NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 2, 2021

3:56 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

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

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

ACTING PRESIDENT PERSAUD: 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 PERSAUD: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 1, 2021, the Senate met pursuant to adjournment. The Journal of Monday, May 31, 2001, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Harckham

moves to discharge, from the Committee on Rules, Assembly Bill Number 4662A and substitute it for the identical Senate Bill 1201A, Third Reading Calendar 657.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Sanders moves to discharge, from the Committee on Rules, Assembly Bill Number 6333 and substitute it for the identical Senate Bill 4094, Third Reading Calendar 977.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Brooks moves to discharge, from the Committee on Local Government, Assembly Bill Number 3237A and substitute it for the identical Senate Bill 2036B, Third Reading Calendar 1101.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Ramos moves to discharge, from the Committee on Labor, Assembly Bill Number 3350A and substitute it for the identical Senate Bill 2766C, Third Reading Calendar 1110.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Kennedy moves to discharge, from the Committee on Transportation, Assembly Bill Number 96A and substitute it for the identical Senate Bill 4071A, Third Reading Calendar 1236.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Kaplan moves to discharge, from the Committee on Rules, Assembly Bill Number 7500 and substitute it for the identical Senate Bill 6642A, Third Reading Calendar 1300.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Cooney moves to discharge, from the Committee on Local Government, Assembly Bill Number 6481 and substitute it for the identical Senate Bill 6303, Third Reading Calendar 1351.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator May moves to discharge, from the Committee on Commerce,

Economic Development and Small Business, Assembly Bill Number 7501 and substitute it for the identical Senate Bill 6679, Third Reading Calendar 1357.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Gounardes moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 7023 and substitute it for the identical Senate Bill 6737, Third Reading Calendar 1358.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator May moves to discharge, from the Committee on Aging, Assembly Bill Number 7022 and substitute it for the identical Senate Bill 6740, Third Reading Calendar 1359.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Myrie moves to discharge, from the Committee on Rules, Assembly Bill Number 7478 and substitute it for the identical Senate Bill 6855, Third Reading Calendar 1360.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Jackson moves to discharge, from the Committee on Local Government, Assembly Bill Number 7168 and substitute it for the identical Senate Bill 6883, Third Reading Calendar 1361.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Persaud moves to discharge, from the Committee on Rules, Assembly Bill Number 7656 and substitute it for the identical Senate Bill 7017, Third Reading Calendar 1364.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Griffo moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 436 and substitute it for the identical Senate Bill 3812, Third Reading Calendar 1375.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Hoylman moves to discharge, from the Committee on

Judiciary, Assembly Bill Number 5858A and substitute it for the identical Senate Bill 6494A, Third Reading Calendar 1392.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

ACTING PRESIDENT PERSAUD: Senator Reichlin-Melnick moves to discharge, from the Committee on Rules, Assembly Bill Number 6841 and substitute it for the identical Senate Bill 6720, Third Reading Calendar 1404.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator May moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 7569 and substitute it for the identical Senate Bill 7047, Third Reading Calendar 1419.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Thomas moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 7607 and substitute it for the identical Senate Bill 7064, Third Reading Calendar 1426.

ACTING PRESIDENT PERSAUD: The

substitution is so ordered.

THE SECRETARY: Senator Brooks moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 7394 and substitute it for the identical Senate Bill 7065, Third Reading Calendar 1427.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

THE SECRETARY: Senator Kaminsky moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 7393 and substitute it for the identical Senate Bill 7070, Third Reading Calendar 1429.

ACTING PRESIDENT PERSAUD: The substitution is 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 afternoon, Madam President.

Amendments are offered to the

following Third Reading Calendar bills:

Senator Ramos, page 43, Calendar 1191, Senate Print 2755B;

Senator Gounardes, page 52, Calendar 1341, Senate Print 4961A;

Senator Harckham, page 37, Calendar 1103, Senate Print 6653B;

Senator Comrie, page 9, Calendar 395, Senate Print 3430A;

Senator Parker, page 24, Calendar 852, Senate Print 5451;

Senator Felder, page 36, Calendar 1192, Senate Print 3683A;

And Senator Skoufis, page 7, Calendar 301, Senate Print 1878A.

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

SENATOR GIANARIS: I also wish to call up Senator Parker's bill, Senate 1557A, which was recalled from the Assembly and is now at the desk.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number

118, Senate Print 1557A, by Senator Parker, an act to amend the Public Service Law and the General Business Law.

SENATOR GIANARIS: Move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT PERSAUD: The bill is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I now move to amend Senate 1557A by striking out the amendments made on April 21st and restoring it to original Print Number 1557.

ACTING PRESIDENT PERSAUD: It is so ordered.

SENATOR GIANARIS: On behalf of Senator Brooks, I move to amend Senate Bill 1372A by striking out the amendments made on May 25th and restoring it to its original Print Number 1372.

ACTING PRESIDENT PERSAUD: So ordered.

SENATOR GIANARIS: And on behalf of Senator Mayer, I move to amend Senate Bill 3467B by striking out the amendments made on June 1, 2021, and restoring it to its previous Print Number 3467A.

ACTING PRESIDENT PERSAUD: So ordered.

SENATOR GIANARIS: I now move to adopt the Resolution Calendar, with the exceptions of Resolutions 997 and 1009.

ACTING PRESIDENT PERSAUD: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 997 and 1009, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: There will now be an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT PERSAUD: There

will be an immediate meeting of the Rules Committee in Room 332.

SENATOR GIANARIS: And please take up previously adopted Resolution 901, by Senator Myrie, read that resolution's title, and recognize Senator Myrie.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 901, by Senator Myrie, celebrating the 50th Anniversary of the passage by the United States Congress of the 26th Amendment, providing for the voting rights of 18-, 19- and 20-year-olds, to the Constitution of the United States.

ACTING PRESIDENT PERSAUD: Senator Myrie on the resolution.

SENATOR MYRIE: Thank you, Madam President.

To the day, 50 years ago New York ratified the 26th Amendment that lowered the voting age to 18. And we are commemorating that today in a particularly hostile environment for voting rights across the nation. And on this day we made a decision as a country that our young people that we could send off to war should be

able to also vote in the country that they were fighting for.

Our young people will lead us. They have been leading on issues like climate change and violence prevention and racial equality. And they should be as involved in our civic community as anyone else. I like to consider myself as young person, although I'm aging out of certain brackets. And so we are very proud today to hold this resolution.

I thank the leader and encourage my colleagues to sign on as cosponsors.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

The resolution was previously adopted on May 25th.

Senator Liu.

SENATOR LIU: Madam President, please take up previously adopted Resolution 680, by Senator Kennedy, read that resolution title only, and recognize Senator Kennedy on the resolution.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 680, by Senator Kennedy, mourning the death of Stanislaw Markut, one of the last Polish veterans of World War II living in Western New York, distinguished citizen and devoted member of his community.

ACTING PRESIDENT PERSAUD: Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you, Madam President.

I rise today to honor the life and service of Stanislaw "Stanley" Markut of Sloan, New York, one of the last Polish veterans of World War II living in Western New York.

Stanley passed away on March 21st at the age of 100 years old, just shy of his 101st birthday. In his 100 years on earth, Stanley served his country and his community with great pride.

Born in Poland in 1920, Stanley was training to become a woodworker until the day he and his family were forcibly removed from their homes and taken to a camp in Soviet Siberia. When amnesty was declared, he and his family were transported to Khazakhstan. And shortly after,

Stanley joined the Polish Army and was stationed in Scotland as part of the 1st Regiment, 1st Armoured Division of the Polish Army.

As a sergeant he, along with Canadian forces, rolled into Juno Beach in 1944 in support of post D-Day invasions of Normandy, and he was later wounded in the battle of Falaise Gap in France.

His discipline and bravery was recognized with numerous awards, including the Polish Wounded Star, which is the equivalent of the Purple Heart, the Polish Army Medal, and the British Defense and War Medal.

Stanley continued that call to service after making his home here in the great State of New York. As a proud member of various Polish-American civic clubs, he fought tenaciously for the rights of Polish World War II veterans. He was the founder of the Polish Saturday School in Buffalo and devoted his time to the SPK Post No. 33 and the SWAP Post No. 1, as well as the Adult Day Health Care at the VA and the Polish American Congress of Western New York.

Stanley took pride in making our

community brighter, quite literally, by using his gardening skills to transform landscapes on Buffalo's East Side and then later on in the Village of Sloan.

But above all, he took pride in his family -- his beloved late wife, Antonina, his two children, Eulala and Antoni, and his many grandchildren and great-grandchildren.

Stanley Markut spent 100 years dedicating his life to helping others. His legacy and his commitment to creating a better world will undoubtedly live on in all of them, and his compassionate spirit will be remembered by the many veterans he helped throughout his lifetime.

We are forever indebted to him for his service, and today we honor his memory and his outstanding contributions to our state, our country, and countless other communities around the globe. May he rest in peace.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

The resolution was previously adopted on May 5th.

Senator Liu.

SENATOR LIU: Madam President, please take up previously adopted Resolution 401, by Senator Thomas, read that resolution title only, and recognize Senator Thomas on the resolution.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 401, by Senator Thomas, memorializing Governor Andrew M. Cuomo to proclaim August 7, 2021, as Purple Heart Day in the State of New York.

ACTING PRESIDENT PERSAUD: Senator Thomas on the resolution.

SENATOR THOMAS: Thank you, Madam President.

On Purple Heart Day, which falls on August 7th each year, we pause as a nation to reflect on the tremendous sacrifices made by our servicemembers.

The Purple Heart is one of our nation's most important honors. The original Purple Heart, designated as the Badge of Military Merit, was established by George Washington, then the commander-in-chief of the Continental Army,

by order from his Newburgh, New York, headquarters on August 7, 1782.

The Badge of Military Merit was only awarded to three Revolutionary War soldiers by Washington himself.

The Purple Heart was revived on the 200th anniversary of George Washington's birth, out of respect to his memory and military achievements, in 1932.

The Purple Heart is awarded in the name of the President of the United States to any member of the armed forces of the United States who, while serving under competent authority in any capacity with one of the U.S. armed services after April 5, 1917, has been wounded or killed.

The Purple Heart represents the incredible sacrifice and commitment of our combat-wounded veterans. I am honored to recognize our Purple Heart veterans by presenting this resolution asking the Governor to proclaim August 7th as Purple Heart Day here in New York.

Let this resolution be a reminder of the gratitude and respect our community and our state holds for the bravery, selflessness and endless sacrifices made by our Purple Heart

veterans. Without them, we would not enjoy the gifts of freedom and opportunity we are blessed with in this country. God bless every one.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Jordan on the resolution.

SENATOR JORDAN: Thank you, Madam President.

I proudly rise to speak on the legislative resolution before us memorializing the Governor to proclaim August 7, 2021, as Purple Heart Day in our state, in conjunction with the observance of the National Purple Heart Day.

Today's resolution comes just a day after my colleagues' strong bipartisan support for my legislation designating New York State as a Purple Heart State that passed during yesterday's session. My heartfelt thanks to my colleagues for their support on my bill.

The Purple Heart is the oldest and most venerated military decoration awarded in the name of the President of the United States to members of the United States military who have been wounded or killed in action.

While the Purple Heart is not an award that one seeks to attain per se, it is an award that recognizes incredible courage and valor of the highest order. The Purple Heart has been awarded to almost 2 million Americans who have been wounded in battle or killed in action.

This prestigious award was created by General George Washington to honor and thank the brave soldiers who fought under his command for America's independence.

My good friend United States Marine Corps Captain David Wallingford, who also serves as commander of Chapter 446 of the Military Order of the Purple Heart, partnered with me in the important nonprofit effort to establish local Purple Heart Communities across my Senate district and our entire state.

I was proud to be serving on our Halfmoon Town Board when Commander Wallingford brought the opportunity to our town to become a Purple Heart Town. It was an easy decision for us.

Since 2019 I've led the grassroots effort in my 43rd Senate District, and across our state, to establish Purple Heart Communities to

recognize and honor the courage and commitment of Purple Heart recipients.

Purple Heart Communities publicly recognize the service and sacrifice of these incredible heroes and affirm a local community's respect and recognition of these proud patriots.

Within my 43rd Senate District, out of the 60 municipalities, 50 towns, villages and cities in all four counties -- Saratoga, Rensselaer, Columbia and Washington -- have successfully passed local resolutions and have become Purple Heart Communities or Counties.

In addition, out of the 62 counties in New York State, 40 are now Purple Heart Communities, and several more are pending.

Furthermore, 18 other areas, including buildings, trails and parts of highways, have been renamed with the Purple Heart designation.

I'm proud to have led this statewide movement that's putting the focus on our incredible Purple Heart recipients.

America is the home of the free because of our brave, because of our veterans. Two days ago we observed Memorial Day, a special,

solid, sacred day where we paused, reflected and remembered the men and women of our armed forces who gave everything in our nation's defense.

While we may not know them all, we certainly owe them all. We owe America's heroes who face certain danger, even death -- heroes with the courage to do what was right, even at the risk of their lives, a risk that, sadly, was all too often realized -- heroes who asked nothing in return and to whom we owe everything. Heroes whom the Purple Heart was created to honor.

In closing, I'd like to share a quote from our nation's founding father, General and President George Washington, who started the Purple Heart. President Washington said: "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars who were treated and appreciated by their nation."

General Washington's words embody why I believe the Purple Heart Community is so important, and that we must honor those that are recipients and educate the next generation as to

the honor of those awarded the Purple Heart so that they too respect the recipients and consider service to our nation and its timeless ideals.

And most importantly, I want to recognize the courageous American patriots who lost their lives in service to our country.

This legislative resolution helps us achieve each of these important nonpartisan goals. I want to recognize and thank Senator Thomas for bringing this important measure to the floor.

