NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 24, 2021

3:16 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT PERSAUD: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, May 23, 2021, the Senate met pursuant to adjournment. The Journal of Saturday, May 22, 2021, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Hoylman

moves to discharge, from the Committee on Codes, Assembly Bill Number 4319 and substitute it for the identical Senate Bill 689, Third Reading Calendar 101.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Kaminsky moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 7290 and substitute it for the identical Senate Bill 3321A, Third Reading Calendar 338.

ACTING PRESIDENT PERSAUD: Substitution so ordered.

THE SECRETARY: Senator Kennedy moves to discharge, from the Committee on Transportation, Assembly Bill Number 6155A and substitute it for the identical Senate Bill Number 5060A, Third Reading Calendar 639.

ACTING PRESIDENT PERSAUD: Substitution so ordered.

THE SECRETARY: Senator Kennedy moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 6158A and substitute it for the identical Senate Bill 6003A, Third Reading

Calendar 701.

ACTING PRESIDENT PERSAUD: Substitution so ordered.

THE SECRETARY: Senator Rivera moves to discharge, from the Committee on Finance, Assembly Bill Number 4572 and substitute it for the identical Senate Bill 4316, Third Reading Calendar 722.

ACTING PRESIDENT PERSAUD: Substitution so ordered.

THE SECRETARY: Senator May moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 5605 and substitute it for the identical Senate Bill 6334, Third Reading Calendar 983.

ACTING PRESIDENT PERSAUD: Substitution so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon,

Madam President.

Amendments are offered to the following Third Reading Calendar bills:

By Senator Addabbo, page 26, Calendar 87, Senate Print 1442A;

By Senator Sanders, page 28, Calendar 216, Senate Print 1788;

By Senator Brouk, page 32, Calendar 378, Senate Print 4345;

By Senator Krueger, page 35, Calendar 454, Senate Print 511;

By Senator Benjamin, page 39, Calendar 544, Senate Print 4335;

By Senator Kavanagh, page 46, Calendar 707, Senate Print 2740A;

By Senator Brooks, page 48, Calendar 752, Senate Print 4562;

By Senator May, page 51, Calendar 804, Senate Print 4435;

By Senator Mannion, page 51, Calendar 810, Senate Print 4468;

By Senator Brooks, page 59, Calendar 942, Senate Print 1964;

By Senator Krueger, page 65, Calendar 1014, Senate Print 4817;

By Senator Kaminsky, page 49, Calendar 775, Senate Print 542;

By Senator Harckham, page 44, Calendar 682, Senate Print 2977;

By Senator Kaminsky, page 62, Calendar 978, Senate Print 4630A;

And by Senator Brooks, page 48, Calendar 758, Senate Print 5758A.

ACTING PRESIDENT PERSAUD: 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 Bill Numbers 1172, 2884, 113, 1780B, 5753, 133, 5434, 6293, 1353, 13, 14, 5066 and 4670.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 107, Senate Print 1172, by Senator Rivera, an act to amend the Public Health Law.

Calendar Number 199, Senate Print 2884, by Senator May, an act to amend the

Executive Law.

Calendar Number 317, Senate Print 113, by Senator Kaplan, an act to amend the Business Corporation Law and the Limited Liability Company Law.

Calendar Number 458, Senate Print 1780B, by Senator Skoufis, an act to amend the Executive Law.

Calendar Number 806, Senate Print 5753, by Senator Ryan, an act to amend the Education Law.

Calendar Number 769, Senate Print 133, by Senator Mayer, an act to amend the General Business Law.

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

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

Calendar Number 112, Senate Print 1353, by Senator Kavanagh, an act to amend the Public Housing Law.

Calendar Number 311, Senate Print 13, by Senator Kaplan, an act to amend the

Penal Law.

Calendar Number 312, Senate Print 14, by Senator Hoylman, an act to amend the Penal Law.

Calendar Number 441, Senate Print 5066, by Senator Harckham, an act to amend the Mental Hygiene Law.

And Calendar Number 521, Senate Print 4670, by Senator Parker, an act to amend the Tax Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

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

SENATOR GIANARIS: I offer the following amendments to the aforementioned bills.

ACTING PRESIDENT PERSAUD: The amendments are received.

SENATOR GIANARIS: Please recognize

Senator Lanza.

ACTING PRESIDENT PERSAUD: Senator Lanza.

