

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 May 6, 2026

11 3:35 p.m.

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13
14 REGULAR SESSION

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18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT MAYER: The Senate
3 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 MAYER: The
9 Reverend Dr. Shanell Turpin, of the
10 Second Missionary Baptist Church in Catskill,
11 New York, will deliver today's invocation.

12 REVEREND TURPIN: If you could take
13 the hand of the person standing next to you --

14 (Assemblage reaction.)

15 REVEREND TURPIN: -- or grab
16 someone's hand.

17 (Assemblage reaction.)

18 REVEREND TURPIN: Let us pray.

19 Almighty and eternal and all-loving
20 Father, in this place where laws are made and
21 discussed and debated, we remember Your greatest
22 law and commandment: That thou shalt love the
23 Lord thy God with all thy heart, with all thy
24 mind, and with all thy strength.

25 And we come before You today asking

1 for Your holy spirit to be in this place and upon
2 us today, and help us remember Your second
3 greatest law and commandment, that we ought to
4 love our neighbor as ourself.

5 So today, God, we remember our
6 neighbor as we make decisions. And we don't know
7 what our neighbor needs, but we know they need
8 something. So, God, bless my neighbor.

9 I don't know what they're dealing
10 with, but bless them, God. Use my hands to bless
11 my neighbor -- not just the neighbor standing
12 next to me, but the neighbor that I cannot see.
13 Bless our neighbor today, Lord, because we need
14 our neighbor to survive.

15 So bless our neighbor, and we know
16 that if You bless our neighbor, we will be
17 blessed, because You're in the neighborhood.

18 So we pray this prayer over all
19 those who make decisions, so that they might do
20 Your will in this place.

21 It is in respect with all faith
22 traditions that we pray.

23 But in the name of Jesus, amen.

24 (Response of "Amen.")

25 ACTING PRESIDENT MAYER: Thank you,

1 Reverend, for reminding us to hold each other's
2 hands. Thank you very much.

3 Reading of the Journal.

4 THE SECRETARY: In Senate, Tuesday,
5 May 5, 2026, the Senate met pursuant to
6 adjournment. The Journal of Monday, May 4th,
7 2026, was read and approved --

8 ACTING PRESIDENT MAYER: Can we
9 have some order.

10 THE SECRETARY: On motion, the
11 Senate adjourned.

12 ACTING PRESIDENT MAYER: Sorry.

13 Without objection, the Journal
14 stands approved as read.

15 Presentation of petitions.

16 Messages from the Assembly.

17 The Secretary will read.

18 THE SECRETARY: Senator Comrie
19 moves to discharge, from the Committee on
20 Energy and Telecommunications, Assembly Bill
21 Number 2400A and substitute it for the identical
22 Senate Bill 1847A, Third Reading Calendar 141.

23 Senator May moves to discharge, from
24 the Committee on Energy and Telecommunications,
25 Assembly Bill Number 4127A and substitute it for

1 the identical Senate Bill 1227A, Third Reading
2 Calendar 453.

3 Senator Baskin moves to discharge,
4 from the Committee on Corporations, Authorities
5 and Commissions, Assembly Bill Number 10602 and
6 substitute it for the identical Senate Bill
7 Number 9355, Third Reading Calendar 830.

8 Senator Jackson moves to discharge,
9 from the Committee on Veterans, Homeland Security
10 and Military Affairs, Assembly Bill Number 688
11 and substitute it for the identical Senate Bill
12 4675, Third Reading Calendar 860.

13 ACTING PRESIDENT MAYER: So
14 ordered.

15 Messages from the Governor.

16 Reports of standing committees.

17 Reports of select committees.

18 Communications and reports from
19 state officers.

20 Motions and resolutions.

21 Senator Gianaris.

22 SENATOR GIANARIS: Good afternoon,
23 Madam President.

24 Amendments are offered to the
25 following Third Reading Calendar bills, both by

1 Senator May.

2 On page 33, Calendar Number 685,
3 Senate Print 9097;

4 And on page 43, Calendar Number 835,
5 Senate Print 8623.

6 ACTING PRESIDENT MAYER: The
7 amendments are received, and the bills will
8 retain their place on the Third Reading Calendar.
9 Senator Gianaris.

10 SENATOR GIANARIS: Please recognize
11 Senator Hinchey for an introduction.

12 ACTING PRESIDENT MAYER: Senator
13 Hinchey for an introduction.

14 SENATOR HINCHEY: Madam President,
15 I rise to introduce a special group of student
16 leaders.

17 We have student government officers
18 from all three elementary schools in Saugerties:
19 Cahill, Morse and Riccardi elementary schools.

20 These students ran their own
21 campaigns, they wrote essays, they stood before
22 their peers and made their case for why they
23 should be elected. And they won their seats.

24 Then they got to work, delivering on
25 their vision to serve their community and

1 New York as a whole.

2 On their way to the Capitol this
3 morning, they stopped at the Ronald McDonald
4 House, where they hand-delivered supplies and
5 gift cards raised through their annual Readathon.
6 Those donations will go directly to help families
7 in need here in Albany.

8 And back home, they show up
9 consistently for our senior community at
10 Ivy Lodge. They hold supply drives so residents
11 can receive care packages and feel the love from
12 their community. They visit on Veterans Day.
13 They return at the holidays to sing carols, play
14 music, and host "crafternoons."

15 And through their Flag Drive, they
16 plant hundreds of American flags on the front
17 lawn to honor our veterans.

18 At school, they lead with
19 compassion. A previous student officer had the
20 idea to create the SCORE store, which stands for
21 "Saugerties Community Offering Resources for
22 Everyone." Ever since, students have committed
23 to keep it running. It's a free school supply
24 shop stocked by community donations. Any student
25 can walk in and get what they need -- no

1 judgments, no questions asked.

2 And just last month they raised
3 money for the Saugerties Animal Shelter and
4 Adaptive Design of the Hudson Valley, a nonprofit
5 that builds custom devices for our neighbors with
6 physical limitations.

7 These student government officers
8 are truly walking the walk. They're setting an
9 incredible example for what public service should
10 be, and showing what it means to lead with
11 kindness. And we're so glad that they're here.

12 Madam President, I would like to
13 name the students who are here with us today.

14 We have Emma Granwehr -- feel free
15 to stand if you want to. We have Emma Granwehr,
16 Matthew Seplavy, Owen Gelles, Raina Burt,
17 McKenzie Coutant, Brady Koegel, Turner Freeburg,
18 Wyatt Smith, Elijah Yoshino, Audrey Heinlein,
19 Michael Tiano, Lucas Tiano, Lennon Topple,
20 Cash Fellows, and Willow Swart, with
21 Chaperones Stephanie Pettit, Sarah Prutzman,
22 Tammy Drost, Ronda Quick-Swart, and
23 Jen Arcadipane.

24 A quick note: I had the pleasure of
25 growing up and going to Saugerties High School

1 with many of these students' parents, including
2 one of my fellow classmates, who's also here.

3 And it is just such a privilege to
4 have you. Thanks for your leadership in our
5 community. Thank you to the teachers and the
6 chaperones who are here.

7 Madam President, please offer them
8 all of the privileges of the chamber and welcome
9 them.

10 ACTING PRESIDENT MAYER: Thank you,
11 Senator Hinchey.

12 To our guests from the Saugerties
13 School District student government officers, we
14 welcome you to the Senate. We extend to you the
15 privileges and cordialities of our house.

16 Please remain standing while you are
17 recognized.

18 (Standing ovation.)

19 ACTING PRESIDENT MAYER: Senator
20 Gianaris.

21 SENATOR GIANARIS: Now let's move
22 on to previously adopted Resolution 2038, also by
23 Senator Hinchey, read its title and call on
24 Senator Hinchey once again.

