NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 7, 2022

3:17 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: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, March 6, 2022, the Senate met pursuant to adjournment. The Journal of Saturday, March 5, 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 Biaggi

moves to discharge, from the Committee on Codes, Assembly Bill Number 2035B and substitute it for the identical Senate Bill 812, Third Reading Calendar 381.

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: Good afternoon, Madam President.

Amendments are offered to the following Third Reading Calendar bills:

By Senator Thomas, page 12, Calendar 132, Senate Print 5924A;

Senator Hinchey, page 16, Calendar 279, Senate Print 4082;

Senator Skoufis, page 18, Calendar 338, Senate Print 6199;

And Senator Harckham, page 32, Calendar 551, Senate Print 8219.

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

Senator Gianaris.

SENATOR GIANARIS: I also wish to call up Senator Mannion's bill, Senate Print 4469, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 539, Senate Print 4469, by Senator Mannion, an act to amend the Mental Hygiene Law and the Social Services Law.

SENATOR GIANARIS: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT PERSAUD: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

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

SENATOR GIANARIS: I offer the following amendments.

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

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

THE SECRETARY: The Secretary will read.

THE SECRETARY: Calendar Number 217, Senate Print 49, by Senator Kaplan, an act to amend the Real Property Tax Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT 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 221, Senate Print 1659, by Senator Skoufis, an

act to amend the General Municipal Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 221, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 225, Senate Print 7186A, by Senator Brooks, an act to amend the General Municipal Law and the Town Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Rath to explain his vote.

SENATOR RATH: Thank you, Madam President.

First of all, I want to thank the sponsor, Senator Brooks, for sponsoring this important piece of legislation, which I'm also proud to cosponsor.

This gives our local volunteer fire companies a critical tool for maintaining its services in our communities. In upstate New York and all across New York State, volunteer fire companies provide critical services each and every day. Make no mistake -- 24/7, 365, these men and women put their lives at risk because for them, public safety is paramount.

However, those vital emergency services don't come cheaply. In fact, volunteer

fire companies are confronted with rising costs, many barriers, and membership pressures.

For too long, voluntary fire departments in New York have been impeded from recovering important costs which are attributed to the emergency services that they provide. Amazingly, if you can believe this, New York State is the only state in the country that does not allow volunteer fire companies to set service fees for emergency services that are provided.

Today, we right this wrong. We enable fire departments to establish protocols that make them more financially viable. And this is a necessary step towards ensuring that public safety in our fire districts continues unabridged.

For these reasons, Madam Chair, I am proud to vote in the affirmative.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 225, those Senators voting in the negative are Senators Brisport and Skoufis.

Ayes, 61. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 268, Senate Print 6777A, by Senator Salazar, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect April 1, 2023.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 268, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Helming, Jordan, Lanza, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Stec, and Tedisco.

Ayes, 48. Nays, 15.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

272, Senate Print 1577A, by Senator Rivera, an act to amend the Social Services Law.

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: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 308, Senate Print 2976A, by Senator Harckham --

SENATOR HELMING: Lay it aside.

(Laughter.)

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 332, Senate Print 1104, by Senator Stewart-Cousins, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: 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 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 354, Senate Print 2629, by Senator Sanders, an act to amend the General Municipal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it shall have become a law.

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 381, Assembly Print Number 2035B, by Assemblymember Niou, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT 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 401, Senate Print 3448A, by Senator Hinchey, an act to amend the Education Law.

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: Announce the results.

THE SECRETARY: Ayes, 63.

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, please.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 308, Senate Print 2976A, by Senator Harckham, an act to amend the Mental Hygiene Law.

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

SENATOR HELMING: Madam President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that

you recognize Senator Martucci to be heard.

ACTING PRESIDENT PERSAUD: Thank you, Senator Helming.

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

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

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

SENATOR MARTUCCI: Thank you, Madam President.

I rise to appeal the ruling of the chair. The proposed amendment is germane to the bill in chief. The bill in chief before this house is about providing access and information to individuals suffering from substance use disorder once they're released from a treatment or correctional facility here in New York.

