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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 12, 2024

3:48 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT BAILEY: Reading
14 of the Journal.

15 THE SECRETARY: In Senate, Monday,
16 March 11, 2024, the Senate met pursuant to
17 adjournment. The Journal of Sunday, March 10,
18 2024, was read and approved. On motion, the
19 Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Good afternoon,
7 Mr. President.

8 I want to start today's session with
9 a special recognition. Today happens to be
10 Darryl Strawberry's birthday, as you informed me.
11 He had a heart issue today but is fine. So I
12 want to just acknowledge that as a true Mets fan.

13 But it was also, coincidentally, two
14 years later to the day, was born Senator Andy
15 Lanza, celebrating his 60th today.

16 So let's celebrate --

17 (Reaction; sustained applause.)

18 ACTING PRESIDENT BAILEY: To
19 somebody who's not a guest, please rise and be
20 recognized.

21 (Laughter.)

22 SENATOR GIANARIS: Mr. President,
23 on motions and resolutions.

24 Amendments are offered to the
25 following Third Reading Calendar bills:

1 By Senator Hinchey, on page 12,
2 Calendar Number 262, Senate Print 1480;

3 By Senator Sanders, page 24,
4 Calendar Number 404, Senate Print 8138;

5 And also by Senator Sanders,
6 page 41, Calendar Number 589, Senate Print 8136.

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

11 Senator Gianaris.

12 SENATOR GIANARIS: Let's take up
13 previously adopted Resolution 1619, by
14 Senator Thomas, read its title and recognize
15 Senator Thomas.

16 ACTING PRESIDENT BAILEY: The
17 Secretary will read.

18 THE SECRETARY: Resolution 1619, by
19 Senator Thomas, observing and celebrating
20 March 10th through April 9th, 2024, as Ramadan,
21 the month of fasting for the Muslim community in
22 the State of New York.

23 ACTING PRESIDENT BAILEY: Senator
24 Thomas on the resolution.

25 SENATOR THOMAS: Thank you,

1 Mr. President. And Ramadan Kareem to everyone
2 here in the Senate chamber.

3 It is with great pride and honor
4 that I stand here to introduce a resolution
5 commemorating Ramadan, the holy month of fasting
6 for the Muslim community here in the State of
7 New York and around the world.

8 At the start of Ramadan it is
9 important that we recognize and honor the
10 significance of this time in their faith.
11 Ramadan stands as a pillar of devotion,
12 resilience, and community for millions of Muslims
13 worldwide. It is a time marked by fasting from
14 dawn until sunset, prayer, reflection and acts of
15 charity.

16 Through the abstention from food and
17 drink during daylight hours, Muslims strengthen
18 their connection to God, cultivate empathy for
19 those less fortunate, and renew their commitment
20 to growth.

21 Families and communities come
22 together each evening to break their fast,
23 sharing in the joy of communal meals and
24 reinforcing bonds of kinship and friendship.

25 In commemorating Ramadan, we also

1 acknowledge the invaluable contributions of
2 Muslim Americans to our great state and nation --
3 from medicine to education, from arts to
4 entrepreneurship, Muslim Americans have made so
5 many marks on every facet of our society. Their
6 unwavering commitment to faith, service and
7 community exemplifies the best of what it means
8 to be American.

9 Yet even as we celebrate the
10 diversity and richness of our nation, we must
11 also recognize the challenges faced by Muslim
12 communities both at home and abroad.
13 Discrimination, bigotry and Islamophobia continue
14 to cast a shadow over the lives of many. It is
15 incumbent upon us to stand in solidarity with our
16 Muslim constituents to confront prejudice
17 wherever it may arise, and to reaffirm our
18 commitment to building a more inclusive society
19 for all.

20 So this Ramadan let us honor the
21 resilience and strength of Muslim communities
22 both here and around the world, and let us make
23 sure we pursue justice, equality and peace for
24 all people regardless of faith, race or
25 background.

1 Thank you, Mr. President.

2 ACTING PRESIDENT BAILEY: Thank
3 you, Senator Thomas.

4 Senator Chu on the resolution.

5 SENATOR CHU: Thank you,
6 Mr. President, for allowing me to speak and show
7 my support for this resolution.

8 First, I want to thank
9 Senator Thomas for bringing this to the floor to
10 commemorate the holiest month in the Islamic
11 calendar. Muslims in Southern Brooklyn,
12 throughout the state, and around the world are
13 fasting from sunrise to sunset for 30 full days.
14 Ramadan is a time to reflect on what you have and
15 take action to uplift the ones who are struggling
16 for hunger, justice and humanity.

