NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 1, 2022

3:44 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 31, 2022, the Senate met pursuant to adjournment. The Journal of Sunday, January 30, 2022, was read and approved. On motion, 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 Sanders

moves to discharge, from the Committee on Rules, Assembly Bill Number 8728 and substitute it for the identical Senate Bill 7804, Third Reading Calendar 170.

Senator Hinchey moves to discharge, from the Committee on Rules, Assembly Bill Number 8758 and substitute it for the identical Senate Bill 7818, Third Reading Calendar 182.

THE SECRETARY: Senator Mannion moves to discharge, from the Committee on Rules, Assembly Bill Number 8710 and substitute it for the identical Senate Bill 7847, Third Reading Calendar 203.

Senator May moves to discharge, from the Committee on Rules, Assembly Bill Number 8829 and substitute it for the identical Senate Bill 7834, Third Reading Calendar 293.

Senator Brouk moves to discharge, from the Committee on Rules, Assembly Bill Number 8773 and substitute it for the identical Senate Bill 7883, Third Reading Calendar 297.

Senator Addabbo moves to discharge, from the Committee on Rules, Assembly Bill Number 8751 and substitute it for the identical Senate Bill 7884, Third Reading Calendar 298.

Senator Harckham moves to discharge, from the Committee on Health, Assembly Bill Number 8826 and substitute it for the identical Senate Bill 7888, Third Reading Calendar 302.

Senator Reichlin-Melnick moves to discharge, from the Committee on Rules, Assembly Bill Number 8746 and substitute it for the identical Senate Bill 7889, Third Reading Calendar 303.

ACTING PRESIDENT PERSAUD: The substitutions are 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.

On behalf of Senator Biaggi, on page 9 I offer the following amendments to Calendar 84, Senate Print 402A, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: I now move to adopt the Resolution Calendar, with the exception of Resolutions 1776 and 1779.

ACTING PRESIDENT PERSAUD: All those in favor of adopting the Resolution Calendar, with the exception of Resolutions 1776 and 1779, 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.

SENATOR GIANARIS: Can we now begin with previously adopted Resolution 1526, by Senator Kaplan, read that resolution's title only, and recognize Senator Kaplan.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution

1526, by Senator Kaplan, commemorating the observance of International Holocaust Remembrance Day on January 27, 2022.

ACTING PRESIDENT PERSAUD: Senator Kaplan on the resolution.

SENATOR KAPLAN: Thank you, Madam President.

As our community and our nation confronts an explosion of antisemitism and antisemitic violence, it is more important than ever that we remember the history of Holocaust and vow to never forget the millions who were murdered in the names of antisemitism and hatred.

Each year on the anniversary of the liberation of the Auschwitz-Birkenau concentration camp, we observe International Holocaust Remembrance Day -- not only to pause and remember the millions who were murdered by the Nazis, but also to reflect on our histories constructively, to ensure that it is not forgotten and to ensure we have learned the lessons of the past.

Unfortunately, studies show us we're not learning the lessons of the past and we're failing to educate our children on what happened

during the Holocaust. The facts are shocking: 58 percent of millennials in New York State can't name a single concentration camp; 19 percent believe that Jews caused the Holocaust; and 28 percent think that Holocaust is a myth or a story that has been exaggerated.

We're failing our duty to keep the history of Holocaust alive, and we're failing the next generation of New Yorkers. So as we pause and remember those we've lost and as we commemorate International Holocaust Remembrance Day, let's redouble our commitment to ensuring that the phrase "Never Forget" isn't just an empty gesture. Let's do more together to ensure that our young people are learning the history of Holocaust in our schools so that we're not doomed to repeat history's greatest tragedy.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Mayer on the resolution.

SENATOR MAYER: Thank you, Madam President.

And a special thank you to my colleague Senator Anna Kaplan for ensuring that we publicly observe International Holocaust

Remembrance Day on January 27, 2022, and for her words about ensuring that our next generation of young people know the real, criminal murder that occurred during the Holocaust and that it is not minimized or trivialized.

And to that point, I must say that I've been greatly disappointed that during our intense debates in this nation during COVID over vaccines and masks, that the use of the word "Holocaust" has crept into the vocabulary. And it's been very offensive to me personally, but to the entire Jewish community.

In fact, Max Sevillia, the president of government relations for the Anti-Defamation League, said that the U.S. is exhibiting "a trend of callous disregard for the facts," pointing to when leaders compare the push for vaccines to the Holocaust, which "creates a narrative that unfortunately has serious consequences."

"It's accelerating a callous disregard for the impacted communities, the feelings of the Jewish people, but also ratchets up tensions and has the consequence, the potential consequence, of leading to demonization and further antisemitism."

