NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 2, 2022

3:22 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, Sunday, May 1, 2022, the Senate met pursuant to adjournment. The Journal of Saturday, April 30, 2022, was read and approved. On motion, the 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 Skoufis

moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 340B and substitute it for the identical Senate Bill Number 1829B, Third Reading Calendar 119.

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 Kennedy.

SENATOR KENNEDY: Good afternoon, Madam President. It is great to see you once again.

I am standing in for Senator Gianaris, who again is doing well, sends his regards, and will be back with us soon.

I'd like to offer amendments to the following Third Reading Calendar bills, Madam President.

The first bill, sponsored by Senator Mayer, page 26, Calendar Number 469, Senate Print 6363.

The next bill, sponsored by Senator Kaminsky, page 28, Calendar Number 502, Senate Print 1019B.

The next bill, sponsored by Senator Krueger, page 31, Calendar Number 564, Senate Print 6226C.

The next bill, sponsored by Senator Breslin, page number 35, Calendar Number 662, Senate Print 7744.

And finally, sponsored by Senator Hinchey, page number 45, Calendar Number 798, Senate Print Number 7655.

Madam President, I now move that these bills retain their place on the order of third reading.

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

Senator Kennedy.

SENATOR KENNEDY: Yes, Madam President, I wish to call up Bill Print 5027B, by Senator Kavanagh, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 262, Senate Print 5027B, by Senator Kavanagh, an act to amend the Environmental Conservation Law.

SENATOR KENNEDY: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

SENATOR KENNEDY: Madam President, I now offer the following amendments.

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

Senator Kennedy.

SENATOR KENNEDY: Madam President, I wish to call up Bill Print Number 2012, by Senator Jackson, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 453, Senate Print 2012, by Senator Jackson, an act to amend the Administrative Code of the City of New York.

SENATOR KENNEDY: Madam President, I now wish to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

SENATOR KENNEDY: Madam President, I now offer the following amendments.

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

SENATOR KENNEDY: Madam President, I wish to call up Bill Print Number 2013, also by Senator Jackson, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 454, Senate Print 2013, by Senator Jackson, an act to amend the Administrative Code of the City of New York.

SENATOR KENNEDY: Madam President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

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

SENATOR KENNEDY: Madam President, I now offer the following amendments.

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

SENATOR KENNEDY: Thank you, Madam President.

There will be an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT MAYER: There will be an immediate meeting of the Rules Committee in

Room 332.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 3:27 p.m.)

(Whereupon, the Senate reconvened at 3:38 p.m.)

SENATOR KENNEDY: Madam President, there is a report of the Rules Committee at the desk.

Please take that up.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bills:

Senate Print 8947, by Senator Gounardes, an act to amend Part RR of Chapter 59 of the Laws of 2022;

Senate Print 8948, by Senator Gounardes, an act to amend subpart A of Part MM of Chapter 59 of the Laws of 2022;

Senate Print 8949, by Senator Krueger, an act to amend the Election Law.

All bills reported direct to third

reading.

SENATOR KENNEDY: I move to accept the report of the Rules Committee, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Kennedy.

The question is on the report of the Rules Committee. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The report is accepted.

Senator Kennedy.

SENATOR KENNEDY: Thank you.

Please take up previously adopted Resolution 1525, by Senator Kaplan, read that resolution in title only, and recognize Senator Kaplan on the resolution.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 1525, by Senator Kaplan, commemorating the

observance of Yom HaShoah in the State of New York, April 27-28, 2022.

ACTING PRESIDENT MAYER: Senator Kaplan on the resolution.

SENATOR KAPLAN: Thank you, Madam President.

From 1933 to 1945, 6 million Jews were murdered in the Nazi Holocaust, systematic program of genocide designed to eliminate Jewish people from the face of the earth.

On Holocaust Remembrance Day, also known as Yom HaShoah, we remember the 6 million lives lost to antisemitism and hatred during the Holocaust, and we pass their stories on to the next generation so that we may never forget what happened.

But in a time where there are fewer survivors among us to share their stories, how do we ensure that "Never Forget" isn't just a saying but something we are ensuring?

A recent study by the Claims Conference laid out shocking statistics about how we are failing at teaching the next generation about the atrocities of the Holocaust. Among millennials in New York, 58 percent can't name a

single concentration camp; 19 percent believe that Jews caused the Holocaust; and 28 percent believe that the Holocaust is a myth or a story that has been exaggerated.

Let that sink in for a minute: More than a quarter of New York millennials believe that the Holocaust is a myth or has been exaggerated.

I would point out also that in each of these three categories, New York ranked dead last of any state in this country -- a truly shocking fact, considering just how many Holocaust survivors settled right here in our state.

Learning the lessons of the Holocaust is more important today than ever before, and it's taken a new urgency in recent weeks as we all watched in horror as a peaceful European nation was invaded under false pretenses and cynically using Holocaust misinformation as an excuse to do so.

It is critical that we all know our history and that we teach our next generation about it, no matter how dark or difficult that conversation may be. That is why I've been

fighting to pass the Holocaust education bill, which will ensure that every single child in New York receives a meaningful education on the Holocaust.

And that is why I've been pushing so hard for this -- for its passage, because at a time when hatred and antisemitism is exploding around the world and in our own community, we must do everything we can to ensure that we learn the lessons of history so that we are not doomed to repeat it again.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Kaplan.

Senator Hoylman on the resolution.

SENATOR HOYLMAN: Thank you, Madam President.

I want to first thank Senator Kaplan for her efforts in making certain that Holocaust education is what it should be in the State of New York: As a method, as a process, as an effort to realign young people's thinking about the reality and the horrors of the Holocaust.

And I wanted to share with you today a letter that was sent on December 7, 1941, by my

husband's great-grandmother to her daughter. Her name was Rozjka, and the daughter, my husband's great-aunt, was Frieda. And what it -- well, I'll read it first. And what strikes me is how normal things were back on March 26, 1941, in the Bialystok region of Poland.

And she writes: "My dear child, we received your postcard and your letter with the card, and I replied immediately. I assume you already received it.

"How are you doing, my beloved? You probably correspond with Sonia. How are they doing? How is she doing? Why don't you send regards to Rachel and to Chachi as well? Why is it that none of them is writing anything to me? Did you enjoy yourself at the wedding?

"Thank God we are in good health and doing well. We don't lack anything, and we hope that things will not get worse and that we will be in good health. I am the way I used to be. We could not be in better health. As long as I walk on my feet, it is certainly good. And God knows what and how the end will be."

This was written, Madam President, three months before she and her entire family

were exterminated.

So again, Madam President, the purpose of today's resolution could not be more important as we see the rates of antisemitism and hatred skyrocket across the country, including New York.

Thank you, Senator Kaplan.

ACTING PRESIDENT MAYER: Thank you, Senator Hoylman.

Senator May on the resolution.

SENATOR MAY: Thank you, Madam President.

And I also want to thank Senator Kaplan for bringing this resolution and reminding us how -- what it means, truly, when we say we will never forget.

I have visited Dachau, I've visited Yad Vashem in Israel, I've visited the Holocaust Museum in Washington, D.C. And it's important to keep reminding ourselves just how powerful a hateful ideology can be, how powerful propaganda can be when it's trained on people who are already angry or frustrated or feeling like they're losing control of their government or their society.

People who are otherwise -- think of themselves as kind and thoughtful and good neighbors and upstanding citizens can suddenly be changed profoundly by that kind of propaganda campaign.

And I think we can see it happening in Russia right now, where people believe that there are neo-Nazis in Ukraine who are being -- you know, that somehow the war is justified. We are seeing it at home as well. And I think it is absolutely critical that we keep reminding ourselves how important it is to remember what road it is possible to go down and how we must never go down that road again.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator May.

Senator Krueger on the resolution.

SENATOR KRUEGER: Thank you. Thank you very much, Madam President.

I also rise to thank Senator Kaplan for bringing this resolution to us, and for also just sharing for a few minutes that my own family, Jewish from Eastern Europe, many died in the war, many of us were here first, and some

survived the camps and came to this country after the war.

But as my colleagues have pointed out, the real lesson for the 21st century of why we must never forget is because it is so easy to repeat. And we are seeing it today, far more than at any other point in my life. We are seeing neofascists, neo-Nazis, dictators. We are seeing Putin attempt to take countries in Europe with little difference between the philosophy he seems to be carrying out and Hitler before him.

And so it is crucial as nations, as the individuals within nations, particularly one like ours, which we are so proud of it being pluralistic and most of the time most of us being able to live in harmony with each other -- that we not only never forget, we are extremely conscious of these mistakes starting small and growing rapidly into uncontrolled movements that we won't know what hit us.

And I think in some parts of our country we're also seeing that. I was reading this morning about a caravan of trucks that started from one part of the country and is filled with people with guns and anger and

hatred, and identify themselves as neofascists, starting to travel state by state with already one shootout on a highway.

So we can't just think of it as history. We have to keep reminding ourselves of what the human being in each of us is capable of if the wrong decisions are made. And we have to keep making sure that we, as representatives of government, and our governments keep making the right decisions.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you.

Senator Savino on the resolution.

SENATOR SAVINO: Thank you, Madam President.

I also rise to thank Senator Kaplan for bringing this resolution again.

For almost the entire time that I've been a member of the Senate, I've represented the portions of south Brooklyn that are home to the highest concentration of Holocaust survivors some say in the country, certainly in the State of New York.

For many years the communities of Borough Park and, for my entire career, Coney

Island and Brighton Beach -- thousands of Holocaust survivors who can trace their history back to either Eastern Europe or, many of them, to the Russian-speaking portion of the areas that were affected by the Holocaust.

They are living history. And their resilience -- many of them are very old now, in their late eighties, some of them in their nineties -- their ability to speak about what happened to them and their families and share their history as a lesson to young people has been remarkable.

Every year up, until the past two years during the pandemic -- but one of the experiences that has been really amazing to watch is every year the Shorefront Y would have a day where the Holocaust survivors would meet with young students from a high school. They pick a different high school every year.

And they would sit down and they would speak about what they had gone through, what their families had gone through. And they would -- it would be an actual living history lesson. Really amazing to watch and to see these young people, for whom the Holocaust was some

sort of a chapter in a history book, and it became a living history lesson for them.

In a few years most of these survivors will no longer be here. It's just reality. So I think it's critically important that we honor their legacy, capture them while they're alive, and then finally pass Senator Kaplan's bill to make sure that the Holocaust is really taught appropriately and with the right type of dignity so that we never forget, as Senator Krueger mentioned, and we remind the world that humans are capable of great things and we are also capable of great horror.

And if we take our eye off of that, we could relive a Holocaust again. And God forbid that ever happens.

So thank you, Madam President.

Thank you, Senator Kaplan.

ACTING PRESIDENT MAYER: Senator Gounardes on the resolution.