17 I'm proud to represent the diverse
18 Muslim communities from Kensington, Bay Ridge,
19 Bensonhurst, Bath Beach, and beyond. These
20 vibrant communities come from many different
21 countries and speak many varying languages and
22 dialects. It really shows the beautiful
23 diversity that makes New York City so special.

24 Bay Ridge is home to the largest
25 Middle Eastern Muslim community in New York City.

1 Many in the Muslim community have dedicated much
2 of this month to giving back through food
3 drives and community events. I have great
4 partners on the ground, passionate community
5 organizations and groups.

6 Usually this is a time of joy for
7 Muslim communities like the ones I represent.
8 However, I want to take this opportunity to
9 acknowledge the pain that many of my constituents
10 and others are suffering. Day after day, the
11 devastation we see on the news, it hurts us at
12 our core. I stand here and speak not just as a
13 legislator but also as a mom and human that can
14 see members of her community in pain.

15 We're all connected in our shared
16 humanity, regardless of religion or political
17 leaning. When we are in conflict with one
18 another, facing violence and destruction, it
19 impacts us all. Our hearts ache together. And
20 it is in this shared suffering that we find our
21 common ground.

22 There are so many things we
23 Americans take for granted here -- our safety,
24 our freedom, our democracy, our rights, and so
25 many privileges we have. In the spirit of

1 Ramadan, let us appreciate all that we have and
2 work together for a better world.

3 Lastly, I want to take this moment
4 to wish all those observing a peaceful, safe and
5 healthy Ramadan. May your fast, good deeds and
6 prayers be accepted.

7 To my brothers and sisters,
8 Ramadan Kareem.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BAILEY: Senator
11 Rhoads on the resolution.

12 SENATOR RHOADS: Thank you so much,
13 Mr. President.

14 And thank you to my good friend
15 Senator Thomas for sponsoring the resolution
16 today.

17 You know, I think it's so critically
18 important that we recognize the importance of
19 faith. It's something that we do have the
20 opportunity to speak about in this chamber. It's
21 something that we try and recognize every day
22 when we open every session with a prayer.

23 The world will divide us in a
24 million different ways if we give it the
25 opportunity to do that. And while there are many

1 things I think we don't do very well in this
2 chamber, there are many things that we do right.
3 And one of the things that we do right is the
4 opportunity to stand up and celebrate the many
5 different faiths that make up the State of
6 New York, and the importance of that faith.

7 By recognizing some of the
8 commonalities that we have between us, it helps
9 lessen the focus on those who would want to
10 divide us. And that's why today's resolution is
11 so incredibly important.

12 With today's resolution we get to
13 celebrate the Muslim holiday and fasting of
14 Ramadan. Incredibly important. Because if you
15 look at the principles of Ramadan, they're
16 principles that we share in so many different
17 religions: The notion of self-discipline and the
18 focus on spirituality; the emphasis of
19 empathizing with those who are less fortunate,
20 those who are in need, as fasting represents.

21 Community service, going out there
22 and giving of the gifts that we've received to
23 try and make our corner of the world a little bit
24 better by sharing with those who are less
25 fortunate. Purifying the soul and asking for

1 forgiveness for our sins, and strengthening
2 family and community ties that bind us together.

3 Those are the important messages of
4 Ramadan. And whether you happen to be Muslim or
5 not, those are the important messages that we can
6 all share in.

7 So I want to thank Senator Thomas
8 for today's resolution. I want to wish our
9 Muslim friends a very easy and meaningful fast.
10 And a very Ramadan Mubarak to all of them.

11 So thank you, Mr. President, for
12 allowing me that opportunity.

13 ACTING PRESIDENT BAILEY: Senator
14 Fernandez on the resolution.

15 SENATOR FERNANDEZ: Thank you,
16 Mr. President.

17 I too want to thank the sponsor for
18 bringing this resolution and allowing us to
19 celebrate with our communities, our diverse
20 communities, in the beginning of this holy month
21 of Ramadan. This is the time that, as we
22 mentioned, our neighbors fast, they reflect, we
23 pray and we work towards a better and brighter
24 future.