25 ACTING PRESIDENT MAYER: The

1 Secretary will read.

2 THE SECRETARY: Resolution 2038,
3 by Senator Hinchey, congratulating the
4 Marlboro High School Boys Bowling Team upon the
5 occasion of winning the New York State Public
6 High School Athletic Association Division II
7 State Championship.

8 ACTING PRESIDENT MAYER: Senator
9 Hinchey on the resolution.

10 SENATOR HINCHEY: It's a great day
11 for the 41st District in this chamber today,
12 Madam President.

13 I rise to recognize a group of state
14 champions, our 2026 New York State Boys
15 Division II State Champion Bowling Team, the
16 Marlboro Dukes from Marlboro High School.

17 The Marlboro Dukes are no strangers
18 to victory. Last year these players made history
19 by capturing the first state title in program
20 history; they battled against Seaford High School
21 and narrowly won by just three pins.

22 This year, they returned to the
23 lanes with a title to defend. They faced Seaford
24 once again, with renewed resolve, and they
25 focused on each frame, knowing that every roll

1 could make the difference.

2 Their incredible talents were
3 rewarded again this year -- they took home
4 another state championship, this time by 10 pins.

5 Winning one title is difficult
6 enough, but defending it requires a whole
7 different level of prowess. It demands
8 relentless discipline and nerves of steel.

9 These student athletes spend
10 countless hours in the lanes. Their success is a
11 testament to their hard work and that of their
12 coaches.

13 Securing back-to-back victories
14 cements the Marlboro Dukes' legacy as a
15 powerhouse in New York high school bowling. They
16 have represented their school and their town with
17 excellence and integrity, and they have shown us
18 that through unity and perseverance, a small-town
19 team can dominate the state stage.

20 And that great team includes
21 Logan Daws, Matthes Lersch, Christopher Moulds,
22 Zachery Moulds, Carson Palmer, Andrez Smith
23 Vasquez, Patrick Tarsio IV, and Ryan Tarsio, with
24 Coach Michele Landis and Athletic Director
25 Philip Cancellaro.

1 Congratulations to this incredible
2 team. Thank you to the coaches and the parents
3 who believe in them.

4 Madam President, please join me in
5 congratulating the Marlboro Dukes on this
6 wonderful accomplishment and welcome them to the
7 chamber.

8 ACTING PRESIDENT MAYER: Thank you,
9 Senator Hinchey.

10 To our guests, the champions, state
11 champions from the Marlboro High School Boys
12 Bowling Team and their guests today, welcome to
13 the Senate. We're privileged to have you.

14 Please continue to be stand and be
15 recognized.

16 (Standing ovation.)

17 ACTING PRESIDENT MAYER: Senator
18 Gianaris.

19 SENATOR GIANARIS: Now please call
20 on Senator Sanders for an introduction.

21 ACTING PRESIDENT MAYER: That
22 resolution was previously adopted on May 5th.

23 Senator Sanders for an introduction.

24 SENATOR SANDERS: Thank you,
25 Madam President.

1 Madam President, some people say
2 that America's best years are behind it. They
3 say that with these rising gas prices, wars, our
4 best days are long gone.

5 To these folk I suggest that they
6 turn their attention to my district, where we
7 have a civics program, Kol Yisroel, which is
8 working to ensure that values are taught and we
9 will also learn critical thinking.

10 I had the pleasure of speaking to
11 these young men this afternoon, and Rabbis Wall
12 and Fink. And if I had just one more hour with
13 them, we would have solved the world's problems,
14 just one more hour.

15 I am very grateful they're here.
16 I'm grateful that they had traveled this far up.

17 And if you ever get a chance,
18 Madam President -- I believe you have taken some
19 of those chances also -- you too know that if you
20 give them one more hour, they will solve the
21 problems of the world.

22 Would you be kind enough,
23 Madam President, to offer them the courtesies of
24 the Senate for their long trip, and especially
25 for their critical thinking, so critical to the

1 American people this day.

2 Thank you very much,

3 Madam President.

4 ACTING PRESIDENT MAYER: Thank you,
5 Senator Sanders.

6 To our guests, who, yes, I had the
7 privilege of spending an hour with, or half an
8 hour today, from Kol Yisroel, and the rabbis that
9 are with them, we welcome you to the Senate on
10 behalf of all of our members. Please enjoy the
11 cordialities of the house.

12 Please rise and be recognized.

13 (Standing ovation.)

14 ACTING PRESIDENT MAYER: Senator
15 Gianaris.

16 SENATOR GIANARIS: Madam President,
17 our next introduction is by Senator Webb.

18 Please recognize Senator Webb.

19 ACTING PRESIDENT MAYER: Senator
20 Webb for an introduction.

21 SENATOR WEBB: Thank you,
22 Madam President.

23 I rise today for a very great
24 introduction. Today we are joined by one of my
25 constituents hailing from Homer, in

1 Cortland County. He is a veteran of the
2 United States Army and the 204th National Guard
3 Engineer Battalion, Mr. Patrick Kelley.

4 He valiantly served as a World Trade
5 Center responder on September 11, 2001.

6 Mr. Kelley served in the Binghamton-based
7 204th Engineer Battalion of the National Guard
8 and was called up during 9/11 by former
9 Governor Pataki.

10 The 204th Engineers had
11 traditionally been builders, and previously
12 worked on houses and schools in Central America
13 and around the world.

14 When he was called to New York City
15 on 9/11, Mr. Kelley, along with other members of
16 the New York State National Guard, honorably
17 sprang into action and worked as security guards
18 at Ground Zero. Thousands of National Guard
19 soldiers and airmen were a part of this response
20 to the World Trade Center attacks, which happened
21 25 years ago this year.

22 These selfless individuals, who were
23 on state active duty, have historically been
24 prevented from accessing workers' compensation.

25 Mr. Kelley inspired me to introduce

1 legislation that would include these members of
2 the New York State National Guard that were
3 harmed as a result of their efforts to access
4 these important benefits.

5 He is here with us today in Albany
6 to support not only this important legislation,
7 but to continue to be a voice and an advocate for
8 all of those who serve our country.

9 This legislation, nicknamed Kelley's
10 Law, is named after him because he is the person
11 that inspired it.

12 Madam President, I ask that you join
13 me in welcoming Mr. Kelley and his wife,
14 Terry Villanova, to our chamber and to extend to
15 them the privileges and courtesies of the floor.

16 Thank you, Madam President.

17 ACTING PRESIDENT MAYER: Thank you,
18 Senator Webb.

19 To Mr. Kelley, thank you for your
20 distinguished service. Thank you for your
21 response on 9/11. Thank you for your presence
22 here today.

23 You are welcomed and acknowledged
24 and respected by this entire chamber.

25 Please stand and be recognized.

1 (Standing ovation.)

2 ACTING PRESIDENT MAYER: Senator
3 Gianaris.

4 SENATOR GIANARIS: Okay, now let's
5 take up previously adopted Resolution 1980, by
6 Senator Webb -- bless you, Senator Griffo -- read
7 that resolution's title, and call on Senator Webb
8 again.

9 ACTING PRESIDENT MAYER: The
10 Secretary will read.

11 THE SECRETARY: Resolution 1980,
12 by Senator Webb, mourning the death of
13 Salvador Vizcarrondo Jr., distinguished
14 citizen and devoted member of his community.

15 ACTING PRESIDENT MAYER: Senator
16 Webb on the resolution.

17 SENATOR WEBB: Thank you,
18 Madam President. I rise again to lift up another
19 important introduction.

20 Today this resolution is in honor of
21 someone who we talk about in our chamber. We
22 often celebrate educators who give back in
23 innumerable ways but most certainly often go
24 without gratitude in the ways that we know they
25 deserve.

1 And they do it because they care and
2 they are committed to ensuring it because they
3 understand that education is a pathway for
4 success and a pathway to thrive.

