

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 May 17, 2022

11 3:41 p.m.

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13
14 REGULAR SESSION

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18 SENATOR JAMAAL T. BAILEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT BAILEY: The
3 Senate will come to order.

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

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

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

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

13 ACTING PRESIDENT BAILEY: Reading
14 of the Journal.

15 THE SECRETARY: In Senate, Monday,
16 May 16, 2022, the Senate met pursuant to
17 adjournment. The Journal of Sunday, May 15,
18 2022, was read and approved. On motion, the
19 Senate adjourned.

20 ACTING PRESIDENT BAILEY: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Kaplan

1 moves to discharge, from the Committee on
2 Investigations and Government Operations,
3 Assembly Bill Number 5469 and substitute it for
4 the identical Senate Bill 190, Third Reading
5 Calendar 791.

6 Senator Brisport moves to discharge,
7 from the Committee on Social Services,
8 Assembly Bill Number 7661 and substitute it for
9 the identical Senate Bill 6655A, Third Reading
10 Calendar 838.

11 Senator Stavisky moves to discharge,
12 from the Committee on Finance, Assembly Bill
13 Number 6727A and substitute it for the identical
14 Senate Bill 8746, Third Reading Calendar 886.

15 Senator Gounardes moves to
16 discharge, from the Committee on Transportation,
17 Assembly Bill Number 7994A and substitute it for
18 the identical Senate Bill 7127A, Third Reading
19 Calendar 910.

20 Senator Hinchey moves to discharge,
21 from the Committee on Agriculture, Assembly Bill
22 Number 9282 and substitute it for the identical
23 Senate Bill 8496, Third Reading Calendar 983.

24 Senator Parker moves to discharge,
25 from the Committee on Finance, Assembly Bill

1 Number 3904B and substitute it for the identical
2 Senate Bill 5579B, Third Reading Calendar 1008.

3 Senator Cleare moves to discharge,
4 from the Committee on Consumer Protection,
5 Assembly Bill Number 1067 and substitute it for
6 the identical Senate Bill 8099, Third Reading
7 Calendar 1025.

8 Senator Stavisky moves to discharge,
9 from the Committee on Consumer Protection,
10 Assembly Bill Number 9882A and substitute it for
11 the identical Senate Bill 8654A, Third Reading
12 Calendar 1029.

13 Senator Hinchey moves to discharge,
14 from the Committee on Environmental Conservation,
15 Assembly Bill Number 7753A and substitute it for
16 the identical Senate Bill 6421A, Third Reading
17 Calendar 1103.

18 Senator Cleare moves to discharge,
19 from the Committee on Environmental Conservation,
20 Assembly Bill Number 5541B and substitute it for
21 the identical Senate Bill 8050B, Third Reading
22 Calendar 1104.

23 Senator Kaminsky moves to discharge,
24 from the Committee on Environmental Conservation,
25 Assembly Bill Number 10136 and substitute it for

1 the identical Senate Bill 9000, Third Reading
2 Calendar 1107.

3 Senator Salazar moves to discharge,
4 from the Committee on Investigations and
5 Government Operations, Assembly Bill Number 7489
6 and substitute it for the identical Senate Bill
7 8975, Third Reading Calendar 1145.

8 And lastly, Senator Serrano moves to
9 discharge, from the Committee on Cultural
10 Affairs, Tourism, Parks and Recreation,
11 Assembly Bill Number 9978 and substitute it for
12 the identical Senate Bill 8955, Third Reading
13 Calendar 1265.

14 ACTING PRESIDENT BAILEY: So
15 ordered.

16 Messages from the Governor.

17 Reports of standing committees.

18 Reports of select committees.

19 Communications and reports from
20 state officers.

21 Motions and resolutions.

22 Senator Gianaris.

23 SENATOR GIANARIS: Mr. President,
24 amendments are offered to the following Third
25 Reading Calendar bills:

1 By Senator Parker, page 25, Calendar
2 Number 712, Senate Print 3138A;

3 Senator Gianaris, page 69, Calendar
4 Number 1286, Senate Print 1252A;

5 Senator Gianaris, page 9, Calendar
6 Number 131, Senate Print 933B;

7 And Senator Hoylman, page 23,
8 Calendar Number 689, Senate Print 72.

9 ACTING PRESIDENT BAILEY: Those
10 amendments are received, and those bills will
11 retain their place on the Third Reading Calendar.

12 Senator Gianaris.

13 SENATOR GIANARIS: I wish to call
14 up the following bills, which were recalled from
15 the Assembly and are now at the desk:

16 Senate Print Numbers 1026 and 3010.

17 ACTING PRESIDENT BAILEY: The
18 Secretary will read.

19 THE SECRETARY: Calendar Number
20 555, Senate Print 1026, by Senator Ramos, an act
21 to amend the Workers' Compensation Law.

22 Calendar Number 707, Senate Print
23 3010, by Senator Ramos, an act to amend the
24 Public Health Law and the Insurance Law.

25 SENATOR GIANARIS: Move to

1 reconsider the vote by which these bills were
2 passed.

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT BAILEY: The bills
8 are restored to their place on the Third Reading
9 Calendar.

10 SENATOR GIANARIS: I offer the
11 following amendments to those bills.

12 ACTING PRESIDENT BAILEY: The
13 amendments are received, and those bills will
14 retain their place on the Third Reading Calendar.

15 SENATOR GIANARIS: On behalf of
16 Senator Cleare, I now move to amend Senate Bill
17 8355A by striking out the amendments made on
18 March 21st and restoring it to its original print
19 number, 8355.

20 ACTING PRESIDENT BAILEY: So
21 ordered.

22 SENATOR GIANARIS: At this time can
23 we adopt the Resolution Calendar, with the
24 exception of Resolutions 2566 and 2633.

25 ACTING PRESIDENT BAILEY: All those

1 in favor of adopting the Resolution Calendar,
2 with the exception of Resolutions 2566 and 2633,
3 please signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT BAILEY: Opposed,
6 nay.

7 (No response.)

8 ACTING PRESIDENT BAILEY: The
9 Resolution Calendar is adopted.
10 Senator Gianaris.

11 SENATOR GIANARIS: Let's begin with
12 Resolution 2566, by Senator Kaminsky, read its
13 title and recognize Senator Kaminsky.

14 ACTING PRESIDENT BAILEY: The
15 Secretary will read.

16 THE SECRETARY: Senate Resolution
17 2566, by Senator Kaminsky, mourning the untimely
18 passing of Lazar LaPenna, Long Island
19 Little Leaguer and fourth-grade student at
20 East Elementary School in Long Beach, New York.

21 ACTING PRESIDENT BAILEY: Senator
22 Kaminsky on the resolution.

23 SENATOR KAMINSKY: Thank you,
24 Mr. President.

25 I wish I rose under better

1 circumstances, but a young man in my community of
2 Long Beach, New York, 10-year-old Lazar LaPenna,
3 unfortunately passed away from an epileptic
4 seizure during a Little League game just two
5 weeks after his tenth birthday, a few weeks ago.

6 This tragedy has rocked our
7 community. The family, his parents, Gregg and
8 Monique, are well-known friends of so many of us,
9 his dad a Little League coach for many years.
10 Lazar's family goes to school with many of our
11 children. It's just been such a tough time.

12 But I do want everyone to know that
13 Lazar lived life to the fullest despite his
14 affliction. He loved playing baseball, he loved
15 the Mets, he loved the Jets.

16 He got a hit, rounded first base
17 with a big smile on his face before his tragic,
18 untimely passing.

19 And I just want all of us to hug our
20 children a little tighter, be grateful for some
21 of the things we take for granted all the time,
22 and be grateful for our community that pulls
23 together under these really difficult
24 circumstances.

25 And I hope this causes awareness for

1 those with epilepsy. I hope we can do more. I
2 hope we could make sure the families that are
3 dealing with it have the resources they need,
4 that we make sure science advances.

5 I want to thank the Mets and the
6 Jets for their wonderful outpouring in support of
7 the family and for all they're doing, and once
8 again thank the community of Long Beach.

9 Mr. President, I ask that this body
10 take a very brief moment of silence for
11 Lazar LaPenna, and we keep his family and his
12 memory in our hearts at this time.

13 ACTING PRESIDENT BAILEY: In the
14 memory of Lazar LaPenna, let us take a brief
15 moment of silence in this chamber.

16 (Whereupon, the assemblage rose and
17 respected a moment of silence.)

18 ACTING PRESIDENT BAILEY: Thank
19 you.

20 The question is on the resolution.
21 All in favor please signify by saying aye.

22 (Response of "Aye.")

23 ACTING PRESIDENT BAILEY: Opposed,
24 nay.

25 (No response.)

1 ACTING PRESIDENT BAILEY: The
2 resolution is adopted.

3 Senator Gianaris.

4 SENATOR GIANARIS: Now let's move
5 to Resolution 2633, by Senator Serino -- who is
6 on her way, I'm told.

7 Instead of that, Mr. President,
8 please recognize Senator Sepúlveda for an
9 introduction.

10 ACTING PRESIDENT BAILEY: Senator
11 Sepúlveda.

12 SENATOR SEPÚLVEDA: Thank you,
13 Mr. President, for allowing me to recognize a
14 wonderful group of people that have visited us
15 here in the Senate.

16 Over the years, as a legislator, I
17 have introduced and recognized many people into
18 this illustrious chamber and the Assembly
19 chamber, but today I really feel honored to be
20 introducing Eligio Jáquez, who is the Consul
21 General of the Dominican Republic, and we have
22 several dignitaries from that country who are
23 here.

24 The Dominican Republic, the
25 diaspora, is an emerging political force here in

1 the State of New York. In the Bronx, the county
2 where I live, we see many Dominican-Americans are
3 getting elected to public office. Many of them
4 serve in our military. Many of them serve as
5 NYPD officers.

6 Remember the two individuals that
7 were killed a few months ago? They were
8 Dominican police officers who gave their lives
9 defending our community.

10 We don't have to talk about
11 sports -- we know that the greatest baseball
12 players are probably Dominicans. Many of them
13 run our home care attendant business -- where
14 would we be without that group? They are
15 business leaders, they are educators.

16 And to me it's an honor to recognize
17 their efforts, it's an honor to recognize the
18 presence of the Consul General, who is working
19 with all of us, with myself as a State Senator in
20 my district office helping the diaspora on many
21 issues that we need their assistance because of
22 the things that we need the assistance of the
23 Dominican government. And the consul has been a
24 godsend to many of the people here in this
25 community.

