NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 25, 2021

3:36 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT MAYER: Reading of the Journal.

THE SECRETARY: In Senate, Monday, May 24, 2021, the Senate met pursuant to adjournment. The Journal of Sunday, May 23, 2021, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Ramos moves

to discharge, from the Committee on Codes, Assembly Bill Number 459 and substitute it for the identical Senate Bill 674, Third Reading Calendar 385.

ACTING PRESIDENT MAYER: Substitution so ordered.

THE SECRETARY: Senator Thomas moves to discharge, from the Committee on Cultural Affairs, Tourism, Parks and Recreation, Assembly Bill Number 479 and substitute it for the identical Senate Bill 146, Third Reading Calendar 1041.

ACTING PRESIDENT MAYER: Substitution so ordered.

THE SECRETARY: Senator Brisport moves to discharge, from the Committee on Local Government, Assembly Bill Number 7174 and substitute it for the identical Senate Bill 6644, Third Reading Calendar 1122.

ACTING PRESIDENT MAYER: Substitution so ordered.

THE SECRETARY: Senator Sanders moves to discharge, from the Committee on Banks, Assembly Bill Number 7019 and substitute it for the identical Senate Bill 6444, Third Reading

Calendar 1152.

ACTING PRESIDENT MAYER:

Substitution so ordered.

THE SECRETARY: Senator Breslin moves to discharge, from the Committee on Insurance, Assembly Bill Number 3994 and substitute it for the identical Senate Bill 5761, Third Reading Calendar 1163.

ACTING PRESIDENT MAYER:

Substitution so ordered.

THE SECRETARY: Senator Breslin moves to discharge, from the Committee on Insurance, Assembly Bill Number 7123 and substitute it for the identical Senate Bill 6485A, Third Reading Calendar 1166.

ACTING PRESIDENT MAYER:

Substitution so ordered.

THE SECRETARY: Senator Comrie moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 3427 and substitute it for the identical Senate Bill 4194, Third Reading Calendar 1177.

ACTING PRESIDENT MAYER:

Substitution so ordered.

THE SECRETARY: Senator Hinchey

moves to discharge, from the Committee on Agriculture, Assembly Bill Number 7122 and substitute it for the identical Senate Bill 6713, Third Reading Calendar 1232.

ACTING PRESIDENT MAYER: Substitution so ordered.

THE SECRETARY: Senator Brooks moves to discharge, from the Committee on Transportation, Assembly Bill Number 4089 and substitute it for the identical Senate Bill 6535, Third Reading Calendar 1246.

ACTING PRESIDENT MAYER: Substitution so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President. Good afternoon.

I offer amendments to the following Third Reading Calendar bills:

By Senator Harckham, page 49,

Calendar 1103, Senate Print 6553A;

Senator Gianaris, page 30,

Calendar 862, Senate Print 1192A;

Senator Benjamin, page 60,

Calendar 1198, Senate Print 5180;

Senator Rivera, page 5,

Calendar 107, Senate Print 1172A;

Senator Brooks, page 24,

Calendar 746, Senate Print 1372;

Senator Brooks, page 35,

Calendar 952, Senate Print 6001;

Senator Ramos, page 60,

Calendar 1191, Senate Print 2755A; and

Senator Brooks, page 66,

Calendar 1254, Senate Print 5876.

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 1566, 1765, and 4777A.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 189, Senate Print 1566, by Senator Sanders, an act to amend the Banking Law.

Calendar Number 196, Senate Print 1765, by Senator Mannion, an act to amend the Mental Hygiene Law and the Executive Law.

Calendar Number 528, Senate Print 4777A, by Senator Mannion, an act to amend the General Construction 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, 58.

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

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT MAYER: The amendments are received.

SENATOR GIANARIS: Please recognize Senator Lanza.

ACTING PRESIDENT MAYER: Senator Lanza.

SENATOR LANZA: Thank you.

Madam President, on behalf of Senator Palumbo, I wish to call up Print Number 4608, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 945, Senate Print 4608, by Senator Palumbo, an act to authorize the Town of Brookhaven, County of Suffolk, to alienate and discontinue the use of certain parklands.

SENATOR LANZA: Madam President, I now move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

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

SENATOR LANZA: Madam President, I

now offer the following amendments.

ACTING PRESIDENT MAYER: The amendments are received.

Senator Gianaris.

SENATOR GIANARIS: At this time I move to adopt the Resolution Calendar, with the exception of Resolution 867.

ACTING PRESIDENT MAYER: All in favor of adopting the Resolution Calendar, with the exception of Resolution 867, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Let's now take up previously adopted Resolution 851, by Senator Ryan, read that resolution's title, and recognize Senator Ryan.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution

851, by Senator Ryan, commemorating the 200th Anniversary of the Town of Evans.

ACTING PRESIDENT MAYER: Senator Ryan on the resolution.

SENATOR RYAN: Well, thank you, Madam President.

This year marks the 200th anniversary of the founding of the Town of Evans, New York. Evans is a town of 16,000 people located on the shores of beautiful Lake Erie, 20 miles southwest of Buffalo. It's home to popular waterfront attractions, including Bennett Beach, Wendt Beach, and Sturgeon Point Marina.

It's also the site of a significant architectural complex designed by Frank Lloyd Wright. The Graycliff Estate is one of three pieces done by Frank Lloyd Wright for the -- called the Larkin Complex. One is the Larkin Industrial Building, the second is the Darwin Mountain home for the owner of that building, and then the third is Graycliff, which is their summer home. It's a wonderful feature, and I invite you and everyone to come and see it.

The residents of the Town of Evans will spend the year celebrating the town's

bicentennial. I'd like to take a moment to highlight its place in history.

European settlers first started coming into Evans around 1804. The first settler was named Joel Harvey. He was an entrepreneur, and he later renovated his home into a hotel and a tavern. It was named the Frontier House, and it was designed to accommodate those passing through to newly purchased lands.

Following the War of 1812, when the border between the United States and then-Britain, now Canada became secure, people started moving into the area at a much bigger or quicker pace. And in 1821, New York State officially established the Town of Evans.

After two centuries of township, Evans has continued to thrive through many decades filled with growth, change and challenges. Today, under the leadership of Supervisor Mary Hosler, the town stays true to its mission -- and the mission is to serve as a home for work, community and play.

So Happy Bicentennial to the Town of Evans, and thank you, Madam Speaker -- Madam Leader.

ACTING PRESIDENT MAYER: Thank you, Senator Ryan.

The resolution was previously adopted on May 20th.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

At this point can we take up Resolution 867, by Senator Hinchey, read its title, and recognize Senator Hinchey.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 867, by Senator Hinchey, memorializing Governor Andrew M. Cuomo to proclaim June 2021 as Dairy Month in the State of New York.

ACTING PRESIDENT MAYER: Senator Hinchey on the resolution.

SENATOR HINCHEY: Thank you, Madam President.

As chair of the Senate Agriculture Committee and State Senator for the 46th District, which is home to over 1,000 farms, it is with great pleasure that I rise today to present a resolution to the Senate proclaiming

the month of June as Dairy Month in New York State.

New York State is an ag state, and the dairy industry is the cornerstone of New York's ag economy, supporting close to 63,000 jobs and providing a $42 billion impact on our economy.

We have over 4,000 dairy farms in New York that care for more than 600,000 cows, which collectively produce over 14.8 billion pounds of milk annually. And we are the fourth-largest producer of milk and the leading producer of yogurt, cottage cheese and sour cream in the nation.

Dairy in New York is mostly small and midsized family farms who have been doing this work for generations. These are people who love what they do, love the cows that they care for, and do this not for profit but for love of the profession.

A few weeks ago I had the opportunity to meet with many of the dairy farmers in Montgomery County through a visit with a fourth-generation dairy farmer, Ray Dykeman, and his family at Dykeman & Sons Farm. I toured

their incredible operation and had the opportunity to meet a group of farmers and producers who are integral to the dairy value chain in New York State, including our small local dairies and direct-sale vendors.

These farms are the cornerstone of our local economies, creating jobs and supporting our rural towns and villages. Our dairy farmers are some of those that have stepped up the most during this COVID-19 pandemic -- big companies like Chobani, and many of our smaller dairies I visited have all participated in the Nourish New York program, providing products to food banks in all corners of our state to help families put food on the table during these difficult times.

Dairy Month in New York is a critical opportunity for us to both honor the hard work, innovation and stewardship stemming from our local dairies and put the unique challenges facing the industry front and center so that we can work with current and future generations to keep dairy strong here in New York State.

With that, I'm proud to sponsor the

resolution proclaiming June Dairy Month here in New York.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Hinchey.

Senator May on the resolution.

SENATOR MAY: Thank you, Madam President.

Like Senator Hinchey, I represent a number of dairy farms, and I wanted to tell two stories about them.

One is last week I met with Steve Miller, whose Queensboro Farms dairy processing plant started in Harlem. His ancestor, Sarah Miller, started delivering milk door to door, and eventually the family developed this into a dairy processing company that had plants across the state. They have one left, and it's in the 53rd Senate District in Madison County. And they sell butter and cheese and milk and yogurt and are still very much thriving in upstate New York.

So dairy is, as Senator Hinchey said, it's a family business, but it's a family business that stretches over many generations and

is important to the history of our state as well as to the current economy of our state.

