NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 12, 2021

11:34 a.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, Tuesday, May 11, 2021, the Senate met pursuant to adjournment. The Journal of Monday, May 10, 2021, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Salazar moves to discharge, from the Committee on Labor, Assembly Bill Number 6077A and substitute it for the identical Senate Bill 3291A, Third Reading Calendar 363.

ACTING PRESIDENT MAYER: The substitution is so ordered.

THE SECRETARY: Senator Reichlin-Melnick moves to discharge, from the Committee on Health, Assembly Bill Number 5062 and substitute it for the identical Senate Bill 4962, Third Reading Calendar 665.

ACTING PRESIDENT MAYER: The substitution is so ordered.

THE SECRETARY: Senator Hinchey moves to discharge, from the Committee on Health, Assembly Bill Number 6392 and substitute it for the identical Senate Bill 5973, Third Reading Calendar 668.

ACTING PRESIDENT MAYER: The substitution is so ordered.

THE SECRETARY: Senator Sanders moves to discharge, from the Committee on Finance, Assembly Bill Number 4613 and substitute it for the identical Senate Bill 1056, Third

Reading Calendar 716.

ACTING PRESIDENT MAYER: The substitution is so ordered.

THE SECRETARY: Senator Addabbo moves to discharge, from the Committee on Racing, Gaming and Wagering, Assembly Bill Number 5765B and substitute it for the identical Senate Bill 4549B, Third Reading Calendar 855.

ACTING PRESIDENT MAYER: The substitution is so ordered.

THE SECRETARY: Senator Breslin moves to discharge, from the Committee on Elections, Assembly Bill Number 6478 and substitute it for the identical Senate Bill 6215, Third Reading Calendar 878.

ACTING PRESIDENT MAYER: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Madam President,

amendments are offered to the following Third Reading Calendar bills:

By Senator Brisport, page 46, Calendar 807, Senate Print 5759;

And by Senator Gaughran, page 50, Calendar 851, Senate Print 5237A.

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

Senator Gianaris.

SENATOR GIANARIS: I also wish to call up the following bills, which were recalled from the Assembly and are now at the desk: Senate 210A and Senate 5490A.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 381, Senate Print 210A, by Senator Persaud, an act to amend the Public Health Law.

Calendar Number 596, Senate Print 5490A, by Senator Hinchey, an act to amend the Labor Law.

SENATOR GIANARIS: Move to reconsider the vote by which these bills were passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT MAYER: The bills are restored to their place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments on those bills.

ACTING PRESIDENT MAYER: The amendments are received.

SENATOR GIANARIS: At this point, let's take up previously adopted Resolution 727, by Senator Hinchey, read the title, and recognize Senator Hinchey.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 727, by Senator Hinchey, mourning the death of Edwin M. Ford, longtime Town of Kingston historian, distinguished citizen and devoted member of his community.

ACTING PRESIDENT MAYER: Senator Hinchey on the resolution.

SENATOR HINCHEY: Thank you,

Madam President.

People don't realize this, but the City of Kingston has a lot of very important history. It was the home of the first capital of New York State and also the home of where the very first State Senate ever met, in 1777.

But one person who dedicated his life to preserving that rich history was Edwin Ford. He has been called the encyclopedia of city history, a walking, talking embodiment of all that we know and love about the City of Kingston.

Edwin Ford left us on April 29th, at the age of 103. He was born in 1918 on a farm in Highland and moved with his family to Kingston in 1928. He became known as the spirit of historic preservation in the City of Kingston, through numerous actions which would solidify his role.

He helped form the Friends of Historic Kingston in 1965, and he was appointed the City Historian in 1984. And for 35 years, Edwin Ford was the guardian of the City of Kingston's past.

One of his most crowning achievements was keeping City Hall, on Broadway

in Midtown Kingston, from being demolished. His advocacy contributed to the building's National Landmark status and the role it plays today in the seat of city government.

Well-liked and respected by all, Edwin M. Ford truly loved his community and strived to make it a better place for its citizens to live, work and play.

Armed with a humanistic spirit and imbued with a sense of compassion, Edwin Ford leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all he served and befriended.

I'd like to close with a quote from Edwin Ford: "All I want is to save the history, that's my main goal, and to tell our story as to why we're here and how we came about." That was said in 2019.

Today we remember Edwin Ford. Thank you, Madam President.

ACTING PRESIDENT MAYER: The resolution was previously adopted on May 11th.

Senator Gianaris.