25 And I want to say Ramadan Mubarak to

1 my beautiful district in the 34th. I too have a
2 flourishing Muslim community. And celebrating,
3 acknowledging their holiday -- our holiday -- is
4 something that we need to do as leaders, as
5 legislators. And to look at legislation to make
6 sure that certain holidays are recognized on our
7 public calendar, such as Eid.

8 But today, Ramadan Mubarak. May
9 your fast be peaceful and prosperous.

10 And thank you so much for this
11 opportunity.

12 ACTING PRESIDENT BAILEY: Senator
13 Liu on the resolution.

14 SENATOR LIU: Mr. President,
15 Ramadan Mubarak to you and all of our fellow
16 New Yorkers.

17 ACTING PRESIDENT BAILEY: Thank
18 you, Senator Liu.

19 Senator Cleare on the resolution.

20 SENATOR CLEARE: Thank you,
21 Madam President.

22 I rise today in recognition of
23 Ramadan and the principles it represents. I
24 proudly represent the village of Harlem and have
25 many Muslims now in Harlem, and historically,

1 from Malcolm X to Mohammad Ali. Muslims have
2 made a great impact and great contributions to
3 our country and to the world.

4 So today I just say Ramadan Mubarak,
5 Ramadan Kareem. And to all my Muslim brothers
6 and sisters here and abroad, I wish peace and
7 blessings and a peaceful Ramadan to all who are
8 fasting.

9 Thank you.

10 ACTING PRESIDENT BAILEY: Thank
11 you, Senator Cleare.

12 Ramadan Mubarak indeed.

13 The resolution was adopted on
14 January 17th.

15 Senator Gianaris.

16 SENATOR GIANARIS: Mr. President, I
17 know Senator Thomas wants to open that resolution
18 for cosponsorship.

19 ACTING PRESIDENT BAILEY: The
20 resolution is open for cosponsorship. Should you
21 choose not to be a cosponsor, please notify the
22 desk.

23 SENATOR GIANARIS: I now move to
24 adopt the Resolution Calendar.

25 ACTING PRESIDENT BAILEY: All those

1 in favor of adopting the Resolution Calendar
2 please signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT BAILEY: Opposed,
5 nay.

6 (No response.)

7 ACTING PRESIDENT BAILEY: The
8 Resolution Calendar is adopted.

9 Senator Gianaris.

10 SENATOR GIANARIS: Let's now take
11 up the reading of the calendar.

12 ACTING PRESIDENT BAILEY: The
13 Secretary will read.

14 THE SECRETARY: Calendar Number
15 323, Senate Print 623, by Senator Kavanaugh, an
16 act authorizing and directing the Committee on
17 Open Government to study proactive disclosures as
18 a means of increasing transparency.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: Ayes, 58.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 482, Senate Print 3108A, by Senator Mannion, an
8 act to amend the Mental Hygiene Law.

9 SENATOR LANZA: Lay it aside.

10 ACTING PRESIDENT BAILEY: Lay it
11 aside.

12 THE SECRETARY: Calendar Number
13 483, Senate Print 3221A, by Senator Cleare, an
14 act to amend the Public Health Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

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

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Senator
23 Cleare to explain her vote.

24 SENATOR CLEARE: Thank you,
25 Mr. President.

1 According to the U.S. National
2 Institutes of Health, 20 to 25 percent of women
3 of reproductive age have fibroids. However, by
4 the age of 50, up to 80 percent of Black women
5 have fibroids.

6 Despite the prevalence of uterine
7 fibroids within the population, there's still a
8 great need for research, understanding and
9 awareness, particularly with respect to
10 disproportionate impacts on Black women and other
11 women of color.

12 This bill before us requires the
13 Department of Health to take a closer look at
14 fibroids through the creation of an official
15 study program that can leverage both public and
16 private research and resources. In addition, a
17 dedicated fund is created to finance and support
18 the activities of the Statewide Fibroid Study
19 Program.

20 This bill will make women safer and
21 more healthy, and for these reasons I vote aye
22 and encourage others to do the same.

23 Thank you.

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

1 Announce the results.

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 489, Senate Print 6701, by Senator Fernandez, an
7 act to amend the Mental Hygiene Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

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

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Senator
17 Fernandez to explain her vote.

18 SENATOR FERNANDEZ: Thank you.

19 As New York embraces the growth of
20 our gaming market, including the development of
21 new casinos and use of mobile sports betting
22 apps, we must also address problem gambling as a
23 growing challenge among our communities,
24 particularly among young people.

