

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 May 25, 2022

11 12:09 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR JAMAAL T. BAILEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT BAILEY: Pastor  
9 Reverend Julius D. Jackson, Jr., of Trinity  
10 Emmanuel Presbyterian Church in Henrietta, will  
11 give today's invocation.

12 PASTOR JACKSON: Let us pray.

13 Lord God, we come to You this day  
14 calling on You from many faiths, and even those  
15 of no faith, yet all recognizing that there  
16 exists a proverbial hill of which we must all  
17 look to in moments of crisis, strength and  
18 weakness.

19 It is truly from that hill that  
20 comes our strength, and we thank You that You  
21 allow us the opportunity to climb that hill to  
22 request Your power when needed.

23 So God of our strength and God of  
24 our weary years, God of our silent tears, Thou  
25 who hath brought us thus far on the way, Thou who

1 has by Thy might led us into the light, keep us  
2 forever in the path, we pray.

3 Lord, we come right now to ask for  
4 Your blessings upon this legislative body and the  
5 work that they have begun and have yet to pursue  
6 in legislation, no matter the party affiliation,  
7 no matter the race, the color, the creed or  
8 gender.

9 Mother, Father, Spirit God, we come  
10 together this day with the prayers for and over  
11 Your people. In the shadow of multiple pandemics  
12 of hate and COVID, we engage now in a  
13 prayer-demic, a prayer-demic that will remove  
14 PTSD, a prayer-demic that will remove hate, fear  
15 and timidity. A prayer-demic that, if not  
16 already present, will enter the hearts and minds  
17 of all of our selected, elected, directed  
18 officials, granting the wisdom to lovingly think  
19 and act boldly.

20 Specifically, our Lord, our light  
21 and our salvation, we ask now for a great and  
22 powerful move that will remove complicity and  
23 complacency for such a time as this.  
24 Specifically, we keep in mind Texas and  
25 California and our own Buffalo, New York -- and

1 our entire world.

2 Lord, let Your love overcome the  
3 hate. Let Your peace, Your justice and Your  
4 righteousness rule, overrule and super-rule over  
5 selfishness, marginalization, greed, hostility,  
6 replacing it with the agape love of God and  
7 neighbor as self.

8 Help each and every one of us to all  
9 become agents of salvation, emancipation,  
10 liberty, liberation and justice for all. As we  
11 give You all the glory, the honor and the praise,  
12 this is our prayer, in the mighty maxus {ph} name  
13 of the Father, the Son, and the Holy Spirit that  
14 we pray.

15 Amen.

16 (Response of "Amen.")

17 ACTING PRESIDENT BAILEY: Reading  
18 of the Journal.

19 THE SECRETARY: In Senate, Tuesday,  
20 May 24, 2022, the Senate met pursuant to  
21 adjournment. The Journal of Monday, May 23,  
22 2022, was read and approved. On motion, the  
23 Senate adjourned.

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

1 Presentation of petitions.

2 Messages from the Assembly.

3 The Secretary will read.

4 THE SECRETARY: Senator Harckham  
5 moves to discharge, from the Committee on  
6 Insurance, Assembly Bill Number 372 and  
7 substitute it for the identical Senate Bill 5690,  
8 Third Reading Calendar 763.

9 Senator Kaplan moves to discharge,  
10 from the Committee on Corporations, Authorities  
11 and Commissions, Assembly Bill Number 1177 and  
12 substitute it for the identical Senate Bill 5238,  
13 Third Reading Calendar 841.

14 Senator Cleare moves to discharge,  
15 from the Committee on Health, Assembly Bill  
16 Number 2344A and substitute it for the identical  
17 Senate Bill 8102A, Third Reading Calendar 890.

18 Senator Jordan moves to discharge,  
19 from the Committee on Investigations and  
20 Government Operations, Assembly Bill Number 8613  
21 and substitute it for the identical Senate Bill  
22 7538, Third Reading Calendar 952.

23 Senator Mayer moves to discharge,  
24 from the Committee on Investigations and  
25 Government Operations, Assembly Bill Number 8666

1 and substitute it for the identical Senate Bill  
2 7683, Third Reading Calendar 953.

3 Senator Mayer moves to discharge,  
4 from the Committee on Investigations and  
5 Government Operations, Assembly Bill Number 9612  
6 and substitute it for the identical Senate Bill  
7 8040, Third Reading Calendar 954.

8 Senator Mayer moves to discharge,  
9 from the Committee on Investigations and  
10 Government Operations, Assembly Bill Number 9116  
11 and substitute it for the identical Senate Bill  
12 8041, Third Reading Calendar 955.

13 Senator Mayer moves to discharge,  
14 from the Committee on Investigations and  
15 Government Operations, Assembly Bill Number 9089  
16 and substitute it for the identical Senate Bill  
17 8042, Third Reading Calendar 956.

18 Senator Mayer moves to discharge,  
19 from the Committee on Investigations and  
20 Government Operations, Assembly Bill Number 9758  
21 and substitute it for the identical Senate Bill  
22 8043, Third Reading Calendar 957.

23 Senator Mayer moves to discharge,  
24 from the Committee on Investigations and  
25 Government Operations, Assembly Bill Number 9110

1 and substitute it for the identical Senate Bill  
2 8045, Third Reading Calendar 958.

3 Senator Stewart-Cousins moves to  
4 discharge, from the Committee on Investigations  
5 and Government Operations, Assembly Bill Number  
6 9469 and substitute it for the identical Senate  
7 Bill 8413, Third Reading Calendar 959.

8 Senator Harckham moves to discharge,  
9 from the Committee on Investigations and  
10 Government Operations, Assembly Bill Number 10123  
11 and substitute it for the identical Senate Bill  
12 8865, Third Reading Calendar 964.

13 Senator Ramos moves to discharge,  
14 from the Committee on Labor, Assembly Bill Number  
15 9598 and substitute it for the identical Senate  
16 Bill 8648, Third Reading Calendar 1084.

17 Senator Gounardes moves to  
18 discharge, from the Committee on Judiciary,  
19 Assembly Bill Number 7425 and substitute it for  
20 the identical Senate Bill 6810, Third Reading  
21 Calendar 1180.

22 Senator Gounardes moves to  
23 discharge, from the Committee on Judiciary,  
24 Assembly Bill Number 7426 and substitute it for  
25 the identical Senate Bill 6812, Third Reading

1 Calendar 1181.

2 Senator Hinchey moves to discharge,  
3 from the Committee on Judiciary, Assembly Bill  
4 Number 6165A and substitute it for the identical  
5 Senate Bill 8518A, Third Reading Calendar 1182.

6 Senator Comrie moves to discharge,  
7 from the Committee on Corporations, Authorities  
8 and Commissions, Assembly Bill Number 8449 and  
9 substitute it for the identical Senate Bill 8435,  
10 Third Reading Calendar 1191.

11 Senator Comrie moves to discharge,  
12 from the Committee on Corporations, Authorities  
13 and Commissions, Assembly Bill Number 9977 and  
14 substitute it for the identical Senate Bill 9048,  
15 Third Reading Calendar 1198.

16 Senator Sanders moves to discharge,  
17 from the Committee on Veterans, Homeland Security  
18 and Military Affairs, Assembly Bill Number 5832A  
19 and substitute it for the identical Senate Bill  
20 666A, Third Reading Calendar 1201.

21 Senator Brooks moves to discharge,  
22 from the Committee on Labor, Assembly Bill Number  
23 3913B and substitute it for the identical Senate  
24 Bill 1961B, Third Reading Calendar 1204.

25 Senator Harckham moves to discharge,



1 from the Committee on Finance, Assembly Bill  
2 Number 7889A and substitute it for the identical  
3 Senate Bill 4486B, Third Reading Calendar 1212.

4 Senator Harckham moves to discharge,  
5 from the Committee on Agriculture, Assembly Bill  
6 Number 9716A and substitute it for the identical  
7 Senate Bill 8772A, Third Reading Calendar 1310.

8 Senator Hinchey moves to discharge,  
9 from the Committee on Agriculture, Assembly Bill  
10 Number 9296 and substitute it for the identical  
11 Senate Bill 8973, Third Reading Calendar 1311.

12 Senator Skoufis moves to discharge,  
13 from the Committee on Elections, Assembly Bill  
14 Number 831A and substitute it for the identical  
15 Senate Bill 4591A, Third Reading Calendar 1317.

16 Senator Rivera moves to discharge,  
17 from the Committee on Health, Assembly Bill  
18 Number 273 and substitute it for the identical  
19 Senate Bill 4640, Third Reading Calendar 1332.

20 Senator Jordan moves to discharge,  
21 from the Committee on Rules, Assembly Bill Number  
22 7923A and substitute it for the identical Senate  
23 Bill 6562A, Third Reading Calendar 1359.

24 Senator Mannion moves to discharge,  
25 from the Committee on Rules, Assembly Bill

1       Number 9281 and substitute it for the identical  
2       Senate Bill 9045, Third Reading Calendar 1394.

3               Senator Kavanagh moves to discharge,  
4       from the Committee on Rules, Assembly Bill Number  
5       10223 and substitute it for the identical Senate  
6       Bill 9052, Third Reading Calendar 1395.

7               Senator Brooks moves to discharge,  
8       from the Committee on Judiciary, Assembly Bill  
9       Number 3582A and substitute it for the identical  
10       Senate Bill 9076, Third Reading Calendar 1396.

11              Senator Reichlin-Melnick moves to  
12       discharge, from the Committee on Rules,  
13       Assembly Bill Number 9772 and substitute it for  
14       the identical Senate Bill 9117, Third Reading  
15       Calendar 1400.

16              Senator Kaplan moves to discharge,  
17       from the Committee on Rules, Assembly Bill  
18       Number 472C and substitute it for the identical  
19       Senate Bill 121B, Third Reading Calendar 1417.

20              Senator Gaughran moves to discharge,  
21       from the Committee on Veterans, Homeland Security  
22       and Military Affairs, Assembly Bill Number 1905  
23       and substitute it for the identical Senate Bill  
24       1086, Third Reading Calendar 1420.

25              Senator Brooks moves to discharge,

1 from the Committee on Finance, Assembly Bill  
2 Number 7728A and substitute it for the identical  
3 Senate Bill 7068A, Third Reading Calendar 1435.

4 Senator Harckham moves to discharge,  
5 from the Committee on Finance, Assembly Bill  
6 Number 9594A and substitute it for the identical  
7 Senate Bill 7664A, Third Reading Calendar 1439.

8 Senator Hinchey moves to discharge,  
9 from the Committee on Finance, Assembly Bill  
10 Number 8881A and substitute it for the identical  
11 Senate Bill 8206A, Third Reading Calendar 1442.

12 Senator Parker moves to discharge,  
13 from the Committee on Environmental Conservation,  
14 Assembly Bill Number 10001B and substitute it for  
15 the identical Senate Bill 8431A, Third Reading  
16 Calendar 1443.

17 Senator Weik moves to discharge,  
18 from the Committee on Local Government,  
19 Assembly Bill Number 9529 and substitute it for  
20 the identical Senate Bill 8597, Third Reading  
21 Calendar 1446.

22 Senator Parker moves to discharge,  
23 from the Committee on Rules, Assembly Bill Number  
24 8418A and substitute it for the identical Senate  
25 Bill 8650A, Third Reading Calendar 1450.

1                   Senator Brooks moves to discharge,  
2     from the Committee on Finance, Assembly Bill  
3     Number 9493A and substitute it for the identical  
4     Senate Bill 8670A, Third Reading Calendar 1451.

5                   Senator Kaminsky moves to discharge,  
6     from the Committee on Local Government,  
7     Assembly Bill Number 9494 and substitute it for  
8     the identical Senate Bill 8691, Third Reading  
9     Calendar 1452.

10                  Senator Sanders moves to discharge,  
11     from the Committee on Veterans, Homeland Security  
12     and Military Affairs, Assembly Bill Number 9590  
13     and substitute it for the identical Senate Bill  
14     8729, Third Reading Calendar 1453.

15                  Senator Palumbo moves to discharge,  
16     from the Committee on Local Government,  
17     Assembly Bill Number 9774 and substitute it for  
18     the identical Senate Bill 8799, Third Reading  
19     Calendar 1456.

20                  Senator Harckham moves to discharge,  
21     from the Committee on Local Government,  
22     Assembly Bill Number 9959 and substitute it for  
23     the identical Senate Bill 8810A, Third Reading  
24     Calendar 1457.

25                  Senator Rivera moves to discharge,

1 from the Committee on Rules, Assembly Bill  
2 Number 9974 and substitute it for the identical  
3 Senate Bill 8869, Third Reading Calendar 1461.

4 Senator Palumbo moves to discharge,  
5 from the Committee on Local Government,  
6 Assembly Bill Number 10119 and substitute it for  
7 the identical Senate Bill 8929, Third Reading  
8 Calendar 1462.

9 Senator Jordan moves to discharge,  
10 from the Committee on Local Government,  
11 Assembly Bill Number 10004 and substitute it for  
12 the identical Senate Bill 8971, Third Reading  
13 Calendar 1463.

14 Senator Reichlin-Melnick moves to  
15 discharge, from the Committee on Rules,  
16 Assembly Bill Number 10146 and substitute it for  
17 the identical Senate Bill 9025, Third Reading  
18 Calendar 1464.

19 Senator Brouk moves to discharge,  
20 from the Committee on Mental Health and  
21 Developmental Disabilities, Assembly Bill  
22 Number 9950 and substitute it for the identical  
23 Senate Bill 9057, Third Reading Calendar 1466.

24 Senator Kaminsky moves to discharge,  
25 from the Committee on Environmental Conservation,

1 Assembly Bill Number 9938 and substitute it for  
2 the identical Senate Bill 9181, Third Reading  
3 Calendar 1468.

4 ACTING PRESIDENT BAILEY: So  
5 ordered.

6 Messages from the Governor.

7 Reports of standing committees.

8 Reports of select committees.

9 Communications and reports from  
10 state officers.

11 Motions and resolutions.

12 Senator Gianaris.

13 SENATOR GIANARIS: Thank you,  
14 Mr. President.

15 Amendments are offered to the  
16 following Third Reading Calendar bills:

17 By Senator Skoufis, page 35,  
18 Calendar 1127, Senate Print 8989;

19 Senator Hoylman, page 45, Calendar  
20 1290, Senate Print 8638;

21 Senator Ramos, page 45, Calendar  
22 1287, Senate Print 5598C;

23 And Senator Skoufis, page 7,  
24 Calendar 338, Senate Print 6199B.

25 ACTING PRESIDENT BAILEY: The

1 amendments for those bills are received, and  
2 those bills will retain their place on the  
3 Third Reading Calendar.

4 Senator Gianaris.

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

8 Senate Bills 3081A, 7854, and 1271.

9 ACTING PRESIDENT BAILEY: The  
10 Secretary will read.

11 THE SECRETARY: Calendar Number  
12 461, Senate Print 3081A, by Senator Salazar, an  
13 act to amend the General Business Law.

14 Calendar Number 472, Senate Print  
15 7854, by Senator Kennedy, an act to amend the  
16 Racing, Pari-Mutuel Wagering and Breeding Law.

17 Calendar Number 235, Senate Print  
18 1271, by Senator Brooks, an act to amend the  
19 Vehicle and Traffic Law.

20 SENATOR GIANARIS: Move to  
21 reconsider the vote by which those bills were  
22 passed.

23 ACTING PRESIDENT BAILEY: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT BAILEY: The bills  
3 are restored to their places on the Third Reading  
4 Calendar.

5 SENATOR GIANARIS: I offer  
6 amendments to these bills.

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

11 SENATOR GIANARIS: Please recognize  
12 Senator Lanza.

13 ACTING PRESIDENT BAILEY: Senator  
14 Lanza.

15 SENATOR LANZA: Mr. President, on  
16 motion by Senator Weik, on page 55 I offer the  
17 following amendments to Calendar Number 1515,  
18 Senate Print Number 8744B, and ask that said bill  
19 retain its place on Third Reading Calendar.

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

23 Senator Gianaris.

24 SENATOR GIANARIS: At this time  
25 let's take up previously adopted Resolution 2498,



1 by Senator Cooney, read that resolution's title  
2 and recognize Senator Cooney.

3 ACTING PRESIDENT BAILEY: The  
4 Secretary will read.

5 THE SECRETARY: Senate Resolution  
6 2498, by Senator Cooney, mourning the untimely  
7 death of James E. Sauer, renowned pilot, loving  
8 husband and father, and devoted member of his  
9 community.

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

12 SENATOR COONEY: Thank you,  
13 Mr. President.

14 James E. Sauer, known as Jim or  
15 Jimmy to his loved ones, was well regarded as a  
16 family man of selfless service. While we mourn  
17 James's untimely passing, we celebrate the deep  
18 meaning and impact of the purposeful life of a  
19 renowned pilot, loving husband and father, and  
20 devoted member of our Rochester community.

21 James's passion for flying began at  
22 an early age of 13, and he maintained that  
23 passion throughout his entire life. A veteran of  
24 the Army and former police officer, James's  
25 lifelong career of service began in 1979 as a

1 soldier. And he served as a pilot for our  
2 state's Army National Guard for four decades,  
3 retiring in 2020 after serving several overseas  
4 tours, including operations Iraqi Freedom,  
5 Enduring Freedom, Restore Hope, Desert Storm and  
6 others.