SENATOR GIANARIS: Can we now move on to previously adopted Resolution 566, by

Senator Mannion, read that resolution's title, and recognize Senator Mannion.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 566, by Senator Mannion, memorializing Governor Andrew M. Cuomo to proclaim October 2021 as Disability Employment Awareness Month in the State of New York.

ACTING PRESIDENT MAYER: Senator Mannion on the resolution.

SENATOR MANNION: Thank you, Madam President.

As chair of the Disabilities Committee I strongly support dedicating one month each year to recognize the contribution of disabled New Yorkers to our workforce and to raise awareness of job opportunities and career pathways catering to this community.

Unemployment among the disabled is at 70 percent or higher. This is needlessly high, particularly at a time when we know there is a serious labor shortage across many sectors right now.

JPMorgan, Walgreens, Microsoft,

Ford, Ernst & Young and many other Fortune 500 companies often tout the incredible value of their I/DD workers. There is a pool of talented people out there ready and willing and able to enter the workforce. Disabled New Yorkers may be uniquely qualified for some of these jobs, and our collective goal should be to create, support and fund more programs to help meet the needs of the workforce and our community.

Employing disabled New Yorkers is a win/win proposition. Companies get the workers that they need to succeed, and the workers get dignity and satisfaction for an honest day's work. And that, Madam President, is something you cannot put a price tag on; it's simply invaluable.

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

ACTING PRESIDENT MAYER: Thank you, Senator Mannion.

The resolution was previously adopted on March 31st.

Senator Gianaris.

SENATOR GIANARIS: The sponsors of these two resolutions would like to open them for

cosponsorship.

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

Senator Gianaris.

SENATOR GIANARIS: Let's take up the reading of the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 98, Senate Print 328A, by Senator Persaud, an act to amend the Penal 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, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 363, Assembly Print 6077A, substituted earlier by Assemblymember Rajkumar, an act to amend the Workers' Compensation 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: Announce the results.

THE SECRETARY: In relation to Calendar 363, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 366, Senate Print 3623, by Senator Ortt, 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 468, Senate Print 1958, by Senator Krueger, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 6. 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: In relation to Calendar 468, those Senators voting in the negative are Senators Helming and Jordan.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 474, Senate Print 5063, by Senator Jackson, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 474, those Senators voting in the negative are Senators Akshar, Borrello, Lanza, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec and Weik.

Ayes, 53. Nays, 10.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 475, Senate Print 5064, by Senator Ramos, an act to amend the Executive 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: In relation to Calendar Number 475, those Senators voting in the negative are Senators Akshar, Borrello, Griffo, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Serino, Stec, Tedisco and Weik.

Ayes, 48. Nays, 15.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number

498, Senate Print 5065, by Senator Persaud, an act to amend the Labor Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. 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 Number 498, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, 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 576, Senate Print 5299, by Senator Rivera, an act to amend the Insurance Law.

ACTING PRESIDENT MAYER: Read the

last section.

THE SECRETARY: Section 4. This act shall take effect on the first of January.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 576, voting in the negative: Senator Griffo.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 665, Assembly Print Number 5062, substituted earlier by Assemblymember Kelles, an act to amend the Public Health 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 Number 665, those Senators voting in the negative are Senators Akshar and Weik.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 668, Assembly Print 6392, substituted earlier by Assemblymember Peoples-Stokes, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th 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 713, Senate Print 6091, by Senator Gallivan, an act to amend the Highway 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 716, Assembly Print 4613, substituted earlier by Assemblymember Lupardo, an act to amend the Agriculture and Markets 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 786, Senate Print 3606, by Senator Bailey, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 786, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and

Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

Calendar Number 807 is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 833, Senate Print 5734, by Senator Ryan, an act authorizing and directing the Commissioner of Labor to conduct a multi-agency study.

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: Senator Ryan to explain his vote.

SENATOR RYAN: Thank you, Madam President.

The caregiving industry has been deeply changed and threatened by the COVID-19 pandemic. Before the pandemic, when we thought of caregivers, we often thought about childcare.

But that's changed. Families throughout Western New York, we know -- or all of New York State -- rely on professional caregivers for assistance with other family members as well.

You know, there are scenarios where you need caregivers for aging parents, adults with special needs, injured veterans, to name a few. These families need trained and qualified workers to provide that care.

Due to staffing shortages, many people are not getting the care that they need. A survey by the Home Care Association of New York State found that staff shortages left almost a quarter of patients in New York State without care, without home care services. They found another 15 percent of patients who ultimately got services had substantial delays where they also had no care.