5 And so Mr. Salvador --
6 affectionately known as Sal -- Vizcarrondo, was
7 one of those individuals.

8 We are joined today by
9 James Bullock, his nephew, and also family
10 members Damien Wagner and Kristen Sexton.

11 I had the pleasure of meeting and
12 working with Sal as a student at my alma mater,
13 Binghamton High School -- not that long ago, but
14 long enough.

15 And one of the great things about
16 Sal is that anyone that ever connected with him,
17 you knew that he was rooting for you. He was
18 always going to connect you to resources. And he
19 dedicated his life to doing just that, always
20 promoting educational opportunities for those who
21 often get left out.

22 He did a lot of work as an academic
23 counselor as part of the Upward Bound program.
24 This is an academic program that helps low-income
25 first-generation students from across our state

1 to achieve academic success in high school and
2 prepares them most certainly for college.

3 Through his work in supporting
4 countless students, he facilitated their
5 opportunities -- and I include myself in that
6 number -- for higher learning.

7 His work for SUNY Binghamton's
8 Upward Bound program began in 1971. And as he
9 continued to work with students throughout the
10 years, he emerged as a clear leader in the
11 organization.

12 When Sal passed away on October 24th
13 last year, he left behind a legacy of not only
14 former students and colleagues and friends, but
15 most of all his family. He is someone that has a
16 history of breaking barriers and blazing pathways
17 forward for others.

18 He was a member of the first
19 graduating class of the Educational Opportunity
20 Program at Binghamton University, known as EOP.
21 At that point in time it was called the
22 Transitional Year Program, and it was directed by
23 EOP's first director, Mr. John Benson.

24 Although Sal is no longer here in
25 the physical sense, we know most certainly his

1 spirit lives on and will endure throughout the
2 passage of time because he remains a comforting
3 memory to all he served and those he befriended.

4 Madam President, I ask that you join
5 me in welcoming James Bullock and family -- and
6 the rest of the family of Sal to our chamber, and
7 extend to them the privileges and courtesies of
8 the floor.

9 Thank you, Madam President.

10 ACTING PRESIDENT MAYER: Thank you,
11 Senator Webb.

12 To the family of Salvador
13 Vizcarrondo Jr., who we pay honor and homage to
14 here today, welcome to the Senate. You are
15 cordially welcomed and extended all the
16 privileges of our house.

17 Please rise and be recognized.

18 (Standing ovation.)

19 ACTING PRESIDENT MAYER: The
20 resolution was previously adopted on April 28th.

21 Senator Gianaris.

22 SENATOR GIANARIS: Now,
23 Madam President, let's take up previously adopted
24 Resolution 1853, by Senator Fahy, read that
25 resolution's title and recognize Senator Fahy.

1 ACTING PRESIDENT MAYER: The
2 Secretary will read.

3 THE SECRETARY: Resolution 1853, by
4 Senator Fahy, memorializing Governor Kathy Hochul
5 to proclaim April 12-18, 2026, as
6 Architecture Week in the State of New York.

7 ACTING PRESIDENT MAYER: Senator
8 Fahy on the resolution.

9 SENATOR FAHY: Thank you,
10 Madam President.

11 It's with wonderful pleasure today
12 that I stand to recognize the profound impact of
13 architecture, which it has on every New Yorker in
14 our state, and to bring attention to the fact
15 that the week of April 12th through the 18th this
16 coming year will be Architecture -- or next year,
17 will be Architecture Week in New York State.

18 And if we could -- actually, it's
19 May 12th through the 18th.

20 If our architects could stand, I
21 know we have a number of them here in the chamber
22 with us today.

23 From the homes we live in, to the
24 schools our children learn in, to the hospitals
25 that care for our families, architecture really

1 shapes so much of what we do and beautifies our
2 communities.

3 I will say I am from Chicago, so I
4 feel like architecture is in my DNA. I've also
5 had the great opportunity to spend a lot of time
6 in New York City, and you cannot visit either
7 city without a profound appreciation for
8 architecture. And it really gives so much
9 character to the city, and more.

10 But it goes well beyond that. It
11 has a major economic -- it is a major economic
12 engine. We have 12,000 registered architects as
13 well as 22,000 licensed architectural
14 professionals here in New York. They design and
15 construct hundreds -- well, they're responsible
16 for hundreds of thousands of jobs across
17 New York, which contributes annually billions of
18 dollars to the New York State economy.

19 Again, they design and build, but
20 we've also entrusted them with protecting public
21 health, safety, and welfare, such that our
22 buildings are not only functional but accessible
23 and sustainable and built to last.

24 We just had a hearing today for
25 individuals with disabilities, and we heard a lot

1 about the barriers when buildings and community
2 centers are not -- and employers are not as
3 physically accessible, and how problematic that
4 can be.

5 So thoughtful design, streetscapes
6 can revitalize our main streets, preserve
7 historic character, and really fuel smart,
8 sustainable growth.

9 We've also seen phenomenal reuse of
10 older buildings with new housing. We do think
11 that their creativity is helping us to -- will
12 help us solve the housing shortage, as they help
13 deliver safe, affordable and high-quality housing
14 by designing spaces that are not only efficient
15 but livable.

16 Again, I hope we celebrate this
17 design of -- the excellence of architects
18 everywhere. And take a look around you the next
19 time you even walk around this building, let
20 alone buildings throughout New York State where
21 we have beauty via architecture everywhere.

22 And with that, thank you,
23 Madam President.

24 ACTING PRESIDENT MAYER: Thank you,
25 Senator Fahy.

1 To our guests who are here in
2 support of Architecture Week, we welcome you to
3 the Senate. We extend to you the privileges and
4 cordialities of the house.

5 Please stay risen and be recognized.

6 (Standing ovation.)

7 ACTING PRESIDENT MAYER: The
8 resolution was previously adopted on April 21st.

9 Senator Gianaris.

10 SENATOR GIANARIS: Okay, let's move
11 on to previously adopted Resolution 1346, by
12 Senator Gallivan. Please read that resolution's
13 title and call on Senator Gallivan.

14 ACTING PRESIDENT MAYER: The
15 Secretary will read.

16 THE SECRETARY: Resolution 1346, by
17 Senator Gallivan, memorializing Governor Kathy
18 Hochul to proclaim May 3rd through 9th, 2026, as
19 Correctional Officers and Employees Week in the
20 State of New York.

21 ACTING PRESIDENT MAYER: Senator
22 Gallivan on the resolution.

23 SENATOR GALLIVAN: Thank you,
24 Madam President.

25 I rise to joint the rest of the

1 nation in celebrating National Correctional
2 Officers and Employees Week, a time we should
3 pull back the curtain on a profession that's
4 often misunderstood, frequently overlooked, and
5 unappreciated by many, but absolutely vital to
6 the safety of our communities.

7 President Ronald Reagan first
8 proclaimed this week in 1984 because he
9 recognized the fundamental truth: The work done
10 inside our correctional facilities is some of the
11 most demanding in all of public service. It is
12 difficult and it is dangerous. It's work, quite
13 frankly, that most of us would not do and don't
14 often think about.

15 Our dedicated correction officers
16 and employees are responsible for the care,
17 custody and security of over 30,000 incarcerated
18 individuals in New York State. Despite the
19 incredible challenges and impediments they face,
20 they work to provide the structure and safety
21 that makes rehabilitation possible, which is
22 critical to keeping our residents and our
23 communities safe.

24 To the men and women who serve in
25 our correctional facilities, I thank you for the

1 work you do. I thank you for your bravery, your
2 professionalism, and your unwavering commitment
3 to a difficult but noble mission. And I ask my
4 colleagues to do the same by providing the
5 support necessary for you to effectively do your
6 jobs.

7 It is more than appropriate that we
8 recognize these public servants and call upon the
9 Governor to proclaim this week as Correctional
10 Officers and Employees Week in the State of
11 New York.

