NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 15, 2022

11:16 a.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

I ask everyone present to please rise and recite the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT BAILEY: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT BAILEY: Reading of the Journal.

THE SECRETARY: In Senate, Monday, March 14, 2022, the Senate met pursuant to adjournment. The Journal of Sunday, March 13, 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 Gaughran

moves to discharge, from the Committee on Education, Assembly Bill Number 9146 and substitute it for the identical Senate Bill 8338, Third Reading Calendar 648.

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: Mr. President, on behalf of Senator Brisport, on page 40 I offer the following amendments to Calendar 682, Senate Print 5419, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: I move to adopt the Resolution Calendar.

ACTING PRESIDENT BAILEY: All those in favor of adopting the Resolution Calendar

please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: At this time please take up previously adopted Resolution 1996, by Senator Kennedy, read that resolution's title, and recognize Senator Kennedy.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 1996, by Senator Kennedy, honoring St. Patrick and all persons of Irish descent upon the occasion of the 2022 celebration of St. Patrick's Day on Thursday, March 17, 2022.

ACTING PRESIDENT BAILEY: Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you, Mr. President.

As a proud Irish-American, I rise to

honor St. Patrick, one of the patron saints of Ireland and a symbol of the Irish diaspora.

March 17th, the day of St. Patrick's death, is both a day to celebrate a man who broke free of the bondage of slavery and helped to spread the Catholic faith in Ireland, ultimately achieving sainthood, as well as to celebrate all that is Ireland, especially its people and its culture.

As an Irish-American whose family came to the United States in search of a better life, St. Patrick's Day is when we remember the struggles of those who came before us who fought for our freedom, who suffered in the face of famine, and who ultimately built a strong, modern and independent nation.

Over the generations, millions of Irish immigrants left their homeland, making the same trip that my own ancestors made to North America. And today, according to the Census Bureau, Irish-Americans live in all 3,142 U.S. counties, and the 31.5 million Americans of Irish ancestry make up almost 10 percent of our nation's population.

On top of that, half of all U.S.

presidents, including President Biden, can trace some of their roots back to the Emerald Isle.

Needless to say, Irish-Americans have left their mark on our country.

From the hundreds of thousands of Irish-Americans who fought to preserve the Union and end slavery in the Civil War, to the workers who built New York's railroads, canals, ports, subways, grain elevators and skyscrapers, today's Irish-Americans have a proud legacy to look back at and to build upon.

In Western New York, we celebrate the Fenian Invasion, which fired some of the first shots in the fight for Irish independence when groups of Irish rode across the Niagara River from Buffalo and attacked the British fortifications in Canada in 1866, in an effort to pull British forces out of Ireland, on the other side of the pond.

And today, as an Irish-American, I continue to work personally to strengthen ties between our two nations, to educate my children on their own heritage, and to celebrate the impact that Irish-Americans have made on our community, our state, and our nation.

This Thursday, March 17th, hundreds of thousands of New York City residents will gather for the annual St. Patrick's Day Parade, and this weekend tens of thousands of Western New Yorkers will join together for both the Old Neighborhood St. Patrick's Day Parade in the Old First Ward and Valley neighborhoods, as well as the Downtown Parade on Sunday. These mark just a few of the parades and celebrations happening throughout our great state.

To all those who are celebrating, I say: "Beannachtaí na Féile Padráig dhuit agus guím an t-ádh leat an gcuid eile don bhliain seo." St. Patrick's Day blessings to you, and may good luck go with you for the rest of the year.

Mr. President, I wish you and all of my colleagues and all those in this great state a happy St. Patrick's Day.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Kennedy.

Senator Mannion on the resolution.

SENATOR MANNION: Thank you, Mr. President.

Thank you, Senator Kennedy, for advancing this resolution.

I think there are many stories of the American dream and there are great stories of the Irish-American dream, and many of those, considering the world's events currently, are very relevant.

So this is my American dream. It started with my grandfather leaving the island of Ireland in 1916, avoiding conscription and drafting into the British army.

He came to this country, fought proudly for his new country, the United States of America, in World War One. And when it concluded, he went back to Ireland, married my grandmother, Catherine Spellman, and came to Syracuse, New York, where there were good jobs making luxury automobiles at Franklin Automobile, now the site of Fowler PSLA High School.

Things were good for my family, and it provided a great base for our American dream. But it didn't come without challenges. The Great Depression hit. My grandfather lost his job and, shortly after that, he died of mouth cancer, leaving four children behind, my father the

second oldest -- three boys and the youngest daughter having Down syndrome.

Everyone went to work immediately. My father dropped out of school, joined the New York Central Railroad at the age of 16, and retired 42½ years later.