SENATOR GOUNARDES: Thank you, Madam President.

You know, there's a lot of junk we can find on social media these days, like Twitter especially. But one of the most sobering Twitter

accounts that I happen to follow is the Twitter account of the Auschwitz Memorial. And every day, every 20, 30 minutes they post a name and a picture of someone who was exterminated during the Holocaust.

If we ever need a reminder as to the true human cost and the toll that that devastating chapter in human history actually took, just look at that Twitter account. It's easy to think something happened 75 years ago, it didn't happen to us, unless we had a personal connection to it. We just hear numbers. Numbers sound so distant to us. Look at the pictures. Look at the names. The children. The mothers. The fathers. It's the most sobering account that I follow. And it's a great reminder as to how important it is that we actually take a day every year to remember the Holocaust, remember what happened.

I want to thank Senator Kaplan for this resolution.

A few years ago I read a book about the history of the Jewish community in Greece, and I learned that like so many countries in Europe, the Jewish community in Greece was

devastated by the Holocaust. The highest percentage of its Jewish population of any other country in Europe was wiped out during the Holocaust. Ninety-four percent of the Jewish community in Greece was exterminated by the Nazi regime.

And I think about a story I read from the island of Zakynthos, where there was a community of 245 Jews living on the island. And when the Nazis came to the island and said to the mayor and to the bishop "Turn over a list of all the Jews," they turned over a list with two names: The mayor's and the bishop's. And they hid the Jewish community, and they protected them. And they saved them.

So when we say "never forget," it's not just a reminder to ourselves to say, okay, never forget. It's on the people who are not the targets to stand up and use themselves as a shield, either physically or metaphorically, to be able to protect those who are under attack, who are under assault, whose very existence is being threatened and jeopardized.

And so that history is very deep, very personal. And as I continue to explore the

history of the Jewish community in Greece, which is very important to me, stories like that I think are a great reminder as to the role that we can play to stand up against a rising tide of antisemitism, a rising tide of hatred and bigotry, whether it's happening to our Jewish neighbors, to our Asian neighbors -- whoever might be that target.

We all bear that responsibility to stand up and not just say "never again," but to actively live out the value that we are preaching and actually make sure that it never happens again.

Thank you.

ACTING PRESIDENT MAYER: Thank you.

Senator Reichlin-Melnick on the resolution.

SENATOR REICHLIN-MELNICK: Thank you, Madam President.

And thank you, Senator Kaplan, for introducing this incredibly important resolution.

Because we are now almost three-quarters of a century beyond the end of the Holocaust, and this is a time when horrific human rights violations are happening around the world,

still. We said "never forget," but there are horrific violations happening in countries all over the world -- in Syria and Yemen, in China and Burma, and of course in Russia's ongoing invasion of Ukraine.

And so now it's more important than ever that we keep the memory of the Holocaust alive. We have to use that knowledge to alert people to where racism, bigotry and militarized nationalism can lead when left unchecked.

As the number of Holocaust survivors decreases each year, we are losing a vital link to their history. Younger generations are increasingly shockingly uninformed about the Holocaust. As Senator Kaplan noticed, studies have shown that among New Yorkers ages 18 to 39, 28 percent thought the Holocaust was a myth or had been exaggerated, and 19 percent -- almost one in five -- thought that Jews themselves had caused the Holocaust.

We are living in a world that is awash with cynicism and misinformation, where there is this divisive "us versus them" dynamic that dominates our public discourse. And so too often we can't even agree on simple facts that

are right in front of our faces. Look at how dealing with a deadly pandemic has become a matter of politics, not public health.

If we're this divided and misinformed on what's going on in the world today, it's not surprising that so many people are deeply ignorant about history. And it's not surprising, but it is incredibly concerning and alarming.

And so I'll just say when I attended public schools, we did learn about the Holocaust and about the violent pogroms in Russia that preceded it and that drove three-quarters of my family to emigrate from what was then the Russian Empire, around the turn of the 20th century, to flee the murderous antisemitism that was taking place in that part of Europe.

We even took a field trip down -- in 10th grade, with my school -- to the Holocaust Museum in Washington, D.C.

But in speaking with other people, younger generations, it's clear that not all districts are providing an equally thorough education in the Holocaust and antisemitism.

And so I am so proud that we did

move this bill through the Education Committee that Senator Kaplan has sponsored. I look forward to passing it on the floor so that we can make sure that all New Yorkers are getting an accurate education. We can start to turn around some of the misinformation and some of the ignorance that's out there and make sure that "never forget" and "never again" truly becomes a reality.

I proudly support this resolution.

ACTING PRESIDENT MAYER: Thank you, Senator Reichlin-Melnick.

Senator Boyle on the resolution.

SENATOR BOYLE: Thank you, Madam President.

I rise in support of the resolution. I'd like to thank Senator Kaplan for your sponsorship.

These numbers are truly scary as to the lack of knowledge for our students and of people of all ages in New York State and around the country.

I think back to the fact that then-General Dwight D. Eisenhower said to the American troops who didn't want to film the

survivors of some of these concentration camps -- he said, "No, definitely film them, because in a generation people are going to deny that this happened."

Well, we have the videotape, as it were. We've seen it ourselves. And even with that, these numbers are scary as to the number of students who don't know the basics about the Holocaust. But we can turn it around.

But we need to be mindful, I think, as elected officials. More than once I heard people in politics comparing certain individuals they don't like to Hitler. By doing that, we're diminishing what actually happened in the Holocaust. So I'd ask all my colleagues to think about that. When they don't like someone, say they're a jerk, say whatever they are. But don't compare them to Hitler and what happened in the Holocaust.

We must never forget. And for those of my colleagues who have never been there, I strongly suggest if you ever get to Israel, visit Yad Vashem. You will never forget it.

I support it.

ACTING PRESIDENT MAYER: Thank you,

Senator Boyle.

Senator Borrello on the resolution.

SENATOR BORRELLO: Thank you, Madam President.

I also rise to thank the sponsor for this resolution. I was also proud to stand with her and several of my colleagues when we talked about educating especially young people on the Holocaust.

Her initiative to bring a mobile Holocaust education effort to -- that could actually go around all of New York State to bring the reality of the Holocaust I think is needed when you look at the statistics that she spoke of, the fact that so many young people have a misunderstanding of what the Holocaust is and what actually happened.

I think it also speaks to -- because some of my colleagues have brought up current events, it also speaks to the fact that we do have an effort in our nation to erase our history, good and bad. And that is certainly an effort that has not helped this situation.

So we have to ensure that we are teaching our children actual history and get back

to education instead of indoctrination.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you.

The resolution was previously adopted on January 11th.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Madam President.

At the request of the sponsor, this important resolution is open for 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 Kennedy.

SENATOR KENNEDY: Madam President, please take up the reading of the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 1, Senate Print 253A, by Senator Myrie, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 1, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 42. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 119, Assembly Print Number 340B, by Assemblymember Zebrowski, an act to amend the Public Authorities Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 209, Senate Print 4540A, by Senator Rivera, an act to amend the Social Services Law and the Civil Practice Law and Rules.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 7. 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 PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 209, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza,

Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 42. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 331, Senate Print 5261B, by Senator Kennedy, an act to amend the Business Corporation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 5. This act shall take effect two years 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, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 358, Senate Print 5877C, by Senator Gallivan, an act to amend the Village Law and the Public

Officers Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. 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: In relation to Calendar Number 358, those Senators voting in the negative are Senators Mannion, May, Reichlin-Melnick and Skoufis.

Ayes, 58. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 361, Senate Print 7399A, by Senator Gaughran, an act to amend the General Municipal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. 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, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 395, Senate Print 6244B, by Senator Krueger, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. 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: In relation to Calendar Number 395, those Senators voting in the negative are Senators Gallivan, Helming, Lanza and Ortt.

Ayes, 58. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 495, Senate Print 8149, by Senator Cleare, an act to amend the Correction Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. 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: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 575, Senate Print 5333, by Senator Stec, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 1 of Article 14 of the Constitution.

ACTING PRESIDENT PERSAUD: The question is on the resolution.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed -- the resolution is passed.

THE SECRETARY: Calendar Number 623, Senate Print 7582A, by Senator Mayer, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Madam President.

Madam President, hurricane season begins in less than a month, and we in New York have learned the hard lessons the hard way when it comes to hurricanes and flooding. None of us will forget Hurricane Sandy, and parts of my

district, and I know many of my colleagues', are still recovering from the devastation of Hurricane Ida in September of last year.

The destruction, loss of life and continued suffering are heartbreaking, but much of it is preventable. The fact is our building and development standards are outdated and do not reflect the impact of climate change on our communities. A significant portion of the built environment has become a liability in our defense against flooding. Destruction of wetlands, lack of sufficient water infrastructure, vast impermeable surfaces, lack of care in land modification, and many more issues have directly resulted in increased flooding in our residential communities, many that had never seen flooding before.

As we build up our communities without investing in infrastructure, we directly risk the safety of our constituents and their homes and businesses. We need to be more prepared and change the way we build. But we can't rely on voluntary participation by some communities and local building approval agencies, so we must force a change in our State Building

Code to meet the needs of that.

To this end, the bill does three things. It adds the commissioner of DEC, the director of the Office of Emergency Management and, most importantly, an expert in flooding mitigation to the State Building Code Council.

Two, it requires recommendations to the State Building Code to increase resiliency to address rising sea levels, flooding, storms and other water-based hazards.

And most important, it requires uniform codes to address standards for construction and rehabilitation of all buildings located near or at coastlines that are wholly or partially in a special flood hazard area or a moderate-risk flood hazard area, according to FEMA.

Frankly, these changes are necessary and long overdue when it comes to reassessing our standards for building construction and maintenance. Given the life span of buildings and the escalating threats from climate change, we can't get started too soon when it comes to updating where and how we develop and build if we want to achieve resiliency. We've got to get

better, and this bill is a huge step forward to making that happen.

Thank you. I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 733, Senate Print 1093A, by Senator Gaughran, an act to amend the Environmental Conservation 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: In relation to Calendar 733, those Senators voting in the negative are Senators Biaggi, Boyle and Brisport.

Ayes, 59. Nays, 3.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 777, Senate Print 2991, by Senator Harckham, an act in relation to authorizing the Town Board of the Town of Lewisboro, County of Westchester, to establish certain speed limits.

ACTING PRESIDENT PERSAUD: There is a home-rule message at the desk.

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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 777, voting in the negative: Senator Lanza.

Ayes, 61. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Oh, excuse me. I'm

sorry. Senators Lanza and Skoufis.

Ayes, 60. Nays, 2.

ACTING PRESIDENT MAYER: The bill is still passed.

(Laughter.)

THE SECRETARY: Calendar Number 778, Senate Print 6893, by Senator Liu, an act to amend Chapter 602 of the Laws of 1980.

