NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 11, 2022

3:41 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT PERSAUD: The reading of the Journal.

THE SECRETARY: In Senate, Monday, January 10, 2022, the Senate met pursuant to adjournment. The Journal of Sunday, January 9, 2022, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Gaughran

moves to discharge, from the Committee on Rules, Assembly Bill Number 8591 and substitute it for the identical Senate Bill 7623A, Third Reading Calendar 12.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

I move to adopt the Resolution Calendar.

ACTING PRESIDENT PERSAUD: All in favor of adopting the Resolution Calendar please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The

Resolution Calendar is adopted.

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

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 12, Assembly Print Number 8591, by Assemblymember Thiele, an act to amend Chapter 417 of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you, Madam President.

This legislation, on just a temporary basis, will give our school districts, towns, cities, villages the options to hold remote meetings pursuant to the Governor's orders.

We have to face reality that with Omicron, this virus is spreading faster than it ever has before. And we have situations now where our school boards and our municipalities may not even have quorums to operate. So this is just an emergency measure as we get through this period, which I hope ends as quickly as possible.

And yes, it does also apply to the State Legislature, and that we, pursuant to our own rules, may meet remotely. The purpose of that is that again, with Omicron, you can have members of the State Legislature who will not be able to be present, perhaps for a month or more, simply because either their health is impacted or they're required to quarantine because of a contact they may have. And that means that the people that we represent will not have their voices heard on so many important matters that will be coming before this Legislature.

Now, I do believe as it relates to government and local governments, our municipalities, that we should be looking at other ways to take advantage of this technology that we have so that when we move out of this COVID situation, we can enhance public

participation: Meetings can be held in town hall with remote opportunities as well.

So again, this is a temporary measure. And I vote in the affirmative, Madam President.

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

Senator Helming to explain her vote.

SENATOR HELMING: Thank you, Madam President.

I rise today to explain my vote in opposition to this legislation.

Madam President, I am voting no because it is my strongly held belief that the ability for a public body -- such as a school board, a local town board, village board, city council -- the decision whether or not to host a remote meeting should not be tied directly or specifically to the Governor's State of Emergency Declaration.

These bodies and the people who elect these bodies to serve should have the ability to make these decisions independent of the Governor's actions.

For these reasons, I am voting in

the negative.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Helming to be recorded in the negative.

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Madam President.

First I want to thank Senator Gaughran for this important piece of legislation and for his leadership on it.

You know, when the pandemic made it unsafe to conduct public business in person, New York City community boards, many of which I represent -- six, to be exact -- and many other public bodies successfully transitioned to video conferencing software to host their meetings. In the process, these public bodies have demonstrated how useful these tools are for all who wish to participate in our democracy.

We saw participation levels, diversity in participation, increase in these important deliberative bodies. Parents with children, who might not otherwise have been able to take hours off of their evenings at community board meetings before now, Zoom in to discuss

local concern. Those with disabilities and mobility issues, who have previously struggled to get around town to a church basement or a high school cafeteria, now have the opportunity to easily attend public meetings to have their voices heard.

Videoconferencing has been a boon to our democracy and empowered countless New Yorkers to participate in their communities more fully. And while these incredible benefits have helped so many, the primary goal has been to keep New Yorkers healthy during this deadly pandemic.

With the statute enabling these remote meetings expiring on June 15th, something had to be done. Senator Gaughran's bill to extend those important provisions and tie them to the current State of Emergency Declaration is going to help New Yorkers stay safe while we experience this ongoing surge of Omicron.

This will allow remote options to continue as long as public health conditions require such options to exist. As new technologies emerge to improve the way we communicate and interact as a society, we must adapt and ensure our statutes reflect the new

reality.

The benefits we have seen from allowing videoconferencing have been critical during this pandemic, but could continue to benefit New Yorkers long after the pandemic is a distant memory. I believe that we should provide a long-term solution for public bodies consisting of volunteer officials to continue to use videoconferencing. And I've introduced legislation to permanently empower New York City community boards and other voluntary organizations to continue to use videoconferencing.

I vote aye, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 12, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Rath, Serino, Stec, Tedisco and Weik.

Ayes, 47. Nays, 16.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 17, Senate Print 7689, by Senator Hinchey, an act to amend the Public Service Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Helming to explain her vote.

SENATOR HELMING: Thank you, Madam President.

I rise today to explain my vote in favor of this legislation.

While I voted against the original bill, I believe that my concerns and the concerns of local broadband developers have been addressed. This is definitely a step in the right direction.