1 So I want to thank them for being
2 here. I want to recognize the wonderful work
3 that they do. And I want to recognize their
4 efforts on behalf of the people.

5 And I'll say it in Spanish:
6 {speaking in Spanish}.

7 ACTING PRESIDENT PERSAUD: To our
8 guests, I welcome you on behalf of the Senate.
9 We extend to you the privileges and courtesies of
10 the house.

11 Please rise and be recognized.

12 (Standing ovation.)

13 ACTING PRESIDENT PERSAUD: Senator
14 Gianaris.

15 SENATOR GIANARIS: And now,
16 Madam President, let's take up Resolution 2633,
17 by Senator Serino, read its title and recognize
18 Senator Serino.

19 ACTING PRESIDENT PERSAUD: The
20 Secretary will read.

21 THE SECRETARY: Senate Resolution
22 2633, by Senator Serino, commending Delaney Dixon
23 for her innovative approach to addressing the
24 Lyme and tick-borne disease crisis.

25 ACTING PRESIDENT PERSAUD: Senator

1 Serino on the resolution.

2 SENATOR SERINO: Thank you,
3 Madam President.

4 May is Lyme Disease Awareness Month,
5 and today Senator Pete Harckham and I welcomed
6 researchers and advocates from across the state
7 to the Capitol to help raise awareness for this
8 important cause.

9 I rise now to honor some special
10 guests here in the chamber who traveled to the
11 Capitol for Lyme Disease Awareness Day: Delaney
12 Dixon and her father, Chris.

13 I always say our personal stories
14 propel us forward, and that is certainly true in
15 Delaney's case. Delaney is only a sixth-grade
16 student -- from Windsor Central Middle School --
17 who recently had a terrible experience after
18 suffering the impacts of Lyme disease. And
19 Delaney learned early on the importance of doing
20 a tick check on herself.

21 And although she and her family were
22 vigilant, she did receive a tick bite, and
23 shortly after started showing symptoms like
24 fever, rash, and pain all throughout her body.
25 Can you imagine that in a young child, what that

1 experience is like?

2 And after experiencing Lyme disease
3 firsthand, Delaney decided that she didn't want
4 anyone else to suffer the way she had, so she got
5 to work and actually invented a tool that makes
6 it easier to conduct a tick check and even remove
7 a tick.

8 She had it out there in the hallway
9 today if anybody got the opportunity to see it.
10 It's pretty amazing.

11 Delaney's Tick Stik has proven to be
12 quite the innovation, and she has since received
13 help from students at Binghamton University, who
14 are working with her to perfect her prototype.
15 At only 11 years old, Delaney is already a
16 trailblazer who I know will make a huge
17 difference for so many.

18 I want to send a huge thank you to
19 Delaney, her parents, and everyone who is working
20 to make her vision a reality for their effort to
21 help New Yorkers stay healthy and tick-free.
22 Delaney certainly has a bright future ahead, and
23 we cannot wait to see where it takes her. Who
24 knows -- she might even be in this chamber
25 someday, talking ticks just like me.

1 (Laughter.)

2 SENATOR SERINO: Thank you,
3 Madam President.

4 ACTING PRESIDENT PERSAUD: To our
5 guests, I welcome you on behalf of the Senate.
6 We extend to you the privileges and courtesies of
7 the house.

8 Please rise and be recognized.

9 (Standing ovation.)

10 ACTING PRESIDENT PERSAUD: The
11 question is on the resolution.

12 All in favor signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT PERSAUD: Opposed,
15 nay.

16 (No response.)

17 ACTING PRESIDENT PERSAUD: The
18 resolution is adopted.

19 Senator Gianaris.

20 SENATOR GIANARIS: Madam President,
21 the sponsors of today's resolutions would like to
22 open them for cosponsorship.

23 ACTING PRESIDENT PERSAUD: The
24 resolutions are open for cosponsorship. Should
25 you choose not to be a cosponsor of the

1 resolutions, please notify the desk.

2 Senator Gianaris.

3 SENATOR GIANARIS: Let's take up
4 the reading of the calendar, please.

5 ACTING PRESIDENT PERSAUD: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number 84,
8 Senate Print 402B, by Senator Biaggi, an act to
9 amend the Correction Law.

10 SENATOR LANZA: Lay it aside.

11 ACTING PRESIDENT PERSAUD: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 233, Senate Print 7527, by Senator Hoylman, an
15 act to amend the Criminal Procedure Law.

16 ACTING PRESIDENT PERSAUD: Read the
17 last section.

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

20 ACTING PRESIDENT PERSAUD: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT PERSAUD: Senator
24 Bailey to explain his vote.

25 SENATOR BAILEY: Thank you,

1 Madam President.

2 I am appreciative of this piece of
3 legislation that I have been able to sponsor,
4 along with the prime sponsor, Senator Hoylman,
5 about creative expression and how it sometimes
6 seems to blur lines between the reality and the
7 creative.

8 You know, so what we're doing here,
9 we're looking to preserve our First Amendment
10 rights, to combat discrimination in our
11 courtrooms in protecting free speech and messages
12 from artists. And I have a special liking
13 towards this bill because I'm from the undisputed
14 birthplace of hip-hop: The Bronx, New York.

15 And oftentimes hip-hop lyrics are
16 much maligned, and they are often misinterpreted
17 and often utilized in a manner that they should
18 not be utilized, taking away from the artist's
19 creativity and their ability to express
20 themselves.

21 Famously, Shawn Carter, Jay-Z, who
22 famously said "Scarface the movie did more than
23 Scarface the rapper did to me." And that shows
24 the disconnect in which we treat different art
25 forms.

1 We treat cinema differently than
2 we've treated hip-hop music. We've treated
3 country music differently than we've treated
4 hip-hop music. I dare to say that nobody thinks
5 that Carrie Underwood committed the number of
6 felonies that she did in "Before He Cheats" --
7 but when it comes to hip-hop, they seem to take
8 it literally.

9 New York is going a long way in
10 defending the rights of free speech. And I heard
11 some murmuring -- no, they don't. They don't.
12 They're entitled, just like anybody else is under
13 the First Amendment, for their free speech.
14 Artistic expression is artistic expression, no
15 matter what the art is, whether you like it or
16 not.

17 Thank you, Madam President. I
18 proudly will be voting in the affirmative.

19 ACTING PRESIDENT PERSAUD: Senator
20 Bailey to be recorded in the affirmative.

21 Senator Hoylman to explain his vote.

22 SENATOR HOYLMAN: Thank you,
23 Madam President.

24 Thank you to my prime cosponsor
25 Senator Bailey, the historian of hip-hop here in

1 the chamber who -- well, is an inspiration,
2 really, and worked closely with me on this
3 legislation.

4 As Senator Bailey said, there really
5 is no New York without art, whether it's
6 provoking, inspiring, beautiful, or what some
7 might even think is crude. And that's not just
8 art, that is speech. And it's not just speech,
9 it is protected political speech.

10 Recent scholarship has highlighted a
11 disturbing trend poised to threaten this haven we
12 have in New York that has always provided a safe
13 place for artists. In courtrooms across the
14 country, artists' musical works -- and
15 specifically rappers' musical works -- are being
16 admitted against them as evidence in criminal
17 proceedings. In fact, Erik Neilson, from the
18 University of Richmond, wrote a great book which
19 helped guide us to this point called Rap on
20 Trial: Race, Lyrics and Guilt in America. And
21 that's what's exactly happening.

22 There are dozens of cases in
23 New York where criminal prosecutors are
24 attempting to use rap lyrics as evidence. This
25 dates back decades, and this is multiplied across

1 the country.

2 Just last week, in Georgia, a
3 prosecutor sought to submit rap music from an
4 artist named Young Thug in an attempt to prove
5 the Atlanta rapper's involvement in a criminal
6 operation.

7 In January, a Maryland appeals court
8 decided to allow prosecutors to submit rap music
9 recorded by Lawrence Montague as evidence against
10 him in a trial, despite a dissenting judge
11 stating that, quote, rap lyrics had little to no
12 probative value.

13 And in September, the lyrics of the
14 rap music artist Daniel Hernandez were introduced
15 in a New York district court and used to compel
16 him into becoming a government witness to avoid
17 harsher sentencing.

18 Our legislation will put an end to
19 that. "Rap on Trial" legislation bans the use of
20 art created by a defendant as evidence against
21 them in the courtroom. It protects freedom of
22 speech and artistic expression of all New York
23 artists, no matter the color of their skin, and
24 content creators, including rappers, from having
25 their lyrics wielded against them by prosecutors.

1 Powerhouses like Jay-Z, Big Sean,
2 Meek Mill and Michelle Alexander, author of The
3 New Jim Crow, support the bill.

4 Art fundamentally is a creative
5 expression, not a blueprint of criminal plans.
6 And as Senator Bailey alluded to, nobody thinks
7 that Freddie Mercury actually killed a man.
8 Nobody thinks Johnny Cash shot a man in Reno just
9 to watch him die. Nobody thinks David Byrne is a
10 psycho killer. Why should the work of rap
11 artists be treated any differently in a court of
12 law?

13 Well, I'd argue that it is racist to
14 do so. And we are taking a step to reverse that:
15 The first bill in the country to protect the
16 artistic expression of rap and other musical
17 artists we're passing today.

18 Thank you, Senator Bailey.

19 Thank you, Madam President. I vote
20 aye.

21 ACTING PRESIDENT PERSAUD: Senator
22 Hoylman to be recorded in the affirmative.

23 Senator Lanza to explain his vote.

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

1 In spite of the fact that I agree
2 with just about everything that Senator Bailey
3 and Senator Hoylman have said here on the floor
4 with respect to freedom of speech and that being
5 protected, the reason I'm voting against this is
6 because the way it works -- as my two fine
7 attorney colleagues know -- already in courts of
8 law here is that for evidence to come in, it must
9 be probative, it must be relevant. There are a
10 number of evidentiary rules that determine
11 whether or not it can come in or not, already.

12 And so I think about the horrific
13 murder that occurred in Buffalo. And I will call
14 him a murderer, I will not say alleged murderer.
15 That despicable murderer. You know, if he did a
16 painting about white supremacy and hatred of
17 Black people and then went out and did what he
18 did, I think that's probative. I think that's
19 relevant. Although it's art, I think that that
20 should be admitted into a court of law. If I
21 were the judge, I would admit it as evidence of
22 motive.

23 If he wrote a song and sang that
24 song about hatred of Black people, about going to
25 Buffalo and shooting Black people because he was

1 a white supremacist, if those were the lyrics of
2 his song and then he acted out on that the way he
3 did this past weekend, I as judge would believe
4 that that's probative, that it's relevant, that
5 it's connected, and that it belongs to be part of
6 evidence as motive at the very least and as one
7 of the -- supporting one of the elements of the
8 crime.