SENATOR LANZA: Madam President, on behalf of Senator Boyle, on page 66 I offer the following amendments to Calendar Number 1024, Senate Print Number 6188, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LANZA: Thank you.

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: At this time, Madam President, let's take up previously adopted Resolution 854, by Senator Serrano, read that resolution's title, and recognize Senator Serrano on the resolution.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 854, by Senator Serrano, mourning the death of former Assemblymember and Bronx Deputy Borough President Aurelia Greene, renowned public servant

and devoted member of her community.

ACTING PRESIDENT PERSAUD: Senator Serrano on the resolution.

SENATOR SERRANO: Thank you very much, Madam President.

It's such a pleasure to be here with you and to pay honor and memorialize such a tremendous leader for the Bronx and throughout the State of New York, former Assemblymember and Bronx Deputy Borough President Aurelia Greene.

She passed away recently on Saturday, May 8th, at the age of 86. And I would like to express my sincere condolences to her family and loved ones.

She was born in the Bronx, and she dedicated her life to community service. In 1982 she was elected to the New York State Assembly, and she served with distinction for 27 years, becoming the first African-American Speaker Pro Tem for the New York State Assembly.

In 2009 she left the Assembly to serve as deputy bureau president under Ruben Díaz, Jr.

And she has been, to so many of us, a mentor, a friend, someone with tremendous

kindness and grace. And she was a true pillar of leadership in our community, always with a ready smile, with good advice, and there to help others.

And those of us who are in elected office in the Bronx, we owe her such a tremendous debt of gratitude, and we stand on the shoulders of such a great individual.

And she did truly dedicate all of her life to the betterment of her community, to ensuring that seniors and children had access to the resources that they need.

And she was also one of the most effective and truest coalition builders that I've ever seen before. And at a time like today, where we often find ourselves so stratified, it's so refreshing to have known someone who really found common ground on so many important issues and was able to build upon that for the betterment of our society.

So it's with a very heavy heart that I'm here today to memorialize such a dear friend of myself and of my father, who recently retired from Congress, José Serrano. And we're all here to offer our gratitude and our sincerest

condolences to her family. And I'm grateful to all of my colleagues in government here in this chamber for supporting this resolution.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: The resolution was previously adopted on May 20th.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

Now let's move to previously adopted Resolution 181, by Senator Hinchey, read that resolution's title, and recognize Senator Hinchey.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 181, by Senator Hinchey, memorializing Governor Andrew M. Cuomo to proclaim May 2021 as Lyme Disease Awareness Month in the State of New York.

ACTING PRESIDENT PERSAUD: Senator Hinchey on the resolution.

SENATOR HINCHEY: Thank you, Madam President.

I rise today to sponsor a resolution proclaiming the month of May as Lyme Disease

Awareness Month here in New York.

We are so profoundly lucky to have such a beautiful host of natural resources and many incredible outdoor activities. But with that comes the real danger of Lyme disease and tick-borne illnesses. If you live in upstate New York or really anywhere across the state, we all know someone who has been touched by Lyme disease and has their lives changed dramatically forever.

This is something that we need to raise more awareness for, especially as we have more and more people discovering our incredible outdoor areas and our natural resources. As we have more in-state tourism and more people coming to our outdoor areas, we have to make sure that we keep each other safe and we keep ourselves safe.

A real danger with Lyme disease is that an average of nearly half a million Americans is estimated to have received a diagnosis of Lyme disease each year from 2010 to 2018. That's a huge number, and I believe only growing.

And so I am incredibly proud today

to stand here to raise awareness so that we can keep more and more people safe across New York. And I thank this body and this house for letting this resolution come to the floor.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Serino on the resolution.

SENATOR SERINO: Thank you, Madam President.

And thank you, Senator Hinchey, for bringing this resolution to the floor today.

The more champions that we have committed to tackling ticks, the better for all New Yorkers. Since I first brought this resolution to the floor -- it was five years ago -- awareness for Lyme and tick-borne diseases has risen tremendously. And I'm sure we can all agree; we see it in our interactions, we see it on social media, TV, and we see it even in the press. And it's really been fantastic to see how far we've come.

But I attended an event recently that reminded me of just how far we still need to go to better protect New Yorkers and to fund research initiatives that would help improve

testing and treatment options for thousands that have been impacted.