However, if we truly want to expand services to more areas of the state, this body

needs to take at least a second step. And that second step, in my opinion, is passing Senate Bill 2659, which repeals the fiber optic tax. That tax, if you recall, was incorporated into the State Budget by our former Governor.

By eliminating the fiber optic tax, we can reduce the cost of broadband buildouts and encourage the further expansion of broadband service to every single area of New York State.

Now, many times on this floor you have heard me talk about the concerns of rural New Yorkers. But the truth is we have broadband and also cellular dead zones in many of our cities and suburban areas, as well as our rural communities.

My bill, Senate Bill 2659, the fiber optic tax repeal legislation, was introduced in July of 2020. It's been sitting in the Transportation Committee for 18 months. Everyone in this body understands the importance of providing equitable broadband services to all New Yorkers. We all want to improve and grow access for individuals, businesses and students, for health, education and economic reasons.

That's why I urge the Majority and

the chair of Transportation to bring S2659 to this body for a vote. Let's repeal the fiber optic tax and expand broadband services.

I vote aye on this amended legislation.

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

Senator Stec to explain his vote.

SENATOR STEC: Thank you, Madam President. I too rise to -- in support of this amendment.

However, I was in the affirmative on the original bill because I feel that not only what we're doing here today, but more is required to facilitate pole erection and replacement on new poles. That process needs to be streamlined. I think that this bill still allows for that process to happen, but more needs to be done.

And my colleague just mentioned one important aspect I want to reiterate -- and we talked about this in the budget on debate last year -- that the fiber tax, which was enacted in the 2019 budget, is an impediment on building out the rest of broadband throughout the rural parts of New York State. We are not all at 99 percent,

as the previous Governor had touted on his way out the door, and more work needs to be done.

I think it's important to point out to this body that while I've heard from many fiber suppliers that they are not building out because of the fiber tax, in the three years since we enacted that in the 2019 budget, only $8 million has been collected -- 8 million with an M.

So it's not a big revenue generator, but it is preventing -- we've put in a half a billion dollars in the first round of broadband programs which were built out, and unfortunately a lot of that money did go to make-ready and pole replacement, which is what this bill is talking about.

But the other aspect we're falling short on is that we have a lot of fiber optic costs that are turning away our companies wanting to build out the rural parts of the state. And $8 million on a half-a-billion-dollar investment that the taxpayers made -- Governor Hochul in her State of the State mentioned that she wants to put in an additional billion dollars. And I applaud that. We need to finish the job, so I

applaud the Governor for wanting to move this forward.

But again, this $8 million over three years that we've collected is enough right now where it is preventing fiber suppliers from building out in the rural parts of the state.

So I would encourage -- there's a few bills out there that would get this done. Senator Helming just mentioned hers. But that, and another thing that is not in legislation but the Senate should be aware of is that recently, on its own, without legislation, the Department of Transportation has required broadband suppliers to perform surveys on all state highways when they're -- not the cable companies, not the power companies, not the phone companies, but fiber optic companies that are laying the broadband, they're required to survey for DOT where they're building out. And that is another significant impediment to building out.

So while this bill and this chapter amendment is a step in the right direction, there's two more pieces of the puzzle that absolutely have to be addressed: The fiber tax, which was done in the budget and has only raised

$8 million, and the survey costs. Those two things are preventing investment in our broadband.

So with that, I will support this bill, but again I encourage the body to look for more ways to continue to move this ball forward.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 19, Senate Print 7691, by Senator Mayer, an act to amend the County Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce

the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 21, Senate Print 7693, by Senator Harckham, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 26, Senate Print 7698, by Senator Comrie, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 26, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 32, Senate Print 7704, by Senator Breslin, an act to amend the Insurance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 33, Senate Print 7705, by Senator Hoylman --

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 36, Senate Print 7708, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 37, Senate Print 7709, by Senator Kaminsky, an act to amend a chapter of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 37, voting in the negative: Senator Akshar.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 39, Senate Print 7711, by Senator Parker, an act to amend a chapter of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 39, those voting in the negative are Senators Lanza and Ortt.

Ayes, 61. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Let's take up the controversial calendar at this time.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 33, Senate Print 7705, by Senator Hoylman, an act to amend the Penal Law.

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

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

ACTING PRESIDENT PERSAUD: Thank you, Senator Lanza.

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

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

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

Senator Tedisco.

SENATOR TEDISCO: Thank you, Madam President, for recognizing me.