9 So I understand what's happening
10 here in terms of wanting to make sure that we
11 don't malign, that we don't criminalize people as
12 they express themselves. I get that and I agree
13 with that. But the system already protects
14 against that.

15 If Johnny Cash wrote a song saying
16 that he wants to kill Elvis Presley and then he
17 did, I think that the jury should see that as
18 evidence in that case.

19 And so for that reason,
20 Madam President, I'm going to vote in the
21 negative.

22 ACTING PRESIDENT PERSAUD: Senator
23 Lanza to be recorded in the negative.

24 Senator Boyle to explain his vote.

25 SENATOR BOYLE: Thank you,

1 Madam President, to explain his my vote.

2 As the ranking Minority member on
3 the Judiciary Committee, I have to agree with my
4 colleague Senator Lanza. I appreciate what my
5 colleagues are saying about a creative
6 expression, but it is the probative value that is
7 looked at by a judge in a court.

8 If a defendant was on trial for a
9 hate crime, a racist murder, and they had a bunch
10 of tattoos that had Nazi symbols, white
11 supremacist art, you know they're going to look
12 at it. I don't think we should let them get away
13 to say, well, you know, that was just artistic
14 expression, that's really not how I feel.

15 It depends on what is said and, most
16 importantly, what the defendant is being accused
17 of. That is what the judge needs to look at,
18 that's what they should look at to make sure that
19 this defendant in those cases are given the
20 maximum sentence.

21 I will vote in opposition.

22 ACTING PRESIDENT PERSAUD: Senator
23 Boyle to be recorded in the negative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 233, those Senators voting in the
2 negative are Senators Akshar, Borrello, Boyle,
3 Gallivan, Gaughran, Griffo, Helming, Jordan,
4 Kaminsky, Kaplan, Lanza, Martucci, Mattera,
5 Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie,
6 Serino, Stec, Tedisco and Weik.

7 Ayes, 38. Nays, 23.

8 ACTING PRESIDENT PERSAUD: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 553, Senate Print 8313, by Senator Harckham, an
12 act to amend the Mental Hygiene Law.

13 ACTING PRESIDENT PERSAUD: Read the
14 last section.

15 THE SECRETARY: Section 3. This
16 act shall take effect January 1, 2023.

17 ACTING PRESIDENT PERSAUD: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT PERSAUD: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar Number 553, those Senators voting in the
24 negative are Senators Tedisco and Weik.

25 Ayes, 59. Nays, 2.

1 ACTING PRESIDENT PERSAUD: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 560, Senate Print 263, by Senator Myrie, an act
5 to amend the Election Law.

6 ACTING PRESIDENT PERSAUD: Read the
7 last section.

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

11 ACTING PRESIDENT PERSAUD: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT PERSAUD: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 560, those Senators voting in the
18 negative are Senators Borrello, O'Mara, Ritchie,
19 Tedisco and Weik.

20 Ayes, 56. Nays, 5.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 561, Senate Print 823A, by Senator Krueger, an
25 act to amend the Election Law.

1 ACTING PRESIDENT PERSAUD: Read the
2 last section.

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

5 ACTING PRESIDENT PERSAUD: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 561, those Senators voting in the
12 negative are Senators Akshar, Borrello, Gallivan,
13 Griffo, Helming, Jordan, Lanza, Martucci,
14 Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino,
15 Stec, Tedisco and Weik.

16 Ayes, 44. Nays, 17.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 562, Senate Print 4542A, by Senator Mayer, an act
21 to amend the Election Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

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

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 562, those Senators voting in the
8 negative are Senators Borrello, Boyle, Helming,
9 Jordan, Martucci, Mattera, Oberacker, O'Mara,
10 Ortt, Rath, Ritchie, Tedisco and Weik.

11 Ayes, 48. Nays, 13.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 563, Senate Print 5800B, by Senator Comrie, an
16 act to amend the Election Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

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

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar 563, those Senators voting in the
4 negative are Senators Akshar, Borrello, Helming,
5 Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt,
6 Rath, Ritchie, Stec and Tedisco.

7 Ayes, 48. Nays, 13.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 564, Senate Print 6226E, by Senator Krueger, an
12 act to amend the Election Law.

13 SENATOR LANZA: Lay it aside.

14 ACTING PRESIDENT BAILEY: Lay it
15 aside.

16 THE SECRETARY: Calendar Number
17 565, Senate Print 6684A, by Senator Mannion, an
18 act to amend the Election Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY:

2 Senator Borrello to explain his
3 vote. Wait, I'm sorry. I apologize,
4 Senator Borrello, wrong bill. But if you want to
5 explain your vote, you're welcome to.

6 (Laughter.)

7 ACTING PRESIDENT BAILEY: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar 565, those Senators voting in the
11 negative are Senators Akshar, Borrello, Boyle,
12 Gallivan, Griffo, Helming, Jordan, Lanza,
13 Martucci, Mattera, Oberacker, O'Mara, Ortt,
14 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
15 Weik.

16 Ayes, 41. Nays, 20.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 566, Senate Print 7382A, by Senator Myrie, an act
21 to amend the Election Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

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

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Senator
5 Borrello to explain his vote.

6 SENATOR BORRELLO: Thank you,
7 Madam President.

8 While I certainly understand the
9 impetus behind the idea of passing out
10 refreshments in what could be long lines, this
11 bill is very troubling to me for a number of
12 reasons. First and foremost, it is very vague.

13 Secondly, I don't truly believe that
14 we are going to stop people from illegally
15 canvassing as they're passing out refreshments.

16 The reality is we're looking at
17 these types of special interest groups coming in,
18 and we're never really going to be able to prove
19 beyond the shadow of a doubt that as they're
20 passing out a bottle of water they're not
21 discussing who they should be voting for while
22 they're in line.

23 Now, some people might say it's
24 worth it because of voter suppression. And in
25 fact, many times I've heard, in this chamber and

1 beyond, my colleagues on the other side of the
2 aisle especially talking about voter suppression
3 by the law that was passed in Georgia, that there
4 was a law that prevented people from passing out
5 simple things like water, and that was leading to
6 voter suppression.

7 Well, unfortunately the numbers are
8 in and that's just not true. In the most recent
9 primary, voter turnout from 2018 was up 214
10 percent, 214 percent from that same time in
11 2014 -- or from now to 2018. And from 2020,
12 which was a record turnout year in the State of
13 Georgia, it's up 155 percent. So that law is
14 clearly not suppressing any vote in Georgia.

15 But here, I am concerned about
16 what's going to happen, what opportunities we're
17 giving for people to do what is not legal, which
18 is to canvass at the poll site.

19 And it's also very vague on what can
20 be handed out. It has to be of nominal value.
21 Does that mean we could be passing out alcoholic
22 beverages? Could we be passing out marijuana?
23 That's all not defined in this law.

24 Ladies and gentlemen, you can't buy
25 a water bottle in our state parks thanks to a

1 bill that we passed here. So if you walk into a
2 New York State Park -- some of them are very
3 vast, like the ones in my district -- and you
4 forget to bring a bottle of water, you can't buy
5 one there.

6 But you can plan to bring a bottle
7 of water with you when you stand in line to vote,
8 and we're saying, well, we're going to worry
9 about that later and we're more concerned about
10 the fact that we want people to be able to
11 essentially take that opportunity to, in my
12 opinion, influence someone when they're standing
13 in line to vote.

14 So therefore I will be opposed to
15 this bill. Thank you.

16 ACTING PRESIDENT BAILEY: Senator
17 Borrello to be recorded in the negative.

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar 566, those Senators voting in the
21 negative are Senators Akshar, Borrello, Boyle,
22 Gallivan, Griffo, Helming, Jordan, Lanza,
23 Martucci, Mattera, Oberacker, O'Mara, Ortt,
24 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
25 Weik.

1 Ayes, 41. Nays, 20.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 567, Senate Print 7442, by Senator Myrie, an act
6 to amend the Election Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

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

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 567, those Senators voting in the
18 negative are Senators Akshar, Borrello, Gallivan,
19 Helming, Jordan, Martucci, Mattera, Oberacker,
20 O'Mara, Palumbo, Rath, Ritchie, Serino, Stec,
21 Tedisco and Weik.

22 Ayes, 45. Nays, 16.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 568, Senate Print 8289, by Senator Gaughran, an
2 act to amend the Election Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

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

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar Number 568, voting in the negative:
14 Senator Gallivan.

15 Ayes, 60. Nays, 1.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 569, Senate Print 8292, by Senator Mannion, an
20 act to amend the Election Law.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar Number 569, those Senators voting in the
7 negative are Senators Borrello, Gallivan, Griffio,
8 Helming, Jordan, Lanza, Martucci, Mattera,
9 Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie,
10 Serino, Stec, Tedisco and Weik.

11 Ayes, 43. Nays, 18.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 570, Senate Print 8311, by Senator Mayer, an act
16 to amend the Election Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

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

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Senator
25 Borrello to explain his vote.

1 SENATOR BORRELLO: Thank you,
2 Mr. President.

3 Just to kind of speak on this packet
4 of bills here, so much of what we're seeing here
5 is under the guise of professionalizing -- quote,
6 unquote, professionalizing our local boards of
7 elections. But a lot of this is unfunded
8 mandates.

9 And again, as a 10-year veteran of
10 county government, I can tell you that there's
11 already a huge burden, particularly on our boards
12 of elections. We have small numbers of people.
13 Now, if we want to provide funding, that's a
14 different story.

15 I'm still a no on a lot of these,
16 regardless of the funding, but the bottom line is
17 so much of what we're seeing today is an unfunded
18 burden on our local governments and their ability
19 to carry out their elections.

20 So I will be a no. Thank you.

21 ACTING PRESIDENT BAILEY: Senator
22 Borrello to be recorded in the negative.

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar 570, those Senators voting in the

1 negative are Senators Akshar, Borrello, Boyle,
2 Gallivan, Griffo, Helming, Jordan, Lanza,
3 Martucci, Mattera, Oberacker, O'Mara, Ortt,
4 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and
5 Weik.

6 Ayes, 41. Nays, 20.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 571, Senate Print 8337, by Senator May, an act to
11 amend the Election Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

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

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Senator
20 May to explain her vote.