So the event I went to was called Live for Lyme, and it was at a local gym. It was about a young man, he was a husband and a father, who died by suicide this February after living with neurological Lyme. And his wife is a licensed clinical social worker. She was not familiar, as were a lot of other people that are in the mental health field, with neurological Lyme.

He was diagnosed in November of 2019, and by February 2020 he had to take a leave from work. He couldn't remember how to drive to his job. He couldn't verbalize words that he was thinking in his mind. So by February of 2021, he decided to take his life and he died by suicide, sadly.

So to hear stories like this just absolutely breaks your heart. And there's so much of a disconnect still that we really need the money for research and education and, like I said, testing and treatment.

So May is Lyme Disease Awareness Month, but it's also Mental Health Awareness

Month. And many may not even know that this connection exists, as I just talked about. We have a duty to ensure that no family has to suffer the way this family has. And that starts by ensuring that our state is leading the way when it comes to the funding for research, education and prevention initiatives.

For too long now Lyme and tick-borne disease has taken a back seat to other priorities. As we work to rebuild and recover from the COVID-19 pandemic, there has never been a more perfect time to give Lyme the attention that it truly deserves.

And when you think about this, too, the symptoms that are associated with COVID and those associated with Lyme and tick-borne diseases are incredibly similar. And with New Yorkers taking to the outdoors like never before, we cannot afford to take any steps back in this fight.

So while May may be the official Lyme Disease Awareness Month, I hope all of us will redouble our efforts and do everything we can to raise awareness not just today, but every day.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: The resolution was previously adopted on January 20th.

Senator Gianaris.

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

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

Senator Gianaris.

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

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

SENATOR GIANARIS: The Senate stands at ease.

ACTING PRESIDENT PERSAUD: The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:29 p.m.)

(Whereupon, the Senate reconvened at 3:45 p.m.)

ACTING PRESIDENT PERSAUD: The Senate will return to order.

Senator Gianaris.

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

Can we take that up, please.

ACTING PRESIDENT PERSAUD: The Secretary will read.

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

Senate Print 293, by Senator Myrie, an act to amend the Tax Law;

Senate Print 396, by Senator Oberacker, an act relating to legalizing, validating, ratifying and confirming a transportation contract;

Senate Print 448, by Senator Hoylman, an act to amend the Executive Law;

Senate Print 1275, by Senator Krueger, an act to amend the

Business Corporation Law;

Senate Print 1761C, by Senator Cooney, an act to amend Chapter 416 of the Laws of 2007;

Senate Print 1810, by Senator Skoufis, an act to amend the Town Law;

Senate Print 2193, by Senator Kavanagh, an act to amend the Public Housing Law;

Senate Print 2201, by Senator Sepúlveda, an action to repeal subdivision 9 of Section 201 of the Correction Law;

Senate Print 2205, by Senator Addabbo, an act to amend the Environmental Conservation Law;

Senate Print 2689, by Senator Martucci, an act to amend Chapter 262 of the Laws of 2005;

Senate Print 2700, by Senator Ortt, an act to amend the Vehicle and Traffic Law;

Senate Print 2789, by Senator Sepúlveda, an act to amend the Executive Law;

Senate Print 2811A, by Senator Kavanagh, an act to amend the Executive Law;

Senate Print 3009, by Senator Sepúlveda, an act to amend the

General Business Law;

Senate Print 3594, by Senator Gallivan, an act granting retroactive membership in the New York State and Local Employees' Retirement System;

Senate Print 3694, by Senator Felder, an act to amend the Administrative Code of the City of New York;

Senate Print 4117, by Senator Akshar, an act to authorize the Village of Endicott to offer an optional 20-year retirement plan;

Senate Print 4231, by Senator Stavisky, an act to amend the Executive Law;

Senate Print 4686, by Senator Helming, an act granting retroactive membership in the New York State and Local Employees' Retirement System;

Senate Print 5399, by Senator Ortt, an act to amend the Highway Law;

Senate Print 5419, by Senator Brisport, an act to amend the Social Services Law;

Senate Print 5556, by Senator Palumbo, an act to amend the

General Municipal Law;

Senate Print 5603A, by Senator May, an act to amend Part A-4 of Chapter 58 of the Laws of 2006;

Senate Print 5981, by Senator Myrie, an act to repeal subdivision 2 of Section 189 of the Correction Law;