As I put forth this amendment, I'd

just like to mention to those members on the other side of the aisle who are not in the room today -- for the obvious reasons, but who are watching -- that the contents of this amendment is actually a bill. It's a piece of legislation. It's a piece of reform legislation. In the Senate, it's S01521. In the Assembly it's A1705.

And it's bipartisan. It's sponsored by Republicans and it's sponsored by Democrats, because we're all one when it comes to public safety.

The bill for reform that is before you right now relates to reforming an agenda that has failed miserably over the last three years that has emanated from the other side of the aisle. And that's just a fact. It can't be refuted.

It can't be refuted because as I pick up these articles from -- well, locally it's the Times Union, it's the Gazette, there's the Democrat and Chronicle -- 319,000 New Yorkers walked out of the State of New York in this past census year, voted with their feet. New York, of the 50 states in the nation, was number one in outmigration, irrefutable, at the bottom of the

list in population growth.

You don't have an agenda that's working for the people of your state when year after year after year -- and as the Times Union says this time around, from July '20 to July 2021, New York's population fell by 319,000 people, the largest numeric decline of any state in the country, according to the Census Bureau estimates.

Now, there's a lot of parts of why your agenda has failed over the last three years, and I imagine it's going to continue to fail. But this addresses, this amendment, the most important failure that's taken place.

I don't know about the calls you're getting in your office or what you're seeing on your social websites. People are afraid to leave their homes, they're afraid to walk the streets -- they're certainly afraid in the big city of New York City -- they're afraid to go to the grocery store. And it's not the pandemic, and it's not the weather in New York. This has been happening before the pandemic ever took place, this exodus.

And you know what? There was a deep

dive just before the pandemic looking at why we were number one in outmigration in around 2019. Fifteen percent of the population -- number one in outmigration -- who left, you know where they went? New Jersey. My colleagues and the citizenry watching, New Jersey's not exactly the sunny, balmy place in the Northeast. Nobody's -- well, I shouldn't say nobody.

The reason why they're leaving, and the most important part of this reform -- relates to why everything else pales in its sight -- and it's public safety.

You passed the so-called criminal justice reform cash bail bill. And I looked in the dictionary. "Reform" means to make something better and work more effectively. There's another word which really relates to what you've done. It's deform. You've deformed public safety in New York State.

It's a revolving door of danger and disaster. It's a get-out-of-jail-free card. It's a catch and release. It's endangering the very individuals which you made the argument for that we need these reforms. You said individuals in low-income and minority neighborhoods need

this because they're being discriminated against. You know who's being discriminated against? The people who are breaking the law from those neighborhoods who judges have to release because you took all discretion away from them.

Unfortunately, there are high levels of crime in neighborhoods with minorities and low-income individuals. And they're going back to those neighborhoods and innocent law-abiding citizens -- which you said you were going to protect and make justice be equal because of this reform you've put forth.

Now, the way it happened is you went behind closed doors, you went in secret. Law enforcement, the judiciary, district attorneys -- you gave them lip service, the professionals.

I've got a question for you. I've got a question for the other side of the aisle as I present this amendment. The one voice from one political affiliation, from one region of the state -- that's you, who control the Senate, the Assembly and the Governor's office. I want to ask you this question.

Three hundred nineteen thousand people left the state. When enough people leave

the State of New York, go to that U-Haul -- who happens to be doing very well as a business, one of the top businesses now because they're really using those U-Hauls -- when those people, enough of them, go to U-Haul, pack up those trucks and leave the State of New York, who is going to pay for a $212 billion budget -- the infrastructure, education, healthcare, the disabled, the mental health needs that we have, all the programs built into that?

You know who's going to be left? You know what the statistics show? We have a large increased percentage of seniors in New York State, and we're lower expectations for births. Why? Because young people and their families are leaving the State of New York, young people and their families are not coming to the State of New York because you're not incentivizing them to come.

I want to ask you, how are you going to pay for all those services when year after year we're number one in outmigration? Now let's look what happened in regards to that. It's not only that they've left. We're one of seven states, because of that outmigration, who lost

another representative in Washington. I hear on this floor many times: Why don't we bring home the bacon? Why aren't our congressmen bringing home money?

We're losing representation because we're losing population, because people are voting with their feet. They're afraid. It's the top issue. Everything pales when you neglect public safety. We're behind Florida now. We were number three in population; we're number four now.

Add to that this. I think my colleagues understand what this is, but maybe the viewers don't understand when I say this. We are number one in Tax Freedom Day in New York State. Number one. Add to this all the population -- we're number one in Tax Freedom Day. You know what Tax Freedom Day is? It's the middle of May, for anybody and everybody who works in New York State, who actually takes $1 home to pay their mortgage, pay their car payments, pay their tuition, put food on their table.