21 SENATOR MAY: Thank you,
22 Mr. President.

23 I rise in support of this whole
24 package of bills to improve election
25 administration in New York State.

1 My district was the site of an
2 election debacle in 2020. We will never know the
3 true will of the voters in a congressional
4 election that ultimately came down to just a few
5 votes after a lengthy court case that found an
6 astonishing number of irregularities and outright
7 missteps by elections commissioners in multiple
8 counties.

9 I thank my colleagues and the Senate
10 Majority Leader for taking this action today to
11 make sure that elections commissioners are
12 qualified, appropriately vetted and trained, that
13 they have the personnel they need, and that they
14 can be removed when there is cause to do so.

15 I vote aye.

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

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar 571, those Senators voting in the
21 negative are Senators Akshar, Borrello, Gallivan,
22 Griffo, Helming, Jordan, Lanza, Martucci,
23 Mattera, O'Mara, Ortt, Palumbo, Ritchie, Serino,
24 Stec, Tedisco and Weik.

25 Ayes, 44. Nays, 17.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 639, Senate Print 8332, by Senator Myrie, an act
5 to amend the Tax Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

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

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar Number 639, voting in the negative:
17 Senator Akshar.

18 Ayes, 60. Nays, 1.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 711, Senate Print 3028A, by Senator Parker, an
23 act to amend the Public Service Law and the
24 Public Authorities Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

4 ACTING PRESIDENT BAILEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce
8 the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 769, Senate Print 8404, by Senator Breslin, an
14 act to amend the Insurance Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

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

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar Number 769, voting in the negative:

1 Senator Brisport.

2 Ayes, 60. Nays, 1.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 788, Senate Print 6659, by Senator Mayer, an act
7 to amend the Penal Law.

8 ACTING PRESIDENT BAILEY: There is
9 a home-rule message at the desk.

10 Read the last section.

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

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce
17 the results.

18 THE SECRETARY: In relation to
19 Calendar 788, those Senators voting in the
20 negative are Senators Akshar, Borrello, Boyle,
21 Gallivan, Griffo, Helming, Jordan, Lanza,
22 Martucci, Mattera, Oberacker, O'Mara, Ortt,
23 Palumbo, Rath, Serino, Stec, Tedisco and Weik.

24 Ayes, 42. Nays, 19.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 791, Assembly Print Number 5469, by
4 Assemblymember Englebright, an act to amend the
5 Public Officers Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

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

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 838, Assembly Print Number 7661, by
20 Assemblymember Hevesi, an act to amend the
21 Social Services Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect on the 90th day after it

1 shall have become a law.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Senator
6 Brisport to explain his vote.

7 SENATOR BRISPORT: Thank you,
8 Mr. President.

9 As all of you know, after the
10 Governor's massive cuts to our one-house budget
11 proposal we only got watered-down bits and pieces
12 of the Universal Childcare Act included in the
13 final budget. We will have to hope that it is
14 enough to keep the industry on life support for
15 the year until we get another shot to truly
16 address the crisis.

17 Outside of the budget, however,
18 there are vital steps we can take to begin moving
19 away from our current disastrous means-testing
20 system and lay the foundations for universal
21 childcare.

22 Those of you who joined our
23 statewide childcare listening tour heard from
24 many parents about how hard work-hour
25 requirements have made accessing childcare

1 subsidies immensely difficult or even impossible.

2 Some parents struggle to interview
3 for jobs without someone to care for their
4 children. One mother explained how she did
5 manage to get a job offer, one which she was very
6 excited about and which would have made her
7 eligible for a childcare subsidy, yet then she
8 had to turn it down because when she became
9 eligible and when she needed to start the job,
10 the time between, there was not time to actually
11 get her child enrolled in childcare.

12 Other parents were already working
13 but had jobs with variable or part-time hours,
14 and these parents told us about how work-hour
15 requirements made keeping those jobs, while also
16 keeping their children safe, an unsustainable
17 high-wire balancing act.

18 There are no shortcuts. Ensuring
19 the survival of the childcare sector will require
20 passing the full Universal Childcare Act through
21 the budget next year. But today it is in our
22 power to begin the move towards universal
23 childcare by addressing one of many harmful
24 bureaucratic barriers that families face.

25 I vote aye and ask all my colleagues

1 to join me in marking this as the beginning of a
2 renewed fight to pass all the provisions in the
3 Universal Childcare Act.

4 Thank you.

5 ACTING PRESIDENT BAILEY: Senator
6 Brisport to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar 838, those Senators voting in the
10 negative are Senators Borrello, Gallivan, Griffo,
11 Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt,
12 Palumbo, Rath, Stec, Tedisco and Weik.

13 Ayes, 47. Nays, 14.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 868, Senate Print 6170A, by Senator May, an act
18 to amend the Executive Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Senator
2 Brisport to explain his vote.

3 SENATOR BRISPORT: Thank you,
4 Mr. President, again.

5 When I taught middle school, I had a
6 student, a bright little girl around 11 years
7 old, who kept falling asleep in class. So I
8 looked into it and found out that the class was
9 the only place she really got to sleep because
10 she was spending each night in a new, unfamiliar
11 place. By night she was living in stress and
12 anxiety, and by day she was losing her shot in
13 education.

14 We are many years into this housing
15 crisis, and with tens of thousands of evictions
16 happening each year, it can be easy to lose sight
17 of the fact that every single one of those
18 represents a human life or an entire family
19 thrown into uncertainty, chaos and fear.

20 Understanding more about the
21 different ways these individual evictions unfold
22 and being able to identify patterns will be
23 immensely useful to everyone working on
24 addressing the eviction crisis. And yet none of
25 it will matter if we don't actually implement the

1 solutions when and where we have them. And right
2 now we're at risk of session ending without us
3 passing the most important eviction measure on
4 the table.

5 For low-income families in units
6 that aren't rent-stabilized, a lease is a ticking
7 time bomb. The moment it expires, the landlord
8 literally does not need a reason to evict them.
9 So should they risk speaking up about the toxic
10 mold in their child's bedroom or the lack of
11 heating in the harsh winter months? Should they
12 keep volunteering in their community garden, for
13 that matter, knowing that if the rents in the
14 neighborhood go up, theirs could double
15 overnight, leaving them homeless?

16 There cannot be safety, stability or
17 justice where tenants are living at the absolute
18 mercy of their landlords without the right to a
19 renewal lease or protection from price gouging.
20 We already have a simple commonsense bill to
21 address that, yet families are being forced out
22 of their homes without just cause while we wait
23 to pass it.

24 I vote aye, and I urge this body to
25 pass the Good Cause Eviction bill before even one

1 more child loses their safe place to sleep
2 unnecessarily.

3 Thank you.

4 ACTING PRESIDENT BAILEY: Senator
5 Brisport to be recorded in the affirmative.

6 Announce the results.

7 I'm sorry, I apologize. Senator May
8 to explain her vote.

9 SENATOR MAY: Thank you,
10 Mr. President.

11 I also rise in support of this bill
12 and to thank my colleagues and thank Senator
13 Brisport for his support too.

14 Every eviction is a crisis. Every
15 time a family is forced to move, to leave their
16 neighbors, their school district, potentially,
17 the kids are thrown into crisis as well --
18 eviction and housing instability undermine public
19 safety, they undermine our education system, they
20 undermine so much that we value in our society.

21 And so keeping track, just keeping
22 track of where evictions are happening, which
23 landlords are evicting people the most, this is
24 really important information for tenants to have,
25 for communities to have, for teachers and people

1 who are responsible for public safety to have, to
2 know -- if there is a community where people are
3 moving all the time and so neighbors don't know
4 each other, that's a public safety hazard.

5 So we -- I'm really grateful that
6 we're able to bring this bill forward and collect
7 this information, and I hope it will point the
8 way and build support for other eviction
9 protections. Because things like good cause,
10 like my Tenant Dignity and Safe Housing Act,
11 these are ways to protect people, keep them in
12 their homes, keep stability in our communities
13 and keep people safe and families thriving.

14 So thank you. I vote aye.

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

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar 868, those Senators voting in the
20 negative are Senators Borrello, Boyle, Gallivan,
21 Griffo, Jordan, Lanza, Martucci, Mattera,
22 Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie,
23 Stec, Tedisco and Weik. Also Senator Akshar.

24 Ayes, 43. Nays, 18.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 874, Senate Print 2025B, by Senator May, an act
4 to amend the Education Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

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

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 876, Senate Print 3763A, by Senator Persaud, an
20 act to amend the Education Law.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect 18 months after it shall
25 have become a law.

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 886, Assembly Print Number 6727A, by
11 Assemblymember Zebrowski, an act to amend the
12 Education Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

15 THE SECRETARY: Section 5. This
16 act shall take effect 18 months after it shall
17 have become a law.

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 888, Senate Print 2521C, by Senator Rivera, an
3 act to amend the Public Health Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect on the 180th day after it
8 shall have become a law.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar 888, those Senators voting in the
16 negative are Senators Borrello, Gallivan,
17 Helming, Jordan, Lanza, Martucci, Oberacker,
18 O'Mara, Ortt, Palumbo, Rath, Stec and Tedisco.

19 Ayes, 48. Nays, 13.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 899, Senate Print 6503, by Senator Kaplan, an act
24 to amend the Estates, Powers and Trusts Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

4 ACTING PRESIDENT BAILEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar 899, those Senators voting in the
11 negative are Senators Akshar, Borrello, Boyle,
12 Gallivan, Griffo, Helming, Jordan, Lanza,
13 Martucci, Mattera, Oberacker, O'Mara, Ortt,
14 Palumbo, Rath, Serino, Stec, Tedisco and Weik.

15 Ayes, 42. Nays, 19.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 900, Senate Print 8402, by Senator Gaughran, an
20 act to amend the Real Property Law.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar Number 900, voting in the negative:
7 Senator Helming.

8 Ayes, 60. Nays, 1.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 908, Senate Print 4809, by Senator
13 Reichlin-Melnick, act to amend the Vehicle and
14 Traffic Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

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

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 910, Assembly Print Number 7994A, by
5 Assemblymember Cusick, an act to amend the
6 Transportation Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

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

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 912, Senate Print 7423A, by Senator Borrello, an
22 act to amend the Highway Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Senator
6 Borrello to explain his vote.

7 SENATOR BORRELLO: Thank you,
8 Mr. President.

9 In about two weeks we're going to
10 celebrate Memorial Day here in the United States,
11 which recognizes the sacrifice that so many of
12 our brave soldiers have made, paying the ultimate
13 price in defense of our nation.

14 And this particular bill honors one
15 of those brave soldiers who gave his life in
16 defense of our nation: Staff Sergeant Shawn
17 Clemens.