Senate Print 6018A, by Senator Harckham, an act to amend Chapter 63 of the Laws of 2021;

Senate Print 6054, by Senator Lanza, an act to amend Chapter 759 of the Laws of 1973;

Senate Print 6074, by Senator Salazar, an act to amend the Family Court Act;

Senate Print 6336, by Senator Gallivan, an act in relation to granting Blake Russell additional service credit with the New York State and Local Police and Fire Retirement System;

Senate Print 6357, by Senator Savino, an act to amend the Family Court Act and the Social Services Law;

Senate Print 6430, by Senator Stec, an act to amend Chapter 327 of the Laws of 2006;

Senate Print 6483, by Senator

Gounardes, an act to amend the General Municipal Law and the Retirement and Social Security Law;

Senate Print 6487, by Senator Stavisky, an act to amend the Real Property Tax Law;

Senate Print 6510, by Senator Mannion, an act to amend the Environmental Conservation Law;

Senate Print 6572, by Senator Hinchey, an act to amend the Social Services Law;

Senate Print 6619A, by Senator Gounardes, an act to amend the Retirement and Social Security Law;

Senate Print 6642A, by Senator Kaplan, an act to amend the Executive Law;

Senate Print 6671, by Senator O'Mara, an act in relation to legalizing, validating, ratifying and confirming certain transportation contracts;

Senate Print 6686, by Senator Brouk, an act to amend Section 4 of Part M of Chapter 56 of the Laws of 2012;

Senate Print 6703, by Senator Rath, an act to amend the Not-For-Profit Corporation

Law;

Senate Print 6767, by Senator Rivera, an act to amend the Public Health Law;

Senate Print 6768, by Senator Gianaris, an act to amend the Labor Law;

Senate Print 6779, by Senator Mannion, an act to amend Chapter 448 of the Laws of 2017;

Senate Print 6783, by Senator Cooney, an act to amend the Education Law;

Senate Print 6797, by Senator Stewart-Cousins, an act to amend the Tax Law and Chapter 535 of the Laws of 1987;

Senate Print 6801, by Senator Rivera, an act to amend Chapter 451 of the Laws of 2007;

Senate Print 6818, by Senator Serrano, an act to amend Chapter 192 of the Laws of 2011;

Senate Print 6826, by Senator Ryan, an act to amend Chapter 122 of the Laws of 2000;

Senate Print 6832, by Senator Addabbo, an act to amend Part 1 of Chapter 61 of the Laws of 2017;

Senate Print 6890, by Senator Martucci, an act authorizing the conveyance of real property at the State University of New York College at Delhi;

Senate Print 6896, by Senator Rivera, an act to amend Chapter 2 of the Laws of 1998;

Senate Print 6917, by Senator Kavanagh, an act to amend the Private Housing Finance Law;

Senate Print 6951, by Senator Kavanagh, an act to amend Chapter 514 of the Laws of 1983;

Senate Print 6964A, by Senator Biaggi, an act to amend the Executive Law;

Senate Print 6975, by Senator Kavanagh, an act to amend the Private Housing Finance Law;

Senate Print 7007, by Senator Persaud, an act to amend the Social Services Law;

Senate Print 7008, by Senator Benjamin, an act to amend the Social Services Law.

All bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The Rules Committee report is accepted.

Senator Gianaris.

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

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 101, Assembly Bill 4319, substituted earlier by Assemblymember Dinowitz, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 125, Senate Print 123, by Senator Kaplan, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 220, Senate Print 498A, by Senator Breslin, an

act to amend the Insurance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 338, Assembly Bill Number 7290, substituted earlier by Assemblymember Englebright, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce

the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 100th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 406, Senate Print 523A, by Senator Hoylman, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 412, Senate Print 3262A, by Senator Comrie, an act directing the Metropolitan Transportation Authority to study the feasibility of commingling public transit.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 443, Senate Print 1343B, by Senator Brooks, an act relating to the acquisition of real property by eminent domain.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 443, voting in the negative:

Senator Helming.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 528, Senate Print 4777A, by Senator Mannion, an act to amend the General Construction Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 27. This act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Mannion to explain his vote.

SENATOR MANNION: Thank you,

Madam President.

As of May 24, 2021, there are still sections of New York State law that use language that infers that people with mental disabilities are somehow inferior. This is a notion that all Senators and all New Yorkers should completely reject.