7 James gave tirelessly of his time,  
8 energy and skills as a Rochester police officer  
9 for close to a decade before serving in the  
10 neighboring Holley Police Department. He also  
11 shared 17 years of his life in service as a  
12 distinguished New York State Police pilot,  
13 retiring just last year.

14 With a true heart for service, he  
15 was also a volunteer firefighter and a pilot with  
16 Bill Law Aviation and American Eagle. And even  
17 in his retirement, James continued lending his  
18 experience and support, serving with Mercy Flight  
19 throughout the entire pandemic.

20 During a local news interview that  
21 covered one of his flights, James said this about  
22 flying: "It's just about the freedom. You're  
23 able to go ahead and use your talents to get a  
24 lot of difficult things done. Every day is  
25 different at work, and we have a saying in the

1 office that the office is small, but the view is  
2 beautiful."

3 He embodied service and a commitment  
4 to others' safety and well-being, both  
5 professionally and personally, and was an active  
6 and devoted member of Open Door Baptist Church in  
7 his home of Chili.

8 While he was passionate about many  
9 noble things, anyone would tell you his greatest  
10 passion was his family. His son Joshua, daughter  
11 Laura and beloved wife of 39 years, Marie, join  
12 us here today from Rochester.

13 He enjoyed farming alongside Marie  
14 and was always up for adventures with his family,  
15 which also includes six grandchildren, several  
16 nieces and nephews, four siblings, one of whom,  
17 his brother Jerry, lived just next door.

18 James died doing what he loved on a  
19 Mercy training flight that tragically crashed in  
20 neighboring Genesee County almost one month ago  
21 today, on April 26th. Known by many as a man of  
22 dedication and commitment, his joy and strength  
23 will continue to shine brightly and bring  
24 inspiration to the countless lives he impacted  
25 for the better.

1                   He will be deeply missed, and his  
2                   merits are truly acknowledged today by this noble  
3                   body. And it is a grateful tribute of this state  
4                   for his service to New York.

5                   Thank you, Mr. President.

6                   ACTING PRESIDENT BAILEY:    Thank  
7                   you, Senator Cooney.

8                   To our guests, I welcome you on  
9                   behalf of the Senate. We extend to you all of  
10                  the privileges and courtesies of this house.

11                  Please rise and be recognized.

12                  (Standing ovation.)

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

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

17                  I also rise today to commemorate a  
18                  life tragically lost in a helicopter accident in  
19                  Elba, in the eastern portion of my district. The  
20                  accident, which took place on Tuesday, April 26,  
21                  sadly took two lives much too soon.

22                  Today we remember and honor the life  
23                  of James Sauer, a resident of Churchville,  
24                  New York, and a stalwart of this great state. By  
25                  trade, Mr. Sauer was a pilot, but most

1       importantly he was a husband, a father, and a  
2       grandfather. I share my deepest condolences with  
3       the Sauer family and all of his loved ones.

4                         Mr. Sauer was the epitome of a  
5       public servant, dedicating much of his life to  
6       the protection and betterment of all of his  
7       neighbors in all the communities that he lived in  
8       and that he flew over.

9                         An Army veteran, a retired state  
10      trooper, a retired Rochester police officer, his  
11      devotion to the safety and well-being of others  
12      is truly an inspiration. It's remarkable, and  
13      everyone in this chamber is inspired by his life.

14                        The areas in which he left his mark  
15      are expansive, from his time in the National  
16      Guard and the Rochester Police Department, the  
17      Holley Police Department, the New York State  
18      Police, and even volunteer firefighting, James  
19      Sauer selflessly put himself at risk for the  
20      protection of his communities.

21                        In addition to all of his service,  
22      it is perhaps most important to highlight his  
23      family: His beloved wife Marie of 39 years, his  
24      son Joshua, his daughter Laura. And all of his  
25      loved ones, please know that all of us in this

1 chamber grieve with you and the entire State of  
2 New York grieves with you at this very difficult  
3 time.

4 Again, I share with all three of you  
5 my deepest heartfelt condolences. James was an  
6 amazing man, he's an inspiration to us all, and  
7 we will commemorate his life of service here  
8 today.

9 Thank you, Mr. President.

10 ACTING PRESIDENT BAILEY: The  
11 resolution was previously adopted on May 10th.

12 Senator Gianaris.

13 SENATOR GIANARIS: Senator Cooney  
14 would like to open that resolution for  
15 cosponsorship.

16 ACTING PRESIDENT BAILEY: The  
17 resolution is open for cosponsorship. Should you  
18 choose not to be a cosponsor of the resolution,  
19 please notify the desk.

20 Senator Gianaris.

21 SENATOR GIANARIS: Please recognize  
22 Senator Jordan for an introduction.

23 ACTING PRESIDENT BAILEY: Senator  
24 Jordan, for the purposes of an introduction.

25 SENATOR JORDAN: Mr. President and

1 my colleagues, I rise to introduce my very  
2 important guests today. I'm down here, guys.

3 (Laughter.)

4 SENATOR JORDAN: Hey (waving).

5 This is the Ichabod Crane High  
6 School Boys Varsity Basketball Team, who captured  
7 the Class B NYSPHSAA State Championship this  
8 year.

9 I just -- you know, we passed the  
10 resolution back in March, shortly after they won  
11 this championship, and I'm very happy that  
12 they're here today. We spoke earlier and really  
13 just talked about the firsthand importance of  
14 athletic competition and what that means to the  
15 boys, to the young men now and what it will mean  
16 later in life.

17 Athletic competition is important  
18 for many reasons. It teaches you to be prepared,  
19 which is their practice, to have teamwork,  
20 loyalty to their team, and getting the job done.  
21 And it also helps them to be healthy in life.

22 So athleticism is very important now  
23 and it will be important later in their life,  
24 because in life you need to be able to work as a  
25 team and to communicate with one another to get

1 things done. And these boys have already learned  
2 that. Their coaches have honed them to be good  
3 athletes and to learn these lessons for life.

4 Just to tell you a little bit how  
5 exciting their game was, they were the  
6 number-two-ranked Riders, and they defeated  
7 the -- no, let's see. The number-two-ranked  
8 Riders defeated the number-eight-ranked Friends  
9 Academy, and they came from behind in the last  
10 minute, 63 to 62 for their victory, to capture  
11 that championship.

12 The entire community celebrated them  
13 when they came home with a big parade. And I was  
14 watching on Facebook different times during the  
15 game -- they were showing bits and pieces -- and  
16 it was very exciting. And everyone's  
17 congratulated them.

18 So today I'd like to introduce  
19 Head Coach Will Ferguson and all of his  
20 outstanding athletes. We have Jason Borrelli,  
21 Quinn Rapport, Aiden Autrey, Alex Schmidt,  
22 Avery Clickman, Brady Holzhauer, Jack Mullins,  
23 Dylan McCrudden, Dylan Colwell, Brett Richards,  
24 and Daniel Warner. And Head Coach Will Ferguson  
25 and Assistant Coaches Mike Hoose, Chris Muller,



1 Dave Dellehunt and Tom Call.

2           Congratulations to all of you on  
3 capturing that Class B Championship, and good  
4 luck next year.

5           ACTING PRESIDENT BAILEY: To our  
6 championship-winning guests, I welcome you on  
7 behalf of the Senate.

8           We extend to you the privileges and  
9 courtesies of this house, and may your luck  
10 extend to the New York Knicks.

11           Please rise and be recognized.

12           (Laughter; standing ovation.)

13           ACTING PRESIDENT BAILEY: Senator  
14 Gianaris.

15           SENATOR GIANARIS: Mr. President,  
16 there will be an immediate meeting of the  
17 Rules Committee in Room 332.

18           ACTING PRESIDENT BAILEY: There  
19 will be an immediate meeting of the  
20 Rules Committee in Room 332.

21           SENATOR GIANARIS: The Senate will  
22 stand at ease.

23           ACTING PRESIDENT BAILEY: The  
24 Senate will stand at ease.

25           (Whereupon, the Senate stood at ease

1 at 12:36 p.m.)

2 (Whereupon, the Senate reconvened at  
3 12:53 p.m.)

4 ACTING PRESIDENT BAILEY: The  
5 Senate will return to order.

6 Senator Gianaris.

7 SENATOR GIANARIS: Mr. President,  
8 there's a report of the Rules Committee at the  
9 desk. Can we take that up, please.

10 ACTING PRESIDENT BAILEY: The  
11 Secretary will read.

12 THE SECRETARY: Senator  
13 Stewart-Cousins, from the Committee on Rules,  
14 reports the following bills:

15 Senate Print 688, by  
16 Senator Hoylman, an act to amend the  
17 Insurance Law;

18 Senate Print 1003C, by  
19 Senator Gaughran, an act to amend the  
20 General Municipal Law;

21 Senate Print 1480, by  
22 Senator Krueger, an act to amend the  
23 Executive Law;

24 Senate Print 2089B, by  
25 Senator Jordan, an act to amend the Military Law;

1                   Senate Print 3192, by Senator Ortt,  
2     an act relating to authorizing the Village of  
3     Lewiston to reduce the speed limit on certain  
4     public roadways;

5                   Senate Print 3527B, by  
6     Senator Bailey, an act to amend the County Law  
7     and the Judiciary Law;

8                   Senate Print 3897, by  
9     Senator Kennedy, an act to amend the Highway Law;

10                  Senate Print 4025, by  
11     Senator Palumbo, an act to amend the  
12     Real Property Tax Law;

13                  Senate Print 4707, by  
14     Senator Parker, an act to amend the  
15     Agriculture and Markets Law;

16                  Senate Print 4860A, by  
17     Senator Kennedy, an act to authorize the widow of  
18     William James Middlebrooks to file a retirement  
19     option election form;

20                  Senate Print 4987, by Senator Lanza,  
21     an act to amend the Vehicle and Traffic Law;

22                  Senate Print 5040, by  
23     Senator Parker, an act to amend the  
24     Civil Practice Law and Rules;

25                  Senate Print 5602B, by

1 Senator Gounardes, an act to amend the  
2 Vehicle and Traffic Law;

3 Senate Print 5899A, by  
4 Senator Parker, an act to amend the  
5 Public Authorities Law;

6 Senate Print 6274B, by  
7 Senator Mannion, an act to amend the  
8 Mental Hygiene Law;

9 Senate Print 6313C, by Senator Ortt,  
10 an act in relation to authorizing the County of  
11 Niagara to transfer ownership of certain  
12 parkland;

13 Senate Print 7029, by  
14 Senator Skoufis, an act to amend the  
15 Real Property Tax Law;

16 Senate Print 7030, by  
17 Senator Skoufis, an act to amend the  
18 Real Property Tax Law;

19 Senate Print 7084, by  
20 Senator Kaplan, an act to amend the Local Finance  
21 Law;

22 Senate Print 7202A, by  
23 Senator Sanders, an act to amend the Banking Law;

24 Senate Print 7286A, by  
25 Senator Breslin, an act to authorize William

1 Schumaker and Mark Hennessy to receive certain  
2 service credit under Section 384-d of the  
3 Retirement and Social Security Law;  
4 Senate Print 7292, by  
5 Senator Biaggi, an act to amend the  
6 Executive Law;  
7 Senate Print 7297, by  
8 Senator Breslin, an act to amend the Highway Law;  
9 Senate Print 7318, by Senator Ortt,  
10 an act to amend Chapter 363 of the Laws of 1982;  
11 Senate Print 7531, by Senator May,  
12 an act to amend the General Municipal Law;  
13 Senate Print 7620A, by  
14 Senator Brooks, an act to amend the Highway Law;  
15 Senate Print 7867A, by  
16 Senator Biaggi, an act to amend the  
17 Public Health Law;  
18 Senate Print 7881, by  
19 Senator Stavisky, an act to amend the  
20 Insurance Law and the Public Health Law;  
21 Senate Print 7900, by  
22 Senator Martucci, an act to amend the  
23 Criminal Procedure Law;  
24 Senate Print 8024, by  
25 Senator Kaplan, an act to amend the Highway Law;

1                   Senate Print 8056, by Senator Ortt,  
2     an act to amend the Highway Law;

3                   Senate Print 8082, by  
4     Senator Kaminsky, an act in relation to  
5     authorizing the West Hempstead Holiness Church of  
6     God to file an application for a retroactive real  
7     property tax exemption;

8                   Senate Print 8085C, by  
9     Senator Helming, an act to amend the Highway Law;

10                  Senate Print 8130, by  
11     Senator Kennedy, an act to amend the Labor Law;

12                  Senate Print 8156, by  
13     Senator Persaud, an act to amend the  
14     Insurance Law and the Social Services Law;

15                  Senate Print 8180, by  
16     Senator Hinchey, an act to amend the Town Law;

17                  Senate Print 8218, by  
18     Senator Gounardes, an act to amend the  
19     Real Property Tax Law;

20                  Senate Print 8246A, by  
21     Senator Breslin, an act to amend the County Law  
22     and the Tax Law;

23                  Senate Print 8344A, by  
24     Senator Mannion, an act to amend Chapter 996 of  
25     the Laws of 1965;

1                   Senate Print 8390, by  
2   Senator Skoufis, an act to amend the Tax Law;  
3                   Senate Print 8396A, by  
4   Senator Skoufis, an act to amend the  
5   Real Property Tax Law;  
6                   Senate Print 8472B, by  
7   Senator Mannion, an act to amend the Highway Law;  
8                   Senate Print 8549, by  
9   Senator Persaud, an act to amend the  
10   Insurance Law;  
11                  Senate Print 8581A, by  
12   Senator Griffo, an act to amend the Highway Law;  
13                  Senate Print 8584, by  
14   Senator Jackson, an act to amend the Retirement  
15   and Social Security Law;  
16                  Senate Print 8587, by  
17   Senator Skoufis, an act to amend the  
18   General Municipal Law;  
19                  Senate Print 8594, by  
20   Senator Parker, an act to authorize the widow of  
21   Peter Sistrom to file a retirement option  
22   election form;  
23                  Senate Print 8598, by  
24   Senator Kaminsky, an act in relation to extending  
25   the boundaries of the Woodmere Fire District;

1                   Senate Print 8607, by  
2     Senator Palumbo, an act in relation to the  
3     designation of Southampton Village Ocean Rescue  
4     as an emergency rescue and first aid squad;

5                   Senate Print 8677, by  
6     Senator Kaplan, an act to amend the  
7     Social Services Law;

8                   Senate Print 8683A, by  
9     Senator Hinchey, an act to amend the Village Law  
10    and the Public Officers Law;

11                  Senate Print 8726A, by  
12    Senator Ritchie, an act to amend the Highway Law;

13                  Senate Print 8743A, by  
14    Senator O'Mara, an act authorizing the City of  
15    Elmira, County of Chemung, to alienate and sell  
16    parklands to Cerulean Holdings, Inc.;

17                  Senate Print 8752A, by  
18    Senator Kaplan, an act in relation to authorizing  
19    Gurudwara Shaheedan, Inc., to file with the  
20    County of Nassau assessor an application for  
21    certain real property tax exemptions;

22                  Senate Print 8790, by  
23    Senator Tedisco, an act to amend the  
24    Public Officers Law;

25                  Senate Print 8818, by



1 Senator Breslin, an act in relation to permitting  
2 the Oakwood Community Center to file an  
3 application for a real property tax exemption;

4 Senate Print 8829A, by  
5 Senator Hoylman, an act to amend the Tax Law;

6 Senate Print 8845A, by  
7 Senator Skoufis, an act to amend the Tax Law;

8 Senate Print 8872, by Senator Weik,  
9 an act in relation to authorizing the Town of  
10 Brookhaven, County of Suffolk assessor to file an  
11 application for a real property tax exemption;

12 Senate Print 8931, by  
13 Senator Gaughran, Concurrent Resolution of the  
14 Senate and Assembly proposing an amendment to  
15 Section 5 of Article 8 of the Constitution;

16 Senate Print 8986, by Senator Mayer,  
17 an act to amend a chapter of the Laws of 2021;

18 Senate Print 9009, by  
19 Senator Addabbo, an act to amend the Racing,  
20 Pari-Mutuel Wagering and Breeding Law;

21 Senate Print 9013, by  
22 Senator Cooney, an act to amend the  
23 Alcoholic Beverage Control Law;

24 Senate Print 9019, by  
25 Senator Gaughran, an act in relation to

1       establishing a Caumsett State Park fire readiness  
2       study;

3                 Senate Print 9023, by  
4       Senator Brooks, an act to amend the Highway Law;

5                 Senate Print 9028, by  
6       Senator Cooney, an act to amend the Highway Law;

7                 Senate Print 9029A, by  
8       Senator Ramos, an act to amend the  
9       Social Services Law;

10                Senate Print 9053, by  
11       Senator Kaminsky, an act to amend the  
12       Education Law;

13                Senate Print 9054, by  
14       Senator Kaminsky, an act to amend the  
15       Education Law;

16                Senate Print 9068B, by  
17       Senator Jackson, an act authorizing the City of  
18       New York to discontinue the use as parkland of a  
19       portion of real property in the County of  
20       New York;

21                Senate Print 9092A, by  
22       Senator Brouk, an act to amend the  
23       Alcoholic Beverage Control Law;

24                Senate Print 9120A, by  
25       Senator Sepúlveda, an act to authorize the City

1 of New York to discontinue a portion of real  
2 property in the County of the Bronx;

3 Senate Print 9126, by Senator Weik,  
4 an act in relation to authorizing the assessor of  
5 the Town of Islip, County of Suffolk, to accept  
6 an application for exemption from real property  
7 taxes;