And of course I thank my Senate colleagues for their strong bipartisan support of this effort for today's resolution and also my legislation yesterday. I will continue working with Assemblyman Jake Ashby to ensure that the Assembly companion bill for this measure is passed and that New York State is actually designated a Purple Heart State.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

The resolution was previously adopted on February 23rd.

Senator Liu.

SENATOR LIU: Madam President, please take up Resolution 997, by Senator Brooks, read that resolution title only, and recognize Senator Brooks on the resolution.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 997, by Senator Brooks, commemorating the 80th Anniversary of Civil Air Patrol.

ACTING PRESIDENT PERSAUD: Senator Brooks on the resolution.

SENATOR BROOKS: Thank you, Madam President.

Today we honor and mark the 80th anniversary of the Civil Air Patrol, founded on December 1, 1941, just days before the bombing of Pearl Harbor.

The Civil Air Patrol played a critical role during World War II. Patrolling our coastal waters and boundaries, they identified many German ships and submarines, some of which were attacking the merchant ships from both the United States and other countries around the world.

The continued assistance the

Civil Air Patrol gave to the civilians of the country during the war by providing search-and-rescue programs, doing flyovers for potential fires, providing humanitarian assistance -- and one of the unique roles they also played from a military standpoint is flying targets past troops to practice to get into warfare.

In 1948 the Civil Air Patrol became an auxiliary to the United States Air Force. Today the Civil Air Patrol is made up of dedicated adults, young men and women who serve the Patrol, and many first responders who also participate in their actions.

The Civil Air Patrol, with its effectiveness, has been credited with saving 150,000 lives in 2020 and 62 lives so far this year. The Civil Air Patrol is made up of dedicated individuals who love flying and love this country. They serve throughout the year, and in the past year and a half they've played a critical role in this pandemic, providing assistance by airlifting vaccinations to different remote regions, continuing to do flyover looking at fire zones, continuing to

provide assistance in searches and rescues across this country.

We as a nation have been blessed for 80 years by individuals who volunteered to serve in this critical resource that we use in responding to emergencies and monitoring many regions of our country. They provide services such as aerial photography that's used to improve mapping and evaluate different environmental concerns.

We are very fortunate that these individuals have dedicated their service for so long, and we recognize them on this their 80th anniversary.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Liu on the resolution.

SENATOR LIU: Thank you, Madam President, for this opportunity to speak on the resolution commemorating the 80th anniversary of the United States Civil Air Patrol.

The Civil Air Patrol is the auxiliary force of the United States Air Force. It is considered part of the total force. And

Senator Brooks already gave a very detailed history, the 80-year history of this wonderful organization, an organization that did have its roots in World War II but nonetheless today is not directly involved in any military or law enforcement operations.

Rather, it is involved in disaster relief, as it has been during the numerous hurricanes we have witnessed in recent years -- and, a number of years ago, Hurricane Sandy in our area. It was involved in aerial survey in the aftermath of September 11th, the attacks thereof. And it continues to this day. In the past year the Civil Air Patrol has, throughout the country, engaged in delivery of COVID tests and vaccines to the more remote areas of the nation.

This is an organization that espouses core values of integrity, of volunteerism, of excellence and of respect. It's an organization that is comprised of over 60,000 people across the country, over 3,000 fellow New Yorkers. It's an organization that I'm proud to call myself a member of, and I've been privileged to fly search-and-rescue training

flights as well.

And so I ask all of our colleagues to recognize and understand what the United States Civil Air Patrol is, and I thank Senator Brooks for introducing this resolution.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Borrello on the resolution.

SENATOR BORRELLO: Thank you, Madam President.

First of all, I'd like to thank Senator Brooks for introducing this, and also for Senator Liu for your service in the Civil Air Patrol. Thank you.

We have a long history in my district of the Civil Air Patrol and the work that they have done. And I want to recognize a couple of folks in my district. During World War II, they were key. They're known as the Flying Minute Men. The Civil Air Patrol protected our coastal waterways and borders and flew anti-submarine missions during World War II.

Today, the Civil Air Patrol volunteers are as often the first responders to

natural disasters.

In World War II, Civil Air Patrol 1st Lieutenant William Hites, of Jamestown, New York, died on February 2, 1943, while on an anti-submarine patrol off the coast of Maine when his aircraft was lost during hazardous weather. For his bravery and service, 1st Lieutenant Hites was posthumously awarded the Air Medal in 1947 by the U.S. Air Force.

He was one of two New Yorkers serving in the Civil Air Patrol to die during World War II. Sergeant George Stubblefield of Waterloo, New York, died during a recruiting mission in August 1944, and is considered a wartime casualty.

During World War II the Civil Air Patrol sub chasers flew 86,865 missions, sighted and in some cases damaged U-boats, reported 91 ships in distress, reported 17 floating mines, and rescued 363 survivors of U-boat attacks off America's shores. They also saved the lives of untold thousands of sailors by preventing the loss of U.S. and Allied merchant ships during the war. Sixty-four Civil Air Patrol air crew members died during their service in World War

II.

Today, the more than 61,000 volunteers of the Civil Air Patrol perform search-and-rescue missions, disaster relief, border patrol, forest fire patrols, and work to keep the homeland safe.

I'd like to thank those who have volunteered in the Civil Air Patrol over these past 80 years, and I am proud, very proud, to be a cosponsor of this resolution today.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

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

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

Senator Liu.

SENATOR LIU: Madam President, please take up Resolution 1009, by Senator Myrie, read that resolution title only, and recognize Senator Myrie on the resolution.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 1009, by Senator Myrie, memorializing Governor Andrew M. Cuomo to proclaim June 2021 as Gun Violence Awareness Month in the State of New York.

ACTING PRESIDENT PERSAUD: Senator Myrie on the resolution.

SENATOR MYRIE: Thank you, Madam President.

And thank you to our leader for bringing this resolution to the floor.

I suspect we're going to have pretty extensive exchanges around gun violence later on this session, so I will not belabor the point. But just in the past 48 hours, in Brooklyn, there have been 10 shootings in and around my district.

This isn't just a Brooklyn problem, of course; this is a Rochester problem, this is a Utica problem, a Schenectady problem, a Troy problem, an Albany problem, a Bronx problem, a Long Island problem. It is a New York problem.

And it's important that we take time this month to recognize gun violence for what it

is, a public health crisis that deserves a public health response.

I was proud this past month that this Legislature declared gun violence a public health crisis, and now it's time for us to get to the solutions. So I look forward to the conversations we will be having today about some of those solutions.

And I encourage every New Yorker to take time this month to recognize the impact that gun violence has on your life, on the life of your family, the life of your neighbors, and the life of the rest of New Yorkers in this state.

So I'm proudly the sponsor of this resolution. I encourage all of my colleagues to join in this sponsorship and to vote in the affirmative.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?

(No response.)

ACTING PRESIDENT PERSAUD: The

resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now move to previously adopted Resolution 902, by Senator Hinchey, read that resolution's title, and recognize Senator Hinchey.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 902, by Senator Hinchey, memorializing Governor Andrew M. Cuomo to proclaim September 26 to October 3, 2021, as Frontotemporal Degeneration Awareness Week in the State of New York.

ACTING PRESIDENT PERSAUD: Senator Hinchey on the resolution.

SENATOR HINCHEY: Thank you, Madam President.

I rise today on a resolution proclaiming September 26 to October 3, 2021, as Frontotemporal Degeneration Awareness Week in the State of New York.

This resolution is incredibly personal for me, as my father passed away from FTD in November 2017. Frontotemporal degeneration, or FTD, is a terminal and incurable

brain disease affecting the frontal and temporal lobes, causing impairments to speech, personality, behavior and motor skills. It represents an estimated 5 to 15 percent of all dementia cases, and is most common form of dementia for people under the age of 60.

FTD is often misdiagnosed as a psychiatric problem or other neurodegenerative disease because of the wide range of cognitive and behavioral symptoms and their young onset.

My father was diagnosed with primary progressive aphasia, one of the many variants of FTD. A prolific reader, an eloquent speech giver, he lost his language and was unable, for the remaining few years of his life, to communicate with those around him -- unable to read the books that he so loved and unable to remember the history that he held so dear.

A dancer, a softball player, and a favored outdoorsman, he was also diagnosed with Parkinsonian syndrome, which took away many of his motor skills and his ability to walk.

This disease is right now an incurable disease and something that we need much more research to overcome. While there has never

been a global epidemiology study of FTD, it is estimated that more than 60,000 people are affected in the United States today. That's 60,000 people losing their speech. That's 60,000 people with behavior modifications. Those are 60,000 people with loved ones unsure of what's going on. Sixty thousand people probably misdiagnosed and unsure how they can ever continue with their life.

We need more awareness for FTD to make sure that everyone knows what they're up against. We need more awareness in the medical community, and we need more awareness in our community at large.

An organization that was incredibly helpful to my family and me was the Association of Frontotemporal Degeneration, AFTD, which provided us with a slew of resources and information so that we knew how to plan, we knew how to prepare, and we knew the things that could engage my father and make him comfortable in the last few years of his life.

I'm honored to sponsor the resolution proclaiming September 26th to October 3rd as FTD Awareness Week here in the

State of New York because I believe more people here need to recognize this disease as what it is: Something that is claiming the lives of many of our New Yorkers.

Thank you very much.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Cooney on the resolution.

SENATOR COONEY: Thank you, Madam President.

And I want to thank my colleague Senator Hinchey for sponsoring this resolution. I know it means a great deal to her family, as it does my own.

I remember when my own mother got lost coming to Albany and the Capital Region for my law school graduation. And she called me and she said, "I forgot what exit I need to get off of here in Albany." And that was strange to me, because she had driven to Albany so many times to visit me over my three years in law school.

And that's when I knew something had changed. That's when I knew that something was different for my own mom, and that greater attention was needed for her needs.

It's not lost on me as a new member of the State Senate, here in this beautiful chamber, of the great privilege and opportunity that she provided to me when she adopted me and gave me the opportunity to be a New Yorker. And I feel a great responsibility, as I know Senator Hinchey does, to raise awareness around frontotemporal degeneration as a form of dementia that takes the lives of so many New Yorkers.

That term FTD may not be a household term to so many in this chamber or in this state, but it means so much to those of us who have gone through that with a loved one. Someone who has forgotten their way on the Thruway stop to Albany, someone who has forgotten their everyday ability to function.

And so we need more resources in New York to support families who are going through this difficult process. A better healthcare system that will allow respite care for those who are working day and night on behalf of those who are suffering with any form of dementia, such as Alzheimer's. There's so much more work that we as a legislative body can do.

And bringing awareness for this

awareness week means so much to my family, and I'm just grateful to be part of a body that recognizes that this is an opportunity for us to do more. And if we don't do more, then we're not honoring those who have given us so much.

Thank you so much.

ACTING PRESIDENT PERSAUD: Thank you.

The resolution was previously adopted on May 25th.

Senator Gianaris.

SENATOR GIANARIS: At the request of the sponsors, these resolutions are open for cosponsorship.

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

Senator Gianaris.

SENATOR GIANARIS: I believe there's a Rules Committee report at the desk.

Can we please take that up.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senator

Stewart-Cousins, from the Committee on Rules, reports the following bills:

Senate Print 16D, by Senator Mayer, an act to amend the General Business Law;

Senate Print 427A, by Senator Hoylman, an act to amend the Executive Law;

Senate Print 485A, by Senator Krueger, an act to amend the Education Law;

Senate Print 741, by Senator Biaggi, an act to amend the Election Law;

Senate Print 946B, by Senator Gaughran, an act to amend the Workers' Compensation Law;

Senate Print 1102A, by Senator Kaminsky, an act to amend the Town Law;

Senate Print 1270, by Senator Brooks, an act to amend the Navigation Law;

Senate Print 1279, by Senator Bailey, an act to amend the Criminal Procedure Law;

Senate Print 1815, by Senator Skoufis, an act to amend the General Municipal Law;

Senate Print 2542A, by

Senator Rivera, an act to amend the Social Services Law;

Senate Print 3437B, by Senator Gaughran, an act to amend the Executive Law and the General Business Law;

Senate Print 3479, by Senator Comrie, an act to amend the Public Service Law;

Senate Print 3941, by Senator Comrie, an act to amend the General Business Law;

Senate Print 4104, by Senator Breslin, an act to amend the General Business Law;

Senate Print 4407, by Senator Parker, an act to amend the Domestic Relations Law and the Family Court Act;

Senate Print 4723, by Senator Kaminsky, an act to amend the Election Law;

Senate Print 4864, by Senator Gaughran, an act to amend the Public Authorities Law;

Senate Print 5023A, by Senator Gianaris, an act to amend the Education Law;

Senate Print 5160B, by Senator Skoufis, an act to amend the

Municipal Home Rule Law;

Senate Print 5356, by Senator Breslin, an act to amend the State Finance Law;

Senate Print 5395A, by Senator Savino, an act to amend the General Business Law;

Senate Print 5453A, by Senator Helming, an act to amend the Mental Hygiene Law;

Senate Print 5606B, by Senator Sanders, an act to amend the Public Health Law;

Senate Print 5691, by Senator Griffo, an act granting retroactive Tier 4 membership in the New York State and Local Employees' Retirement System;

Senate Print 5743A, by Senator Skoufis, an act to amend the Education Law;

Senate Print 6079A, by Senator Gounardes, an act to amend the Social Services Law;

Senate Print 6302, by Senator Weik, an act authorizing Michael J. Cappiello to purchase service credit for service with the

Long Island Rail Road Company;

Senate Print 6307, by Senator Harckham, an act to amend the Education Law;

Senate Print 6330A, by Senator Hinchey, an act to amend the Agriculture and Markets Law;

Senate Print 6353A, by Senator Persaud, an act in relation to permitting the use of municipal space for outdoor dining;

Senate Print 6373A, by Senator Savino, an act to amend the Workers' Compensation Law;

Senate Print 6405, by Senator Gounardes, an act to amend the Retirement and Social Security Law;

Senate Print 6511, by Senator Ryan, an act to amend the Education Law;

Senate Print 6657, by Senator Boyle, an act in relation to authorizing the assessor of the Town of Islip, County of Suffolk, to accept from the Community Services Support Corporation an application for exemption from real property taxes;

Senate Print 6707, by Senator Gaughran, an act to amend the Public

Authorities Law and the General Municipal Law;

Senate Print 6772, by Senator Martucci, an act to amend Chapter 4 of the Laws of 1977;

Senate Print 6795, by Senator Mayer, an act to amend the Education Law and the General Municipal Law;

Senate Print 6811, by Senator Harckham, an act to amend the Real Property Tax Law;

Senate Print 6921, by Senator Breslin, an act to amend the Public Health Law;

Senate Print 7013, by Senator Addabbo, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

Senate Print 7098, by Senator Bailey, an act to amend the Executive Law;

Senate Print 7099, by Senator Salazar, an act to amend the Criminal Procedure Law;

Senate Print 7100, by Senator Gounardes, an act to amend the Civil Service Law;

Senate Print 7101, by Senator Brisport, an act to amend the Education Law;

Senate Print 7102, by Senator Addabbo, an act to amend Chapter 57 of the Laws of 2015;

Senate Print 7103, by Senator Ramos, an act to amend Chapter 363 of the Laws of 2010;

Senate Print 7104, by Senator Mannion, an act to amend Chapter 942 of the Laws of 1983; and

Senate Print 7105, by Senator Cooney, an act to amend the Executive Law.