But before he took that job, his family was on public assistance. And he shared with me the stories of having to go get -- pick up food that was provided for families on public assistance, and he had to carry a loaf of bread that was in a brown wrapper. And as he walked through my home neighborhood of Tipperary Hill, he was embarrassed by having to carry that loaf and having to project out that his family needed help.

So as I sit here in the New York State Senate, just two -- just one generation from my father, who left public assistance with success, the American dream that we help New Yorkers achieve on a day-to-day basis -- I'm proud to sit here.

I'm proud to support this resolution. I'm proud to be a graduate of St. Patrick's School. I'm proud to be a

parishioner at St. Patrick's Church. I'm proud to be a dual citizen of Ireland. And I am proud to stand here today in recognition of the great accomplishments of Irish-Americans.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Mannion.

Senator Savino on the resolution.

SENATOR SAVINO: Thank you, Mr. President.

I rise today in support of my good colleague here Senator Kennedy's resolution as a proud Irish-American -- although no one ever believes me. In fact, last night when I joined Senator Kennedy and others at the AOH for dinner, I had to show my DNA, my 23 and Me, to prove that I am in fact 52 percent Irish. More Irish, in fact, than I am Italian.

But like many children of Ireland, daughters of Ireland, my journey, my family's journey started many generations ago. In fact, during the Famine, as they say, the diaspora, if you were Irish, if you had any money, you came to America. If you had a wee bit of money, you went to England, like my grandmother's family did.

And if you had no money, you went to Glasgow, like my grandfather's family did. That's how the Irish went.

My grandparents, though, at the age of 16 and 18, left home, came to America -- now, think about that. A 16-year-old girl left home on her own. I have a 16-year-old niece. She can't go to the mall by herself.

(Laughter.)

SENATOR SAVINO: But both of them left England and Scotland to come to the United States for a better life for themselves, to build a life, like immigrants do today. And you think of the fortitude of that.

And they came here for a variety of reasons. I remember my grandfather would tell me he left Glasgow because the future for a young Irishman in Glasgow was you were going to work in the shipyards, and the likelihood is you were going to die young in the shipyards of Glasgow.

And so he came to New York, and he wound up working in the shipyards of Brooklyn. But the difference between here and there was he had a union in the shipyards of Brooklyn, and he worked there for a very long time and he earned a

really good living, and he raised a family.

And he met my grandmother along the way. She was working first at Wanamaker's, and then she worked at the Hotel Astor as a coat-check girl, and she loved that job. And then eventually she worked, you know, for the Irving Trust Company, working at night. And she raised three daughters.

And like so many Irish-Americans who lived in the outer boroughs, they raised a family successfully, and then they watched their children marry Italians.

(Laughter.)

SENATOR SAVINO: You know, as they say, similar enough to be comfortable and different enough to be exotic.

But that was the continuing diaspora of Irish-Americans.

I am as proud of both of my heritages as I possibly can be. And for those of you who spend some time around me, you say to yourself: Hmm, she really is Irish. I have the gift of gab.

And when people say, you know, "That fiery temper you have, that must be the Italian

in you," I say, "Oh, no, it's not. It is the Celt in me that will kick your butt."

(Laughter.)

SENATOR SAVINO: So today as we celebrate St. Patrick's Week, St. Patrick's Month, I want to wish all of you, who I know each and every one of you has a little bit of Irish in you, you have to -- even you, Senator Bailey, even though you don't think you do -- a happy St. Patrick's Day. On behalf of all of us, we are Irish always.

And as we say, American first, Irish always. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Savino.

Senator Helming on the resolution.

SENATOR HELMING: Thank you, Mr. President.

During the 19th and 20th centuries, millions of Irish immigrants provided the workforce here in the United States that was needed to help drive our country into the modern world as we know it. Many of these immigrants went straight into construction. They helped to build the skyscrapers, the bridges, the roads and

the highways that still stand today.

They and their descendants have made incalculable contributions. For instance, Mary Harris, later known as Mother Jones, committed more than 50 years of her life to unionizing workers in various occupations throughout the country.

Irish-Americans today continue to build upon the work and success of our ancestors. We continue to be active and successful contributors in politics, industry, organized labor, religion, literature, music, food and art.

I'm proud of my Irish-American roots and, Mr. President, I am proud to support this resolution recognizing St. Patrick's Day and all the amazing accomplishments of my Irish-American ancestors.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Helming.

Thank you, Senator Kennedy, for allowing me to be an honorary Irishman for the day.

