NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 8, 2022

3:23 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, February 7, 2022, the Senate met pursuant to adjournment. The Journal of Sunday, February 6, 2022, 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 Rivera

moves to discharge, from the Committee on Health, Assembly Bill Number 299B and substitute it for the identical Senate Bill 1578B, Third Reading Calendar 113.

ACTING PRESIDENT MAYER: So ordered.

THE SECRETARY: Senator Kaplan moves to discharge, from the Committee on Rules, Assembly Bill Number 8764 and substitute it for the identical Senate Bill 7842, Third Reading Calendar 294.

ACTING PRESIDENT MAYER: So ordered.

THE SECRETARY: Senator Kennedy moves to discharge, from the Committee on Rules, Assembly Bill Number 8770 and substitute it for the identical Senate Bill 7887, Third Reading Calendar 301.

ACTING PRESIDENT MAYER: 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: Madam President, on behalf of Senator Sanders, on page 11 I offer the following amendments to Calendar Number 112, Senate Print 1374, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MAYER: The amendments have been received, and the bill will retain its place on the Third Reading Calendar.

SENATOR GIANARIS: Can we now adopt the Resolution Calendar, with the exception of Resolution 1788.

ACTING PRESIDENT MAYER: All those in favor of adopting the Resolution Calendar, with the exception of Resolution 1788, 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: Okay, at this

time -- we'll return to motions and resolutions shortly, but for now can we please take up the reading of the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 113, Assembly Print Number 299B, by Assemblymember Gottfried, an act to amend the Social Services Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Mannion to explain his vote.

SENATOR MANNION: Thank you, Madam President.

I'd like to thank Senator Gustavo Rivera for bringing this bill to the floor. And it relates to a therapy that is very important to me and my family, and it relates to Medicaid

coverage.

So if someone has diabetes and they need testing or an insulin pump, that's going to be covered. If someone has glaucoma and they need surgery or eyedrops, that would be covered. But when it comes to other certain let's say conditions, like ADHD, autism, traumatic brain injury or disruptive behaviors, these things, certain therapies such as applied behavioral analysis may not be covered.

We keep saying that mental health and behavioral health is health. Then we should be true to it, and we should make sure there's not disparity in the coverage.

Applied behavioral analysis is often used with children with autism. And it is not for every child, but with some children it's highly effective. And what happens and what it shows is that children who receive this therapy, it shows that they're capable of learning. It helps them complete simple and complex tasks. It helps reinforce positive behaviors, and often that reinforcement is by the parents at home.

I'm trained in applied behavioral analysis using discrete trials and appropriate

reinforcements. Being trained in ABA made me a better parent to all of my children, and I got to see the positive benefits of ABA therapy as a parent, a teacher, and a Senator.

Covering this therapy undoubtedly saves the state and the federal government money in the long run, and that's why it's so important that this behavior is covered by Medicaid.

I wish to reference the New York State Department of Health's Reference Guide for Children with Autism. There's a number of therapies that are listed in that reference guide. And many of them, as a recommendation, state that it cannot be recommended because of no adequate evidence to support the therapy.

But when it comes to applied behavioral analysis, what the reference guide says is that it is recommended that principles of applied behavioral analysis and behavior intervention strategies be included as important elements in any intervention program for young children with autism.

Therefore, I stand here in support of this bill that this therapy should be covered. It's essential to the children who need it and

the families who have those children, and it saves the state and the federal government money in the long run.

Thank you, Madam President. I proudly support this legislation.

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 158, Assembly Print Number 8739, by Assemblymember Hevesi, an act to amend the Family Court Act.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 234, Senate Print 660, by Senator May, an act to amend the Highway Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. 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: In relation to Calendar Number 234, those Senators voting in the negative are Senators Lanza and Ortt.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 243, Senate Print 334A, by Senator Myrie, an act to amend the Mental Hygiene 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 251, Senate Print 5304A, by Senator Reichlin-Melnick, an act to amend the State Finance 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 251, those Senators voting in the negative are Senators Ortt and Palumbo.