But the other story I want to tell is about last spring, when dairy farmers around the state had their supply chains totally interrupted, and they were having to throw out a lot of milk. And so the Dairy Farmers of America organized and started doing milk distributions.

And I went out in April with a group of very cheerful dairy farmers, in one of the coldest winds I have ever stood in, to hand out gallons of milk to hundreds and hundreds of people who came to collect milk who were in difficulty because of the economy at that time.

And it was beautiful to see people from the dairy industry who were struggling themselves turn around and take their struggles and turn it into a benefit for the people who were in difficulty, who were food-insecure around our region.

And so I'm very grateful to them, but I also want to say I think that is indicative of the resilience and the philosophy of dairy farmers to be producing for people. It isn't for profit, but for people.

And so I want to honor the dairy industry in New York and thank Senator Hinchey for bringing this resolution, and I proudly support it. Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator May.

Senator Borrello on the resolution.

SENATOR BORRELLO: Thank you very much, Madam President.

And I would like to first of all thank the leader of our Agriculture Committee, Senator Hinchey, for introducing this resolution today.

Like her, I represent a tremendous amount of farms. In fact my district is a little over 4,000 square miles, and there's about 4,000 farms. So literally one farm for every square mile in the 57th Senate District. A high concentration of agriculture. And of those 4,000 farms, the biggest part of them is in fact dairy.

So I'm honored to be here today to show our support for the dairy industry, an industry that has been rocked -- even prior to this pandemic, has been rocked with issues and challenges. And yet those families, as Senator

Hinchey mentioned, those that do it out of love, not for profit, have continued on and endured and ensured that our food supply chain remains strong here, because dairy is such a critically important part of everyone's nutrition every day.

So I want to say that this is more than just honoring them, but recognizing them as the front-line workers during this pandemic that they are, recognizing them as the true heroes of our food supply chain. And thanking them very much for all that they have done to make sure that when push comes to shove, our agriculture community continues on. And dairy is certainly the foundation of our agriculture community here in New York State.

Thank you all, to everyone that does this and continues to do this, and thank you very much for this recognition.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Borrello.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

ACTING PRESIDENT MAYER: At the request of the sponsors, these resolutions are open for cosponsorship.

ACTING PRESIDENT MAYER: 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: Please take up the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 208, Senate Print 566A, by Senator Hoylman, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: 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 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 385, Assembly Print 459, substituted earlier by Assemblymember Gottfried, an act to amend the Criminal Procedure Law.

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: Senator Ramos to explain her vote.

SENATOR RAMOS: Yes, thank you, Madam President.

You know, there are long overdue reforms here in New York State in order to update our systems that have continually failed and

burdened survivors of human trafficking across our state.

You know, at a time when so many New Yorkers are struggling, this bill today will give survivors of trafficking the fresh start they really need, breaking down barriers to services and opportunities that will not only allow them to survive but to thrive.

A criminal record imposes lifelong detrimental effects limiting access to employment and educational opportunities, financial resources and housing. A criminal record can also result in severe immigration consequences, including the threat of deportation and the inability to adjust immigration status or become a citizen.

In the time of COVID, anything that makes survivors more vulnerable in New York has to go. I want to be clear: This bill expands on existing vacatur provisions championed by Senator Lanza in 2010 to include labor trafficking survivors and all acts that survivors were forced to commit by their abuser.

Since that bill passed, several other states have passed more expansive vacatur

provisions, including California and others. But vacatur isn't automatic, and judges still have discretion.

This bill wouldn't have an impact on ongoing cases, nor does it change trafficking or prostitution laws. Instead, what it does is empower judges to vacate convictions so survivors no longer have barriers to housing, employment, education, or adjusting their immigration status.

This bill allows their records to remain confidential. Without it, access to employment and other very needed resources is so tenuous that cycles of poverty continue for survivors of trafficking. This makes people, of course, more susceptible to being trafficked again.

And I just want to dedicate my vote on this bill today to the late Lorena Borjas. She was the mother of the trans community in my district. She was trafficked upon coming to the United States and fought very hard for not only this bill to be passed, but for all trafficking victims -- whether it be sex workers, farmworkers, nail salon workers, construction workers, you name it, because it doesn't

discriminate -- for them to be able to see the light of day and hopefully break out of this cycle.

So I want to thank of course the Majority Leader, Andrea Stewart-Cousins, and all of my colleagues who are voting with me on this bill.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 385, those Senators voting in the negative are Senators Akshar, Borrello, 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 MAYER: The bill is passed.

THE SECRETARY: Calendar Number 405, Senate Print 153, by Senator Thomas, an act to amend the Civil Practice Law and Rules and the Judiciary Law.

ACTING PRESIDENT MAYER: Read the

last section.

THE SECRETARY: Section 15. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Thomas to explain his vote.

SENATOR THOMAS: Thank you, Madam President.

I want to thank Leader Andrea Stewart-Cousins for bringing this crucial legislation to the floor today, and my colleagues for voting to support our state's 20 million consumers by putting a stop to abusive debt collection practices that have become widespread here in New York State.

Long before I became a Senator and chair of the Consumer Protection Committee, I was defending litigants in court sued on personal debt they owed. It could be a credit card balance, a student loan, a car loan, a utility bill or a medical bill. Businesses would often sell debts at a steep discount to third-party buyers who tried to collect the payment

themselves or hire outside firms to do so.

Often the same debt is resold multiple times, and sometimes debts are packaged and sold in bulk. In situations such as this, documents are missing to show proper sale of the debt or even the contract.

In litigation, the burden is on the plaintiff to produce documents to prove the case. But when debts are sold in the manner described previously, admissible evidence is hard to come by. In the vast majority of these cases litigants just settle without seeing proper paperwork, because of the lack of knowledge or information needed to protect themselves.

Plaintiffs have relied on this strategy for decades. But today we change that system.

The Consumer Credit Fairness Act would prevent debt buyers from continuing to exploit gaps in our state's Civil Practice Law and Rules, while allowing legitimate cases to proceed.

The CCFA requires a notice to be mailed to the defendants in consumer credit actions by the clerk of the court, ensuring that

defendants are given notice of the lawsuit. It's already being done right now in New York City's Civil Court, and it's going to now happen statewide.

Given the lack of documentation produced during these collection suits, the CCFA requires court filings to include documents identifying the debt and that the debt is actually owed to the plaintiff.

The CCFA also reduces the statute of limitations for consumer credit transactions from six years to three years.

The CCFA will stop these abusive debt collection lawsuits in their tracks while preserving the rights of creditors to collect debts in a way that is transparent and fair to the consumer.

The CCFA has also been a collaborative effort between industry and consumer advocacy groups. I also want to thank Assemblywoman Weinstein for being a great partner in the Assembly, and her staff for working with us to make this happen today.

I've never been more proud to cast my vote in the affirmative. And Madam President,

I dedicate this vote to all my colleagues back before I became a Senator who worked so hard on this. So thank you to all of them, and I vote in the affirmative.

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

Announce the results.

THE SECRETARY: In relation to Calendar 405, 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.

SENATOR GIANARIS: Madam President, thank you for allowing me to interrupt the calendar for a brief moment.

One of the benefits of loosening the capacity restrictions here in the chamber is we once again get to greet long-time friends who come to visit. And today we are fortunate to

have with us the County Executive of Westchester, and your predecessor in the Senate in your district, George Latimer.

(Applause.)

ACTING PRESIDENT MAYER: To County Executive Latimer, former State Senator, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house, which you know very well.

Thank you very much.

SENATOR GIANARIS: Let's continue with the calendar now, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 407, Senate Print 1068A, by Senator Biaggi, an act to amend the Civil Practice Law and Rules.

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 407, those Senators voting in the negative are Senators Borrello, Boyle, Griffo, Helming, Jordan, Oberacker, O'Mara, Ortt, Rath, Serino, Stec and Tedisco.

Ayes, 51. Nays, 12.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 470, Senate Print 3395A, by Senator Gounardes, an act to amend the Executive 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 Gounardes to explain his vote.

SENATOR GOUNARDES: Thank you, Madam President.

When we in this chamber two years ago took a bold step to reform and strengthen the

laws against sexual harassment in the workplace, we did so with a glaring expectation. We carved out, from the protections of the state's Human Rights Law, the very people who work for members of the legislative branch, members of the executive branch, and members of the judicial branch.

But today we are going to be righting that wrong by passing this bill to put a stop to the license to harass that elected officials and judges have exercised in New York State for far too long. We know that the power imbalances that exist in politics and government have existed for many, many years. It has been well-documented in newspaper stories and in the personal experiences and testimonials of people who have come forward to share their stories of what's happened to them while working in the halls of power.

An exception to sexual harassment laws for elected officials' employees runs completely counter to the efforts to root out, combat and deter harassment in government. Survivors of sexual harassment should not be gaslighted by the legal system.

This law will make it crystal-clear that employees of elected officials of every branch of government and of judges work for the very institutions that send them their paychecks, that give them their benefits, that give them everything that make them employees of that branch.

It's amazing that we've had to do this. This should have been done years ago when we strengthened our laws. But I'm glad to see that we are taking these steps today. And we would not be here were it not for the courageous stories of members and of survivors who have come forward to share with us and shine light on what they experienced -- some working in the halls of this building -- about their pain and suffering that are leading us to this step today.

And I proudly cast my vote aye. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 470, those Senators voting in the negative are Senators Lanza, Oberacker, O'Mara

and Ortt.