8 Senate Print 9140, by  
9 Senator Mattera, an act to amend the  
10 Environmental Conservation Law;

11 Senate Print 9145, by Senator Weik,  
12 an act in relation to authorizing the Town of  
13 Brookhaven, County of Suffolk assessor to accept  
14 an application for a real property tax exemption;

15 Senate Print 9146, by Senator Weik,  
16 an act to amend Chapter 397 of the Laws of 1996;

17 Senate Print 9316A, by  
18 Senator Stewart-Cousins, an act to amend the  
19 Village Law;

20 Senate Print 9323A, by  
21 Senator Salazar, an act to authorize the City of  
22 New York to discontinue the use as parkland of a  
23 portion of real property in the Borough of  
24 Brooklyn;

25 Senate Print 9328, by

1 Senator Thomas, an act to amend the Tax Law;  
2 Senate Print 9333, by Senator Ramos,  
3 an act to amend the Executive Law;  
4 Senate Print 9336, by  
5 Senator Bailey, an act to establish a juvenile  
6 justice education task force;  
7 Senate Print 9348, by  
8 Senator Sanders, an act in relation to directing  
9 the Superintendent of Financial Services to study  
10 overdraft fees;  
11 Senate Print 9350, by  
12 Senator Jordan, an act to amend the  
13 Criminal Procedure Law;  
14 Senate Print 9357, by  
15 Senator Gaughran, an act to amend the  
16 Education Law;  
17 Senate Print 9358, by  
18 Senator Gaughran, an act to amend the  
19 Education Law;  
20 Senate Print 9359, by  
21 Senator Thomas, an act to amend the  
22 General Business Law;  
23 Senate Print 9360, by  
24 Senator Thomas, an act to amend the  
25 Abandoned Property Law;

1                   Senate Print 9371, by Senator Ryan,  
2     an act to amend the Alcoholic Beverage Control  
3     Law;

4                   Senate Print 9372, by  
5     Senator Gounardes, an act to amend the  
6     Real Property Tax Law;

7                   Senate Print 9380, by  
8     Senator Sepúlveda, an act to amend Chapter 890 of  
9     the Laws of 1982;

10                  Senate Print 9381, by  
11     Senator Gianaris, an act to amend the Labor Law;

12                  Senate Print 9383, by  
13     Senator Kavanagh, an act to amend the  
14     Alcoholic Beverage Control Law;

15                  Senate Print 9385, by  
16     Senator Kavanagh, an act to amend the  
17     Alcoholic Beverage Control Law;

18                  Senate Print 9390, by  
19     Senator Kaminsky, an act to amend Chapter 401 of  
20     the Laws of 2002;

21                  Senate Print 9398, by  
22     Senator Cooney, an act to amend Chapter 538 of  
23     the Laws of 2013;

24                  Senate Print 9399, by  
25     Senator Sepúlveda, an act to amend the

1 Real Property Tax Law;

2 Senate Print 9400, by  
3 Senator Mannion, an act to amend the  
4 Executive Law;

5 Senate Print 9405, by  
6 Senator Parker, an act to amend the Energy Law;  
7 and

8 Senate Print 9408,  
9 by Senator Parker, an act to amend the  
10 Mental Hygiene Law.

11 All bills reported direct to third  
12 reading.

13 ACTING PRESIDENT BAILEY: Senator  
14 Gianaris.

15 SENATOR GIANARIS: At this time,  
16 Mr. President, we're going to go to the reading  
17 of the calendar.

18 Oh, move to accept the report of the  
19 Rules Committee.

20 ACTING PRESIDENT BAILEY: All those  
21 in favor of accepting the report of the  
22 Rules Committee signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT BAILEY: Opposed,  
25 nay.

1 (No response.)

2 ACTING PRESIDENT BAILEY: The  
3 report of the Rules Committee is accepted.  
4 Senator Gianaris.

5 SENATOR GIANARIS: Thank you,  
6 Mr. President.

7 Now we're going to move to the  
8 calendar, but we're going to begin with  
9 Calendar 1417, followed by Calendar 1424, and  
10 then continue with the calendar as usual.

11 ACTING PRESIDENT BAILEY: The  
12 Secretary will read.

13 THE SECRETARY: Calendar Number  
14 1417, Assembly Print Number 472C, by  
15 Assemblymember Rozic, an act in relation to  
16 authorizing the Commissioner of Education to  
17 conduct a study regarding instruction on the  
18 Holocaust within the state.

19 ACTING PRESIDENT BAILEY: Read the  
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Senator  
2   Kaplan to explain her vote.

3                   SENATOR KAPLAN:    Thank you,  
4   Mr. President.

5                   When we talk about the Holocaust, we  
6   say "never forget." But in order to forget  
7   something, you need to learn about it in the  
8   first place. And the statistics show that we're  
9   not doing a very good job of teaching our kids  
10   about the atrocities of the Holocaust and the  
11   6 million Jews who were murdered by Nazis.

12                  A recent study by the Conference on  
13   Jewish Material Claims Against Germany laid out  
14   shocking statistics that exemplify the problem.  
15   Among millennials in New York, 58 percent can't  
16   name a single concentration camp. Nineteen  
17   percent believe that Jews caused the Holocaust.  
18   And 28 percent believe the Holocaust is a myth or  
19   a story that has been exaggerated.

20                  Learning the lessons of the  
21   Holocaust is more important today than ever  
22   before. It's taken on a new urgency in recent  
23   months. As we all watched in horror, a peaceful  
24   European nation was invaded under false pretenses  
25   and cynically using Holocaust misinformation as



1 an excuse to do so.

2 It is critical that we all know our  
3 history and that we teach our next generation  
4 about it no matter how dark or difficult the  
5 conversation is. That is why I've been fighting  
6 to pass this bill, which will ensure that every  
7 single child in New York receives a meaningful  
8 education on the Holocaust.

9 Because at a time when hatred and  
10 antisemitism are exploding around the world and  
11 in our own community, we must do everything that  
12 we can to ensure that we've learned the lessons  
13 of history so that we are not doomed to repeat  
14 it.

15 So today, as we pass this bill, I  
16 want to thank our leader, Senator Andrea  
17 Stewart-Cousins, for bringing it to the floor and  
18 ensuring that we don't forget the lessons of our  
19 history.

20 I also want to thank our Education  
21 Committee chair, Senator Shelley Mayer.

22 And I want to thank all of the  
23 advocates and organizations who have rallied  
24 around this important effort.

25 And with that, I proudly vote aye.

1                   ACTING PRESIDENT BAILEY:    Senator  
2   Kaplan to be recorded in the affirmative.

3                   Senator Ryan to explain his vote.

4                   SENATOR RYAN:    Thank you,  
5   Mr. President.

6                   First I'd like to thank my colleague  
7   Senator Kaplan for her hard work on this bill and  
8   Assemblywoman Rozic for her hard work in the  
9   Assembly on this bill.

10                  Two years ago I traveled to Poland  
11   and took part in the commemoration of the  
12   75th anniversary of the liberation of Auschwitz.  
13   It was sobering, sobering trip for me. And it  
14   was a real reminder of the tragedy of the  
15   Holocaust, to see with your own eyes a mechanized  
16   way of killing millions of people.

17                  And every time we talk about the  
18   Holocaust, we use the words "never forget."  
19   Sadly, it looks like New Yorkers are forgetting.  
20   There was a study done in 2020; it found that  
21   almost a third of New York adults believe that  
22   the Holocaust was a myth or that it was greatly  
23   exaggerated. Almost 20 percent of New Yorkers  
24   thought that somehow the Jews caused the  
25   Holocaust.

1                   People from all 50 states were  
2 surveyed, and New York came out with some of the  
3 worst rankings on it. So it's clear that it's a  
4 serious issue. We know that ignorance is the  
5 root of all bigotry.

6                   Earlier this month, town officials  
7 in Williamsville, New York, compared COVID  
8 guidelines to treatment of Jews in the Holocaust.  
9 It was shocking to hear statements like that from  
10 elected officials, but it's become a common  
11 refrain across America. And it's a refrain based  
12 on profound ignorance.

13                  For many years our nation has seen a  
14 sharp increase in antisemitic hate crime. And I  
15 don't think it's a coincidence that the increase  
16 in hate crime has coincided with the rise of  
17 rhetoric that minimizes or questions the  
18 Holocaust.

19                  So how do we solve this problem? We  
20 solve it by fighting ignorance. We solve it by  
21 fighting ignorance when we teach children about  
22 the atrocities suffered by Jews during the  
23 Holocaust, and the lessons that they learn are  
24 relevant to today's world.

25                  So we already have Holocaust

1 education standards in our schools. Now we just  
2 need to make sure that those standards are being  
3 followed.

4 Thank you, and I vote in the  
5 affirmative.

6 ACTING PRESIDENT BAILEY: Senator  
7 Ryan to be recorded in the affirmative.

8 Senator Gaughran to explain his  
9 vote.

10 SENATOR GAUGHRAN: Thank you,  
11 Mr. President.

12 You know, when I went to school they  
13 taught us about World War II and they talked  
14 about all the great battles and how we won and  
15 the Allies won. And oh, and yes, there was a  
16 Holocaust as part of World War II. We never got  
17 the full scope and depth of the horrors of the  
18 Holocaust.

19 Fortunately for me, as a very young  
20 child -- one of my earliest memories as a child  
21 was my parents -- we went away for the weekend to  
22 a little cabin on a lake, I think it was up in  
23 Lake Placid. And I remember seeing a lady and  
24 turned to my father and said, "Dad, why are there  
25 numbers on her arm?" And then my father

1 explained why.

2 And then I don't know whether it was  
3 because she heard what I said, or perhaps my  
4 parents had something to do with it, but that  
5 night we sat around and spoke to her. And she  
6 spoke about her experiences in a very  
7 age-appropriate way, but in a meaningful way.

8 And many of these folks, survivors,  
9 are still alive. But as time goes on, they won't  
10 be. So we have to make sure that the curriculum  
11 in this state is teaching every single kid for  
12 future generations about this horror.

13 So I vote in the affirmative,  
14 Mr. President. Thank you.

15 ACTING PRESIDENT BAILEY: Senator  
16 Gaughran to be recorded in the affirmative.

17 Senator Borrello to explain his  
18 vote.

19 SENATOR BORRELLO: Thank you,  
20 Mr. President.

21 I want to thank the sponsor for this  
22 bill.

23 I was honored to be there on  
24 Holocaust Remembrance Day when we discussed this  
25 and how we can further educate our children.

1                   It is scary and dangerous, the lack  
2                   of knowledge on the Holocaust we have here in  
3                   New York. I think in general we have done a very  
4                   poor job of focusing on history with our  
5                   children, particularly on those things that we  
6                   may perceive to be uncomfortable to deal with.

7                   We have in many ways switched from  
8                   education to indoctrination in our schools, and  
9                   that has led to a lack of focus on things,  
10                  particularly as important as history.

11                  Unlike Senator Gaughran, we had a  
12                  much more robust discussion on the Holocaust when  
13                  I was a child in American history and in European  
14                  history. And it was those photos, those images,  
15                  the ones that the soldiers were told they should  
16                  take so that we can -- because someday there will  
17                  be a denial that this happened.

18                  So I learned it. But we lack that  
19                  type of important focus now.

20                  So I vote aye, and I hope that this  
21                  is the beginning of what will be a meaningful  
22                  restoration of truly learning from history.

23                  Thank you.

24                  ACTING PRESIDENT PERSAUD:    Senator  
25                  Borrello to be recorded in the affirmative.

1                   Senator Bailey to explain his vote.

2                   SENATOR BAILEY:   Thank you,  
3   Madam President, for indulging me.  I saw fit to  
4   speak on this important piece of legislation.

5                   Thank you, Senator Kaplan, for  
6   introducing it.

7                   I think about my upbringing and I  
8   think about -- you know, you learn about  
9   persecution and you learn about struggle and you  
10   learn about the trials and tribulations that  
11   others have had.  But quite frankly until you  
12   have learned about what the Holocaust was, the  
13   immense amount of hatred that was displayed and  
14   shown for people who simply wanted to observe  
15   their religion -- you know, we've seen hate  
16   manifest itself in this world throughout, time  
17   and time again.

18                  And I think about early education,  
19   making sure that children understand the value of  
20   togetherness.

21                  You know, I speak about my kids  
22   often on the floor, and last year both of my  
23   daughters came home speaking to me about  
24   Hanukkah.  And they were pretty mad at me, quite  
25   frankly, that we didn't have a menorah in our

1     home. And they were wondering why we don't  
2     celebrate Hanukkah.

3             I think that's a beautiful thing,  
4     however mad that they were that they weren't  
5     getting presents on each day of Hanukkah. It's a  
6     beautiful thing that at seven and five years old,  
7     they understand that other people's cultures and  
8     religions matter.

9             And I can tell you that as a student  
10    of the Bronx High School of Science, within the  
11    Bronx High School of Science is contained a  
12    museum on the Holocaust. It's one of the  
13    greatest hidden treasures in the Bronx. As a  
14    13-year-old, I wandered myself there into the  
15    library infrequently -- I wasn't in the library  
16    much even in Bronx Science, Madam President. But  
17    as I went into the library I saw these pictures,  
18    and I saw destruction. I saw burnt bodies. And  
19    it reminded me that we all have a lot to learn.

20            So I found myself in the Holocaust  
21    Museum more often than I thought I would have  
22    been, Madam President, just reading some of the  
23    journals and seeing some of the history that has  
24    happened.

25            Brothers and sisters, I leave you



1 with this. If we do not know our history, we are  
2 damned sure doomed to repeat it. In the last two  
3 weeks we have seen atrocities upon atrocities.  
4 And I'm grateful for the education that I have  
5 received, but I think it's important that every  
6 child within this great state is able to receive  
7 the education about the atrocities of the  
8 Holocaust.

9 Thank you once again for this bill,  
10 Anna.

11 I vote aye, Madam President.

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

14 Senator Savino to explain her vote.

15 SENATOR SAVINO: Thank you,  
16 Madam President.

17 I want to thank Senator Kaplan for  
18 her work on this issue. It is I know one of the  
19 most important bills that she's been pushing  
20 since the day she got elected.

21 In fact, two years ago she came to  
22 my district in Coney Island and Brighton Beach  
23 during the budget process when we were happy to  
24 announce funding that we were able to secure in  
25 the budget for Holocaust survivors.

1                   I represent parts of Brighton Beach  
2                   and Coney Island, which is the home to the  
3                   largest group of Holocaust survivors in New York  
4                   State. I've spoken about that on the floor in  
5                   the past. Many of them are very old now.  
6                   They're in their eighties, early nineties. They  
7                   are living history. They are able to share with  
8                   people their experiences as very young children  
9                   surviving either the concentration camps in  
10                  Poland and Germany or fleeing the pogroms in  
11                  Russia and what they went through.

12                 We are rapidly approaching the point  
13                 now where they will not be around for much  
14                 longer. You know, it's just the cycle of life.  
15                 We can only live so long. And those of them who  
16                 can speak about their experience, share it with  
17                 others, talk about what it really was like will  
18                 not be here for much longer. So Holocaust  
19                 education becomes even more important so people  
20                 can see what happened.

21                 You know, I've been privileged to  
22                 share those experiences with some of them, and  
23                 I'm always stunned by how resilient these people  
24                 are. They have lived through some of the most  
25                 unbelievable atrocities, and yet they're able

1 to -- they were able to not only survive but  
2 thrive.

3 I think maybe it's part of our  
4 education process, Anna. We spend a lot of money  
5 sending young people on school trips. To the  
6 extent they were able to send them to places like  
7 the Holocaust Museum, if not in the Bronx, but  
8 also in Washington -- if you have never been to  
9 the Holocaust Museum in Washington, I urge you to  
10 go there. It is a -- minimally five hours of  
11 your life you will spend there, and when you come  
12 out of there you will be changed.

13 The first place I went to, I'll be  
14 honest, was to the bar. I was like, I never  
15 needed a drink so much in my life.

16 But it is -- it is an experience.  
17 Museums can be a place of education of a profound  
18 nature, as the Holocaust Museum is in Washington,  
19 as the African-American Museum is in Detroit. If  
20 you've never been there, you should go there too.

21 So again, I want to thank  
22 Senator Kaplan for her work on this. I hope the  
23 Assembly passes it and State Education sees the  
24 wisdom of this. Because the Holocaust survivors  
25 will not be around for much longer, and their

1 living history will go with them. So it's  
2 important that we carry on that legacy through  
3 our education policies.

4 Thank you, Mr. President.

5 ACTING PRESIDENT BAILEY: Senator  
6 Savino to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT BAILEY: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 1424, Senate Print 4032, by Senator Comrie, an  
13 act to amend the Public Service Law.

14 ACTING PRESIDENT BAILEY: Read the  
15 last section.

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

19 ACTING PRESIDENT BAILEY: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Senator  
23 Rath to explain his vote.

24 SENATOR RATH: Mr. President, I  
25 rise in that I have a personal conflict with this

1 bill in particular, and as such I respectfully  
2 ask to be excused from voting on it.

3 Thank you.

4 ACTING PRESIDENT BAILEY: Without  
5 objection, so ordered.

6 Announce the results.

7 THE SECRETARY: In relation to  
8 Calendar Number 1424, those Senators voting in  
9 the negative are Senators Akshar, Borrello,  
10 Gallivan, Jordan, Lanza, Martucci, Mattera,  
11 Oberacker, O'Mara, Ortt, Palumbo, Serino, Stec,  
12 Tedisco and Weik.

