NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:46 a.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT MAYER: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, May 22, 2024, the Senate met pursuant to adjournment. The Journal of Tuesday, May 21, 2024, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Thomas

moves to discharge, from the Committee on Codes, Assembly Bill Number 7495 and substitute it for the identical Senate Bill 6239, Third Reading Calendar 550.

Senator Gonzalez moves to discharge, from the Committee on Transportation, Assembly Bill Number 8029C and substitute it for the identical Senate Bill 7647B, Third Reading Calendar 603.

Senator Stewart-Cousins moves to discharge, from the Committee on Cities 2, Assembly Bill Number 9466 and substitute it for the identical Senate Bill 8899, Third Reading Calendar 1027.

ACTING PRESIDENT MAYER: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good morning, Madam President.

On behalf of Senator Gonzalez, on page 66 I offer the following amendments to Calendar 969, Senate Print 6803A, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

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

Senate 1001, 643D, and 8708.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 898, Senate Print 8708, by Senator Rhoads, an act in relation to authorizing the John Theissen Children Foundation, Inc. to receive retroactive real property tax exempt status.

Calendar Number 164, Senate Print 1001, by Senator Hoylman-Sigal, an act to amend the Public Health Law.

Calendar Number 533, Senate Print 643D, by Senator Kavanagh, an act to amend the

Environmental Conservation Law.

SENATOR GIANARIS: Move to reconsider the vote by which these bills were passed.

ACTING PRESIDENT MAYER: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

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

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT MAYER: The amendments are received.

SENATOR GIANARIS: Can we now recognize Senator Cooney for an introduction.

ACTING PRESIDENT MAYER: Senator Cooney for an introduction.

SENATOR COONEY: Good morning and thank you, Madam President.

Today I want to take a moment and I want to honor a legend in New York State and in my home City of Rochester. Belen Colon devoted her life to giving a voice to the voiceless.

Whether it was civil rights, voting rights or human rights, Belen was a true community hero.

It takes a special kind of selflessness to commit oneself to the betterment of their community, and nobody embodies that selflessness better than Belen. The "Mayor of North Clinton Avenue," Belen began organizing the Latino movement in Rochester as soon as she arrived from Puerto Rico. She was a role model to so many, and we are truly indebted to her work.

Belen sadly passed away at the age of 84 just a couple of years ago, leaving behind so many loving family, friends and community members. A few of those family and community members have joined us today here in the Senate, including the vice president of the Monroe County Legislature and her daughter, Mercedes Vazquez-Simmons; Brittany Young; Matilda Cruz; Ida Burgos; and Luis Sierra.

I want to thank those who made the trip to Albany today to recognize Belen's commitment to New York State. I'm so proud to honor her legacy here in the New York State Senate, and ask that you afford them our

privileges.

ACTING PRESIDENT MAYER: To our guests, the family of Belen Colon and her guests that are here, we 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 MAYER: Senator Gianaris.

SENATOR GIANARIS: Next let's take up previously adopted Resolution 2463, by Senator May, read that resolution's title and recognize Senator May.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Resolution 2463, by Senator May, memorializing Governor Kathy Hochul to proclaim May 22, 2024, as International Day for Biological Diversity in the State of New York.

ACTING PRESIDENT MAYER: Senator May on the resolution.

SENATOR MAY: Thank you, Madam President.

Last year we were honored to have Tadodaho Sid Hill of the Onondaga Nation share with us a short version of the Haudenosaunee Thanksgiving address.

The people of the Six Nations open their meetings, large and small, with an expression of gratitude to the multitude of natural beings and forces without which we cannot thrive -- the waters, the winds, the sun, moon, plants, animals, soils and human beings that we share the earth with.

They don't normally use the word "biodiversity," but that's what they're talking about: The idea that every creature and natural system is interconnected and interdependent.

Biodiversity is under threat on our beloved planet. As more and more species go extinct, our ecosystems become less robust, less resilient, and less healthy, not to mention less beautiful and less awe-inspiring.

The good news is that humans are getting the message. We are more aware of the need to protect pollinators if we want to have food, to protect wetlands and ocean buffers if we want to survive storms, and to protect distant

rainforests if we want to keep a livable atmosphere.

The lesson of biodiversity is we shouldn't be picking and choosing. We need to respect and defend the whole kaleidoscope of natural diversity, from the spectacular to the microscopic, for their own sakes and ours.

I am proud to carry this resolution declaring May 22nd Biological Diversity Day in New York, and I vote aye.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator May.