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, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 784, Senate Print 1379, by Senator Brooks, an act to amend the General Municipal Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 9. 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: Announce the results.

THE SECRETARY: In relation to Calendar Number 784, voting in the negative: Senator Krueger.

Ayes, 61. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 785, Senate Print 5091, by Senator Kennedy, an act to amend the General Municipal Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: In relation to Calendar 785, those Senators voting in the negative are Senators May and Ryan.

Ayes, 60. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR KENNEDY: Thank you, Madam President.

Please go to the reading of the supplemental calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 930, Senate Print 8947, by Senator Gounardes, an act to amend Part RR of Chapter 59 of the Laws of 2022.

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, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 931, Senate Print 8948, by Senator Gounardes, an act to amend subpart A of Part MM of Chapter 59 of the Laws of 2022.

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, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 932, Senate Print 8949, by Senator Krueger, an act to amend the Election Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

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

SENATOR KENNEDY: Thank you, Madam President.

Can we now go to the reading of the controversial calendar.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 932, Senate Print 8949, by Senator Krueger, an act to amend the Election Law.

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

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

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

SENATOR GRIFFO: Thank you, Madam Chair.

I do believe that the amendment before the desk is both germane and relevant, as it deals with the very impetus and the haste in which we are dealing upon the bill-in-chief that will be before us shortly.

Unfortunately, this is not an unusual circumstance that we are experiencing in this state. In fact, since the time the sponsor has been in the Senate, we have seen five governors in office in the last 16 years. And for the second time just this year alone, we are seeing a vacancy that is looking to be filled in the second-highest office of the State of New York.

The people of the state deserve better. And as a result of all of us being

representatives of the people, I think it is incumbent that we present ourselves in this process. So the amendment before us basically reflects the 25th Amendment of the U.S. Constitution, Section 2, Article 25, which indicates that in a vacancy such as the office of Lieutenant Governor, the Governor may appoint -- within 30 days that appointment is to be made, and then subject to a confirmation of a joint session of the Legislature, where both the Senate and the Assembly would convene and have an opportunity as representatives of the people to have a say in who will become just a heartbeat away from running the State of New York.

So I think this amendment is very germane right now. As we know, press accounts have indicated from the current occupant that this was one of the most important and decisive and significant decisions that would be made early on in the governorship. And we know now that the bad behavior, criminal activity, is a troubling and disappointing trend that has occurred as we try to serve the people of this state and to face the many challenging issues that confront this state.

So the filling of a vacancy in this office, by allowing for the Legislature to be engaged and to have an opportunity to ensure that the vetting process is done differently and better, hopefully, so as voices of the people we have a say. And again, it has worked in the United States as part of the 25th Amendment.

So I offer this amendment today to make this change so that we can position the people's representatives in this process to ensure that we try to prevent this type of situation again from arising.

And again, unfortunately, it's very frustrating because this is not an unusual occurrence. It's happened all too often.

So for that reason, I believe this amendment is germane and would appreciate the consideration of my colleagues in saying let's change this, let's reform this, and let's get it right.

ACTING PRESIDENT MAYER: Thank you, Senator Griffo.

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 KENNEDY: Without objection, Madam President, please 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 Rath, why do you rise?

SENATOR RATH: Thank you, Madam President. Will the sponsor yield for some questions?

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: My pleasure, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RATH: Thank you.

Good to see you, Senator Krueger.

My first question is, can the sponsor please explain to this legislative body why this bill is necessary?

SENATOR KRUEGER: We find ourselves in a situation that I suspect most of us hadn't thought about a lot beforehand. Because I think if we had thought about it more beforehand, we would have changed the law quite a while ago.

So the fact is if a candidate has been indicted on corruption charges and has resigned their office but they're still on the ballot because none of this had happened before petitioning, and so they want to get off the ballot -- they can't, under our law.

And yet it seems almost inconceivable that most voters would actually want to vote for someone who they know is facing an indictment charge and doesn't want to serve in the office. So all we're doing is we're adding a section to existing law allowing a different reason from the ones that exist now, an additional reason for someone to decline being on the ballot.

And it seems to me that most voters would think it's common sense to let someone who doesn't want to be on the ballot, probably isn't going to be in a position to serve because they're facing an indictment charge, to be able to get off the ballot. And that's what this bill does.

SENATOR RATH: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RATH: When was this bill introduced?

SENATOR KRUEGER: Friday? Friday.

SENATOR RATH: Friday. Okay.

Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RATH: Simple next

question. Did the Governor request the Legislature pass this bill.

SENATOR KRUEGER: Yes. This is a Governor's program bill.

SENATOR RATH: Okay, thank you.

Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield, Senator Krueger?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RATH: Why now? In other words, what makes the current situation such a priority when candidates in the past have not been privy to the same legal escape hatch?

SENATOR KRUEGER: So I was just asking my counsel if there were another parallel, and they mentioned Chris Collins. He was indicted while running again for Congress. But no one asked us to make that law change at the time, and so we didn't.

Because this would apply to anyone on the ballots in the State of New York, not just the Lieutenant Governor, which happens to be the storyline right now.

SENATOR RATH: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RATH: There are many similar examples.

Is it fair to say that this bill is being introduced because a current candidate on the Democrat line is under indictment?

SENATOR KRUEGER: I don't think I heard the final sentence.

SENATOR RATH: All right, I'll rephrase it.

SENATOR KRUEGER: Thank you.

SENATOR RATH: Is it fair to say that this bill is being introduced because a current candidate on the Democrat line is under indictment?

SENATOR KRUEGER: Yes, that is actually the category within this bill: Someone is indicted but on the ballot.

So we are attempting to give that

person, whoever it might be at any point in history in the future, the opportunity -- hmm, history in the future. Let me think about that. That probably wasn't correct -- anyone in the future the ability to resign being a candidate on the ballot if they are in fact under indictment.

SENATOR RATH: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RATH: In the future or in the past.

As political optics are, I think, an issue here which benefits only one single candidate in New York State, is this an appropriate reason to be passing legislation in this State Legislature, political optics?

SENATOR KRUEGER: I don't know that it actually does particularly advantage any candidate, other than giving the opportunity to the one candidate under indictment to remove themselves from the ballot.

The fact is there will still be multiple candidates running for Lieutenant Governor, both in the primary and of course in the general in November.

SENATOR RATH: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RATH: Does this bill allow for the resulting Lieutenant Governor vacancy to be filled?

SENATOR KRUEGER: Current law allows that. This bill is silent on that question.

SENATOR RATH: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RATH: With that, what is

the process for filling this vacancy?

SENATOR KRUEGER: The current law allows the Governor to replace a Lieutenant Governor if there is an opening. That's in fact how we got the Lieutenant Governor under David Paterson, when he named Dick Ravitch to be his Lieutenant Governor, and it in fact is how we ended up with Brian Benjamin as Lieutenant Governor when Kathy Hochul came in as -- removed from Lieutenant Governor to Governor, and then named him Lieutenant Governor.

SENATOR RATH: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I'm sorry, yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RATH: It's indicated in the bill memo that this legislation is a solution to a process that would deprive voters of a, quote, fair choice. However, the same legislation allows for a unilateral party nomination, a process that opens the door to

little if any voter input.

Can the sponsor elaborate on how this proposed process is more fair to the voters of the State of New York?

SENATOR KRUEGER: So this bill is silent on the question of how there is a replacement of people who decline once they petition. But we have existing law. And that existing law would continue in operation.

So if you have declined to be on the ballot once you've petitioned, there's a Committee on Vacancies, and the Committee on Vacancies can choose a replacement candidate.

So that will remain the law as is the law. This bill doesn't change that.

SENATOR RATH: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RATH: If other candidates still remain on the ballot, can you please explain why should their qualifications be

further diluted due to another campaign's incompetence?

SENATOR KRUEGER: I think I understand the question. But I don't quite understand why one person's personal failings and problems and legal problems would dilute the qualifications of other people running for office.

SENATOR RATH: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

THE WITNESS: The Senator yields.

SENATOR RATH: That question is basically directed at the fact that other people have gone through the process and they haven't broken the law, or they're not under indictment. So their adherence to the process has sort of weakened or lessened or become less appropriate because of this scenario. That's the nature of that question. But I'll move on.

Customarily candidates for statewide office are held to a rigorous vetting standard, guaranteeing voters of their propriety and

character. Is it fair to say that this legislation incentivizes a lazier vetting process?

SENATOR KRUEGER: No, Madam President, I do not see how this incentivizes a weaker vetting process.

I don't know any of us who would imagine we would wish to be in the situation Governor Hochul finds herself in where she took office, named a Lieutenant Governor, asked him to continue to run next term with her, and then discovered that he was being indicted.

I don't know any of us who would wish for that for ourselves in our careers or for our friends in politics. This is a painful and difficult storyline, and I certainly don't think anybody would take this bill and translate that into it's some opportunity to have weaker candidates or weaker vetting of candidates.

SENATOR RATH: Does the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR RATH: With less incentive to guarantee a candidate meets certain ethical qualifications, doesn't this bill simply give irresponsible and incompetent campaigns an easy way out?

SENATOR KRUEGER: Through you, Madam President, I don't think there's anything easy about this story at all for candidates affiliated with Mr. Benjamin.

I think that this is a black eye for all of us in politics, probably more so the Democratic Party than the Republican Party this time around, although we've all lived through this in both of our parties quite a few times within this chamber.

But no, I do not think the public thinks having an indicted person on their ballot somehow strengthens either their rights or the democratic -- small D -- process in this state.

SENATOR RATH: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Absolutely.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RATH: Thank you, Senator Krueger. This is my last question.

Does the sponsor believe that candidates should be held to the highest degree of responsibility for their decisions?

SENATOR KRUEGER: Yes, I do.

SENATOR RATH: Thank you.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Rath on the bill.

SENATOR RATH: First of all, this is a major change to Election Law. And as such, I am extremely disappointed that this change to Election Law is not going through the proper process of the Elections Committee, of which I rank. I think it should go through that process because this is a sweeping change to the Election Law.

The bill before us is not a commonsense solution nor a vital mechanism for election integrity. In fact, it is the exact opposite. The bill before us is a political solution to a political problem faced by only one

candidate in the entire State of New York. The Governor has asked this body to clean up a mess fomented by her own failed processes.

New Yorkers deserve better. At the very least, they deserve a transparent and an open and honest process, which they're not seeing here today. They deserve officials and leaders who go to every length to ensure that they meet the highest ethical standards and qualifications that befit public office.

Instead, the Governor would rather change the rules with blind faith that she may get it right the next time around.

I believe that the voters in this great state deserve better, and I hope that my colleagues throughout this chamber share my same belief. For these reasons, I will be voting no, and I urge my colleagues to do the same.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Rath.

Senator Lanza.

SENATOR LANZA: Madam President, would the sponsor yield for a few questions?