Ayes, 61. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 294, Assembly Print Number 8764, by Assemblymember Rosenthal, 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: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 301, Assembly Print Number 8770, by Assemblymember Clark, an act to amend the Executive Law and 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 309, Senate Print 4207, by Senator Addabbo, an act to amend the Mental Hygiene Law and the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. 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 315, Senate Print 7852, by Senator Addabbo, an act to amend the Racing, Pari-Mutuel Wagering and Breeding 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 319, Senate Print 720, by Senator Hoylman, an act to amend the Estates, Powers and Trusts 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 325, Senate Print 235A, by Senator Mayer, an act to amend the General Municipal 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 329, Senate Print 4610, by Senator Comrie, an act to amend the Public Authorities 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: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 368, Senate Print 1477A, by Senator Krueger, an act to amend the Penal Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 368, voting in the negative: Senator Salazar.

Ayes, 62. Nays, 1.

ACTING PRESIDENT MAYER: The bill

is passed.

THE SECRETARY: Calendar Number 399, Senate Print 1137, by Senator Liu, 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 400, Senate Print 1407A, by Senator Parker, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect December 1, 2022.

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: Can we now take up the controversial calendar, please.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 158, Assembly Print Number 8739, by Assemblymember Hevesi, an act to amend the Family Court Act.

ACTING PRESIDENT MAYER: Senator Lanza.

SENATOR LANZA: Madam President, I believe there is an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Helming to be 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 Helming be recognized.

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

SENATOR HELMING: Thank you, Madam President.

We appeal the ruling of the chair because the proposed amendment is clearly germane to Senate Bill 7789 because it, like the bill at hand, Senate Bill 7789, makes changes to the Raise the Age legislation.

Currently the law allows a case to stay in criminal court when a minor displays a firearm in furtherance of a violent felony. This amendment that's before you would close a loophole that currently exists that allows minors charged with felony possession of a weapon to have their case handled as juvenile delinquents in Family Court.

More specifically, Raise the Age

passed with bipartisan support in 2017. This was an important and transformative piece of legislation. It ensured that only the most dangerous minors who commit violent crimes would be prosecuted in criminal court. I think we can probably all agree this law has led to more just and appropriate outcomes for nonviolent 16- and 17-year-olds who get arrested.

But now that we've had this system in place for four years, we have the ability to see where there are opportunities to make improvements to help ensure the safety of all New Yorkers.

Under the current system, a 16- or 17-year-old arrested for a violent felony that involves the possession of a firearm will only remain in youth part of criminal court if the youth displays the firearm, causes substantial physical injury, or if there are extraordinary circumstances justifying criminal prosecution. Otherwise the case is removed to Family Court and handled as a juvenile delinquency case.

The extraordinary circumstances requirement is incredibly difficult to meet. For instance, minors arrested for the Class C violent

felony of criminal possession of a weapon in the second degree because they are illegally possessing a loaded firearm cannot meet that threshold. This means those cases will be handled in Family Court without any chance of criminal consequences. This is a loophole that jeopardizes public safety, and it's a loophole that we need to close.

With growing crime rates, particularly among violent and gun-related crimes, it makes sense to reform Raise the Age legislation by amending the current laws to allow a case to stay in youth part where the minor is accused of possessing a firearm. This is a tremendous improvement over the current law, which requires that the minor actually display a firearm.

Now, the Majority members of this chamber seem to refuse to acknowledge that the changes to the criminal justice programs passed during the last couple of years -- those programs, we know them well. Cashless bail, limiting judicial discretion, less is more parole changes, and the HALT Act have created an environment where criminals are emboldened, and

they're empowered, and New Yorkers across the state feel less safe. Members of our Republican Minority Conference are proposing real reforms like this amendment that's before this body right now.