The resolution was previously adopted on May 21st.

Senator Gianaris.

SENATOR GIANARIS: Next let's move on to previously adopted Resolution 2239, by Senator Ashby. Let's read that resolution's title and recognize Senator Ashby.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Resolution 2239, by Senator Ashby, recognizing the Patriot Guard Riders of New York for their funeral escort

services and flag lines for the memorials of Chief Warrant Officer 2 Casey Frankoski and Chief Warrant Officer 2 John Grassia III.

ACTING PRESIDENT MAYER: Senator Ashby on the resolution.

SENATOR ASHBY: Thank you, Madam President, for allowing me to bring this resolution to the floor and recognize the Patriot Guard Riders for their Honor Missions in March honoring the lives of Chief Warrant Officer 2 Casey Frankoski and Chief Warrant Officer 2 John Grassia III.

My time -- I mentioned to these riders earlier my time and experiences being involved in ceremonies for service members who lost their lives mainly consisted of fallen soldiers' ceremonies, downrange and small places far from here.

And this was the first opportunity that I had to be in a motorcade with the Patriot Guard Riders and see the overwhelming support of the Capitol District for these two heroes.

And I want to thank you deeply for what you continue to do, not only for these two

heroes but for servicemen and -women and families around our country and our state.

The Patriot Guard Riders were founded in 2005 to shield families of fallen heroes from those that would disrupt the services of their loved ones. The organization has grown to include thousands of members across all 50 states in the U.S. New York State, being organized in 2006, became a nonprofit corporation in 2010.

The mission of the Patriot Guard Riders is to attend the funeral services and stand flag lines for military members, veterans, and first responders, as invited guests of the family to show respect and gratitude for those who served, as well as to support their families.

The organization's flag lines may be present at airport arrivals, funeral homes, churches, dignified transfers, and at burials or internments.

Their countless endeavors also include raising funds for Reach Across America and, most importantly, organizing civilian volunteers to place wreaths in national cemeteries.

Patriot Guard Riders of New York supports the military veterans' Blue and Gold Star families through its help on the Home Front Program. This esteemed organization honors those forgotten veterans who have no family to claim their remains by securing a final resting place and arranging for a full military funeral, through its Veteran Recovery Program.

Madam President, on the floor with me today is New York State Captain Bill Schaaf, Assistant State Captain Ray Sestak, as well as Paul Orzolek, Eugene Spicer and Martin Kaiser.

In the gallery we are joined with Brett Larson, Shirley Gawlak, Barbara Ziarno, Kathy Orzolek, and John Mercier.

Thank you for allowing me to bring this resolution to the floor. Please recognize them and afford them all the cordialities of the house.

ACTING PRESIDENT MAYER: Thank you, Senator Ashby.

To our distinguished guests from the Patriot Guard Riders of New York, we thank you for your service. We thank you for all you have done. We 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 MAYER: The resolution was previously adopted on April 16th.

Senator Gianaris.

SENATOR GIANARIS: Let's stick with Senator Ashby, and let's take up -- oh, I'm sorry, Stec. Let's move on to Senator Stec, previously adopted Resolution 2003, read its title and recognize Senator Stec.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Resolution 2003, by Senator Stec, congratulating the Glens Falls High School Boys Varsity Basketball Team upon the occasion of capturing the New York State Public High School Athletic Association Basketball Class A Championship on March 16, 2024.

ACTING PRESIDENT MAYER: Senator Stec on the resolution.

SENATOR STEC: Thank you, Madam President.

And thank you for allowing me to

introduce this fantastic state championship basketball team that's with us here today.

Glens Falls has a storied past of a lot of fantastic basketball teams, and certainly this year's team will go down among them. They finished the season with a perfect 27-and-0 record.

I had the great privilege and excitement to be in the Glens Falls Civic Center, sitting right behind the team bench, for their semifinal and final games. Outstanding to have that inside view and listen to the coaches talking to the boys and keeping them focused and motivated.

And they truly ran up the score a little bit in the championship game. They finished strong, just an absolutely impressive victory.

Again, it's a double privilege that it was a home game for the Black Bears, being in the Glens Falls Civic Center, the Cool Insuring Arena that's hosted many of our state championship basketball games. Unfortunately, they'll lose that for the next couple of years, but hopefully the powers that be will realize the

second time the error of their ways and return to Glens Falls.