And my colleague Senator Kaplan described that we are facing growing antisemitism, growing hatred across our country. Today is a day when we speak about this, that we should renew our efforts to recognize the International Holocaust Remembrance Day for what it is, and not to let the language of that incredibly terrible time enter into a disagreement about healthcare and behavior during a serious pandemic.

I urge my colleagues, let us ensure that that word is not part of this discussion and that they criticize those who try to bring it in.

Today let us renew our commitment to remembering and teaching about the Holocaust in honor of this day.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: The resolution was previously adopted on January 11th.

Senator Gianaris.

SENATOR GIANARIS: Can we now move to Resolution 1776, by Senator Kavanagh, read that resolution's title, and recognize Senator Liu on the resolution.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 1776, by Senator Kavanagh, commemorating the Asian-American community's celebration of the Lunar New Year, the Year of the Tiger, on February 1, 2022.

ACTING PRESIDENT PERSAUD: Senator Liu on the resolution.

SENATOR LIU: Thank you, Madam President.

Before I speak on this resolution, which is very important and timely, I do want to reflect on the closing out of the previous lunar year, which ended yesterday, a year that ended with a spike in COVID-19 with the rise of Omicron and, unfortunately, a corresponding rise in anti-Asian hate that we have seen not only in New York, but across the country.

And so it is with some bittersweet emotion that I talk about that, especially with the memory of the vicious killing of Michelle Go and the tragic passing away of Yao Pan Ma from his injuries several months ago. These are two of the most vivid cases of violence that still

ring very, very loudly in the ears and the minds of Asian-Americans throughout New York.

But on the other hand, we are ringing in the New Year. Today is New Year's Day of the Asian Lunar Calendar. It is the Year of the Tiger. The tiger symbolizes strength, resiliency -- both qualities of which we will need in order to emerge from this crisis. We hope the Year of the Tiger will bring us back as close to normal as we possibly can get.

And I thank Senator Kavanagh for introducing this resolution, which I support wholeheartedly. I wish all of you great success in the Year of the Tiger. If you are in a position to get red envelopes from your relatives, then congratulations. If you are in a position to give red envelopes, make sure you give lots and lots of red envelopes.

With that, Madam President, thank you for the opportunity to speak about the Asian Lunar New Year and the Year of the Tiger.

ACTING PRESIDENT MAYER: 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.

SENATOR GIANARIS: Okay. And now let's move to Resolution 1779, by Leader Stewart-Cousins, read that resolution's title, and recognize Senator Parker on that resolution, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 1779, by Senator Stewart-Cousins, memorializing Governor Kathy Hochul to proclaim February 2022 as Black History Month in the State of New York.

ACTING PRESIDENT MAYER: Senator Parker on the resolution.

SENATOR PARKER: Thank you, Madam President.

I rise to celebrate today, February 1, 2022 as the beginning of Black History Month. And we understand Black History Month not simply as 28 days during which we think about the achievements and the

history of African-Americans, but really a jumping-off point that really begins 365 days of studying both -- not just African-American history, but American history.

This holiday was created by Carter G. Woodson in the 1920s, originally as Negro History Week. And actually it was picked as the second week of February, because it was the birthday of Frederick Douglass and Lincoln. And so that began this understanding of who African-Americans are and the achievements that they've given to this country.

It was critical in that moment because it didn't exist prior to that. Right? And so like now, in this moment, we are surrounded by, you know, Black leaders and see Black contributions to culture and all kinds of human endeavor every moment. But if we go back to the -- you know, really a hundred years ago, that was not the case.

The common dominant narrative was that African-Americans arrived on the shores of America in 1619 tabula rasa -- right? Fancy words for blank slates -- that they had not contributed to the culture of the world or this

country, that they did not have any history of their own, that they had no rights and no humanity that whites were bound to respect legally or morally in this country.

And so the act that Carter G. Woodson did in that time was revolutionary. To say that in fact people of African descent in this country did have a history, did have a culture, did have achievement that they gave not just here, but to the world.

And so the first thing to understand when you start studying African-American history is that the history of African people did not begin in 1619 in Virginia, but you have to go back to the continent of Africa. And when you start looking, it is that the history of African people is the history of humanity.

That when you look at the very first people, when they go and they find, you know, Ardipithecus ramidus, it is on the continent of Africa. Why they named her Alice -- it probably was not Alice. But that history begins there with the Khoisan people, right, and then moves up -- you know, actually moves down north -- because African people see the map in an opposite

direction. They moved down north and said that "We are the people who came from the valley beneath the Mountains of the Moon," which is Kilimanjaro.

They continued to move down north and build the civilizations of Nubia. And then that Nubian civilization builds a colony called Kemet that we often hear is ancient Egypt.