ACTING PRESIDENT MAYER: Senator

Krueger, will you yield?

SENATOR KRUEGER: Happily.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR LANZA: Thank you to the sponsor. And thank you, Madam President. Through you.

If this legislation becomes law, would it require that a sitting Governor who is indicted resign from office?

(Pause.)

SENATOR KRUEGER: I'm sorry, we're just clarifying. I believe the question was about resigning a seat. And the answer is this bill is not about resigning your position, this bill is about declining a ballot position once you've petitioned.

SENATOR LANZA: Madam President, will the sponsor yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR LANZA: Through you, Madam President, I'll pose the question a different way.

Would this legislation require that if a sitting Governor were indicted that they would be removed from office?

SENATOR KRUEGER: Through you, Madam President, I don't believe the indictment triggers a removal from office.

Through you, Madam President, if I could just clarify with Senator Lanza. Is he talking about the Governor who is currently a candidate as well -- or is he asking about the candidacy role or the actual being-the-Governor role?

SENATOR LANZA: If the sponsor yields, Madam President.

SENATOR KRUEGER: I was actually asking for a clarification, yes.

SENATOR LANZA: Through you, Madam President. What I'm asking is whether or not this legislation -- or is there any law, for that matter, that would require a sitting Governor, whether in a campaign year or not, to be removed from office if he or she is indicted?

SENATOR KRUEGER: No, there is no such law for any of us in elected office. We actually have to be found guilty of a felony.

SENATOR LANZA: Madam President, would the sponsor yield?

ACTING PRESIDENT MAYER: Senator Krueger, do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR LANZA: Through you, Madam President. So why is it more important to remove a candidate for office from the ballot if that person is indicted than it is to remove a sitting Governor from office if that person is indicted?

SENATOR KRUEGER: Through you, Madam President. I believe that the issue is that the people who are running for office, if they are in fact found to be charged through an indictment, are not in a position where they should be attempting to get into office.

Which is a different situation than you're in office, you are accused of something, and you could resign -- we could find quite a few people from our own chamber who found themselves in those storylines and did choose to resign pre-being found guilty.

But I believe that it is not just the law of this state but fairly standard law to recognize that until people are found guilty, they are not removed from elected office.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR LANZA: Through you, Madam President.

In your conversation with Senator Rath you said that it is inconceivable that voters would want to vote for a Lieutenant Governor candidate who is indicted. Shouldn't ultimately that question still reside with the voters?

SENATOR KRUEGER: If the candidate chooses to stay on the ballot, even if this bill becomes law, they can do so.

So we are not removing the candidate from the ballot, we are giving them the option to remove themselves.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT MAYER: Were you finished, Senator Krueger?

SENATOR KRUEGER: No, that's fine. Yes.

SENATOR LANZA: Oh, I'm sorry, I apologize.

SENATOR KRUEGER: That's okay.

ACTING PRESIDENT MAYER: Do you yield?

SENATOR KRUEGER: I do yield.

ACTING PRESIDENT MAYER: The Senator continues to yield.

SENATOR LANZA: Through you, Madam President. Could the sponsor tell us how many registered Democrats are currently on the ballot for Lieutenant Governor?

SENATOR KRUEGER: There are currently three.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR LANZA: Through you, Madam President. What is the process in New York, generally speaking, which allowed those three candidates to be on the ballot?

SENATOR KRUEGER: You can petition your way onto the ballot, or you can -- if it's a statewide election, you can be chosen by the convention of your party with enough support by the delegates to skip the petitioning process and be placed on the ballot.

So one was chosen that way, and the other two were chosen by petitioning.

SENATOR LANZA: Would the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR LANZA: Through you, Madam President.

So let's talk about the two Democrats who are currently on the ballot for

Lieutenant Governor. They are there, as you said, because registered Democrats in the State of New York signed a petition expressing their willingness and their desire to place those candidates on the ballot.

If this becomes law, isn't it true that there is quite conceivably going to be a Democrat on the ballot for Lieutenant Governor that not a single New Yorker signed a single petition for?

SENATOR KRUEGER: Yes. As there are people on the ballot now for Comptroller, Attorney General, Governor, and Lieutenant Governor who all fall into that same storyline.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator will yield.

SENATOR LANZA: Through you, Madam President. Why should someone have this fast-track-around-the-people access to the ballot that those two Democrats who are currently

running for Lieutenant Governor did not enjoy?

SENATOR KRUEGER: Because under the party rules that have been operating in this state for whatever amount of time that they have.

And it's an interesting question whether whoever might be named by a Committee on Vacancies thinks that this is such a lucky opportunity for them. I would think that an equal concern for them would be they are coming in late in the game, they've had no opportunity to sell themselves to voters whenever we have that primary -- always an interesting question in this state.

So that I actually think you could make a good case for the different third candidate that might appear after we pass this bill and other actions take place, that they're actually at a disadvantage compared to people who have been out there campaigning for many months already.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR LANZA: Through you, Madam President.

Is it the sponsor's understanding that if this becomes law, that not only will there be another candidate for Lieutenant Governor on the ballot but there will also be a new Lieutenant Governor?

SENATOR KRUEGER: This law doesn't address either question. But current law does allow a Committee on Vacancies to replace Brian Benjamin if he chooses to remove himself if this becomes law. So then there would be a Committee on Vacancies naming a new candidate.

Completely separate from this process is the question of -- we don't have a Lieutenant Governor in New York State right now. Well, I guess we do have Andrea Stewart-Cousins, technically. But we don't have a full-time Lieutenant Governor. And therefore the Governor has the authority under law, having nothing to do with the bill before us, that would allow her to choose a new Lieutenant Governor for the remainder of her term through the end of 2022.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR LANZA: Can the sponsor tell us, why is the position of Lieutenant Governor necessary? Do we need one?

SENATOR KRUEGER: It is in the Constitution. There are different reasons why we lose Governors. I've actually been here for a couple of those.

So I think in general most people think it is a rational process to have someone to serve in the position of Governor if for some reason your existing Governor can no longer continue to serve.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: Senator

Krueger yields.

SENATOR LANZA: Through you, Madam President, I agree that is the most important reason and justification for the need of a Lieutenant Governor.

It's my understanding also that if, God forbid, something were to happen to any sitting Governor, that the Majority Leader of the Senate would become the Lieutenant Governor. As a result, is that not satisfactory to the Democrats in this chamber?

SENATOR KRUEGER: Well, I did mention that fact a minute ago, that probably most people in this chamber -- I would hazard to guess even some of my Republican colleagues -- wouldn't think it was a terrible thing for Andrea Stewart-Cousins to step in as the Governor if needed to do so. We've even asked her, and she's said no, thank you.

But the fact is we really think we need a Majority Leader as well. We need somebody running the Senate. We need somebody being the Governor. And it's probably unrealistically demanding to do both things on an ongoing basis.

SENATOR LANZA: Will the sponsor

yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR LANZA: Through you, Madam President. First let me say that guess is not -- it would not be so hazardous, I would tend to agree with the sentiment there.

Is it the sponsor's belief that an indictment is akin to guilt?

SENATOR KRUEGER: No, an indictment is not guilt. You are not guilty until found guilty in a court of law.

SENATOR LANZA: Will the sponsor yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR LANZA: Through you, Madam President. So to extrapolate from that answer, I am assuming the sponsor does not -- is

not suggesting nor is anyone on the left suggesting that the Lieutenant Governor's guilty of any crime at this point.

SENATOR KRUEGER: Correct. We know that he's been indicted. We do not know if he's guilty. That is up to different people in a different place.

SENATOR LANZA: Would the sponsor yield?

SENATOR KRUEGER: Yes, I'm sorry.

ACTING PRESIDENT MAYER: Senator Krueger yields, yes.

SENATOR KRUEGER: Yes, of course.

SENATOR LANZA: Through you, Madam President. So given the incredible system of safeguards for the arrested and accused embodied in the United States Constitution, which means that in America you are innocent until proven guilty, why is it necessary here in New York that the Lieutenant Governor, who at this point is merely being accused of a crime, be removed from the ballot?

SENATOR KRUEGER: Through you, Madam President, the gentleman dealing with all of these issues requested to be -- to step down

as Lieutenant Governor so that he could focus his time and energy on his defense.

And I believe that it will be the same answer if we pass this bill, that he would like to step down from the ballot because he does not wish to run for office at this time.

It will be up to him. So this act, this bill has nothing to do with whether he is ever found guilty or not in any court of law. But it's consistent, I believe, with the actions he's already taken that we pass a bill permitting him this option.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT MAYER: Do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR LANZA: Through you, Madam President, I'm little confused. Was it the Lieutenant Governor or the Governor that requested this legislation?

SENATOR KRUEGER: Well, there is no Lieutenant Governor to request legislation. And

they don't have the power to ask for program bills.

The Governor asked us to consider this as a program bill, and I believe both houses are taking up this bill today.

SENATOR LANZA: Will the sponsor yield.

ACTING PRESIDENT MAYER: Do you yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR LANZA: I'll rephrase the question. Was it Lieutenant Governor Benjamin or Senator Benjamin or Mr. Benjamin that requested that this legislation be put on the floor here, or was it the Governor, Governor Hochul, who has pushed for this legislation?

SENATOR KRUEGER: It was Governor Hochul who asked us to take up this program bill.

SENATOR LANZA: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Lanza on the bill.

SENATOR LANZA: Madam President,

this is what people hate about politics and some politicians. No one is being fooled, either here on the floor, throughout this Capitol, or anywhere in New York or America with respect to what the reason is for this legislation being put before us on the floor.

It is Governor Hochul who desperately wants this to be law. It is Governor Hochul who wants Mr. Benjamin to be removed from the ballot. It is Governor Hochul who wants to select a new candidate for Lieutenant Governor. It is Governor Hochul who needs this legislation -- not for the sake of the people, but for the sake of Governor Hochul's political aspirations, desires, and future.

No one is fooled that there's any other reason for this legislation being here. If this was such a good idea, why not last year, why not the year before, why not the year before that? This is not the first scandal here in New York. This is not the first time we've had to replace a Lieutenant Governor or a Governor, and unfortunately the list goes on.

This legislation is before the house here and now because Governor Hochul is worried

about one thing, getting elected. Governor Hochul wants to select a candidate not that the people have chosen, not that the Democrat voters have chosen -- she wants to select a candidate that helps her get elected, period. We all know it. The editorials know it. The people know it. The voters know it. Governor Hochul knows it.

That's what this is about. And this is a trend. This is a trend, unfortunately, here in New York where politicians put themselves above the voters. We've watched for the last several years. That is the trend: Policies that have nothing to do with good policy in the best interests of the people of New York, but policies that serve the best interests of the politicians who put them forward.