Today the Senate is rejecting the use of the following words in our laws: "Lunatic," "lunacy" and "idiocy."

While this may seem a small and symbolic gesture to some, I believe it's a massive step forward in recognizing the contributions of all New Yorkers. We know from the science and research that mental health is your physical health. And mental illness is a physical illness that requires medical intervention and treatment.

If you're suffering from a medical condition, you are not a lunatic or an idiot or inferior. If you are disabled, you are not a lunatic or an idiot or inferior. This language needed to go a long time ago.

Madam President, this year the Senate established a new committee dedicated to

protecting and supporting disabled New Yorkers. Today we send a powerful message, but it also comes with a moral obligation to deliver real and lasting change for individuals, families, caregivers and stakeholders.

Under the leadership of Andrea Stewart-Cousins, the State Senate is meeting these obligations. We are improving the lives of disabled New Yorkers in ways large and small, continuing the Senate's renewed commitment to the I/DD community.

I never want to let the disabilities community down. Ensuring we have the policies, funding, and proper supports in place to facilitate meaningful and productive lives for all I/DD New Yorkers is one of my guideposts. I proudly cast my vote in the affirmative, and I am proud to sponsor this legislation.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 564, Senate Print Number 5010, by Senator Reichlin-Melnick, an act to amend the Real Property Tax Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 623, Senate Print 4350A, by Senator Gounardes, an act relating to establishing Angelina Liu as the genetic child and distributee of Wenjian Liu.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 639, Assembly Print 6155A, substituted earlier by Assemblymember Magnarelli, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 664, Senate Print 4085A, by Senator Hinchey, an

act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Madam President.

Healthcare, especially in our more rural communities, depends on our first responders, especially in districts like mine, with some counties that don't even have a hospital.

In a medical emergency that requires air transport, access to a blood transfusion can mean the difference between life and death -- again, especially for residents in our more rural and upstate communities, where the nearest trauma center may be hours away.

New York is currently the only state in the country that does not allow medical

helicopters to carry and transfuse blood, despite the fact that our air ambulance crews are trained to perform this lifesaving care. This bill finally reverses this outdated and dangerous statute and gives our first responders the tools they need to continue to save lives across our state.

And in the district I represent, it will ensure that every New Yorker gets the immediate medical attention and care that they need and deserve.

Whether you're a farmer, a hiker, or traveling along our country roads, this bill could save your life, and it has never been more important. I am proud to sponsor this bill, and for that reason I vote aye.

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

Senator Akshar to explain his vote.

SENATOR AKSHAR: Madam President, thank you very much.

Today is certainly a bittersweet day for a constituent of mine back at home. I want to tell a very quick story of Travis Flanagan. A 30-year-old father of two, he is the husband to

Lindsay, the father to Dylan and Madilyn. Lindsay is pregnant with their third child.

On March 13th, Travis was working in a cornfield, and the machine that he was operating had a mechanical issue. He got off the tractor, he went to try and address that mechanical issue, and with his leg he was pushing on some cornstalks and that machine then sucked the lower portion of his body into the machine.

Travis, with his legs caught in this machine, laid in that field for more than 45 minutes screaming for help until his father, Mike, came and tried to help. Travis, because his father was so distraught, called 911 himself and asked the dispatcher to ensure that they sent a four-wheel-drive vehicle because he was in the middle of a cornfield, but also asked them to send a medical helicopter.

And I think much to everyone's surprise in the State of New York, that medical helicopter couldn't in fact transfuse blood. And Travis knew that he had been bleeding so bad for 45 minutes that he needed a blood transfusion.

And by the grace of God, a New York helicopter was not available, and they sent

Guthrie Air from Pennsylvania to help Travis. And Travis attributes that blood transfusion with the fact that he is still here today. Had he not gotten that transfusion from the medics on that helicopter, he recognized and understood that he probably wouldn't be here with us today.

Ken Whitmore is the fire chief in Smithville Flats. He said: "In my 20 years of service, it was the worst call that I've ever been on."

When I spoke to Travis about this particular issue and learned about his accident, he said to me, "Fred, I still have both of my arms. I'm still able to hug my children. I'm still able to hug my wife. Use my tragedy so that we can save lives in the State of New York."