We're also willing to support and propose tweaks to the legislation that the Senate Democrats were instrumental in passing if it will reduce violent crime and keep New Yorkers safe.

It's worth noting, Madam President, that this amendment that is before this chamber right now has been proposed by law enforcement officials as well as New York City Mayor Eric Adams.

For these reasons, Madam President, I strongly urge you to reconsider your ruling. And I encourage all of my colleagues in this chamber to vote in favor of this amendment.

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.

Senator Palumbo, why do you rise?

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

ACTING PRESIDENT MAYER: Senator, will you answer a few questions, please?

SENATOR BAILEY: Most certainly.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Thank you.

Chairman, how are you?

SENATOR BAILEY: Very well.

SENATOR PALUMBO: Could you just tell us generally why these technical amendments were needed on the bill that -- the bill in chief?

SENATOR BAILEY: Certainly.

So through you, Madam President, the technical changes were made to align themselves with a number of other changes made to -- with other legislative bills, and to essentially make technical cleanup and changes, again, that comport themselves with other pieces of legislation that were passed in this past legislative session.

SENATOR PALUMBO: Will the sponsor yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

So in that regard, regarding the overall Raise the Age program, my understanding was there was about $800 million, when this was implemented in 2018, for the program to create

the services that would be available for the eligible offenders, and only about 270 million of that has been spent so far.

Are you aware of those numbers?

SENATOR BAILEY: Through you, Madam President, I am not certain about the numbers.

I will say, to the comments that Senator Helming made, the intention of the original Raise the Age legislation was, as she indicated, to make sure that younger individuals were treated differently based upon the offenses that they committed.

SENATOR PALUMBO: Will the sponsor yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR BAILEY: Absolutely.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Thank you, Senator.

And in that regard, regarding some numbers and the effectiveness of Raise the Age -- the program bill itself, the New York City

Criminal Justice Agency provided some numbers just for New York City. That the reoffending rates for particular crimes and types of crimes from before the Raise the Age was implemented to after, one year after, the re-offense rate was up 37 percent for felony arrests of individuals that fit in this class, and violent felony arrests were up 53 percent.

So are you aware of those numbers, sir?

SENATOR BAILEY: Through you, Madam President, I would just -- as far as those numbers go, we can get to that in a second.

But I want to remind the Senator that the legislation, the underlying legislation, raised the lower age. It was not the Raise the Age legislation. The underlying legislation raised the lower age from 7 to 12 years old, as opposed to the legislation that was passed in 2017.

SENATOR PALUMBO: Does the sponsor yield?

SENATOR BAILEY: The sponsor yields. Sorry. Through you, Madam President, yes, I yield.

SENATOR PALUMBO: So I thought that this amendment also applied to -- 7171 was the Senate bill that also applied or made some changes with respect to adjournments in contemplation of dismissal. Is that accurate?

SENATOR BAILEY: Through you, Madam President, the technical changes on this chapter amendment do not make any such changes.

SENATOR PALUMBO: Would the sponsor yield for just one more question, please.

ACTING PRESIDENT MAYER: Senator, will you yield?

SENATOR BAILEY: Most certainly.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR PALUMBO: Do you know, Senator, if there were any increases in housing for secure facilities to ultimately house, since the implementation of either this or the other Raise the Age legislation, that -- if they were expanded for the purposes of providing services for the eligible individuals?

SENATOR BAILEY: Through you, Madam President. The effective date of the underlying bill has yet to come, so we -- so such

information has not yet been received.

SENATOR PALUMBO: Thank you, Senator.

On the bill, please.

ACTING PRESIDENT MAYER: On the bill.

SENATOR PALUMBO: Thank you, Madam President.

And these were obviously some amendments that were technical. And these are made from time to time, of course, when we review previous legislation.

In light of the numbers and the lack of success that we've seen in the Raise the Age legislation, we should be considering making much more significant changes to the Raise the Age statute and to all those programs.