But in the meantime, boys and your coaches, congratulations on behalf of our community that we live and love in, the Glens Falls area. Thank you for an exciting run for all of us that live locally to be able to watch this year. You know, a truly, truly impressive finish.

And I want to recognize the members of the team, if I may just briefly: Jacob Barber, Jake Burns, Kellen Driscoll, Brody Holcomb, Oscar Lilac, Ralphael Maldonado, Bryce McClenning, Cooper Nadler, Aiden Prunty, Collin Woodell; Team Managers Claire Cygan and Tyrell Gooden; and Head Coach Rob Girard and his coaching staff Cam Girard, Sonny McTiernan, Dan Hall, Jr., Stephen Zurlo, and Trent Girard, and of course Athletic Director Shane Jones.

Again, thank you, Glens Falls Black Bears, for being here today.

And, Madam President, if you would please also join me in congratulating them and extend to them the cordialities of the house.

ACTING PRESIDENT MAYER: Thank you,

Senator Stec.

To our guests from the Glens Falls High School Boys Basketball Black Bears -- is that right? What?

SENATOR STEC: Formerly the Glens Falls Indians, and now the Glens Falls Black Bears.

ACTING PRESIDENT MAYER: Okay, I got it.

We welcome you on behalf of the Senate. We extend to you all the privileges and courtesies of the house. Congratulations on your victory.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: The resolution was previously adopted on March 26th.

Senator Gianaris.

SENATOR GIANARIS: Let's stick with Stec.

(Laughter.)

SENATOR GIANARIS: Previously adopted Resolution 2031, read its title, and recognize Senator Stec.

ACTING PRESIDENT MAYER: The

Secretary will read.

THE SECRETARY: Resolution 2031, by Senator Stec, congratulating Piper Dock upon the occasion of winning the New York State Public High School Athletic Association Slalom Championship on February 26, 2024.

ACTING PRESIDENT MAYER: Senator Stec on the resolution.

SENATOR STEC: Thank you, Madam President.

And thank you, Deputy Leader Gianaris. I love hearing you say the phrase "Stick with Stec" on the floor. I'm waiting to hear "Stick with Stec" when we're on the active list.

(Laughter.)

SENATOR GIANARIS: (Inaudible.)

SENATOR STEC: I'd like two back-to-back, please.

But anyways, all kidding aside, more Black Bears in attendance today. This time we're celebrating a ski champion. And if you've never heard the name of a skier -- Piper Dock, if that's not the name of a skier, I don't know what is.

But Piper Dock finished the ski championship, a state championship, also in the 45th Senate District -- not quite the home game that her brother Black Bears had with the basketball championship, but she was just up the road, also in the Adirondacks, skiing at Whiteface, which of course we all know and love, and love to fund.

But she did a fantastic job. She's joined today by her parents, Jeff and Alicia Dock, and Jeff not only is her dad but Jeff is also her coach.

Again, Piper, congratulations to you on a fantastic ski season. I don't have an appreciation for this number -- I mean, I can get my head around 27-and-0 for a basketball team, but her combined time in the state championship was 1.38.98, which I assume is very fast, apparently fast enough to be the state champion.

So, Piper, congratulations to you, and thank you and your parents for everything that you've done to bring honor to the Glens Falls Black Bears. And thanks for coming down today.

And Madam President, if you would

also please extend the cordialities of the house to Piper Dock, ski champion, and her mom and dad.

ACTING PRESIDENT MAYER: To Piper Dock, state champion, your mother and father, we 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 MAYER: The resolution was previously adopted on March 26th.

Senator Gianaris.

SENATOR GIANARIS: The resolutions' sponsors would like to open them for cosponsorship.

ACTING PRESIDENT MAYER: The resolutions are open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: There is a report of the Finance Committee at the desk. Let's take that up, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the following nominations:

As commissioner of the Department of Corrections and Community Supervision, Daniel F. Martuscello III.

As a member of the State Commission of Correction, Elizabeth A. Gaynes.

As a member of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office, Wendy J. Cheplick.

As members of the Justice Center Advisory Council: Geno DeCondo, Kathleen Gaffney-Babb, Michael A. Agovino and Ijaz Ahmad.

As members of the Board of Visitors of the Home for Veterans and their Dependents at Batavia: Daniel J. Burling, Laura A. Stradley, and Richard G. Oleksyn.

As members of the Board of Visitors of the Home for Veterans and their Dependents at Montrose: Albert Zawiski, Susan Branam, Daniel Griffin, and Katherine A. Ward-Buckley.