All bills reported direct to third reading.

SENATOR GIANARIS: Move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The Rules Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Please take up the calendar.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 104, Senate Print 687, by Senator Hoylman, an act to amend the General Business Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 104, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino, Stec and

Tedisco.

Ayes, 48. Nays, 15.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 311, Senate Print 13A, by Senator Kaplan, an act to amend the Penal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 311, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Brisport, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 312, Senate Print 14A, by Senator Hoylman, an act to amend the Penal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 312, those Senators voting in the negative are Senators Akshar, Borrello, Brisport, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec and Tedisco.

Ayes, 48. Nays, 15.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

578, Senate Print 2127, by Senator Rivera, an act to amend the Social Services Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 592, Senate Print 255B, by Senator Mayer, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 592, those Senators voting in the negative are Senators Akshar, Borrello, Cooney, Gallivan, Griffo, Helming, Jordan, Oberacker, O'Mara, Ortt, Palumbo, Rath, Serino, Stec and Tedisco.

Ayes, 48. Nays, 15.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 624, Senate Print 5333, by Senator Stec, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 1 of Article 14 of the Constitution.

ACTING PRESIDENT PERSAUD: Call the roll on the resolution.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The resolution is adopted.

THE SECRETARY: Calendar Number

631, Senate Print 3258, by Senator Comrie, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 657, Assembly Print 4662A, substituted earlier by Assemblymember Burdick, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 758, Senate Print 5758B, by Senator Brooks, an act in relation to authorizing the Village of Freeport to have a second associate village justice.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 758, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 797, Senate Print 1684, by Senator Sanders, an act to direct the Department of Financial Services to conduct a study on underbanked communities and households in New York State.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 865, Senate Print 5000B, by Senator Kavanagh, an act to amend the Penal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1, 2021.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 865, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Rath, Ritchie, Stec and Tedisco.

Ayes, 49. Nays, 14.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 905, Senate Print 2981, by Senator Persaud, an act to amend the Education Law and the State Finance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 905, those Senators voting in the negative are Senators Akshar, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 952, Senate Print 6001A, by Senator Brooks, an act to authorize Choice For All to file an application for exemption from real property taxes.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 952, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 958, Senate Print 6402, by Senator Gaughran, an act to amend the General Municipal Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 958, those Senators voting in the negative are Senators Akshar, Borrello, Griffo, Jordan, Oberacker, O'Mara, Rath, Serino and Stec.

Ayes, 54. Nays, 9.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 977, Assembly Bill 6333, substituted earlier by Assemblymember Englebright, an act to direct the Department of Environmental Conservation to study alternative municipal uses for recycled glass.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 977, voting in the negative: Senator Akshar.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 985, Senate Print 606, by Senator Benjamin, an act to amend the Correction Law and the Penal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 985, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1076, Senate Print 1048A, by Senator Myrie, an act to amend the General Business Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 1077, Senate Print 3985, by Senator Reichlin-Melnick, an act to amend the General Business Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1101, Assembly Bill 3237A, substituted earlier by Assemblymember Hunter, an act to amend the County Law and the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1102, Senate Print 4645, by Senator Thomas, an act in relation to authorizing the Nassau County assessor to accept an application from the Town of Oyster Bay for a real property tax exemption.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1102, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1104, Senate Print 6579, by Senator Kaplan, an act to authorize Divya Jyoti Jagrati Kendra to file an application for exemption from real property taxes.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 1104, voting in the negative: Senator Akshar.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1105, Senate Print 6582A, by Senator Kaminsky, an act to amend the Nassau County Civil Divisions

Act.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1110, Assembly Bill 3350A, substituted earlier by Assemblymember Joyner, an act to amend the Labor Law and the General Business Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Jackson to explain his vote.

SENATOR JACKSON: Can I seek clarification, Madam President? Which bill are we referring to?

ACTING PRESIDENT PERSAUD: Calendar 1110.

SENATOR JACKSON: Thank you, Madam President.

I rise today, my colleagues, in order to support this bill because as a labor leader myself for several decades in New York City, before I held elective public office, I had a deep commitment to stamp out wage theft.

This is a significant issue in the construction industry. So often, Madam President, unscrupulous employers and subcontractors take part in dishonest practices to avoid liability and make themselves judgment-proof from a wage-theft action.

Enough is enough. This bill will provide New York construction workers with an opportunity to fight against employers who attempt to steal their hard-earned pay. By holding the prime contractor on the construction

project liable for all subcontractors on the job, New York State will discourage bad behavior at every level of the enterprise so that construction workers can quickly collect unpaid wages.

I thank Senator Ramos for her commitment on this issue. This legislation will incentivize the construction industry to stop mistreating workers.

So today, in the name of workers' rights, who for long have suffered exploitation, I vote aye, Madam President. Thank you.

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1110, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Oberacker, O'Mara, Ortt, Rath, Serino, Stec and Tedisco.

Ayes, 50. Nays, 13.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1111, Senate Print 3469A, by Senator Kennedy, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1111, those Senators voting in the negative are Senators Akshar, Borrello, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Stec, Tedisco and Weik.

Ayes, 48. Nays, 15.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1112, Senate Print 4394A, by Senator Ramos, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day after it

shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Madam President. I rise again in order to support this bill.

New York State's whistleblower law protecting private-sector employees has been too restrictive for too long, and this must change. Right now, an employee reporting sexual harassment may be at risk of retaliation by their employer with no protection from the law.

Today New York State takes a step forward with this bill, which creates parallel protections for private-sector employees and independent contractors that already exist for public employees.

I thank Senator Ramos again for leading the way, and for my colleagues who have joined in cosponsoring this bill. Once again, I proudly vote aye to protect our workers.

ACTING PRESIDENT PERSAUD: Senator

Jackson to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 1112, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1114, Senate Print 5055A, by Senator Kennedy, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you,

Madam President.

I rise today to explain why I'm a proud sponsor of this bill and why I believe this legislation is critical here in New York State.

I want to thank Majority Leader Andrea Stewart-Cousins for bringing this bill to the floor.

This bill will require the Department of Labor and the Division of Human Rights to create a model training for employers statewide that will focus on educating employees on racial equity, social justice and implicit bias. While many leaders in the public and private sectors may already advocate for racial equity and social justice, I firmly believe that New York must do everything in our power to ensure that people in workplaces are informed and prepared to understand and combat systemic racism in our society.

The COVID-19 pandemic has had devastating effects on countless individuals and families. And for people of color, it's shined a light on the undeniable systemic disparities that exist in this country, from healthcare to housing, food security to education, and so many

more issues.

We know we have real work to do when it comes to bridging these gaps and correcting these injustices, and the work starts with not just identifying racism or speaking out against it, but by truly being antiracist.

So many people do not understand what racial equity, social justice and implicit bias truly is or how it affects them or the people around them.

Which is why by providing training and a model for that training here in New York State, we'll be providing employers with a valuable resource that educates people, just as we provide training for ethics or harassment or a number of other topics.

The only way we as a state can move forward together is if we commit to understanding and calling out the injustices that are pervasive not just in our personal lives but in our workforces in every single corner of this state and in society.

Through this policy, we'll be adding yet another step that puts the State of New York at the forefront of addressing systemic racism,

inequality, and disparities nationwide. If we want to truly rectify the racial and social inequities that exist across our state, New York as a whole needs to thoroughly examine our current policy and the perspectives that shape our decision-making.

I'm proud to sponsor this bill with Assembly Majority Leader Crystal Peoples-Stokes. And we've had many conversations with advocates across the state who are fully supportive of this policy because they understand that through it we will be taking real, proactive steps toward building a more educated and equal New York.

To my colleagues, I thank each and every one of you for supporting this bill and look forward to moving forward as a state in leading the nation in this effort.

With that, Madam President, I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1114, those Senators voting in the negative are Senators Akshar, Borrello, Boyle,

Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Palumbo, Rath, Stec, Tedisco and Weik.

Ayes, 47. Nays, 16.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1135, Senate Print 4449, by Senator Stavisky, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1137, Senate Print 6393, by Senator Reichlin-Melnick, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1167, Senate Print 6666, by Senator Breslin, an act to amend the Insurance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1168, Senate Print 6667, by Senator Breslin, an act to amend the Insurance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 1168, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1184, Senate Print 5645, by Senator Parker, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1187, Senate Print 1251, by Senator Gianaris, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1187, those Senators voting in the negative are Senators Akshar, Borrello, Boyle,

Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1193, Senate Print 4069, by Senator Addabbo, an act to amend the Tax Law and the State Finance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1198, Senate Print 5180A, by Senator Benjamin, an

act to amend the Tax Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of January.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1201, Senate Print 5574, by Senator Persaud, an act to amend the Social Services Law --

SENATOR GIANARIS: Madam President.

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: Without objection, if we could allow Senator Oberacker to explain his vote on Calendar 1198, which we just passed.

ACTING PRESIDENT PERSAUD: So ordered.

Senator Oberacker to explain his vote on 1198.

SENATOR OBERACKER: Thank you, Madam President.

I will be voting in the affirmative on this legislation. And I'd like to thank our -- let me get my notes up here. I want to thank our bill sponsor, and I want to thank my predecessor, Senator Jim Seward, who authored this legislation and helped pass it previously.

As a matter of fact, I reintroduced Senator Seward's bill, which is nearly identical to the bill we are passing today. So I definitely think this is a step in the right direction.

This bill was an idea generated from a Senate Heroin Task Force forum that was hosted in the 51st Senate District, which I represent.

You know, a job is more than just a paycheck for someone in recovery. It is a symbol of self-worth. By offering this tax credit I am hopeful that more employers will show faith in people who are trying to rebuild their lives and have earned a second chance.

So again, I want to thank the

sponsor and I am voting in the affirmative.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Oberacker in the affirmative on Calendar 1198.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1201, Senate Print 5574, by Senator Persaud, an act to amend the Social Services Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1201, those Senators voting in the negative are Senators Akshar, Borrello, Boyle,

Gallivan, Griffo, Helming, Jordan, Lanza, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1219, Senate Print 5186, by Senator Sanders, an act to amend the Penal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 1219, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1224, Senate Print 3077, by Senator Salazar, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1224, those Senators voting in the negative are Senators Borrello, Gallivan, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Stec, Tedisco and Weik.

Ayes, 49. Nays, 14.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1229, Senate Print 6575, by Senator Savino, an act to amend the Social Services Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1230, Senate Print 6576, by Senator Savino, an act to amend the Social Services Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce

the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1236, Assembly Bill 96A, substituted earlier by Assemblymember Gunther, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1238, Senate Print 4846, by Senator Reichlin-Melnick, an act to amend the Highway Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1254, Senate Print 5876B, by Senator Brooks, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1255, Senate Print 6460, by Senator Brooks, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1258, Senate Print 1443, by Senator Addabbo, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1258, those Senators voting in the negative are Senators Griffo, Lanza, O'Mara, Palumbo, Serino and Stec.

Ayes, 57. Nays, 6.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1266, Senate Print 1275, by Senator Krueger, an act to amend the Business Corporation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1273, Senate Print 2700, by Senator Ortt, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1275, Senate Print 2811A, by Senator Kavanagh, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1275, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Brooks, Felder, Gallivan, Gaughran, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 40. Nays, 23.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1276, Senate Print 3009, by Senator Sepúlveda, an act to amend the General Business Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1276, those Senators voting in the negative are Senators Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Serino, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1283, Senate Print 5419, by Senator Brisport, an act to amend the Social Services Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce

the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1289, Senate Print 6074, by Senator Salazar, an act to amend the Family Court Act.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1297, Senate Print 6510, by Senator Mannion, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1297, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Skoufis, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1298, Senate Print 6572, by Senator Hinchey, an act to amend the Social Services Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1298, those Senators voting in the negative are Senators Borrello, Helming, Lanza and Ritchie.

Ayes, 59. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1300, Assembly Bill 7500, substituted earlier by Assemblymember McDonald, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1322, Senate Print 947, by Senator Gaughran, an act to amend the Navigation Law and the Penal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1322, those Senators voting in the negative are Senators Myrie and Rivera.

Ayes, 61. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1327, Senate Print 3448, by Senator Hinchey, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1330, Senate Print 4343, by Senator Hinchey, an act to authorize the County of Ulster to offer an optional 20-year retirement plan.

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1331, Senate Print 4359A, by Senator Harckham, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1332, Senate Print 4401, by Senator Gallivan, an act to authorize Jason M. Scheidel to receive certain credit under Section 384-d of the Retirement and Social Security Law.