And those numbers, as I indicated -- there was a recent story that reviewed not only that New York City report from the Criminal Justice Agency, but it also reviewed and spoke with other district attorneys throughout the state.

In Albany County -- many probation departments, including Albany, they don't track

rearrests of juvenile offenders or adolescent offenders. So those numbers are even higher. So the programs that were supposed to have been implemented for these individuals to get the services that were the intent of this legislation to reintegrate and rehabilitate these young juvenile offenders, it's not working.

In fact, 270 million of 800 million, in a recent report from a few weeks ago, has only been spent.

So we need to get those programs under -- obviously we've had COVID, we've had some issues that are quite significant.

However, this program is steaming full steam ahead, and we have a higher incidence of gun crimes, we have a higher incidence of all crimes, and we have a 53 percent increase in rearrests. That's an increase. Not saying that they weren't getting arrested and rearrested prior to the 2018 Raise the Age legislation. It's up. In just one year, those statistics from 2019 have that many more of these individuals reoffending.

So the program is broken. And many of that, or a lot of that is a result of the fact

that we have not funded it.

So we need to look alive here. We need to do this and make sure that we get those programs in place, we provide the services for these individuals so they don't continue to terrorize our communities.

And for those purposes, Madam President, I'll be voting in the negative.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Palumbo.

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 13. 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 158, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Brooks, Gallivan, Gaughran, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, 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: Madam President, let's return to motions and resolutions and now take up Resolution 1788, by Senator Gounardes, read its title only, and recognize Senator Gounardes.

ACTING PRESIDENT MAYER: Motions and resolutions.

The Secretary will read.

THE SECRETARY: Senate Resolution 1788, by Senator Gounardes, memorializing Governor Kathy Hochul to proclaim February 10, 2022, as Students with Disabilities Advocacy Day in the State of New York.

ACTING PRESIDENT MAYER: Senator

Gounardes on the resolution.

SENATOR GOUNARDES: Thank you, Madam President.

I rise today in support of this resolution to declare February 10th as Students with Disabilities Advocacy Day.

We do this every year because we know how important it is to set aside a date to really focus on students who need that extra level of support and resources so that they can continue to thrive academically.

We know how impactful this pandemic has been to all students everywhere. Every single student should be taught to the best of their ability, with no shortage of services or resources. But we know that particularly students who have disabilities, especially on our college campuses, have been disproportionately affected and impacted by the effects of this pandemic -- the constant shift back and forth between in-person and virtual learning, and not having access to their on-campus resources.

We need to be removing the barriers that exist that prevent reasonable accommodations and support services that promote access and

success for students with disabilities in higher education.

And the population that we're talking about servicing here is actually quite large. Nearly 80,000 students, college-age students in the State of New York attend New York State degree-granting colleges and universities and have some form of disability. SUNY alone services about 40 percent of that population.

So we know that this community needs dedicated resources and support services to allow them to thrive academically. We declare this day every year because it's a reminder to ourselves just how important it is that we focus on these students to give them every single tool available to them.

And I'm incredibly hopeful that as we continue the work of this legislative session we can match our rhetoric today with this resolution with the resources, with the legislation, and with the funding necessary to be able to be put them in a place where they can thrive.

Thank you very much.

ACTING PRESIDENT MAYER: Thank you,

Senator Gounardes.

Senator Martucci on the resolution.

SENATOR MARTUCCI: Thank you, Madam President.

I'm proud to rise today as the ranking member of the Disabilities Committee and want to thank Senator Gounardes for bringing this important resolution to the floor to declare February 10th as Students with Disabilities Advocacy Day.

For many years -- decades, in fact -- students with disabilities and their needs were not at the forefront of public policy or at the forefront of education. In fact, they were marginalized and oftentimes completely ignored.

Today we honor those pioneering parents, those brave young people who changed all of that. It's true today that New York has a strong system of protections and programs for kids with special needs. It's true that we now have a collaborative process, with committees for special education and a vibrant early intervention system that I would like to see continue to grow in this state.