Ayes, 59. Nays, 4.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 561, Senate Print 4615A, by Senator Kaplan, an act to amend the General Municipal Law and the Education Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 620, Senate Print 738, by Senator Biaggi, an act to amend the General Obligations 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 620, those Senators voting in the

negative are Senators Lanza and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 625, Senate Print 164, by Senator Gianaris, an act to amend the Public Officers 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 625, those Senators voting in the negative are Senators Boyle and Felder.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 626, Senate Print 1059A, by Senator Liu, an act to amend the Legislative Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 691, Senate Print 766, by Senator Gounardes, an act to amend the General Obligations Law.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Gounardes to explain his vote.

SENATOR GOUNARDES: Thank you, Madam President.

This bill that we are passing right now would ban what we call "do not darken" clauses, or "no rehire" clauses in the State of New York.

This measure is important because far too often victims of sexual harassment who enter into settlement agreements are forced to

sign away their rights to ever apply for positions at companies or at places of employment ever again.

This, plain and simple, is shutting down economic opportunities to those who are victims of sexual harassment and is a punishment against those people who are brave enough to come forward and share their stories as to what happened to them at the hands of their abusers.

This legislation makes a strong statement that until every single workplace in our state is 100 percent free of discrimination and sexual harassment, that we will not shield these harassing workplaces at the expense of victims of this harassment.

We have made sweeping progress over the last few years in the fight against discrimination and harassment in the workplace. But today we will continue to send a strong message that these "no rehire" clauses which are in wide use across the state and, frankly, across the country are an unfair restriction on these individuals and should no longer be enforced in the State of New York. And for that reason I proudly vote aye.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 691, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT MAYER: The bill is passed.

ACTING PRESIDENT MAYER: Calendar Number 706, Senate Print 1746A, by Senator Kennedy, an act to amend the Public Authorities Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 756, Senate Print 5405A, by Senator Mannion --

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

(Pause.)

SENATOR GIANARIS: Madam President, can we temporarily lay this aside. Apparently the other house just passed it as well, so we're waiting for the Assembly bill to be delivered to us.

ACTING PRESIDENT MAYER: The bill is temporarily laid aside.

SENATOR GIANARIS: Now apparently it has arrived. So can we remove that lay-aside and take up Calendar 756 again.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senator Mannion moves to discharge, from the Committee on Local Government, Assembly Bill Number 6376A and substitute it for the identical Senate Bill

5405A, Third Reading Calendar 756.

ACTING PRESIDENT MAYER: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 756, Assembly Bill Number 6376A, by Assemblymember Magnarelli, an act authorizing the use of existing village sewer rents for infrastructure projects.

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

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 778, Senate Print 812A, by Senator Biaggi, an act to amend the Executive 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 851, Senate Print 5237B, by Senator Gaughran, an act to amend the Public Authorities Law.

ACTING PRESIDENT MAYER: 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 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 906, Senate Print 3034A, by Senator Parker, an act to amend the Public Service 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 906, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Jordan, Martucci, O'Mara, Ortt, Palumbo, Rath, Ritchie, Stec and Weik.

Ayes, 50. Nays, 13.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number

911, Senate Print 5084B, by Senator Harckham, an act --

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 976, Senate Print 2995, by Senator Harckham, an act to amend the Environmental Conservation 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 976, voting in the negative: Senator Griffo.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 986, Senate Print 2841A, by Senator Sepúlveda, an

act to amend the Correction Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 994, Senate Print 1848, by Senator Skoufis, an act to amend the Education 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 994, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 995, Senate Print Number 2053A, by Senator Reichlin-Melnick, an act to amend the Education 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: Senator Reichlin-Melnick to explain his vote.

SENATOR REICHLIN-MELNICK: Thank you, Madam President.

This is a bill which will give many of the school districts in my Senate district an important local option to allow them to establish school wards for the purposes of voting.

We have wards essentially for our body here, in the state Senate and the State Assembly. We each represent particular geographic areas, and we work to represent them well. Counties have the same in the county

legislatures. And many cities and towns and villages in the state use geographically based wards to elect members from particular areas to make sure that all parts of a community have their voices heard and that no one section or no one group of a neighborhood or a community dominates that community.

It's important that we give school districts that ability as well that all other local governments have in New York State, to choose at their local option, to move to a ward-based system if they feel that that is the best way that their community can be fairly represented and that the voters and the residents of that district can have their voices heard.

So I am proud to support this bill. I think it's going to make a real difference for school districts in Rockland that choose to use this. And again, it's a local option, so I will leave it to the school districts that I represent in Rockland County to decide whether or not they want to pursue this course. I know that some may be interested. The local Rockland County Teachers Association strongly supports this legislation, as does NYSUT. And so I think it's

a great bill that's going to give some new options and help make sure that we have fair and equal representation for the districts in Rockland County.

Thanks very much. I vote yes.

ACTING PRESIDENT MAYER: Senator Reichlin-Melnick to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 995, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 997, Senate Print 4650, by Senator Mannion, an act to amend the Education 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 1027, Senate Print 3542, by Senator Stavisky, an act to amend the Education 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 1041, Assembly Print 479, substituted earlier by

Assemblymember Rozic, an act to amend the General Business 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 Thomas to explain his vote.

SENATOR THOMAS: Thank you, Madam President.

Cricket is the second most popular sport in the world, watched and played by billions of people across the world. Cricket is widely popular in the Caribbean, South Asia, Europe, Africa, and now it's catching on like wildfire here in the United States.

Cricket leagues are popping up everywhere. Big tournaments are being organized in states like Florida, Texas and New Jersey. But New York is without question the cricket capital of the U.S.A. New Yorkers are crazy about cricket. The sport goes hand in hand with

the diversity and multiculturalism of our state, which is home to a number of thriving immigrant communities who grew up playing and watching cricket.

In my district on Long Island, you can head to Eisenhower Park on any given afternoon and see cricketers practicing at the two pitches that were installed last year.

Cricket represents a major opportunity for New York State culturally, socially and economically. Cricket is a massive revenue generator. The European Business Review estimated cricket's global value at about 8.4 billion this year, and that figure is expected to grow exponentially over the coming years.

And New York already has a place in cricket history for having hosted the sport's first international match in 1844.

I believe that New York has a unique opportunity to become the official cricket capital of the U.S., which is why I've introduced legislation to recognize the legitimacy and value of cricket to our state. Including cricket in the New York State Athletic Commission recognizes

the sport of cricket as an important part of the social and cultural fabric of New York State and expands the state's capacity to officially promote the sport.

As the first Indian American to be elected to the New York State Senate, I am thrilled to sponsor this legislation, especially because so many of the South Asian community share a love and passion for this sport.

Thank you to Leader Stewart-Cousins for bringing this bill to the floor today, and to all my Senate colleagues. I hope that when you next find yourself on Long Island, you can join me for an exciting game of cricket in the park.

Thank you, and I vote in the affirmative.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1041, those Senators voting in the negative are Senators Griffo and Martucci.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1078, Senate Print 5924A, by Senator Thomas, an act to amend the General Business Law and the Education Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 1081, Senate Print 849A, by Senator Gounardes, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Gounardes to explain his vote.

SENATOR GOUNARDES: Thank you, Madam President.

This is the third bill in this package, again, to protect against sexual harassment in the workplace that I've sponsored.

And I just want to pause and say how important it is, this entire package of bills that we're advancing today, to help protect those who are victimized at the hands of harassers, but also to send affirmative statements and affirmative principles that we will not tolerate abusive and harassing behavior anywhere in our workplace.

This bill is a pretty simple one, actually. And what we have learned, hearing time and time and time again from too many victims, sadly, is that oftentimes victims cannot come forward right away to share their stories, are not able to come forward to get the relief that they need and that they so rightly deserve.

So we are extending the statute of limitations in this bill that we currently have on the books from three years to six years, because we recognize that victims of workplace harassment oftentimes need more time to be able to avail themselves of the legal system to address their rights and to make sure that they can come forward when they are ready to do so and still not sacrifice their ability to seek redress in the courts.

This is a very, very important piece of legislation. It's part of a very important package of a whole host of bills that we have passed here today. And I want to just thank our entire conference for taking such a bold stance to help make sure that we are continuing the march forward to eradicate workplace discrimination and harassment in our state, because we cannot simply rest on our laurels, we have to keep moving forward. We know all too much and all too well that this is still a pervasive problem everywhere across the state.

This package of bills helps address that, and I am very proud to support this entire package, especially this bill.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1081, those Senators voting in the negative are Senators Lanza and Savino.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1085, Senate Print 6392, by Senator Reichlin-Melnick, an act to amend Chapter 329 of the Laws of 2009.

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.

There is a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Hoylman moves to discharge, from the Committee on Judiciary, Assembly Bill Number 5859 and substitute it for the identical Senate Bill 6622, Third Reading Calendar 1086.

ACTING PRESIDENT MAYER: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1086, Assembly Print Number 5859, by Assemblymember Dinowitz, an act to amend Chapter 237 of the Laws of 2015.

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 1093, Senate Print 6488, by Senator Kavanagh, an act to amend the Private Housing Finance 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 1093, 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 1096, Senate Print 6606, by Senator Liu, an act to amend Chapter 253 of the Laws of 2004.

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 1119, Senate Print 6258, by Senator Addabbo, an act to amend Chapter 100 of the Laws of 2013.