As members of the Board of Visitors of the Home for Veterans and their Dependents at Oxford: Cecelia D. Lange and Larry F. Bourque.

As members of the Board of Visitors of the Home for Veterans and their Dependents at St. Albans: Ashton Stewart, Gregg Porter, and Michael P. O'Kane.

As members of the Administrative Review Board for Professional Medical Conduct: Heidi B. Miller and Richard Milone.

As members of the Continuing Care Retirement Community Council: Janet K. Schloat, Michelle Gramoglia, and J. Brian Nealon.

As members of the Council on Human Blood and Transfusion Services: Rachel C. Elder and Philip L. McCarthy.

As members of the Health Equity Council: Alberto Cardelle, John R. Pamplin, Mario R. Ortiz, Sara A. Boerenko, Mill Etienne, and Raul Vazquez.

As members of the Public Health and Health Planning Council: Lindsay Farrell, Marcus Friedrich, Michelle T. Mazzacco, Stanfort J. Perry, Wendy C. Wilcox, Jeffrey A. Kraut, Lawrence E. Eisenstein, Gary E. Kalkut, Scott P. LaRue, Harvey Lawrence, Ann F. Monroe, and Mario R. Ortiz.

And as a member of the State Camp

Safety Advisory Council, Michael R. Clarke.

SENATOR GIANARIS: Move to accept the report of the Finance Committee, and ask that you recognize Senator Krueger.

ACTING PRESIDENT MAYER: All those in favor of accepting the report of the Finance Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The report of the Finance Committee is accepted.

Senator Krueger on the nominations.

SENATOR KRUEGER: Thank you, Madam President.

So we just heard an extraordinarily long list of people that have been nominated by the Governor and confirmed.

Just to clarify, the vast majority -- really, after the first two -- are people who are being confirmed to various commissions and councils and planning councils and review boards that are critically important to ensure the best agencies and work that can be

done for the State of New York. But those are unpaid positions, primarily volunteer, sometimes with per diems.

We are greatly appreciative that people like this, very often in professional positions themselves, are willing to give of their time and their commitment to their issues, that they agree to serve in these positions. So we don't want to give them short shrift, and we definitely appreciate all the work that they are willing to do on behalf of the 20 million New Yorkers.

But I am going to highlight the two nominees that are being confirmed today to commissioner positions and paid positions. One is Elizabeth Gaynes, State Commission of Correction.

And she I think will have several people speaking on her behalf, and so I'm just very delighted that she is joining this Commission of Correction.

And she is well-known for her work in reentry programs on behalf of the people of New York for decades and decades.

But also for the nomination and

confirmation of Daniel Martuscello III to be the commissioner of the Department of Corrections and Community Supervision, what we often call DOCCS.

I want to recognize first that he is joined here today by his mother, Victoria; his sister Katherine; his brother, Nicholas; and his sister Victoria. We double-checked; you have two Victorias in the family. And a baby with one of the Victorias, very adorable.

So I want to just quickly say if anybody hasn't seen his resume -- and he went through an in-depth hearing process with multiple committees. He reached out and met with many of us individually before. And if you look at his vitae, you would think he started as a young child with DOCCS. I didn't think we hired young children. But in fact he has been with the agency I believe 27 years, in pretty much every position you would think such a large agency could have.

And I say that because I think it reflects on the fact that all of us who did have the chance to meet with him and interview him privately or in the hearing process, there wasn't a question asked that he couldn't answer. And he

wasn't looking at notes. And he gave answers to very difficult questions. And he laid out a vision for leading the agency, and leading the agency in some cases in different directions than it has been led before.

And he left everyone, at least in our conference, after meeting with him and talking to him, with the belief that there really couldn't be a better candidate to be the commissioner of DOCCS.

And so I'm very proud to be able to urge everyone to vote for him, as well as Liz Gaynes, as well as everyone on the list.

But since every Senator understands how complicated the issues are within the DOCCS system, both for ensuring the protection and safety of people in our community and believing that people who are ending up being incarcerated are treated humanely and with respect within the incarceration system and, perhaps most important for them, see an opportunity upon leaving -- because the vast majority of people who go into our prisons do in fact get out and come back into our communities -- understanding what role the Department of Corrections can play in helping

people learn new skills, deal with the perhaps devils in them that got them there in the first place, confront new opportunities for themselves when they leave.

And I truly believe that we are going to see significant improvements in how DOCCS handles things and how they will work with our communities and everyone in them.

So I'm going to allow others to speak now, and just close by saying I do hope everyone will vote yes today.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Krueger.