12 Thank you, Madam President.

13 ACTING PRESIDENT MAYER: Thank you,
14 Senator Gallivan.

15 Senator Stec on the resolution.

16 SENATOR STEC: Thank you,
17 Madam President.

18 I also rise, I'd like to thank
19 Senator Gallivan for bringing this resolution
20 before us all to memorialize Governor Hochul to
21 proclaim May 3rd to 9th as Correctional Officers
22 and Employees Week.

23 I want to rise and I want to express
24 my personal gratitude to all the men and women,
25 corrections officers and civilian staff, that

1 work in all of our correctional facilities during
2 these difficult times. My thanks to them and
3 their families for everything that they do to
4 keep us all safe.

5 However, I also want to express my
6 sincere frustration with the inaction and the
7 hypocrisy of this body -- who will unanimously
8 adopt this resolution -- because it's been
9 14 months since the CO strike ended, there are
10 3,000 fewer COs working for the State of New York
11 today than there were then, and the Governor's
12 declared state of emergency is still in effect
13 today.

14 We have spent over half a
15 billion dollars on the National Guard so far, and
16 the Governor's proposed \$535 million in her
17 budget for the National Guard next year.

18 Since the strike, dozens of my
19 constituents have had to go to the emergency room
20 for injuries and chemical exposures that they
21 have suffered working on behalf of all of us.
22 Hundreds statewide have had to do that.

23 They still can't take scheduled
24 vacation time because there's not enough staff in
25 our facilities to allow that to happen.

1 Fourteen months ago, when the strike
2 ended, promises were made out of Albany, out of
3 this building and specifically by
4 Governor Hochul, to address the safety issues
5 that were brought up during that strike. And so
6 far nothing has been done to adequately attempt
7 to address those issues -- nothing by the
8 Governor, nothing was mentioned in her budget,
9 nothing was mentioned in her 30-day budget
10 amendments, nothing is in the Senate one-house
11 bill, nothing is in the Assembly one-house bill,
12 and nothing has been brought up, to my knowledge,
13 in the media that this is a subject of discussion
14 as we try to work on the budget that is now five
15 weeks late.

16 In fact, during Corrections Officers
17 Week -- as it happens, yesterday -- two bills
18 that would greatly improve safety in our
19 correctional facilities were defeated in
20 committee in the Senate.

21 So I'm very frustrated. I would
22 implore all of you to look at the facts, open the
23 newspaper and look at the weekly occurrences
24 that's going on. And don't tell corrections
25 officers that we appreciate them, show them that

1 we respect and appreciate the basics that we as
2 an employer should be delivering -- safety for
3 them, safety for everyone inside those walls.

4 But again, to the corrections
5 officers and your families, on behalf of myself
6 and my colleagues on this side of the aisle, a
7 sincere thank you for doing what you do and for
8 putting up with the nonsense that's coming out of
9 Albany.

10 ACTING PRESIDENT MAYER: Thank you.

11 Senator Borrello on the resolution.

12 SENATOR BORRELLO: Thank you,
13 Madam President.

14 I also rise, and I want to start off
15 by thanking Senator Gallivan, the sponsor, for
16 this, and Senator Stec for his words. I
17 associate myself with the comments of both of
18 those gentlemen.

19 You know, it is Corrections Officers
20 and Employees Week, and we honor the men and
21 women who work so hard at probably the most
22 dangerous job in public service here in New York
23 State -- sadly, because of inaction and actions
24 out of this body and by the Governor, the
25 Governor who has failed, as their employer, to

1 keep these folks safe.

2 You know, I have several prisons in
3 my district. And in fact my father finished his
4 career as a plumber, 15 years at the Lakeview
5 Shock Incarceration Facility in my district.

6 The people that work there could
7 choose to work elsewhere. My father could have
8 chosen to be a plumber somewhere else. Teachers
9 could choose to work somewhere else. Corrections
10 officers, same thing.

11 They choose to be there, behind
12 those bars, inside those facilities, because they
13 care. They go through hours and hours of
14 overtime, abuse, attacks, knowing that when they
15 walk into that facility, something dangerous may
16 happen. And all too often, it does. And yet
17 they still go every day.

18 At that same Lakeview prison, just a
19 couple of months ago, a teacher, a woman, was
20 brutally beaten by an inmate. And then the
21 corrections officers who came into the room to
22 try to help her were also beaten.

23 And then that same inmate
24 transferred to Attica. Two months later, before
25 he was even indicted, before he was even indicted

1 in the first assault, he brutally assaulted six
2 corrections officers at Attica.

3 This is the result of the HALT Act,
4 the fact this person could not be constrained.
5 This is the result of rhetoric that emboldens
6 violence within our prisons. This is the result
7 of a failure of our Governor to keep the
8 employees that she's sworn to protect safe.

9 So while we celebrate this week and
10 their sacrifice, let's remember that these are
11 real people doing a very difficult, dangerous
12 job, and they could very well work somewhere
13 else. They choose to teach, to counsel, to
14 protect, even though we do not protect them here
15 in Albany.

16 So I stand with those that do this
17 difficult job. And I implore you all, and
18 particularly the Governor, to make their job safe
19 once again.

20 Thank you, Madam President.

21 ACTING PRESIDENT MAYER: Senator
22 Ryan on the resolution.

23 SENATOR RYAN: Thank you,
24 Madam President.

25 I do also want to say thank you to

1 Senator Gallivan for bringing this resolution
2 forward.

3 I want to rise and I do want to say
4 that I recognize all the hard work that our
5 members do, that the union members do in our
6 correctional facilities. It's not lost on this
7 conference. There are some -- despite what some
8 may think, members of this conference do
9 appreciate the hard work, the risk that many
10 corrections officers take when they walk into
11 work every day, those members of NYSCOPBA, those
12 members of DC 37, those members of the Public
13 Employees Federation who work within our
14 correctional facilities.

15 And also being mindful that we do
16 have inmates in this state that we also want to
17 protect. It's not just about inaction. I
18 actually have a couple of bills. So they're
19 there. My double-bunk bill in maximum
20 correctional facilities will help not just
21 inmates and inmate violence but also inmate
22 violence upon our correction officers.

23 We need to make sure that our state
24 employees go to work every day and they remain in
25 a -- work in a safe and secure environment. It's

1 important. It's imperative. And I just want to
2 make sure that it's not lost on us that we do
3 value their safety.

4 And also I have heard, loud and
5 clear, from some of the members in the
6 correctional facility about their inability to
7 take vacation time where it's blocked off.
8 Certainly we have a shortage. It's something
9 that we need to deal with.

10 And I'm hopeful that we deal with
11 it, sooner rather than later, for the sake of our
12 corrections officers and the inmates who they
13 protect.

14 I vote in favor. Thank you.

15 ACTING PRESIDENT MAYER: Thank you,
16 Senator Ryan.

17 The resolution was previously
18 adopted on January 13th.

19 Senator Gianaris.

20 SENATOR GIANARIS: Madam President,
21 let's take up the -- oh, the resolutions we took
22 up today are open for cosponsorship.

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

1 the desk.

2 Senator Gianaris.

3 SENATOR GIANARIS: Please take up
4 the calendar at this time.

5 ACTING PRESIDENT MAYER: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 141, Assembly Budget Bill 2400A, by
9 Assemblymember Eichenstein, an act to amend the
10 Public Service Law.

11 ACTING PRESIDENT MAYER: Read the
12 last section.

13 SENATOR GIANARIS: Lay it aside for
14 the day, please.

15 ACTING PRESIDENT MAYER: The bill
16 is laid aside for the day.

17 THE SECRETARY: Calendar Number
18 420, Senate Print 319, by Senator Salazar, an act
19 to amend the Correction Law.

20 ACTING PRESIDENT MAYER: Read the
21 last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the 90th day after it
24 shall have become a law.