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 1120, Senate Print 6609, by Senator Jackson, an act to amend Chapter 613 of the Laws of 1996.

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 1121, Senate Print 6610, by Senator Krueger, an act to amend the Local Finance Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 9. 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

1122, Assembly Print 7174, substituted earlier by Assemblymember Walker, an act to amend the General Municipal Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1144, Senate Print 6614, by Senator Kaplan, an act to amend Chapter 396 of the Laws of 2010.

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 1152, Assembly Print 7019, substituted earlier by Assemblymember Seawright, an act to amend Chapter 223 of the Laws of 1996.

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 1152, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number

1153, Senate Print 4720, by Senator Stec, an act to amend the Civil Service Law.

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

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 1163, Assembly Print 3994, substituted earlier by Assemblymember Cusick, an act to amend the Insurance 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 1166, Assembly Print 7123, substituted earlier by Assemblymember Woerner, an act to amend Chapter 440 of the Laws of 2012.

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 1177, Assembly Print 3427, substituted earlier by Assemblymember Rosenthal, an act to amend the

Public Service Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1182, Senate Print 6696, by Senator Persaud, an act to amend Chapter 74 of the Laws of 2007.

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 1210, Senate Print 6394, by Senator Bailey, an act to amend the New York State Urban Development Corporation Act.

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 1210, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1232, Assembly Print Number 7122, 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 1241, Senate Print 5959, by Senator May, an act to amend the Canal 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 1242, Senate Print 6105, by Senator Rath, 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: In relation to Calendar Number 1242, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Lanza.

SENATOR LANZA: Thank you, Madam President.

Madam President, please join me in

congratulating Senator Rath upon passing his first bill in the Senate.

(Applause.)

THE SECRETARY: Calendar Number 1246, Assembly Print 4089, substituted earlier by Assemblymember Thiele, an act to amend the Highway 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 1246, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1272, Senate Print 2689, by Senator Martucci, an act to amend Chapter 262 of the Laws of 2005.

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

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.

This is an important bill for the local Warwick community. This bill has huge bipartisan support and is an extender to a very important program that has been wildly successful and has been around for decades. This allows the Town of Warwick to continue to preserve land and protect against overdevelopment.

It's my pleasure to do my small part in making sure that the town has the tools necessary to keep it beautiful, and for that reason I vote aye and I thank my colleagues to do the same.

ACTING PRESIDENT MAYER: Senator

Martucci to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 1272, those Senators voting in the negative are Senators Akshar, Brooks, Gaughran, Helming, Mannion, Reichlin-Melnick, Serino, Skoufis and Thomas.

Ayes, 54. Nays, 9.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1277, Senate Print 3594, by Senator Gallivan, an act granting retroactive membership in the New York State and Local Employees' Retirement System.

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: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1279, Senate Print 4117, by Senator Akshar, an act to authorize the Village of Endicott to offer an optional twenty-year retirement plan.

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

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 1282, Senate Print 5399, by Senator Ortt, 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: In relation to Calendar Number 1282, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1317, Senate Print 6964A, by Senator Biaggi, an act to amend the Executive Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

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

SENATOR GIANARIS: Let's move on to the controversial calendar, please.

Start with Calendar 626, please.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 626, Senate Print 1059A, by Senator Liu, an act to amend the Legislative 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 Serino 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 the chair and ask that Senator Serino be recognized.

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

SENATOR SERINO: Thank you, Madam President.

This bill is germane because both bills deal directly with more effectively

preventing sexual harassment here in the New York State Capitol and holding perpetrators accountable.

While I understand and support the intent of the bill before us today, to better train lobbyists to prevent sexual harassment, under current New York State law all employers are required to provide this training already. So if these lobbying firms are adhering to the law, this should already be happening.

Further, I don't know how why we would want JCOPE, a body notoriously controlled by the Governor, to be in charge of creating an anti-sexual harassment training program when, to date, JCOPE has completely failed to hold the Governor and others accountable for the various sexual harassment charges levied against them.

All of us in government are supposed to be participating in anti-harassment training. But if the recent charges leveled against the Governor are any indication, that training is clearly not enough.

The problem seems to be a lack of effective enforcement. What's missing is a process that victims can actually trust to hold

perpetrators accountable. The amendment before us today is a bill that I sponsor that would create a totally independent commission to collect reports of sexual harassment, substantiate them, and truly hold perpetrators accountable.

I understand we're taking up a bill later today that is meant to overhaul JCOPE, an important step in bolstering the integrity of a body that has been under the Governor's control for far too long. However, that new JCOPE would have an awful lot on their plate, if I had to guess, and my bill would actually create an independent commission dedicated exclusively to investigating sexual harassment claims in every corner of state government.

The bill before the house might get a good headline, but it's unlikely to make any real difference in deterring sexual harassment. However, we could pass my amendment today and make a real difference for thousands of New Yorkers employed in state government.

This is a moment to set politics aside and work together to ensure that our state is a place where survivors are heard,

perpetrators are held accountable, and all New Yorkers feel safe from harassment of any kind. And I urge my colleagues to vote aye.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Serino.

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

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

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: We've agreed to waive the showing of hands 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. The Secretary will ring the bell.

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 626, those Senators voting in the negative are Senators Lanza and Savino.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: At this time let's move to Calendar 1317, please.

ACTING PRESIDENT MAYER: The Secretary will read Calendar 1317.

THE SECRETARY: Calendar Number 1317, Senate Print 6964A, by Senator Biaggi, an act to amend the Executive 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 the 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.

With respect to germaneness, the proposed amendment, which is a bill by Senator Krueger, would essentially strike and replace the general text of the bill-in-chief. The bill-in-chief makes some technical amendments to the composition of JCOPE and makes some other -- what we will discuss shortly -- very

significant changes, in my opinion, at altering the number of members appointed by each political party and so forth.

Senator Krueger's bill creates a completely new and independent commission, similar to my colleague Senator Serino, who expressed those concerns with the current makeup and work of the Joint Commission on Public Ethics. Senator Krueger's bill would ultimately allow for one appointee to a commission of 13 from each leader -- two in the Senate, two in the Assembly, one from each. It would also allow -- I'm sorry, two from the Governor, one from each party, four from the Legislature, as I mentioned, and seven more -- to equal 13 -- by justices in the state.

And of those seven, three need to be from the major -- one party, the other three need to be from the second-largest party, and one needs to be an independent.

So this is now going to be comprised of six members appointed from all those various officials and bodies, as I mentioned, from one party, six members from the second-largest party in the state, and an independent. A truly

bipartisan commission to oversee the legislative work and oversee the bodies -- all bodies within the state.

So this is something that we believe is certainly germane to the same type of -- to the bill-in-chief, which simply just makes, as I said, some technical amendments. And when we think about generally how this is good government -- for example in the United States House of Representatives, they have six and six from the two major parties. That makes appropriate sense.

Although there are some changes that we will discuss shortly, I believe they should be stricken, that this amendment is germane, and that we should all vote aye.

Thank you.

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've agreed 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.

Senator Palumbo.

SENATOR PALUMBO: Thank you, Madam President. Would the sponsor yield for a few questions, please.

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: I will be handling the debate, Madam President.

I do yield.

ACTING PRESIDENT MAYER: Senator Gianaris yields.

SENATOR PALUMBO: Terrific. Thank you, Senator.

And in fact I was speaking with the sponsor just last night about ethics reform. I thought I may have seen her around, but I'm more than happy to ask these questions of you, sir. Thank you for yielding.

SENATOR GIANARIS: My pleasure.

SENATOR PALUMBO: So, Senator, generally speaking, and as I mentioned just a few moments ago, this alters -- and correct me if I'm wrong, please -- essentially the makeup of the Joint Commission on Public Ethics just to the extent that it allows now an equal amount for each Majority Leader and Minority Leader in each of the houses. Is that accurate?

SENATOR GIANARIS: Correct.

SENATOR PALUMBO: And then ultimately that would be eight appointees by each of the leaders in the two legislative houses, and then six from the Governor.

SENATOR GIANARIS: That's correct.

SENATOR PALUMBO: Yes, thank you.

And would you yield for another question, please.

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: Senator

Gianaris, do you continue to yield?

SENATOR GIANARIS: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Thank you, Senator.

And then the amendments here would ultimately require -- or would result in the removal -- and I'll direct you, if you can -- it's a fairly short bill, but there are a few sections that all essentially do the same thing, that they strike language on page 2 and page 3 that at least one member for certain offices and for -- and two members in other offices, that those members of the same political party needed to affirmatively vote to proceed with a JCOPE complaint.

So can you please explain to us why the need for those provisions had -- were -- is -- are to be stricken, why that was necessary?

SENATOR GIANARIS: Yeah. And I think it's not just members of the same political party but also members of the same branch of government that would need to sign off on it.

But the reason that that's being

stricken in this bill is because we're trying to remove what's -- basically serves as a self-serving self-defense mechanism where appointees of a particular individual would have to agree for that very individual to be investigated.

SENATOR PALUMBO: Would you yield to another question, please.

ACTING PRESIDENT MAYER: Senator Gianaris, do you continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Thank you.

So -- and what -- but what would the ultimate underlying reason be for that? Are you suggesting that there might be someone -- when you say self-preservation, that they would only vote to protect a member of their same party and not be making an ethical decision, is that where you're going with that?