Senator Salazar on the nominations.

SENATOR SALAZAR: Thank you, Madam President.

I rise to express my strong support for the confirmation of Elizabeth -- Liz -- Gaynes as a member of the New York State Commission of Correction.

As chair of the Senate's Committee on Crime Victims, Crime and Correction, an important focus among others is to ensure that individuals incarcerated in New York State are

treated with respect and dignity, are safe, and that the correctional facilities are accountable and abide by the laws that we pass.

The Commission of Correction has limited oversight responsibilities relating to state correctional facilities, but the primary work of the SCOC relates to the oversight of local jails and police lockups. These are the entry point for many people in the correctional system. They house individuals convicted of misdemeanors, people convicted of felonies who may be heading to state prison, large populations of individuals who have not been convicted of any charge and are being held pending trial.

These facilities are run by county sheriffs in counties outside of New York City, of course, by local police departments, and in New York City by NYCDOC.

Many observers have concluded that the SCOC has not fully carried out its mission over a period of many years, and one result of that is the ongoing crisis in the jails on Rikers Island.

However, I am proud to support Liz Gaynes in becoming a member of the

commission, as her lifework for more than 50 years has been to make jails and prisons more humane and safe, to hold those who run such facilities accountable.

I also learned that when Ms. Gaynes began law school at Syracuse University College of Law, she was at the time one of only five women enrolled in the entire law school.

She went on to become the leader of the Osborne Association for close to 40 years. Liz led that organization into becoming a leading provider of family-focused services and programs for New York's correctional facilities.

Liz Gaynes is a leading national and internationally recognized expert on conditions of confinement, on how to establish programs that assist incarcerated individuals and their families, on how to create meaningful and successful reentry programs, and on how to hold correctional agencies accountable.

Liz recently led the effort to convince New York State to turn over a closed prison in the Bronx to create the new Fulton Community Reentry Center, which recently opened and provides innovative transitional

reentry housing for 140 people after they're released from New York's prisons.

Liz is a leader and a visionary. She also has shown, through 50-plus years of work, her dedication and ability to make meaningful change happen, which is critically needed in the SCOC.

I look forward to working with Liz in her new capacity and to seeing the positive impact on our correctional system of having a person with her knowledge, her experience, her care and dedication in the role as a member of the New York State Commission of Correction.

I vote in the affirmative on Ms. Gaynes' nomination as well as the nomination of Acting Commissioner Martuscello.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Salazar.

Senator Bailey on the nominations.

SENATOR BAILEY: Thank you, Madam President.

I want to thank the Governor for these nominations. And a number of qualified individuals; I want to make sure I specifically

lift up the name of Commissioner -- soon-to-be-Commissioner Martuscello, acting commissioner currently.

His work has been impressive. And it's important, you know, when you've done multiple jobs within an administration, you know how those jobs can be done, most importantly how they should be done. And Commissioner Martuscello has done so many jobs within DOCCS -- as Senator Krueger alluded to, I don't know at what age he started working there -- but he's done them incredibly well.

And he came down to the district, spoke about a number of positions, reentry conversations. But there was something striking that really came to me, and it's always said those who are closest to the pain are closest to the solution. So when my friend Eddie Gibbs, the first formerly incarcerated member of the State Legislature, not only said that Dan is a good guy, but he's that guy, I take that seriously.

And so with that, I look forward to continuing to work with you. I look forward to making sure that our correctional system is truly

rehabilitative and that we understand that no human is disposable. And I think that the work that you've done in terms of creating a pathway, pilot programs for SNAP, so that individuals that are being released from incarceration can actually eat when they leave. A novel concept, Madam President. And that they no longer suffer from isolation, making sure that they are able to have contact with each other.

So I appreciate the work that you've done, and I think that when we get started we'll as a Legislature, as a State Senate under the leadership of Andrea Stewart-Cousins, we can and will and definitely will continue to be in great contact with you, but we look forward to the continued work. And I will proudly vote aye on the nomination.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Bailey.

Senator Rivera on the nominations.

SENATOR RIVERA: Thank you, Madam President.

I also stand to vote in the affirmative on both of these nominations.

Briefly, on Commissioner Martuscello -- acting commissioner, soon to be commissioner -- as we've had conversations over the last couple of months, I've definitely come to learn more about the vision that he has for the agency. And as much issues as I've had with the agency over the years, I think it is incredibly important to have somebody that obviously recognizes how the agency functions, because he's been in there for so long, but has a vision of doing things a little bit differently.