We saw it with the mandates and we see it with the mandates relating to COVID. Adults can run around without masks. If you're a 12-year-old student in public school, you don't need a mask. That's what the science says, according to the Health Department of the State of New York, the chancellors, the Governor. But if you're five years old, you need a mask.

Is that science or is that politics?

That's politics. We all know it. Everyone knows it.

Bail reform. It's a trend, Madam President, from this Governor. Her first, the people second, third, fourth and last. Bail reform. I saw the Governor speak about bail reform at a news conference one day, and she supported the bail reform. She said it was necessary because the original system of cash bail in New York was racially motivated.

That's a serious accusation about a system. And if it's true, and if she believed it were true, then you should never go back even one step, one inch, to a system that was racially motivated. That -- those were her words, not mine. She said we need it to stay there, we could not change the bail reform that was put into place.

She even said, and I watched her say, that the problem with the old system was that if you stole a backpack, you could end up in jail for three years before you even see trial. Now, I was a prosecutor in the Manhattan district attorney's office for a number of years. That is just false. It wasn't true. It wasn't even

close to being true.

Find me the case, I asked, while there was a discussion about bail reform before it happened. Find me the cases, I want to see them. She said that's what she believed, though.

And then all of a sudden there was a political poll, and three days later she said, You know, we've got to change that bail reform. She wanted to go back to a system she claimed was racist, and she did it. She flexed her muscles, she forced the two houses of the Legislature here in Albany to submit to her whim.

Why? Once again, just like today, because she thought she had to do that to better her chances to be elected as Governor. It's a trend.

The district lines after reapportionment, she said they were great, they were constitutional, they were fair. That's what New York needed. The Court of Appeals said: Not so fast. Not so fast, Governor. We know why you like them. You like them because you think they're going to help you get elected.

People are sick of this. They really are. You have some candidates from the

Democratic side of the aisle who are on the ballot. How did they get there? The old-fashioned way. They went to their neighbors, and they said, Hey, sign a petition, I'd like to run for Lieutenant Governor. And people in their communities said okay.

I know one of them, Councilwoman Reyna. I served with her in the City Council. You won't find a better person. Not good enough for Governor Hochul. You know why? She's sitting around with a bunch of political strategists, and they're probably telling her: No, Ms. Reyna's not good enough to get you elected. We need to really get in the soup here. We need to get someone that checks this box, that box and the other box.

Not the "this is good for New York" box, because that never matters around here. No, this is good for the "Governor Hochul getting elected" box. That's all we care about.

And she convinced the Legislature to put this bill on the floor. This is legislation not for the people, but the politicians. That's what this is about. This is the Legislature joining the campaign of a candidate for Governor.

It's like being on the team. You know how that works. You're in a room with your team. You say, Hey, team, what do I need to do to get elected? Well, we need to go speak to that group, this group, get this signed, put out this palm card.

Oh, in this case they said: And after all that, we need a different candidate for Lieutenant Governor. That's what you need. That's what the pundits, the consultants, all these high-paid political strategists, I'm sure that's what they've told Governor Hochul. You're in trouble, Governor. The people are fed up -- high crime, jobs running from the state, mandates that aren't saving anybody's lives. You're in trouble, Governor Hochul.

ACTING PRESIDENT MAYER: Senator Krueger, why do you --

SENATOR LANZA: I know what you should do --

ACTING PRESIDENT MAYER: Why do you rise, Senator Krueger?

SENATOR LANZA: -- you should get rid of Lieutenant Governor Benjamin from the ballot so you can hand-pick somebody that's going

to help --

ACTING PRESIDENT MAYER: Senator Lanza. Senator Lanza, Senator Krueger has risen, she is the sponsor.

SENATOR KENNEDY: Madam President, recognize Senator Krueger.

ACTING PRESIDENT MAYER: Senator Krueger, why do you rise?

SENATOR KRUEGER: I would like to ask Senator Lanza a couple of questions, please, on this bill.

ACTING PRESIDENT MAYER: Go ahead, as the sponsor.

SENATOR LANZA: No, I do not yield. I'm going to finish my point.

SENATOR KRUEGER: Senator --

ACTING PRESIDENT MAYER: This is the sponsor's time, under the rules.

SENATOR LANZA: I do not yield. Based on parliamentary procedure, I do not yield at this point.

SENATOR KRUEGER: Madam President, I would like you to rule on whether there is anything germane about the last 10 minutes of attacks on the Governor having nothing to do with

the bill in front of us.

ACTING PRESIDENT MAYER: Senator Lanza, can you promptly finish your remarks and then let Senator Krueger, as the sponsor, ask questions.

SENATOR LANZA: I will finish my remarks in the time that I am allotted to finish my remarks. And then I'm at the end of my remarks, and I will decide thereafter whether or not I will yield for questions.

ACTING PRESIDENT MAYER: Senator Lanza, you have approximately a half an hour. I understand you've used up the majority of it, so I just point that out.

When you are completed, Senator Krueger has questions she'd like to ask as the sponsor.

SENATOR LANZA: Madam President, everyone knows what's happening here. There's not a person who does not know what is happening here.

And this is an affront, and this is unfortunately where politics in New York has arrived. Which is -- and this legislation says it all -- to hell with you, people of New York.

To hell with what matters and what will help you. I'm going to take care of me first and maybe -- maybe, just maybe -- you second.

Thank you, Madam President.

SENATOR KRUEGER: Madam President.

ACTING PRESIDENT MAYER: Excuse me. Senator Krueger.

SENATOR KRUEGER: Thank you.

Will the -- my colleague Senator Lanza rise for a few questions.

ACTING PRESIDENT MAYER: Senator Lanza.

SENATOR LANZA: Yes, Madam President.

ACTING PRESIDENT MAYER: Yes, Senator Lanza.

SENATOR KRUEGER: Sorry. Thank you.

Does the Republican Party have the same primary rules about a party convention who chooses who can be the party candidate without going through the petitioning process, and then other candidates do indeed go through the petitioning process, as the Democratic Party does?

SENATOR LANZA: Through you, Madam President, I honestly don't know. I try to focus on being a Senator, and I leave the politics to somebody else.

SENATOR KRUEGER: Could the Senator double-check with somebody next to him?

SENATOR LANZA: No, Madam President.

(Laughter.)

SENATOR KRUEGER: Then I will check for him. Yes, the two parties have the same rules. So in fact the Republican Party follows the exact same practice as the Democratic Party.

Through you, if the spons -- excuse me, I'm the sponsor.

(Laughter.)

SENATOR KRUEGER: If the Senator would continue to yield, please.

ACTING PRESIDENT MAYER: Senator Lanza, do you yield?

SENATOR LANZA: Yes.

SENATOR KRUEGER: If you found yourself with your party in a similar situation where, with no one's pre-expectation, somebody who you had nominated through your party

convention to be your candidate for Governor, Lieutenant Governor, AG or Comptroller was indicted, would you wish for them to stay on the ballot?

SENATOR LANZA: Madam President, I don't think this legislation is good for the people. I couldn't give a damn if it's good for the Democrats or for the Republicans. And so how I would feel if this were to happen is really irrelevant.

All I know is everyone knows that this bill is about helping someone get elected and not good policy for the State of New York.

SENATOR KRUEGER: Through you, Madam President. Of course this bill is about elections. It's about petitioning, it's about being on ballots, it's of course about elections.

If my colleague would answer an additional question, please.

SENATOR LANZA: Yes, Madam President.

ACTING PRESIDENT MAYER: Yes, Senator Lanza does answer.

SENATOR KRUEGER: Thank you.

If through the convention process if

the Republican Party had picked only one candidate for Governor, and so there were no others that petitioned, and after the timeline that petitioning was over, that one candidate for Governor was indicted and said "I don't wish to run for Governor," would my colleague have such a problem with this legislation?

SENATOR LANZA: Madam President, if, if, if, if.

I suppose I'll answer it this way. You said how would I feel if this happened to the Republican candidate for Governor.

I suppose that if I cared more about that Republican Governor getting elected than I cared about the people of the State of New York, I would probably want to do exactly what you are doing here.

But since I hope and believe that I would not care more about that political process than the people of New York, I would not be presenting or putting forward legislation like this.

SENATOR KRUEGER: Through you, Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator

Krueger on the bill.

SENATOR KRUEGER: Thank you.

I enjoyed my colleague's rant, although I don't think most of it --

SENATOR LANZA: Madam President. Madam President --

SENATOR KRUEGER: -- was germane to the bill. It was an attack on the Governor.

SENATOR LANZA: Madam President -- Madam President --

ACTING PRESIDENT MAYER: Senator Krueger has the floor. Senator Krueger has the floor, Senator Lanza.

SENATOR LANZA: Really, rant? Really?

(Overtalk.)

ACTING PRESIDENT MAYER: Senator Krueger is entitled to speak --

(Overtalk.)

SENATOR LANZA: A debate is a rant?

ACTING PRESIDENT MAYER: Senator Lanza, Senator Krueger is speaking on the bill. You had ample opportunity. It is her chance.

SENATOR KRUEGER: Thank you.

When we were debating, it was a

worthwhile debate, no disagreement. But then we curved off quite a bit, so I want to bring us back to the bill.

It's a bill that intends to give an option to people who hopefully there will be very few of in our lives -- sincerely. Hopefully we'll have very few situations where someone who has petitioned to run for office finds themselves indicted, not wishing to continue in the current office, not wishing to run for the office again, but unfortunately not able to get them off -- themselves off the ballot unless they die, move out of state, or are nominated for some other electoral office.

I don't understand people who don't actually understand why we all would prefer that voters not have to make that kind of decision, perhaps wasting the only vote they would have. Because in this situation there are other candidates, but in a storyline where there was no primary but the exact same storyline, perhaps at the Governor level or the Attorney General level, we could find ourselves where one of two major parties' only candidate, only candidate, was an indicted person who did not wish to run for that

seat.

So I think it's common sense, and most voters will agree: Why would they want to put themselves in that situation? That's not what people's definition of democracy is. Democracy is going to the voting booth and picking the candidate you think is most likely to meet your desired wishes for an elected official, who is a stand-up person who will be able to commit a hundred percent of their time to the job. And if they are not, of course we should let them remove themselves from the ballot and allow someone else to take an opportunity to get that seat.

It's -- it's not that complicated. It somehow has snowballed into something, I don't know, like conspiracy theory. There's no conspiracy theory here, either to cause what happened to happen, or certainly not to try to offer a resolution to a problem we find ourselves in.

It's a very short, very clear-cut bill. And I do hope that my colleagues will vote yes today.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Krueger.

I know there are a number of members who wish to speak on the bill. I would remind you that under Rule 3A, debate shall only be in order when it is germane to the question under discussion, and that is the bill on the floor.

So I have next Senator Akshar on the bill.

SENATOR AKSHAR: Madam President, thank you. I'm on the bill.