25 ACTING PRESIDENT MAYER: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER: Senator
4 Salazar to explain her vote.

5 SENATOR SALAZAR: Thank you,
6 Madam President.

7 This bill would allow incarcerated
8 individuals who are within four years of their
9 release date to be eligible for temporary
10 educational release.

11 Currently, eligible incarcerated
12 individuals are already permitted to temporarily
13 leave the correctional facility for educational
14 purposes if they are within two years of their
15 release date.

16 Research has clearly shown that
17 individuals who are able to participate in
18 higher education opportunities during their term
19 of incarceration have fewer disciplinary
20 infractions while incarcerated. There is also
21 abundant evidence that higher education programs
22 produce dramatically lower recidivism rates among
23 incarcerated New Yorkers.

24 To put it plainly, if an
25 incarcerated individual has the chance to engage

1 in formal education while serving their prison
2 sentence, they are far more likely to live a
3 crime-free life after they are released.

4 We also see increased rates of
5 employment among these same individuals,
6 contributing to their success in their
7 communities after incarceration.

8 Despite these obvious benefits to
9 public safety, educational leave is virtually
10 never used in New York's prisons. By passing
11 this bill today we will make these educational
12 opportunities more accessible to incarcerated
13 individuals and see the positive impacts of these
14 programs both in our state's prisons and in our
15 communities.

16 Thank you, Madam President.

17 ACTING PRESIDENT MAYER: Senator
18 Salazar to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar 420, voting in the negative are
22 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
23 Gallivan, Griffo, Helming, Lanza, Martinez,
24 Martins, Mattera, Murray, Oberacker, O'Mara,
25 Ortt, Palumbo, Rhoads, Ryan, Stec, Tedisco,

1 Walczyk, Weber and Weik.

2 Ayes, 40. Nays, 22.

3 ACTING PRESIDENT MAYER: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 453, Assembly Bill Number 4127A, by
7 Assemblymember Stirpe, an act to authorize and
8 direct the Department of Public Service to
9 conduct a study on the deployment of energy
10 interconnection processes into the electrical
11 grid.

12 ACTING PRESIDENT MAYER: Read the
13 last section.

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

16 ACTING PRESIDENT MAYER: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT MAYER: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar 453, voting in the negative are
23 Senators Borrello, Helming, Oberacker, O'Mara,
24 Ortt, Stec and Walczyk.

25 Ayes, 55. Nays, 7.

1 ACTING PRESIDENT MAYER: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 492, Senate Print 5069, by Senator Griffo, an act
5 to amend the Real Property Tax Law.

6 ACTING PRESIDENT MAYER: Read the
7 last section.

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

10 ACTING PRESIDENT MAYER: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MAYER: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar 492, voting in the negative:
17 Senator Skoufis.

18 Ayes, 61. Nays, 1.

19 ACTING PRESIDENT MAYER: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 666, Senate Print Number 8263A, by
23 Senator Canzoneri-Fitzpatrick, an act authorizing
24 the Congregation Khal Mevakshei Hashem, Inc., to
25 receive retroactive real property tax exempt

1 status.

2 ACTING PRESIDENT MAYER: Read the
3 last section.

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

6 ACTING PRESIDENT MAYER: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MAYER: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar 666, voting in the negative are
13 Senators O'Mara and Skoufis.

14 Ayes, 60. Nays, 2.

15 ACTING PRESIDENT MAYER: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 713, Senate Print 3274, by Senator Cooney, an act
19 to amend the Alcoholic Beverage Control Law.

20 ACTING PRESIDENT MAYER: Read the
21 last section.

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

25 ACTING PRESIDENT MAYER: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER: Announce
4 the results.

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT MAYER: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 735, Senate Print 9062, by Senator Ortt, an act
10 to amend the Executive Law.

11 ACTING PRESIDENT MAYER: Read the
12 last section.

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

15 ACTING PRESIDENT MAYER: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Announce
19 the results.

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 742, Senate Print 2498, by Senator Gounardes, an
25 act to amend the Education Law.

1 ACTING PRESIDENT MAYER: Read the
2 last section.

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

5 ACTING PRESIDENT MAYER: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT MAYER: Senator
9 Rhoads to explain his vote.

10 SENATOR RHOADS: Thank you,
11 Madam President.

12 While I understand -- and we've
13 actually debated this bill in the past,
14 Senator Gounardes. While I understand the intent
15 of the bill and I certainly respect the intent of
16 the bill and do agree with portions of it, I
17 respectfully believe that reducing the number of
18 drills that we have is a critical error.

19 As I can tell you as a volunteer
20 firefighter -- and I'm sure that my colleagues
21 who have served in the military can tell you --
22 one of the most important things that you do is
23 training and drilling to make sure that when
24 there is a sudden emergency, you're in a position
25 to be able to act and really act without

1 thinking, act with reflex, which is the very
2 purpose of this statute.

3 By reduced the number of drills that
4 we have, we are making our students less prepared
5 in an emergency situation that they're already
6 inadequately equipped for. And by reducing the
7 number of drills, that will only exacerbate the
8 issue.

9 So while I understand the purpose of
10 the bill, the reduction of the number of drills
11 causes me to vote no.

12 Thank you, Madam President.

13 ACTING PRESIDENT MAYER: Senator
14 Rhoads to be recorded in the negative.

15 Announce the results.

16 THE SECRETARY: In relation to
17 Calendar 742, voting in the negative are
18 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
19 Chan, Gallivan, Griffo, Lanza, Martinez, Mattera,
20 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
21 Rolison, Stec, Tedisco, Walczyk and Weik.

22 Ayes, 42. Nays, 20.

23 ACTING PRESIDENT MAYER: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 795, Senate Print 611A, by Senator Stavisky,
2 an act to amend the Criminal Procedure Law.

3 ACTING PRESIDENT MAYER: Read the
4 last section.

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

7 ACTING PRESIDENT MAYER: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT MAYER: Senator
11 Weik to explain her vote.

12 SENATOR WEIK: Thank you,
13 Madam President.

14 As I was going through today's
15 agenda, I was reading through the description of
16 this bill and I thought, Wow, that sounds vaguely
17 familiar -- not just vaguely familiar, it sounds
18 absolutely identical to a bill that I carry,
19 No. 4628.

20 I am proud to carry this bill,
21 Emma's Law, which represents the needs of an
22 individual who was trying to speak out on behalf
23 of her father, who was a victim of a vehicle
24 crash in Schuyler, New York, which is near
25 Saratoga.

1 I carry this bill; I inherited it
2 from my colleague, Senator Daphne Jordan, who
3 took it from her predecessor, Senator Kathy
4 Marchione.

5 It's a shame that my bill didn't
6 come to the floor, because I feel it was
7 constructed a little bit better.

8 However, I do commend Emma on her
9 relentless fight for victims' rights being able
10 to be heard at sentencing for a misdemeanor, not
11 just a felony, and so for that I vote aye.

12 ACTING PRESIDENT MAYER: Senator
13 Weik to be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT MAYER: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 802, Senate Print 4763A, by Senator Bailey, an
20 act to amend the Criminal Procedure Law.

21 ACTING PRESIDENT MAYER: Read the
22 last section.

23 THE SECRETARY: Section 5. This
24 act shall take effect on the first of November.

25 ACTING PRESIDENT MAYER: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 802, voting in the negative are
7 Senators Gallivan and Weik.

8 Ayes, 60. Nays, 2.

9 ACTING PRESIDENT MAYER: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 809, Senate Print 3838A, by Senator Hinchey, an
13 act to amend the Public Health Law.

14 ACTING PRESIDENT MAYER: Read the
15 last section.

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

19 ACTING PRESIDENT MAYER: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MAYER: Announce
23 the results.

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT MAYER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 818, Senate Print 1551, by Senator Parker, an act
4 to amend the Public Service Law.