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1333, Senate Print 4404, by Senator Jordan, an act to authorize the County of Columbia to offer an optional 20-year retirement plan.

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

Calendar 1341 is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 1342, Senate Print 63A, by Senator Persaud, an act to amend the Social Services Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 1342, voting in the negative: Senator Borrello.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1345, Senate Print 5544, by Senator Stec, an act to authorize Jaime Laczko to elect to participate

in the optional 25-year retirement plan.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1346, Senate Print 5658, by Senator Parker, an act to amend the Banking Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce

the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1350, Senate Print 6259A, by Senator Hinchey, an act to amend the Highway Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 1351, Assembly Bill 6481, substituted earlier by Assemblymember McMahon, an act authorizing political subdivisions to permit any public body to hold meetings remotely.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1355, Senate Print 6459, by Senator Weik, an act to amend the Town Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1357, Assembly Bill 7501, substituted earlier by Assemblymember Stirpe, an act to amend the Economic Development Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1358, Assembly Print 7023, substituted earlier by Assemblymember Abbate, an act to amend Chapter 929 of the Laws of 1986.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

1359, Assembly Bill 7022, substituted earlier by Assemblymember Wallace, an act to amend Chapter 462 of the Laws of 2015.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1360, Assembly Bill 7478, substituted earlier by Assemblymember Cusick, an act to amend the Election Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1360, those Senators voting in the negative are Senators Borrello, Boyle, Helming, Lanza, Mattera, Palumbo, Rath and Weik.

Ayes, 55. Nays, 8.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1361, Assembly Bill 7168, substituted earlier by Assemblymember Pichardo, an act to amend the Local Finance Law and Chapter 419 of the Laws of 1991.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1364, Assembly Bill 7656, substituted earlier by Assemblymember Rosenthal, an act to amend Chapter 436 of the Laws of 1997.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 1364, voting in the negative: Senator Borrello.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1366, Senate Print 668, by Senator May, an act to amend the Social Services Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

THE SECRETARY: Section 6. This act shall take effect on the first of April.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1366, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1368, Senate Print 1235, by Senator Gianaris, an act to amend the General Business Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

Senator Gianaris.

SENATOR GIANARIS: Madam President,

at this time can we suspend the reading of the noncontroversial calendar and take up Calendar 1368 immediately on the controversial calendar.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1368, Senate Print 1235, by Senator Gianaris, an act to amend the General Business Law.

ACTING PRESIDENT PERSAUD: Senator Borrello.

SENATOR BORRELLO: Madam President, will the sponsor yield for a question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR GIANARIS: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: Thank you, Senator Gianaris.

My first question is so if I'm a pistol permit holder and I have an order of protection against someone, do I still have to

wait for this 10-day waiting period?

SENATOR GIANARIS: Yes, you would.

SENATOR BORRELLO: Yes? Okay.

So would the sponsor continue to yield, Madam President.

ACTING PRESIDENT PERSAUD: Senator Gianaris, do you yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR BORRELLO: Thank you, Senator Gianaris.

So if you're a victim of domestic violence and you try to get a gun, would you have to wait for that same 10-day waiting period?

SENATOR GIANARIS: Yes.

Of course this only applies to pistols, so if that person wanted to buy a long gun, they can do so right away.

SENATOR BORRELLO: Right, okay. Thank you.

Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: So pistol permit holders already go through a very rigorous background check. In fact, New York State probably has the most rigorous when it comes to a check. You have to have references, you know, fingerprinting I.D. It's quite a lengthy process. And in some places in New York, it's a year or more in order to get a pistol permit. So it's a pretty thorough vetting.

So my question is for that purpose -- you've already gone through this background check -- what is the purpose of the 10-day waiting period after all that?

SENATOR GIANARIS: The purpose is to counteract impulsive gun purchases. It has been shown through research that both in the case of suicides and hostility towards others that a 10-day waiting period gives someone who might be impulsively seeking to purchase a gun a cooling-off period.

SENATOR BORRELLO: Madam President, will the sponsor yield for another question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: Thank you again.

So even though you've gone through this process of getting a pistol permit -- it's taken maybe a year or longer, you've had a background check, references, a thorough vetting -- there's a 10-day, as you call it, cooling-off period. So what happens in that 10 days?

SENATOR GIANARIS: Hopefully if someone is intending to purchase a firearm to do damage to themselves or others, they will come to their senses and not do so.

SENATOR BORRELLO: Okay.

Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Borrello on the bill.

SENATOR BORRELLO: First of all, Senator Gianaris, thank you very much for the engagement here.

You know, I guess I would point out

that right now we are talking about probably the most -- the highest standard in the United States when it comes to a pistol permit. And this 10-day waiting period largely only applies to people that are purchasing a pistol, not a long gun, not a shotgun. So those folks could still be impulsive, if you will.

But we also should keep in mind that better than 95 percent of gun-related crimes are committed with a gun that was illegally obtained. So I think this measure is really mostly just for show.

But let's talk about the real impact of this. New Jersey has a very similar law, a waiting period. And there's an unfortunate story of a woman who was a victim of domestic violence in the State of New Jersey who was waiting for her 10 days and was stabbed to death by her abuser in her driveway.

There are countless examples across the United States that are documented of people who have defended themselves with a legally purchased firearm. And after going through a very rigorous process in New York State to get a pistol permit, you're still going to have to wait

another 10 days. And what's going to happen in that 10 days? Nothing, actually.

So from the day that you got your pistol permit and you went to purchase your gun, in that 10-day waiting period nothing is going to happen. So to me this is just an empty gesture to satisfy more, you know, radical special interests.

But it puts victims at risk. Once again, we are putting victims last in New York State. And this is another example that will cost lives. We have seen our streets become more violent. I was watching TV the other day and I saw an NYPD officer trying to respond to a potential shooting victim in New York City, and their vehicle was assaulted, pelted. They couldn't get to the victim.

So how do we defend ourselves in a state that has villainized law enforcement and emboldened criminals? Well, you're going to have to wait another 10 days to find that out, because you're not going to be able to defend yourself. Even though you've made a conscious decision to apply for a pistol permit, taken months or even a year or more to get that pistol permit, and now

you're going to have to wait another 10 days. It just makes no sense.

I'd also point out the fact that we are about to pass a law that says you can show up on Election Day with no proof of who you are, register to vote and vote on Election Day. Where is the background check there? How are we verifying and certifying that this person is actually a resident of New York State to begin with and legally allowed to vote here?

That's okay for the same folks that are proposing that someone who has already been vetted who wants to exercise their Second Amendment right to purchase a firearm can do so legally but has to wait another 10 days. But we're not going to wait 10 days or even a day or even an hour to verify whether or not someone is actually a legal resident of New York State and qualified to vote here.

You know, the hypocrisy and the irony doesn't escape me, and I'm certain it doesn't escape the people that I represent in the 57th Senate District. So therefore I'll be a no on this bill.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Stec on the bill.

SENATOR STEC: Actually, Madam President, if the sponsor would yield for a couple of questions, please.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR GIANARIS: Yes.

SENATOR STEC: Thank you. Through you, Madam President.

Do you happen to have a pistol permit? Or how familiar are you personally with the pistol permit process?

SENATOR GIANARIS: I have never owned a pistol or had a pistol permit, no.

SENATOR STEC: I'm sorry, I couldn't hear you.

SENATOR GIANARIS: I do not.

SENATOR STEC: Okay. Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR STEC: So are you aware that the pistol permit process in New York State requires a background check, fingerprints, hundreds of dollars in application fees and total costs to wait anywhere between three and six months for a judge to take all that information and then decide whether or not to allow that person to be granted a pistol permit?

SENATOR GIANARIS: Yes.

SENATOR STEC: You are. Okay, thank you.

Madam President, if the sponsor would continue to yield.

SENATOR GIANARIS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you, Senator.

Now, previously somebody asked you -- and I want to make sure that I'm crystal-clear on this. You said that this bill only applies to pistols, handguns. It does not to semiautomatic long guns, shotguns, it is only to pistols.

SENATOR GIANARIS: That's correct.

SENATOR STEC: All right. Madam President, on the bill. Thank you.

ACTING PRESIDENT PERSAUD: Senator Stec on the bill.

SENATOR STEC: Thank you.

My previous colleague made a point that I thought was very relevant. I do want to touch on it again, though.

Today we're making it so that you don't have to have any ID at all to prove that you're eligible to vote -- you can walk in, you can vote and register on the spot -- but we are going to require people to wait 10 days to exercise their right to have a firearm. Even somebody that already owns firearms, even somebody that already owns a pistol or 10 pistols, somebody that could have an order of protection against somebody else, as has been evidenced in numerous cases around the country where somebody has been in that situation.

They've already gone through all the background checks and the process, the lengthy process to have a judge issue a pistol permit, and we're going to tell that individual they have to wait 10 days. I wonder where the 10 days

comes from. Why is it 10 days? Why is it not 24 hours? They do a NICS check within seconds when you try to purchase a firearm.

And again, this doesn't prevent somebody from getting a long gun, either.

I just -- you know, I think this is a -- this is just a clear disrespect of the Second Amendment. And certainly it flies in the face of protecting people from crime, especially in a day and age where we're talking about defunding the police, legalizing everything, our prison populations are half what they were 10 years ago. These 40,000 people that aren't in our prisons anymore in New York State are not all good people. Our crime rates are going through the roof.

And of all times, right now, with all that going on, I think that discussing this couldn't be a worse idea at this particular time.

And for that reason, I'll be voting against this legislation. Thank you.

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

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Madam President.

I, as always, listen to my colleagues when they are engaging in debates, especially on my bills, and so I heard a couple of them compare the process of obtaining a pistol to the process of voting. And my answer to them is a simple one. Yes, we want it to be easier for people to vote than to get a pistol.

So maybe we disagree about that. It seems that Republicans all over this country, and including in this chamber, want to make it hard to vote and easy to get a gun. We want to make it harder to get a gun and easier to vote. And I'm not at all sorry that that's the position we're taking, and that's why a bill like this is so important.

The other question I would suggest, rhetorically, is what's the rush? You want to get a gun, you've got to wait a week and a half to get it, what's the big deal? Why do you need it right away, unless it's with the intent to use it in that period? And sometimes that use is one that maybe shouldn't be taking place.

So I'm proud to vote in support of this bill. I thank my colleagues who are also supporting it. And I vote in the affirmative.

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

Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Madam President.

And my colleagues, I rise to explain my support for this bill, S1235, which would establish a 10-day waiting period for purchase of any handguns.

I support this bill because it is a commonsense measure to help us save lives and eliminate opportunities for impulsive acts of violence. It complements our already strong gun laws by imposing a waiting period prior to the sale of a firearm that is keeping with many other

states, such as California, 10 days for all applicable firearms; Washington, D.C., 10 days; Florida, three days; Hawaii, 14 days; Illinois, 72 hours; Iowa, three days; Maryland, seven days; New Jersey, seven days; Minnesota, seven days; Rhode Island, seven days; Washington, 10 days.

So I say to you it complements our already strong gun laws by imposing a waiting period of 10 days for the sale of a handgun that is in keeping with many other states. Improving public safety by giving law enforcement officials sufficient time to conduct a background check on potential buyers, making this a bill that should have the full support of every single colleague here on both sides of the aisle.

And make no mistake about it. This is not a Second Amendment issue. It's a public safety issue.

And I want to thank Senator Gianaris for his leadership on this bill, and all the cosponsors as well. Today I vote aye in support of this legislation that will save lives.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1368, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Harckham, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

Can we now return to the noncontroversial calendar and pick it up at Calendar 1371, where we left off.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 1371, Senate Print 1767, by Senator Mannion, an act to amend the Navigation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1374, Senate Print 3312, by Senator Kaplan, an act to amend the Retirement and Social Security Law.

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 1375, Assembly Bill 436, substituted earlier by Assemblymember Jones, an act to repeal Section 16 of the General Business Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1378, Senate Print 4411, by Senator Skoufis, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1379, Senate Print 4440, by Senator Gounardes, an act to amend the Retirement and Social Security Law.

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1383, Senate Print 4779, by Senator Hinchey, an act to authorize the Village of Athens, in the County of Greene, to offer an optional 20-year retirement plan.

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1385, Senate Print 4987, by Senator Lanza, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day after it

shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1388, Senate Print 6171B, by Senator Ryan, an act to amend Chapter 560 of the Laws of 1998.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

1391, Senate Print 6428, by Senator Breslin, an act to amend the Vehicle and Traffic Law.

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1391, those Senators voting in the negative are Senators Boyle, Helming, Palumbo and Tedisco.

Ayes, 59. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1392, Assembly Bill 5858A, substituted earlier by Assemblymember Dinowitz, an act to amend Chapter 455 of the Laws of 1997.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1393, Senate Print 6512, by Senator Gounardes, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 1393, voting in the negative:

Senator Lanza.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1394, Senate Print 6519, by Senator Stewart-Cousins, an act to amend the Public Authorities Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1397, Senate Print 6569, by Senator Mayer, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

THE SECRETARY: Section 2. This act shall take effect June 30, 2021.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1400, Senate Print 6618, by Senator Gounardes, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1403, Senate Print 6710, by Senator Gaughran, an act to amend the Retirement and Social Security Law.

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1404, Assembly Bill 6841, substituted earlier by Assemblymember Otis, an act to amend Chapter 602 of the Laws of 1993.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1405, Senate Print 6764, by Senator Palumbo, an act to amend the Highway Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Palumbo to explain his vote.

SENATOR PALUMBO: Thank you, Madam President, for allowing me to interrupt the proceedings for the purposes of explaining my

vote.

Trooper Donald Strand joined the Division of State Police on June 19, 1958, and served in Troop B prior to his transfer to the Troop K area of Long Island on April 23, 1959.

While on leave, he was ordered to report for duty as all leaves were canceled due to severe storm conditions resulting from Hurricane Donna. He was en route to the Bridgehamton Station, where he was assigned, and was involved in a head-on crash. The operator of the other vehicle was killed, and Trooper Strand was critically injured. He succumbed to the injuries on September 28, 1960.