I read today, this morning, with great interest Errol Louis's piece in New York magazine. It was about the gerrymander. He got it right when he said that the New York Democrats have made this state a laughingstock.

In February I stood right here at this desk and I spoke about the hyperpartisan gerrymandered maps being the most undemocratic and un-American bill that we had taken up in my seven years. But today the bill we're taking up now, the one before us, is really the most outrageous thing that we have done.

It's very clear to me that the message that the Legislature is sending to

New Yorkers is that your government doesn't give a tinker's damn about you. The only thing that New York Democrats, the Democrats that control this statehouse, care about is about themselves.

Think about this for a moment. Your government isn't advancing bills to address the mental health crisis in our schools, not advancing bills that address the thousands of children who can't get mental health services. We're not doing that. The government isn't advancing bills to protect the homeless that live in our communities. Your government isn't advancing bills to slow or stop the rampant crime crisis that is plaguing communities across our great state. The government isn't advancing bills to address the subway system that is so dangerous no one will ride on it.

No. Today we advance another hyper-political bill, and that bill seeks to do one thing: To protect the political longevity of career politicians.

I read the sponsor's memo, the justification section. Understand and recognize that Senator Krueger is simply carrying the bill for the Governor.

Democracy demands that voters should be entitled to candidates who can properly assume office. Brian Benjamin didn't have to resign. Hell, I don't know if he's guilty or not. I have no idea. He could be acquitted for all I know.

But voters do have a choice -- Senator Lanza said it -- former Councilwoman Reyna. They have a choice, they could vote for her. Ana Maria Archila, they could vote for her. They don't have to vote for Brian Benjamin. And we didn't have to go through this long process of changing Election Law.

Brian Benjamin could have moved, he could have went to New Jersey. Could have hit the GW, the Lincoln Tunnel, could have made this simple for everybody. This is a rhetorical question, but does this Majority have no shame?

Everyday, hardworking New Yorkers are smart people, incredibly smart people. And I, just like them, are sick and tired and disgusted how this body conducts itself. It's shameful, frankly.

So here's the reality. Today is another example in a very long line of examples of one-party rule changing the rules to suit

their political needs and scrambling to paint over their mistakes.

The reality is is that one-party rule has been a complete disaster for New Yorkers -- most importantly, for the institution this chamber represents. All the plaster, all the whitewashing, all the paint, all of that -- not going to fix the crumbling foundation of lies, corruption and failure that one-party rule is built on.

You can't bail out a sinking ship with a teaspoon. And today you may think that you can rewrite the rules after you break them, but you cannot erase the record of abject failure that continues to pile up every time you choose politics over the people of this great state. And frankly, that is exactly what people hate about Albany.

So again, try and rewrite the law all you want, but the stench of failure and stain of corruption isn't so easily removed.

And you know what I really hope? I hope that the voters remember that the Majority members in this house are co-conspirators to this mess in its entirety. Errol Louis was spot-on

yesterday, Madam President, when he wrote that article that the Democrats who are in charge of the Legislature, in charge of state government, they have in fact made New York a laughingstock. And they continue to do just that. The only thing I wish is that Errol Louis would have waited to write that article until today.

When it comes time, Madam President, I'll be voting no.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Madam President.

You know, despite the debate that we heard today, I don't think anybody can really be proud to be here today to have this bill in front of them. Because quite honestly, what we're doing today is something that's completely unethical. We're changing the rules in the middle of the process. That's why special legislation is required. This is not allowed.

But this is not the first time the Majority has ignored the will of the people. In fact, that's why so many New Yorkers have lost confidence in the leadership that is here in

Albany. It's really very reminiscent of what happened with the redistricting process. We had a constitutional amendment that called for New Yorkers to have an Independent Redistricting Commission. And then after one-party rule took over Albany, they decided they were going to seize that away and sabotage the Independent Redistricting Commission and do things the way they wanted to -- bad decisions that ignored the will of the people. And here we are again to do the same thing.

ACTING PRESIDENT MAYER: Senator Kennedy --

SENATOR KENNEDY: Madam President, if our colleagues could please keep this conversation germane. You had already reminded us. There's a lot of emotions on this item. I would ask our colleagues to keep a sense of decorum as we proceed. Thank you.

SENATOR BORRELLO: I'm sorry, Madam President, I didn't realize I was being impolite by making this correlation.

So I'll continue. We --

ACTING PRESIDENT MAYER: Senator Borrello, the point that I raised earlier is that

the rule requires the discussion, the debate which you are on to be germane to the question, which is the bill before us.

SENATOR BORRELLO: Isn't the question about changing the rules, Madam President?

ACTING PRESIDENT MAYER: It is not for me to decide. The question is the bill before the house --

SENATOR KENNEDY: Madam President, will our colleague please, on the bill, speak on the bill. He asked to speak on the bill. Please keep it germane. Thank you.

SENATOR BORRELLO: Madam President, I'm going to reiterate my statement earlier that this is not a proud day for this chamber, and this is another example.

We are speaking on bills. I've listened, in my short time here, to many people talk about how one item that we vote on relates to another, and that's what exactly what I'm doing. So I'm going to continue.

The reality is is that -- I don't think most people understand it -- the Lieutenant Governor is an independent -- actually, an

independent candidate. The Lieutenant Governor and the Governor do not have to run together. They actually don't run together. And there's been several times in the past where the Lieutenant Governor in a primary that was running with the gubernatorial candidate did not match up. It's happened recently.

In fact, it happened, believe it or not, in 2014 when one of my colleagues, a former county executive of Chautauqua County -- which I am also a former county executive of Chautauqua County -- Greg Edwards, ran with Rick Lazio for the Republican Lieutenant Governor seat. He won, and Rick Lazio lost.

This has happened before, too. The people of New York have the right to choose. And as was mentioned previously, we have other candidates for you to choose from.

So instead, we're going to circumvent that process -- once again, circumventing the will of the people. If the people choose to vote for Brian Benjamin -- who, by the way, has not been convicted of anything. Now, we sat here and talked about bail reform and the fact that we should let people out over and

over and over again because they have not been convicted of a crime. Yet here we are not affording that same luxury to Brian Benjamin or anyone else in the future that falls into that same unfortunate category.

You know, Madam President, a recent poll showed that two out of three New Yorkers feel this state is headed in the wrong direction. And after today, after this bill passes and after the Majority takes their opportunity to replace someone with their hand-picked successor, I don't think that statistic is going to get any better.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you.

Senator Boyle, why do you rise?

SENATOR BOYLE: Could I ask -- could the sponsor yield?

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR KRUEGER: I will, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BOYLE: Thank you, Senator Krueger.

Senator Krueger, I'd just like an honest answer to this first question. Do --

SENATOR KRUEGER: I'm sorry, am I known for not giving honest answers?

(Laughter.)

SENATOR BOYLE: I know you are. I just want a really honest answer.

(Laughter.)

SENATOR BOYLE: Do you think that we would be here looking at this bill, voting on this bill if the situation was a Republican Governor and his Republican or her Republican Lieutenant Governor was the one that you wanted to get off the ballot?

SENATOR KRUEGER: Do I think if a Republican Governor asked for this bill would it be on the floor of the Senate?

SENATOR BOYLE: Yes. Or would you all be snickering that it's happening to us and it's bad politics for our side?

SENATOR KRUEGER: No, I think -- speaking for myself, I think that would be a reasonable thing for a sitting Governor to ask, yes, regardless of their party.

SENATOR BOYLE: For the Governor to

ask. But would you do it?

SENATOR KRUEGER: Well, again, I am one person. But yes.

As I said before, both parties have the same party rules for how we pick our candidates. So the concept that somehow we're trying to get around the will of the people is no different than what is the normal, everyday process for picking candidates by both parties.

And so I don't think I would like to have an indicted candidate for Governor or Lieutenant Governor or AG or Comptroller -- regardless of their party -- end up winning. So yes.

SENATOR BOYLE: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BOYLE: I know that we throw this word "indicted" around as if it's the be-all and end-all. We've had some members, as you said, Senator, of this body and the other

body indicted and then subsequently convicted. We've also had some that were brought up on political charges and an indictment and then they were quashed because judges found out and discovered and came to their senses and prosecutors backpedaled with charges and indictments that were brought. We all know that that has occurred.

So an indictment is not a conviction. And as our former chief justice at the Court of Appeals said, "You can indict a ham sandwich," so that doesn't really mean much.

My question -- my second question is, how else could our current Lieutenant -- or former Lieutenant Governor, former colleague of ours, have gotten off the ballot? Could he have moved, could he have run for another office? I know the Election Law gives a couple other options. Move out of state?

SENATOR KRUEGER: There are three under existing law. He could die. I don't think that was a option he thought of as a plan. He can move out of state, which I believe he does not want to do. Although it could only be to selected states because he's only allowed to go

to a couple of them under the agreement with the federal government. Or he could be nominated to a different electoral post, which I think most people would think is not the best plan if you're already under indictment and have already chosen to resign from the number-two position in politics in our state.

Those were his choices.

SENATOR BOYLE: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, I will.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BOYLE: So if our former colleague had opted to just move to Northern Virginia with his family, we would not need to be here passing this bill right now, is that correct?

SENATOR KRUEGER: Yes. Because he would then have been able to remove himself from the ballot.

SENATOR BOYLE: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BOYLE: So, Senator, you mentioned before about the choice of a Lieutenant Governor. That's up to the Governor.

SENATOR KRUEGER: The replacement of a non-Lieutenant Governor is in fact left up to the Governor.

SENATOR BOYLE: But the candidate for Lieutenant Governor is not up to the Governor, that's up to the Committee to Fill Vacancies; correct?

SENATOR KRUEGER: That is correct.

SENATOR BOYLE: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield.

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BOYLE: Senator, can you tell me who's on the Committee to Fill Vacancies

for this position for Lieutenant Governor?

SENATOR KRUEGER: Not without asking someone to pull a list for me. And they have it for me, so how convenient. Thank you very much.

So the people named on the Committee of Vacancies are Jay Jacobs, Christine Quinn, Crystal Peoples-Stokes, June O'Neill, Rodneyse Bichotte, Rich Schaffer and Catalina Cruz.

SENATOR BOYLE: So will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BOYLE: So it's not up to the Governor to choose her Lieutenant Governor co-candidate for November. But these seven people, whoever's on the Committee to Fill Vacancies -- Democratic leaders of different counties, I gather.

SENATOR KRUEGER: Correct.

SENATOR BOYLE: So --

ACTING PRESIDENT MAYER: Are you

asking the sponsor to continue to yield?

SENATOR BOYLE: Yes, I'm sorry.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BOYLE: So right now we have the possibility -- probability, extreme probability, of having a Hispanic woman make history as the first Latina or I think Hispanic -- somebody of Hispanic background as a statewide elected official should that team win, correct? If Brian -- if --

SENATOR KRUEGER: Two candidates for AG -- two candidates for Lieutenant Governor define themselves as Latina women, yes.