I believe, as I've said many times on the floor of the Senate, Madam President, nobody should be judged by the worst thing that they have ever done. And we should -- and considering that most of the people who are incarcerated are going to return to our communities, then we should make sure to have a corrections system that actually facilitates that and makes sure that these folks are ready to come back.

And I do believe that the commissioner will do his best to push the agency in that direction, and I thank him for it.

But I also want to just speak

briefly about my good friend Liz Gaynes. When I was first elected to the Senate in 2010, I was the ranking member on the Crime Victims, Crime and Corrections Committee. And as I knew a little bit about criminal justice, but certainly not that much as a policy thing, I had started to meet with a lot of organizations and individuals that knew a lot more about it than I did. And one of the first folks that I met was Liz.

And during that conversation I remember just getting a sense that this was somebody who had a long knowledge of how the system works, a sense of what we need to do to make it different, and also a sense of how to, within the confines of a messed-up system, do the best that we can to serve the people who are in it, not only the individuals who are incarcerated but certainly their families.

Since then, and I'm glad that Senator Salazar mentioned this, there is one thing that we did very early in our relationship together, in our career together, was to find the Fulton Correctional Facility, to then transform it -- it was her idea, Madam President, back in 2011 or 2012, to transform it into a reentry

center.

And just a few months ago -- and Acting Commissioner Martuscello was there -- we had the chance to go inside what was once a depressing work release facility and instead turned into a reentry center that's the first of its kind in the country, that will welcome folks coming back into the community in a place that they can actually get all services in one place, and make sure that these folks transition back into fully productive members of society. And the vision of how that came to be was from Liz.

And besides that, there are so many times when I've learned so much from her over the years. She's somebody who is incredibly knowledgeable, incredibly kind, but she can be a pain sometimes when she needs to be. And that's one of the things that I've really loved about her.

And the fact that the Governor has sent us this nomination, I just want to thank the Governor for doing that. Because she served many years as the leader of the Osborne Society. Recognizing that the Osborne Society needed to have new leadership, she actually stepped down,

still with all of her capacities, all of her -- she could still be there, she could still be running that place, but she decided to step back, to let a woman of color lead the organization, to now being led by a man of color.

And this is something that now in her retirement, we needed for her to -- you know, to find something for her to do. Because I know that she was just enjoying too many pina coladas -- no, actually she was still working, working incredibly hard, and this will just give her even more purpose.

So I just -- I wanted to take all that time because I have such a great admiration, love and respect for the Honorable -- now she's going to be honorable, which is, you know, a little difficult for her to kind of comprehend. Now she's going to be a commissioner, she's going to be the Honorable Liz Gaynes.

But for me, she will always be my friend. I adore you, my friend. Congratulations on this.

And I vote in the affirmative.

ACTING PRESIDENT MAYER: Thank you, Senator Rivera.

Senator Harckham on the nominations.

SENATOR HARCKHAM: Thank you very much, Madam President.

First, a point of personal privilege, if I may. I want to congratulate Justin Kirby, who is the young man who is standing next to you as you are furiously signing. Just two weeks ago he was a session assistant doing an amazing job in our office, and now he's doing an amazing job on the Senate desk. So congratulations, great to see you there.

I too join my colleagues to first thank the Governor for this great set of nominees, and I too rise to speak on Commissioner Martuscello. Soon to be Commissioner Martuscello. Momentarily to be Commissioner Martuscello.

I have worked with him about some -- a number of issues back to when we first began integrating medication-assisted treatment into our correctional facilities, dealing with a few issues of constituents. And I consider incarcerated individuals in my district to be constituents.

He has been very responsive, very

helpful. And as you mentioned earlier today, Madam President, the Town of Bedford Prison Advisory Committee and the work that he's done on that -- and that's just but one community throughout the state -- and he's certainly been to more of those meetings than I have.

So just his responsiveness is really impressive. And we as Senators, both publicly and privately, acknowledge there are very responsive agencies, very responsive commissioners, and some who are not so. And this commissioner will fall to the front of the former category.

And I believe the challenges we face as we go forward working with DOCCS, this is a very, very positive sign, to have somebody who's responsive and willing to engage on a regular basis.

So I am fully on board. I will be voting aye. And congratulations to all the nominees.

Thank you.

ACTING PRESIDENT MAYER: Senator May on the nominations.

SENATOR MAY: Thank you,

Madam President.

I want to join my colleagues in congratulating Commissioner Martuscello and welcoming him.

