NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 9, 2022

3:39 p.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: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 8, 2022, the Senate met pursuant to adjournment. The Journal of Monday, March 7, 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 Sanders

moves to discharge, from the Committee on Finance, Assembly Bill Number 3954B and substitute it for the identical Senate Bill 549B, Third Reading Calendar 583.

ACTING PRESIDENT BAILEY: So ordered.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President. Good afternoon.

Amendments are offered to the following Third Reading Calendar bills:

By Senator Salazar, page 10, Calendar 126, Senate Print 6074;

Senator Harckham, page 15, Calendar 311, Senate Print 5128A; and

Senator Kaminsky, page 26, Calendar 502, Senate Print 1019A.

ACTING PRESIDENT BAILEY: The amendments have been received, and the bills will retain their place on the Third Reading Calendar.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

On behalf of Senator Brooks, I wish to call up Senate Print 6035, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 478, Senate Print 6035, by Senator Brooks, an act in relation to authorizing the Bellmore Fire District to file an application for exemption from real property taxes.

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

ACTING PRESIDENT BAILEY: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

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

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT BAILEY: The

amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR GIANARIS: Thank you, Mr. President.

At this time can we take up previously adopted Resolution 2017, by Senator Reichlin-Melnick, read the resolution's title, and recognize Senator Reichlin-Melnick.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 2017, by Senator Reichlin-Melnick, commending Jawonio upon the occasion of celebrating 75 years of supporting children, adults and families with special needs.

ACTING PRESIDENT BAILEY: Senator Reichlin-Melnick on the resolution.

SENATOR REICHLIN-MELNICK: Thank you, Mr. President.

And today I raise to honor 75 years of remarkable work by Jawonio in supporting children, adults and families with special needs.

Few organizations have contributed so much to improving the lives of people in the Hudson Valley as Jawonio. For 75 years, they

have been empowering individuals with special needs to build lives of dignity and self-worth.

Jawonio was founded in 1947 to provide development disability, mental health and medical services to six local families. Since then, this nonprofit organization has provided independence, well-being, and equality for thousands upon thousands of families throughout Rockland, Westchester and the Hudson Valley.

I recently visited Jawonio's brand-new 75,000 square foot state-of-the-art facility in New City with some of my legislative colleagues. We were there to celebrate the release of a report by the Rockefeller Institute, which issued a report on the impact of the jobs programs that Jawonio facilitates. These types of jobs programs benefit both the individuals and the entire community.

Jawonio is the seventh-largest employer in Rockland County and the largest disability service organization in the Hudson Valley region. From its humble beginnings as a sleep-over camp, Jawonio now supports 3500 individuals.

With a workforce of close to a

thousand professionals in Rockland, Westchester and Orange counties, Jawonio provides life-span services from infants through the end of life, with a variety of services including early intervention, special education preschool, summer education, vocational and employment services, residential and day services, and recovery-based mental health services and care management.

Under the leadership of CEO Randy Reyes Castro, Jawonio remains true to its mission. A number of events will be held throughout the year, and a new video entitled "Celebrating 75 Years" will showcase Jawonio's many successes and the important work that they do for our community.

The organization has shown a sustained commitment to excellence worthy of the recognition and applause of all the citizens of New York. And so I ask my Senate colleagues to join me in commending Jawonio upon the occasion of celebrating 75 years of inspirational work supporting children, adults and families with special needs.

I vote aye.

ACTING PRESIDENT BAILEY: Senator

Reichlin-Melnick in the affirmative on the resolution.

The resolution was previously adopted on March 8th.

Senator Gianaris.

SENATOR GIANARIS: At the request of Senator Reichlin-Melnick, that resolution is open for cosponsorship.

ACTING PRESIDENT BAILEY: 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: Let's take up the reading of the calendar at this time, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 223, Senate Print 3974, by Senator Kennedy, an act to amend the General Municipal Law.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 252, Senate Print 2199, by Senator Kennedy, an act to amend the Agriculture and Markets 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 279, Senate Print 4082, by Senator Hinchey, an

act to amend the Education 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 430, Senate Print 7861, by Senator May, an act to direct the Department of Agriculture and Markets to develop and produce guidance and educational materials.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 434, Senate Print 4072, by Senator Hinchey, an act to amend the Agriculture and Markets 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 544, Senate Print 8059A, by Senator Bailey, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 8. 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: Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Madam President.