13 Ayes, 45. Nays, 15.

14 Senator Rath excused.

15 ACTING PRESIDENT BAILEY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 131, Senate Print 933C, by Senator Gianaris, an  
19 act to amend the General Business Law.

20 SENATOR LANZA: Lay it aside.

21 ACTING PRESIDENT BAILEY: Lay it  
22 aside.

23 THE SECRETARY: Calendar Number  
24 229, Senate Print 403, by Senator Biaggi, an act  
25 to amend the Penal Law.

1                   ACTING PRESIDENT BAILEY:    Read the  
2   last section.

3                   THE SECRETARY:    Section 2.  This  
4   act shall take effect on the first of November.

5                   ACTING PRESIDENT BAILEY:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT BAILEY:    Announce  
9   the results.

10                  THE SECRETARY:    In relation to  
11   Calendar Number 229, voting in the negative:  
12   Senator Lanza.

13                  Ayes, 60.  Nays, 1.

14                  ACTING PRESIDENT BAILEY:    The bill  
15   is passed.

16                  THE SECRETARY:    Calendar Number  
17   465, Senate Print 3183A, by Senator Gianaris, an  
18   act to amend the Criminal Procedure Law.

19                  ACTING PRESIDENT BAILEY:    Read the  
20   last section.

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

23                  ACTING PRESIDENT BAILEY:    Call the  
24   roll.

25                  (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Announce  
2   the results.

3                   THE SECRETARY:    In relation to  
4   Calendar 465, those Senators voting in the  
5   negative are Senators Akshar, Borrello, Boyle,  
6   Felder, Gallivan, Griffo, Helming, Jordan, Lanza,  
7   Martucci, Mattera, Oberacker, O'Mara, Ortt,  
8   Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
9   Weik.

10                   Ayes, 40.   Nays, 21.

11                   ACTING PRESIDENT BAILEY:    The bill  
12   is passed.

13                   THE SECRETARY:    Calendar Number  
14   547, Senate Print 3586A, by Senator Comrie, an  
15   act to amend the Administrative Code of the City  
16   of New York.

17                   ACTING PRESIDENT BAILEY:    Read the  
18   last section.

19                   THE SECRETARY:    Section 3.   This  
20   act shall take effect on the same date and in the  
21   same manner as Local Law Number 126 of the City  
22   of New York.

23                   ACTING PRESIDENT BAILEY:    Call the  
24   roll.

25                   (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Announce  
2   the results.

3                   THE SECRETARY:    In relation to  
4   Calendar 547, those Senators voting in the  
5   negative are Senators Akshar, Borrello, Boyle,  
6   Gallivan, Griffo, Helming, Jordan, Martucci,  
7   Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie,  
8   Serino, Stec, Tedisco and Weik.

9                   Ayes, 43.   Nays, 18.

10                  ACTING PRESIDENT BAILEY:   The bill  
11   is passed.

12                  THE SECRETARY:    Calendar Number  
13   549, Senate Print 7910A, by Senator Harckham, an  
14   act to amend the Mental Hygiene Law.

15                  ACTING PRESIDENT BAILEY:   Read the  
16   last section.

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

19                  ACTING PRESIDENT BAILEY:   Call the  
20   roll.

21                  (The Secretary called the roll.)

22                  ACTING PRESIDENT BAILEY:   Senator  
23   Harckham to explain his vote.

24                  SENATOR HARCKHAM:    Thank you very  
25   much, Mr. President.



1           Today we are presenting a package of  
2       bills pertaining to the opioid crisis, substance  
3       use disorder in general. I want to thank the  
4       Majority Leader, Senator Andrea Stewart-Cousins,  
5       for advancing this package not only today, but  
6       her leadership in advancing bills from a lot of  
7       members from this chamber throughout the years.

8           And this has been a subject where,  
9       you know, in this chamber we tend to disagree on  
10      a lot of things, but on the opioid crisis and  
11      substance use disorder and mental health issues,  
12      we tend to have pretty good bipartisan  
13      cooperation. We don't always agree, but we work  
14      together quite closely on these issues.

15           So today we have another package of  
16      bills that continue our theme of breaking down  
17      barriers to treatment, expanding harm reduction  
18      to keep folks alive until they are eligible for  
19      treatment, and then also to -- on the prevention  
20      side -- address the mental health side so folks  
21      don't necessarily have to self-medicate. You  
22      know, as we know, the traumatized teens of today  
23      are the substance abusers of tomorrow.

24           And then finally, we have a bill  
25      that we worked on last year, and I'm glad the

1 Assembly passed this year, that addresses some  
2 abuses in the Office of Medicaid Inspector  
3 General -- you know, really harshly if not  
4 fatally punishing treatment programs for clerical  
5 errors as opposed to waste, fraud and abuse.

6 So I think this is a great package.  
7 I thank all colleagues who were involved in this.  
8 I want to thank our central staff and our  
9 individual staffs because they're the folks who  
10 really do the work on these packages.

11 And I will be voting aye on this  
12 measure and all of the others.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BAILEY: Senator  
15 Harckham to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT BAILEY: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 552, Senate Print 8244, by Senator Kennedy, an  
22 act to amend the Mental Hygiene Law.

23 ACTING PRESIDENT BAILEY: Read the  
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect April 1, 2022.

2 ACTING PRESIDENT BAILEY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce  
6 the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT BAILEY: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 627, Senate Print 4954C, by Senator Myrie, an act  
12 to amend the General Business Law.

13 ACTING PRESIDENT BAILEY: Read the  
14 last section.

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

18 ACTING PRESIDENT BAILEY: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Senator  
22 Myrie to explain his vote.

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

25 As many of you know in this chamber,

1 I had COVID last year. It took me out for a  
2 couple of months. But I'm very glad to be back  
3 on my feet.

4 What many people don't know is that  
5 I had to spend time in the ICU at SUNY Downstate,  
6 but I count myself lucky because I'm not one of  
7 the 1 million people that succumbed to this  
8 disease and this virus.

9 And that's why it is especially  
10 egregious that, during the worst pandemic in our  
11 lifetimes, that there are individuals and  
12 corporations that have used the disruption in our  
13 market to line their pockets. Whether it's been  
14 fake insurance companies, bogus testing sites,  
15 false investing opportunities, deceptive vaccine  
16 advertisements, it runs the gamut of the fraud  
17 perpetrated against our people in order to make a  
18 profit.

19 That has cost Americans close to  
20 \$1 billion, and that number is almost 70 million  
21 just here in the State of New York. The average  
22 person is losing \$400 to COVID fraud right here  
23 in this state. And which one of our constituents  
24 couldn't use an extra \$400 in their pocket right  
25 now?

1                   We know that it's not just limited  
2                   to COVID-19. We see what is happening at the gas  
3                   pump, we see what is happening with baby  
4                   formula -- people taking advantage of disruptions  
5                   and hitting our constituents where it hurts the  
6                   most.

7                   So I'm so proud that we have brought  
8                   this to the floor today. I urge all of my  
9                   colleagues to vote in support of this measure  
10                  that would levy penalties on individuals and  
11                  corporations that would seek to profit off of our  
12                  pain.

13                  I'll be voting in the affirmative.  
14                  Thank you.

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

17                  Announce the results.

18                  THE SECRETARY:    In relation to  
19                  Calendar Number 627, voting in the negative:  
20                  Senator Oberacker.

21                  Ayes, 60.   Nays, 1.

22                  ACTING PRESIDENT BAILEY:    The bill  
23                  is passed.

24                  THE SECRETARY:    Calendar Number  
25                  763, Assembly Print Number 372, by Assemblymember

1 Rosenthal, an act to amend the Insurance Law.

2 ACTING PRESIDENT BAILEY: Read the  
3 last section.

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

6 ACTING PRESIDENT BAILEY: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce  
10 the results.

11 THE SECRETARY: In relation to  
12 Calendar 763, those Senators voting in the  
13 negative are Senators Borrello, Gallivan, Jordan  
14 and Ortt.

15 Ayes, 57. Nays, 4.

16 ACTING PRESIDENT BAILEY: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 841, Assembly Print Number 1177, by  
20 Assemblymember Buttenschon, an act to amend the  
21 New York State Urban Development Corporation Act.

22 ACTING PRESIDENT BAILEY: Read the  
23 last section.

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

1                   ACTING PRESIDENT BAILEY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BAILEY:    Announce  
5   the results.

6                   THE SECRETARY:    In relation to  
7   Calendar Number 841, voting in the negative:  
8   Senator Skoufis.

9                   Ayes, 60.   Nays, 1.

10                  ACTING PRESIDENT BAILEY:    The bill  
11   is passed.

12                  THE SECRETARY:    Calendar Number  
13   890, Assembly Print Number 2344A, by  
14   Assemblymember Rosenthal, an act to amend the  
15   Public Health Law.

16                  ACTING PRESIDENT BAILEY:    Read the  
17   last section.

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

21                  ACTING PRESIDENT BAILEY:    Call the  
22   roll.

23                  (The Secretary called the roll.)

24                  ACTING PRESIDENT BAILEY:    Announce  
25   the results.

1                   THE SECRETARY:    In relation to  
2   Calendar 890, those Senators voting in the  
3   negative are Senators Akshar, Gallivan, Griffo,  
4   Martucci, Oberacker, Ortt and Rath.  Also Senator  
5   Tedisco and Senator O'Mara.

6                   Ayes, 52.  Nays, 9.

7                   ACTING PRESIDENT BAILEY:   The bill  
8   is passed.

9                   THE SECRETARY:    Excuse me.  Also  
10   Senator Jordan.

11                   Ayes, 51.  Nays, 10.

12                   ACTING PRESIDENT BAILEY:   The bill  
13   is passed.

14                   THE SECRETARY:    Calendar Number  
15   934, Senate Print 6319A, by Senator Harckham, an  
16   act to amend the Mental Hygiene Law.

17                   ACTING PRESIDENT BAILEY:   Read the  
18   last section.

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

21                   ACTING PRESIDENT BAILEY:   Call the  
22   roll.

23                   (The Secretary called the roll.)

24                   ACTING PRESIDENT BAILEY:   Announce  
25   the results.



1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT BAILEY: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 937, Senate Print 6401, by Senator Gaughran, an  
6 act to amend the General Municipal Law.

7 ACTING PRESIDENT BAILEY: Read the  
8 last section.

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

11 ACTING PRESIDENT BAILEY: Call the  
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce  
15 the results.

16 THE SECRETARY: In relation to  
17 Calendar Number 937, voting in the negative:  
18 Senator Akshar.

19 Ayes, 60. Nays, 1.

20 ACTING PRESIDENT BAILEY: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 943, Senate Print 8129, by Senator Kennedy, an  
24 act to amend the Local Finance Law.

25 ACTING PRESIDENT BAILEY: There is

1 a home-rule message at the desk.

2 Read the last section.

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

5 ACTING PRESIDENT BAILEY: Call the  
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce  
9 the results.

10 THE SECRETARY: In relation to  
11 Calendar Number 943, voting in the negative:  
12 Senator Martucci.

13 Ayes, 60. Nays, 1.

14 ACTING PRESIDENT BAILEY: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 946, Senate Print 8274, by Senator Kaplan, an act  
18 in relation to authorizing the County of Nassau  
19 assessor to accept an application for a real  
20 property tax exemption.

21 ACTING PRESIDENT BAILEY: Read the  
22 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce  
4 the results.

5 THE SECRETARY: In relation to  
6 Calendar 946, those Senators voting in the  
7 negative are Senators Akshar and O'Mara.

8 Ayes, 59. Nays, 2.

9 ACTING PRESIDENT BAILEY: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 952, Assembly Print Number 8613, by  
13 Assemblymember Barrett, an act to amend  
14 Chapter 465 of the Laws of 2016.

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

17 Read the last section.

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

20 ACTING PRESIDENT BAILEY: Call the  
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce  
24 the results.

25 THE SECRETARY: In relation to

1 Calendar 952, those Senators voting in the  
2 negative are Senators Brooks, Gaughran, Harckham,  
3 Kaplan, Lanza, Mannion, Skoufis and Thomas.

4 Ayes, 53. Nays, 8.

5 ACTING PRESIDENT BAILEY: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 953, Assembly Print Number 8666, by  
9 Assemblymember Otis, an act to amend Chapter 381  
10 of the Laws of 2010.

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

13 Read the last section.

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

16 ACTING PRESIDENT BAILEY: Call the  
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce  
20 the results.

21 THE SECRETARY: In relation to  
22 Calendar 953, those Senators voting in the  
23 negative are Senators Brooks, Gaughran, Hinchey,  
24 Kaplan, Lanza, Mannion, Oberacker, Skoufis and  
25 Thomas.

1                   Ayes, 52.   Nays, 9.

2                   ACTING PRESIDENT BAILEY:    The bill  
3   is passed.

4                   THE SECRETARY:    Calendar Number  
5   954, Assembly Print Number 9612, by  
6   Assemblymember Burdick, an act to amend  
7   Chapter 506 of the Laws of 2016.

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

10                  Read the last section.

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

13                  ACTING PRESIDENT BAILEY:    Call the  
14   roll.

15                  (The Secretary called the roll.)

16                  ACTING PRESIDENT BAILEY:    Announce  
17   the results.

18                  THE SECRETARY:    In relation to  
19   Calendar 954, those Senators voting in the  
20   negative are Senators Brooks, Gaughran, Hinchey,  
21   Kaplan, Lanza, Mannion, Palumbo, Skoufis, and  
22   Thomas.  Also Senator Oberacker.

23                  Ayes, 51.   Nays, 10.

24                  ACTING PRESIDENT BAILEY:    The bill  
25   is passed.

1                   THE SECRETARY:     Calendar Number  
2     955, Assembly Print Number 9116, by  
3     Assemblymember Otis, an act to amend Chapter 509  
4     of the Laws of 2016.

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

7                   Read the last section.

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

10                  ACTING PRESIDENT BAILEY:     Call the  
11     roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT BAILEY:     Announce  
14     the results.

15                  THE SECRETARY:     In relation to  
16     Calendar 955, those Senators voting in the  
17     negative are Senators Brooks, Gaughran, Hinchey,  
18     Kaplan, Lanza, Mannion, Oberacker, Palumbo,  
19     Skoufis and Thomas.

20                  Ayes, 51.   Nays, 10.

21                  ACTING PRESIDENT BAILEY:     The bill  
22     is passed.

23                  THE SECRETARY:     Calendar Number  
24     956, Assembly Print Number 9089, by  
25     Assemblymember Paulin, an act to amend

1 Chapter 505 of the Laws of 2016.

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

4 Read the last section.

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

7 ACTING PRESIDENT BAILEY: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce  
11 the results.

12 THE SECRETARY: In relation to  
13 Calendar 956, those Senators voting in the  
14 negative are Senators Brooks, Gaughran, Hinchey,  
15 Kaplan, Lanza, Mannion, Oberacker, Palumbo,  
16 Skoufis and Thomas.

17 Ayes, 51. Nays, 10.

18 ACTING PRESIDENT BAILEY: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 957, Assembly Print Number 9758, by  
22 Assemblymember Burdick, an act to amend  
23 Chapter 507 of the Laws of 2016.

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

1 Read the last section.

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

4 ACTING PRESIDENT BAILEY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce  
8 the results.

9 THE SECRETARY: In relation to  
10 Calendar Number 957, those Senators voting in the  
11 negative are Senators Brooks, Gaughran, Hinchey,  
12 Kaplan, Lanza, Mannion, Oberacker, Palumbo,  
13 Skoufis and Thomas.

14 Ayes, 51. Nays 10.

15 ACTING PRESIDENT BAILEY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 958, Assembly Print Number 9110, by  
19 Assemblymember Otis, an act to amend Chapter 508  
20 of the Laws of 2016.

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

23 Read the last section.

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



1                   ACTING PRESIDENT BAILEY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BAILEY:    Announce  
5   the results.

6                   THE SECRETARY:    In relation to  
7   Calendar 958, those Senators voting in the  
8   negative are Senators Brooks, Gaughran, Hinchey,  
9   Kaplan, Lanza, Mannion, Oberacker, Palumbo,  
10   Skoufis and Thomas.

11                   Ayes, 51.   Nays, 10.

12                   ACTING PRESIDENT BAILEY:    The bill  
13   is passed.

14                   THE SECRETARY:    Calendar Number  
15   959, Assembly Print Number 9469, by  
16   Assemblymember Abinanti, an act to amend  
17   Chapter 504 of the Laws of 2016.

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

20                   Read the last section.

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

23                   ACTING PRESIDENT BAILEY:    Call the  
24   roll.

25                   (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Announce  
2   the results.

3                   THE SECRETARY:    In relation to  
4   Calendar 959, those Senators voting in the  
5   negative are Senators Brooks, Gaughran, Hinchey,  
6   Kaplan, Lanza, Mannion, Oberacker, Palumbo,  
7   Skoufis and Thomas.

8                   Ayes, 51.   Nays, 10.

9                   ACTING PRESIDENT BAILEY:    The bill  
10   is passed.

11                  THE SECRETARY:    Calendar Number  
12   961, Senate Print 8673, by Senator Gallivan, an  
13   act to amend Chapter 373 of the Laws of 2019.

14                  ACTING PRESIDENT BAILEY:    Read the  
15   last section.

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

18                  ACTING PRESIDENT BAILEY:    Call the  
19   roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT BAILEY:    Announce  
22   the results.