As the Senator from Auburn, also known as Prison City, I look forward to working together with you on behalf of both the employees and the incarcerated individuals who are my constituents.

It is a remarkable facility, a historic building, but desperately in need of modernization. And I hope we can work together to get better working conditions and living conditions for the people of my district.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator May.

The question is on the nominations.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to the nominations, those Senators voting in the negative are Senators Ashby, Borrello,

Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Ramos, Rhoads, Rolison, Tedisco, Weber and Weik.

Ayes, 37. Nays, 19.

ACTING PRESIDENT MAYER: The nominees are confirmed.

Let me congratulate Commissioner Daniel Martuscello, commissioner of DOCCS, and Elizabeth Gaynes, member of the State Commission of Correction.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Please take up the reading of the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 244, Senate Print 5865, by Senator Murray, an act in relation to authorizing the assessor of the Town of Brookhaven to accept from the Post-Morrow Foundation, Inc. an application for exemption from real property taxes.

ACTING PRESIDENT MAYER: Read the

last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 410, Senate Print 4321, by Senator Lanza, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 442, Senate Print 8323, by Senator Ramos, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Madam President.

Last wednesday the Labor Committee held its first-ever Workers' Comp oversight hearing. And I want to thank Senators Fernandez, Jackson, Rhoads and Martins for participating in that hearing with me. I'm hoping that this becomes an annual occurrence.

You know, for five hours my colleagues and I heard from stakeholders in this complicated and opaque industry. In addition to

NYSIF and the Workers' Comp commissioner, we heard from attorneys, labor, pharmacists, doctors and, most importantly, injured workers and their loved ones.

Today I want to point to the testimony of Mrs. Barbara Miller, who spoke to exactly why we need this legislation. Mrs. Miller is the caretaker for her husband, who was a self-employed electrician. Mr. Miller suffered a traumatic brain injury at work that completely changed his and his family's life.

The experience of trying to navigate workers' comp, finding doctors, fighting with insurance providers, and trying to get answers from workers' comp left them feeling frustrated, hopeless and like their rights and dignity had been violated.

With this bill, we are making a simple and obvious fix that will make a world of difference. Because believe it or not, attorneys for injured workers are not currently allowed to communicate directly with their client's doctors. This creates delays and opportunities for miscommunication that can have devastating consequences.

I dedicate this bill to Mr. and Mrs. Miller and all the injured workers who bravely shared their stories with the Labor Committee.

I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 442, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Griffo, Helming, Murray, O'Mara and Weik.

Ayes, 49. Nays, 7.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 496, Senate Print 5262, by Senator Sanders, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 550, Assembly Bill Number 7495, by Assemblymember Lavine, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 550, voting in the negative:

Senator Stec.

Ayes, 55. Nays, 1.

ACTING PRESIDENT MAYER: The bill

is passed.

THE SECRETARY: Calendar Number 573, Senate Print 2731A, by Senator Sanders, an act to amend the Insurance Law and the Vehicle and Traffic Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 603, Assembly Bill Number 8029C, by Assemblymember Epstein, an act directing the Metropolitan Transportation Authority and the New York City Transit Authority to rename the 23rd Street subway station.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 603, voting in the negative:

Senator Krueger.

Ayes, 55. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 653, Senate Print 1050B, by Senator Cooney, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 656, Senate Print 5635A, by Senator Webb, an act to amend the Education Law and the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Webb to explain her vote.

SENATOR WEBB: Thank you, Madam President.

This legislation lifts up our continued efforts to address challenges around getting access to care. And in this case, this legislation is specifically dealing with contraceptive care.

Over 25,000 women throughout

New York live in what's called contraceptive deserts, which means they lack access to single clinics offering the full range of contraceptives. As a result, some women must cross county lines to receive the contraceptive of their choice.

These barriers to access place additional burdens on women and families struggling to make ends meet. Sixty percent of women who are of reproductive age currently are using a contraceptive method. It is clear that access to contraception is a public health concern.

The Depo-Provera shot is a hormonal contraceptive injection that must be administered -- or received every three months. In New York it must be given by your healthcare provider. This is an unnecessary barrier keeping women from the contraceptive of their choice.

This bill will allow pharmacists to carry out scripts given by physicians allowing women to receive their hormonal injections from either their local pharmacist or their doctor's office every three months.