I want to thank our chair of the Agriculture Committee, Senator Hinchey, and Madam Leader for letting us advance this bill.

Sports, music and food are some of the things that unite us in this state. And when we're talking about food, it's important to make sure that we're reuniting upstate and downstate, but also not just rural and suburban, but also urban.

And so in spaces like the Bronx, New York, where I hail from -- and you all know that I hail from the Bronx, New York -- it's important and it's imperative to make sure that we're doing things in order to facilitate urban agriculture, including but not limited to things like urban farms and vertical farming, and just making sure that the spaces that we have in urban environments are available for us to be able to grow food.

And growing food is incredibly important and critical to our growth, literally and figuratively. And so I'm appreciative of all my colleagues in this body for supporting this

important piece of legislation, and I proudly vote aye, Madam President.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 583, Assembly Print Number 3954B, by Assemblymember Thiele, an act to amend the Agriculture and Markets 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

592, Senate Print 3502A, by Senator Hinchey, an act to amend the Tax 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 602, Senate Print 6808A, by Senator Hinchey, an act to amend the State Finance Law.

(Pause.)

ACTING PRESIDENT MAYER: We're returning to Calendar Number 592.

The Secretary will read.

THE SECRETARY: Calendar Number 592, Senate Print --

SENATOR GIANARIS: Madam President.

ACTING PRESIDENT MAYER: Yes,

Senator Gianaris.

SENATOR GIANARIS: Can we move to reconsider the vote on Calendar 592, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 592, Senate Print 3502A, by Senator Hinchey, an act to amend the Tax Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 602, Senate Print 6808A, by Senator Hinchey, an act to amend the State Finance Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you,

Madam President.

You know, New York is an ag state, and it's incredibly important that we do everything we can to protect our agricultural economy and the small and midsized family farms that enable it.

And this bill sets for the first time -- or updates our procurement laws for the first time since the 1970s, and for the first time sets procurement goals for New York State food products across New York State agencies.

This actually puts our state money where our mouth is, making sure that we are investing back in local businesses, that we are making sure that our communities are eating local. Anyone who's operating or using services from state agencies will now know that they are eating fresh, healthy food produced right here in New York State.

To me, that is really exciting. It's a great way to expand markets for our farmers, and it's a great way to make sure that everyone across our state is eating locally sourced, healthy food.

So I thank the leadership for

bringing this bill forward and my colleagues for their support, and for that reason I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 616, Senate Print 5006, by Senator Serrano, an act to amend the Parks, Recreation and Historic Preservation 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.

ACTING PRESIDENT BAILEY: That

completes the reading of today's calendar.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, just a procedural matter. Can we go back and -- I don't think we actually voted on the motion to reconsider Calendar 592. So can we please take that up.

ACTING PRESIDENT BAILEY: Calendar Number 592, the Secretary will read.

THE SECRETARY: Calendar Number 592, Senate Print 3502A, by Senator Hinchey, an act to amend the Tax Law.

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

ACTING PRESIDENT BAILEY: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

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

SENATOR GIANARIS: Can we now take up Calendar 592, please.

ACTING PRESIDENT BAILEY: The

Secretary will read.

THE SECRETARY: Calendar Number 592, Senate Print 3502A, by Senator Hinchey, an act to amend the Tax Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: The bill has been laid aside.

That completes the reading of today's noncontroversial calendar.

SENATOR GIANARIS: Thank you, Mr. President.

At this time I think there's a report of the Finance Committee at the desk. Can we please take it up and recognize Senator Krueger.

SENATOR O'MARA: The Secretary will read.

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

As Commissioner of the Office of Temporary and Disability Assistance, Daniel W. Tietz.

SENATOR KRUEGER: Thank you, Mr. President.