We know as our population is graying we're going to need more of these workers. But we also know that there's a rising demand at the same time people are leaving the industry, they don't want to perform these jobs. So the already worsening situation has been exacerbated by COVID-19. The demand has spiked, and the supply

of available workers has gone down.

The problem is amplified in rural areas, where it's tough to get a home healthcare worker from where they are out into the rural areas. So there's fewer transportation options available, and that problem gets worse.

The actions that we've taken over the last few years have provided temporary relief, but that really hasn't fixed the problem. So without a thoughtful plan, the workforce shortage is only going to get worse. We can't solve the problem until we fully understand the problem.

This bill will authorize an in-depth study, a multi-agency study, to analyze the underlying issues leading to the staffing shortages. It will provide the data that we need to come up with a solution to ensure that every family in every part of New York State has access to the care that they need.

Thank you, Madam President. And I cast my vote in the affirmative.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 837, Senate Print 700, by Senator Hoylman, an act to repeal Section 470 of the Judiciary 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 Number 837, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 845, Senate Print 25A, by Senator Kaplan, an act in relation to requiring the Empire State Development Corporation, in consultation with the

State University of New York.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 4. 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 Number 845, voting in the negative: Senator Akshar.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 847, Senate Print 5695, by Senator Martucci, an act to amend the Alcoholic Beverage Control 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 Martucci to explain his vote.

SENATOR MARTUCCI: Thank you, Madam President.

I'm pleased to explain my vote on this bill for three simple reasons today.

First, the Jeffersonville Bake Shop, in my district, needs this bill to help diversify their business. They're one of so many small Main Street businesses that are suffering because of COVID, and this goes a long way to help them obtain their liquor license.

Second, this kind of bill is a bill that we need to be passing in this chamber all the time -- again, which is one that helps small businesses. Frankly, I wish these kind of things could be done administratively through the SLA if all parties were in agreement. And while I appreciate the need for local bills and I certainly appreciate this being on the floor today, someday I think I'd like to see that process streamlined.

And finally, I'm proud to be on the floor speaking today because this is the first

bill of mine that's getting a vote in the Senate, and I wanted to just take a moment to thank my colleagues on both sides of the aisle for their support of this legislation and for their partnership on this and so many issues since I've taken office.

I vote aye.

ACTING PRESIDENT MAYER: Senator Martucci 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 Martucci on the passage of his first bill in the Senate.

(Applause.)

THE SECRETARY: Calendar Number 855, Assembly Print 5765B, substituted earlier by Assemblymember Pretlow, 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 873, Senate Print 1133, by Senator Liu, 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: In relation to Calendar Number 873, voting in the negative: Senator Lanza.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 878, Assembly Print 6478, substituted earlier by Assemblymember Barrett, 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: Senator Martucci to explain his vote.

SENATOR MARTUCCI: Thank you, Madam President.

I rise in strong support of this legislation because it recognizes that the early voting law that passed in this house with a one-size-fits-all approach as to how we determine the location of early voting locations has some challenges and needs some changes.

The bill recognizes the common sense principle that there is no need to have an early

voting site in a municipality that doesn't have a primary or a special election as long as there's an early voting site in the highest-population municipality where said elections are taking place.

Early this year we passed S1310, a bill also by Senator Breslin, to amend a chapter which allowed Washington County to locate its early voting site not at the place with the highest population, but rather at the county seat. That location was more accessible for voters in that county and it made it easier for them to participate in the election.

So, you know, certainly that makes a whole lot of sense to me. Fair enough. And it was a very good bill because at the end of the day it increased access to voting.

The problem, Madam President, is that there are several bills that are being sponsored by Minority members that do this exact same thing that have not advanced in this house. I carry a bill, S6016, that would allow Delaware County to do just this. It's strongly supported by both the Democrat and Republican election commissioners in that county.

Senator Helming has two bills, S4944 and S6349, again, both strongly supported by both Democrat and Republican commissioners. Despite the common-sense nature of this bill and strong bipartisan support, as well as a local request -- again, a local bipartisan request -- the Majority is not advancing these bills.

A primary is fast approaching, as we all know, a little over a month away, so it's important, these bills are time-sensitive. And I ask that the Majority please reconsider. Again, I understand that the Majority runs this chamber and certainly has their priorities. However, these local issues should not fall victim to any sort of politics, especially when both parties are on board.