25 Recent studies by the Office of

1 Addiction Services and Supports show that
2 approximately 5 percent of adults have exhibited
3 behaviors consistent with problem gambling in the
4 past year alone. The impact on our younger
5 population is even more shocking. Ten percent of
6 students from seventh to 12th grade have shown
7 signs of problem gambling. This is an extremely
8 troubling development for the well-being of our
9 younger population and their growth and
10 development.

11 Expanding New York's gaming market
12 is a double-edged sword. While it brings
13 economic growth to communities around the state,
14 it also poses significant risks if not managed
15 with care and responsibility. We need to ensure
16 that the excitement of wagering on a sports event
17 or at a card table does not spiral into a
18 devastating addiction.

19 The need to promote awareness of and
20 access to problem gambling services has never
21 been more timely. Just as we approach
22 individuals with substance use disorders with a
23 continuum of services -- including treatment,
24 harm reduction, and recovery -- we need to adopt
25 a similar approach toward problem gambling.

1 The creation of a Problem Gambling
2 Advisory Council is a necessity for New York
3 State. It will identify the issues affecting
4 New Yorkers with problem gambling disorders and
5 will recommend ways to make prevention and
6 treatment services more accessible for
7 communities around the state.

8 It will also help to enforce strict
9 oversight of funds deposited into the commercial
10 gambling revenue fund, which collects \$500 for
11 every slot machine or gaming table approved by
12 Gaming Commission. These funds will be used
13 effectively to fund problem gambling services.

14 The creation of a Problem Gambling
15 Advisory Council is a commitment to the
16 well-being of New Yorkers struggling with
17 gambling disorders from every age demographic and
18 every region of the state. And for these
19 reasons, I proudly vote aye.

20 ACTING PRESIDENT BAILEY: Senator
21 Fernandez to be recorded in the affirmative.

22 Senator Addabbo to explain his vote.

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

25 I want to rise to thank my colleague

1 Senator Fernandez on this bill. March is Problem
2 Gaming Awareness Month, so this bill is very
3 timely.

4 And we cannot think about expanding
5 gaming within our state without realizing we need
6 to do so in a very safe and methodical way,
7 always thinking of problem gaming and addiction
8 at the forefront of what we do.

9 So again, I want to thank
10 Senator Fernandez, because as she mentioned,
11 roughly 600,000 New Yorkers every year deal and
12 have this problem gaming issue in their lives,
13 affecting them and their families and their loved
14 ones around them.

15 So again, I want to thank Senator
16 Fernandez on the Problem Gaming Advisory Council,
17 and I will be voting aye, Mr. President.

18 Thank you.

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

21 Announce the results.

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 490, Senate Print 7641, by Senator Mannion, an
2 act to amend the Canal Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

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

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 58.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 505, Senate Print 179A, by Senator Jackson, an
17 act to amend the Civil Service Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

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

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: Ayes, 58.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 519, Senate Print 8409A, by Senator Mayer, an act
7 to amend the Education Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

10 THE SECRETARY: Section 2. This
11 act shall take effect July 1, 2025.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 527, Senate Print 1027B, by Senator Gounardes, an
22 act to amend the Workers' Compensation Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

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

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

9 We voted on this bill previously,
10 and it passed unanimously. However, this
11 particular version changes this very
12 fundamentally by adding a private right of
13 action. That, to me, is a game-changer in this
14 piece of legislation. A lot of people -- I
15 believe employees should have the right to
16 address this. It's really difficult now to add
17 this because it's going to add costs. It's going
18 to add costs for doing business in New York,
19 which is already a very costly place to do
20 business.

21 But I also want to point out that
22 this rule does not apply to public employees. We
23 do that a lot in this chamber. We say, here's
24 what you should do if you're an employer. This
25 is how you should treat your employees. But we

1 always exempt government from that, which I think
2 is problematic. And we're doing that again here.

3 This bill will not apply to public
4 employees, but it will provide a private right of
5 action to private-sector employees. So for that
6 reason I'll be voting no.

7 Thank you.

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

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar 527, those Senators voting in the
13 negative are Senators Borrello, Gallivan, Griffo,
14 Helming, Lanza, O'Mara, Ortt, Stec, Tedisco and
15 Weik.

16 Ayes, 48. Nays, 10.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 534, Senate Print 1729, by Senator Sanders, an
21 act to amend the Environmental Conservation Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

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

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 534, those Senators voting in the
8 negative are Senators Ashby, Borrello, Gallivan,
9 Griffo, Lanza, Oberacker, O'Mara, Ortt, Stec,
10 Tedisco and Weber.