I'm very pleased to be here today to move the nomination of Daniel W. Tietz to the position of the commissioner of the Office of Temporary and Disability Assistance on the floor today. He has moved through both the Committee on Social Services and the Committee on Finance.

Many of us here in the Senate know Daniel Tietz from any number of other positions he has held in the state government, in the city government, in the city not-for-profit sector.

OTDA is an extraordinarily large agency with vast responsibilities overseeing social service agencies throughout the State of New York. And I have to say Kathy Hochul has truly sent us someone who is qualified for this position.

Most recently, the acting commissioner served as the interim CEO for the Bronx Parent Housing Network, a provider of emergency shelter and social services to over 2,000 individuals in more than a dozen facilities. He was also appointed by the New York State Supreme Court to serve as the temporary receiver CEO of the organization Children's Community Services.

He previously served as the CEO of Bailey House, a community-based organization with a nearly 40-year history of providing housing and essential supportive services to individuals and families with HIV/AIDS and other chronic conditions.

Prior to that, Acting Commissioner Tietz served as the chief special services officer to New York City's Department of Social Services' Human Resources Administration from June 2014 to October 2017, where Mr. Tietz oversaw programs that focused on the most vulnerable New Yorkers, including day-to-day shelter and intake operations for approximately 60,000 New Yorkers experiencing homelessness.

Earlier in his career, he served as executive director for ACRIA, a national HIV research, education and advocacy organization, and also as deputy executive director for the Coalition for the Homeless and as the deputy executive director for Housing Works, all of which are based in New York City, among other positions.

He has long advocated for the rights of the LGBTQI community for social justice

concerns and for social service needs. He is an attorney and a registered nurse. He received his J.D. from the New England Law School and a B.A. in legal services from the University of Massachusetts-Boston, and as an RN from the Milwaukee County General Hospital School of Nursing.

I actually didn't know he was a registered nurse until just the other day.

And during the Finance Committee meeting, quite a few of my colleague Senators talked about their personal relationship working with him over the years and how extraordinarily committed he is to ensuring the best interests and the best programs for the lowest-income New Yorkers, who need our help more than any other New Yorkers.

So I am very pleased to stand here and move his nomination, and I hope my colleagues will join me in that. Thank you, Mr. President.

There may be some other Senators who wish to speak.

ACTING PRESIDENT BAILEY: Thank you, Senator Krueger.

Senator Persaud on the nomination.

SENATOR PERSAUD: Thank you, Mr. President.

Like my colleague, I am here to thank Governor Hochul for this nomination. Daniel W. Tietz is qualified -- overqualified, and his heart is in the right place. He will lead the agency with empathy. He understands the needs of the most vulnerable New Yorkers. And the conversations we've had prior to his nomination -- his confirmation hearing yesterday -- have been admirable.

We have had conversations, and he gets it. He -- again, he understands the needs of New Yorkers, whether it's -- you know, as my colleague said, we found out -- every time I speak with him I find out something new, and something that will really, really help him as he leads the agency. Yes, as an RN, wow. As a lawyer, wow. Worked in homeless services, wow.

All of these issues are issues that New York State has to face. He knows what the homeless population needs. He knows what we need to do so that we decrease the homeless population. He knows what social services we need to have in place for the homeless

population. All of those things he understands, and he has pledged to do so.

So the Social Services Committee met. I don't think there was anyone there who did not have something complimentary to say about the incoming commissioner. That's a testament to his character.

And for anyone who didn't know, he's a farm boy. So any of my colleagues here who are farmers, you have someone there who understands the needs of farmers. So we know the farming community has social services needs; he understands that.

So on behalf of the Social Services Committee, I am proud to move his nomination and look forward to working with him in his capacity as the commissioner. Because at this pivotal time, he is the right person for the job.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Persaud.

Senator Brisport on the nomination.

SENATOR BRISPORT: Thank you, Mr. President.

I rise in part to note the

particular significance of Daniel W. Tietz's long history of advocating for LGBTQ+ people, his phenomenal work at the New Pride Agenda and the value of confirming a commissioner of the Office of Temporary and Disability Assistance who truly understands the intersectionality of poverty and LGBTQ+ issues.

