NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 26, 2022

11:13 a.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

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

THE SECRETARY: In Senate, Tuesday, January 25, 2022, the Senate met pursuant to adjournment. The Journal of Monday, January 24, 2022, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Kaplan

moves to discharge, from the Committee on Codes, Assembly Bill Number 8700 and substitute it for the identical Senate Bill 7759, Third Reading Calendar 133.

Senator Gaughran moves to discharge, from the Committee on Labor, Assembly Bill Number 8708 and substitute it for the identical Senate Bill 7762, Third Reading Calendar 136.

Senator Sanders moves to discharge, from the Committee on Rules, Assembly Bill Number 8720 and substitute it for the identical Senate Bill 7763, Third Reading Calendar 137.

Senator Skoufis moves to discharge, from the Committee on Rules, Assembly Bill Number 8693 and substitute it for the identical Senate Bill 7665, Third Reading Calendar 139.

Senator Harckham moves to discharge, from the Committee on Rules, Assembly Bill Number 8754 and substitute it for the identical Senate Bill 7812, Third Reading Calendar 176.

ACTING PRESIDENT BAILEY: 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: Mr. President, please take up the reading of the calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 133, Assembly Print Number 8700, by Assemblymember Dinowitz, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 133, those Senators voting in the negative are Senators Biaggi, Borrello, Brisport,

Gallivan, Griffo, Helming, Lanza, Martucci, Myrie, Oberacker, O'Mara, Ortt, Ritchie, Rivera, Serino and Weik.

Ayes, 46. Nays, 16.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 134, Senate Print 7760, by Senator Gianaris, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 134, 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, 42. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 136, Assembly Print Number 8708, by Assemblymember Bronson, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 136, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Jordan, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 18.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 137, Assembly Print Number 8720, by Assemblymember Englebright, an act to amend a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 137, voting in the negative: Senator Akshar.

Ayes, 61. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 138, Senate Print 7764, by Senator Comrie, an act to amend a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 139, Assembly Print Number 8693, by Assemblymember Bronson, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 144, Senate Print 7773, by Senator Ramos, an act to amend the Labor Law and the General Business Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 144, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Rath, Serino, Stec and Tedisco.

Ayes, 54. Nays, 8.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 162, Senate Print 7796, by Senator Brooks, an act

to amend the Penal Law.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 162, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino, Stec and Tedisco.

Ayes, 46. Nays, 16.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 171, Senate Print 7805, by Senator Gianaris, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 1. Senator Helming recorded in the negative.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 173, Senate Print 7807, by Senator Hoylman, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 176, Assembly Print Number 8754, by Assemblymember Abinanti, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 176, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan and Serino.

Ayes, 58. Nays, 4.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 190, Senate Print 7830, by Senator Kavanagh, an

act to amend the Private Housing Finance Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 190, 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, 42. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 193, Senate Print 7835, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 280, Senate Print 7766, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 296, Senate Print 7882, by Senator Gounardes, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 296, voting in the negative:

Senators Akshar and Borrello.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

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

SENATOR GIANARIS: I move to adjourn until Monday, January 31st, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Monday, January 31st, at 3:00 p.m., with the intervening days being legislative.

(Whereupon, at 11:24 a.m., the Senate adjourned.)