Trooper Strand was a dedicated public servant and first responder, and it's fitting that we honor his life and ultimately sacrifice by naming a portion of the state highway system constituting Sunrise Highway Peconic overpass on Route 27 in the Town of Southampton, Suffolk County, as the "State Trooper Donald A. Strand Memorial Bridge."

Madam President, this is yet another reminder that those that serve and protect us every day are on the road and not only facing

perils that are involved in the criminal justice system, but generally, because they drive so many miles and are doing so much on our highways that they too can give the ultimate sacrifice.

So I'm honored to be here, and this is a long time coming. Trooper Strand passed away September 28, 1960. So I'm honored to be here and to sponsor this bill. I vote aye.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1405, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1406, Senate Print 6765, by Senator Palumbo, an act to amend the Highway Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Palumbo to explain his vote.

SENATOR PALUMBO: Thank you again, Madam President.

And I'd like to also thank my colleagues for bringing this bill as well as the previous bill to the floor to memorialize those who lost their lives in the line of duty.

Trooper Jose A. Rosado entered the New York State Police on September 19, 1998, and was assigned to Troop L, State Police Riverside. He was killed while on patrol in a two-car accident on January 24, 2007, in the Town of Southampton, Suffolk County.

Trooper Rosado was a dedicated public servant and first responder, and it's fitting that we honor his life and ultimate sacrifice by naming the portion of the state highway system constituting the Sunrise Highway Speonk River Road overpass on Route 27 in the Town of Southampton, Suffolk County, as the "State Trooper Jose A. Rosado Memorial Bridge."

And I just wanted to reiterate, Madam President, that this again reminds us of the perils and the duty that our police officers serve every day on behalf of the residents of this state. And I'm honored to name this bridge and sponsor this legislation for Trooper Jose Rosado.

I vote aye. Thank you, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1406, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1407, Senate Print 6798, by Senator Breslin, an act to authorize and legalize certain acts and proceedings of Albany County.

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1408, Senate Print 6824, by Senator Persaud, an act to amend the Family Court Act.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1409, Senate Print 6886, by Senator Liu, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1410, Senate Print 6909, by Senator Borrello, an act in relation to permitting The Abundant Life Church to file an application for a real property tax exemption.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 1410, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1412, Senate Print 6972, by Senator Gounardes, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill

is passed.

THE SECRETARY: Calendar Number 1413, Senate Print 6974, by Senator Kavanagh, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1415, Senate Print 7009, by Senator Savino, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1416, Senate Print 7019, by Senator Krueger, an act to amend the State Technology Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1417, Senate Print Number 7021, by Senator Reichlin-Melnick, an act to amend the

Village Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1418, Senate Print 7031, by Senator Liu, an act to amend the Real Property Tax Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1419, Assembly Bill 7569, substituted earlier by Assemblymember Hunter, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1420, Senate Print 7055, by Senator Cooney, an act to amend Chapter 371 of the Laws of 2009.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1424, Senate Print 7059, by Senator Rivera, an act to amend Chapter 81 of the Laws of 1995.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

1425, Senate Print 7062, by Senator Rivera, an act to amend Chapter 459 of the Laws of 1996.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1426, Assembly Print 7607, substituted earlier by Assemblymember Kelles, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1427, Assembly Bill 7394, substituted earlier by Assemblymember Lunsford, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1428, Senate Print 7069, by Senator Gaughran, an act to amend Chapter 626 of the Laws of 1996.

ACTING PRESIDENT PERSAUD: Read the

last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1429, Assembly Bill 7393, substituted earlier by Assemblymember Englebright, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR LIU: Madam President, now we will take up the controversial calendar, beginning with Calendar 1350.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1350, Senate Print 6259A, by Senator Hinchey, an act to amend the Highway Law.

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

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

ACTING PRESIDENT PERSAUD: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly,

Madam President, I appeal the ruling of the chair and ask that Senator Stec be recognized.

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

SENATOR STEC: Thank you, Madam President.

I rise to appeal the ruling of the chair. The proposed amendment is germane to the bill at hand because this legislation requires the Department of Transportation to issue a Notice of Completed Application for fiber optic utilities within the state highway right-of-way.

The sponsor notes that there have been significant delays in this permitting process, and more projects are expected. This amendment is germane because it would repeal the fiber optic tax, reducing the cost of expanding broadband throughout our state as we continue to aim to expand broadband.

The 2019 enacted budget authorized DOT to charge a fee on fiber optic utilities for the use and occupancy of the right-of-way of New York State highways. This new fee reversed decades-old policy allowing utilities free access

to such right-of-ways. This longtime policy incentivized investment and development of critical infrastructure statewide.

At the time of implementation, the fee was projected to cost providers approximately 60 percent of a normal year's construction budget and require carriers to reduce their construction budgets for new projects by nearly 75 percent just to break even. The fee does not apply to other utilities, nor does it apply to projects that are part of the Executive's New NY Broadband Program.

However, as industry representatives have routinely pointed out, the New NY Broadband Program represents just 3 percent of total households and businesses in New York. Any existing and future fiber optics that help serve the remaining 97 percent of the state residents get taxed.

The lack of access to broadband is a major issue for our upstate communities in the best of times, as the lack of high-speed internet limits the ability to attract new businesses and for existing businesses to expand. According to the Microsoft utilization data, only 54.6 percent

of New Yorkers utilize the internet at broadband speeds, meaning almost 7 million New Yorkers are not using the internet at broadband speeds.

During COVID-19, access was even more critical as people worked from home and children attended school remotely. The fee stifles investment, deployment and expansion at a time when New York is receiving billions in federal funding for broadband expansion and carriers are building out their 5G networks.

This is a moment we should be investing in our infrastructure and ensuring all New Yorkers have access to broadband service.

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

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

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

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

SENATOR LANZA: Request a show of hands.

SENATOR LIU: Madam President, by unanimous consent, please waive the showing of hands and record each member of the minority in the affirmative.

ACTING PRESIDENT PERSAUD: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT PERSAUD: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1076, Senate Print 1048A, by Senator Myrie, an act to amend the General Business Law.

ACTING PRESIDENT PERSAUD: Senator Palumbo.

SENATOR PALUMBO: Thank you, Madam President. Would the sponsor yield for a few questions, please.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR MYRIE: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Myrie. Nice to see you.

I have just a few questions, if I may, in this regard. And I look at -- just generally, in Section 1, there's a reference to the Bureau of Alcohol, Tobacco, Firearms and Explosives statistics that 74 percent of firearms used in crimes in New York are purchased outside of New York State.

Can you -- do you know the date of that particular study?

SENATOR MYRIE: Madam President, through you, that percentile has been roughly the same for approximately the past 10 years. As my colleague knows, ATF is required to make an annual report based on their gun tracing data for every state in the union. And the most recent report, I believe it's in 2019, indicated that approximately 75 percent of crime guns originated out of the State of New York.

SENATOR PALUMBO: Would you yield for another question, please.

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

So when you say that they originated from outside of New York, that they weren't necessarily purchased outside of New York, that they ultimately were manufactured outside of New York? Is that more accurate?

SENATOR MYRIE: So through you, Madam President, according to the data that is aggregated by the ATF -- and the colleague is also aware that the tracing that is done by ATF is generally an undercount. This is something that happens at the instance of the crime, they trace the gun and look back to the origins.

And based on that methodology, 75 percent of those guns were not -- they were not traced back to the State of New York.

SENATOR PALUMBO: Thank you, Senator. Would you yield for another question, please. Through you, Madam President.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And did you have any conversations when crafting this legislation with any stakeholders -- the gun industry themselves, their advocacy groups like NRA, or anyone else in that regard?

SENATOR MYRIE: Through you, Madam President, let me first say that the most important constituency and the reason for this bill are the thousands of New Yorkers that are victims of shootings, many who have lost their lives tragically because of the illegal trafficking of guns.

As someone who was born and raised in Central Brooklyn, I have the honor of representing Central Brooklyn now. Gun violence and shootings are all too familiar. So this is not an issue that I needed to seek counsel on or to get a lobbyist to tell me what the problem was.

But that said, we did speak to the gun industry and we did hear their concerns about the bill.

But I will say that the impetus for this bill are the lives that are being lost on a daily basis and, through no fault of their own, people who are being victimized because we have bad actors in the gun industry who refuse to take the proper reasonable protocols and procedures to stop their dangerous products from killing people here in the State of New York.

SENATOR PALUMBO: Thank you, Senator. Do you yield for another question?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Senator Myrie, in that regard, then, do you have any statistics or did you speak to anyone regarding the amount of lawful guns that are used in crimes? Because you just mentioned the illegal trafficking, versus the amount of legal guns that are used in crimes here in this country or in New York or in anywhere, in any respect.

SENATOR MYRIE: Through you, Madam President, I don't offhand have the statistics for crimes committed with legal guns throughout the country. I have relied mainly on the ATF's own data that they produce on an annual basis about the usage of illegal guns, and through experience as a representative of neighborhoods that are plagued by violence.

But also in my conversations with law enforcement and district attorneys, we know

that the crime that's related to guns, it's an illegal gun problem. And that is what this bill is aimed at, stemming the illegal use of weapons in the State of New York.

SENATOR PALUMBO: In that regard, would you yield for another question, please, Senator.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR MYRIE: Certainly.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And I've seen various different studies, and the one I was able to put my finger on today was published in January of 2019. And it was the United States Department of Justice Office of Justice Programs, Bureau of Justice Statistics in 2016 did a study.

And so the Obama Justice Department found the following results: 287,400 prisoners had possessed a firearm during their offense. Among these, more than half, 56 percent, had either stolen it, 6 percent found it at the scene

of the crime, 7 percent, or obtained it off the street from an underground market. The last line on this first page, 7 percent had purchased it under their own name from a licensed firearm dealer.

And the reason I bring that to your attention and I want to ask you a question in that regard, is can we agree that it's already illegal for someone to buy for another person, called a straw purchase? In fact, if I go into a gun dealership and you and I both are lawfully able to possess a gun and the dealer puts my name on it and I'm buying it for you, all three of us are guilty of a crime. Right, is that accurate?

SENATOR MYRIE: That sounds accurate.

SENATOR PALUMBO: Okay, thank you.

And would you yield for another question, please.

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

The sponsor yields.

SENATOR PALUMBO: Thank you.

So, Senator, my question to you is

in light of the fact that, according to this fairly recent study, 7 percent of gun crimes are committed with legal guns, can you explain to me how this bill will address the 93 percent of illegal guns?

Because those individuals who are illegally obtaining the guns, I don't see how this bill holding manufacturers liable and gun dealers liable will have any effect on those illegal gun possessors. Can you please explain that to me, please?

SENATOR MYRIE: Yes. So through you, Madam President.

And I appreciate the question, Senator Palumbo, and I think it allows me to speak to what the importance of this bill is and exactly what we're aiming at.

You note that this is a small percentage of individuals that are committing the overwhelming majority of the infractions. Much like actual gun violence, in the gun industry it is a small group of bad actors that are committing the overwhelming majority of the infractions.

What do I mean? There was an

explosive USA Today trace report released last week that examined inspections by the ATF from the years of 2015 to 2017. Over 2,000 inspections were examined. And throughout those inspections, what we saw, a common refrain, was gun dealers, manufacturers, pawnbrokers, members of the gun industry who were committing violation after violation after violation but who were not being held accountable.

In fact, the states where most of the crime guns in New York come from, like Georgia and North Carolina, those inspections were examined and there were gun dealers that violated the law 10 consecutive times and were issued the lowest penalty possible from the ATF, a simple warning letter.

And what do these violations constitute? Filling out the proper paperwork when you sell a firearm. Recording the record of that transaction. Ensuring that you fill out the proper form when an individual buys more than one firearm over the span of five days. What we all agree are common-sense regulations on the commercial sale of firearms.

So what we found in that study was

that many members of the gun industry that are repeatedly violating the law -- not taking the safety precautions -- have no mechanism for accountability whatsoever.

And so what this bill does isn't an automatic imposition of accountability, it simply allows victims of gun violence to have their day in court. The gun industry enjoys, as you know, great immunity from civil liability. And so these same irresponsible bad actors in the gun industry are able to repeatedly violate the law and not take the proper safety precautions, and no one can bring them into court.

So if we have a measure of accountability, if we are allowed to have a factfinder determine whether or not that gun industry member was irresponsible, then we may see some action. This is the same course of civil justice that has led to many of the things we take for granted today. In the automobile industry, seat belts and safety bags were not sprung out of the well of goodness from corporate executives. They were sued. There was litigation; people died. And they said, We deserve a day in court, and the industry changed

its behavior.

SENATOR PALUMBO: Thank you, Senator Myrie.

And would you yield for another question, please.

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Senator, this bill does a little bit more than that. Because if I may just explain a little bit what you're discussing, there were some lawsuits and ultimately a public nuisance was not found by simply manufacturing a gun. And then later on, the Court of Appeals said that there is no duty for violence that's committed downstream after that firearm has been transferred.

And so I do agree with you -- I think we're all on the same page -- that the unscrupulous gun dealers need to be punished. Because that in fact under Title 15 United States Code -- you've mentioned many of these definitions, as a matter of fact, in 7903 and that entire title -- it's illegal to do that under federal law. And usually they have a much

heavier hammer when it comes to that federal law versus -- the United States Attorney versus local district attorneys.

So we're in agreement. Those unscrupulous gun dealers who are selling guns to people who are not authorized to possess them -- I am a gun owner, and I absolutely agree with you, 100 percent, they need to be punished.

However, this bill does a lot more than that. This bill will now affect or provide a cause of action against a manufacturer downstream. So we'll get into a few specifics of the bill, if you don't mind, and that's where I have -- I'm really troubled by the language here, because some of it is quite vague and is actually subject to interpretation.