The proposed amendment that I'm bringing to the floor here today -- and that this Minority has brought to the floor in the past -- will repeal the bail and discovery reforms that

allow the vast majority of drug dealers here in the State of New York to be released onto the streets pending trial.

As overdose deaths in this state spike, bail reform laws passed by the Majority right here in this chamber released these drug dealers -- who are profiteering from the sale of poison in our communities, that are killing our friends, our neighbors and our family members -- immediately back onto the streets.

Madam President, bail reform has become an unmitigated disaster. I can think of hundreds of examples, but one example, a poignant example from my district, is the story of a man by the name of Billy Steinberg. Billy Steinberg was the assistant chief at the Forestburgh Fire Department. He was a beloved son, a father, a member of Laborers' Local 17, and a community member who was highly valued by members of his community.

And on January 15th, he answered his last alarm and died in a line-of-duty death at the young age of 37 years old.

The fire that he was responding to was set by an arsonist, an arsonist who the day

before Billy's death, on January 14th of 2022, was arrested by State Police and released for setting two arson fires, one on January 10th and one on January 13th, just days before the fire was set that claimed Billy's life.

Why was this arsonist out on the street? Well, it was because of the bail reform laws -- the bill reform laws that required someone who was charged with arson 3rd or arson 4th, both felony charges, to be immediately released.

Madam President, people are literally dying. Billy died because of this dangerous law. This is not hyperbole, this is reality.

You need look no further than into the eyes of Billy's father, into the -- look at the pain of a family who's struggled with the loss of their son, and to be there on the day of Billy's funeral to watch the funeral procession come up Broadway in Monticello, with his father leading, holding one of the last things he has of his son left, his fire helmet. You need look no further than that to know that it's time, long past time that we make a change here.

Sadly, so many lawmakers continue to put their head in the sand and play ostrich on this important issue. New Yorkers know this is wrong. A recent Siena poll said that 65 percent of New Yorkers supported tightening up bail laws. Seventy percent of New York City residents, and the majority of all those polled, said that they were concerned about becoming a victim of crime.

It's okay to make a mistake. But what we need to do is fix it. Denial is not a strategy. Let's pass this amendment before us here today so that not one more New Yorker dies or falls victim to drug dealers or to arsonists or to anyone else.

Madam President, the clock is ticking and the people of this state are demanding change. Let's do this today. Let's do this before there's even just one more victim.

Thank you, Madam President.

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 HELMING: Request a show of hands.

SENATOR GIANARIS: We've agreed to waive the showing of hands and record each member of the Minority in the affirmative.

ACTING PRESIDENT 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.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator

Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam President. And thank you for your ruling on the hostile amendment.

I was not going to originally speak on this bill, because this is a bill that we passed in this chamber a year ago without any politics or any fanfare. This is a bill about giving folks the opportunity for a second chance at life.

I just -- you know, I respect my colleagues on the other side of the aisle for their wanting to make a political speech. But I think it was very telling that this was the bill that they chose to talk about criminalization.

You know, for too long in New York State we have been criminalizing substance use disorder, we've been criminalizing mental health. Many, many, many of the things that we see transpiring on our streets are due to a spiraling opioid crisis, we're seeing a spiraling mental health crisis. Hundreds and hundreds and hundreds of beds have been cut across the state in all of our districts. And while the former governor was doing that, our colleagues on the

other side of the aisle were in charge of this house.

So, you know, it's ironic to me that when we now are reinvesting in substance use disorder treatment, opioid use disorder treatment, mental health, for the first time we are investing in treatment, they want to take a bill and turn it into criminalizing folks with these disorders. Just a very, very different perspective.

I vote aye. Thank you, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 308, voting in the negative: Senator Gallivan.

Ayes, 62. Nays, 1.

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

SENATOR GIANARIS: Move to adjourn until tomorrow, Tuesday, March 8th, at 3:00 p.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Tuesday, March 8th, at 3:00 p.m.

(Whereupon, at 3:33 p.m., the Senate adjourned.)