NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 17, 2022

3:41 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BAILEY: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Kaplan

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

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

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

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

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

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

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

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

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

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

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

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

the identical Senate Bill 9000, Third Reading Calendar 1107.

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

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

ACTING PRESIDENT BAILEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

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

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

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

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

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

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

Senator Gianaris.

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

Senate Print Numbers 1026 and 3010.

ACTING PRESIDENT BAILEY: The Secretary will read.

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

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

SENATOR GIANARIS: Move to

reconsider the vote by which these bills were passed.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

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

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

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

ACTING PRESIDENT BAILEY: So ordered.

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

ACTING PRESIDENT BAILEY: All those

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The Resolution Calendar is adopted.

Senator Gianaris.

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

ACTING PRESIDENT BAILEY: The Secretary will read.

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

ACTING PRESIDENT BAILEY: Senator Kaminsky on the resolution.

SENATOR KAMINSKY: Thank you, Mr. President.

I wish I rose under better

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

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

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

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

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

And I hope this causes awareness for

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

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

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

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

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

ACTING PRESIDENT BAILEY: Thank you.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The resolution is adopted.

Senator Gianaris.

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

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

ACTING PRESIDENT BAILEY: Senator Sepúlveda.

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

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

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

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

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

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

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

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

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

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

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

ACTING PRESIDENT PERSAUD: The Secretary will read.

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

ACTING PRESIDENT PERSAUD: Senator

Serino on the resolution.

SENATOR SERINO: Thank you, Madam President.

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

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

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

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

experience is like?

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

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

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

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

(Laughter.)

SENATOR SERINO: Thank you, Madam President.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: The question is on the resolution.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

Senator Gianaris.

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

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

resolutions, please notify the desk.

Senator Gianaris.

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

ACTING PRESIDENT PERSAUD: The Secretary will read.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you,

Madam President.

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

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

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

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

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

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

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

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

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Madam President.

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

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

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

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

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

the country.

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

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

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

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

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

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

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

Thank you, Senator Bailey.

Thank you, Madam President. I vote aye.

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

Senator Lanza to explain his vote.

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

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

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

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

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

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

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

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

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

Senator Boyle to explain his vote.

SENATOR BOYLE: Thank you,

Madam President, to explain his my vote.

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

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

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

I will vote in opposition.

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

Announce the results.

THE SECRETARY: In relation to

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

Ayes, 38. Nays, 23.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 59. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 56. Nays, 5.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 44. Nays, 17.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 48. Nays, 13.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

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

Ayes, 48. Nays, 13.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY:

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

(Laughter.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 41. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

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

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

Announce the results.

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

Ayes, 41. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 45. Nays, 16.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 43. Nays, 18.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

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

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

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

So I will be a no. Thank you.

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

Announce the results.

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

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

Ayes, 41. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

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

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

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

I vote aye.

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

Announce the results.

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

Ayes, 44. Nays, 17.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Senator Brisport.

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 42. Nays, 19.

ACTING PRESIDENT BAILEY: The bill

is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Brisport to explain his vote.

SENATOR BRISPORT: Thank you, Mr. President.

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

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

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

subsidies immensely difficult or even impossible.

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

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

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

I vote aye and ask all my colleagues

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

Thank you.

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

Announce the results.

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

Ayes, 47. Nays, 14.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Brisport to explain his vote.

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

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

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

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

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

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

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

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

more child loses their safe place to sleep unnecessarily.

Thank you.

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

Announce the results.

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

SENATOR MAY: Thank you, Mr. President.

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

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

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

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

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

So thank you. I vote aye.

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

Announce the results.

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

Ayes, 43. Nays, 18.

ACTING PRESIDENT BAILEY: The bill

is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 48. Nays, 13.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 42. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

There is a substitution at the desk.

The Secretary will read.

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

ACTING PRESIDENT BAILEY: The substitution is ordered.

The Secretary will read.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

negative are Senators Borrello, Helming and Ortt.

Ayes, 58. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 5. This

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Cleare to explain her vote.