18 This bill would honor or recognize
19 him by renaming Route 17 in the Town of Allegany
20 as the Staff Sergeant Shawn M. Clemens Memorial
21 Highway.

22 He grew up in the Town of Allegany
23 in Cattaraugus County and graduated from Allegany
24 Central School in 1993. And he attended Alfred
25 State College, and then he enlisted in the Army.

1 He was deployed in Afghanistan twice, once in
2 2002 for six months, and again in 2003.

3 Tragically, he was killed in action
4 during his second deployment on January 29, 2004.
5 Sergeant Clemens was just 28 years old when he
6 lost his life in service of our country.

7 He embodies what this nation stands
8 for: Bravery, courage, duty and to stand up for
9 our Constitution by shedding blood to do so. For
10 his service he received many medals, including a
11 Purple Heart, a Bronze Star Medal, two Army
12 Commendation Medals, and the National Defense
13 Service Medal.

14 You know, as Americans we must never
15 forget that despite what we do here, what really
16 holds our nation together and ensures that our
17 republic continues on is that those that are
18 willing to shed blood for our nation are there
19 for us -- the 1 percent of our nation willing to
20 put that uniform on and go wherever they have to
21 go to defend freedom and defend our nation. And
22 Staff Sergeant Shawn Clemens is one of those
23 people.

24 We honor his memory. God bless him
25 and all who serve.

1 Thank you, Mr. President.

2 ACTING PRESIDENT BAILEY: Senator
3 Borrello to be recorded in the affirmative.

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar Number 912, voting in the negative:
7 Senator Brisport.

8 Ayes, 60. Nays, 1.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 947, Senate Print 8367, by Senator Ortt, an act
13 to amend the County Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 There is a substitution at the desk.

2 The Secretary will read.

3 THE SECRETARY: Senator Skoufis
4 moves to discharge, from the Committee on Local
5 Government, Assembly Bill Number 9276A and
6 substitute it for the identical Senate Bill
7 8561A, Third Reading Calendar 948.

8 ACTING PRESIDENT BAILEY: The
9 substitution is ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 948, Assembly Bill Number 9276A, by
13 Assemblymember Paulin, an act to amend the
14 County Law and the Municipal Home Rule Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect August 1, 2024.

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar Number 948, those Senators voting in the

1 negative are Senators Borrello, Helming and Ortt.

2 Ayes, 58. Nays, 3.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 975, Senate Print 7407, by Senator Sepúlveda, an
7 act to amend the Real Property Tax Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

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

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 983, Assembly Print Number 9282, by
22 Assemblymember Lupardo, an act to amend the
23 Agriculture and Markets Law.

24 ACTING PRESIDENT BAILEY: Read the
25 last section.

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

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce
7 the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 987, Senate Print 7137, by Senator Gianaris, an
13 act to amend the Public Health Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1008, Assembly Print Number 3904B, by
3 Assemblymember Cusick, an act to amend the
4 Energy Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

7 THE SECRETARY: Section 8. This
8 act shall take effect on the 180th day after it
9 shall have become a law.

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1009, Senate Print 6058A, by Senator Stec, an act
20 to deem an application filed with the New York
21 State and Local Police and Fire Retirement System
22 by the widow of Stephen L. Raymond.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1025, Assembly Print Number 1067, by
12 Assemblymember Zebrowski, an act to amend the
13 General Business Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1029, Assembly Print Number 9882A, by
3 Assemblymember Stirpe, an act to amend the
4 General Business Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

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

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1038, Senate Print 4341, by Senator Kaminsky, an
19 act to amend the Environmental Conservation Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

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

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar Number 1038, voting in the negative:
6 Senator Skoufis.

7 Ayes, 60. Nays, 1.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1065, Senate Print 6551C, by Senator Gallivan, an
12 act to amend the Highway Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

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

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar Number 1056, voting in the negative:
24 Senator Brisport.

25 Ayes, 60. Nays, 1.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1068, Senate Print 8687A, by Senator Thomas, an
5 act to amend the Highway Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

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

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1089, Senate Print 8902, by Senator Breslin, an
20 act to amend the Insurance Law.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1101, Senate Print 4251, by Senator Skoufis, an
10 act to amend Chapter 435 of the Laws of 2014.

11 ACTING PRESIDENT BAILEY: Read the
12 last section.

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

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar Number 1101, voting in the negative:
22 Senator Brisport.

23 Ayes, 60. Nays, 1.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1103, Assembly Print Number 7753A, by
3 Assemblymember Gunther, an act to amend the
4 Environmental Conservation Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

7 THE SECRETARY: Section 3. This
8 act shall take effect on the first of April.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1104, Assembly Print Number 5541B, by
19 Assemblymember Englebright, an act directing the
20 Departments of Environmental Conservation and
21 Health to establish environmental standards for
22 ambient lead and lead contamination in soils.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 5. This

1 act shall take effect on the 90th day after it
2 shall have become a law.

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Senator
7 Cleare to explain her vote.

8 SENATOR CLEARE: Mr. President, to
9 explain my vote.

10 Lead has been a known toxin for many
11 centuries. In fact, cases of lead poisoning have
12 been recorded for well over a hundred years. It
13 was not until the 1970s that we took steps to
14 recognize the harmful effects of lead in our
15 everyday lives. In the 1970s we began to phase
16 out lead paint in the United States, and other
17 countries did so as early as 1914.

18 In 2004, working with a coalition of
19 New Yorkers from every walk of life, we
20 successfully passed Local Law 1 of 2004 in
21 New York City, which was and still is the
22 strongest childhood lead poisoning prevention
23 bill in the country.

24 Despite our efforts concerning lead,
25 New York State still has more children with

1 elevated lead levels than any other state. This
2 is due to the undeniable fact that lead is still
3 omnipresent in air, soil and water.

4 Recognizing this principle, this
5 bill requires the Department of Environmental
6 Conservation and the Department of Health to
7 propose new and updated standards for dust lead
8 hazards, lead in soil, and ambient air quality
9 standards for lead.

10 The new and updated standards must
11 ensure that blood lead levels are no higher than
12 a target that is fully protective of human health
13 and which, at a minimum, considers
14 recommendations from the federal Centers for
15 Disease Control.

16 I'm proud that with passage of this
17 bill and attendant signing by the Governor,
18 New York will again lead the way in excising lead
19 not only from our housing but from the air we
20 breathe, the water we drink, and the very land we
21 inhabit.

22 I proudly vote aye. Thank you.

23 ACTING PRESIDENT BAILEY: Senator
24 Cleare to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1106, Senate Print 8888, by Senator Serino, an
6 act to amend the Executive Law.

7 SENATOR LANZA: Lay it aside for
8 the day.

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

11 THE SECRETARY: Calendar Number
12 1107, Assembly Bill Number 10136, by
13 Assemblymember Stirpe, an act to amend
14 Chapter 274 of the Laws of 2010.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

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

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1118, Senate Print 6959A, by Senator Cooney, an
4 act in relation to certain credits for any future
5 application for a license to sell alcohol.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

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

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1145, Assembly Bill Number 7489, by
20 Assemblymember Wallace, an act to amend the
21 Executive Law.

22 SENATOR LANZA: Lay it aside.

23 ACTING PRESIDENT BAILEY: Lay it
24 aside.

25 THE SECRETARY: Calendar Number

1 1146, Senate Print 8976, by Senator Salazar, an
2 act to amend the Executive Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

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

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce
12 the results.

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1164, Senate Print 8387, by Senator
18 Stewart-Cousins, an act to amend the
19 Local Finance Law.

20 ACTING PRESIDENT BAILEY: There is
21 a home-rule message at the desk.

22 Read the last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1195, Senate Print 9011, by Senator Ryan, an act
10 to amend Chapter 560 of the Laws of 1998.

11 SENATOR SERRANO: Lay it aside for
12 the day.

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

15 THE SECRETARY: Calendar Number
16 1208, Senate Print 3313, by Senator Bailey, an
17 act to amend the Economic Development Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

20 THE SECRETARY: Section 8. This
21 act shall take effect immediately.

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1253, Senate Print 7490, by Senator Martucci, an
7 act to authorize John Raftery of the Town of
8 Shawangunk to take the competitive civil service
9 examination.

10 ACTING PRESIDENT BAILEY: There is
11 a home-rule message at the desk.

12 Read the last section.

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

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar Number 1253, voting in the negative:
22 Senator Brisport.

23 Ayes, 60. Nays, 1.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1265, Assembly Print Number 9978, by
3 Assemblymember Jones, an act to amend Chapter 138
4 of the Laws of 1998.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

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

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1269, Senate Print 3687A, by Senator Felder, an
19 act to amend the Vehicle and Traffic Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the first of April.

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 1269, those Senators voting in the
6 negative are Senators Borrello, Gallivan, Griffo,
7 Helming, Jordan, Krueger, Ortt, Ritchie, Serino
8 and Weik.

9 Ayes, 51. Nays, 10.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1306, Senate Print 8873, by Senator Addabbo, an
14 act to amend the Public Service Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

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

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce
23 the results.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1352, Senate Print 424A, by Senator Hoylman, an
4 act to amend the Election Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

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

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 Senator Serrano, that completes the
18 reading of today's calendar.

19 SENATOR SERRANO: Thank you. Can
20 we please go to the reading of the controversial
21 calendar.

22 ACTING PRESIDENT BAILEY: The
23 Secretary will ring the bell.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number 84,

1 Senate Print 402B, by Senator Biaggi, an act to
2 amend the Correction Law.

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

5 SENATOR LANZA: Mr. President, I
6 believe there's an amendment at the desk. I
7 waive the reading of that amendment and ask that
8 you recognize Senator Stec to be heard.

9 ACTING PRESIDENT BAILEY: Thank
10 you, Senator Lanza.

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

14 SENATOR LANZA: Accordingly,
15 Mr. President, I appeal the ruling of the chair
16 and ask that Senator Stec be recognized.

17 ACTING PRESIDENT BAILEY: The
18 appeal has been made and recognized, and Senator
19 Stec may be heard.

20 SENATOR STEC: Thank you,
21 Mr. President.

22 I rise to appeal the ruling of the
23 chair. The proposed amendment is germane to the
24 bill at hand because both the bill and the
25 proposed amendment relate to our correctional

1 facilities.

2 The humane alternative to long-term
3 solitary confinement, or HALT Act, is inhumane
4 for the sheriffs, corrections officers and
5 inmates whose safety and security has been
6 compromised in recent years as prison violence
7 has surged out of control.