But for those who don't understand that intersection, let me break it down for you. As a result of discrimination and marginalization by families, by employers, and by landlords and, truly, the world at large, a dramatically disproportionate number of queer people face poverty and homelessness. Now that the revitalized wave of anti-queer -- especially anti-trans -- rhetoric, sentiment, legislation and appointments is sweeping our nation, we can expect a correlated rise in poverty and homelessness among LGBTQ+ people.

At the same time, New Yorkers at large are experiencing an ever-worsening homelessness crisis, recently compounded by the expiration of the eviction moratorium. They are struggling under the weight of a decade of budget cuts, along with two years of a brutal pandemic.

Meanwhile, disabled people continue to face a world that treats their frequent exclusion from housing and employment as somehow insignificant or acceptable.

Today we have the opportunity to confirm a supremely qualified commissioner of OTDA. And in the coming weeks, we must also meet our responsibility as a legislature to ensure that Mr. Tietz and OTDA are positioned to succeed by raising new revenue to properly fund OTDA.

Mr. President, I proudly vote aye on the confirmation of Daniel W. Tietz.

ACTING PRESIDENT BAILEY: Thank you, Senator Brisport.

Senator Hoylman on the nomination.

SENATOR HOYLMAN: Thank you, Mr. President.

I just rise to second my colleagues' support for this nomination. I want to congratulate the Governor for her reaching into the trenches and finding an advocate who is so professionally qualified, who understands the challenges that are faced not just by LGBTQIA New Yorkers, but so many New Yorkers in the area of housing and healthcare.

Because fundamentally, housing is a human right. And we have a new commissioner who not only understands that but has advocated for that for the last multiple decades. I'm proud to have been in rooms where I've seen Dan Tietz exemplify the best of my community, but the best of advocacy among New Yorkers.

So again, I congratulate Dan and his family and friends for this ascension, and I know we'll be working closely together with all of our colleagues here on behalf of our constituents. And again, thank and congratulate the Governor on this incredibly important appointment.

I support the nomination.

ACTING PRESIDENT BAILEY: Thank you, Senator Hoylman.

Senator Savino on the nomination.

SENATOR SAVINO: Thank you, Mr. President.

I also want to congratulate Governor Hochul on an incredibly qualified candidate to be the commissioner of the Office of Temporary and Disability Services. You know, Dan Tietz is uniquely qualified because not only has he been in the social service field for 35 years,

he's touched upon just about every aspect of it.

So many people come before us to be confirmed to run agencies, and they know a little bit about how that agency operates or they've worked in some aspect of it. But when you look at his resume, you see he's experienced. As Senator Krueger said, he's an attorney and he's a nurse, but he's also worked with children. He's worked with the homeless. He's worked with HIV and AIDS. He's been in the public sector, he's been in the private sector.

He can tell you about the days when the super agencies existed, when it was the Department of Social Services on the state level and HRA on the city level, before we began to break them down and silo them.

But he understands, probably better than any commissioner coming into this job, that every family that touches OTDA or touches HRA is cross-systemized by three or four other agencies. And the challenges they face when they're dealing with one agency is often not reflected with the other agency.

He brings that unique perspective. And I think he's going to do some really good

things that no commissioner before him has done, because he's been in all of those places.

And he has another unique challenge ahead of him. You're going to have to figure out how to bring OTDA and its children agencies, the local governments and HRA, into the 20th century with respect to technology. We'll worry about the 21st century maybe next year.

But their legacy systems are ancient, they're failing -- yes, we can laugh about that. Bringing them up to speed, protecting the information of millions of New Yorkers is incredibly important in an era where cybersecurity is a constant, imminent threat.

That is going to be your challenge, and to do it all and provide services to people in a compassionate way. If anybody can do it, you can.

So congratulations to you, Dan, to your family, and to Governor Hochul on this really important pick.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Savino.

The question is on the nomination.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Those Senators voting in the negative on the nomination are Senators Borrello, Griffo, Helming, Jordan, Ortt, Stec and Tedisco.