So I ask that the Majority please rethink its strategy and treat my constituents and Senator Helming's constituents the same way that we are treating Senator Breslin's constituents today.

So once again, I urge the Majority to pass these three bills immediately. And with respect to the bill in front of the house, I vote in the affirmative.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 878, voting in the negative: Senator Borrello.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 886, Senate Print 3410, by Senator Brouk, 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 886, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza,

Martucci, Mattera, Oberacker, O'Mara, Palumbo, Rath, Serino, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 888, Senate Print 6293, by Senator Mannion, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MAYER: Read the last section.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 912, Senate Print 5418C, by Senator Cooney, an act in relation to establishing the New York State Aid and Incentives for Municipalities Redesign Task Force.

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 912, those Senators voting in the negative are Senators Griffo, Helming, Lanza, Oberacker, O'Mara, Ortt, Palumbo, Rath and Weik.

Ayes, 54. Nays, 9.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 919, Senate Print 5785, by Senator Comrie, an act to amend the Real Property Actions and Proceedings 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: Announce the results.

THE SECRETARY: In relation to Calendar 919, those Senators voting in the negative are Senators Akshar, Borrello, Boyle,

Gallivan, Griffo, Helming, Jordan, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Serino, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Let's read the controversial calendar, please, Madam President.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 888, Senate Print 6293, by Senator Mannion, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MAYER: 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 Palumbo be recognized and heard.

ACTING PRESIDENT MAYER: 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 chair and ask that Senator Palumbo be recognized.

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

SENATOR PALUMBO: Thank you, Madam President. I rise today to appeal the ruling of the chair.

And the proposed amendment is germane to the bill-in-chief because the bill at hand amends the composition of the Developmental Disabilities Advisory Council, and the amendment statutorily lays out how all legislatively enacted work groups, task forces, commissions, councils, advisory groups and committees are to be comprised.

The bill at hand, while lessening the number of appointees by the Governor, provides both the Temporary President of the Senate and the Speaker of the Assembly with eight appointees each. There are zero appointees for the Minority Leader in the Senate, and there are

zero appointees for the Minority Leader in the Assembly.

The Developmental Disabilities Advisory Council is tasked with providing recommendations to the Office for People with Developmental Disabilities on statewide goals and priorities, operations and the budget.

The sponsor notes in his memo that "This legislation will increase the diversity of the membership of the council and allow for new innovative thinking. As advisors to the Commissioner, who is tasked with ensuring the care of hundreds of thousands of vulnerable individuals, it is critical that appointees come from a wide variety of backgrounds, including different genders, races, sexual orientations, ages, ethnic, and socioeconomic backgrounds as well as having different experience and interest in disability rights."

One of my colleagues who is on the Disabilities Committee actually asked the sponsor to consider amending this bill to add Minority appointees. He said he would consider it. And the way I see the bill now, that unfortunately it was rejected and this bipartisan request was

denied.

So in light of the fact that the Senate Minority represents millions of New Yorkers, and certainly we have all been very vocal on this particular issue and those vulnerable individuals with intellectual and developmental disabilities, Madam President, I respectfully appeal the ruling of the chair and urge your reconsideration.

ACTING PRESIDENT MAYER: Thank you, Senator Palumbo.

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: We're going to waive the showing of hands, Madam President, and record each member of the Minority in the affirmative.

ACTING PRESIDENT MAYER: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT MAYER: 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.

SENATOR PALUMBO: Madam President if I may -- I apologize -- may I actually ask the sponsor or Senator Gianaris a few questions on this bill? I do apologize.

ACTING PRESIDENT MAYER: Senator Palumbo, I believe -- Senator Gianaris.

SENATOR GIANARIS: One moment, please, Madam President as we gather ourselves here.

(Pause.)

ACTING PRESIDENT MAYER: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you, Madam President. I'll just go on the bill, if that's okay.

So -- and I do appreciate your indulgence. Ultimately what this bill does is

reduces the appointments by the Governor, the appointees by the Governor, to 17, leaving 16 amongst the two majorities in the two houses. And of course the Governor also gets to appoint the chair of this task force.

And when you consider what we've seen as far as this embattled Governor and what he's been dealing with and what he's done to people with intellectual and developmental disabilities, quite frankly I'm shocked that this bill does not only exclude Minority members from appointments, but it also has total control vested, once again, in the Governor.