And I did have some individuals and some groups that were concerned with this legislation who provided me with a number of examples that I'd like to be able to ask you so we can just clarify, for the legislative intent purposes of this bill, as to what is reasonable, what is unreasonable. Because it says -- you have in this bill illegal, which we all agree should be a violation, and the manufacturer

should have some responsibility if they're illegally selling guns.

But once a legal gun is transferred and all compliance is done between background checks, federal and local laws and state law -- can you explain to me how a manufacturer is supposed to control a gun that they sold lawfully to someone that maybe lost it, stole it, illegally sold it, whatever it may be.

So that's really the nexus of my questions. And I wonder if you can help me out. And I know I'm going to run out of time, so if we could maybe keep it nice and concise, please, Senator, that -- as to how these manufacturers are supposed to reasonably control guns that are downstream and they've already sold them lawfully to a person who then is possibly negligent or unscrupulous with it.

SENATOR MYRIE: Sure. So let me first say that the concept of holding downstream actors responsible is not foreign in our corporate ecosystem. It is a liability that can be imposed in every single other industry, with the exception of the gun industry.

But let me read the section that I

think may answer your question. So in the definitions, we say: "'Reasonable controls and procedures' shall mean policies that include but are not limited to instituting screening, security, inventory and other business practices to prevent thefts of qualified products, as well as sale of qualified products to straw purchasers, traffickers, persons prohibited from possessing firearms," et cetera. And that's on page 2, starting line 16.

And so the notion that this bill is vague I really have to contest, because I think we give some specifics here on actions that can be taken in order to prevent this type of thing from happening.

But there's another critical piece of this, and this is a "knowingly and recklessly" requirement on the manufacturer's part. If you are a manufacturer and you know that a particular gun dealer has been, for instance, burglarized on a number of occasions and that gun dealer has taken no steps to cure that harm, you are now knowingly participating in this process.

This again is not a concept that is foreign to our law. And the fact that you made

an initially legal purchase -- legal sale, rather -- and there is some other intervention at another point does not cut off your liability.

And that's not just me hypothesizing. This has been stated by courts in the State of New York. The Fourth Department said, specifically, intervening actions between a defendant and the harm suffered by the public, even multiple or criminal actions taken by third parties or occurring naturally, do not break the chain of causation if a defendant could reasonably have expected their nature and effect.

And in the First Department, the Second department, the Third Department, under a public nuisance theory, we have held individuals liable even when there have been subsequent intervening actions.

SENATOR PALUMBO: Would you yield for another question, Senator?

SENATOR MYRIE: Sure. Through you, Madam President.

SENATOR PALUMBO: Through you, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR PALUMBO: And in that regard, thinking of -- you know, I always talk about my old law enforcement days as a prosecutor. Under what circumstance is it not reasonably foreseeable, because the way you paint it with that broad brush, that an object that's readily capable of producing a shot that can cause serious physical injury or death -- the definition of a firearm under our Penal Law -- how is that not likely to cause harm?

Just like an automobile, which is a 3,000 to 5,000 or more pound weapon. So, you know, we see it all the time: When people try and run over police officers, they have justified shootings because that is a deadly weapon in that circumstance.

So I think that when you say that collectively, that's always going to be the situation. Why doesn't this apply to automobiles, since it's going to definitely apply to a weapon?

SENATOR MYRIE: I'm not sure of your exact question there, but let me try to tackle what I was able to gather.

Firstly, the product itself is

inherently dangerous. We recognize that. It's the reason why we regulate it the way that we do. And I don't think any of us would disagree that that regulation is necessary, given the inherent dangerousness of the product that we are discussing now.

The law recognizes these distinctions. We do not regulate other, more innocuous products the same way we regulate inherently dangerous products. And this particular bill is not going after responsible members of the gun industry. I think your own numbers that you cited earlier, I would venture to say that there are many good actors in the gun industry.

That is not what this is aimed at. This is aimed at a small subset of bad actors in the gun industry who can't be held liable under any circumstance as the law currently stands.

SENATOR PALUMBO: Thank you, Senator. Would you yield for another question? Through you, Madam President.

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

So in that regard, if a federal firearm -- an FFL, a licensed manufacturer sells firearms to a distributor, in full compliance and in accordance with all federal and state and local laws and all regulations, have they created or maintained to a public nuisance in New York by that transfer?

SENATOR MYRIE: Through you, Madam President, I believe that the answer to that question is, one, incredibly fact specific. And, two, would be guided by the section that I just read, whether or not there were reasonable controls and procedures taken to mitigate this process.

The reason why this is so important is that we can't -- you cannot step into the courthouse now to even answer the question that you have posed to me. If you are a manufacturer and you have given to this dealer and you have complied with all of the laws and that dealer has been irresponsible in how they have maintained

their business and those guns end up in the streets in Brownsville, the victims in Brownsville can't even ask the question that you've asked.

They can't get to it. They can't see what was taken. They can't see whether or not there were protocols put in place to protect it. They don't know what the relationship between a manufacturer and a dealer was. We can't even get to the information.

And that is what this bill is about. It is not about presumed guilt, it is about a day in court.

SENATOR PALUMBO: Will you yield for another question, Senator.

SENATOR MYRIE: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: So can you tell me what would be unreasonable in that example for a federally licensed manufacturer to sell to a known, well-behaved, federally licensed distributor?

Because once that gun is transferred, they have absolutely no control over

where it goes and where it ends up. It's a fungible item, so to speak.

So can you explain to me in that example how any of that is unreasonable and there could be liability?

SENATOR MYRIE: Through you, Madam President. I'd just say again that it is a fact-specific question.

If you are a responsible manufacturer, you then sell or give to a responsible distributor and then somewhere things go awry, we would -- it's really the job of the factfinder to determine whether or not that manufacturer can be held liable.

I mean, I could see certain instances where if you turn a blind eye to something that you knew was happening downstream, then that potentially makes you liable.

But it is an intensely fact-specific inquiry that has to be made to determine the liability for each of these members of the gun industry. And it's why, again, it's so important that people not be shut out of the courthouse and have the opportunity to get to those facts.

SENATOR PALUMBO: Will you yield

for another question, Senator.

SENATOR MYRIE: Yes.

SENATOR PALUMBO: Thank you.

And so -- and I guess I'll go on the bill and talk more about the language that concerns me where you have "including, but not limited to," because they're not exclusive lists.

But we also have here, at line 53 on page 2, "The existence of a public nuisance shall not depend on whether the gun industry member acted for the purpose of causing harm to the public." And "The acts or omissions of a gun industry member shall constitute a proximate cause of the public nuisance if the harm to the public was a reasonably foreseeable effect of such acts or omissions."

So I would submit to you that when we're dealing with firearms, of course, they can be dangerous if misused. But my question is would you agree with me that that actually creates now an affirmative duty that did not exist for manufacturers, that they must comply with this or otherwise face liability?

SENATOR MYRIE: So I'm not sure I agree with the characterization of it.

But if you are suggesting that we are contemplating making a decision, as the policymaking body of this state, to impose certain affirmative steps and duties that members of the gun industry should take, I would say absolutely, because we are within our full right to do so.

And even those who would perhaps disagree with the policy choice that we are making I don't think could reasonably disagree that it is well within the state's jurisdiction to protect the health and safety of the public. It is why we a little over a month ago declared gun violence a public health crisis. And I believe that this is one of the solutions to help stem the sources of that crisis.

SENATOR PALUMBO: Will you yield for another question, Senator, please.

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

Senator Palumbo, I'd just like to remind you to direct all comments and questions through the chair.

SENATOR PALUMBO: Yes,

Madam President. Thank you. I apologize for that.

Again, it's -- old habits die hard from my years down the hall, you know what I mean?

Madam President, through you. Senator, you ultimately have in here, as far as any of those lawsuits are concerned, that when there's a violation of this article, "the Attorney General, in the name of the people of the State of New York, or the town attorney, city corporation counsel, or other lawfully designated enforcement officer of a municipality or local government, on behalf of a locality, may bring an action in a court of competent jurisdiction to enjoin and restrain such violations and to obtain restitution and damages."

Senator, could you tell me who those damages would go to?

SENATOR MYRIE: So my understanding is that it depends on who the injured party was and the nature of the claim brought.

And so the restitution or the damages here would go to whomever the factfinder found to be the injured party.

SENATOR PALUMBO: Through you, Madam President, would the Senator yield for one more question.

ACTING PRESIDENT PERSAUD: Will the Senator yield?

SENATOR MYRIE: I do. I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: So in that regard, Senator, if there's a private right of action in here -- and that makes sense to me -- but if the Attorney General wants to sue Remington, in federal court or otherwise, and there are damages awarded there, would they just go to the state if there's no specific injured? Or how would it be distributed to the general public?

I think that that's -- there's some confusion there, and I'm wondering if you can help me out.

SENATOR MYRIE: So in previous litigations and suits brought by the Attorney General -- I'm thinking most recently against members of the financial sector -- those settlements were given back to the state because

the harm was done to the public generally.

I have every reason to believe that should the Attorney General bring a similar lawsuit based on harm to the public, that those funds would similarly go to the state.

SENATOR PALUMBO: Thank you, Senator. I see I'm getting low on time. I appreciate your indulgence.

Madam President, on the bill, please.

ACTING PRESIDENT PERSAUD: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you, Madam President.

And generally speaking, the very intent of the bill articulates that this is intended to -- the target of this legislation are gun manufacturers outside of New York State. You said 74 percent in the bill, roughly 75 percent.

And the issue is this. That is an improper infringement on the Commerce Clause. I can't see how this even possibly would pass constitutional muster.

But when we couple that with the many other statutes that are referenced in this

bill, that the United States Code has a qualifying product -- which is referred to in the bill -- which under 15 U.S. Code 7903, Section 4, the term "qualified product" is a firearm, an antique firearm, ammunition or component part of a firearm or ammunition that has been shipped or transported in interstate or foreign commerce.

Now, the reference to potentially unscrupulous gun manufacturers. That is something that we, I think as a body, are in agreement. That is unlawful. And as I said, the former prosecutor in me realizes how terrible that is, because we have this study, among many others -- depends on which one you look at. But what I've seen over the years, it's always single digits of lawful gun owners are the ones committing crimes.

So, my friends, with this session almost behind us, and we see what has happened in the last year and a half regarding spikes in gun violence in New York City, spikes in gun violence around the country, spikes in big cities, and with an attempt -- although the heart probably is in the right place in many respects, the so-called justice reform has resulted in a

tremendous spike in use of illegal firearms.

And again, 93 percent of these crimes are the ones I'm talking about. We haven't done anything in this body to address stricter penalties for illegally using a firearm. That's the proper position for this body to take, because that will help.

This, even if it is constitutional, going after manufacturers for something they sold three years ago because someone's house was burglarized and they lost -- and you saw those statistics, and these aren't made up, these aren't mine. As I said, this was the 2016 Department of Justice did this, and over 287,400 prisoners in the federal and local systems were interviewed and the data was compiled, and 7 percent was the number. But overwhelmingly, stole it, got it on an underground market, found it at the scene of a crime. They obtained it through no fault of any manufacturer. And in fact, that is where our -- as I just mentioned, that is where our focus should be.

So I think this is certainly a bill that will make a great press release that we're really fighting crime and taking on those big bad

inanimate objects that are guns. The guns do nothing by themselves. People kill people, not guns. Are we going to start to ban swords and baseball bats and automobiles?

And again, I've discussed this issue and I've -- through committees and so forth with the sponsor, and I understand his heart is absolutely in the right plate to try and resolve this, I think this issue. But this bill is completely misplaced. This bill does not make us safer.

And unfortunately, this is going to create a flood of litigation, particularly when you have a free lawyer like the Attorney General doing it for potentially, I would suggest, sometimes political reasons lawsuits are filed in many states. That this is actually going to just focus -- just really regulate those lawful gun owners, because that 7 percent of people, yes, some people do commit crimes. But overwhelmingly those people who are lawful gun owners are the ones that are going to be affected by this.

So when the gun industry moves out of New York, unfortunately we're going to have an even bigger increase in crime, because the

numbers are overwhelming for those that protect themselves with a lawful firearm.

So unfortunately, Madam President, I urge my colleagues to vote no on this particular bill because it will not accomplish the goals that the sponsor seeks.

Thank you very much.

ACTING PRESIDENT PERSAUD: Senator Lanza.

SENATOR LANZA: Thank you, Madam President.

Would the sponsor yield for some questions.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: Thank you. Thank you to the sponsor and thank you, Madam President. Through you, Madam President.

Does the sponsor believe that the citizens of New York have the right to protect themselves by bearing arms?

SENATOR MYRIE: Yes.

SENATOR LANZA: Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: Madam President, through you. The sponsor spoke about there being liability only when something goes awry. Isn't it a fact that every time someone becomes the victim of a gun crime that something has gone awry?

SENATOR MYRIE: Yes, I think every instance of gun violence is tragic.

SENATOR LANZA: Would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: Through you, Madam President. Can the sponsor tell us or

describe a fact scenario where someone is the victim of a gun crime and under this law the manufacturer of that gun would not be subject to liability?

SENATOR MYRIE: Through you, Madam President. And I hate to sort of speak in double negatives, but I think I'm going to get to the core of my colleague's question in that if you are a responsible manufacturer who can demonstrate that you've taken the appropriate and reasonable steps to prevent your product from flowing into the illegal market, then you will not be held liable.

The key to this is taking reasonable steps. The bill does not prescribe perfection from any member of the gun industry. It does not call for negligence per se. It does not impose automatic liability. It instead asks that members of the gun industry take reasonable steps. And that "reasonable" piece again is not a phrase that is foreign to our body of law, and we are again aimed at the irresponsible members of the gun industry.

SENATOR LANZA: Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: Through you, Madam President.

First let me say I would agree with that sentiment that we want people, especially those that are in the manufacture of firearms, to be responsible.

But let me pose -- through you, Madam President -- this question. Let's say a manufacturer creates a firearm, that firearm is purchased lawfully, and then the lawful purchaser of that firearm -- as rare as this is in real life, as Senator Palumbo pointed out -- commits a gun crime with that lawfully purchased weapon.