5 SENATOR LANZA: Lay it aside.

6 ACTING PRESIDENT MAYER: The bill
7 is laid aside.

8 THE SECRETARY: Calendar Number
9 825, Senate Print 3741A, by Senator Fernandez, an
10 act to amend the Public Officers Law.

11 ACTING PRESIDENT MAYER: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the first of January.

15 ACTING PRESIDENT MAYER: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Announce
19 the results.

20 THE SECRETARY: Ayes, 62.

21 ACTING PRESIDENT MAYER: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 830, Assembly Bill Number 10602, by
25 Assemblymember Rivera, an act to amend the

1 Public Authorities Law.

2 ACTING PRESIDENT MAYER: Read the
3 last section.

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

6 ACTING PRESIDENT MAYER: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MAYER: Announce
10 the results.

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT MAYER: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 841, Senate Print 559, by Senator Krueger, an act
16 to amend the Election Law.

17 ACTING PRESIDENT MAYER: Read the
18 last section.

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

21 ACTING PRESIDENT MAYER: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MAYER: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 841, voting in the negative are
3 Senators Ashby, Borrello, Gallivan, Griffo,
4 Helming, Lanza, Murray, Oberacker, O'Mara, Ortt,
5 Stec, Tedisco, Walczyk and Weik.

6 Ayes, 48. Nays, 14.

7 ACTING PRESIDENT MAYER: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 843, Senate Print 1609, by Senator Harckham, an
11 act to amend the Environmental Conservation Law.

12 ACTING PRESIDENT MAYER: Read the
13 last section.

14 THE SECRETARY: Section 3. This
15 act shall take effect on the first of February.

16 ACTING PRESIDENT MAYER: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT MAYER: Announce
20 the results.

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT MAYER: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 860, Assembly Bill Number 688, by

1 Assemblymember Buttenschon, an act to amend the
2 Executive Law.

3 ACTING PRESIDENT MAYER: Read the
4 last section.

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

7 ACTING PRESIDENT MAYER: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT MAYER: Announce
11 the results.

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT MAYER: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 868, Senate Print 9735, by Senator Kavanagh,
17 an act to amend the Public Service Law.

18 ACTING PRESIDENT MAYER: Read the
19 last section.

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

22 ACTING PRESIDENT MAYER: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT MAYER: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar 868, voting in the negative are
4 Senators Rhoads, Borrello, Canzoneri-Fitzpatrick,
5 Chan, Helming, Martins, Murray, O'Mara, Ortt,
6 Walczyk and Weik.

7 Ayes, 51. Nays, 11.

8 ACTING PRESIDENT MAYER: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 869, Senate Print 825A, by Senator Liu, an act to
12 amend the Labor Law.

13 ACTING PRESIDENT MAYER: Read the
14 last section.

15 THE SECRETARY: Section 8. This
16 act shall take effect on the 90th day after it
17 shall have become a law.

18 ACTING PRESIDENT MAYER: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT MAYER: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 869, voting in the negative:
25 Senator Walczyk.

1 Ayes, 61. Nays, 1.

2 ACTING PRESIDENT MAYER: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 879, Senate Print 335, by Senator Gianaris, an
6 act to amend the General Business Law.

7 SENATOR LANZA: Lay it aside.

8 ACTING PRESIDENT MAYER: The bill
9 is laid aside.

10 Senator Gianaris, that completes the
11 reading of the noncontroversial calendar.

12 SENATOR GIANARIS: Madam President,
13 please recognize Senator Parker for an
14 introduction.

15 ACTING PRESIDENT MAYER: Senator
16 Parker for an introduction.

17 SENATOR PARKER: Thank you,
18 Madam President.

19 I rise today to support a resolution
20 that was passed proclaiming May 3rd through
21 May 9th as Small Business Week in New York State,
22 in conjunction with National Small Business Week.

23 Small businesses are more than just
24 engines of our economy, they are the heart and
25 soul of our communities. From neighborhood

1 storefronts to growing enterprises, they create
2 jobs, drive innovation, and reflect the diversity
3 and determination that define New York.

4 I'm especially proud to note that in
5 my district, several of these businesses are part
6 of the Goldman Sachs 10,000 Small Businesses
7 Voices cohort, a program that provides critical
8 support, advocacy and resources to help small
9 businesses grow and succeed across our great
10 state.

11 Their participation underscores not
12 only their commitment to excellence, but also the
13 strength and potential of small businesses in our
14 community.

15 This week gives us an opportunity to
16 recognize their resilience, their vision, and
17 their lasting contributions. I'm proud to stand
18 in support of this resolution to honor these
19 small business owners from across New York State.

20 And I particularly want to shout out
21 my good friend Jessica Johnson-Cope, chair of the
22 10,000 Small Businesses Voices National
23 Leadership Council --

24 (Applause from the galleries.)

25 SENATOR PARKER: -- and will

1 accept, on behalf of our district -- and also the
2 Sunflower Laundromat, and the owner is
3 Elesia Forgie, that is located in my district as
4 well.

5 This is, I think, an important
6 program. One of the things we understand, all of
7 us, in our commercial strips, that small
8 businesses are the ones that keep things going,
9 that provide most of the employment in our
10 communities, particularly in Black and Latino,
11 Asian communities as well, for most women.

12 And so this Goldman Sachs effort --
13 and this week, to acknowledge that -- is
14 critical.

15 Thank you, Madam President.

16 ACTING PRESIDENT MAYER: Thank you,
17 Senator Parker.

18 To our guests who are here with the
19 Goldman Sachs small business program, and all of
20 our small businesses, we welcome you to the
21 Senate. We extend to you the privileges and
22 cordialities of the house.

23 Please rise and be recognized.

24 (Standing ovation.)

25 ACTING PRESIDENT MAYER: Senator

1 Gianaris.

2 SENATOR GIANARIS: Madam President,
3 at this time let's take up the controversial
4 calendar, beginning with Calendar Number 879,
5 please.

6 ACTING PRESIDENT MAYER: The
7 Secretary will ring the bell.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 879, Senate Print 335, by Senator Gianaris, an
11 act to amend the General Business Law.

12 ACTING PRESIDENT MAYER: Senator
13 Borrello, why do you rise?

14 SENATOR BORRELLO: Madam President,
15 will the sponsor yield for a question?

16 ACTING PRESIDENT MAYER: Will the
17 sponsor --

18 SENATOR GIANARIS: That's me.

19 ACTING PRESIDENT MAYER: Senator
20 Gianaris --

21 SENATOR GIANARIS: Yes.

22 ACTING PRESIDENT MAYER: -- do you
23 yield for a question?

24 SENATOR GIANARIS: I do.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR BORRELLO: Through you,
3 Madam President.

4 Senator, we've -- I think this is
5 the fifth time we've debated this bill. So
6 happy anniversary. I'm sorry I didn't get you
7 anything for it.

8 (Laughter.)

9 SENATOR BORRELLO: But my first
10 question is, is there any other state that has
11 decided they're going to take it upon themselves
12 to enforce antitrust laws? Which has
13 traditionally been a federal issue.

14 Is any other state doing anything
15 similar to this bill?

16 SENATOR GIANARIS: Well, first of
17 all, I believe the fifth anniversary is the wood
18 anniversary. So you still have time to get me
19 something.

20 (Laughter.)

21 SENATOR GIANARIS: There are other
22 states that, like New York, have -- are
23 attempting to impose the standard of abusive
24 dominance, which is what this bill does. They
25 are Minnesota, New Jersey, Maine and Pennsylvania

1 so far.

2 Also, you had asked the question of
3 are other states taking it upon themselves to
4 enforce antitrust laws generally? Yes. Pretty
5 much -- I wouldn't say all of them, because I
6 haven't done a 50-state survey, but New York
7 certainly does. We've had the Donnelly Act,
8 which this bill attempts to amend, which has been
9 in place for the better part of a hundred years.