23                  THE SECRETARY:    In relation to  
24   Calendar Number 961, those Senators voting in the  
25   negative are Senators Brooks, Gaughran, Harckham,

1 Hinchey, Kaplan, Lanza, Mannion, Oberacker,  
2 Palumbo, Skoufis and Thomas.

3 Ayes, 50. Nays, 11.

4 ACTING PRESIDENT BAILEY: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 962, Senate Print 8734, by Senator Skoufis, an  
8 act to amend Chapter 510 of the Laws of 2016.

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

11 Read the last section.

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

14 ACTING PRESIDENT BAILEY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce  
18 the results.

19 THE SECRETARY: In relation to  
20 Calendar Number 962, those Senators voting in the  
21 negative are Senators Brooks, Gaughran, Harckham,  
22 Hinchey, Kaplan, Lanza, Mannion, Oberacker,  
23 Palumbo and Thomas.

24 Ayes, 51. Nays, 10.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 963, Senate Print 8860, by Senator Martucci, an  
4 act to amend Chapter 368 of the Laws of 2020.

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

7 Read the last section.

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

10 ACTING PRESIDENT BAILEY: Call the  
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce  
14 the results.

15 THE SECRETARY: In relation to  
16 Calendar 963, those Senators voting in the  
17 negative are Senators Brooks, Gaughran, Harckham,  
18 Hinchey, Kaplan, Lanza, Mannion, Palumbo and  
19 Thomas.

20 Ayes, 52. Nays, 9.

21 ACTING PRESIDENT BAILEY: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 964, Assembly Print Number 10123, by  
25 Assemblymember Burdick, an act to amend

1 Chapter 511 of the Laws of 2016.

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

4 Read the last section.

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

7 ACTING PRESIDENT BAILEY: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Senator  
11 Borrello to explain his vote.

12 SENATOR BORRELLO: Thank you,  
13 Mr. President.

14 Not just on this bill, but all these  
15 tax extender bills, I find it quite interesting  
16 that some folks are obviously voting against this  
17 in principle, because we don't want to raise  
18 taxes. That's probably the most hypocritical  
19 thing that could possibly come out of the  
20 New York State Senate.

21 As a 10-year veteran of local  
22 government, I can tell you that the reason that  
23 you have to have things like mortgage recording  
24 taxes and occupancy taxes is because of the  
25 oppressive unfunded mandates that have come out

1 of Albany since the beginning of time.

2 Chautauqua County, where I'm from,  
3 when I was country executive, 85 percent of our  
4 budget -- 85 percent of every dollar that was  
5 collected in property taxes went for unfunded  
6 mandates. In Erie County, 100 percent of every  
7 dollar collected in local property taxes goes  
8 just to cover the local expense of Medicaid.

9 When New York State is the last  
10 state in the nation, that still burdens local  
11 governments with the expense of Medicaid. And we  
12 continue to grow that program into the horrible,  
13 corrupt, inefficient program that it is -- the  
14 worst in the nation.

15 So before you think twice about  
16 cracking down on a small local government because  
17 they want to have an occupancy tax, think about  
18 the actions we take here every day.

19 I proudly vote aye. Thank you.

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

22 Senator Lanza to explain his vote.

23 SENATOR LANZA: Mr. President, to  
24 explain my vote. I'm voting no.

25 I agree with my colleague and friend

1 with respect to the mandates that we place on  
2 local governments here in the state.

3 I think my vote is far from  
4 hypocritical. I've learned a lot, especially if  
5 you look in history. If you want to challenge a  
6 system that you think is broken -- and I believe  
7 the tax system in New York State and New York  
8 City is broken, and it is punitive and it is  
9 nonsensical and it is arbitrary and it is hurting  
10 the economy viability of this state, it is  
11 driving families and businesses away from this  
12 state.

13 So I agree with my colleague that  
14 when you look at these small taxes, whether it's  
15 a hotel tax or a mortgage recording tax -- which  
16 is the most bizarre tax of all, a recording tax  
17 for getting a mortgage. You're borrowing money  
18 because you don't have it, and the state says,  
19 Oh, that person doesn't have enough money to buy  
20 a house, they just got a check, we want a piece.  
21 It's like the mob. It's ridiculous.

22 So I vote against all of these,  
23 including my hometown, New York City -- whether  
24 it's the sales tax extenders, whether it's the  
25 recording tax. And I do it because I've learned,

1 especially from some of my friends on the left --  
2 and I'm looking at Senator Ramos -- that  
3 sometimes you need to agitate and you need to  
4 challenge and you need to break down the system  
5 if you're going to remake it in a way that  
6 actually makes sense.

7 So I vote no.

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

10 Announce the results.

11 THE SECRETARY: In relation to  
12 Calendar 964, those Senators voting in the  
13 negative are Senators Brooks, Gaughran, Hinchey,  
14 Kaplan, Lanza, Mannion, Oberacker, Palumbo,  
15 Skoufis and Thomas.

16 Ayes, 51. Nays, 10.

17 ACTING PRESIDENT BAILEY: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 965, Senate Print 8905, by Senator May, an act to  
21 amend Chapter 332 of the Laws of 2019.

22 ACTING PRESIDENT BAILEY: Read the  
23 last section.

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



1                   ACTING PRESIDENT BAILEY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BAILEY:    Announce  
5   the results.

6                   THE SECRETARY:    In relation to  
7   Calendar 965, those Senators voting in the  
8   negative are Senators Brooks, Gaughran, Harckham,  
9   Hinchey, Kaplan, Lanza, Mannion, Oberacker,  
10   Palumbo, Skoufis and Thomas.

11                   Ayes, 50.   Nays, 11.

12                   ACTING PRESIDENT BAILEY:    The bill  
13   is passed.

14                   THE SECRETARY:    Calendar Number  
15   1005, Senate Print Number 3991C, by  
16   Senator Reichlin-Melnick, an act to amend the  
17   Retirement and Social Security Law.

18                   ACTING PRESIDENT BAILEY:    Read the  
19   last section.

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

23                   ACTING PRESIDENT BAILEY:    Call the  
24   roll.

25                   (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Announce  
2   the results.

3                   THE SECRETARY:    Ayes, 61.

4                   ACTING PRESIDENT BAILEY:    The bill  
5   is passed.

6                   THE SECRETARY:    Calendar Number  
7   1027, Senate Print 8391, by Senator Thomas, an  
8   act to amend the General Business Law.

9                   ACTING PRESIDENT BAILEY:    Read the  
10   last section.

11                   THE SECRETARY:    Section 2.   This  
12   act shall take effect July 1, 2023.

13                   ACTING PRESIDENT BAILEY:    Call the  
14   roll.

15                   (The Secretary called the roll.)

16                   ACTING PRESIDENT BAILEY:    Announce  
17   the results.

18                   THE SECRETARY:    In relation to  
19   Calendar Number 1027, voting in the negative:  
20   Senator Martucci.

21                   Ayes, 60.   Nays, 1.

22                   ACTING PRESIDENT BAILEY:    The bill  
23   is passed.

24                   THE SECRETARY:    Calendar Number  
25   1043, Senate Print 7641A, by Senator Stec, an act

1 to amend the Town Law.

2 ACTING PRESIDENT BAILEY: Read the  
3 last section.

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

6 ACTING PRESIDENT BAILEY: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce  
10 the results.

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT BAILEY: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1084, Assembly Print Number 9598, by  
16 Assemblymember Joyner, an act to amend the  
17 Labor Law.

18 ACTING PRESIDENT BAILEY: Read the  
19 last section.

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

22 ACTING PRESIDENT BAILEY: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Senator

1 Ramos to explain her vote.

2 SENATOR RAMOS: Thank you,  
3 Mr. President.

4 You know, I truly do believe that  
5 New York's climate future is one that puts green  
6 union jobs first. And as stewards of labor  
7 standards, it's critical that the Legislature  
8 enact and defend prevailing wages on critical  
9 infrastructure.

10 What we're doing with this bill is  
11 actually lowering the megawatt requirement to  
12 make more projects eligible for a prevailing  
13 wage. Because it's hard to think of  
14 infrastructure that is more existentially  
15 critical at this moment than renewable energy  
16 systems.

17 This body has done an amazing job of  
18 addressing our climate crisis head-on, passing  
19 the CLCPA, which centers a just transition  
20 focused on clean jobs for New Yorkers. And so  
21 prioritizing good jobs and frontline climate  
22 communities are not mutually exclusive goals.  
23 Ensuring a prevailing wage is a fight for both  
24 communities. This is what -- the  
25 intersectionality that so many of us talk about.

1       That's why our enacted budget locked a prevailing  
2       wage in for the Environmental Bond Act. It's why  
3       I fight for prevailing wages for construction  
4       workers every step of the way.

5                       So I vote in the affirmative,  
6       Mr. President.

7                       And I do want to take advantage of  
8       having the floor to thank Senator Lanza for  
9       shouting me out. You know, I'm hoping that he  
10      makes it up to me by signing a buck slip for the  
11      Warehouse Worker Protection Act in making sure  
12      that -- you know, you do happen to represent the  
13      Amazon warehouse with the greatest number of  
14      injuries across our entire state.

15                      And I would hope that you can read  
16      the bill, consider it, and hopefully we can count  
17      on you as a cosponsor so we can keep all workers  
18      safe.

19                      Thank you.

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

22                      Announce the results.

23                      THE SECRETARY:    In relation to  
24      Calendar 1084, those Senators voting in the  
25      negative are Senators Borrello, Jordan, Serino

1 and Tedisco.

2 Ayes, 57. Nays, 4.

3 ACTING PRESIDENT BAILEY: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1086, Senate Print 7263A, by Senator Liu, an act  
7 to amend the Insurance Law.

8 ACTING PRESIDENT BAILEY: Read the  
9 last section.

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

12 ACTING PRESIDENT BAILEY: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce  
16 the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT BAILEY: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1092, Senate Print 6746A, by Senator Harckham, an  
22 act to amend the Mental Hygiene Law.

23 ACTING PRESIDENT BAILEY: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 120th day after it  
2 shall have become a law.

3 ACTING PRESIDENT BAILEY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce  
7 the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT BAILEY: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 1097, Senate Print 8708A, by Senator Mannion, an  
13 act to amend the Public Health Law.

14 ACTING PRESIDENT BAILEY: Read the  
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce  
22 the results.

23 THE SECRETARY: In relation to  
24 Calendar 1097, those Senators voting in the  
25 negative are Senators Borrello, Gallivan, Griffo,

1 Helming and Ortt.

2 Ayes, 56. Nays, 5.

3 ACTING PRESIDENT BAILEY: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1129, Senate Print 2291, by Senator Sanders, an  
7 act requiring the State University of New York  
8 and the City University of New York to examine  
9 and conduct a study on the availability of campus  
10 services.

11 ACTING PRESIDENT BAILEY: Read the  
12 last section.

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

15 ACTING PRESIDENT BAILEY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce  
19 the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT BAILEY: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1130, Senate Print 2680A, by Senator Addabbo, an  
25 act to amend the Education Law.



1                   ACTING PRESIDENT BAILEY:    Read the  
2   last section.

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

5                   ACTING PRESIDENT BAILEY:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT BAILEY:    Announce  
9   the results.

10                  THE SECRETARY:    Ayes, 61.

11                  ACTING PRESIDENT BAILEY:    The bill  
12   is passed.

13                  THE SECRETARY:    Calendar Number  
14   1132, Senate Print 3945, by Senator Kennedy, an  
15   act to amend the Public Housing Law.

16                  ACTING PRESIDENT BAILEY:    Read the  
17   last section.

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

21                  ACTING PRESIDENT BAILEY:    Call the  
22   roll.

23                  (The Secretary called the roll.)

24                  ACTING PRESIDENT BAILEY:    Announce  
25   the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT BAILEY: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 1133, Senate Print Number 4069A, by  
6 Senator Addabbo, an act to amend the Tax Law and  
7 the State Finance Law.

8 ACTING PRESIDENT BAILEY: Read the  
9 last section.

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

12 ACTING PRESIDENT BAILEY: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce  
16 the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT BAILEY: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1165, Senate Print 547, by Senator Mayer, an act  
22 to amend the Education Law.

23 ACTING PRESIDENT BAILEY: Read the  
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce  
6 the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT BAILEY: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1167, Senate Print 1626, by Senator Skoufis, an  
12 act to amend the Education Law.

13 ACTING PRESIDENT BAILEY: Read the  
14 last section.

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

18 ACTING PRESIDENT BAILEY: Call the  
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce  
22 the results.

23 THE SECRETARY: Ayes, 61.

24 ACTING PRESIDENT BAILEY: The bill  
25 is passed.

1                   THE SECRETARY:     Calendar Number  
2     1180, Assembly Print Number 7425, by  
3     Assemblymember Abbate, an act to amend the  
4     Estates, Powers and Trusts Law.

5                   ACTING PRESIDENT BAILEY:     Read the  
6     last section.

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

9                   ACTING PRESIDENT BAILEY:     Call the  
10    roll.

11                   (The Secretary called the roll.)

12                   ACTING PRESIDENT BAILEY:     Announce  
13    the results.

14                   THE SECRETARY:     Ayes, 61.

15                   ACTING PRESIDENT BAILEY:     The bill  
16    is passed.

17                   THE SECRETARY:     Calendar Number  
18    1181, Assembly Print Number 7426, by  
19    Assemblymember Abbate, an act to amend the  
20    Estates, Powers and Trusts Law.

21                   ACTING PRESIDENT BAILEY:     Read the  
22    last section.

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

25                   ACTING PRESIDENT BAILEY:     Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce  
4 the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT BAILEY: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1182, Assembly Print Number 6165A, by  
10 Assemblymember Epstein, an act to amend the  
11 Real Property Law.

12 ACTING PRESIDENT BAILEY: Read the  
13 last section.

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

17 ACTING PRESIDENT BAILEY: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce  
21 the results.

22 THE SECRETARY: In relation to  
23 Calendar Number 1182, voting in the negative:  
24 Senator Ortt.

25 Ayes, 60. Nays, 1.

1                   ACTING PRESIDENT BAILEY:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   1184, Senate Print 8803, by Senator Mayer,  
5   Concurrent Resolution of the Senate and Assembly  
6   proposing an amendment to Section 4 of Article 8  
7   of the Constitution.

8                   ACTING PRESIDENT BAILEY:    Read the  
9   last section.

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

12                  ACTING PRESIDENT BAILEY:    Call the  
13   roll.

14                  (The Secretary called the roll.)

15                  ACTING PRESIDENT BAILEY:    Announce  
16   the results.

17                  THE SECRETARY:    In relation to  
18   Calendar Number 1184, those Senators voting in  
19   the negative are Senators Borrello, Jordan and  
20   Lanza.  Also Senators Akshar and Griffo.

21                  Ayes, 56.  Nays, 5.

22                  ACTING PRESIDENT BAILEY:    The bill  
23   is passed.

24                  THE SECRETARY:    Calendar Number  
25   1191, Assembly Print Number 8449, by

1 Assemblymember Paulin, an act to amend the  
2 Business Corporation Law.

3 ACTING PRESIDENT BAILEY: Read the  
4 last section.

5 THE SECRETARY: Section 3. This  
6 act shall take effect two years after it shall  
7 have become a law.

8 ACTING PRESIDENT BAILEY: Call the  
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce  
12 the results.

13 THE SECRETARY: In relation to  
14 Calendar 1191, those Senators voting in the  
15 negative are Senators Akshar, Borrello, Gallivan,  
16 Griffo, Helming, Jordan, Lanza, Martucci,  
17 Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath,  
18 Ritchie, Serino, Stec, Tedisco and Weik.

19 Ayes, 42. Nays, 19.

20 ACTING PRESIDENT BAILEY: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1198, Assembly Print Number 9977, by  
24 Assemblymember Paulin, an act to amend the  
25 Not-For-Profit Corporation Law.

1                   ACTING PRESIDENT BAILEY:    Read the  
2   last section.

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

5                   ACTING PRESIDENT BAILEY:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT BAILEY:    Announce  
9   the results.

10                  THE SECRETARY:    Ayes, 61.

11                  ACTING PRESIDENT BAILEY:    The bill  
12   is passed.

13                  THE SECRETARY:    Calendar Number  
14   1201, Assembly Print Number 5832A, by  
15   Assemblymember Buttenschon, an act to amend the  
16   Military Law.

17                  ACTING PRESIDENT BAILEY:    Read the  
18   last section.

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

22                  ACTING PRESIDENT BAILEY:    Call the  
23   roll.

24                  (The Secretary called the roll.)

25                  ACTING PRESIDENT BAILEY:    Announce



1 the results.

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT BAILEY: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1203, Senate Print 1504, by Senator Hoylman, an  
7 act to amend the Business Corporation Law.

8 ACTING PRESIDENT BAILEY: Read the  
9 last section.

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

13 ACTING PRESIDENT BAILEY: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce  
17 the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT BAILEY: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1204, Assembly Print Number 3913B, by  
23 Assemblymember McMahon, an act to amend the  
24 Labor Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

4 ACTING PRESIDENT BAILEY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce  
8 the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT BAILEY: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1211, Senate Print 4448, by Senator Griffo, an  
14 act to amend the Highway Law.