Isn't it true that even under those facts, that manufacturer would be liable for that crime if this bill becomes law?

SENATOR MYRIE: Through you, Madam President. The bill again does not impose automatic liability. It simply provides a cause

of action such that a court or a factfinder can determine whether that liability exists.

SENATOR LANZA: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR MYRIE: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: So through you, Madam President, let me put it a different way.

The sponsor says that liability is not automatic. But isn't it true that if this bill becomes law, by the facts I've described where a manufacturer creates a firearm, someone lawfully purchases it, the manufacturer has done nothing except manufacture that weapon, that lawful purchaser of the weapon commits a crime -- isn't it true that this bill would automatically allow the victim of that crime to have a cause of action and therefore impose liability upon the manufacturer?

SENATOR MYRIE: Through you,

Madam President. I feel like we're -- perhaps we're talking past each other. But it is a fact-specific inquiry to determine this liability. And, you know, I hate to sort of put myself in the face of the factfinder without having a totality of the circumstances before us.

But if you are that manufacturer and you have demonstrated that you've taken reasonable steps to ensure that your products are not used for illegal purposes contributing to gun violence, then you would be able to demonstrate that in court or before the factfinder.

This bill really is about allowing that process to begin. I think we are assuming that individuals have the capability, as the law stands now, to get to those facts and to make the case. And this is if you are a good manufacturer, you are a good member of the gun industry, this bill doesn't threaten your existence. If you are carrying out your business in a responsible manner and you're taking the appropriate steps, you should not have to worry about this type of liability.

And so, you know, I would again just emphasize that this is about giving individuals

the opportunity to make their case, just as they would be able to make in almost every other circumstance against a particular industry, but because the gun industry enjoys this unique immunization from civil liability, it has prevented people from being able to do so.

SENATOR LANZA: Would the sponsor continue to yield, Madam President.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: So through you, Madam President. We are talking past each other a bit, I agree. I'm not saying ultimate culpability, as determined by some verdict. I'm talking about liability.

And presently as the law exists here in New York, under the facts I've described where a manufacturer has done nothing except manufacture the firearm, and that is lawfully purchased, and there's ultimately a gun crime committed with that weapon, the manufacturer will not find themselves in a court of law.

And while the sponsor suggests that, well, if you've done nothing wrong, you will not be held liable, isn't it true that under every -- Madam President, through you, to the sponsor, isn't it true that every time there is a gun crime committed, if this becomes law, that the gun manufacturer will find themselves in court?

SENATOR MYRIE: Madam President, again, this bill does not create automatic liability, and certainly not in the way that my colleague has phrased.

You know, I know I sound like a broken record here, but I want to emphasize that the intent of this bill is not to impose automatic liability on members of the gun industry. The intent of this bill is not aimed at responsible members of the gun industry. This bill is about giving the opportunity for victims of gun violence or any other injured party of gun violence to get to the facts, to determine whether or not these procedures have taken place.

You can imagine that there are an incredible amount of victims in the State of New York who have suffered from an illegal gun who have either had their family members killed

or their friends killed or members of their community killed. And we also have a gun industry that can't be brought to a court whatsoever. And so what this is about is allowing these two sets of circumstances to meet and allowing us to get to the facts.

And so each case is going to be different. And my colleague understands this very well, that we can't predetermine these outcomes and it really is for the factfinder to determine whether or not the manufacturer in this hypothetical was a responsible member of the gun industry.

SENATOR LANZA: Will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: Thank you. Through you, Madam President.

Isn't the real intent of this legislation to create such a litigation nuisance

to gun manufacturers that it will drive them out of business so that they will not be able to produce weapons so that people will not be able to protect themselves and enjoy the right to bear arms?

SENATOR MYRIE: Madam President, that is absolutely not the intent.

And I would ask individuals who are listening to us -- I know we have scores of viewers at home.

(Laughter.)

SENATOR MYRIE: I would ask individuals who are listening to us to consider the proposition that my colleague just put up, that if the gun industry can be held liable for bad behavior, that they will pack up and leave.

What does that presuppose about the nature of the industry, that any accountability will force you out of the state?

I disagree with the premise that the industry members who are responsible will leave the state. But if you can't do business in a responsible way, in a way that keeps guns off of our streets, then you should be held accountable for that. A business model that is predicated on

profits that are derived from guns flowing into the illegal market is not one that we should support.

And that's not what this bill is aimed at. And it is not the intent for us to go after the responsible members of the gun industry. It is, again, an attempt to give impacted individuals their day in court.

SENATOR LANZA: Would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR LANZA: Through you, Madam President.

First of all, I thank you for that response. I just want to be clear in terms of what the intent of the legislation is here on the floor.

You talk about the fact that -- and by the way, Madam President, through you, I think we have a different opinion about what is bad conduct. I think there are many -- and they're

entitled to their belief that bad conduct is the very act of what gun manufacturers do, that the bad conduct is the actual creation of that weapon. There are people that believe that, they're entitled to believe that. I don't. I think that's part of what is at issue here.

Through you, Madam President, the sponsor talked about this unique enjoyment of immunity. The government of New York City, of New York State enjoy all types of immunities with respect to protecting government from actions brought by its own citizens, even when the government has been negligent or grossly negligent.

Madam President, through you, would the sponsor be willing to eliminate all provisions that provide immunity for the state government and the various municipal governments across New York?

SENATOR MYRIE: Through you, Madam President, I'm not sure that is within the scope of our debate.

My focus here is on what's before the house, and that is a bill that would make use of and exception to the immunity that was

contemplated by the United States Congress. An exception that allows for states to regulate the commercial sale of firearms. An exception that has been recognized by the highest court in the United States, in that it is not an unlimited right we have to bear arms, but one that can be subject to regulation.

And there's a reason for that. It's because it's an inherently dangerous activity that can't be unlimited, and that does require some regulation. And states for centuries have had the ability to regulate and protect their citizens from threats to their health and safety.

And so that's what is before us today. And I believe very strongly that we are fully within our power as a state legislative body to make the determination as to what those threats are and how we can solve those problems.

SENATOR LANZA: Will the sponsor yield?

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: Thank you. Through you, Madam President.

You know, I think the discussion surrounding this bill really centers on where ultimately liability rests when, as you say, things go awry. And so here the target of that discussion is the gun manufacturer. But, you know, I can give a lot of hypotheticals but I do want to go through a couple.

So for instance, through you, Madam President, we know that people are losing their lives on the roads because of texting. Does the sponsor believe that the people who make these phones are liable for those deaths?

SENATOR MYRIE: Through you, Madam President. You know, I suspect that we're going to go through a series of hypotheticals, so I might try to give an answer that might be useful for the rest of them.

You know, Congress contemplated the nature of the firearm industry when they crafted this bill, the Protection of Lawful Commerce in Arms Act, known colloquially as PLCAA. Congress contemplated the nature of this industry, the nature of other industries, the nature of

commerce and they set out these particular protections for this industry and made sure to build in an exception that allowed for states to regulate the firearm industry directly.

Considering all of its ability to regulate commerce as outlined in the Commerce Clause in our Constitution, the Congress still made this exception because the states enjoy a unique ability to protect its citizens.

And so I understand the sort of road we're going down with the hypotheticals. I'm going to give the same answer, in that even with all of these hypotheticals and other industries that I suspect you're going to bring up, Congress still said that the states are allowed to regulate the firearm industry. This bill squarely fits within that exception.

SENATOR LANZA: Will the sponsor yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: Through you,

Madam President. I thank the sponsor and I accept his same answer in advance, and so I won't go through them. We both understand each other's point.

I would say that I think that -- I think it's clear that Congress carved out or this immunity was created because of the inherent nature of what a weapon, a firearm is. And therefore, in order to protect the spirit of the Second Amendment, such immunity is seen by many to be critically important.

Just a couple more questions, through you, Madam President.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR LANZA: So through you, Madam President. I understand the sponsor's intent here. It's to rid society of the plague of gun violence. I think we can all agree that that is a necessary, worthy goal that we all must come together and achieve.

Would the sponsor consider

increasing penalties for those who commit gun crimes here in New York?

SENATOR MYRIE: Through you, Madam President, the question on whether or not we should be going after the individuals who are pulling the trigger I think is one that has been asked and answered by our entire statutory framework aimed at these particular individuals.

And so this is not a bill that absolves individuals of responsibility. We have a robust police apparatus that is well resourced, that aims at preventing and catching individuals who are committing crimes. We have a robust prosecutorial apparatus that is aimed at convicting such individuals. We have a massive incarceration structure meant to -- or that at least in effect keeps these individuals off the streets. This bill does not touch that.

What the principle of this is, we have one set of laws and accountability for the individuals who are committing the crimes, but we have complete immunity and no accountability for the sources. And that's what this is about. That we cannot have one set of laws and one set of rules and one set of accountability for one

side of the equation while completely letting off the other side.

SENATOR LANZA: Thank you, Madam President. On the bill.

ACTING PRESIDENT PERSAUD: Senator Lanza on the bill.

SENATOR LANZA: Thank you, Madam President. And thank you, Senator Myrie.

So let's start with that which we agree upon, that gun violence is a plague in our state and in the nation. In fact, all crime is really a mark on society and we all need to come together and do something about it.

I disagree with this idea, though, that we ought to put responsibility and liability and culpability on a gun manufacturer who's doing nothing except what the law allows in this country. And I can't help but believe and I think it's logical to conclude, given the nature of what it is that they manufacture, that every time something goes awry, as the Senator suggested, there is a victim. And that because we have this problem in society with respect to those who believe it's all right to commit crimes against their neighbors, that ultimately a law

like this will make it either impossible or untenable for the manufacturer of firearms to continue. That's why I asked the question about the real intent of the bill.

Whether it's intended or not, I believe that ultimately is the outcome. And I'm sure there are a lot of people who would say, honestly, Hey, that's great, because we don't believe the Second Amendment has any place in society in America anymore. It would be great if there were no more gun manufacturers because we don't want our citizens to have the right to protect themselves and bear arms.

And that's an honest debate. People are entitled to that opinion. I think it's antithetical to everything that America stands for. But we can put that aside because I think, whether or not you believe that or not, that would be the ultimate result of a law like this.

And it's not because it's protecting people who are doing the wrong thing. We all agree. If you're doing the wrong thing, as an attorney I believe in culpability, I believe in having that day in court. It's just that with this law, doing the right thing would still have

you in that courtroom. And that's the problem for me with a bill like this.

You know, you can carry the argument forward to say, well, the people who make knives -- I didn't want to go through all the hypotheticals with the sponsor. People make knives, people stab people, the people who manufacture the knives, they're responsible.

In New York, marijuana is legal, alcohol is legal, people die on the roads -- and more people are going to die on the roads. Are the people who grew the pot or created the alcohol, are they responsible? Should they be responsible?

I have an even more ridiculous one. A member of the Senate passes a law, votes for a law. As a result of that law, someone is able to commit a crime or a murder is committed. Should that member of the Senate be brought into a courtroom and be held liable for the result of the law that that Senator voted for? No, that's ridiculous. Just as ridiculous, I believe, as this law.

Again, we all agree, Madam President, and we've got to do whatever it

takes to prevent gun violence or violence of any type here in New York. In fact, all crime -- gun violence, assaults, rapes, burglaries, robberies -- they're all on the rise. Hate crimes. All on the rise, sadly, as we speak right here in our beloved State of New York.

And I believe, Madam President, that the reason for all that has more to do with societal ills and bad public policy. And one thing that's clear to me also is that this bill will not prevent a single act of gun violence.

And when it's time to vote, Madam President, I'll be voting in the negative.

ACTING PRESIDENT PERSAUD: Senator Stec.

SENATOR STEC: Thank you, Madam President. On the bill.

ACTING PRESIDENT PERSAUD: Senator Stec on the bill.

SENATOR STEC: Well, I'm familiar with the bill, I've read through it. And I've appreciated listening to the debate that we've had here today and points that a lot of my colleagues have already made.

But I go back to one thing. I

just -- I think it is absolutely unreasonable for us to expect -- first of all, there's obvious constitutional issues, the Commerce Clause and of course the Second Amendment. But I think it's unreasonable for us to think that we're going to write a law affecting gun manufacturers outside of New York State and making them responsible and liable for the hundreds if not thousands of gun dealers that they sell their firearms to. They're not dealing directly with individuals, they're selling to other businesses who are then selling potentially to other businesses before it finally gets to an individual lawfully.

One of my colleagues pointed out that just a few years ago the -- I think it was a federal statistic he quoted, 7 percent of gun crimes are done with legal firearms. So I understand, I believe, you know, that the sponsor's intent here is to capture and somehow bring pressure to not only those 7 percent but the other 93 percent by holding somebody else accountable for those actions.

And certainly I think the point's been made -- and I feel this way, and I know all my colleagues feel this way -- that we would love

to end the scourge of gun violence in our state and in our country. The vast majority of Americans would like to see less gun violence. The question is how do we get there. I think that's where the fundamental difference of opinion lies.

So allow me, if you will, Madam President, to make gun manufacturers liable for the actions of people two or three places removed from them and ultimately somebody doing something illegally is unreasonable. It creates a slippery slope. The question's been raised what about cars, people that are driving drunk on our highways. We're going to hold Ford and GM responsible for the cars that somebody was using illegally?

Or the cellphone analogy. Cellphones are -- no question, cellphones are causing deaths on the highway. Are we suing Apple? Are we suing Samsung? Are they liable for this?

It becomes a slippery slope. What about alcohol, what about recently legalized marijuana that we can't test for sobriety on our roadways? Are we going to make them responsible?

Or are we going to hold people accountable for their own actions?