SENATOR GIANARIS: Again, I don't think it's a partisan issue so much as that if someone is appointed by a specific individual and then is asked to sign off on an investigation of

that very individual, there can be a potential conflict there.

SENATOR PALUMBO: Well, none of that -- will you yield for another question, please.

ACTING PRESIDENT MAYER: Senator Gianaris, do you continue to yield?

SENATOR GIANARIS: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: So then why do we still continue with this particular body and all of the appointees being from political people?

SENATOR GIANARIS: Well, there is a proposal, as you well know, to revamp the entirety of the Ethics Commission. I think Senator Krueger has that proposal. But that is in the form of a constitutional amendment. It would take, from this point, at least three years, I think, to actually come into effect because of the process for amending the Constitution.

And the thought was let's at least, in the interim, do what we can to make things better up until the point where we could have a

more comprehensive solution.

SENATOR PALUMBO: Thank you, Senator, I appreciate that. Would you yield for another question, please?

ACTING PRESIDENT MAYER: Senator, do you yield?

SENATOR GIANARIS: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Is there currently an Assembly sponsor for this bill that's before the house now, to your knowledge?

SENATOR GIANARIS: No, there is not.

SENATOR PALUMBO: Okay.

SENATOR GIANARIS: Perhaps you could -- (inaudible).

SENATOR PALUMBO: I'd be more than happy to do so. My former colleagues. I'm sure they'd be quite interested.

Thank you --

SENATOR GIANARIS: (Inaudible.)

(Laughter.)

SENATOR PALUMBO: Thank you, Senator Gianaris.

On the bill, please, Madam President.

ACTING PRESIDENT MAYER: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you, Madam.

When you think about the work that -- we've all had certain issues, various issues with JCOPE over the years, people calling for it to be disbanded, that the Governor totally controls it. But we've still got, here, political people appointing political people.

And during the crafting of the legislation to enable the Joint Commission on Public Ethics, there were some very important negotiations and discussions and very important safeguards placed within that legislation. And quite frankly, the number of appointees is what it is. The majorities have changed in the past three years. Obviously now the Democratic Party controls the Senate; at one point they did not, for many years. So there is a dynamic there where we had two separate parties in two separate houses with equal appointments, and that seemed to be good government.

But we always had -- to avoid any

sort of a political attack, we always had the stopgap of these people are charged with being ethical, if there's a conflict of interest, as was suggested at one point by Senator Gianaris, then they would recuse themselves. But really, of that body, all you needed was a majority vote -- and in some circumstances just one of that same political party appointees, and in others two. So not a lot, but just enough so that there could be some balance there that we are not using this as a weapon for political attacks.

And now let's talk a little bit more specifically about that. We had all these ethics issues and ethics reforms that for many, many years in this state have been of significant concern. We created the Moreland Commission, of course controlled by the Governor. When they started to sniff around and get a little too close, in my own personal opinion, to the second floor, he disbanded it.

And then we have this independent body, and we have a few years ago an executive session. And the one member of that body -- interestingly enough, in a small world, was a

prosecutor with me in the Suffolk County DA's office many, many moons ago. And this was public, so I certainly say her name, that Julie was a young prosecutor with myself from upstate, went to -- came from Albany Law School, was the Essex County DA, and had the utmost integrity.

And when it was revealed to her shortly after an executive session that the Speaker got a phone call from Governor Cuomo saying, Why did your appointee -- knowing exactly who she was -- vote in secret executive session in one particular way?

And of course that became significant news. A complaint was immediately filed with the Inspector General, because this is serious stuff now. This is a breach of confidentiality, particularly of an ethics commission specifically.

And what happened? Well, the Governor's old legislative aide, who actually was the Inspector General, six days later issued a secret letter to JCOPE and said it was completely unfounded.

Now, I haven't seen Julie in a lot of years, but former ADA Garcia quit because she

has integrity and knew that this was a sham.

So to suggest, my friends, that politics is not injected into this body is actually inaccurate, and I think we all know that.

So now, under the current makeup, there are some individuals who were appointed when the Republicans had the majority in the Senate. Now as they leave, if this were in fact to become law, you have a 10-to-4 Democrat appointee to Republican appointee. Four. You need none of those four to do anything. And as I mentioned earlier, how is that possibly good government when you look at just about everywhere else?

The proposed amendment that I provided before that Senator Krueger has -- the constitutional amendment, that's Senator Krueger's bill, is exactly how it's supposed to be done, in my opinion. And yet we have this proposal and in the U.S. House and all of these other legislative bodies that are trying to invoke smart government, they have an equal amount from both major parties or even an equal amount from both major parties and an extra.

So although this may seem to be a more fair iteration of the Commission on Judicial Ethics {sic} -- of JCOPE, because the minority parties get an extra one or two, it's completely the opposite. This is making this so political that the majority party can go forward on a complaint with eight votes and attack someone simply for political reasons. Because we know, unfortunately, in this day and age, that actually happens.

So, look, this starts the conversation. Right? There's no Assembly sponsor. We have only a few weeks left. And I appreciate the fact -- and I do -- and the sponsor and I, as I said, were discussing this yesterday. She is certainly courageous and dedicated to some real ethics reform up here, and I appreciate that. As the ranker on the Ethics Committee, I am absolutely thrilled that that is her intention.

But unfortunately, this bill does not do that. In fact, it goes the other way. As such, Madam President, I urge a negative vote.

Thank you.

ACTING PRESIDENT MAYER: Senator

Gianaris on the bill.

SENATOR GIANARIS: Thank you, Madam President, on the bill.

I just want to correct some misperceptions that may have been left by my colleague in his remarks.

The current makeup of this commission is 10 appointees of Democratic officials and four of Republicans. So that will be unchanged in this proposal. So for the good Senator to be suggesting that somehow this would create that distinction is completely false.

Perhaps the reason he's opposed and some of his colleagues are opposed is because the unfairness they baked into the JCOPE appointment process is being resolved.

So they have -- the Minority in this chamber has less than a third of the body, and yet they have three times the appointees of the Majority. So what we're trying to do is bring fairness.

I think it was last week or the week before when one of these endless hostile amendments that go nowhere was brought up where they said, we should have minority appointments

equal to the majority on all these commissions. Well, that's what this does. It says two for the minority. Even though you have half as many members as we do, you'll get the same amount of appointees to this body, because we want it to be fair.

Now, in doing that, because the current makeup is so disproportionate to reality, your colleagues in the Assembly would gain an appointee and you would lose one. So we would have two, you would have two, instead of you having three and we having one even though we have twice as many members as you do. That is an improvement over the current process.

Now, if you want to vote against improving the Ethics Commission in this state, that's up to you to explain to the public why you choose to do that. But it is unquestionably better than what exists now.

I agree we need to do more. We have colleagues that are leading the way on doing more and making a more comprehensive solution that would take amending the Constitution. But in the interim, this is a very good step forward.

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 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 1317, 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 will read.

THE SECRETARY: Calendar Number 561, Senate Print 4615A, by Senator Kaplan, an

act to amend the General Municipal Law and the Education Law.

ACTING PRESIDENT MAYER: Senator Borrello, why do you rise?

SENATOR BORRELLO: Yes, thank you, Madam President. Would the sponsor yield for a question?

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Me again, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Thank you.

Thank you so much, Senator Gianaris.

I certainly understand the intent of this piece of legislation, but I'd like to draw your attention to some of the amendments here, particularly line 10, where it says "symbols of hate shall include but not be limited to symbols of white supremacy," and so on and so forth.

My question is "but not be limited to." Who determines, then, what is considered a symbol of hate?

SENATOR GIANARIS: As an initial

matter, let me point out to Senator Borrello that this language should look familiar to him because it mimics a bill we passed earlier that he voted in favor of that created this restriction for state governments. This now expands that for municipalities.

But to answer the question more directly, it would presumably be determined by any enforcement agency, whether that be the Attorney General or an appropriate agency that would make an effort to go before a court, and the court would make that determination.

SENATOR BORRELLO: Would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Gianaris, do you yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Yes, in response to your first thing, I did vote in favor of it. Now we're trying to really kind of make this very broad and very vague when it comes to local governments, including fire departments and school districts. Which is why I have some

concern on this.

But again, you said you would assume. We really shouldn't be assuming who's going to determine it. I guess I'll ask the question again in a different manner.

If I'm a member of a volunteer fire company and I would like to sell the red line flags, you know, which are supposed to basically honor those folks that are firefighters, could someone determine -- and who would determine -- that a red line flag is considered a symbol of hate?

SENATOR GIANARIS: I don't believe anyone would determine that that would be a symbol of hate.

SENATOR BORRELLO: Madam President, Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Senator, do you continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: So based on -- and I understand and I appreciate you're a reasonable person at this point, but where in the

law would it prohibit someone, this unnamed -- potentially the AG, maybe somebody else -- where in the law would it specifically outline that the red line flag would not be considered a symbol of hate?

SENATOR GIANARIS: Well, first of all, I do want to address something you said earlier, that this is just as specific and as precise as the bill you voted in favor of that imposed this restriction on the state government.

But if you think that a symbol that honors our firefighters would be deemed, first of all, by an enforcer as a symbol of hate, and then by a court that would determine whether that enforcement action was legitimate, then I don't know to tell you, because I can't fathom any scenario where that would be the case.