We've made a lot of progress. But there's more work to do. And we can't ignore those responsibilities in this budget, and I'm confident that we won't.

It was and it is these parents and students who come here to this chamber, who come here to this building, who visit all of us in our offices and who call us -- not only me and my colleagues but our former colleagues who, through their blood and sweat and tears, have made this happen.

So it's more than just appropriate that we pause and recognize these pioneers today; it's necessary that we do that, in fact. Our state is a better and stronger place because of these advocates, and I'm proud that we're honoring each and every one of them here today.

Madam President, I proudly support this resolution and urge my colleagues to do the same. Thank you.

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: Madam President, at this time I believe there's a report of the Finance Committee at the desk. Let's take that up.

Before we do that, Madam President, Senator Gounardes would like to open up that resolution we just passed to cosponsorship.

ACTING PRESIDENT MAYER: The resolution is open for cosponsorship. Should you choose not to be a cosponsor of the resolution, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: And now let's take up the report of the Finance Committee.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the following nominations.

As Commissioner of the Division of Criminal Justice Services: Rossana Rosado.

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Madam President, I move the nomination of Rossana Rosado to the position of Commissioner of the Division of Criminal Justice Services.

ACTING PRESIDENT MAYER: The question is on the nomination.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to the nomination of Rossana Rosado as Commissioner of the Division of Criminal Justice Services, those Senators voting in the negative are Senators Borrello, Griffo, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

ACTING PRESIDENT MAYER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As Commissioner of the Office of General Services: Jeanette Moy.

ACTING PRESIDENT BAILEY: Senator

Gianaris.

SENATOR GIANARIS: Mr. President, I move the nomination of Jeanette Moy to the position of Commissioner of the Office of General Services.

ACTING PRESIDENT BAILEY: The question is on the nomination.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As Commissioner of the Division of Human Rights: Maria Imperial.

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: Mr. President, I move the nomination of Maria Imperial to the position of Commissioner of the Division of Human Rights.

Please recognize any Senator wishing to speak.

ACTING PRESIDENT BAILEY: Senator Mayer on the nomination.

SENATOR MAYER: Thank you, Mr. President.

I rise to speak in favor of the nomination of Maria Imperial to be commissioner of the Division of Human Rights.

Ms. Imperial, who is a constituent of mine -- but, more important, a true leader in our community for the last long period of time, as the chief executive officer of the YWCA of White Plains and Central Westchester since 2007 -- has been a courageous leader who has led by consensus and by insight into the issues and challenges that affect women, children and the issues of racism.

Ms. Imperial, through tumultuous times in our community, has exerted her leadership, steady hand and commitment to justice. And I am very confident that as the commissioner of the Division of Human Rights she will create -- recreate an agency that was intended to protect every New Yorker from any allegations or indications of unlawful behavior dealing with human rights and civil rights.

This is an agency of incredible importance, and we need it to be invigorated and strengthened. And I am very confident that under Maria Imperial's leadership and her record -- a distinguished record, including a graduate of Harvard Law School, an MPA from the NYU Wagner Graduate School of Public Service, and her undergraduate degree from Harvard College -- she has the credentials, the experience, the demeanor, the good judgment and the character to be an exceptional leader. And I look forward to seeing her serve and serve with distinction.

I support her nomination, and I hope everyone will do the same.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Mayer to be recorded in the affirmative on the nomination.

The question is on the nomination.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to the nomination of Maria Imperial as commissioner of

the Division of Human Rights, those Senators voting in the negative are Senators Borrello, Griffo, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

ACTING PRESIDENT BAILEY: The nominee is confirmed.

Senator Gianaris.

SENATOR GIANARIS: Is there any further business at the desk, Mr. President?

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, February 9th, at 11:00 a.m.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Wednesday, February 9th, at 11:00 a.m.

(Whereupon, at 3:56 p.m., the Senate adjourned.)