10 So yes, states routinely enforce
11 antitrust laws on their own.

12 SENATOR BORRELLO: Madam President,
13 will the sponsor continue to yield?

14 ACTING PRESIDENT MAYER: Do you
15 continue to yield?

16 SENATOR GIANARIS: Yes.

17 ACTING PRESIDENT MAYER: The
18 sponsor yields.

19 SENATOR BORRELLO: Well, that's
20 traditionally done through the Attorney General's
21 office.

22 Our Attorney General has, I believe,
23 700 attorneys. And they obviously find the
24 opportunity once in a while to do something
25 that's not political and actually go after, you

1 know, people that are violating those type of
2 statutes.

3 But that being said, this is going
4 to create, wouldn't it, with a private right of
5 action, kind of, you know, private attorney
6 bounty hunters are going to be out there going
7 after, in some cases, small businesses for
8 allegedly being in violation of this.

9 Aren't you kind of creating a
10 situation where we're going to have attorneys
11 going out there and saying, this guy owns a gas
12 station, and he's the only one in town, and we're
13 going to make sure that everybody who bought gas
14 there is going to get a check for 50 cents while
15 the law firm, you know, profits millions.

16 SENATOR GIANARIS: Small businesses
17 are exempt from the provisions of this bill.

18 SENATOR BORRELLO: Madam President,
19 will the sponsor continue to yield?

20 ACTING PRESIDENT MAYER: Do you
21 continue to yield?

22 SENATOR GIANARIS: Yes.

23 ACTING PRESIDENT MAYER: The
24 sponsor yields.

25 SENATOR BORRELLO: Well, you know,

1 I'm a small business owner, and I believe this
2 applies to businesses with 100 employees or more,
3 correct?

4 SENATOR GIANARIS: Correct.

5 SENATOR BORRELLO: Traditionally, a
6 small business is considered a business with
7 500 or less employees. So I think this is well
8 into the small businesses realm, wouldn't you
9 say?

10 SENATOR GIANARIS: No, I would not.

11 SENATOR BORRELLO: Well -- Madam
12 President, will the sponsor continue to yield?

13 ACTING PRESIDENT MAYER: Do you
14 continue to yield?

15 SENATOR GIANARIS: Yes.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR BORRELLO: Well, my wife
19 and I employ about 200 people, and we are
20 definitely, by every definition, a small
21 business.

22 So 500 people or less -- which, you
23 know, you can -- I think I would cite several
24 references, but I'm sure you could quickly Google
25 it, and that is traditionally a small business.

1 Why wouldn't you set that threshold
2 at 500 employees and above?

3 SENATOR GIANARIS: First of all,
4 I'm happy that Senator Borrello employs so many
5 people. I hope he is prepared to comply with the
6 outside income rules that go into effect in
7 January, because it sounds like he's quite
8 successful.

9 But no, in most bills that we have
10 here, and a number of the laws across the state,
11 a hundred is the barometer we use for defining
12 small versus larger businesses.

13 SENATOR BORRELLO: Madam President,
14 will the sponsor continue to yield?

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR GIANARIS: Yes.

18 ACTING PRESIDENT MAYER: The
19 sponsor yields.

20 SENATOR BORRELLO: Thanks to the
21 tremendous cost of doing business in New York,
22 it's not going to be a problem for my outside
23 income. But thank you for your concern.

24 With that being said, we've got a
25 definition of a market that's kind of vague in

1 this bill. The bill doesn't expressly define
2 market or relevant market.

3 So dominance is kind of a broad
4 term, isn't it? What's going to determine --
5 again, because we're going to allow any attorney
6 in New York State, instead of the Attorney
7 General, to actually go out there and go after
8 businesses -- some that I would consider to be
9 small, even though you may not agree with me --
10 instead of an Attorney General determining this.

11 So how are we going to determine
12 that market is defined properly in order to
13 ensure that we're not, you know, getting people I
14 guess in trouble, if you will, and having to pay
15 dearly in the form of civil -- particularly civil
16 penalties, because we have a poor definition of
17 market in this bill?

18 SENATOR GIANARIS: This bill does
19 not reinvent the wheel as it relates to market
20 definitions.

21 As I mentioned, the state has had
22 antitrust laws on the books for almost a
23 hundred years, and as part of that, markets are
24 defined through enforcement actions and through
25 the courts.

1 SENATOR BORRELLO: Madam President,
2 on the bill.

3 ACTING PRESIDENT MAYER: Senator
4 Borrello on the bill.

5 SENATOR BORRELLO: Thank you,
6 Senator Gianaris.

7 You know, we just had a nice
8 celebration of small businesses here in New York
9 State by Senator Parker. We talk about a Small
10 Business Week. But, you know, I represent rural
11 areas. Rural areas are often places where lots
12 of people are only served by small businesses or
13 by businesses that are taking a risk to provide a
14 product or service in the area where others will
15 not.

16 A bill like this -- which, by the
17 way, was -- just recently a study was done by a
18 John T. Scott of Dartmouth College that talks
19 about the damage that this bill will do, the
20 21st-Century Antitrust Act, if it were to be
21 enacted. And it talks about the incredibly
22 damaging effect it's going to have, by region, in
23 New York State. But it particularly talks about
24 small businesses in rural areas like mine.

25 So if you own half a dozen

1 gas stations in the area -- let me tell you, if
2 you live where I live and drive the amount of
3 miles that I drive, sometimes finding a
4 gas station is difficult. And now this person
5 that's decided to employ people in rural areas,
6 provide, you know, in some cases the only place
7 to get a carton of milk, a gallon of gas and many
8 other essentials, could be the target of a
9 class-action lawsuit because he's the only person
10 that provides gasoline in a certain radius of
11 this undefined market.

12 This is a -- this is -- do I believe
13 that someone wants to intentionally do harm to
14 small business with this bill? No, I don't
15 believe Senator Gianaris's intention is that. I
16 think he wants to go after businesses that, quite
17 frankly, have a death grip in some cases.

18 So I understand that that's the
19 intention. However, this is always an unintended
20 consequence. And in this case, any attorney
21 could determine that they believe that they have
22 an opportunity to make some money by targeting
23 small businesses, in rural areas in particular,
24 that will have to pay.

25 And if you don't believe that, look

1 at some of the things we've already seen happen
2 here in New York State. You know, we had this
3 frequency-of-pay bill which literally put
4 small businesses out of business. That wasn't
5 the intention, but that was the result. And we
6 have a huge problem still with that law which has
7 not been changed -- not been addressed
8 significantly.

9 It's tough enough to do business in
10 this state, I can tell you from firsthand
11 experience. When you look at a bill like this
12 that's trying to address an issue that quite
13 frankly should be handled by our Attorney
14 General -- our Attorney General and her
15 700 attorneys and 1800 employees should
16 absolutely be going after people that have a
17 death grip on a market and they have caused, I
18 think, unnecessary pain to people that are just
19 trying to, you know, live their life and buy
20 products and services at a reasonable rate.
21 That's who we should be going after.

22 But this bill really is a
23 scattershot that's going to hit multiple
24 businesses across the state. The Business
25 Council is against it, many other organizations.

1 And this lengthy study shows the direct negative
2 economic impact that it will have.

3 So I stand here to tell you that
4 despite the good intention, the unintended
5 consequence could be devastating to our economy,
6 and more people will choose not to do business
7 here. More people will choose to close their
8 businesses here. More people will choose to say
9 that New York State is uninvestable.