SENATOR BORRELLO: Madam Chair, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Gianaris, do you continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Well, and I have

a feeling that you're talking about having to create a lawsuit and then going to court, spending money and potentially losing on something that's a basic constitutional right, the freedom of expression and the freedom of speech.

You're basically saying that -- if I'm interpreting this correctly -- that that would -- you know, that would have to be determined by a court. Well, it's in our Constitution. So I would argue it should not be determined by a court.

But my question is you're saying you don't think that could happen, but I do know, for example, would you -- well, let me ask a different question. Would the blue line flag that supports our law enforcement, could that be determined to be a symbol of hate under this law?

SENATOR GIANARIS: I don't believe so. But let me also remind my colleague that the court exists to interpret our laws and the Constitution. So that is exactly what the judiciary is supposed to do.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Gianaris, do you continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Well, I will draw your attention to the fact that there was actually a situation where a school district prohibited a young person from wearing a hat that had a blue line flag on it.

So that school district could potentially be, under this -- the way this law reads, I'm assuming that that school district could be a governing body that could determine that a blue line flag is a symbol of hate.

So under this law, could that be the case?

SENATOR GIANARIS: No. It sounds like that already happened absent this law. I mean, the school made the determination to do that based on their own views of the world, but that has nothing to do with this legislation.

SENATOR BORRELLO: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator

Gianaris, do you continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: So I guess I'm still unclear. Because we've seen people that have considered the flag of the United States to be a symbol of hate, and I don't see anywhere in this bill where we've limited this. Now, if this bill had limited just to white supremacy and neo-Nazi ideology, battle flag of the Confederacy, that would be one thing. But it's very broad.

And we still don't really know what governing body gets to determine -- if this bill said we're going to create a commission to outline or to be some kind of adjudicatory body to determine what is a symbol of hate, that might be different. But it's just very vague. It's a poorly drafted piece of legislation, in my opinion.

And yes, I voted for the last one because it was limited to, for example, let's make sure we're not selling Confederate flags at the State Fair. That was something that was

purely focused on the governing of the state government, which is what we are bound and determined to do here in this body.

But now we've opened it up to even, you know, school districts and volunteer fire departments. So how do we know that we're not going to have people fighting legal battles over something that's essentially a constitutional right? So -- go ahead, I'm sorry.

SENATOR GIANARIS: Well, again, first of all, I would encourage the good Senator to read more thoroughly the bills he votes on, because the language is exactly the same as the bill you voted yes on. It included the same exact definition of what a symbol of hate is, including the language "but not limited to," which you seem to be concerned about.

And as it relates to your example about the school district, this is not -- this would come into effect when somebody displays something, when a municipality displays something that is deemed to be a symbol of hate.

The example you raised was an individual was displaying some kind of symbol and the school itself told them they couldn't do it.

That is not what this bill deals with in any way, shape or form.

This would be a municipality itself displaying a symbol that an enforcement agent would deem to be a symbol of hate, as this bill broadly defines it, and then they would have the opportunity to defend themselves if they wanted to suggest that it wasn't.

SENATOR BORRELLO: Thank you, Madam President. On the bill.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: You know, I certainly understand the intention of this.

And yes, I did vote yes on a bill similar to this, like I said. This is what -- when we had to do strictly with the operation of state government and limited to state government operations like, for example, the State Fair. If the State Fair would like to limit vendors from selling, you know, Confederate flags on the grounds of the State Fair, I understand that. That's the state's prerogative to do so. The state is the operator of the fair.

But in this case we're talking about

a very broad swath and a very undefined way of saying what is a symbol of hate, because it says "but not limited to." And we've seen examples, examples after example of people that have said that they consider this to be a symbol of hate.

Well, folks, I understand that we don't want people going out there and inciting violence against one another. You know, those are -- there are people who wake up every day that are bound and determined to do that. You know, in my opinion, we call these people idiots.

But you know what? The Constitution of the United States says that people have a right to freedom of expression and to freedom of speech. And sometimes those things are going to offend us. I realize that things are offensive. But we live in a nation with freedom of choice. We do not live in a dictatorship where our speech is silenced if it's not agreeable with the state, with the government.

And no one told us that we were going to go our entire lives without being offended by something. That is a part of our freedom. And we should stand together whenever possible, we should avoid confrontation, we

should avoid trying to incite people, absolutely.

But I have an issue with something so broad that could potentially have an impact that not just limits free speech and freedom of expression, but will create a situation where people may live in fear that perhaps something that they hold dear -- like the blue line flag for our law enforcement officials, the red line flag for our firefighters, the green line flag for those that serve in the military -- that that could be determined to be a symbol of hate. And that is not part of the founding principles of our free nation.

So today I'm going to vote no on this bill. 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 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 561, those Senators voting in the negative are Senators Borrello, Boyle, Helming, Lanza, Oberacker, O'Mara and Ortt.

Ayes, 56. Nays, 7.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 911, Senate Print 5084B, by Senator Harckham, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MAYER: Senator Martucci.

SENATOR MARTUCCI: Thank you, Madam President. Will the sponsor yield for a question.

ACTING PRESIDENT MAYER: Senator Harckham, will you yield?

SENATOR HARCKHAM: Absolutely, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTUCCI: Thank you. Good to see you, Senator Harckham.

SENATOR HARCKHAM: Good to see you as well, sir.

SENATOR MARTUCCI: So your bill deals with the merger of OMH and OASAS. And, you know, whenever we merge departments or whenever businesses merge together, there's often a reduction in jobs. Is there any assurance in this bill, or perhaps you can assure the house that if the merger in this bill, the contemplated merger were to take place, that there would be no state workers who would lose their jobs?

SENATOR HARCKHAM: That would be the intent. We have spoken with PEF. This is not about a jobs reduction plan. This merger is about patient-centered care and creating an agency that better serves co-occurring disorders in patients.

So in fact it mentions in here that if there are any savings, they are reinvested into patient care. But this should not be about job loss. This is about integrating funding streams and treatment.

SENATOR MARTUCCI: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator

Harckham, do you continue to yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTUCCI: So I agree that the merger has laudable goals. But I guess just to clarify and be perfectly clear, there is no job protections that are included in this bill itself, correct?

SENATOR HARCKHAM: No. In fact, there are several.

One is that in order to put the plan together, public and private-sector unions will be required as part of the legislation to be part of the task force that will drive the merger plan.

And then there are two reports, iterative reports due before the plan is final, on jobs. One is on what the staffing levels will be, and the second is on what they actually are when the agency gets there and how they're done.

But again, when -- this is more about administratively streamlining than it is the treatment professionals in the field.

SENATOR MARTUCCI: Madam President,

will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator, do you continue to yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTUCCI: So the sponsor mentioned the task force. And specifically this bill allows for labor appointments to that task force that the bill itself would empanel.

It's been customary that this Legislature has allowed the affected labor unions to have appointments to those sorts of task forces. Is that something that's included in the provisions of this bill?

SENATOR HARCKHAM: It is. In fact, we fought quite hard for this. In the Governor's original proposal there was no such task force. That was part of this legislation.

And then after the one-house, when we were originally trying to get this done in the budget, it was the executive branch that wanted the public and the private union piece out, and we negotiated very hard to keep it in.

And that's why it's here, for a

couple of reasons. One, we want to protect jobs. Number two, those are the folks who are doing these jobs every day, and they know how the system works, so we need their input. And that's why we have required it as part of this legislation.

SENATOR MARTUCCI: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator, do you continue to yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTUCCI: So -- again, just so that I'm perfectly clear on the answer. So this bill specifically prescribes an appointee to the task force by the labor unions that are affected by this merger?

SENATOR HARCKHAM: Yes. It says that public and private labor who are in the field, both on the mental health side and the substance use disorder side, will be on the task force. So that would be PEF, that would be CSEA on the public side, and probably 1199, maybe NYSNA and some others on the other side.

But it's critical that we have the professionals and the paraprofessionals at the table, because they're the ones out in the field doing this every day and we need their input on how to integrate properly.

There are also the issues of appropriate titles and things like that that we want to maintain those professional standards on both sides of the ledger.

SENATOR MARTUCCI: Thank you, Madam President. And thank you, Senator.

On the bill.

ACTING PRESIDENT MAYER: Senator Martucci on the bill.

SENATOR MARTUCCI: So first I want to begin by thanking my colleague Senator Harckham for answering these important questions. It sounds like he shares the concerns that I have about the fact that this can affect public employees here in the State of New York.

You know, look, anytime there's a merger, I have tremendous suspect that it's going cost jobs. And state workers have taken it on the chin from this Governor and the Legislature for years and years and years.

And one of the things that I can point to, just as an example, is the consolidation of OMH beds in this year's State Budget, where we hurt public workers even in a year where we had tremendous state resources and, from my perspective, it was our obligation to support them, especially in a year where they supported us so much.

From my perspective, I don't believe that we need this bill. Because what we really should be doing right now is focusing solely on protecting our state workers. Though I am certainly comforted by the Senator's comments that he shares my concerns and they were included in the crafting of this bill.

So as I said, because I personally have concerns about the effects, the deleterious effects of consolidation on our state workers, I'll be voting in the negative.

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 Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam President.

I want to thank Senator Martucci for his good questions.

Just as an aside, I was just told that there is a specific provision that all employees are protected. And if there is a transfer, they will be protected. Because that was the spirit and the intent of the law, and we just quantified that. So I wanted to make that clear. And thank you for your questions.