SENATOR BOYLE: And so there's -- does the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BOYLE: So going from the

probability of this history-making election of a Latina or Latinx candidate to statewide office, these people on this Committee to Fill Vacancies could choose someone from a different ethnicity or demographics background; true?

SENATOR KRUEGER: Of course. They could choose whoever they choose. I don't have a crystal ball.

SENATOR BOYLE: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Boyle on the bill.

SENATOR BOYLE: So I would just associate myself with the remarks of my colleagues and say that as terrible as it was for our former colleague to be in this situation -- I wish him the best -- however, when I heard about it, I said, Wow, there's a decent chance that we're going to have a Latina as our Lieutenant Governor, making history in New York State as getting elected.

And because this bill -- unless the Committee to Fill Vacancies chooses another Latina, that that very well may not happen.

So this -- I know we talked about

the governmental aspect of this, but there is the political side of this. And I know that the Majority in this body and the other body are very into identity politics. And it would be a real -- I'm obviously, full disclosure, supporting the other team. But if we do not -- if we do not pass this bill, the people in the Majority here can help possibly make history. By voting for it, you're really rolling the dice.

Madam Speaker, I intend to vote in the negative.

ACTING PRESIDENT MAYER: Senator Martucci on the bill.

SENATOR MARTUCCI: Thank you, Madam President. On the bill.

I've been here in Albany for 16 months -- today marks the start of my 17th month in this chamber -- and I have to admit that before I came here, despite the warnings -- everyone told me in advance that Albany was filled with corruption and dysfunction. And I can honestly say that all of their warnings fell short of the reality. And this bill that we're talking about right here before us is a prime example.

I'm a political outsider. I ran a business, I took care of my family. Before I was elected here, I paid attention to politics here and there, just like most people. And nothing could have prepared me for what I've seen in the last few months and this bill that's in front of us here today.

Madam President, this is a blatantly political bill. My colleagues have talked about this, and I agree with them wholeheartedly. It's the opposite of good government. This bill is not for the people of the State of New York, this bill is for the politicians. And in fact, this bill is specifically for the indicted politicians, which are not people that sit very high on my list.

I associate myself with Senator Akshar's comments that we should be focusing on other things right now, like public safety or helping struggling families or focusing on affordability. But we're not doing any of those things.

Our record on ethics in this chamber and in this government is appalling. I came here to do the right thing, to restore common sense,

and this bill is a big step in the wrong direction. This isn't democracy, this is changing the rules midstream for political gain.

We've heard a lot today, and as Senator Lanza said, there's no secret about what this bill is about. And for that reason I urge my colleagues to stop doing the same thing over and over and over again and expecting a different result. Madam President, that's the definition of insanity.

I'll be voting no, and I urge my colleagues to do the same. We owe the people we represent a lot better.

ACTING PRESIDENT MAYER: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you, Madam President. On the bill. And I'll try and tighten up my comments a little bit, because a lot of it has been said.

And I really need to express what immediately came to my head, and it actually has a lot to do with politics that began in New York. When I saw that this bill was submitted, I thought to myself: Woe to the vanquished, to the victor goes the spoils.

And when you think about that -- and without reiterating a lot of what was said -- when the Majority in this chamber switched three and a half years ago, there was immediately a bill put forward -- because at the time the Majority -- the Democratic Party had a simple majority. A bill was immediately put forward to require only a majority to approve maps, it needed to be passed two years in a row and then go to referendum. And that bill also had a number of other real doozies that would otherwise allow towns to be split --

SENATOR KENNEDY: Madam President, I believe my colleague is not on the bill, he is not germane on the bill. Please keep the comments germane to this bill.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Palumbo, please keep your comments germane to the bill as the rule requires.

SENATOR LANZA: Madam President --

ACTING PRESIDENT MAYER: Senator Lanza.

SENATOR LANZA: Every member of this body is entitled, under the rules, to speak

about what they think about a bill, whether they think it's a good idea, a bad idea, or what they believe the motivation for that bill is. And that is simply what we are hearing right now.

ACTING PRESIDENT MAYER: Senator Lanza, I've given a great deal of latitude to each of the people to express their views in a broad way. I will continue to do so.

But the rule requires germaneness, and the Acting Floor Leader has indicated his objection to going off the content of the bill. And therefore I'm asking you to please direct your comments to the bill before us.

SENATOR PALUMBO: And I certainly understand that, Madam President. And if I may be heard in that regard, that this is something that is changing the rules of a law that has existed for many, many, many years. And this Majority, that is the same party as the Governor, has also chosen to change many rules and even attempt to change many rules that have existed for many, many years.

So when we're making argument -- which is what "on the bill" is -- this is subject to connection. And actually a State Senator made

comments when he was a -- I believe Secretary to the Treasury at one point that are specific to the -- exactly what's going on right now. And I'll shorten it. Because that phrase that I mentioned -- "Woe to the vanquished" -- was basically, the original -- when the Gauls sacked Rome, that was what they said when they had complained about the scales being uneven and the barbarian Gaul put his sword on the scale and said: Now go get more, because we won, too bad.

Now, that was further -- Governor Marcy, this is where I was going with this. Governor Marcy subsequently said when there was a changing of the guard -- in a speech on the U.S. Senate floor -- he was a New York State Senator at one point. He was defending Secretary of State Martin Van Buren against an attack by Senator Henry Clay, and he made his remark and he became the champion of what is known as the spoils system, which ultimately in politics, as we all know, is patronage. You win, you put your own people in, you do whatever you want and, you know, discretion be darned.

And that's really the point of my comments, that we have had a bill that went to

the people by referendum, passed twice, and the people overwhelmingly said no, thank you.

And then this body again tried to change the rules in their favor. They also added, you know, no-excuse absentee, many other things -- harvesting ballot bills that we'll probably see at some point -- because absentee ballots overwhelmingly favor one party over the other.

So when we equate that to the bill-in-chief, this is just yet another cavalier move to simply disregard the voter. And when you think about "woe to the vanquished," who are the vanquished in this situation? It's not us, it's not the Republican Party, because the voters have spoken. This does not take into consideration any of the voters. This is for one particular person, this is for one particular party in one particular race.

And at one point in the debate I heard the sponsor say that why would someone want -- I don't know if anyone would want to vote for a candidate under indictment, I believe was the actual language used. Well, the Legislature's going to tell us who to vote for

now? We're going to do it by bills? We don't think this person should be on the ballot because that's our opinion -- not you, voter, 19 million people in a democracy, little "d" democracy.

So what is going on right now is unbelievably arrogant and cavalier, that we're now telling the voters: Well, you can't just vote for the other two candidates that are on the ballot, you cannot vote for this individual. Because we have a system of qualifying candidates. And there are three ways to get on the ballot, as we discussed -- I'm sorry, two. Now three. The one way is after you're qualified after the process closes and you have people who are certified for the election, you can either do those things we said -- move out of state, go to other office. And you can only get certified by either the statewide committee giving you enough votes or you slug it out on the streets and get enough petitions.

So the way to get on the ballot is either get enough petitions, travel the state in the appropriate time period when there's a level playing field and many candidates are looking for the endorsement of the statewide party, or now

curry favor with seven hand-picked members of a Committee on Vacancies.

So we don't have the regular process that's constitutional, and we're not the Gaul barbarians putting the sword on the scales. That's what's happening right now. That's exactly what's happening. We are, though, a constitutional republic. And we're a body of civilized people. And we're act like barbarians right now.

This, quite frankly, is outrageous. I vote no, and I urge my colleagues to do the same. Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator O'Mara on the bill.

SENATOR O'MARA: Thank you, Madam President. I hope to be brief.

And following up a little bit on the bill, on Senator Boyle's remarks on would we be doing this for any other Lieutenant Governor position.

Come on, let's not kid ourselves. There's no way that this body would be taking up this bill to allow Tom Suozzi's Lieutenant Governor who'd been indicted to get off the

ballot, to allow Jumaane Williams' Lieutenant Governor candidate who happened to be indicted to get off the ballot, to allow Lee Zeldin's Lieutenant Governor candidate to get off the ballot. This would not be being taken up by this body or the Assembly or being pushed by the Governor, for that matter.

This is nothing more than a continuation of one-party rule run amuck in New York State. It's a continued abuse of power. Less than one week after the Court of Appeals struck down the gerrymandered and unconstitutional redistricting maps, that we now throw our entire election process into chaos because of one-party rule in New York State.

Let's not kid ourselves for a moment that this would be being done for anybody else other than Governor Hochul's Lieutenant Governor. It would not be happening.

It's not right. It's not just. I'll be voting no.

ACTING PRESIDENT MAYER: Senator Stec on the bill.

SENATOR STEC: Thank you, Madam President. On the bill.

The sponsor had previously asked Senator Lanza a question that I wanted to jump in and offer an answer. I think Senator O'Mara just touched base on that very briefly. But the question was how would we feel if this was a Republican candidate or, as my colleague pointed out, any other Democratic candidate.

Had this been a Republican Lieutenant Governor, there is no way on God's green earth that this chamber or the chamber down there would be entertaining this legislation at all. So the bill would never move.

And secondly, how would we feel? Frankly, if my party's candidate was so poorly vetted by somebody in charge of a 19-million-person state and a $226 billion budget and they didn't read the newspaper to see that the person they were looking at was getting looked at by the cops, then you know what? My party's candidate should justifiably suffer the consequences that would fall from the voters, period. But that hasn't happened here.

Now, the timing of this is all very remarkable to me. The Governor, Governor Hochul, picked an anti-law enforcement candidate to run

with as her Lieutenant Governor. Then, lo and behold, crime -- to the surprise of many, but not to the surprise of this side of the aisle -- but crime quickly becomes the number-one concern amongst voters in New York State because of past mistakes made by our one-party rule. But the Governor is stuck with her pick.

And then, to make matters worse, of all things her anti-law enforcement running mate becomes indicted. He becomes a subject of the criminal justice system that he's got a record of opposing.

Now the Governor's really stuck, and she needs an out. So the answer here is to change Election Law. We don't send the bill through the Elections Committee, we put it in on Friday, we let it age three days like on the quick, we bring it up here to vote on.

And I guess my last rhetorical question would be in needing to get rid of this candidate because he's a hindrance to her ticket, he's a risk to his whole party in November, and he's got a problem with criminal justice in a year where criminal justice issues are the driving force amongst the electorate, what's

Governor Hochul's next move? Pick a cop to be her running mate, so this is about political expedience and strengthening -- I mean, these are the questions that many of us have.

This bill stinks to high heaven, and I'll be voting against it. And shame on anyone that votes for it.

ACTING PRESIDENT MAYER: Senator Helming to explain her vote.

SENATOR HELMING: Thank you, Madam President. On the bill.