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

17 Read the last section.

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

20 ACTING PRESIDENT BAILEY: Call the  
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce  
24 the results.

25 THE SECRETARY: In relation to

1 Calendar Number 1211, voting in the negative:  
2 Senator Skoufis.

3 Ayes, 60. Nays, 1.

4 ACTING PRESIDENT BAILEY: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1212, Assembly Print Number 7889A, by  
8 Assemblymember Gottfried, an act to amend the  
9 Public Health Law and the Social Services Law.

10 ACTING PRESIDENT BAILEY: Read the  
11 last section.

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

14 ACTING PRESIDENT BAILEY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce  
18 the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT BAILEY: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1248, Senate Print 8859, by Senator Brooks, an  
24 act in relation to authorizing the State  
25 University of New York at Farmingdale to lease

1 certain lands to the Farmingdale State  
2 Development Corporation.

3 ACTING PRESIDENT BAILEY: Read the  
4 last section.

5 THE SECRETARY: Section 15. This  
6 act shall take effect immediately.

7 ACTING PRESIDENT BAILEY: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce  
11 the results.

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT BAILEY: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1270, Senate Print 3953B, by Senator Kennedy, an  
17 act to amend the Railroad Law.

18 ACTING PRESIDENT BAILEY: Read the  
19 last section.

20 THE SECRETARY: Section 3. This  
21 act shall take effect on the 30th day after it  
22 shall have become a law.

23 ACTING PRESIDENT BAILEY: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:     Senator  
2     Borrello to explain his vote.

3                   SENATOR BORRELLO:     Thank you,  
4     Mr. President.

5                   No offense to the sponsor here, but  
6     I was incorrectly added as a cosponsor of this  
7     bill, so I just wanted to note for the record  
8     that I am not a cosponsor and in fact I'm voting  
9     no on this particular bill.

10                  While I understand the nature of  
11     this bill to try to create some safety, it is a  
12     burden on our local railroad carriers, two of  
13     which I have in my district that are already  
14     struggling to deliver freight to areas where  
15     major railroads cannot deliver.

16                  So it's an important supply chain  
17     issue that we ensure that these railroads are  
18     able to operate profitably so they can continue  
19     to serve manufacturing in particular in my  
20     district and many other districts in New York  
21     State.

22                  So I vote no.   Thank you.

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

25                  Announce the results.

1                   THE SECRETARY:    In relation to  
2   Calendar 1270, those Senators voting in the  
3   negative are Senators Akshar, Borrello, Griffo,  
4   Helming, Jordan, Martucci, Mattera, Oberacker,  
5   O'Mara, Ortt, Serino, Tedisco and Weik.

6                   Ayes, 48.   Nays, 13.

7                   ACTING PRESIDENT BAILEY:    The bill  
8   is passed.

9                   THE SECRETARY:    Calendar Number  
10   1283, Senate Print 8939, by Senator Mayer, an act  
11   to amend the Vehicle and Traffic Law.

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

14                   Read the last section.

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

17                   ACTING PRESIDENT BAILEY:    Call the  
18   roll.

19                   (The Secretary called the roll.)

20                   ACTING PRESIDENT BAILEY:    Announce  
21   the results.

22                   THE SECRETARY:    In relation to  
23   Calendar 1283, those Senators voting in the  
24   negative are Senators Serino and Skoufis.   Also  
25   Senator Palumbo.

1                   Ayes, 58.   Nays, 3.

2                   ACTING PRESIDENT BAILEY:    The bill  
3   is passed.

4                   THE SECRETARY:    Calendar Number  
5   1310, Assembly Print Number 9716A, by  
6   Assemblymember Galef, an act to amend the  
7   Agriculture and Markets Law.

8                   ACTING PRESIDENT BAILEY:    Read the  
9   last section.

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

12                  ACTING PRESIDENT BAILEY:    Call the  
13   roll.

14                  (The Secretary called the roll.)

15                  ACTING PRESIDENT BAILEY:    Announce  
16   the results.

17                  THE SECRETARY:    Ayes, 61.

18                  ACTING PRESIDENT BAILEY:    The bill  
19   is passed.

20                  THE SECRETARY:    Calendar Number  
21   1311, Assembly Print Number 9296, by  
22   Assemblymember McDonald, an act to amend the  
23   Agriculture and Markets Law.

24                  ACTING PRESIDENT BAILEY:    Read the  
25   last section.

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

3 ACTING PRESIDENT BAILEY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce  
7 the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT BAILEY: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 1317, Assembly Print Number 831A, by  
13 Assemblymember Paulin, an act to amend the  
14 Election Law.

15 ACTING PRESIDENT BAILEY: Read the  
16 last section.

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

19 ACTING PRESIDENT BAILEY: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce  
23 the results.

24 THE SECRETARY: In relation to  
25 Calendar Number 1317, voting in the negative:



1 Senator Martucci.

2 Ayes, 60. Nays, 1.

3 ACTING PRESIDENT BAILEY: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1332, Assembly Print Number 273, by  
7 Assemblymember Gottfried, an act to amend the  
8 Public Health Law.

9 ACTING PRESIDENT BAILEY: Read the  
10 last section.

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

13 ACTING PRESIDENT BAILEY: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce  
17 the results.

18 THE SECRETARY: In relation to  
19 Calendar Number 1332, voting in the negative:  
20 Senator Ryan.

21 Ayes, 60. Nays, 1.

22 ACTING PRESIDENT BAILEY: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1333, Senate Print 4685, by Senator Rivera, an

1 act to amend the Public Health Law and the  
2 Surrogate's Court Procedure Act.

3 SENATOR GIANARIS: Lay it aside for  
4 the day.

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

7 THE SECRETARY: Calendar Number  
8 1355, Senate Print 1373, by Senator Brooks, an  
9 act to amend the Domestic Relations Law and the  
10 Family Court Act.

11 ACTING PRESIDENT BAILEY: Read the  
12 last section.

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

15 ACTING PRESIDENT BAILEY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce  
19 the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT BAILEY: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1357, Senate Print 4532, by Senator Brouk, an act  
25 to amend the Public Health Law.

1                   SENATOR LANZA:    Lay it aside.

2                   ACTING PRESIDENT BAILEY:   Lay it  
3   aside.

4                   THE SECRETARY:    Calendar Number  
5   1359, Assembly Print Number 7923A, by  
6   Assemblymember Ashby, an act to amend the  
7   Highway Law.

8                   ACTING PRESIDENT BAILEY:   Read the  
9   last section.

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

12                  ACTING PRESIDENT BAILEY:   Call the  
13   roll.

14                  (The Secretary called the roll.)

15                  ACTING PRESIDENT BAILEY:   Senator  
16   Jordan to explain her vote.

17                  SENATOR JORDAN:    Mr. President, I  
18   rise to explain my vote.

19                  My bipartisan bill before us amends  
20   the State Highway Law designating a portion of  
21   the state highway system as the Rensselaer County  
22   Purple Heart Highway.

23                  Mr. President, there are thousands  
24   of people from the State of New York who made the  
25   brave choice to serve and defend our great

1 nation, a choice which necessarily includes  
2 putting one's own body and life on the line. The  
3 Purple Heart decoration was established for  
4 members of our armed forces that made a grave  
5 sacrifice, the ultimate sacrifice, or being  
6 wounded.

7 A recent estimate indicates that  
8 there are almost 3,000 living Purple Heart  
9 recipients in New York State.

10 Since its establishment in 1932,  
11 many towns and localities have designated  
12 themselves as Purple Heart locations, signifying  
13 that their community honors and understands the  
14 sacrifices that these heroes made on behalf of  
15 our country.

16 In honor of these heroes, my  
17 legislation renames State Route 43, which begins  
18 at the border of Massachusetts just east of  
19 Stephentown, and ends at the intersection of I-90  
20 in North Greenbush, as Rensselaer County Purple  
21 Heart Highway. Each of the four towns along  
22 Route 43 has passed resolutions becoming Purple  
23 Heart towns. And my bill will enhance the honor  
24 and respect that Rensselaer County and New York  
25 State shows to Purple Heart veterans as well as

1       those killed in action.

2               Within my district, all of my  
3       60 towns, villages and cities are now Purple  
4       Heart communities, and all four counties --  
5       Saratoga, Rensselaer, Washington and Columbia --  
6       have successfully passed local resolutions to  
7       become Purple Heart counties.

8               In addition, out of the 62 counties  
9       in New York State, more than 40 are now  
10      Purple Heart communities, and several more have  
11      the designation pending.

12              Several other areas throughout the  
13      state, including universities, buildings, trails,  
14      and highways have been renamed with the  
15      Purple Heart designation.

16              And on April 27th, my bipartisan  
17      legislation to establish New York State as a  
18      Purple Heart State passed with overwhelming  
19      support by a vote of 62 to zero.

20              Mr. President and my colleagues,  
21      with Memorial Day this coming Monday, when we  
22      remember and reflect and honor our military  
23      heroes who made the ultimate sacrifice in defense  
24      of our freedom and nation, honoring our Purple  
25      Heart heroes is more important than ever.

1 I'm grateful for my colleagues'  
2 support of my legislation and this important  
3 bipartisan effort to continue recognizing  
4 Purple Heart heroes.

5 I vote aye. Thank you.

6 ACTING PRESIDENT BAILEY: Senator  
7 Jordan to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to  
10 Calendar Number 1359, voting in the negative:  
11 Senator Brisport.

12 Ayes, 60. Nays, 1.

13 ACTING PRESIDENT BAILEY: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1391, Senate Print 9037, by Senator Brooks, an  
17 act to amend the Civil Service Law.

18 ACTING PRESIDENT BAILEY: Read the  
19 last section.

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

22 ACTING PRESIDENT BAILEY: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT BAILEY: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1394, Assembly Print Number 9281, by  
7 Assemblymember Glick, an act to amend the  
8 State Finance Law.

9 ACTING PRESIDENT BAILEY: Read the  
10 last section.

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

13 ACTING PRESIDENT BAILEY: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce  
17 the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT BAILEY: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1395, Assembly Print Number 10223, by the  
23 Assembly Committee on Rules, an act to amend the  
24 Public Authorities Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

4 ACTING PRESIDENT BAILEY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce  
8 the results.

9 THE SECRETARY: In relation to  
10 Calendar Number 1395, voting in the negative:  
11 Senator Martucci.

12 Ayes, 60. Nays, 1.

13 ACTING PRESIDENT BAILEY: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 1396, Assembly Print Number 3582A, by  
17 Assemblymember Hunter, an act to amend  
18 Chapter 266 of the Laws of 1981.

19 ACTING PRESIDENT BAILEY: Read the  
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the  
24 roll.

25 (The Secretary called the roll.)



1                   ACTING PRESIDENT BAILEY:    Announce  
2   the results.

3                   THE SECRETARY:    Ayes, 61.

4                   ACTING PRESIDENT BAILEY:    The bill  
5   is passed.

6                   THE SECRETARY:    Calendar Number  
7   1400, Assembly Print Number 9772, by  
8   Assemblymember Zebrowski, an act to amend the  
9   Real Property Tax Law.

10                  ACTING PRESIDENT BAILEY:    Read the  
11   last section.

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

14                  ACTING PRESIDENT BAILEY:    Call the  
15   roll.

16                  (The Secretary called the roll.)

17                  ACTING PRESIDENT BAILEY:    Announce  
18   the results.

19                  THE SECRETARY:    Ayes, 61.

20                  ACTING PRESIDENT BAILEY:    The bill  
21   is passed.

22                  THE SECRETARY:    Calendar Number  
23   1418, Senate Print 293A, by Senator Myrie, an act  
24   to amend the Tax Law.

25                  ACTING PRESIDENT BAILEY:    Read the

1 last section.

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

4 ACTING PRESIDENT BAILEY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce  
8 the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT BAILEY: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 1420, Assembly Print Number 1905, by  
14 Assemblymember Dinowitz, an act to amend the  
15 Executive Law.

16 ACTING PRESIDENT BAILEY: Read the  
17 last section.

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

21 ACTING PRESIDENT BAILEY: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce  
25 the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT BAILEY: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 1422, Senate Print 2620, by Senator Jackson, an  
6 act to amend the Mental Hygiene Law and the  
7 Education Law.

8 ACTING PRESIDENT BAILEY: Read the  
9 last section.

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

12 ACTING PRESIDENT BAILEY: Call the  
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Senator  
16 Jackson to explain his vote.

17 SENATOR JACKSON: Thank you,  
18 Mr. President.

19 I rise this afternoon to speak in  
20 support of my bill, S2620.

21 During the last several years, it  
22 has become increasingly difficult for the Office  
23 for People with Developmental Disabilities and  
24 local not-for-profit providers contracted with  
25 OPWDD to recruit and retain direct service

1 professionals and related middle-management  
2 personnel.

3 This legislation creates a career  
4 ladder for employees to address the difficulty  
5 New York State and providers serving people with  
6 developmental disabilities have in recruiting and  
7 retaining direct support professionals.

8 The difficulty is particularly true  
9 for young people, who are hard-pressed to pursue  
10 a career and an education while employed in such  
11 critically important services. Family life,  
12 career development and other personal  
13 responsibilities limit one's ability to take  
14 demanding jobs like direct service professionals,  
15 who need special training in light of the  
16 life-threatening situations they are confronted  
17 with.

18 This legislation attempts to provide  
19 some direct help by focusing on education. This  
20 bill requires the commissioner of OPWDD, in  
21 cooperation with SUNY, to develop a Tuition  
22 Assistance Program, direct service professionals  
23 credit, and career ladder tuition assistance  
24 grant program that will develop training and  
25 improve existing workforce development for those

1 working with individuals with developmental  
2 disabilities.

3 This should help OPWDD and their  
4 providers to recruit people who want to attend  
5 college but are unable to do so while working  
6 low-paying direct service professional jobs. It  
7 would also allow employees to expand their  
8 careers as they develop their education and skill  
9 set.

10 This legislation, Mr. President,  
11 will encourage individuals to go into this work  
12 while providing OPWDD with a skilled workforce.  
13 For these reasons, I ask my colleagues today to  
14 please join me in voting aye on this critical  
15 piece of legislation.

16 Thank you.

17 ACTING PRESIDENT BAILEY: Senator  
18 Jackson to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT BAILEY: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1430, Senate Print 6870B, by Senator Addabbo, an  
25 act to amend the Agriculture and Markets Law.

1                   ACTING PRESIDENT BAILEY:    Read the  
2   last section.

3                   THE SECRETARY:    Section 10.  This  
4   act shall take effect three years after it shall  
5   have become a law.

6                   ACTING PRESIDENT BAILEY:    Call the  
7   roll.

8                   (The Secretary called the roll.)

9                   ACTING PRESIDENT BAILEY:    Announce  
10  the results.

11                  THE SECRETARY:    Ayes, 61.

12                  ACTING PRESIDENT BAILEY:    The bill  
13  is passed.

14                  THE SECRETARY:    Calendar Number  
15  1431, Senate Print 6887, by Senator Cooney, an  
16  act to amend the Vehicle and Traffic Law.

17                  ACTING PRESIDENT BAILEY:    Read the  
18  last section.

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

21                  ACTING PRESIDENT BAILEY:    Call the  
22  roll.

23                  (The Secretary called the roll.)

24                  ACTING PRESIDENT BAILEY:    Announce  
25  the results.

1                   THE SECRETARY:    In relation to  
2   Calendar Number 1431, those Senators voting in  
3   the negative are Senators Borrello, Gallivan,  
4   Helming, Jordan, Lanza, Mattera, O'Mara, Ortt,  
5   Palumbo, Rath, Serino, Tedisco and Weik.

6                   Ayes, 48.   Nays, 13.

7                   ACTING PRESIDENT BAILEY:   The bill  
8   is passed.

9                   THE SECRETARY:    Calendar Number  
10   1432, Senate Print 6980B, by Senator Gounardes,  
11   an act to amend the Retirement and  
12   Social Security Law.

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

15                  Read the last section.

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

18                  ACTING PRESIDENT BAILEY:   Call the  
19   roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT BAILEY:   Announce  
22   the results.

23                  THE SECRETARY:    Ayes, 61.

24                  ACTING PRESIDENT BAILEY:   The bill  
25   is passed.

1                   THE SECRETARY:     Calendar Number  
2     1433, Senate Print Number 6988B, by  
3     Senator Gounardes, an act to amend the  
4     Retirement and Social Security Law.

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

7                   Read the last section.

8                   THE SECRETARY:     Section 12. This  
9     act shall take effect immediately.

10                  ACTING PRESIDENT BAILEY:     Call the  
11     roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT BAILEY:     Senator  
14     Lanza to explain his vote.

15                  SENATOR LANZA:     Mr. President, in  
16     voting aye on this piece of legislation, I just  
17     want to thank the members of the Fire Protection  
18     Inspectors Union, of whom we have some members in  
19     the gallery.

20                  And I just want to use this  
21     opportunity to thank them for the service, the  
22     critically important service they provide to our  
23     state and my city every single day of the year.

24                  So thank you to them. I vote aye.

25                  ACTING PRESIDENT BAILEY:     Senator



1 Lanza to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes, 61.

4 ACTING PRESIDENT BAILEY: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 1435, Assembly Print Number 7728A, by  
8 Assemblymember Stern, an act to amend the  
9 State Finance Law.

10 ACTING PRESIDENT BAILEY: Read the  
11 last section.

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

14 ACTING PRESIDENT BAILEY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce  
18 the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT BAILEY: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 1439, Assembly Print Number 9594A, by  
24 Assemblymember Paulin, an act to amend the  
25 Executive Law.