January, February, March, April, May -- that's five months of socialization, five months of the State of New York taking their tax

dollars before they let them take one tax dollar home. I don't think that's a good record. That might have something to do with U-Haul doing so well and the people walking out of the State of New York.

Look. If this continues, if your agenda continues, if you don't make it safer and don't support this amendment to do it -- and I'll explain it, it's pretty simple, right now -- we're not going to be the Empire State, we are moving towards the Empty State. People are leaving in droves. It's not "I Love New York" anymore, it's "I Leave New York" or "I Left New York."

We do love New York. We want it to be a better place. But the agenda has to change.

Now, Governor Hochul -- I'm not the only one to mention 319,000 people leaving the state. She mentioned it in her State of the State message. She also touched on public safety, but she really didn't give you an answer.

I'm going to give you an answer. Give discretion back to judges. Give discretion back to judges. Give discretion back to judges to consider the individuals before them being a

danger to themselves or others in their community.

Do I say give back the discretion they had before? Look, I know the audience I'm talking to. I know you're never going to support that. But this makes eminent common sense. And let me tell you the three areas that it deals with.

Under the present circumstances, someone breaks the law -- now, you've got a whole bunch of crimes now which you classify as nonviolent. You know, home break-ins, burglaries, carjackings. Okay, you've done that. But if somebody comes before a judge and we allow the judge -- this is one of these areas to give them discretion -- is able to look in that person's background and they have a serious felony -- not arrest. An arrest, a conviction and paid the penalty for a serious violent felony -- the judge should have the ability to consider whether they're a danger to themselves or others in confinement. Cash bail, get them off the streets.

Two other areas this bill would give them the opportunity to have consideration if

they're a danger to themselves or others.

You know, we're giving them one bite at the apple. They're coming before the judge, the judge's hands are tied, they're released. Three thousand five hundred individuals, just over the last year, recommitted serious crimes. Three thousand five hundred. Now, it's many more because our law enforcement individuals can only catch maybe 50, 60, 70 percent of those who break the law. So it's above 3,500.

As the good Senator Ortt, our leader, says: You guys have the habit of saying if it impacts one person's life. This impacted 3,500 individuals' lives, and their families. And of course above that, because there's a lot more people who broke the law that they probably didn't catch.

This bill says this reform: If we give you a bite at the apple, we give you a ticket, we let you go, no cash bail, you have a timetable to show up and you break the law again, why should not the judge have the discretion in that particular case to say "We gave you a chance," look at the case, consider whether they're a danger to themselves or others, and say

"Cash bail, we're going to confine you"?

The third case is this. We've let people go -- thanks for the applause, Lanza. We've let people go. And what have they done? They have run. Now here's what's happening. Our law enforcement officials who arrested these people, who are limited in case -- and don't forget about the fact that you want to unfund the police. Oh, don't tell you didn't mean it. You broke it, it's yours now. Okay?

You want to diminish the men and women out there, but yet you release these people where they have to chase the individuals they arrested once and are breaking the law again, and then you have to chase them because they're running. Because they know if they run, many times when they come back they're released again.

In cases where you've given them that responsibility to come, and they run, why shouldn't the judge have the opportunity to consider the fact that you would be a danger to yourself or a danger to others?

In those three limited areas, if I had my druthers, would I repeal and bring the professionals in? Listen I'm not against

criminal justice reform. I think it's a good idea to do the best we can for our victims and, to be fair, to those who are alleged predators and criminals. But this is not working. You can't deny it. Three thousand five hundred individuals recommitted crimes. People are afraid to walk the streets. I'm sure they're calling your office like they're calling my office.

Madam President and my colleagues, if you've got a better idea than this to reform if, I'd love to vote for it. But as it is right now, it's failing miserably. I move the amendment and I ask for your consideration.

Thank you so much.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

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

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

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: Madam President,

we have agreed to waive the showing of hands and record each member of the Minority in the affirmative, as we have throughout the pandemic.

ACTING PRESIDENT PERSAUD: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

The Secretary will read.

THE SECRETARY: Calendar Number 33, Senate Print 7705, by Senator Hoylman, an act to amend the Penal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to

Calendar Number 33, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec and Tedisco.

Ayes, 49. Nays, 14.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

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

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

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

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

(Whereupon, at 4:14 p.m., the Senate adjourned.)