ACTING PRESIDENT BAILEY: The nominee is confirmed.

Commissioner Tietz, please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

At this time can we go to the controversial calendar.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 430, Senate Print 7861, by Senator May, an act to

direct the Department of Agriculture and Markets to develop and produce guidance and educational materials.

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

SENATOR LANZA: Mr. 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 BAILEY: 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, Mr. President, I appeal the ruling of the chair and ask that Senator Oberacker be recognized.

And when Senator Oberacker completes his argument, I ask that you recognize Senator Tedisco.

ACTING PRESIDENT BAILEY: The appeal has been made and recognized, and Senators Oberacker and Tedisco may be heard.

Senator Oberacker.

SENATOR OBERACKER: Thank you,

Mr. 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 requires the Department of Agriculture and Markets and NYSERDA to develop and produce guidance and educational materials on the use of the collocation of solar power systems on active farmland to help with reduced energy costs.

The amendment would suspend the state's gas tax, providing direct, immediate and much-needed relief to New Yorkers across the state. New Yorkers are dealing with record gas prices at a time when inflation has hit a 40-year high. Suspending the gas tax is a simple, straightforward proposal that will help everyone who drives to work, to pick up groceries, and to take their kids to school.

It will also help our economy. Manufacturers, our vital tourism industry, and every single business across the state is being hit with higher costs. None are suffering more than our family farms. Right now, as we sit here in this chamber and pass an agricultural package, our farmers are struggling. While educating them

about solar opportunities is nice, what they really need is immediate relief -- immediate relief from the high costs of staying in business.

Farmers are working on their budgets for the spring planting season and the summer and fall harvests. The rising gas prices are really playing havoc with their bottom line. At a time when our farmers are already faced with looming increases and labor costs due to an ill-advised overtime policy, rising gas prices are further compounding their pain.

Just this week alone, gas prices have skyrocketed to over $4.50 a gallon. And in some areas of the state, diesel is over $5 per gallon.

While a more long-term solution to this issue is establishing the United States as energy independent -- as we were as recently as 2019 and 2020 -- this amendment will help in the short term.

Here's a shock. In a high-tax state like New York, we have the fifth-highest gas tax in the nation -- nearly 50 cents, 45 cents of which goes directly into the New York State

coffers.

Suspending this tax will save working moms and senior citizens while filling up a 20-gallon tank. This is real money. This is real money. And it's going back into the pockets of hardworking New Yorkers.

We owe it to every New Yorker to make ends meet during this time of unprecedented inflation. We can't idly stand by while our friends, our family and our neighbors are suffering from economic turmoil. If we don't pass this amendment, which will help out so many, it's because the Majority chose to put politics over people.

I urge all my members of the Senate to support this commonsense amendment to suspend the state's gas tax, which would help provide immediate and direct relief to hardworking New Yorkers. For this reason, Mr. President, I strongly urge you to reconsider your ruling.

Thank you.

ACTING PRESIDENT BAILEY: Senator Tedisco.

SENATOR TEDISCO: Thank you, Mr. President and my colleagues.

Mr. President, I not only hope that you defend this amendment and call it germane; this is necessary that you do that. It's appropriate. It's the right thing. It's not the right thing for Republican members on this side of the aisle to help our beleaguered taxpayers in this highly and unbelievable inflation environment, it's for yours and our constituents here.

The gas tax is now, was, and always will be an egregious and discriminatory tax. I'll talk a little bit about why that is later.

And I'm hoping that my colleagues will stand up for your constituents during this time of inflation when there's unbelievable pressure at the pumps for them, as has been mentioned, to get to their jobs, to get their kids to school, to get to their doctor's offices, to do the things they have to do, middle- and lower-income individuals who aren't millionaires or billionaires who don't care, who don't have a business and can pay whatever they want to pay for a gallon of gasoline.

But I have to tell you, I'm not going to be surprised if you do declare that.

And I hope you don't, and my colleagues allow this to happen. Because, my colleagues, you know that 319,000 people walked out of the State of New York last year. They voted with their feet. You know we're number one or two totalistically, holistically in taxes, the New York -- State of New York. You know we're number one, and that's for sure, in Tax Freedom Day. And this is another tax that adds up to making that possible.