And why is that important? Well, we've said it many times on this floor, and I'm going to say it again. As we speak, these residential facilities that are overseen by the Office for People with Developmental Disabilities, as I stand here today are required to take COVID-positive patients back into their facilities -- the identical directive to the March 25th nursing home order that has created all the controversy throughout the state -- and nationally, for that matter.

That's still in effect. Yet the

Governor has control of all the appointees -- he can appoint his people -- as well as the chair, according to this bill.

Quite frankly, I understand it. This is control by the majority. To the victor goes the spoils, right? We've heard it many times on the floor that, well, if we could win a few more elections in the Minority, then, you know what, we can control these sort of things.

But when you think about what goes on at the federal level, in the Senate particularly, we have the filibuster rule that's been subject to some controversy lately. But the reason for that rule is good government. The fact that you can hear voices that can moderate a particular item of legislation. That you get everyone's opinion.

In the sponsor's memo the sponsor specifically says that this is about diversity. And it's kind of ironic, from the party who champions for the little guy, who champions for the minorities -- except a political party. Those people need to be excluded. Those people are useless to this discussion.

And we know that's not true. So the

fact that millions, plural, millions of New Yorkers are being excluded from their representative -- or their representatives are being excluded from this discussion is outrageous.

And the fact that this was discussed directly with the sponsor, he said he'd consider it, and then decided to reject it. We have Senator Sanders' bill on the calendar today that specifically includes appointments from the Minority. Because that's good government. It's just a task force, it's a committee proposing recommendations. Why wouldn't we want to hear all sides? Why wouldn't we want to hear from all parties and all areas of the state?

Because we know that billions and billions of federal dollars have been received by New York, but there's a hiring freeze at OPWDD. We have had years of underfunding those agencies that deal with our most vulnerable. Years. Upstate and Long Island have been disproportionately affected by closures. And the backlog for families -- and this is from people today, we got this from people who are on the front lines in these facilities -- there are

11,000 folks with developmental disabilities awaiting placement.

And yet the sponsor wants to create -- reduce the Governor's appointments. I get it, he's not even losing control. So I understand it's probably a great press release that we're really reeling in the Governor. But he still appoints the chair and has a majority of votes as we stand here today in this chamber. I get it: Majority votes rule.

So now he still has total control of this task force. And the current system is not working for our vulnerable families.

So quite frankly, Madam President, I'm going to vote in the negative, and I do urge my colleagues to do the same. Because in the interests of good government, let alone fairness and all this other feel-good-type stuff, I'm just saying directly, why wouldn't you want to hear the voices of those that represent all New Yorkers instead of just the limited group that will be speaking, so to -- that will have a voice based upon this particular legislation?

I vote in the negative, and I urge my colleagues to do the same.

Thank you, Madam President.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Madam President.

I always find it rich when my colleagues on the other side of the aisle lament the fact that their voices are diminished because they got whupped in the elections the last couple of cycles. Because there is no conference in recent history, perhaps ever, that has so abused the appointment process as the Republican Conference in this Senate.

In fact, they baked in their advantage in a number of places, including JCOPE,

where they still have three times as many appointees as the Majority. And of course the infamous Redistricting Commission, which requires a higher vote threshold depending on which party controls the Senate.

They have been more outrageous in the way they have constructed these appointments and these commissions than anyone has ever been in this state. And so to hear them complain about it now is rather humorous on a certain level.

This bill actually takes the commission that had all the appointments made by the Governor and spreads some to the Legislature so that the Legislature will have a greater voice in how this commission is administered and operated.

So I will be voting yes. It's a very good bill. And I congratulate Senator Mannion on it.

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

Senator Lanza to explain his vote.

SENATOR LANZA: Thank you, Madam President.

I served in the Majority when the Republicans held the majority in this house, and I can tell you, Madam President, and to all my colleagues, every single task force, every single study group, every single panel that was ever enacted in this house when the Republicans controlled it included members from both parties. And that's a fact.

And when it comes to this bill before the house today, of all the things that we ought to politicize, when it comes to the developmental disability population, that's the last thing, the last thing of all that ought to be politicized.

And that's what's happening here with this bill, which says when it comes to that population, we're only going to listen to the voices of one party and not the other. And that's why I'm voting in the negative.

ACTING PRESIDENT MAYER: Senator Lanza to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 888, those Senators voting in the negative are Senators Akshar, Borrello, Boyle,

Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

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

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

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

SENATOR GIANARIS: In that case, I move to adjourn until Wednesday, May 19th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Wednesday, May 19th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:12 p.m., the Senate adjourned.)