Again, Madam President, this is a merger that is born of a desire to better assist patients. For too long families, patients and treatment providers have had to deal with two agencies, two bureaucracies, two sets of regulations, and two funding streams. By merging these two into a larger behavioral health entity,

we can cut down the red tape, we can cut out the differing funding streams, we can create a larger agency that is more nimble. We can deal with co-occurring disorders, which is the state of the art of treatment right now. So we want to do it right.

To Senator Martucci's point, that's why we've created the task force, to actually do the merger and not just rely on the executive branch to do it, because we want the stakeholders to have a seat at the table.

This will be a big step forward for treatment of behavioral health issues in New York State, and for that reason I'll be voting aye.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 911, those Senators voting in the negative are Senators Borrello, Helming, Jordan, Martucci, Ortt, Palumbo, Ritchie, Savino, Tedisco and Weik.

Ayes, 53. Nays, 10.

ACTING PRESIDENT MAYER: The bill

is passed.

THE SECRETARY: Calendar Number 986, Senate Print 2841A, by Senator Sepúlveda, an act to amend the Correction Law.

ACTING PRESIDENT MAYER: Senator Helming.

SENATOR HELMING: Thank you, Madam President. Will the sponsor yield for a few questions?

ACTING PRESIDENT MAYER: Senator Sepúlveda, will you yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR HELMING: Through you, Madam President.

This bill would establish an inmate visiting program in state and local correctional facilities. In our local facilities, sheriffs are responsible for the operation of the county jails in the majority of our 62 counties across the state. It's their responsibility. They're obligated by statute to provide for the well-being of inmates committed to their custody.

Senator Sepúlveda, did you happen to

consult with the New York State Sheriffs' Association on this bill?

SENATOR SEPÚLVEDA: We consulted with many advocacy groups -- the Corrections Association. I visited myself, personally, about 18 facilities and spoke to individuals that are incarcerated, spoke with individuals that run the facilities, including corrections officers, executive directors, liaisons -- quite an extensive number of people I've had conversations about this legislation.

SENATOR HELMING: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Senator Sepúlveda, do you continue to yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR HELMING: Thank you. So I think that was a no to my question on consulting with anyone from the Sheriffs' Association.

But moving on, did anyone in DOCCS provide input on this legislation?

And Senator, if you've visited local

jails and our state correctional facilities like I have, I'm sure you've heard, from the people who work there, their concerns about mandated overtime and the impacts that it's having on them. It's my feeling that the inmate visitation program proposed by this legislation will ultimately require more staff. And like I said, we already have these situations -- we hear from the unions, we hear from the individuals that they're mandated to work these back-to-back shifts.

Does this bill provide for additional staffing?

SENATOR SEPÚLVEDA: Through you, Madam President. I think that the issue here is not that we're creating any new mandates for any of the local jails. Because, with the exception I believe of one, every jail, every correctional facility has a policy already in place with respect to visitation.

We're not giving them a big lift here. It will cost the state approximately five cents to implement this policy. And so the reality is is that it's not a real mandate to the facilities. We're just asking them to codify

what they have. So whatever hours they have in existence are the hours that we're going to require.

But I think I should tell you what the motivation is for this bill. You know, we're very keen on saving the state money. The National Institute of Correction Facilities did some research that indicated that making sure that families have visitation with incarcerated individuals lowers recidivism by 13 to 25 percent. When you lower recidivism, you know that you lower the costs of -- the expense of incarcerating an individual considerably.

Also, my biggest motivation are the 105 children who have a parent that is incarcerated. These children that have incarcerated parents suffer from something called adverse childhood experiences. They can develop long-term health and mental health outcomes. So if this policy will lower recidivism and will help 105 -- potentially 105 children, then I think it's policy that the state should adopt.

SENATOR HELMING: Through you, Madam President, will the sponsor continue to yield for questions.

ACTING PRESIDENT MAYER: Senator Sepúlveda, do you continue to yield?

SENATOR SEPÚLVEDA: I will yield, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR HELMING: Senator, the bill requires state and local correctional facilities to provide visiting programs which give incarcerated people opportunities for personal contact.

And I'll just clarify here, I'm not opposed to visitation. I really don't know or haven't heard from anyone who is.

But these opportunities for personal contact with relatives, the children that you mentioned, friends, clergy, volunteers and other persons -- how does the bill define personal contact?

SENATOR SEPÚLVEDA: Well, I think --

SENATOR HELMING: Is that through --

SENATOR SEPÚLVEDA: The same way that it's defined in the law. It could be

through plexiglass, it could be sitting in front. That's how you essentially define it. We're not asking for a new definition, it's just in-person. As opposed to video visitation.

SENATOR HELMING: So -- through you, Madam President. So it's not defined in the bill.

And you -- through you, Madam President, will the sponsor continue to yield. You mentioned --

ACTING PRESIDENT MAYER: Hold on. Excuse me one minute. I'm sorry.

Senator Sepúlveda, do you continue to yield?

SENATOR SEPÚLVEDA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR HELMING: You mentioned how it occurs now. But when I visited, what I've seen, especially in the family visiting rooms, I don't see plexiglass, I see people reaching out and touching, kids running around.

But I'd like to hear or understand more of the type of personal contact that you

envision, or that is intended by this bill.

SENATOR SEPÚLVEDA: Through you, Madam President. It's the same definition that's in every DOCCS policy. It's about having as much personal contact with someone.

What it's not is video visitation, which the facilities are using more often. And although I don't discourage it when necessary, there's no substitute for direct contact between a parent who's incarcerated and a child or family member.

And so it's the same definition that's used now under most facilities in DOCCS.

SENATOR HELMING: Thank you. Through you, Madam President.

ACTING PRESIDENT MAYER: Are you asking the Senator to yield?

SENATOR HELMING: Yes.

ACTING PRESIDENT MAYER: Senator, do you yield?

SENATOR SEPÚLVEDA: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator continues to yield.

SENATOR HELMING: Senator, do you

have any concern that as this bill is written that this personal contact may facilitate the concealed transmission of contraband?

SENATOR SEPÚLVEDA: Well, through you, Madam President, you cannot throw out the baby with the bathwater. If you want better screening for contraband, then I think every facility can work on that, either through technology or so forth.

But you don't deprive potentially 105 children from direct contact with their family members that are incarcerated because of the concern about narcotics or contraband.

I think most facilities can do a good enough job to control that so we don't sacrifice a lower rate of recidivism and certainly the mental health, well-being of children whose parents are incarcerated.

SENATOR HELMING: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SEPÚLVEDA: Through you, Madam President, yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR HELMING: The bill requires the visiting program to include visits of sufficient duration, including a minimum of one hour at local correctional facilities, so that visitors and incarcerated people will be able to maintain relationship bonds.

How is "sufficient duration" defined?

SENATOR SEPÚLVEDA: Well, it's defined as whatever DOCCS defines it as. I mean, most of these visits are -- generally speaking, facilities give longer than an hour. So again, we're not asking the facilities to do anything extra that would require them to need more staff to handle this hour.

Most visits are, in duration, much longer than an hour, but we want to guarantee an hour for children and family members to have contact with those who are incarcerated so they come out better when they're ultimately released.

SENATOR HELMING: On the bill.

ACTING PRESIDENT MAYER: Senator Helming on the bill.

SENATOR HELMING: First I'd like to thank my colleague for his responses.

Again, I want to state that I have no objection to providing inmate visitation programs at our state and local facilities. But I do have -- I do have concerns.

I think the visits are beneficial for the incarcerated individuals, and I actually think they benefit the facilities. They provide a more safe and secure facility. They're actually a tool in the toolboxes of our law enforcement to help control what's going on in their facilities.

However, my problem with this particular bill is that it's too broad and it lacks the complete definitions. And any legislation that allows for opportunities for personal contact between inmates and visitors must be explicit in the scope of that contact.

More importantly, it must be limited to conduct that does not allow for the concealed transmission of contraband. Under this visitation program, an increase in contraband is very possible. We most recently heard about Marcy Correctional Facility, where two COs got

very sick from the contraband that was smuggled into the facility.

And we've also seen what happens to incarcerated individuals who either overdose on narcotics that are smuggled in or have other adverse reactions to other types of contraband that get into the facility.

And just speaking about the children, when I sat and observed in the family rooms and in the visitation rooms, one of my concerns about this legislation and the possibility that it could increase contraband coming into the facility is those children, those children who are running around in the area. I want to make sure we do everything to protect them.

Furthermore, I'd say this bill provides no mechanism for additional staffing, which will certainly be required to meet the bill requirements. Our unions have been very vocal about the detrimental impacts of mandated overtime on COs and others.

And Madam President, what I would request, respectfully request is that the sponsor solicit the input of the New York State Sheriffs'

Association and other law enforcement partners to develop an amended version of this bill that will not put the incarcerated individuals, the visitors, and the employees of our local and state correctional facilities in more jeopardy.

I know the New York State Sheriffs' Association are willing to share their thoughts on how to craft such legislation. In fact, they submitted a memorandum in opposition, and at the bottom of it they say that they're eager to share their thoughts on how to craft a piece of legislation that would achieve the dual goals of providing emotional support to inmates as well as preserving the safety and security of the jail.

I think it's always beneficial when we invite everyone who's going to be impacted by a piece of legislation to the table.

So I will be voting nay. Thank you.

SENATOR SEPÚLVEDA: To explain my vote.