1                   ACTING PRESIDENT BAILEY:    Read the  
2   last section.

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

6                   ACTING PRESIDENT BAILEY:    Call the  
7   roll.

8                   (The Secretary called the roll.)

9                   ACTING PRESIDENT BAILEY:    Announce  
10  the results.

11                  THE SECRETARY:    Ayes, 61.

12                  ACTING PRESIDENT BAILEY:    The bill  
13  is passed.

14                  THE SECRETARY:    Calendar Number  
15  1442, Assembly Print Number 8881A, by  
16  Assemblymember Wallace, an act to amend the  
17  Public Health Law.

18                  ACTING PRESIDENT BAILEY:    Read the  
19  last section.

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

23                  ACTING PRESIDENT BAILEY:    Call the  
24  roll.

25                  (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Announce  
2   the results.

3                   THE SECRETARY:    Ayes, 61.

4                   ACTING PRESIDENT BAILEY:    The bill  
5   is passed.

6                   THE SECRETARY:    Calendar Number  
7   1443, Assembly Print Number 10001B, by  
8   Assemblymember Cunningham, an act in relation to  
9   directing the Department of Environmental  
10   Conservation, in conjunction with the  
11   Environmental Justice Interagency Coordinating  
12   Council and the Climate Justice Working Group, to  
13   conduct a study on the impacts of the urban heat  
14   island effect on disadvantaged communities.

15                  ACTING PRESIDENT BAILEY:    Read the  
16   last section.

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

19                  ACTING PRESIDENT BAILEY:    Call the  
20   roll.

21                  (The Secretary called the roll.)

22                  ACTING PRESIDENT BAILEY:    Announce  
23   the results.

24                  THE SECRETARY:    In relation to  
25   Calendar Number 1443, voting in the negative:

1 Senator Akshar.

2 Ayes, 60. Nays, 1.

3 ACTING PRESIDENT BAILEY: The bill  
4 is passed.

5 THE SECRETARY: Calendar Number  
6 1444, Senate Print 8475, by Senator Harckham, an  
7 act to amend the Military Law.

8 ACTING PRESIDENT BAILEY: Read the  
9 last section.

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

13 ACTING PRESIDENT BAILEY: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce  
17 the results.

18 THE SECRETARY: In relation to  
19 Calendar Number 1444, voting in the negative:  
20 Senator Brisport.

21 Ayes, 60. Nays, 1.

22 ACTING PRESIDENT BAILEY: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 1445, Senate Print 8476, by Senator Harckham, an

1 act to amend the Military Law.

2 ACTING PRESIDENT BAILEY: Read the  
3 last section.

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

7 ACTING PRESIDENT BAILEY: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce  
11 the results.

12 THE SECRETARY: In relation to  
13 Calendar Number 1445, voting in the negative:  
14 Senator Brisport.

15 Ayes, 60. Nays, 1.

16 ACTING PRESIDENT BAILEY: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 1446, Assembly Print Number 9529, by  
20 Assemblymember Ramos, an act in relation to  
21 authorizing the assessor of the Town of Islip,  
22 County of Suffolk, to accept an application for  
23 exemption from real property taxes.

24 ACTING PRESIDENT BAILEY: Read the  
25 last section.

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

3 ACTING PRESIDENT BAILEY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce  
7 the results.

8 THE SECRETARY: In relation to  
9 Calendar Number 1446, those Senators voting in  
10 the negative are Senators Akshar and O'Mara.

11 Ayes, 59. Nays, 2.

12 ACTING PRESIDENT BAILEY: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1447, Senate Print 8633A, by Senator Comrie, an  
16 act to amend the Public Health Law.

17 ACTING PRESIDENT BAILEY: Read the  
18 last section.

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

22 ACTING PRESIDENT BAILEY: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: In relation to  
3 Calendar Number 1447, voting in the negative:  
4 Senator Martucci.

5 Ayes, 60. Nays, 1.

6 ACTING PRESIDENT BAILEY: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1448, Senate Print 8644, by Senator Savino, an  
10 act to amend the Education Law.

11 ACTING PRESIDENT BAILEY: Read the  
12 last section.

13 THE SECRETARY: Section 3. This  
14 act shall take effect July 1, 2023.

15 ACTING PRESIDENT BAILEY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce  
19 the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT BAILEY: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1449, Senate Print 8649, by Senator Parker, an  
25 act to amend the Environmental Conservation Law.

1                   ACTING PRESIDENT BAILEY:    Read the  
2   last section.

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

6                   ACTING PRESIDENT BAILEY:    Call the  
7   roll.

8                   (The Secretary called the roll.)

9                   ACTING PRESIDENT BAILEY:    Announce  
10  the results.

11                  THE SECRETARY:    In relation to  
12  Calendar Number 1449, voting in the negative:  
13  Senator Martucci.

14                  Ayes, 60.  Nays, 1.

15                  ACTING PRESIDENT BAILEY:    The bill  
16  is passed.

17                  THE SECRETARY:    Calendar Number  
18  1450, Assembly Print Number 8418A, by  
19  Assemblymember Cruz, an act to require the  
20  New York State Energy Research and Development  
21  Authority to develop recommendations regarding  
22  the establishment of microgrids.

23                  ACTING PRESIDENT BAILEY:    Read the  
24  last section.

25                  THE SECRETARY:    Section 2.  This



1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce  
6 the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT BAILEY: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1451, Assembly Print Number 9493A, by  
12 Assemblymember Stern, an act to amend the  
13 Banking Law and the Executive Law.

14 ACTING PRESIDENT BAILEY: Read the  
15 last section.

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

19 ACTING PRESIDENT BAILEY: Call the  
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Announce  
23 the results.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1452, Assembly Print Number 9494, by the  
4 Assembly Committee on Rules, an act to amend the  
5 Nassau County Civil Divisions Act.

6 ACTING PRESIDENT BAILEY: Read the  
7 last section.

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

10 ACTING PRESIDENT BAILEY: Call the  
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce  
14 the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT BAILEY: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 1453, Assembly Print Number 9590, by  
20 Assemblymember Barrett, an act to amend the  
21 Executive Law.

22 ACTING PRESIDENT BAILEY: Read the  
23 last section.

24 THE SECRETARY: Section 2. This  
25 act shall take effect one year after it shall

1 have become a law.

2 ACTING PRESIDENT BAILEY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce  
6 the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT BAILEY: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1455, Senate Print 8786, by Senator Cleare, an  
12 act to amend the Social Services Law.

13 ACTING PRESIDENT BAILEY: Read the  
14 last section.

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

17 ACTING PRESIDENT BAILEY: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Senator  
21 Cleare to explain her vote.

22 SENATOR CLEARE: Thank you,  
23 Mr. President.

24 One of the critical pieces of  
25 information we've learned from listening to

1 experts, advocates and survivors of human  
2 trafficking is that a tremendous amount of  
3 victims are recruited via social media.

4 This connection is demonstrable when  
5 you consider the following facts. According to  
6 the Human Trafficking Institute's 2020 report,  
7 from 2000 to 2020 at least 30 percent of sex  
8 trafficking victims were recruited online. In  
9 2020 alone, at least 41 percent of victims were  
10 recruited online. Online solicitation accounted  
11 for 81 percent of all federal sex trafficking  
12 prosecutions filed since 2000.

13 We have focused this session on  
14 eradicating human trafficking through a number of  
15 pipelines, such as transportation centers, and  
16 today we turn our proactive efforts to ending  
17 human trafficking at its most emergent source:  
18 social media.

19 This bill will require the New York  
20 State Interagency Task Force on Human  
21 Trafficking, which has existed since 2007, to  
22 investigate the connections between social media  
23 and human trafficking and issue an actionable  
24 report thereon.

25 It is believed that a multi-agency

1 and multidisciplinary report will give us a  
2 comprehensive blueprint to not only fight but  
3 stop human trafficking through social media.

4 Thank you.

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

7 Announce the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT BAILEY: The bill  
10 is passed.

11 THE SECRETARY: Calendar Number  
12 1456, Assembly Print Number 9774, by  
13 Assemblymember Englebright, an act in relation to  
14 authorizing Tu Vien Truc Lam Buddhist Central,  
15 Inc., to file an application for certain real  
16 property tax exemptions.

17 ACTING PRESIDENT BAILEY: Read the  
18 last section.

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

21 ACTING PRESIDENT BAILEY: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce  
25 the results.

1                   THE SECRETARY:    In relation to  
2   Calendar Number 1456, voting in the negative:  
3   Senators Akshar and O'Mara.

4                   Ayes, 59.   Nays, 2.

5                   ACTING PRESIDENT BAILEY:    The bill  
6   is passed.

7                   THE SECRETARY:    Calendar Number  
8   1457, Assembly Print Number 9959, by  
9   Assemblymember Burdick, an act to incorporate the  
10   Croton Falls Volunteer Fire Department Benevolent  
11   Association, and providing for its powers and  
12   duties.

13                  ACTING PRESIDENT BAILEY:    Read the  
14   last section.

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

17                  ACTING PRESIDENT BAILEY:    Call the  
18   roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT BAILEY:    Announce  
21   the results.

22                  THE SECRETARY:    Ayes, 61.

23                  ACTING PRESIDENT BAILEY:    The bill  
24   is passed.

25                  THE SECRETARY:    Calendar Number

1 1461, Assembly Print Number 9974, by  
2 Assemblymember Gottfried, an act to amend the  
3 Public Health Law.

4 ACTING PRESIDENT BAILEY: Read the  
5 last section.

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

9 ACTING PRESIDENT BAILEY: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce  
13 the results.

14 THE SECRETARY: In relation to  
15 Calendar Number 1461, voting in the negative:  
16 Senator Martucci.

17 Ayes, 60. Nays, 1.

18 ACTING PRESIDENT BAILEY: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 1462, Assembly Print Number 10119, by  
22 Assemblymember Thiele, an act in relation to  
23 authorizing the assessor of the Town of  
24 Brookhaven, County of Suffolk, to accept from the  
25 First Baptist Church an application for exemption

1 from real property taxes.

2 ACTING PRESIDENT BAILEY: Read the  
3 last section.

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

6 ACTING PRESIDENT BAILEY: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce  
10 the results.

11 THE SECRETARY: In relation to  
12 Calendar Number 1462, voting in the negative:  
13 Senators Akshar and O'Mara.

14 Ayes, 59. Nays, 2.

15 ACTING PRESIDENT BAILEY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1463, Assembly Print Number 10004, by  
19 Assemblymember Woerner, an act to amend the  
20 Public Officers Law.

21 ACTING PRESIDENT BAILEY: Read the  
22 last section.

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

25 ACTING PRESIDENT BAILEY: Call the



1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce  
4 the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT BAILEY: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 1464, Assembly Print Number 10146, by the  
10 Assembly Committee on Rules, an act to amend the  
11 Public Lands Law.

12 ACTING PRESIDENT BAILEY: Read the  
13 last section.

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

16 ACTING PRESIDENT BAILEY: Call the  
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce  
20 the results.

21 THE SECRETARY: In relation to  
22 Calendar Number 1464, voting in the negative:  
23 Senator Brisport.

24 Ayes, 60. Nays, 1.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1466, Assembly Print Number 9950, by  
4 Assemblymember Gunther, an act to amend the  
5 Mental Hygiene Law.

6 ACTING PRESIDENT BAILEY: Read the  
7 last section.

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

10 ACTING PRESIDENT BAILEY: Call the  
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce  
14 the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT BAILEY: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 1468, Assembly Print Number 9938, by  
20 Assemblymember Thiele, an act to amend the  
21 Environmental Conservation Law.

22 ACTING PRESIDENT BAILEY: Read the  
23 last section.

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

1                   ACTING PRESIDENT BAILEY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BAILEY:    Announce  
5   the results.

6                   THE SECRETARY:    Ayes, 61.

7                   ACTING PRESIDENT BAILEY:    The bill  
8   is passed.

9                   THE SECRETARY:    Calendar Number  
10   1473, Senate Print 9325, by  
11   Senator Stewart-Cousins, an act authorizing the  
12   alienation of certain parklands in the Town of  
13   Greenburgh, in the County of Westchester.

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

16                   Read the last section.

17                   THE SECRETARY:    Section 7. This  
18   act shall take effect immediately.

19                   ACTING PRESIDENT BAILEY:    Call the  
20   roll.

21                   (The Secretary called the roll.)

22                   ACTING PRESIDENT BAILEY:    Announce  
23   the results.

24                   THE SECRETARY:    Ayes, 61.

25                   ACTING PRESIDENT BAILEY:    The bill

1 is passed.

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

4 SENATOR GIANARIS: Let's move on to  
5 the controversial calendar, please.

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

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 131, Senate Print 933C, by Senator Gianaris, an  
11 act to amend the General Business Law.

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

14 SENATOR BORRELLO: Mr. President,  
15 would the sponsor yield for a question.

16 ACTING PRESIDENT BAILEY: Will the  
17 sponsor yield?

18 SENATOR GIANARIS: Should I yield,  
19 Senator Borrello? I guess I will yield.

20 I will yield to Senator Borrello.

21 (Laughter.)

22 ACTING PRESIDENT BAILEY: The  
23 sponsor will yield to Senator Borrello.

24 SENATOR BORRELLO: Thank you,  
25 Mr. President. Thank you, Senator Gianaris, for

1 generously yielding. I appreciate that.

2 I understand the purpose of this  
3 bill. We want to keep people from becoming  
4 monopolistic. And I think that's been a focus  
5 for our nation for a long time, going back to the  
6 Sherman Act.

7 But here in New York State,  
8 obviously, I'm concerned because anytime we go  
9 beyond what other states do, that puts us in a  
10 precarious position in a number of ways.

11 But the first question I have for  
12 you is the purpose of this is to stop someone who  
13 has market dominance from abusing that market  
14 dominance. I get that. But what I'm concerned  
15 about is you haven't defined what a market is.  
16 How would you define what the size of a market is  
17 or what the geographical area of a market would  
18 be?

19 SENATOR GIANARIS: The approach of  
20 defining a market is unchanged from what it would  
21 be today. Courts currently define markets for  
22 the existing antitrust laws, and we would change  
23 the standards under which a court would determine  
24 if abuse is taking place or if a particular  
25 corporation is dominant, but the market itself

1 would be defined the same way as exactly today.

2 SENATOR BORRELLO: Mr. President,  
3 will the sponsor continue to yield?

4 ACTING PRESIDENT BAILEY: Will the  
5 sponsor yield?

6 SENATOR GIANARIS: Yes.

7 ACTING PRESIDENT BAILEY: The  
8 sponsor yields.

9 SENATOR BORRELLO: All right, so  
10 just to continue on that, because I still have  
11 concerns.

12 I mean, a market could be all of  
13 New York State -- you know, 19 million residents.  
14 It could be New York City. It could be the Town  
15 of Hanover, where I live, with 7,000 residents.  
16 If you have -- I'm still not understanding how we  
17 currently -- and if we're changing the standards,  
18 how a court would interpret that as a market  
19 size. It would have to be done through  
20 litigation, most importantly.

21 SENATOR GIANARIS: I would submit  
22 to my colleague, Mr. President, that if he is  
23 dissatisfied with the way markets are currently  
24 defined, he should propose legislation to change  
25 that.

1                   This bill does not do that. However  
2                   markets are currently defined by the courts is  
3                   how they will continue to be defined under this  
4                   proposal.

5                   SENATOR BORRELLO:     Mr. President,  
6                   will the sponsor continue to yield?

7                   ACTING PRESIDENT BAILEY:     Will the  
8                   sponsor continue to yield?

9                   SENATOR GIANARIS:     Yes.

10                  ACTING PRESIDENT BAILEY:     The  
11                  sponsor yields.

12                  SENATOR BORRELLO:     So what about --  
13                  this bill doesn't seem to have a clear definition  
14                  of what dominance is. Let's say, for example,  
15                  one business has a really good quarter. And  
16                  could their competitors then turn around and sue  
17                  them if all of a sudden they had 40 percent  
18                  market share for one quarter?

19                  What would be the length of time to  
20                  determine what dominance would mean?

21                  SENATOR GIANARIS:     I'm going to  
22                  answer your question in a couple of ways.

23                  First of all, the legislation does  
24                  provide very specific terms of what would  
25                  constitute dominance. But it also leaves the

1 opportunity for indirect evidence of dominance.  
2 I think that's what you're specifically asking  
3 about.

4 It also allows for the  
5 Attorney General's office to supplement this  
6 legislation with regulations that the Legislature  
7 would have oversight over. And so there would be  
8 more specificity by the regulators in the  
9 Attorney General's office as to specific examples  
10 to give the marketplace more certainty.

11 But I will point out that, yes, we  
12 are changing the standard because it needs  
13 changing. The laws have been in place for over a  
14 hundred years, I think as you pointed out. And  
15 most would agree that our current economy, which  
16 is new and innovative in a lot of ways, has run  
17 amuck where you have very few very large dominant  
18 players squeezing out the competition.

19 And so much like was the case a  
20 hundred years ago when antitrust was a new area  
21 in this country, over time regulators and the  
22 courts provide certainty and definition. We  
23 provide the parameters here of what is  
24 impermissible. The Attorney General puts some  
25 meat on the bones through regulation. And then



1 ultimately the courts will decide on a  
2 case-by-case basis what violates the law and what  
3 doesn't.