8 Since the HALT Act passed, even
9 before it became effective, we've seen dramatic
10 increases in the number of assaults on
11 correctional officers which has surpassed the
12 number of assaults that have occurred on inmates
13 for the first time since 2011. The number of
14 assault on correctional officers has increased
15 for at least a decade, with 563 assaults
16 occurring in 2011, 1,048 in 2020, and 1,173 in
17 2021.

18 Both medium and maximum security
19 prisons have seen an increase in assaults on
20 officers since 2017. Corrections officers
21 understand the increased danger. They are living
22 this danger. They make it crystal clear through
23 the fact that 400 officers have resigned from
24 January to April of this year. Moreover, only
25 75 recruits were added to the correction officer

1 force. And our corrections officers themselves,
2 the ones on the front lines confronting this
3 danger every day, are the ones that are asking
4 for this repeal.

5 In the midst of the epidemic of
6 violence in our prisons and jails, while our
7 correction officers and staff are risking their
8 safety and their lives, the HALT Act deprives
9 them of an essential tool that they need to keep
10 correctional facilities safe -- the ability to
11 remove and segregate those violent inmates who
12 assault others.

13 This danger isn't only being imposed
14 on corrections officers. The HALT Act fails to
15 protect other inmates from the predations and
16 savagery of violent inmates. The number of
17 assaults committed against other inmates has
18 increased from 666 in 2011 to 1205 in 2020. The
19 HALT Act is intended to benefit inmates, but all
20 it does is benefit the violent inmate to the
21 detriment of the safety of other inmates.

22 The goal of using special housing
23 units included ensuring the safety of other
24 inmates in the facility, which the HALT Act has
25 failed to do. After the HALT Act passed this

1 Legislature, there was an increase of assaults
2 through the end of the year: 104, 109 and 125
3 assaults on corrections officers in October,
4 November and December of last year, as well as
5 82, 101 and 113 assaults committed against other
6 inmates during those same three months.

7 This has occurred at the same time
8 that the number of inmates who are sentenced for
9 violent felony offenses has dropped, and this all
10 has happened before the HALT Act went into effect
11 in March of this year. Predictably, the passage
12 of this legislation has done nothing to slow down
13 prison violence; it has only made things worse.

14 Prison violence was out of control
15 when the Legislature passed the HALT Act last
16 year, and this legislation has done and will do
17 nothing to make our correctional facilities
18 safer. If we want to end this violence crisis in
19 our prisons and protect corrections officers,
20 staff and inmates, we must repeal the HALT
21 legislation.

22 For these reasons, Mr. President, I
23 strongly urge you to reconsider your ruling.

24 ACTING PRESIDENT BAILEY: Thank
25 you, Senator Stec.

1 I want to remind the house that the
2 vote is on the procedures of the house and the
3 ruling of the chair.

4 Those in favor of overruling the
5 chair signify by saying aye.

6 SENATOR LANZA: Aye. Oh, request a
7 show of hands.

8 (Laughter.)

9 SENATOR SERRANO: Mr. President, by
10 unanimous consent, please waive the showing of
11 hands and record each member of the Minority in
12 the affirmative.

13 ACTING PRESIDENT BAILEY: Without
14 objection, so ordered.

15 Announce the results.

16 THE SECRETARY: Ayes, 20.

17 ACTING PRESIDENT BAILEY: The
18 ruling of the chair stands and the bill in chief
19 is before the house.

20 Read the last section.

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

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 84, those Senators voting in the
6 negative are Senators Borrello, Gallivan, Griffo,
7 Helming, Jordan, Martucci, Mattera, Oberacker,
8 Ortt, Palumbo, Rath, Ritchie, Serino, Stec,
9 Tedisco and Weik.

10 Ayes, 45. Nays, 16.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 SENATOR SERRANO: Can we please
14 take up Calendar 1145.

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

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1145, Assembly Print Number 7489, by
20 Assemblymember Wallace, an act to amend the
21 Executive Law.

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

24 SENATOR LANZA: Mr. President, I
25 believe there's an amendment at the desk. I

1 waive the reading of that amendment and ask that
2 you recognize Senator Rath to be heard.

3 ACTING PRESIDENT BAILEY: Thank
4 you, Senator Lanza.

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

8 SENATOR LANZA: Accordingly,
9 Mr. President, I appeal the ruling of the chair
10 and ask that Senator Rath be recognized.

11 ACTING PRESIDENT BAILEY: The
12 appeal has been made and recognized, and
13 Senator Rath may be heard.

14 SENATOR RATH: Thank you,
15 Mr. President. I rise to appeal the ruling of
16 the chair.

17 The proposed amendment is germane to
18 the bill at hand because the bill at hand is
19 about helping crime victims. Across this great
20 state, victims are being marginalized and
21 victims are being ignored. The proposed
22 amendment addresses the pressing needs of crime
23 victims by repealing the bail reform laws and
24 mitigating the violence that puts victims at risk
25 each and every day.

1 For more than two years now, our
2 fellow New Yorkers have been placed in
3 unnecessary danger due to the gross negligence of
4 the state's bail reform laws. Cashless bail has
5 not just handed out a get-out-of-jail-free card
6 to nonviolent offenders, but also is doing the
7 same for criminals who have committed overtly
8 violent and dangerous acts time and time again.

9 According to NYPD, in just one year,
10 from 2021 to 2022, there has been a 33 percent
11 increase in crimes in New York City alone.

12 Furthermore, without proper
13 discretion, judges are unable to set bail for
14 criminals who have committed heinous crimes. In
15 fact, judges can only set bail in an absurdly
16 limited number of situations. Their hands are
17 left tied and unable to provide justice in our
18 communities.

19 In the few instances where
20 judges are authorized to set bail, they are not
21 allowed to consider the dangerousness of the
22 offender. This includes a history of violence or
23 a record of retaliation. Instead, New Yorkers
24 are unjustly exposed to repeat offenses by the
25 most dangerous criminals in our communities.

1 Even the mayor of New York
2 understands the failures of bail reform, and he
3 has repeatedly advocated for the expansion of the
4 list of crimes that are bail-eligible.

5 While criminals continue to receive
6 their pampered, state-sanctioned leniency,
7 victims continue to bear the brunt of the
8 consequences of these failed laws.

9 Judges cannot consider the impact
10 that a criminal's release might have on those who
11 have been victimized. Judges cannot consider the
12 danger that a criminal poses to their victims in
13 their communities. Judges also cannot always set
14 bail, even if there is a risk to a victim or
15 witness involved in retaliation or intimidation.

16 Unless action is taken by this
17 Legislature, our streets will remain unsafe, our
18 victims will remain at risk, and our law-abiding
19 citizens will remain targets of those with
20 nefarious intentions.

21 Bail reform primarily protects
22 criminals, but at what point will this body
23 summon the courage to protect those that have
24 been wronged by rampant and unchecked crime? It
25 is time for us to repeal these failed laws,

1 protect victims, and create a new system that
2 works for law-abiding citizens in our great
3 state.

4 For these reasons, Mr. President, I
5 strongly urge you to reconsider your ruling.

6 Thank you.

7 ACTING PRESIDENT BAILEY: Thank
8 you, Senator Rath.

9 I want to remind the house that the
10 vote is on the procedures of the house and the
11 ruling of the chair.

12 Those in favor of overruling the
13 chair, signify by saying aye.

14 SENATOR LANZA: I vote aye and
15 request a show of hands.

16 (Laughter.)

17 SENATOR SERRANO: Mr. President, by
18 unanimous consent, please waive the showing of
19 hands and record each member of the Minority in
20 the affirmative.

21 ACTING PRESIDENT BAILEY: Without
22 objection, so ordered.

23 Announce the results.

24 THE SECRETARY: Ayes, 20.

25 ACTING PRESIDENT BAILEY: The

1 ruling of the chair stands, and the bill in chief
2 is before the house.

3 Are there any other Senators wishing
4 to be heard?

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

7 Read the last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the 80th day after it
10 shall have become a law.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 SENATOR SERRANO: Let's take up
20 Bill 564. That's the calendar number, I
21 apologize.

22 ACTING PRESIDENT BAILEY: The
23 Secretary will ring the bell.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 564, Senate Print 6226E, by Senator Krueger, an
2 act to amend the Election Law.

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

5 SENATOR LANZA: Mr. President,
6 would the sponsor yield for a few questions?

7 ACTING PRESIDENT BAILEY: Senator
8 Myrie, will you yield?

9 SENATOR MYRIE: Yes.

10 ACTING PRESIDENT BAILEY: Senator
11 Myrie yields.

12 SENATOR LANZA: Thank you,
13 Senator Myrie. Through you, Mr. President.

14 Senator, could you tell us how the
15 New York City Board of Elections is presently
16 comprised with respect to commissioners?

17 SENATOR MYRIE: Through you,
18 Mr. President.

19 Well, first let me say that I am
20 standing in for Senator Krueger. We wish her a
21 speedy recovery.

22 The Board of Elections in New York
23 City now consists of 10 commissioners.

24 SENATOR LANZA: Thank you.

25 Mr. President, would the Senator --

1 ACTING PRESIDENT BAILEY: Senator
2 Myrie, do you yield?

3 SENATOR MYRIE: Yes.

4 ACTING PRESIDENT BAILEY: Senator
5 Myrie yields.

6 SENATOR LANZA: Through you,
7 Mr. President. Could you tell us how those
8 commissioners are selected, appointed?

9 SENATOR MYRIE: Through you,
10 Mr. President, the respective county committees
11 in the boroughs make a recommendation to the
12 New York City Council borough delegations, and
13 then it is voted on by those respective
14 delegations.

15 SENATOR LANZA: Mr. President,
16 would the Senator yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR MYRIE: Yes.

20 ACTING PRESIDENT BAILEY: Senator
21 Myrie yields.

22 SENATOR LANZA: Through you,
23 Mr. President.

24 With respect to the way the board is
25 currently comprised, isn't it true that the five

1 boroughs comprising New York City, each one of
2 them has two commissioners representing them, one
3 Democrat and one Republican?

4 SENATOR MYRIE: Through you,
5 Mr. President, that's correct.

6 SENATOR LANZA: Would the Senator
7 yield.

8 ACTING PRESIDENT BAILEY: Does the
9 Senator continue to yield?

10 SENATOR MYRIE: Yes.

11 ACTING PRESIDENT BAILEY: The
12 Senator yields.

13 SENATOR LANZA: Through you,
14 Mr. President. Under this legislation, would
15 that continue to be the case?

16 SENATOR MYRIE: Through you,
17 Mr. President.

18 Under this legislation the
19 commissioners would, one, be reduced from 10 to
20 two.

21 And there is a process outlined in
22 the bill by which the counties still make a
23 recommendation, but the appointment process would
24 require a public hearing on the commissioner that
25 is ultimately selected and then be further

1 subjected to discussion and deliberation by the
2 council body.