(Cellphone ring tone.)

SENATOR PARKER: That means I've talked already too long.

(Laughter.)

SENATOR PARKER: And I'm only in Egypt.

This is how important -- you know, so I can go on all day -- and you know I can -- talking about the ancient -- not the country now, but the ancient civilization of Ghana, the ancient civilization of Mali, the ancient civilization of Timbuktu, all of which contribute to world history even before America is even born.

And so as African people are illicitly stolen out of Africa and brought here, they are systematically stripped from their

culture, stripped from their history, stripped from their dignity, stripped from their humanity.

And what Carter G. Woodson did is work hard to start -- have us start re-remembering who we are as people. And that was important for African people, but also it was important for the whole society.

And so we remember in this moment, you know, people like Denmark Vesey and Gabriel Prosser and Nat Turner, who were already abolitionists. Right? People like Sojourner Truth and Harriet Tubman. Of course, you know, Frederick Douglass.

But there's no aspect of human endeavor that African people have not been engaged in. And so you have people from Maya Angelou to Amanda Gorman in literature. You have scientists like George Washington Carver, to Dr. Kizzmekia Corbett, right, in science. You have great scholars who think about all of the important aspects and provide intellectual context, everybody from W.E.B. Du Bois to people like Dr. Darrick Hamilton right here at the New School.

You have, you know, in the fields of

law -- and I know we have two great jurists leading our respective conferences here. And next to them, you know, the deputies --

(Laughter.)

SENATOR PARKER: No. But we have great jurists in our history like Thurgood Marshall, you know, and everybody from him to Benjamin Crump.

In the area of sports, we can go on and on from people like Jesse Owens to Simone Biles. And we can go from Leontyne Price, in music, to Beyoncé. And certainly let's not forget in the area of fashion, in which I have dressed up very dapperly at the request of the leader, and we remember people like Andre Talley and people like Dapper Dan.

And so this month let us take time and understand that this history is not just the history of African-Americans, but it is the history of our state and of our country. Because it is the fight for civil rights here in America that inspired things like the fight for civil rights in places like Ireland, when you see Dr. King and Jesse Jackson being influential figures in the fight for Irish independence.

You will see people, for instance, in the gay community that that -- the whole movement begins at Stonewall, which people don't know was a bar for Black gays and trans. Right? You see the women's movement being influenced by Harriet Tubman and Sojourner Truth and other Black women who were at the time not just fighting for racial justice, but also fighting for justice for women.

And so -- and every place that we turn we see the impact of African-American history on America and the fight for equity and equality in America.

And so I thank the leader for giving me this opportunity to speak on her behalf today. I look forward to the rest of the month as we continue to raise the voice and remember the life and the legacies of those who have given so much to our great state and our country.

And I ask us all to remember that we are the people who were here the day before yesterday, and we're going to be people who are going to be here the day after tomorrow.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you.

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.

SENATOR GIANARIS: Can we now take up the calendar, please.

Oh, before we do that, Madam President, at the request of the sponsors, the resolutions we took up today 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: And now let's take up the reading of the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 170, Assembly Print Number 8728, by

Assemblymember Cusick, an act to amend a chapter of the Laws of 2021.

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 182, Assembly Print Number 8758, by Assemblymember Santabarbara, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MAYER: 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 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 189, Senate Print 7827, by Senator Kaminsky, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAYER: 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 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 203, Assembly Print Number 8710, by Assemblymember Gunther, an act to amend a chapter

of the Laws of 2021.

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 244, Senate Print 3408, by Senator Brouk, an act to establish a Black youth suicide prevention task force.

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: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 247, Senate Print 694, by Senator Kaplan, 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 259, Senate Print 3468A, by Senator Kennedy, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect April 1, 2022.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Madam President.

I rise to support this legislation that will create the Office of Racial Equity and Social Justice in New York State, with the goal of improving opportunities and outcomes for all people in our state.

The Office of Racial Equity and Social Justice will serve as the official state planning and coordinating office for changes in policy, practice and allocation of state resources so that race or social constructs don't predict an individual's success.

Local jurisdictions such as Kings County, Washington, and Montgomery County, Maryland, have already established offices focused on equity and social justice, but New York, with the passage of this legislation,

will be the first state in the nation to create such an office.

With this legislation we're putting the State of New York at the forefront of addressing systemic racism, inequality and disparities nationwide. This office will help us as policymakers fight against institutionalized racism and biases and help create a more equitable state for everyone in New York regardless of their race, gender, age, ethnicity, religious background, sexual orientation or socioeconomic status.

This office will help all departments and agencies create a more inclusive policy and procedure and will ensure all state employees are educated about the values in equity and social justice.