Just as I close, I want to thank a couple of people. I want to thank the Farm Bureau. I want to thank the Association of Counties for their support of this particular bill. I want to thank a very close friend of mine back in my district, Judi Whittaker, who has been a strong advocate of this particular issue for us.

But I especially want to thank the

sponsor for her fierce advocacy on this issue. I want to thank Senator Rivera for his willingness to listen as the chairman on the Health Committee. When I called Senator Hinchey and explained Travis's plight, we discussed about how busy we are in Albany and all the things that we have to do, especially towards the end of session. Same conversation with Senator Rivera. But to a person, both of them were committed to moving this bill as quickly and as expeditiously as we possibly could through this house.

So this is the way government is supposed to work. It doesn't much matter if you're a Republican or a Democrat. This particular bill will in fact save lives.

So Senator Hinchey, on behalf of Travis and Lindsay and Dylan and Madilyn, I really thank you, I truly do, from the bottom of my heart. Because I know undoubtedly that the work that we have done here today will in fact save lives.

Madam President, I very proudly vote aye.

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

Senator Oberacker to explain his vote.

SENATOR OBERACKER: Thank you, Madam President.

I remember it like it was yesterday. It was a cool fall morning. It was October 4, 2018. I remember it because it was my 32nd wedding anniversary. I walked into my kitchen, and my scanner went off, and as we would say in our service, the tones were dropped for an accident. What came across the scanner was catastrophic farm accident, 25-year-old male, and it gave the name of the farm. At that point I knew it was my son.

I call his cellphone, I don't get an answer. I call a friend of his who he worked with, I got his cellphone. I said, "Is it Derek?" He said "Yes, it is." I said, "Is it bad?" He said, "Yes, it is."

And I literally then took the father part of my brain and had to go to my emergency services side, and I actually started to triage this over the phone.

As I'm listening to the tones continually drop to get an ambulance out to the

site, I'm also saying that we need to get an air ambulance up in the air in case that was needed, knowing full well that in this case he would not be able to get a transfusion.

Time seemed to kind of just drag on as I remember, you know, the incident. We were finally able to get an ambulance there. He was transported. I am absolutely proud and honored to say that he is fine, much to the grace of God.

You know, in my short tenure here in the Senate, this is a bill that I think is just absolutely an amazing piece of legislation. I want to thank Senator Hinchey for bringing this together. You know, we mirror up in the lower half of my district and with hers. More importantly, we mirror up in our conviction for those that are in the agricultural realm.

Had this been available, I have no doubt that I would have called for air service and we wouldn't have had half of the amount of stress and anxiety that went in with my son.

Again, Derek is doing well. In fact, he is continuing to be the most ever-pleasant pain for a child I've ever had. So I want to thank everybody, you know, for that.

(Laughter.)

SENATOR OBERACKER: And it is my extreme honor and my extreme pleasure to vote in the affirmative.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 701, Assembly Print Number 6158A, substituted earlier by Assemblymember Wallace, an act to amend Chapter 698 of the Laws of 1991.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 704, Senate Print 5666, by Senator Stavisky, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 704, voting in the negative: Senator Lanza.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 708, Senate Print 3959A, by Senator Kennedy, an act to amend the Public Authorities Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 708, voting in the negative: Senator Helming.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 709, Senate Print 4299A, by Senator Lanza, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce

the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 713, Senate Print 6091A, by Senator Gallivan, an act to amend the Highway Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Mannion moves to discharge, from the Committee on Finance, Assembly Bill Number 1153A and substitute it for the identical Senate Bill

1766A, Third Reading Calendar 719.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 719, Assembly Print Number 1153A, by Assemblymember Buttenschon, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 722, Assembly Print Number 4572, substituted earlier by Assemblymember Gottfried, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

Calendar 758 is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 780, Senate Print 1363, by Senator Serrano, an act to create a temporary state commission to study and make recommendations concerning the incidence of asthma.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 781, Senate Print 1409, by Senator Rivera, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 789, Senate Print 5438, by Senator Hinchey, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 808, Senate Print 6195, by Senator Persaud, an act to amend the Social Services Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 809, Senate Print 1035A, by Senator Addabbo, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 812, Senate Print 4998, by Senator Mannion, an act to require the Office for People with

Developmental Disabilities to establish the care demonstration program.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 815, Senate Print Number 1104, by Senator Stewart-Cousins, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 816, Senate Print 3920, by Senator Sanders, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 817, those Senators voting in the negative are Senators Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 830, Senate Print 975, by Senator Gaughran, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 830, 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 PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 856, Senate Print 5346, by Senator Stec, an act to amend the General Municipal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 871, Senate Print 557, by Senator May, an act to amend the Election Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

In the two years since early voting has been a thing in New York State, we've seen people flock to the polls for early voting. We've seen New Yorkers of all walks of life -- young and old, upstate and downstate, urban and rural, Democratic, Republican and other. We've

also seen, with the electronic poll books that it has worked extremely smoothly at sites all across the state.