3 SENATOR LANZA: Mr. President,
4 would the Senator yield?

5 ACTING PRESIDENT BAILEY: Does the
6 Senator continue to yield?

7 SENATOR MYRIE: Yes.

8 ACTING PRESIDENT BAILEY: The
9 Senator yields.

10 SENATOR LANZA: Through you,
11 Mr. President.

12 So in other words, if this becomes
13 law, is it true that four of the five boroughs
14 may not have any representation in terms of
15 having a commissioner on the board?

16 SENATOR MYRIE: Through you,
17 Mr. President, the bill requires that the
18 ultimate commissioners that are appointed, the
19 two commissioners, cannot be in the same county.

20 And I would note that, again, the
21 recommendations by the county parties -- that
22 they would still be involved in the process. We
23 are still bound by the constitutional
24 requirements that require both parties to be
25 involved in that process.

1 SENATOR LANZA: Mr. President,
2 would the Senator yield?

3 ACTING PRESIDENT BAILEY: Does the
4 Senator yield?

5 SENATOR MYRIE: Yes.

6 ACTING PRESIDENT BAILEY: The
7 Senator yields.

8 SENATOR LANZA: Through you,
9 Mr. President.

10 So in other words, under this law it
11 is a certainty that three of the five boroughs of
12 New York City would not have a commissioner on
13 the board.

14 SENATOR MYRIE: Through you,
15 Mr. President, it's not a certainty, it is a
16 possibility.

17 SENATOR LANZA: Would the Senator
18 yield, Mr. President?

19 ACTING PRESIDENT BAILEY: Does the
20 Senator yield?

21 SENATOR MYRIE: Yes.

22 ACTING PRESIDENT BAILEY: The
23 Senator yields.

24 SENATOR LANZA: Let me try to
25 understand the math here. Through you,

1 Mr. President.

2 So under this legislation, if one
3 commissioner is from one borough, another needs
4 to be from another borough. Five minus two is
5 three, which it seems to me would mean that three
6 boroughs are guaranteed not to have a
7 commissioner on the board. Isn't that true?

8 SENATOR MYRIE: That's right,
9 Mr. President. My apologies, I misspoke.

10 I would underscore the fact that the
11 respective council delegations still have to make
12 the selection. And that process I think
13 continues the deliberation. And much like we
14 have throughout the rest of the state where each
15 county has two commissioners, that process in
16 this bill would be transposed onto New York City,
17 which as you know for jurisdictional purposes is
18 considered one county.

19 SENATOR LANZA: Mr. President, will
20 the Senator yield.

21 ACTING PRESIDENT BAILEY: Does the
22 Senator yield?

23 SENATOR MYRIE: Yes.

24 ACTING PRESIDENT BAILEY: Senator
25 Myrie yields.

1 SENATOR LANZA: Through you,
2 Mr. President. If this becomes law, isn't it
3 also true that four boroughs of the five would
4 not have a Democratic-appointed commissioner?

5 SENATOR MYRIE: Yes.

6 SENATOR LANZA: Would the Senator
7 yield.

8 ACTING PRESIDENT BAILEY: Does the
9 Senator yield?

10 SENATOR MYRIE: Yes.

11 ACTING PRESIDENT BAILEY: The
12 Senator yields.

13 SENATOR LANZA: Through you,
14 Mr. President. Isn't it also true that if this
15 becomes law, four boroughs are guaranteed not to
16 have a Republican commissioner?

17 SENATOR MYRIE: Through you,
18 Mr. President. Yes, that is correct.

19 SENATOR LANZA: Would the Senator
20 yield?

21 ACTING PRESIDENT BAILEY: Does the
22 Senator yield?

23 SENATOR MYRIE: Yes.

24 ACTING PRESIDENT BAILEY: The
25 Senator yields.

1 SENATOR LANZA: Could the Senator
2 tell us -- through you, Mr. President -- whether
3 or not there are any other counties in the State
4 of New York that do not have a commissioner or
5 two representing them on their respective boards
6 of election?

7 SENATOR MYRIE: Through you,
8 Mr. President, there are not.

9 However, there are also no other
10 counties throughout the state that are combined
11 with other counties under one board of elections,
12 as we see in the City of New York.

13 SENATOR LANZA: Mr. President,
14 would the Senator yield?

15 ACTING PRESIDENT BAILEY: Does the
16 Senator continue to yield?

17 SENATOR MYRIE: Yes.

18 ACTING PRESIDENT BAILEY: The
19 Senator yields.

20 SENATOR LANZA: Through you,
21 Mr. President.

22 Could the Senator tell us presently,
23 under the current construct of the New York City
24 Board of Elections, how many executive directors
25 there are?

1 SENATOR MYRIE: Through you,
2 Mr. President, there is one executive director.

3 SENATOR LANZA: Will the Senator
4 yield?

5 ACTING PRESIDENT BAILEY: Does the
6 Senator yield?

7 SENATOR MYRIE: Yes.

8 ACTING PRESIDENT BAILEY: The
9 Senator yields.

10 SENATOR LANZA: Through you,
11 Mr. President. Under the current construct,
12 could the Senator tell us how many deputy
13 executive directors there are?

14 SENATOR MYRIE: Through you,
15 Mr. President, one.

16 SENATOR LANZA: Mr. President,
17 would the Senator yield.

18 ACTING PRESIDENT BAILEY: Does the
19 Senator yield?

20 SENATOR MYRIE: Yes.

21 ACTING PRESIDENT BAILEY: The
22 Senator yields.

23 SENATOR LANZA: Through you,
24 Mr. President. And isn't it true that currently,
25 of those two positions, one is a Republican and

1 one is a Democrat?

2 SENATOR MYRIE: Through you,
3 Mr. President. Yes, that is correct.

4 SENATOR LANZA: Mr. President, will
5 the Senator yield?

6 ACTING PRESIDENT BAILEY: Does the
7 Senator yield?

8 SENATOR MYRIE: Yes.

9 ACTING PRESIDENT BAILEY: The
10 Senator yields.

11 SENATOR LANZA: Through you,
12 Mr. President. If this bill becomes law, will
13 there continue to be a deputy executive director?

14 SENATOR MYRIE: Through you,
15 Mr. President, the executive director, under this
16 bill, would have the ability or discretion to
17 appoint a deputy.

18 SENATOR LANZA: Mr. President,
19 would the Senator yield?

20 ACTING PRESIDENT BAILEY: Will the
21 Senator yield?

22 SENATOR MYRIE: Yes.

23 ACTING PRESIDENT BAILEY: The
24 Senator yields.

25 SENATOR LANZA: So if this becomes

1 law -- through you, Mr. President -- it is the
2 executive director and only the executive
3 director that would be permitted to select the
4 deputy executive director.

5 SENATOR MYRIE: Through you,
6 Mr. President, that is correct.

7 SENATOR LANZA: Would the Senator
8 yield.

9 ACTING PRESIDENT BAILEY: Does the
10 Senator yield?

11 SENATOR MYRIE: Yes.

12 ACTING PRESIDENT BAILEY: The
13 Senator yields.

14 SENATOR LANZA: Through you,
15 Mr. President.

16 So no longer would it be the case,
17 as it is now, that the deputy executive director
18 is selected by the commissioners, currently 10.
19 And we know that that has always resulted in
20 there being a Republican and a Democrat in those
21 two positions, executive director and deputy
22 executive director.

23 SENATOR MYRIE: I'm sorry, I just
24 didn't hear the question.

25 SENATOR LANZA: So it would no

1 longer be the case -- through you,
2 Mr. President -- that as is currently the case,
3 that the deputy executive director would be
4 chosen as a result of a vote by the
5 commissioners.

6 SENATOR MYRIE: Through you,
7 Mr. President, that is correct.

8 And let me just make the point that
9 the sponsor's intent here is to -- to the extent
10 possible and allowable by the New York State
11 Constitution -- to remove the partisan
12 requirements such that qualifications are now the
13 chief metric for whether an individual will be
14 charged with running the administration of our
15 elections.

16 And so while certain functions in
17 this bill would still require bipartisan
18 employees, it is only those required by the
19 Constitution, literally written into the State
20 Constitution.

21 But given what has happened and what
22 we have seen and what voters experience, I think
23 there is an appreciation for placing
24 qualification over party.

25 SENATOR LANZA: Would the Senator

1 yield.

2 ACTING PRESIDENT BAILEY: Does the
3 Senator yield?

4 SENATOR MYRIE: Yes.

5 ACTING PRESIDENT BAILEY: The
6 Senator yields.

7 SENATOR LANZA: Through you,
8 Mr. President. So is it the Senator -- or more
9 aptly, is it the sponsor's contention that
10 competence or incompetence has run along party
11 lines at the Board of Elections?

12 SENATOR MYRIE: Through you,
13 Mr. President, not at all. And that's certainly
14 not my contention.

15 And I think it's important for us to
16 recognize the many, many Board of Elections
17 employees that show up to work every day, trying
18 to administer our democracy, and they do so in a
19 way that is in good faith. Many people have been
20 there for many years, they are invested in the
21 success of our elections, and that is regardless
22 of whether they are a Democrat or a Republican.

23 I think the intent here by the
24 sponsor is for those very employees, those that
25 do show up and want to do the right thing, that

1 they aren't hindered by particular structures
2 that lend themselves to some of the
3 headlines that we have seen.

4 SENATOR LANZA: Mr. President,
5 would the Senator yield?

6 ACTING PRESIDENT BAILEY: Does the
7 Senator yield?

8 SENATOR MYRIE: Yes.

9 ACTING PRESIDENT BAILEY: The
10 Senator yields.

11 SENATOR LANZA: Through you,
12 Mr. President.

13 So under this legislation there is
14 no longer a guarantee that the deputy executive
15 director will be from the party other than the
16 executive director?

17 SENATOR MYRIE: Through you,
18 Mr. President, yes, that's right.

19 SENATOR LANZA: Would the Senator
20 yield?

21 ACTING PRESIDENT BAILEY: Does the
22 Senator yield?

23 SENATOR MYRIE: Yes.

24 ACTING PRESIDENT BAILEY: The
25 Senator yields.

1 SENATOR LANZA: Through you,
2 Mr. President.

3 So knowing the political makeup of
4 New York City, there is no -- and it would seem
5 clear to me to be the case -- but so there's no
6 assurance that there would be a Republican
7 executive director under this legislation.