ACTING PRESIDENT MAYER: One minute, Senator Sepúlveda.

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 120th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Sepúlveda to explain his vote.

SENATOR SEPÚLVEDA: Thank you, Madam President, for allowing me to explain my vote.

I want to thank my colleague for the discussion on the bill. It seems to be a yearly thing between me and the Senator.

The -- this bill just essentially codifies correctional facilities' current administrative practices of permitting incarcerated individuals to have visitors. Research has shown that visitation by family members is one of the most important factors when it comes to recidivism. And the National Institute of Correction stated that having visits, any visits at all, was found to reduce

recidivism anywhere between 13 to 25 percent.

The bill provides that prisons and jails must have reasonable visitation hours likely to accommodate visitors from distant parts of the state. The visit must also be long enough so that the incarcerated individual and their family can maintain relationship bonds. Through in-person visitation this bill promotes institutional and community adjustment upon release.

The innovations of this bill are that DOCCS and jails must publish overcrowding policies so that visitors can know what to expect when they arrive in the visiting room.

The provisions also indicate that video visitation may supplement but not take the place of in-person visits. This is critical because some jails have tried to replace in-person visits with video visitation or have shortened the visitation hours because of the availability of video visits.

While we support video visitation, it cannot replace in-person visitation. With in-person visitation, the family members, the children get to hold hands with the incarcerated

parent, play board games, or go outside to the facility yards and playgrounds.

The COVID-19 pandemic has placed a huge strain on relationships last year for those that are incarcerated.

The bill does not require DOCCS to change current practice, and our understanding is that they are okay with the bill. Some jails are already offering evening and weekend hours. So only those that don't do this already will need to spend nominal time to arrange their visiting schedules to comply. But ultimately, it should not be a big lift for jails to do so.

And just as important, in the event that a facility has to shorten hours because of an emergency, the bill provides for that.

So I think all of your concerns or any concerns that you may have should be alleviated.

So I want to thank the leader for allowing me to pass this legislation, allow it to come to the floor, and my colleagues for supporting it. I vote affirmatively.

Thank you.

ACTING PRESIDENT MAYER: Senator

Sepúlveda to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 986, those Senators voting in the negative are Senator Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT MAYER: The bill is passed.

Calendar Number 1078, Senate Print 5924A, by Senator Thomas, an act to amend the General Business Law and the Education Law.

ACTING PRESIDENT MAYER: Senator Boyle.

SENATOR BOYLE: Thank you, Madam President. Would the sponsor yield for some questions?

SENATOR THOMAS: Through you, Madam President, yes.

ACTING PRESIDENT MAYER: Senator Thomas yields.

SENATOR BOYLE: Thank you. Madam President, through you.

Is this bill -- it covers both private, independent colleges and SUNY and CUNY, is that correct?

SENATOR HARCKHAM: Yes, correct. Through you, Madam President, yes, it does.

SENATOR BOYLE: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield, Senator Thomas?

SENATOR THOMAS: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR BOYLE: Senator, have you done any estimates on the costs of this piece of legislation for private colleges, for example?

SENATOR THOMAS: Through you, Madam President. Through the COVID relief funds, I believe private universities and colleges received more than $40 billion. So I think they are fully covered here when it comes to their costs.

SENATOR BOYLE: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Senator Thomas, do you continue to yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BOYLE: So this legislation only goes through the COVID pandemic, is that correct?

SENATOR THOMAS: Through you, Madam President, no, it does not. But universities have enough money to cover these costs.

SENATOR BOYLE: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield, Senator Thomas?

SENATOR THOMAS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BOYLE: Senator, how about SUNY and CUNY? Are there any additional funds that have been authorized or appropriated for our public colleges in New York State with the costs -- that it's going to cost them for these debts?

SENATOR THOMAS: Through you, Madam President. So far we have seen

institutions receiving a windfall from the federal government. They need to be using this to cover whatever expenses that they have, and they're already using this. So this should -- this looks like they should cover whatever costs come from this.

SENATOR BOYLE: Through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Senator Thomas, do you continue to yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BOYLE: Senator, so if you take out the tools, shall we say, that colleges have to collect this debt, like withholding transcripts, what else do they have? What's the next tools or options that these colleges have, both private and public, to collect the debt that's owed them?

SENATOR THOMAS: Through you, Madam President, transcripts are a record of students' education. They are not tools to be used for debt collection. So this is the

backward policy that we are trying to change here in New York State.

These individuals are not trying to go to school for free. They are trying to live their lives and get out of poverty. So when something bad happens, because life happens, COVID has happened -- things happen in people's lives and they have to drop out, they cannot afford the tuition anymore.

It is unconscionable, unconscionable to withhold their transcripts so that they can be prevented from getting a job so they can pay off their balances.

SENATOR BOYLE: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Senator Thomas, do you continue to yield?

SENATOR THOMAS: Absolutely.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BOYLE: Senator, I'm not questioning that the debt is a problem. What I'm saying is that the options that colleges have, both public and private, to collect these funds

is also going to have an effect on the students.

Right now if you take away withholding transcripts, which is kind of a minor bump in enforcement, shall we say, they could go straight to debt collection. And that's going to cost. And I want to know if you have a concern with that, them going straight to debt collection and perhaps affecting their credit scores, which affects much more of their life than withholding their transcripts for a few months.

SENATOR THOMAS: Through you, Madam President. The private colleges and universities are already using debt collection practices. So we are taking away one way that they are preventing an individual from bettering their lives.

You said it's a tool. They have been using it as a tool, and it's a backward policy in this state that we are trying to change.

Other states around the country are changing this because they see, they see that student debt is a big problem and we need to get them out of poverty. And this is one way of

doing that, and this is exactly why we need to change the policy here in New York.

SENATOR BOYLE: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Boyle on the bill.

SENATOR BOYLE: Senator, I appreciate your good heart in trying to resolve this issue. And student debt is no doubt a major issue in New York State and throughout the country. But I believe that this is not the correct way to fix it. This legislation is only going to exacerbate the problem.

Right now some colleges withhold transcripts so they get payment. If they do not have this option, they're going to go straight to debt collection. And as anybody who received calls from debt collectors, it causes much disruption in one's life, and then it goes to their credit scores. As we all know, that affects their ability to buy houses, to buy cars, whatever they're going to do in the future. If their credit score goes down because they didn't make a payment earlier on in their college years, it's going to cause much greater problems in

their life.

It also does not allow colleges to go the first step before they ask for a payment plan. A lot of colleges, first they withhold the transcripts, they get the student's attention who owes them whatever amount they owe, and when that discussion is had, then they say, Okay, let's figure out a payment plan, let's make it easier. You want to make the payment, we want to give the transcripts, make everyone happy. It might take a couple of weeks, a couple of months, and then -- that's an easy step rather than going directly to debt collection and hurting their credit score.

For that reason, Madam President, I'll be voting in the negative.

ACTING PRESIDENT MAYER: Thank you, Senator Boyle.

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 5. 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: Senator Thomas to explain his vote.

SENATOR THOMAS: Thank you, Madam President.

Like I mentioned before, transcripts are a record of a student's education. They are not and were never meant to be tools for debt collection.

My colleague Senator Boyle discussed how if this tool was taken away, then their credit score will be impacted and they won't be able to find a proper -- they wouldn't be able to buy a house or a car.

But I must say this. If they don't have their transcript, they won't be able to find a job, and that job will not be able to produce the individuals that we need in this society to give back and to be able to pay off their debts.

Now thousands of New Yorkers are currently unable to obtain their transcripts from higher education institutions across the state

because they owe even small amounts of money -- from tuition fees to library fines and parking tickets -- to the universities and colleges they attend. This practice is known to some as transcript ransoming. Transcript withholding is a disruptive, counterproductive and harmful practice that prevents student from being able to transfer credits, reenroll in school to finish their degrees, or obtain jobs that could help them pay their balances.

Each withheld transcript represents a student who is denied the opportunity to pursue a chosen career path, denied access to social and economic mobility through their higher education, and ultimately denied access to the American dream.

As New Yorkers recover from the economic fallout of the pandemic, we have the opportunity to remove this ineffective and counterproductive barrier in higher education and help our state recover faster by ensuring a strong, diverse and educated workplace.

My legislation will stop the practice of transcript withholding as a debt collection tool and ensure our students have the

necessary tools they need to thrive, especially in these exceptionally challenging times.

I would like to thank the leader, Andrea Stewart-Cousins, for bringing this bill to the floor, and to all my Senate colleagues for their support and standing up for students across New York State.

I proudly vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1078, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Persaud, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Thank you, Madam President.

If we could briefly return to motions, on behalf of Senator Ramos, on page 51 I offer the following amendments to Calendar 1110, Senate 2766A, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR GIANARIS: I'd also like to call up the following bills, which were recalled from the Assembly and are now at the desk: Senate 841 and 5760.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 332, Senate Print 841, by Senator Biaggi, an act to amend the Environmental Conservation Law.

Calendar Number 743, Senate Print 5760, by Senator Breslin, an act to amend the Insurance 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, 63.

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

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT MAYER: The amendments are received.

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

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

SENATOR GIANARIS: Move to adjourn until tomorrow, Wednesday, May 26th, at 11:00 a.m.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Wednesday, May 26th, at 11:00 a.m.

(Whereupon, at 5:35 p.m., the Senate adjourned.)