11 Ayes, 47. Nays, 11.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 572, Senate Print 2684, by Senator Breslin, an
16 act to amend the Insurance Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

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

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

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

6 SENATOR GIANARIS: Can we now move
7 to the controversial calendar, please.

8 ACTING PRESIDENT BAILEY: The
9 Secretary will ring the bell.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 482, Senate Print 3108A, by Senator Mannion, an
13 act to amend the Mental Hygiene Law.

14 ACTING PRESIDENT BAILEY: Happy
15 Birthday, Senator Lanza, again. And why do you
16 rise?

17 SENATOR LANZA: Thank you,
18 Mr. President. I believe there's an amendment at
19 the desk. I waive the reading of that amendment
20 and ask that you recognize Senator Helming.

21 ACTING PRESIDENT BAILEY: Thank
22 you, Senator Lanza.

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

1 SENATOR LANZA: Even on my birthday,
2 Mr. President?

3 (Laughter.)

4 ACTING PRESIDENT BAILEY: A
5 compelling argument to be made, Senator Lanza.
6 But even out of order at this time.

7 (Laughter.)

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

10 Accordingly, I appeal the ruling of
11 the chair and ask that Senator Helming be heard
12 on the appeal.

13 ACTING PRESIDENT BAILEY: Yes,
14 Senator Lanza.

15 Senator Helming, you may be heard.

16 SENATOR HELMING: Thank you,
17 Mr. President.

18 I rise to appeal the ruling of the
19 chair. The proposed amendment is clearly
20 germane, as both the amendment I am proposing and
21 the bill before us pertain to improving the
22 quality of life for individuals with
23 disabilities.

24 The bill before the chamber would
25 expand the duties of the Independent

1 Developmental Disability Ombudsman Program to
2 help individuals with developmental disabilities
3 access critical services. I support this
4 proposal and others which aim to improve the
5 quality of life for individuals with disabilities
6 living in our communities.

7 However, in addition to helping
8 individuals with disabilities navigate New York's
9 complex bureaucracy and access the services they
10 so desperately need, we must also ensure they are
11 protected from abuse and neglect.

12 Studies by the United States
13 Department of Justice have shown that individuals
14 with disabilities are two and a half times more
15 likely to experience violent victimization. And
16 it's been found that individuals with
17 intellectual disabilities are seven times more
18 likely to be sexually assaulted than individuals
19 without disabilities. This is truly
20 unacceptable.

21 The amendment I have presented would
22 help protect individuals with disabilities by
23 creating new criminal offenses for crimes
24 committed against individuals with disabilities,
25 including developmental disabilities, and the

1 elderly.

2 This amendment would create the
3 offenses of abandonment of an earlier disabled
4 person as well as endangering the welfare of an
5 elderly or disabled person. Passing this
6 amendment will ensure that individuals who
7 neglect, abuse, or take advantage of seniors and
8 individuals with disabilities are held
9 accountable for these heinous acts.

10 Mr. President, we should be taking
11 every possible step to ensure that individuals
12 with disabilities have access to services and are
13 protected from harm. That is why I support the
14 bill at hand and also ask my colleagues to
15 support the amendment that is before us today.

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

18 ACTING PRESIDENT BAILEY: Thank
19 you, Senator Helming.

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

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

25 (Response of "Aye.")

1 SENATOR LANZA: Show of hands.

2 ACTING PRESIDENT BAILEY: A show of
3 hands has been requested and so ordered.

4 Announce the results.

5 THE SECRETARY: Ayes, 20.

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

9 Senator Gianaris.

10 SENATOR GIANARIS: Mr. President,
11 we've agreed to return this bill to the
12 noncontroversial calendar.

13 ACTING PRESIDENT BAILEY: The bill
14 will be restored to the noncontroversial
15 calendar.

16 Read the last section.

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

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: Ayes, 58.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

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

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

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

9 SENATOR GIANARIS: I move to
10 adjourn until tomorrow, Wednesday, March 13th, at
11 3:00 p.m.

12 ACTING PRESIDENT BAILEY: On
13 motion, the Senate stands adjourned until
14 Wednesday, March 13th, at 3:00 p.m.

15 (Whereupon, at 4:11 p.m., the Senate
16 adjourned.)

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