8 SENATOR MYRIE: Through you,
9 Mr. President, that is correct. The same would
10 be true for a Democrat. There is no guarantee
11 that it will be a Democrat or a Republican.

12 I would note that the commissioner
13 makeup under this bill would still require a
14 Republican and a Democrat, and that the actual
15 functioning of our elections, the running of our
16 elections, would be by the people best qualified
17 to do that, who may happen to be Republicans or
18 they may happen to be Democrats.

19 SENATOR LANZA: Would the Senator
20 yield?

21 ACTING PRESIDENT BAILEY: Does the
22 Senator yield?

23 SENATOR MYRIE: Yes.

24 ACTING PRESIDENT BAILEY: The
25 Senator yields.

1 SENATOR LANZA: Through you,
2 Mr. President.

3 Why is it a good idea to pass a law
4 that would require that the only three counties
5 in the State of New York which don't have
6 representation on their respective boards of
7 elections, are three counties from New York City?

8 SENATOR MYRIE: Through you,
9 Mr. President, if I could just ask you to clarify
10 the question.

11 SENATOR LANZA: Yes. Yeah, through
12 you, Mr. President.

13 So currently every county in the
14 State of New York has commissioner representation
15 in its board of elections. If this becomes law,
16 there will be three counties and only three
17 counties in the entire State of New York that
18 will not have that representation.

19 Why is that a good idea?

20 SENATOR MYRIE: Through you,
21 Mr. President, I don't think that is an
22 ill-intentioned question. However, I think it is
23 not appropriate for this discussion because the
24 City of New York, as consolidated in 1898,
25 has five counties. And it is the only such

1 jurisdiction that has a Board of Elections that
2 oversees five counties. All of the other boards
3 of elections are cabined to one county.

4 So it is a unique structure, but it
5 is one that flows from the city's unique
6 structure and not necessarily the Board of
7 Elections.

8 SENATOR LANZA: Will the Senator
9 yield?

10 ACTING PRESIDENT BAILEY: Does the
11 Senator yield?

12 SENATOR MYRIE: Yes.

13 ACTING PRESIDENT BAILEY: The
14 Senator yields.

15 SENATOR LANZA: So through you,
16 Mr. President, putting the question the other
17 way, so it is the sponsor's belief -- and I know
18 this is difficult, and I thank Senator Myrie for
19 debating a bill that is not his.

20 Is it the sponsor's or is it your
21 belief that it is not a good idea to have a
22 commissioner from each borough in the City of
23 New York on the Board of Elections?

24 SENATOR MYRIE: Through you,
25 Mr. President, I think the spirit of this bill is

1 to reduce the lines of accountability.

2 And so what we have seen is, when
3 things go wrong at the Board of Elections, the
4 power and the structure is diffuse. And so you
5 have 10 commissioners that you can't point
6 directly to who's responsible for when things go
7 wrong.

8 So I think the intent of reducing
9 that number to two, while still allowing the
10 counties to have input on who's selected, is
11 meant to streamline the process and to make it
12 such that when something does go wrong -- and
13 again, I would emphasize that that is not the
14 majority of the time. Most New Yorkers go and
15 vote and then that's it, and then they go home or
16 to work. But when things do go wrong, that we
17 have a clear line of accountability.

18 SENATOR LANZA: Mr. President, on
19 the bill.

20 ACTING PRESIDENT BAILEY: Senator
21 Lanza on the bill.

22 SENATOR LANZA: Mr. President,
23 first I would like to thank my colleague Senator
24 Myrie. Again, I will state the obvious: It's
25 not easy to debate a bill that is not of your

1 making. And as always, he did a good job.

2 Mr. President, I think this is a
3 terrible idea. It is obvious -- you know, on
4 paper you might be able to make some tenuous
5 arguments about why this streamlines it or why
6 this is fair. You know, after all, the Senator
7 is correct, yeah, there are five counties and
8 they're part of one city.

9 But there are five counties, and
10 there are five boroughs, each of which has a
11 borough president. I don't know that anybody in
12 the City of New York would argue that each
13 borough should not have a borough president.

14 Every borough, every county in the
15 City of New York sends a representative to the
16 City Council. I was one of them. Many of my
17 colleagues here served on that City Council. I
18 don't think anybody in this chamber would argue
19 that Staten Island or Brooklyn or the Bronx or
20 Queens or Manhattan should not send
21 representation to the City Council. That's
22 undemocratic. That's wrong.

23 Especially when you're talking about
24 counties, boroughs, the size of those in New York
25 City. If Staten Island were its own city, which

1 I wish it were -- I carry legislation to do just
2 that -- it would be the second-largest city in
3 the State of New York. If Queens were its own
4 city, it would be the second-largest city in the
5 State of New York. If Bronx were its own city,
6 it would be the second-largest city in the State
7 of New York. If Manhattan was its own city, it
8 would be the second-largest city in the State of
9 New York.

10 And then we come to Brooklyn. Well,
11 if it were its own city, it would be the largest
12 city in the State of New York if you separated
13 out the other boroughs.

14 So you have five of the largest
15 counties, you have boroughs which in their own
16 right would be the largest cities in the State of
17 New York.

18 And now we're going to tell three of
19 them for sure: You no longer have representation
20 on the New York City Board of Elections. We're
21 going to tell four of them for sure that you will
22 not either have a Democrat or a Republican
23 commissioner on the New York City Board of
24 Elections.

25 This legislation says for sure --

1 again, recognizing the politics and the
2 demographics, political demographics of New York
3 City -- for sure there's no longer going to be
4 either a Republican executive director or deputy
5 executive director.

6 Looking at the political structure
7 and makeup and demographics of New York City, I
8 can tell you for sure Staten Island will never
9 have a commissioner, period.

10 And I'm sick of that. I'm sick of
11 Staten Island being mistreated by the rest of the
12 city. I grew up, and that has been the legacy.
13 Whether it was the illegal, unlawful
14 environmental crime that was committed against
15 Staten Island with that dump, in violation of
16 every environmental law -- city, state and
17 federal -- and yet the rest of the city said,
18 It's a crime, let's put it over there. It's
19 killing people, let's leave it over there.

20 You know, I don't want to over sort
21 of state or compare this to that, but it comes
22 from the same position. Staten Island's a
23 minority-party-population borough in New York
24 City: Screw them. Screw them. Five hundred
25 thousand people? No, you cannot have a

1 commissioner on the New York City Board of
2 Elections. That's democratic? That's
3 transparent? That's streamlined? That's
4 nonsense. And it's wrong.

5 And Staten Island won't be alone,
6 because two other boroughs won't have a
7 commissioner. And every borough -- Queens,
8 Kings, the Bronx, Staten Island, Brooklyn -- each
9 deserves representation on a board that is so
10 vital and important to the very fabric of our
11 democracy, the Board of Elections.

12 Five hundred thousand people on
13 Staten Island? You're out of luck. Over
14 2 million people in Brooklyn? You might be out
15 of luck. Over a million in Queens? You're
16 probably out of luck, just like Staten Island.

17 So a lot of these things, you look
18 at them on paper -- transparency, streamlining
19 efficiency, blah, blah, blah. I know what this
20 is about. This is about limiting alternative
21 voices at the Board of Elections. This is about
22 saying: We've got the power. Goodbye,
23 Republicans, we don't want you on the Board of
24 Elections.

25 I agree with Senator Myrie.

1 Democrat and Republican have served well, ably,
2 admirably, honorably in the City of New York.
3 That's the truth. He's right. So why do this?
4 Unless it is nothing more than a power grab.
5 Unless it's nothing more than the big stomping on
6 the small. Those in power kicking those out of
7 power out the door, that's what this is about.
8 There's no other way to see this legislation.
9 And I'm tired of Staten Island being screwed by
10 the rest of the city.

11 I vote no.

12 ACTING PRESIDENT BAILEY: Are there
13 any other Senators wishing to be heard?

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

16 Read the last section.

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

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Senator
23 Myrie to explain his vote.

24 SENATOR MYRIE: Thank you,
25 Mr. President. And if I may, to speak on a

1 number of the bills that we passed today as they
2 relate to Board of Elections reform, not just in
3 the city but throughout the state.

4 Last summer the Elections Committee
5 went throughout the state, listened to voters,
6 poll workers, commissioners, other stakeholders
7 to get feedback on how best to run our elections.
8 We heard a lot of good stuff. Me and Senator
9 Rath got cozy with each other all across the
10 state, listening to folks. And we produced a
11 report, almost 50 pages, with a number of
12 recommendations on how we could fix the operating
13 system of our democracy.

14 Some of those recommendations we are
15 moving today in this house. And I think it's
16 important for New Yorkers to know that their
17 democracy is being run by the best folks
18 possible. And we have a lot of those folks
19 already in the boards of elections, but there are
20 structural issues, there are operational issues
21 that must be addressed so that we can be a
22 credible democracy, we can be one that is
23 respected and one that is not the butt of jokes.

24 That is not to say that those who
25 toil every day are jokes themselves. They are

1 not.

2 But when we have the last house race
3 called in the entire country because board
4 commissioners have not done their job, that is a
5 problem. When voters are purged from voter
6 roles, that is a problem. When there is a
7 perception that we don't have the best
8 qualifications, that is a problem.

9 So that is what we are attempting to
10 do with some of these bills. It is my hope that
11 this is but a first step. We welcome further
12 feedback, further input. And hopefully we will
13 be able to move these recommendations and these
14 bills in both of our houses.

15 So I will be voting in the
16 affirmative for this bill, and I urge my
17 colleagues to do the same.

18 Thank you.

19 ACTING PRESIDENT BAILEY: Senator
20 Myrie to be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar 564, those Senators voting in the
24 negative are Senators Akshar, Borrello, Felder,
25 Gallivan, Griffo, Helming, Jordan, Lanza,

1 Martucci, Mattera, Oberacker, Ortt, Palumbo,
2 Rath, Ritchie, Savino, Serino, Stec, Tedisco and
3 Weik.

4 Ayes, 41. Nays, 20.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 Senator Serrano, that completes the
8 reading of the controversial calendar.

9 SENATOR SERRANO: Thank you.

10 Is there any further business at the
11 desk?

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

14 SENATOR SERRANO: I move to adjourn
15 until Wednesday, May 18th, at 11:00 a.m.

16 ACTING PRESIDENT BAILEY: On
17 motion, the Senate stands adjourned until
18 Wednesday, May 18th, at 11:00 a.m.

19 (Whereupon, at 5:19 p.m., the Senate
20 adjourned.)

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