I'm proud to carry this legislation alongside our historic Assembly Majority Leader, my friend Crystal Peoples-Stokes. I want to give special thanks to Hazel Dukes, the president of the New York State chapter of the NAACP, for her support of this legislation and tireless advocacy for equity and social justice.

And finally, I want to thank another

historic figure in this chamber -- that's Majority Leader Andrea Stewart-Cousins -- for bringing this bill to the floor here today and her commitment, as well as all my colleagues' commitment to providing opportunities for all people in our state regardless of where they come from and what they look like.

Creating an Office of Racial Equity and Social Justice demonstrates our commitment to our values and reaffirms who we are as New Yorkers, Madam President.

And with that, I vote aye and I urge all of our colleagues to do the same.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 259, 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 287, Senate Print 7795, by Senator Kavanagh, 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 same date and in the same manner as a chapter of the Laws of 2021.

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 288, Senate Print 7821, by Senator Salazar, an act to amend the Executive Law and a chapter of the Laws of 2021.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 288, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 289, Senate Print 7824, by Senator Biaggi, an act to amend the Public Authorities Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

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 290, Senate Print 7828, by Senator Thomas, an act to amend a chapter of the Laws of 2021.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 290, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 293, Assembly Print Number 8829, by Assemblymember Burdick, 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: In relation to Calendar Number 293, voting in the negative: Senator Ortt.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 295, Senate Print 7844, by Senator Reichlin-Melnick, an act to amend the Tax Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 297, Assembly Print Number 8773, by Assemblymember Abinanti, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

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

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 298, Assembly Print Number 8751, by Assemblymember Pheffer Amato, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: 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 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 299, Senate Print 7885, by Senator Rivera, an act to amend the Public Health 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 299, 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 302, Assembly Print Number 8826, by Assemblymember Burdick, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 302, voting in the negative: Senator Helming.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 303, Assembly Print Number 8746, by Assemblymember Galef, an act to amend the General Business Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 303, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Martucci, Oberacker, O'Mara, Ortt, Rath, Ritchie and Stec.

Ayes, 50. Nays, 13.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 326, Senate Print 571, by Senator Sanders, an act to amend the Urban Development Corporation Act.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. 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 328, Senate Print 3263, by Senator Comrie, an act to amend the Public Authorities Law and the Economic Development Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. 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.

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

SENATOR GIANARIS: Let's take up the controversial calendar now, Madam President.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 295, Senate Print 7844, by Senator Reichlin-Melnick, an act to amend the Tax 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 Oberacker 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 Oberacker be recognized.

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

SENATOR OBERACKER: Thank you, Madam President.

I rise to appeal the ruling of the chair. The proposed amendment is germane to the bill at hand because the bill at hand relates to the creation of a firearm violence research fund which would fund grants to research gun violence and to find solutions to this problem and improve public safety.

Let me save you some time and some money. Pass my amendment and repeal the dangerous bail and discovery reform. That's how we reduce violent crime and protect New Yorkers.

So let's look at the facts. In 2020, when the bail reform went into law, gun violence outside of New York City rose nearly 30 percent and the murder rate statewide has jumped to nearly 50 percent. Criminals have no

fear. Our law-abiding citizens are the ones that are not safe to walk the streets.

Repeat offenders charged with burglary, robbery and drug dealing are set free without bail, and the judges have no choice. In fact when violent criminals are arrested, judges are prohibited from considering the dangers they pose to our communities. So I ask you, where is the justice?

Add in discovery reforms requiring the disclosure of the identity and contact information of victims and witnesses. Criminals are free to call up a witness or a victim and intimidate these innocent individuals who we should be protecting. Many witnesses are now unwilling to cooperate with law enforcement -- and really, who can blame them? Criminals have all the power.

If we want to reduce gun violence and make the people of New York safer, then we must repeal these dangerous policies and stop putting the interests of criminals above the interests of victims and the public.

And it's for these reasons, Madam President, I strongly urge you to

reconsider your ruling. Thank you.

ACTING PRESIDENT MAYER: 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'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, the debate is closed. The Secretary will ring the bell.

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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 295, those Senators voting in the negative are Senators Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 46. Nays, 17.

ACTING PRESIDENT MAYER: The bill is passed.

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

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

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

SENATOR GIANARIS: Can we please

notify the members immediately upon adjournment of this session there will be a meeting of the Internet and Technology Committee, virtually, on everyone's computers.

ACTING PRESIDENT MAYER: There will be an immediate meeting of the Technology Committee after the adjournment of Senate.

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, February 2nd, at 3:00 p.m.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Wednesday, February 2nd, at 3:00 p.m.

(Whereupon, at 4:19 p.m., the Senate adjourned.)