10 So for that reason, I would strongly
11 encourage people to vote no on this bill.

12 Thank you.

13 ACTING PRESIDENT MAYER: Are there
14 any other Senators wishing to be heard?

15 Seeing and hearing none, debate is
16 closed.

17 Senator Gianaris.

18 SENATOR GIANARIS: Madam President,
19 we have agreed to restore this bill to the
20 noncontroversial calendar.

21 ACTING PRESIDENT MAYER: The bill
22 has been restored to the noncontroversial
23 calendar.

24 Read the last section.

25 THE SECRETARY: Section 10. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MAYER: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Senator
6 Gianaris to explain his vote.

7 SENATOR GIANARIS: Thank you,
8 Madam President.

9 My, how far my colleagues have
10 fallen from some of the leaders of their party
11 that might have once done something good.

12 It was Teddy Roosevelt, who was a
13 member of the Republican Party, who was known as
14 a trust-buster, who got aggressive with exactly
15 the types of behavior in the market that we're
16 trying to address with this bill.

17 The abuses are great, the markets
18 are changing rapidly, and our laws are
19 insufficient to address them. And this bill
20 would deal with that.

21 Never mind Teddy Roosevelt, this
22 president -- who I think is awful -- at least is
23 using the antitrust laws to go after exactly the
24 type of behavior we're dealing with here.

25 Yet my colleagues here don't want to

1 see fit to agree with either Donald Trump or
2 Teddy Roosevelt on this issue. They want to
3 stand in the way of our efforts to go after these
4 companies that are abusing the marketplace in
5 ways that we haven't seen before, because big
6 tech in particular is using techniques that
7 didn't exist before. And if we don't change our
8 laws to do it, the existing antitrust laws we
9 have in place become toothless.

10 My colleague mentioned that he
11 thinks the Attorney General should really take
12 this by the reins and run with it. Well, the
13 Attorney General helped us draft this bill. So
14 she seems to think that this is necessary to
15 provide the tools to go after the abuses in the
16 marketplace that exist.

17 So, Madam President, I appreciate my
18 colleagues in this chamber who support this bill.
19 We have done it for a number of years, as
20 Senator Borrello mentioned. I'm hopeful we make
21 some progress on the Assembly side and we're able
22 to get it done. It would be landmark legislation
23 that would set the tone for the rest of the
24 country.

25 I vote aye.

1 ACTING PRESIDENT MAYER: Senator
2 Gianaris to be recorded in the affirmative.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 879, voting in the negative are
6 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
7 Chan, Cooney, Gallivan, Griffo, Helming, Lanza,
8 Martins, Mattera, Murray, Oberacker, O'Mara,
9 Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco,
10 Walczyk, Weber and Weik.

11 Ayes, 39. Nays, 23.

12 ACTING PRESIDENT MAYER: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 818, Senate Print 1551, by Senator Parker, an act
16 to amend the Public Service Law.

17 ACTING PRESIDENT MAYER: Senator
18 Martins, why do you rise?

19 SENATOR MARTINS: Madam President,
20 if the sponsor would yield for a few questions.

21 ACTING PRESIDENT MAYER: Will the
22 sponsor yield?

23 SENATOR PARKER: Yes.

24 ACTING PRESIDENT MAYER: The sponsor
25 yields.

1 SENATOR MARTINS: Thank you,
2 Senator Parker.

3 I see that the bill prohibits
4 sharing of consumption data, utility consumption,
5 with police officers and certain law enforcement
6 agencies. Does it extend to sharing that same
7 data with New York State?

8 SENATOR PARKER: Madam President,
9 through you. Who specifically in New York State
10 are you referring to?

11 SENATOR MARTINS: Through you,
12 Madam President, everyone.

13 The state, NYSERDA, PSC, whatever
14 agency may -- regulatory agency may have
15 oversight over these utility companies, would it
16 keep the consumption data private from the state
17 and state regulators?

18 SENATOR PARKER: Through you,
19 Madam President, no.

20 SENATOR MARTINS: Thank you,
21 Senator Parker.

22 Madam President, on the bill.

23 ACTING PRESIDENT MAYER: Senator
24 Martins on the bill.

25 SENATOR MARTINS: So here we are

1 again with a bill that's supposed to be a privacy
2 bill, but effectively it is just another attempt
3 to handcuff law enforcement.

4 Now, I assure you that our police
5 officers do not go around questioning the
6 consumption data in utility consumption,
7 electricity consumption, for businesses and for
8 private ownership without having a reason to do
9 so.

10 If they're going to inquire as to
11 that consumption data, which sometimes has a
12 direct relation to criminality as part of their
13 investigation, I fail to see why we would, in
14 this context, handcuff law enforcement yet, at
15 the same time, decide that we're going to allow
16 that same data to be available to state
17 regulators for New York State to be able to go
18 into these businesses to see how much electricity
19 they're actually using for whatever purposes they
20 want.

21 Either we are committed to
22 protecting data and privacy, or we are not. And
23 if it's only to handcuff law enforcement and not
24 to actually protect people's data, then,
25 Madam President, I think we're missing the mark.

1 Because, once again, we are going to
2 side with making it harder to hold criminals
3 accountable, and yet we're going to exempt the
4 state and state regulatory agencies with regard
5 to access to privacy, and that's a mistake.

6 And so, Madam President, I'll be
7 voting no. I encourage my colleagues to vote no.
8 Because there is absolutely no reason we would
9 advance policy that handcuffs our law enforcement
10 professionals in pursuing a criminal
11 investigation and doesn't actually protect the
12 privacy of those who are actually entitled to
13 those protections. So I'll be voting no.

14 Thank you, Madam President. Thank
15 you, Senator Parker.

16 ACTING PRESIDENT MAYER: Are there
17 any other Senators wishing to be heard?

18 Seeing and hearing none, debate is
19 closed.

20 Senator Gianaris.

21 SENATOR GIANARIS: We've also
22 agreed to restore this bill to the
23 noncontroversial calendar.

24 ACTING PRESIDENT MAYER: The bill
25 is restored to the noncontroversial calendar.

1 Read the last section.

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

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Senator
8 Parker to explain his vote.

9 SENATOR PARKER: Thank you,
10 Madam President.

11 This is an important piece of
12 legislation that we are considering here, and I
13 hope my colleagues will vote yes on it.

14 I want to respectfully disagree with
15 my colleague who thinks that we're hamstringing
16 law enforcement. Law enforcement will -- in this
17 case will do what they always do when they need
18 information, which is they'll ask for a warrant.
19 It is the usual process that, you know, law
20 enforcement goes through when they need any
21 information from any agency.

22 Right now we're just being very
23 specific about that information just not being
24 handed over willy-nilly and make law enforcement
25 go through the regular channels in order to

1 receive that information.

2 So this is a good bill. We should
3 vote yes. And we should advance the protection
4 and the privacy of all of our constituents.

5 Thank you.

6 ACTING PRESIDENT MAYER: Senator
7 Parker to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar 818, voting in the negative are
11 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
12 Fahy, Martinez, Martins, Mattera, Oberacker and
13 Skoufis.

14 Ayes, 53. Nays, 9.

15 ACTING PRESIDENT MAYER: The bill
16 is passed.

17 Senator Gianaris.

18 SENATOR GIANARIS: Is there any
19 further business at the desk, Madam President?

20 ACTING PRESIDENT MAYER: There's no
21 further business at the desk.

22 SENATOR GIANARIS: I want to point
23 out for this evening that we have rooting
24 interests: Vote for the Buffalo Sabres to begin
25 their next round, and the New York Knicks, who

1 begin Round 2 as well --

2 (Scattered applause.)

3 SENATOR GIANARIS: -- or the second
4 game of Round 2.

5 So let's go, Sabres, and let's go,
6 Knicks!

7 And I move to adjourn until
8 tomorrow, Thursday, May 7th, at 11:00 a.m.

9 ACTING PRESIDENT MAYER: On motion,
10 the Senate stands adjourned until Thursday,
11 May 7th, at 11:00 a.m.

12 (Whereupon, at 4:42 p.m., the Senate
13 adjourned.)

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