Now we have the opportunity to bring early voting to more New Yorkers with pop-up polling sites. For three days they could set up at the mall on the weekend or set up at a community college on weekdays, and make voting accessible to more New Yorkers.

So I'm excited that we have been able to bring this bill forward. I'm grateful to the leadership and my colleagues. And I proudly vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 871, 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 PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 895, Senate Print 552, by Senator Mayer, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 913, Senate Print 5557, by Senator Mayer, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 926, Senate Print 6410, by Senator Kennedy, an act to amend Chapter 108 of the Laws of 2016.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 954, Senate Print 6046B, by Senator Harckham, an act to authorize the Town of New Castle, County

of Westchester, to alienate and discontinue the use of certain parklands.

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 973, Senate Print 1093A, by Senator Gaughran, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 973, those Senators voting in the negative are Senators Biaggi, Boyle, Brisport and Salazar.

Ayes, 59. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 983, Assembly Print 5605, substituted earlier by Assemblymember Epstein, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 998, Senate Print 271, by Senator Myrie, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 998, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT PERSAUD: The bill is passed.

There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Skoufis moves to discharge, from the Committee on Finance, Assembly Bill Number 3130 and substitute it for the identical Senate Bill 1836, Third Reading Calendar 1010.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1010, Assembly Print Number 3130, by Assemblymember Steck, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

1011, Senate Print 3852, by Senator Serino, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1015, Senate Print 4859, by Senator Skoufis, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 5. This act shall take effect January 1, 2022.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1028, Senate Print 4221, by Senator Stavisky, an act to amend the Business Corporation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1028, those Senators voting in the negative are Senators Lanza and Weik.

Ayes, 61. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1042, Senate Print 1405, by Senator Serrano, an

act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1056, Senate Print 5800, by Senator Comrie, an act to amend the Election Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1056, those Senators voting in the negative are Senators Akshar, Borrello, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec, Tedisco and Weik.

Ayes, 49. Nays, 14.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1058, Senate Print 607A, by Senator Benjamin, an act to amend the Public Authorities Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 1064, Senate Print 4715A, by Senator Tedisco, an act to amend the Village Law and the Public Officers Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Can we now move to the controversial calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 781, Senate Print 1409, by Senator Rivera, an act to amend the Public Health Law.

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

SENATOR LANZA: Madam President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that Senator Martucci be recognized and heard.

ACTING PRESIDENT PERSAUD: Thank you, Senator Lanza.

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

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

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

SENATOR MARTUCCI: Madam President, I rise to appeal the ruling of the chair.

The proposed amendment is germane to the bill in front of the house because the bill in front of the house amends the Public Health Law. And for more than a year now, our Governor has been using executive orders to amend New York's Public Health Law.

Frankly, Madam President, it's sad that we're here today still discussing arbitrary orders from Governor Cuomo. As many of my colleagues on this side of the aisle have pointed out -- and I will once again today -- we wouldn't be here if the Majority had done a straight repeal of the Governor's powers rather than the sham repeal that was brought to the floor here

months ago.

If real repeal had been passed, we wouldn't be having this conversation today. In fact, the reason we're having this conversation today exposes that that bill was nothing more than a fraud to our public.

If anyone here has a two-year-old toddler, you'll know what I'm talking about. I'm the proud father of a 5-year-old, a 4-year-old, and an 18-month-old, so I've been through this and I know a lot about 2-year-olds. And what's clear to me is the Governor's latest order that requires 2-year-olds to wear masks at summer camps and in daycare was written by someone who has no clue what it's like to care for a 2-year-old.

This is utterly nonsensical and an unreasonable demand that's made on our childcare providers -- and parents -- who have already had a tremendously hard job this year and continue to struggle. Now our childcare providers in our camps and so many others are going to spend tremendous portions of their day fighting to put masks back on little kids who already have a very, very low risk to begin with.