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

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

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

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

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

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

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

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

I proudly vote aye. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 61.
ACTING PRESIDENT BAILEY: The bill is passed.
THE SECRETARY: Calendar Number 1106, Senate Print 8888, by Senator Serino, an act to amend the Executive Law.
SENATOR LANZA: Lay it aside for the day.
ACTING PRESIDENT BAILEY: The bill will be laid aside for the day.
THE SECRETARY: Calendar Number 1107, Assembly Bill Number 10136, by Assemblymember Stirpe, an act to amend Chapter 274 of the Laws of 2010.
ACTING PRESIDENT BAILEY: Read the last section.
THE SECRETARY: Section 2. This act shall take effect immediately.
ACTING PRESIDENT BAILEY: Call the roll.
(The Secretary called the roll.)
ACTING PRESIDENT BAILEY: Announce the results.
THE SECRETARY: Ayes, 61.
ACTING PRESIDENT BAILEY: The bill

is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR SERRANO: Lay it aside for the day.

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

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 51. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill

is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 84,

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

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

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

ACTING PRESIDENT BAILEY: Thank you, Senator Lanza.

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

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

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

SENATOR STEC: Thank you, Mr. President.

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

facilities.

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BAILEY: Thank you, Senator Stec.

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

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

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

(Laughter.)

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

ACTING PRESIDENT BAILEY: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 45. Nays, 16.

ACTING PRESIDENT BAILEY: The bill is passed.

SENATOR SERRANO: Can we please take up Calendar 1145.

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

The Secretary will read.

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

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

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

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

ACTING PRESIDENT BAILEY: Thank you, Senator Lanza.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Rath.

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

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

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

(Laughter.)

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

ACTING PRESIDENT BAILEY: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT BAILEY: The

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

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number

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

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

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

ACTING PRESIDENT BAILEY: Senator Myrie, will you yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: Senator Myrie yields.

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

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

SENATOR MYRIE: Through you, Mr. President.

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

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

SENATOR LANZA: Thank you.

Mr. President, would the Senator --

ACTING PRESIDENT BAILEY: Senator Myrie, do you yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: Senator Myrie yields.

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

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

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: Senator Myrie yields.

SENATOR LANZA: Through you, Mr. President.

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

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

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

SENATOR LANZA: Would the Senator yield.

ACTING PRESIDENT BAILEY: Does the Senator continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

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

SENATOR MYRIE: Through you, Mr. President.

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

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

subjected to discussion and deliberation by the council body.

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

ACTING PRESIDENT BAILEY: Does the Senator continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR LANZA: Through you, Mr. President.

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

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

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

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

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR LANZA: Through you, Mr. President.

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

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

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

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

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

Mr. President.

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

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

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

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

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: Senator Myrie yields.

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

SENATOR MYRIE: Yes.

SENATOR LANZA: Would the Senator yield.

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

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

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

SENATOR LANZA: Would the Senator yield?

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

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

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

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

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

ACTING PRESIDENT BAILEY: Does the Senator continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR LANZA: Through you, Mr. President.

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

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

SENATOR LANZA: Will the Senator yield?

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

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

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

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

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

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

one is a Democrat?

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

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

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

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

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

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

ACTING PRESIDENT BAILEY: Will the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR LANZA: So if this becomes

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

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

SENATOR LANZA: Would the Senator yield.

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR LANZA: Through you, Mr. President.

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

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

SENATOR LANZA: So it would no

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

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

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

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

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

SENATOR LANZA: Would the Senator

yield.

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

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

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

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

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

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

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

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR LANZA: Through you, Mr. President.

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

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

SENATOR LANZA: Would the Senator yield?

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR LANZA: Through you, Mr. President.

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

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

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

SENATOR LANZA: Would the Senator yield?

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR LANZA: Through you, Mr. President.

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

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

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

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

Why is that a good idea?

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

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

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

SENATOR LANZA: Will the Senator yield?

ACTING PRESIDENT BAILEY: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

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

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

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

to reduce the lines of accountability.

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

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

SENATOR LANZA: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Lanza on the bill.

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

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

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

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

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

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

I wish it were -- I carry legislation to do just that -- it would be the second-largest city in the State of New York. If Queens were its own city, it would be the second-largest city in the State of New York. If Bronx were its own city, it would be the second-largest city in the State of New York. If Manhattan was its own city, it would be the second-largest city in the State of New York.

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

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

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

This legislation says for sure --

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

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

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

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

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

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

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

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

I agree with Senator Myrie.

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

I vote no.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Myrie to explain his vote.

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

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

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

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

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

not.

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

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

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

Thank you.

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

Announce the results.

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

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

Ayes, 41. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR SERRANO: Thank you.

Is there any further business at the desk?

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

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

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

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