And for my constituents and everybody listening, I know most of you know that. I've mentioned it before. Tax Freedom Day is when any of the workers who toil in New York State actually take a dollar home that doesn't go to taxes here in New York State. It's the middle to the end of May, close to five months. You're not free from taxes close to five months in New York State. And this adds to that during a time of inflation.

It's unconscionable to say we'll continue on 4 to $4.5 for a gallon of gasoline before the tax is put on it. It's moving towards $5. And listen, we should never have to wait until it's 4 to $4.5 to say we have to eliminate the taxes on it. We never should have put taxes

on gasoline. It's essential. Now, it may not be essential when you have mass transportation in subways and you can get to work and you can get to the doctor. It's essential for upstate New York.

And I have to go back a little bit in years to illustrate the difference between the way we feel about this type of tax and taxes in general, and I think the way you feel.

In 2008 -- there were two members I think on this floor who are here now, Senator Lanza and Senator Griffo. In 2008 I was in the New York State Assembly. This is a release I put out in the New York State Assembly with the bill that Senator Lanza and Senator Griffo passed on the floor in 2008. "Tedisco: Assembly full of baloney while taxpayers are running on empty." To suspend the gasoline tax in 2008. But we did it again in 2011. I sponsored it again. It passed in 2008; it didn't pass in the Assembly. No Republicans were there in the majority.

2011, put a bill in to suspend the tax. It passed the New York State Senate. Senator Greg Ball carried the bill then.

I'm proud of the fact this is the

third time -- this Senate, twice with the Republican majority, able to pass it. This time I hope we're able to pass it with the support of the Majority on the other side who is in control now here, in the Assembly, all levers of power, and in the Governor's office. This will show what your levers of power will do to the taxpayers of New York State. Because when the majority was here with the Republicans, it passed twice already -- and I sponsored it first -- in the New York State Senate, in 2008, in 2011.

This is a discriminatory tax. It's egregious. It shouldn't have been there in 2008, it shouldn't have been there in 2011. It shouldn't be here now in 2022. It should be suspended right now. But there's a clear definition of who cares about their taxpayers and what you do to take care of them.

Ironically, I sat on that side over there when I was in the majority here for two years. A very short time. Okay? Now I'm on this side of the aisle. And let me tell you what the irony is. Look what I found in this drawer. That's Beano. Maybe that's what the Democrats think they should give to the taxpayers they

represent.

But that's not the type of gas pain which my constituents are having right now. They're having pain at the pump. They don't need Beano. What they need is the suspension of the gas tax at the pump. And this is the only people in town on this side of the aisle. My good friend on the other side brought it out. I appreciate for him. I brought it out 11 years ago. We'll bring it out again every day if we have to.

Think about it. Think about how egregious this tax is -- really for everybody, but especially for upstate New York. They don't need Beano, my colleagues, they need a real elimination of that tax.

I would ask you to think about the people driving all over this state to get to work, to get their kids to school, to get the groceries, as has been mentioned. And please, don't just say this isn't germane because you have levers of power here, in the Assembly, and in the Governor's office. Stand up for your constituents and tell them you can help them by eliminating this egregious and geographically

discriminatory tax. Because it's geographically discriminatory more in upstate New York.

I ask you to support this amendment.

ACTING PRESIDENT BAILEY: Thank you, Senators Tedisco and Oberacker.

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: Mr. President, as an initial matter, I want to point out that Senator Tedisco is sitting in my old seat. But that is not my Beano in your desk, I promise you.

(Laughter.)

SENATOR TEDISCO: You might have been a little gassy that day --

(Laughter.)

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

ACTING PRESIDENT BAILEY: Without

objection, it will Beano so ordered.

(Laughter.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 20.

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

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

I rise to explain my vote on this bill and the whole package of bills. I congratulate Senator Hinchey on bringing this whole package forward to support our farmers here in New York State.