It will invite a lot of frivolous lawsuits. Now, perhaps -- and I'm willing to give the sponsor the benefit of the doubt. But at the end of the day, the sponsor isn't the only person that's going to be utilizing this newly created legal tool in New York State should this become law. There's a lot of others out there that will use this to promote frivolous liability actions in court, they'll cost a lot of money. Maybe some people are willing to pay that price. I understand that argument.

But the other thing is -- is that there will be people that will try to use this to drive gun manufacturers out of business. And again, maybe there's some people that are a hundred percent okay with that. But these are the other consequences that a bill like this certainly could pose should it become law.

I think the larger issue, though -- again, if the goal is to eliminate or reduce gun violence, you've got to look at the whole picture. In the last few years in New York State we have taken -- we, the Legislature and the

Governor, some of -- the majorities have taken actions to weaken our criminal justice system. The bail and discovery reforms, decriminalizing a lot of things. Some of them well-intentioned, sure. Again, but a lot of unintended consequences or maybe intended consequences that aren't advertised. But we have created a weaker judicial system, a criminal justice system.

We have weakened corrections. We have emptied more than half of our incarcerated populations out. Again, I understand there will be many that will welcome that, this is great news. But the reality is is that 10 years ago there were 40,000 more people locked up in our prisons. Not all of them are good people. There are a lot more people walking around now that had been locked up that, because of actions taken in Albany, are now among us. And many of them are trouble.

So we've weakened our correction system. We're talking about eliminating unqualified immunity. We are gutting our police protections with 50-A that was taken away.

New York City has eliminated a billion-dollar crime unit. These are cops that

were on the street that are gone now because of defunding the police that has happened in New York City. And then, of course, not to be overlooked, the dangerous anti-police, anti-law enforcement rhetoric from some members of this chamber, our colleagues down the hall and all across the country that have reduced respect for the law, reduced respect for law enforcement, and emboldened bad, dangerous behavior in our criminals.

So what have we seen? All this is true, what we've done with the criminal justice system, with the corrections, police liability, defunding the police, our rhetoric. And what have we seen? Crime is spiking. The Governor himself just a few days ago said, with surprise, Crime, crime, crime, that's the big issue in New York City right now. With surprise. It should come as no surprise.

So we've got -- violent crime is on the rise. Well, what hasn't changed in the last couple of years? One of the constants, the nonvariables in the equation is our strictest gun laws in the country haven't changed. They haven't gotten weaker, they've been -- they're

the constant here. So the other variables are the other things that I just mentioned.

But this legislation seems to take the attitude that this is a way to fix the problem. Instead of addressing, well, maybe we went too far on bail and discovery reform. Or maybe, maybe we should be having more people behind bars because they are dangerous and we shouldn't decriminalize everything. And maybe we don't need to defund police, and maybe we should encourage respect for law enforcement among our young people.

That the attitude is no, guns are the problem. And it just -- it doesn't make any sense to say that the way to fix the gun violence problem lies predominantly in going after a manufacturer outside the state who's selling his product legally to a dealer who is selling his -- that he can't control, but we're dealing with things that are two or three steps removed and you're making somebody else liable for them.

It's certainly not fair. But more importantly, I don't think it's a reasonable approach to the solution of gun violence.

Now, some people will say, well,

it's an approach. It's better than doing nothing. I'm not sure that de-arming the vast majority of us that are law-abiding citizens, in a climate where we're legalizing everything, letting everyone out of prison and disrespecting our law enforcement and defunding our law enforcement -- I'm not sure that sending the signal to the criminal class that in addition to that we're going to make it a lot more difficult for law-abiding citizens to be armed, is a reasonable solution to the gun violence problem.

So again, my opinions on the sponsor's motivations and intent here aside, I think that there is a lot of peril in heading in this direction. We've seen it coming for a while. But, you know, to sell this as this is a solution to the current spike in crime is an untruth.

And for this and many other reasons, I will be voting against this legislation. I encourage all my colleagues to do the same.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing

to be heard?

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Madam President.

My colleagues, I rise in support of Senator Myrie's bill S1048A. I am a concerned citizen of this great state, a father, a grandfather, and a neighbor. The growing gun violence in our city concerns all of us, and supporting this bill is an act of conscience and care for our communities and youth.

June is Gun Violence Awareness Month. And in fact, Madam President, the Black, Puerto Rican, Hispanic & Asian Caucus of the New York State Legislature had a press conference yesterday about this matter. And let me tell you

some of the statistics. Eighty-three percent of New Yorkers support stopping the flow of illegal guns in our state.

Gun violence in New York costs over $5.9 billion -- and I'm raising my voice, yes, because that's a lot of money -- $5.9 billion per year, including $321 million in paid taxes. Seventy-four percent of guns in our state come from out of state. We know where they come from: Georgia, North Carolina, Virginia, other places like that. And we demand the gun industry be accountable. One in 40 Black boys will die from gun violence during his lifetime.

And where did we get these stats from? They were on billboards at our press conference, supplied by Keeping Our Communities Safe, Holding the Industry Accountable.

Our state is awash with legal and illegal guns. Our young people, especially young people of color, suffer the consequences of the violence these guns enable. This situation is unacceptable and must end now. And I raise my voice because it is so important. So many people are dying all over our city, all over our state, all over our country.

I say with the passage of this bill we hope to establish, alongside the right to bear firearms, the right of our constituents in this great state to hold firearm industries accountable. I spoke at the press conference, as did Jackie Rowe-Adams. She is a constituent of mine who has lost two boys to gun violence at different times, Madam President. And many members of the group she formed, Harlem Mothers SAVE, a community-based organization whose members are mothers, grandfathers, grandmothers, sisters and cousins whose family members have been killed through gun violence. And her saying is "Every gun off our streets saves a life."

Sandy Hook, Connecticut. I don't need to tell you about that, but if you want to remember, 40 students were killed and six adults perished in a horrible, brutal act of violence. The U.S. Supreme Court has allowed families of Sandy Hook victims to sue gun manufacturers and distributors of the guns used at Sandy Hook.

Madam President, my colleagues, I say to you I rise to support this bill. I thank our Senator Myrie, our colleague, for his leadership on this bill, and to all my follow

colleagues who join in cosponsoring.

I vote aye in support of this legislation and to save lives, Madam President.

Thank you.

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

Senator Oberacker to explain his vote.

SENATOR OBERACKER: Thank you, Madam President.

You know, this legislation is continuing to take New York State in the wrong direction. I want to say that again. This legislation is continuing to take New York State in the wrong direction.

And this really comes down to just three simple points: Personal accountability, manufacturing jobs, and the Second Amendment. And all are being diminished today thanks to this bill.

Let's start with personal accountability. If signed into law, individuals will no longer be responsible for their own bad acts. It is part of an ongoing trend telling criminals, Don't worry, it's not your fault.

Blame someone or something else. Today it's firearms. But what's next? If someone causes an accident texting while driving, are we suing Apple? Are we suing Chevrolet? No.

You know, as a product developer in the food industry I am required at times to put warning labels on products that I manufacture and produce. And I say that I would like to give you three examples of some warning labels that are in actual use. One you will find on a wheelbarrow. It says "Not intended for highway use." A baby stroller: "Remove child before folding." Dog medication: "May cause drowsiness. Use care when operating a car."

These are actual warning labels in use today, and I can tell you unequivocally they work. I have not seen a dog operating a motor vehicle. So it could be just as easy and as simple as putting a warning label on every manufactured product on the correct use, and we would not have to have such a long and strenuous debate.

Manufacturing jobs. This bill will cost jobs in my district and across New York State, plain and simple. Herkimer County, in the

Mohawk Valley, has a rich manufacturing history that includes Remington Arms, one of the oldest and most respected firearm manufacturers in the nation. And they have anchored, they have anchored the Mohawk Valley for over 200 years.

You know, I'm proud, I am a proud owner of Remington products. My first was a Model 10 .22 that was given to me by my grandfather at age 8, taught the correct way to handle firearm, the correct way to use a firearm. My second was an 1100 LT 20-gauge shotgun, which I am proud to say I was able to harvest my first deer with a long time ago. And then my last is a Model 700 .30-06 mountain rifle. Some of the finest firearms made in the U.S. today.

The company has weathered a number of storms, including the SAFE Act -- another bad policy that condemns law-abiding firearm owners. Now, after changing ownership, Remington is bringing back employees to work, for the moment.

You know, I spoke with the CEO at Remington about this legislation, and there is a great deal of concern. Misguided laws like this could spell the end for Remington and every gun manufacturer who does business here in New York

State, a strategy I suspect is partially behind a bill like this.

How is a manufacturer supposed to ensure that their legally produced product isn't being used illegally? You know, just the other day we passed a bill that would require people to be 21 years of age to purchase whipped cream canister chargers. Why bother? Why didn't we just pass a bill holding the manufacturers of this whipped cream canister -- why didn't we hold them liable for the product if it's misused?

Finally, and most importantly, our Second Amendment rights. Once again the right -- the rights of law-abiding citizens are at risk. This bill does nothing, does nothing to stop illegal gun trade or hold criminals responsible. The legislation is unrealistic and will do nothing to reduce gun violence.

Second Amendment rights, personal accountability and manufacturing jobs. And you can add those to the scrap heap here in New York State if we continue to push through severely flawed policies like this.

Madam President, I will be voting in the negative and I urge everyone else to do the

same. Thank you.

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

Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

Dior Harris was 11 months old in April. She was riding in the back seat of a car when a gunman opened fire, hit her twice and killed her and injured her two young cousins who were riding next to her.

If that gunman had been wielding a knife instead of a gun, this tragedy would have looked very different. And it really takes a gun to perpetrate that kind of casual, effortless violence.

One of the charges against the suspected killer is criminal possession of a firearm. We already have laws against trafficking firearms, selling guns on the black market, carrying concealed weapons without a permit. But we can't hope to stop the influx of these deadly illegal weapons unless we can take away the financial incentive for gun manufacturers and gun sellers who are

irresponsible to participate in the mass trafficking of firearms that is currently so common in this state and around the country.

I've been in the Senate for three years now. Each year I recruit young people to my Youth Advisory Board, and they develop public engagement projects. For two of the three years that I have done this, they have chosen gun violence as the topic they are most keenly focused on, the most important thing in their lives.

The trauma that our children carry around with them is very real, and it affects every aspect of their lives. If this legislation we are passing today can stem the flow of illegal guns into our communities, maybe it can also help our children have the childhoods they deserve.

I am deeply grateful to Senator Myrie and my colleagues and the leadership for bringing this legislation forward, and I vote aye.

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

Senator Liu to explain his vote.

SENATOR LIU: Thank you,

Madam President, for the opportunity to speak on this bill.

I fully support this bill. I think that we have passed many laws in this state -- I'd like to see them passed at the national level, but we certainly have taken the initiative in the State of New York to keep the guns out of the hands of people who shouldn't have them, to ensure that if and when they are possessed that they are used in the right way, and to have strong penalties against people who use guns in the wrong way -- specifically, to kill people.

And people die almost every day. We see alarming mass shootings all around the country, including here in New York. We see many other people being shot dead by guns where the incidents are not nearly as publicized or sensationalized. But people are dying. And they're dying because of the proliferation of guns in our community. As has been said, some legal but many illegal.

And as we have sought to strengthen the laws about who can get access to guns, we also need to start closing down this Iron Pipeline that's been directing guns directly

into New York State even with our strong laws in place.

I think Senator Myrie's legislation here is groundbreaking. It really begins to put the onus at the beginning of that Iron Pipeline, the manufacturers of guns and ammo. They are profiting. No matter how legal or illegal the gun trade is, these manufacturers profit. What we seek to do is to impose some accountability, hold these manufacturers responsible for flooding our state and country with these firearms, putting them in the hands of people who should not have them.

This groundbreaking legislation I hope will pass. But beyond that, I hope that the rest of the country, other states and, hopefully someday soon, the federal government will use this model of legislation so that we can start curbing the entry of the supply into the Iron Pipeline.

Thank you, Madam President. I vote yes.

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

Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Madam President.

And let me thank our Majority Leader, Senator Andrea Stewart-Cousins, and Shontell Smith and counsel Elizabeth Nowicki, my staff, to the many impacted individuals who we carry with us into this chamber. I'd like to thank my colleagues. And I'd like to thank my colleagues on the other side as well, Senator Lanza and Senator Palumbo. We disagree on this legislation, obviously, but I don't think we were disagreeable in our exchange today, and I appreciate the civility.

You know, I had a big speech planned, had a lot I wanted to say. I'm tired, Madam President. I'm tired of going to funerals. I'm tired of seeing candles on the block. I'm tired of having to hold a grieving mother. I'm tired of having to look into the eyes of a teenager who's paralyzed because of a gunshot. We're tired.

And this state cannot stand idly by while guns traffic in and out and kill our children. (Weeping.) Enough is enough. We have to stand up. The money is not more important

than our people's lives.

So today we say enough is enough. If you are a bad actor, if you are irresponsible, your day will come. We deserve better in this state, and we will lead the way.

So I proudly vote in the affirmative, and I urge all of my colleagues to do the same.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1076, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR LIU: Madam President, can

we return to motions and resolutions.

ACTING PRESIDENT PERSAUD: Motions and resolutions.

SENATOR LIU: Madam President, on page number 28 I offer the following amendments to Calendar 951, Senate Print Number 5953, by Senator Reichlin-Melnick, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR LIU: Madam President, on page 42 I offer the following amendments to Calendar Number 1183, Senate Print Number 1110A, by yours truly, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR LIU: Can you please call on Senator Lanza.

ACTING PRESIDENT PERSAUD: Senator Lanza.

SENATOR LANZA: Thank you.

Madam President, on behalf of

Senator Oberacker, on page 48 I offer the following amendments to Calendar 1264, Senate Print 396A, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Liu.

SENATOR LIU: Madam President, is there any further business at the desk?

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

SENATOR LIU: I then move to adjourn until Thursday, June 3rd, at 11:00 a.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Thursday, June 3rd, at 11:00 a.m.

(Whereupon, at 7:21 p.m., the Senate adjourned.)