victim of abuse may be held responsible for debt accrued by their abusers, and oftentimes utility companies try to hold survivors responsible for these delinquent utility payments, and this further limits their ability to flee their abusive

partners. The utility does not only prevent survivors from leaving their abusers, but it also makes it difficult for survivors to obtain new utility service if they do manage to escape.

This bill requires the release of those individuals from the utility corporations' telephone, cable TV, wireless contracts in the instances of domestic violence. As written, this bill allows a person who is under a shared contract to opt out of such contract without fee, penalty or charge when such a person is a victim of domestic violence or intimate partner violence, and provides an attestation in writing to their eligibility as a victim.

A service provider may not require such a person to disclose confidential information or details in these cases as well.

Also, it waives the otherwise applicable charges for non-published telephone listings where a customer requests protection of their identity in connection with consumer purchases by telephone service and a customer provides an attestation in writing for their eligibility as a victim, again.

The bill also allows a person that is under contract, including but not limited to a multiyear account, or bundled contract, to opt out of such a contract without fee, penalty or charge when such a person, again, finds themselves in one of these horrible conditions.

This legislation, again, provides an escape clause of these contracts. You know, we think that people who are, you know, survivors of this kind of violence should not have to then again go through a whole new battle with their utilities.

Thank you very much for bringing this bill to the floor, and I vote aye.

ACTING PRESIDENT MAYER: Senator Parker to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 266, Senate Print 2586, by Senator Brisport, an act to amend the Social Services Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 266, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 300, Senate Print 1216, by Senator Benjamin, an act to amend the State Finance Law.

ACTING PRESIDENT MAYER: 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 MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 401, Senate Print 672, by Senator Sanders, an act to amend the Social Services Law and the Civil Practice Law and Rules.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 440, Senate Print 3374, by Senator Bailey, an act

to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 485, Senate Print 244A, by Senator Mayer, an act to amend the General Business Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 486, Senate Print 748, by Senator Biaggi, an act to amend the General Business Law and the Tax Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 493, Senate Print 3826, by Senator Griffo, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 493, those Senators voting in the negative are Senators Brooks and Thomas.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 527, Senate Print 3086, by Senator Salazar, an act to amend the Domestic Relations Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: In relation to Calendar 527, those Senators voting in the negative are Senators Felder and Lanza.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 662, Senate Print 3010, by Senator Ramos, an act to amend the Public Health Law and the Insurance Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number

689, Senate Print 536, by Senator Kaplan, an act to amend the Real Property Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 689, voting in the negative:

Senator Lanza.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 698, Senate Print 5137, by Senator Mattera, an act to amend the Public Authorities Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Mattera to explain his vote.

SENATOR MATTERA: Thank you, Madam President.

The formation of a subsidiary by a public authority which itself must be constitutionally created by the Legislature should not be allowed to be created by the parent public authority.

This bill seeks to accomplish an important and major reform by prohibiting the formation of a subsidiary of public authority without prior permission of the Legislature. Several public authorities have gotten themselves into trouble due to the lack of oversight and an express set of guidelines of their subsidiaries.

Accountability and operational soundness must be clearly demonstrated by these entities through public disclosure and access, with ultimate oversight resting with the people's representatives in the State Senate and Assembly.

I am happy to be the sponsor of this bill and will be voting yes on S5137. Thank you.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you.

Senator Mattera to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Lanza.

SENATOR LANZA: Madam President, please join me in congratulating Senator Mattera on the passage of his first bill in this chamber.

(Applause.)

THE SECRETARY: Calendar Number 755, Senate Print 5381, by Senator Akshar, an act to amend the General Municipal Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 771, Senate Print 1735, by Senator Skoufis, an act to amend the General Business Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 828, Senate Print 1399, by Senator Hoylman, an act to amend the Social Services Law.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT MAYER: The bill

is laid aside for the day.