This bill has a fancy name,

agrivoltaics, but what that means is that farmers -- it will help farmers to both grow food and produce energy at the same time on their farms. Which provides farmers with a diversified source of income, which can be critical when you have flooding or other disasters that may make it hard to produce food.

It's something that's working very well in Germany in particular, but elsewhere in the world as well. And at this moment, when we see what it means to have dependence on foreign oil, especially on oil from countries run by dictators, anything we can do to be producing more green energy and getting ourselves off of foreign oil is a positive thing.

So I am grateful to my colleagues for bringing this bill forward and for supporting it, and I vote aye.

ACTING PRESIDENT BAILEY: Senator May to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 592, Senate Print 3502A, by Senator Hinchey, an act to amend the Tax Law.

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

SENATOR LANZA: Mr. President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Borrello.

ACTING PRESIDENT BAILEY: 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, Mr. President, I appeal the ruling of the chair and ask that you recognize Senator Borrello.

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

SENATOR BORRELLO: Thank you, Mr. President.

I rise today to -- the proposed amendment is germane to the bill at hand because the bill at hand creates a farm workforce

retention credit, and the amendment before us would help remedy the issues of workforce retention specifically.

This amendment would remove the Farm Labor Board. This Labor Board was created -- this three-person, non-elected board was created under the Farm Labor Act. And it has been the key in the handwringing and the pain that the members of agriculture are experiencing as they have waited a long time for the result.

This three-person, unelected board has the power to take the threshold from 60 hours a week down to 40. And they have recently decided -- after ignoring hours of testimony by farmers, by farmworkers, they recently voted to ignore the words of those folks in agriculture and recommend the lowering of that threshold.

This amendment will remove their power to give that recommendation to the Governor.

You know, the reality is, is that all stakeholders here, everyone in New York State that depends on agriculture knows how harmful this would be, but no one more importantly than our farmworkers. Seventy percent of those

testified that this would be harmful to them. They're actually making less, not more, under 60 hours. And what will happen when it goes to 40 hours? Well, quite frankly, it's going to be a true workforce crisis.

So we're trying to pass a bill today that wants to give a tax credit to retain workers when we're going to actually be driving them out through the actions of the Wage Board.

Cornell University, one of the most respected agricultural universities in the nation, did a state-sponsored study to look at this topic. And what did they come back with? Well, they came back with a lot of frightening things. First and foremost, two-thirds of dairy farmers would move out of milk production or abandon agriculture altogether, entirely, if the 40-hour threshold is enacted. Half of the fruit and vegetable farmers interviewed said that they would scale back their operations or leave the industry altogether.

And here's the best part. Seventy percent of the guest workers, the people that we claim to be helping with this, have said that they would consider moving to another state and

not even coming to New York. It's hard to have a tax credit when you aren't going to have workers to begin with.

Do we really need a taxpayer-funded credit, or do we need to just simply eliminate the Wage Board and stick to the deal that this Legislature agreed to when they passed that bill, 60 hours, and instead slipped something in with this three-person Wage Board? Only one of the three is actually in agriculture.

It was a rigged process to begin with. And it's denying not only our farmers but our farmworkers the justice that they deserve. They've all said they're making less money -- the farmers and the farmworkers.

So by passing this amendment today, eliminating the Wage Board, we will not only stick to the deal that we made originally in this house -- before me -- but it will also ensure that agriculture can actually not just survive but thrive here in New York State.

So for these reasons, Mr. President, I strongly urge you to reconsider your ruling.

Thank you.

ACTING PRESIDENT BAILEY: 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, please.

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

ACTING PRESIDENT BAILEY: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

The Secretary will ring the bell.

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Is there any further business at the desk?

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

SENATOR GIANARIS: There will be an immediate and virtual meeting of the Democratic Conference upon the adjournment of session.

And with that, I move to adjourn until tomorrow, Thursday, March 10th, at 11:00 a.m.

ACTING PRESIDENT BAILEY: There will be an immediate virtual meeting of the Senate Democratic Conference immediately following session.

On motion, the Senate stands adjourned until Thursday, March 10th, at 11:00 a.m.

(Whereupon, the Senate adjourned at 4:24 p.m.)