The resolution was previously adopted on March 8th.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, Senator Kennedy would like to open this resolution 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 calendar, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 92, Senate Print 2004, by Senator Jackson, an act to amend the Public Officers Law.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT BAILEY: The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 94, Senate Print 2725, by Senator Krueger, an act to amend the Legislative Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 94, those Senators voting in the negative are Senators Akshar, Gallivan, Helming, Jordan, Oberacker and Ortt.

Ayes, 57. Nays, 6.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 263, Senate Print 5236B, by Senator Kennedy, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: 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: Announce

the results.

THE SECRETARY: In relation to Calendar Number 263, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 385, Senate Print 3120, by Senator Kavanagh, an act authorizing and directing the Committee on Open Government to study proactive disclosure as a means of increasing transparency and access to government information.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 601, Senate Print 6616, by Senator Skoufis, an act to amend the State Finance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect one year 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 604, Senate Print 8086, by Senator Reichlin-Melnick, an act to require the Office of the State Comptroller to conduct a study on all contracts entered into by the Executive.

ACTING PRESIDENT BAILEY: Read the

last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Reichlin-Melnick to explain his vote.

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

You know, transparency is critical to the foundation of our democracy. The separation of powers doctrine empowers the New York State Comptroller, who is elected by the people, to be the financial watchdog for our state, and it's his role to review any contracts that the Governor enters into to make sure that the taxpayer isn't getting a raw deal.

During the prolonged COVID-19 pandemic, the former governor used his executive emergency authority to exempt contracts from two critical sections of the State Finance Law, Sections 112 and 163 that provide for oversight by our State Comptroller.

That's why my bill will empower the Comptroller to retroactively review those contracts that should have been within his purview to review in the first place.

Now, rightfully, in the middle of a statewide disaster emergency, it does make sense the Governor should be able to quickly and efficiently enter into a contract for the betterment of the state without waiting for the bureaucratic process of Comptroller review.

However, during extended state disaster emergencies like the one we've been living through and we lived through during the past years due to COVID, there is no good reason to withhold the Comptroller's authority to review those contracts for such an extended period of time.

And so as chair of the Procurement and Contracts Committee, I am keenly aware of the importance of checks and balances and government transparency. So this bill will direct the Executive and state agencies and authorities to provide the Comptroller with any information he may need and his office may need in order to carry out the study to support efforts to improve

transparency for emergency contracts going forward.

I was also heartened to see that the Senate one-house budget yesterday removed language that would limit the Comptroller's oversight, sending a message to the people of New York that our government is more transparent and open today than it ever was under our former governor.

I vote aye.

ACTING PRESIDENT BAILEY: Senator Reichlin-Melnick to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 605, Senate Print 8145, by Senator Skoufis, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

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 606, Senate Print 344, by Senator Kaplan, an act to amend the State Administrative Procedure Act.

ACTING PRESIDENT BAILEY: 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 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 615, Senate Print 1405, by Senator Serrano, an

act to amend the Parks, Recreation and Historic Preservation 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 635, Senate Print 1333, by Senator Krueger, an act to amend the Executive 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: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I rise to urge my colleagues to vote for this bill.

I've already heard today and much of yesterday the importance we all agree on of transparency in our government -- transparency of our laws, transparency of our programs. And this bill would expand transparency of tracking the revenues and expenditures in the State Budget by having a database where anyone in the State of New York can go and see what monies are being collected, what monies are being spent and for what purposes.

So I really think this is valuable in endless kinds of ways to all of us, and urge both houses to vote for this bill.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 636, Senate Print 2969A, by Senator Harckham, an act to amend the Tax Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 5. This act shall take effect July 1, 2022.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 636, voting in the negative: Senator Akshar.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 644, Senate Print 3256, by Senator Comrie, an act to amend the General Municipal Law and the Public Authorities Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the first of January.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 644, those Senators voting in the negative are Senators Akshar, Borrello, Griffo, Oberacker, O'Mara, Ortt, Rath, Ritchie and Serino.

Ayes, 54. Nays, 9.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 648, Assembly Print Number 9146, by Assemblymember Otis, an act to amend Chapter 618 of the Laws of 1998.

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 661, Senate Print 3579A, by Senator Breslin, an act to amend the Insurance 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 676, Senate Print 1667, by Senator Skoufis, an act to amend the Public Officers 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.

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

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

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

SENATOR GIANARIS: Move to adjourn until Monday -- I'm sorry -- yeah, Monday, March 21st --

(Laughter.)

SENATOR GIANARIS: -- at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Monday, March 21st, at 3:00 p.m., with the intervening days being legislative.

(Whereupon, at 11:40 a.m., the Senate adjourned.)