Worse is that this policy contradicts one that the Office of Children and Family Services right here in New York announced last June, on June 26th. That policy recommended but did not require masks to be worn by children in daycare and day camp settings.

That's very interesting to me, because what's happened since that June 26th order? Well, providers and employers have been vaccinated, parents and caregivers have been vaccinated, and infection rates are steadily on the decline. We got the latest infection rates from the Governor just today in a press conference that he held talking about just how low they are.

Large entertainment venues, restaurants, amusement parks and everything else has reopened. The CDC has rescinded mask mandates for vaccinated individuals. And finally, after some pressure, our Governor has accepted those standards.

In short, things are way better than they were on last June 26th when that order was originally issued. And I remind you that masks were not required for children in childcare

settings back then in June.

Why would Governor Cuomo choose now to mandate masks on our toddlers? It makes absolutely no sense, Madam President. It's not about public health, it's about control.

And why would this body give this type of control to someone like our Governor, who's under investigation for every form of corruption and by every imaginable law enforcement source.

Last week, in fact, when our Governor was asked at a press conference about the outrage people feel about him taking a $5 million payment for writing a book about the pandemic that killed 50,000 New Yorkers, his reply was: "That's stupid. Next question."

Well, when someone asks me about this mask mandate for 2-year-olds, my reply is the same: That's stupid. Next question.

For these reasons, Madam President, I strongly urge you to reconsider the ruling, and I urge my colleagues to support this commonsense amendment. Our kids are counting on us.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank

you, Senator Martucci.

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

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

SENATOR LANZA: Request a show of hands.

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

ACTING PRESIDENT PERSAUD: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1058, Senate Print 607A, by Senator Benjamin, an act to amend the Public Authorities Law.

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

SENATOR LANZA: Madam President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that Senator Griffo be recognized and heard.

ACTING PRESIDENT PERSAUD: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly,

Madam President, I appeal the ruling of the chair and ask that Senator Griffo be recognized.

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

SENATOR GRIFFO: Thank you, Madam Chair.

I believe that the amendment before the house is germane, as it deals with the subject at hand of antibias and human rights.

For over 2,000 years the Jewish people have been the targets of hatred. The horrors and tragedy that history has shown us over the last century show how we must condemn this antisemitic behavior. It must be denounced, confronted and combated.

Sadly, we continue to see antisemitic threats, attacks and vandalism not only here in New York State, but across our country and throughout the world. Just recently the New York City Police Department's Hate Crimes Task Force is investigating a Jewish man reportedly assaulted in Times Square. At the same time, in Los Angeles, police are investigating several Jewish people, simply

dining at a restaurant, who had bottles thrown at them. Synagogues in Arizona, Illinois and New York have been vandalized.

And we've seen this increase significantly in just recent weeks. The Anti-Defamation League, a Jewish civil rights group, received over 193 reports of antisemitic incidents in just the last week. And between May 7th and the 14th of May, there were 17,000 tweets that used a variation of the phrase "Hitler was right."

These deplorable threats and actions that we continue to witness are reprehensible. They're unacceptable. They're inexcusable. And they continue to spread fear throughout the Jewish community. Those who commit such acts should be held accountable for their actions.

The human rights statute that we have in our state prohibits discrimination of New Yorkers for the purposes of age, race, color, creed, national origin, sex, gender identity, sexual orientation, marital status, military status and disability. This amendment would ensure that we have additional provisions that we can protect those, particularly of the Jewish

faith, by codification and by clarification of terminology. It would ensure that all who participate in antisemitic acts, activities or attacks of any type will face real and significant consequences for their action.

These acts have no place anytime or anywhere. And I believe that this issue and the amendment accordingly are germane, based on the discussion of human rights before us.

Thank you, Madam Chair.

ACTING PRESIDENT PERSAUD: Thank you, Senator Griffo.

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

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

SENATOR LANZA: Request a show of hands.

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

ACTING PRESIDENT PERSAUD: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1058, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Thank you, Madam President.

Is there any further business at the desk?

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Tuesday, May 25th, at 3:00 p.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Tuesday, May 25th, at 3:00 p.m.

(Whereupon, at 4:32 p.m., the Senate adjourned.)