Pharmacies are convenient locations

for accessing birth control, given their prevalence in communities and their flexible hours. Pharmacists must comply with training requirements. They also, as part of this legislation, will have to provide and assess self-screening risk-assessment questionnaires to patients and also provide other relevant information.

This legislation will help to remove barriers to access for marginalized communities of young people, rural communities, and other individuals who have historically experienced barriers to reproductive and contraceptive care.

I want to thank the Majority Leader for bringing this legislation to the floor. I vote aye and encourage my colleagues to do the same.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 656, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Lanza,

Mattera, Murray, Oberacker, O'Mara, Ortt and Stec. Also Senator Tedisco.

Ayes, 44. Nays, 12.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 684, Senate Print 7937, by Senator Harckham, an act to amend the Correction Law.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam President.

First I want to thank the Majority Leader for bringing this legislation forward.

I want to thank Senator Salazar for her care in shepherding this through her

committee and her amazing job that she does as chair of that committee.

It's appropriate that the commissioner of Corrections and Community Supervision was just here, because this bill would require him to make water-testing results known of correctional facilities to both the incarcerated individuals and the staff who work there.

And the reason this is so important, there's a study that was done: More than a million incarcerated individuals are at risk for exposure to PFAS in their water. That doesn't include the staff who work there, uniform and civilian, as well as those in the surrounding community. So this is also a bellwether for surrounding communities.

So I appreciate all involved for getting this bill to the floor. This will protect public health. It will protect the health of the staff and of incarcerated individuals.

And I vote aye. Thank you very much.

ACTING PRESIDENT MAYER: Senator

Harckham to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 684, voting in the negative:

Senator Ortt.

Ayes, 55. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 800, Senate Print 5896, by Senator Breslin, an act to amend the Insurance Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 950, Senate Print 6424C, by Senator Persaud, an

act to amend the Social Services Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 966, Senate Print 1316A, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 966, voting in the negative are Senators Borrello, Oberacker, Ortt and Stec.

Ayes, 52. Nays, 4.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1027, Assembly Bill Number 9466, by Assemblymember Pretlow, an act to amend the Local Finance Law.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1057, Senate Print 8602, by Senator Ramos, an act

to amend the Labor Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you.

In 2021, minor league players came to me to share their stories. These players, many of them immigrants, were working two to three jobs, sleeping on airport floors, and earning less than minimum wage, hoping the struggle would one day pay off.

I helped broker a meeting between these players and the owner of my hometown team, the Mets. And in September 2022, the minor leaguers officially joined the Major League Baseball Players Association and started negotiating their very first contract.

I'm proud to say that this legislation is the final checkmark in that

contract negotiation. These minor league players lifted 5,500 players out of extreme poverty. And I'm so proud to say that they courageously stepped up, and now we're seeing the results.

Ninety-nine percent of the players voted to ratify a tentative contract that nearly doubled base pay, earned them pay for spring training -- which they had previously been doing for free -- and grants the players just-cause provisions. These workers now have a collective voice that allows them to focus on the game we love.

I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1089, Senate Print 4340, by Senator Sepúlveda, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 1089, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Griffo, Lanza, Murray, Oberacker, O'Mara, Rhoads, Stec, Tedisco and Weik.

Ayes, 45. Nays, 11.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1095, Senate Print 7517, by Senator Sepúlveda, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1115, Senate Print 6584C, by Senator Gianaris, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1125, Senate Print 1156, by Senator Skoufis, an act to amend the General Municipal Law.

ACTING PRESIDENT MAYER: Read the

last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1139, Senate Print 9250, by Senator Serrano, an act to amend Chapter 138 of the Laws of 1998.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill

is passed.

THE SECRETARY: Calendar Number 1145, Senate Print 8781A, by Senator Cooney, an act to amend the General Municipal Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1222, Senate Print 9163A, by Senator Breslin, an act authorizing the Praise Tabernacle Church of God to receive retroactive real property tax exempt status.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 1222, voting in the negative: Senator O'Mara.

Ayes, 55. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 1224, Senate Print 9486, by Senator Thomas, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MAYER: The bill

is passed.

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

SENATOR GIANARIS: Returning to motions, on behalf of Senator Kavanagh, on page 77 I offer the following amendments to Calendar 1105, Senate 2960, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: Is there any further business at the desk?

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

SENATOR GIANARIS: Move to adjourn until Tuesday, May 28th, at 3:00 p.m., with the intervening days being legislative days.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Tuesday, May 28th, at 3:00 p.m., with the intervening days being legislative days.

(Whereupon, at 12:41 p.m., the Senate adjourned.)