THE SECRETARY: Calendar Number 835, Senate Print 6244A, by Senator Krueger, an act to amend the Labor Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 844, Senate Print 5434, by Senator Harckham, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Madam President.

First I just want to thank our Majority Leader for bringing this measure to the floor. I want to thank Chairwoman Brouk for passing this out of the Committee on Mental Health. And certainly I want to commend Assemblywoman Amy Paulin, who originated this legislation.

You'll recall, Madam President, in 2019 we passed the Red Flag Bill, or Extreme Risk Protection Order Bill. And what that bill allowed was that family members, police, educators can petition a court to remove firearms from someone who they -- the judge might deem to be at risk to themselves or to others.

So sadly, in Westchester we had a case where a woman voluntarily committed herself for mental health treatment and, upon her release, purchased firearms and subsequently and tragically committed suicide.

And after the fact her family was

distraught, wondering why she was allowed to purchase firearms, not knowing about ERPO or the Red Flag Bill.

So this law would simply provide information in the discharge planning, the discharge information for both patients and families about ERPO and where they can access that process should they feel that that is necessary.

So this bill will save lives in the long run, and I am voting yes.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 844, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec and Tedisco.

Ayes, 47. Nays, 16.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number

857, Senate Print 5723, by Senator Addabbo, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 859, Senate Print 404, by Senator Biaggi, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 863, Senate Print 3020A, by Senator Parker, an act to amend the Criminal Procedure Law and the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Madam President. I rise to proudly vote aye on the Phoenix Act.

More than one in three women and more than one in four men in the United States have experienced domestic violence by intimate partner. And when that domestic violence occurs,

the statute of limitations varies on the specific crime. The trauma and the impact of domestic violence can take years to overcome.

And in addition, it's not uncommon for survivors of domestic violence to be reluctant to report their abusers. Studies have shown that 50 percent of domestic violence cases go unreported, and in many cases it is not until years after a violent relationship ends that a survivor may feel safe enough to report the crime.

The current statute of limitations is restrictive and does not take into account the complicated nature of these circumstances. Survivors of domestic violence may not report a crime for myriad reasons, including their age at the time of abuse, ongoing trauma, threats from a perpetrator, or the lack of evidence.

The Phoenix Act extends the statute of limitations for domestic violence offenses. For all offenses with a statute of limitations of less than 10 years, the bill creates a 10-year limit. And for offenses with a statute of limitations of less than five years, the bill creates a five-year limit.

This legislation will provide domestic violence survivors with time to come forward and ensure that their perpetrators are held accountable.

In addition, the bill strengthens policy and training requirements for police officers. Training would include techniques for handling of domestic violence situations and how to spot signs of domestic violence.

It is time that we stand up and we protect people in our state. I vote aye.

Thank you.

ACTING PRESIDENT MAYER: Senator Parker to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 867, Senate Print 6363, by Senator Mayer, an act to amend the Criminal Procedure Law and the Family Court Act.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 7. This

act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 867, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec and Tedisco.

Ayes, 48. Nays, 15.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 875, Senate Print 1555, by Senator Myrie, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 876, Senate Print 3855, by Senator Kennedy, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 885, Senate Print 6015, by Senator Gounardes, an act to amend the Civil Service Law.

ACTING PRESIDENT MAYER: Read the

last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 897, Senate Print 1267, by Senator Gianaris, an act to amend the Public Authorities Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 897, those Senators voting in the

negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Returning to motions for a moment, on behalf of Senator Breslin, I wish to call up Senate 5581, recalled from the Assembly, which is at the desk.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 742, Senate Print 5581, by Senator Breslin, an act to amend Chapter 589 of the Laws of 2015.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill

is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT MAYER: The amendments are received.

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

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

SENATOR GIANARIS: Move to adjourn until tomorrow, Wednesday, May 12th, at 11:00 a.m.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Wednesday, May 12th, at 11:00 a.m.

(Whereupon, at 3:46 p.m., the Senate adjourned.)