ACTING PRESIDENT MAYER: Oh, I'm sorry, Senator Helming on the bill. Thanks for correcting me.

SENATOR HELMING: The fact that this legislation even needed to be introduced is a disgrace. It's an absolute disgrace to our government and our state and to the citizens who continue to lose trust in our government and in our leaders.

It's amazing to me how quickly this legislation was moved to the floor, how quickly the Senate Majority can act when it serves their best interest or their interest.

Rather than putting this bill to

erase the Governor's poor judgment, I believe that New Yorkers would be better served by advancing priorities that actually help our constituents. Lower their taxes, lower the cost of living, and make our streets safer.

Once again, New York State is going to make the headlines, and once again it's going to be for all the wrong reasons.

There's been a lot of talk over these past several months about open government, about transparent government, about collaboration. In fact, earlier the sponsor stated this is a bill that intends to give an option to the people.

I don't believe that. If the Majority -- all of the Democrat Senators in this chamber truly cared about this ballot issue and truly cared about what is in the best interests of all New Yorkers, they would have held public hearings. They would have given the public an opportunity to weigh in on this important subject. They would have included stakeholders in open and transparent discussions, including our boards of election commissioners.

We've seen nothing of the sort.

Instead, today we have another bill that continues to promote secret, back-door politics. And, Madam President, dare I even suggest that it's the same sort of bad politics that resulted in the unconstitutional, gerrymandered redistricting maps that my Democratic colleagues voted for.

It's the same foolery, it's the same shenanigans over and over again. The same secretive, closed-door negotiations that continues to put politics first instead of people first.

For these reasons, Madam President, I vote no, and I urge everyone in this chamber to do the right thing and to vote no.

ACTING PRESIDENT MAYER: Senator Mattera on the bill.

SENATOR MATTERA: Thank you, Madam President. To explain my vote.

Governor Hochul is looking for state --

ACTING PRESIDENT MAYER: Senator Mattera, you're on the bill. Do you want to explain your vote a little later?

SENATOR MATTERA: I'm sorry, I'm on

the bill. I'm sorry. Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Mattera on the bill.

SENATOR MATTERA: Governor Hochul is looking for the State Legislature to protect her from the results of her very poor choice. Simply put, she is looking for the State Legislature to protect her from the poor decisions her office made when it selected her Lieutenant Governor last year. And the Assembly and the Senate should not be providing political cover in any way.

I strongly believe that instead of wasting our efforts protecting one elected official from a poor choice, that we should be working to better the lives of every New Yorker, who do not care nor need backroom deals. It should be done with public input, and it must be done at a time when no individual benefits from its passage.

The Governor's vetting process was clearly flawed, and the Assembly and Senate should not fix a problem she created. But this is a bill that will be rushed through to protect

one person, the very person who will put final signature on its passage. And that is simply wrong.

Madam President, I will be strongly voting no. Thank you.

ACTING PRESIDENT MAYER: 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 2. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

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

SENATOR REICHLIN-MELNICK: Thank you, Madam President.

I've sat here and listened to an awful lot of political grandstanding from some of my colleagues. I think that there is basically one very simple thing here at issue.

If we go out and we ask any of the constituents that we represent in our district,

"Do you think a politician who has been indicted on federal corruption and bribery charges, resigned from office in disgrace, should be on the ballot in November or in a primary in June," 99 out of 100 people that we represent would say, Are you kidding me? Of course not. Why would we ever want somebody like that, and how could it be the case that somebody who has resigned, who does not want to be a candidate, has to stay as a candidate?

That does not make any sense to me, and it does not make any sense to most of the people that I represent.

And we talk about, you know, how does somebody get off a ballot? You know, Senator Benjamin or anybody else could die -- we hope they don't -- they could move out of office -- or move out of state to New Jersey, maybe a fate worse than death, or they could -- excuse me, New Jersey --

(Laughter.)

SENATOR REICHLIN-MELNICK: Or they could run -- you know, run for another office.

In any of those scenarios, though, this exact same process of a Committee on

Vacancies would pick a candidate. It could happen to any of us. If something, God forbid, happened to a member of this body, their Committee on Vacancies -- and we all petitioned to get on the ballot -- would choose a candidate that voters never petitioned for. But that's what the New York State law has allowed for decades.

And so I don't think that there is anything particularly strange about saying that somebody that's been indicted, that's resigned their office, that does not want to be a candidate shouldn't be a candidate.

And let's remember, this is not a partisan thing. Two of the last four Majority Leaders of this body who came from the minority party here were indicted, resigned, and removed themselves from the ballot, because it so happened that they were indicted and resigned not right in the middle of an election season.

But I'm very sure that had they had a similar timeline and been indicted and resigned from office right in the middle of an election, their party probably would not have wanted to go into that election with former Majority Leaders

Dean Skelos or Joe Bruno on the ballot for their districts.

So we have a lot of politics here. I think this is simple common sense. And while this is a challenging situation, I am going to be voting in the affirmative.

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

Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

I rise to explain why I'm voting no on this bill, but I want to say that this debate almost convinced me to change my mind --

(Laughter.)

SENATOR MAY: -- because this debate made it clear that some of our colleagues believe that the purpose of an election is to punish a candidate or a campaign.

I believe the purpose of an election is to give voters a choice. And the purpose of a ballot is to give them a clear choice among candidates who are actually running for office.

This is why I was proud to have my

bill signed into law last year that allowed someone to decline a ballot line if they lost a primary but they still had a third-party line, because I believe there should not be phantom candidates on a ballot. And I believe it's appropriate to allow a candidate to withdraw for good cause.

I'm voting no on this bill because I also believe in process. And that bill that I carried went through vetting, it went through committee -- twice -- because it also went through an amendment process.

I do believe -- and it wasn't meant to apply to any particular candidate, it was a general fix to a real problem that we have here in New York State. And I believe we need to fix that problem for this level of candidates too.

But for now, I do think the process matters, and I am voting no.

Thank you.

ACTING PRESIDENT MAYER: Senator May to be recorded in the negative.

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Madam President.

You know, I almost didn't come down to the chamber today, but I'm glad I did. Because this has been quite entertaining, actually. Some of you couldn't even keep a straight face as you were standing up and speaking on the bill.

I'm going to vote in favor of this bill, although I agree with Senator May, I think her bill would have been a better solution. But that's not the one that is before us.

Unfortunately, we have some of the most archaic laws on ballot access in the country. We all know that, we all admit that. We know that because we wrote them. Maybe not those of us individually in this chamber, but we've done very little to fix them.

We all know the ridiculousness of the fact that the only way to get off the ballot after the declination period has passed is you have to die -- certainly not an option -- move out of state -- again, hardly an option, you can't move that quickly and establish residency or have the Board of Elections accept that residency change -- or be nominated for another office.

And so in a position like this one where you have a candidate who has been selected at a party convention -- and I've heard the term "the will of the voters" used a lot. Well, the will of the voters are not at play at a party convention. It's a party candidate selection process. And a primary is not an election either. It's a partisan candidate selection process.

I'd remind a lot of my colleagues here -- you know, it's a long way down from the high horse we all climb up on sometimes -- but this debate has been hardly about what the will of the voters want, it's purely been about politics. And those of you who are -- have been very critical about it, it's because you want to see the Governor stuck -- I think one of you said she should be forced to pay the price for choosing this candidate.

Maybe so. And maybe she will pay the price for the decision later on. But we have a different problem. We have a candidate who, whether or not they've been indicted, whether they're under investigation, clearly does not want to run. He does not want to see his name on

the ballot. He does not want to go before the voters. He doesn't want the will of the voters to be subject to him.

That's the choice. This is the bill that's before us. Again, I believe Senator May's bill is a better bill, but that's not the one that we have before us.

So we have a problem now. We have a candidate who was a Lieutenant Governor, he resigned from office, he is on the ballot unless we find a way that he can voluntarily request his name be removed so that the voters don't have to be subjected to him.

And my final point, I find it very entertaining that many of you are concerned about the fate of two of the women, the Latina candidates on the Democratic side. You can't vote for them, but maybe you can support them in other ways, to make sure that perhaps they can make history. So, you know, if you're still that concerned about them, I'm sure they'll take your contributions and maybe you can go out and campaign for them.

But I'm going to vote for the bill that we have in front of us. It's not the

perfect solution, but unfortunately it's the only one we have today.

Madam President, thank you.

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

Senator Lanza to explain his vote.

SENATOR LANZA: Thank you, Madam President, to explain my vote.

Let me say with a straight face that I have a hard time -- anyone can have a straight face in saying that this bill does not have something to do or everything to do with politics.

I can tell you the people back home, they must be spinning in their chairs and I would like to see their faces at this moment when they are being sold a bill of goods with respect to this legislation.

And some people believe -- some people believe that the purpose of legislation is to help get the candidate of their choosing elected and not about the best interests of the people of New York. And that's why I'll be voting no on this legislation.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Lanza to be recorded in the negative.

Senator Palumbo to explain his vote.

SENATOR PALUMBO: Thank you, Madam President. And just another quick comment that just occurred to me. To explain my vote, and thank you for allowing me the opportunity to interrupt the proceedings.

So not even just applying to this particular situation, now in the future if someone is charged with a crime two weeks before Election Day, how many millions of dollars is the state going to have to expend in an expedited fashion to change every single ballot in a statewide office? A lot.

So this seems like something that is -- oh, it's a silly process, it is what it is. But this is opening such a tremendous can of worms and costs to the state, that we have someone who had no interest probably three weeks ago in running for Lieutenant Governor who's going to be magically plucked out of the air by the current Governor as a running mate and placed on the ballot through this brand-new process, through the Committee on Vacancies, after

qualification.

And so that's really the point. There is a big issue regarding the actual balance that we're looking to strike as far as fairness for people who want to run for public office. Nobody else is going to get that opportunity; a political insider is.

And that's why I vote in the negative, in addition to all the other reasons I previously mentioned.

Thank you, Madam Speaker -- Madam President.

ACTING PRESIDENT MAYER: Senator Palumbo to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 932, those Senators voting in the negative are Senators Akshar, Biaggi, Borrello, Boyle, Brisport, Felder, Gallivan, Gianaris, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, May, Myrie, Oberacker, O'Mara, Ortt, Palumbo, Ramos, Rath, Ritchie, Rivera, Salazar, Serino, Stec, Tedisco and Weik.

Ayes, 33. Nays, 29.

ACTING PRESIDENT MAYER: The bill

is passed.

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

SENATOR KENNEDY: Thank you, Madam President.

Is there any further business at the desk?

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

SENATOR KENNEDY: There being none, I move to adjourn until Tuesday, May 3rd, at 3:00 p.m.

ACTING PRESIDENT MAYER: The Senate stands adjourned, on motion, till Tuesday, May 3rd, at 3:00 p.m.

(Whereupon, at 5:44 p.m., the Senate adjourned.)