4 SENATOR BORRELLO: Mr. President,  
5 will the sponsor continue to yield.

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor continue to yield?

8 SENATOR GIANARIS: Yes.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

11 SENATOR BORRELLO: Through you,  
12 Mr. President. I know that you had -- your --  
13 you seem confident that this won't attack small  
14 and medium-sized businesses, this is focused on  
15 large businesses. And I understand what you're  
16 saying in the nature of how business has changed,  
17 and there is dominance of big players.

18 But there's really nothing to  
19 guarantee that this bill wouldn't target small  
20 businesses. And I bring that up because I'm  
21 concerned about the private right of action. you  
22 know, private right of action is that -- you  
23 know, is that dog whistle that's going to allow  
24 essentially class action lawsuits. And a class  
25 action lawsuit could target small businesses in a

1 small market.

2 So what could we do to truly protect  
3 small and medium-sized businesses?

4 SENATOR GIANARIS: Well, it's an  
5 ironic question because the legislation itself is  
6 the greatest protector of small and medium-sized  
7 businesses. They are the ones who are being hurt  
8 the most by the large players.

9 Which is why we have the support for  
10 this bill of a number of small and medium-sized  
11 businesses, including very prominent ones -- like  
12 Yelp, for example, has been a big booster of this  
13 approach. Why? Because the big tech companies  
14 are completely suffocating the small and  
15 medium-sized players to the point where they  
16 can't operate and they can't succeed.

17 And so the bill itself -- you ask  
18 what's in here to protect small and medium-sized  
19 businesses? The entire bill is the answer to  
20 your question. That is the purpose of it.

21 But more specifically, just because  
22 I know you're going to try and clarify your  
23 question -- more specifically, the bill requires  
24 evidence, either direct evidence of dominance in  
25 a marketplace or indirect evidence, which

1 requires greater than a 40 percent market share.  
2 Small and medium-sized businesses are not going  
3 to get caught up in that standard.

4 SENATOR BORRELLO: Mr. President,  
5 will the sponsor continue to yield.

6 ACTING PRESIDENT BAILEY: Will the  
7 sponsor continue to yield?

8 SENATOR GIANARIS: Yes.

9 ACTING PRESIDENT BAILEY: The  
10 sponsor yields.

11 SENATOR BORRELLO: Well, I might  
12 challenge that, that small businesses won't get  
13 caught up in that.

14 Let's just use, for example -- where  
15 I live we have small chains of gas stations. And  
16 they often do dominate a small area because  
17 they're able to provide a consistent high-quality  
18 product, and many of them act as the only  
19 convenience store in an area, the only gas  
20 station supply, the only place that you can, you  
21 know, get air to put in your tires when you need  
22 it. That happens often.

23 And they could very easily -- for  
24 example, let's just say you were an independent  
25 gasoline station owner and you had maybe four or

1 five locations, you could very easily be  
2 dominating the market. Now, would that invite a  
3 class action lawsuit?

4 And why I'm concerned is I'm not  
5 really concerned about one gas station owner  
6 suing another gas station owner. I am concerned  
7 about predatory law firms that love to deal in  
8 the whole class action lawsuit saying, here,  
9 we're going to go after all these small gas  
10 station owners across New York State, and we're  
11 going to sue them for breach of this antitrust  
12 law.

13 How can we prevent that from  
14 happening?

15 SENATOR GIANARIS: Of course those  
16 suits would be frivolous and no court would take  
17 them seriously.

18 Just as if someone tried to bring an  
19 action against a gas station in that circumstance  
20 currently, under the current anti-monopoly laws,  
21 that would not stand. Because back to your  
22 original question, we are not changing the way a  
23 market is defined. Currently a market would not  
24 be defined as the one gas station in a small  
25 town. And that would not change under this

1       proposal.

2                       I should also point out more  
3       specifically what I said earlier, which is the  
4       bill requires the Attorney General to issue  
5       guidance and regulations as to how market shares  
6       will be specifically interpreted and what market  
7       conditions would allow for an abuse of dominance  
8       claim to be brought, so there would be greater  
9       certainty. And it's not just the Attorney  
10      General doing it, the Legislature would have  
11      oversight of the Attorney General's regulations.

12                    SENATOR BORRELLO:    Mr. President,  
13      will the sponsor continue to yield.

14                    ACTING PRESIDENT BAILEY:   Will the  
15      sponsor continue to yield?

16                    SENATOR GIANARIS:    Yes.

17                    ACTING PRESIDENT BAILEY:   The  
18      sponsor yields.

19                    SENATOR BORRELLO:    This is what I  
20      believe to be my final question.

21                    You mentioned the Attorney General  
22      kind of setting up the rules of engagement here  
23      on this. But as happens often in class action  
24      lawsuits, there is often never a victim to  
25      produce, an actual person who's been harmed by

1 the law. Yet you still have class action  
2 lawsuits.

3 Would the AG's office be able to  
4 determine that a business is in violation of this  
5 law and should be penalized if there has never  
6 been an actual consumer that you could prove to  
7 actually be harmed?

8 SENATOR GIANARIS: Well, I should  
9 also point out that you can have businesses that  
10 are harmed by anticompetitive behavior, and that  
11 would be something that the proposal is intended  
12 to deal with.

13 SENATOR BORRELLO: So any victim.

14 SENATOR GIANARIS: Yeah.

15 But no, the whole idea is there  
16 would need to be -- I'm trying to find the  
17 examples of direct evidence which clearly have a  
18 victim.

19 But it says here "the unilateral  
20 power to set prices, terms, conditions and  
21 standards; the unilateral power to dictate  
22 non-price contractual terms without compensation,  
23 or other evidence that a person is not  
24 constrained by meaningful competitive pressures."

25 Those behaviors in and of themselves

1 will inevitably result in victimization.

2 SENATOR BORRELLO: Mr. President,  
3 on the bill.

4 ACTING PRESIDENT BAILEY: Senator  
5 Borrello on the bill.

6 SENATOR BORRELLO: Senator  
7 Gianaris, thank you very much.

8 And I will add that I am not  
9 completely opposed to what you're trying to do  
10 here, but I am concerned whenever New York State  
11 gets into this business.

12 And it's a little bit personal for  
13 me. When I was in business my company was the  
14 victim of a class -- a frivolous class action  
15 lawsuit. The State of California has something  
16 called Prop 65, Proposition 65, which is  
17 essentially anytime, for any reason, the State of  
18 California can add a chemical to this list -- and  
19 there's literally thousands of chemicals on this  
20 list.

21 And what it is, it has created a  
22 series of bounty hunters, legal bounty hunters  
23 throughout the state of California. And once a  
24 new chemical is added to the list, they go out  
25 and they start knocking down businesses' doors.

1 And they bring class action lawsuits. And they  
2 get huge settlements.

3 And the State of California is a  
4 willing accomplice in Prop 65 lawsuits because  
5 they get a cut, they get a piece of the action.  
6 They get a cut.

7 It has put companies out of  
8 business, it's bankrupted them, it's stopping  
9 companies from actually providing products to the  
10 State of California, in some cases life-saving  
11 medical products that are no longer sold in the  
12 State of California thanks to Prop 65.

13 That's what I'm concerned about  
14 here. Because you would -- despite what  
15 Senator Gianaris said, you could have someone  
16 say, you know what, there's a whole group of gas  
17 station owners in rural New York State that have  
18 dominated the market because they sell 40 percent  
19 of the gasoline in any given market. And we're  
20 going to bring a class action lawsuit. And  
21 someday a couple of years from now I'm going to  
22 get a check in the mail for \$1.17. And that's  
23 your settlement for being a part of that class  
24 action.

25 What exactly was the level of harm



1       that I endured that the remedy was \$1.17? Now,  
2       you guys are laughing because you've all  
3       experienced that. We've all gotten those checks  
4       in the mail, right?

5                 That's what this bill  
6       unintentionally does. It's going to create a  
7       whole new group of class action lawsuits where  
8       we're going to have no real victims but a whole  
9       lot of money is going to be spent defending that.  
10      And that's my concern. And it's a genuine  
11      concern, because I personally saw this happen to  
12      not just my company, but many other companies in  
13      the past.

14                So Mr. President, with that, I will  
15      be a no on this. Thank you.

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

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

20                Read the last section.

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

23                ACTING PRESIDENT BAILEY: Call the  
24      roll.

25                (The Secretary called the roll.)

1                   ACTING PRESIDENT BAILEY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BAILEY:    Senator  
5   Gianaris to explain his vote.

6                   SENATOR GIANARIS:    Thank you,  
7   Mr. President.

8                   And I do want to clarify one thing  
9   in response to Senator Borrello's comments, and  
10   also thank my colleagues for their continued  
11   support of this important proposal, which would  
12   bring dramatic and needed reform to the way we  
13   police our markets in this state.

14                   Senator Borrello talked a lot about  
15   examples of when a particular business might be  
16   considered dominant. That does not end the  
17   analysis under this proposal. Being dominant is  
18   not in and of itself a violation of this  
19   proposal. You also have to be engaged in abusive  
20   behavior as a result of that dominance.

21                   And so if there's a gas station  
22   that's operating fairly and charging regular  
23   prices and not squeezing other competitors out of  
24   the market unfairly, they can continue to  
25   function and they will not be running afoul of

1       what we're proposing here.

2                       So it's not just the dominance, it's  
3       dominance plus abuse of that dominance, and that  
4       is also defined in the bill as conduct that  
5       forecloses or limits the ability or incentive of  
6       one or more actual competitors to compete, such  
7       as leveraging a dominant position in one market  
8       to limit competition in a second one.

9                       And that's something we're seeing a  
10      lot of currently, where a company controls a  
11      search engine and also has products that the  
12      search engine points you to, and therefore  
13      competitors don't have a fair opportunity to get  
14      before the same market and the same audience.  
15      That is something that's unregulated in New York  
16      right now, and yet rampant.

17                      And so we are taking some really  
18      important steps here to upgrade our laws. They  
19      were necessary a hundred years ago in the  
20      Gilded Age, and they're necessary today for the  
21      new Gilded Age we're under where you have a very  
22      small number of very large companies getting  
23      bigger by the day because their competitors  
24      continue to collapse because of their behavior.

25                      Another very important piece of this

1 bill is that we are also protecting workers. We  
2 now have a situation where some of these  
3 corporations are the only game in town, in some  
4 small towns. You're either working at a  
5 warehouse, doing deliveries, or you don't have a  
6 job. And in that circumstance your ability to  
7 fairly negotiate terms of your employment are  
8 compromised. And that's something we would  
9 engage in regulating here for the first time as  
10 well.

11 So we're doing a lot of really  
12 important things here. I can't imagine for the  
13 life of me why anyone would oppose the bill and  
14 defend the most powerful in the world -- the most  
15 powerful entities in the world. The Evil Empire,  
16 if you will, Senator Borrello, who I know is a  
17 fan of Star Wars. I'm surprised to see him on  
18 the side of Emperor Palpatine in this situation,  
19 but --

20 (Laughter.)

21 SENATOR GIANARIS: But nonetheless,  
22 you are looking at the most powerful companies in  
23 this world and taking their side against workers,  
24 against small and medium-sized businesses. And I  
25 can't for the life of me imagine why anyone would

1 want to do that. Give people a chance, give  
2 small and medium-sized businesses a chance, give  
3 workers a chance, and pass this bill.

4 Thank you, Mr. President.

5 ACTING PRESIDENT BAILEY: Senator  
6 Gianaris to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: In relation to  
9 Calendar 131, those Senators voting in the  
10 negative are Senators Akshar, Borrello, Boyle,  
11 Brooks, Cooney, Felder, Gallivan, Griffio,  
12 Helming, Jordan, Kaminsky, Kaplan, Mannion,  
13 Martucci, Mattera, Oberacker, O'Mara, Ortt,  
14 Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and  
15 Weik.

16 Ayes, 36. Nays, 25.

17 ACTING PRESIDENT BAILEY: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1357, Senate Print 4532, by Senator Brouk, an act  
21 to amend the Public Health Law and the  
22 Insurance Law.

23 ACTING PRESIDENT BAILEY: Senator  
24 Palumbo, why do you rise?

25 SENATOR PALUMBO: Thank you,

1 Mr. President. Would the sponsor yield for a few  
2 questions, please.

3 ACTING PRESIDENT BAILEY: Senator  
4 Harckham, in place of Senator Brouk, will you be  
5 yielding?

6 SENATOR HARCKHAM: I would be happy  
7 to. And thank you for that clarification, that  
8 the sponsor is actually in Rochester enjoying a  
9 beautiful baby boy right now. And so in her  
10 absence, I'm happy to answer a few questions.

11 ACTING PRESIDENT BAILEY: Senator  
12 Harckham yields.

13 SENATOR PALUMBO: Thank you, Pete.  
14 And we certainly wish the sponsor well. That's a  
15 beautiful thing. And congratulations to she and  
16 her family.

17 So just I guess to maybe start off  
18 the conversation, could you please explain to our  
19 colleagues what the abuse deterrent formulation  
20 is of an actual drug, please?

21 SENATOR HARCKHAM: Through you,  
22 Mr. President. That's a very good question.

23 It's emerging technology, it's  
24 what's called abuse deterrent technology for  
25 opioid pills generally.

1                   And the reason this technology is  
2                   emerging is that folks with substance use  
3                   disorder, opioid use disorder oftentimes will  
4                   crush a pill to snort it or to dissolve it so  
5                   they can inject it, the reason being they get a  
6                   high much stronger and much faster than if they  
7                   absorb the pills.

8                   So the FDA is working with a number  
9                   of drug manufacturers on this emerging technology  
10                  called abuse deterrent opioid analgesics.

11                  SENATOR PALUMBO:     Will the  
12                  gentleman yield for another question, please.  
13                  Through you, Mr. President.

14                  ACTING PRESIDENT BAILEY:     Senator  
15                  Harckham, will you yield?

16                  SENATOR HARCKHAM:     Absolutely.

17                  ACTING PRESIDENT BAILEY:     Senator  
18                  Harckham yields.

19                  SENATOR PALUMBO:     Thank you,  
20                  Senator.

21                  So the underlying drug, just to be  
22                  clear, is approved by the FDA, correct?

23                  SENATOR HARCKHAM:     The underlying  
24                  drug is approved by the FDA.   And the actual new  
25                  variant would need to be approved by the FDA

1 based on the scientific standards that they have  
2 laid out.

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

5 ACTING PRESIDENT BAILEY: Will  
6 Senator Harckham yield?

7 SENATOR HARCKHAM: Absolutely.

8 ACTING PRESIDENT BAILEY: Senator  
9 Harckham yields.

10 SENATOR PALUMBO: Thank you.  
11 Through you, Mr. President.

12 So it's -- the underlying drug as  
13 well as the actual FDA approval is actually just  
14 for the labeling, that it does have abuse  
15 deterring properties, correct?

16 SENATOR HARCKHAM: Correct.

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

19 ACTING PRESIDENT BAILEY: Will the  
20 sponsor continue to yield?

21 SENATOR HARCKHAM: Absolutely.

22 ACTING PRESIDENT BAILEY: The  
23 Senator yields.

24 SENATOR PALUMBO: Well, thank you  
25 Senator.



1                   And I previously voted for this  
2     bill, and I've been -- had a number of -- or have  
3     been contacted and have had a number of new  
4     information presented to me, and that's really  
5     what would be the basis of my questions today.

6                   Because the FDA -- and this is my  
7     question -- does not approve the efficacy of the  
8     abuse deterrence, just that they can label in a  
9     particular fashion; correct?

10                  SENATOR HARCKHAM:     Well, at least  
11     according to the -- through you, Mr. President.  
12     Through the FDA's website, that they must meet  
13     stringent standards for abuse deterrent  
14     properties.

15                  Now, let's be very clear.   Any pill  
16     or any opioid can be abused.   So I don't think we  
17     want to be dispelling -- we want to dispel a  
18     notion that these are somehow abuse-proof.  
19     Because yes, maybe they can't be crushed or  
20     snorted or injected, but they can certainly be  
21     swallowed still.   And we want to be very clear  
22     about that.

23                  But according to the FDA's website,  
24     they do set out very strict standards for what  
25     the abuse deterrent must be.

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

3                   ACTING PRESIDENT BAILEY:   Senator  
4   Harckham, do you continue to yield?

5                   SENATOR HARCKHAM:   Absolutely.

6                   ACTING PRESIDENT BAILEY:   Senator  
7   Harckham will yield.

8                   SENATOR PALUMBO:   Thank you,  
9   Senator.   And thank you for clarifying that.

10                  Because that is really the basis of  
11   my question, that it of course, because it may  
12   not be able to be crushed or snorted or injected,  
13   it can still be abused orally.   Even with the  
14   anti -- deterrent factors, is that correct?

15                  SENATOR HARCKHAM:   Absolutely.

16                  SENATOR PALUMBO:   Okay, thank you.

17                  Would you yield for another  
18   question, please, Senator?

19                  ACTING PRESIDENT BAILEY:   Senator  
20   Harckham, will you yield?

21                  SENATOR HARCKHAM:   Absolutely.

22                  ACTING PRESIDENT BAILEY:   The  
23   Senator will yield.

24                  SENATOR PALUMBO:   Thank you.

25                  In light of the fact that that could

1     also be abused, I would like to ask a few  
2     questions about a full-spectrum type of deterrent  
3     or a non-full spectrum deterrent. I don't know  
4     if -- are you familiar with those terms? I just  
5     became familiar with them recently, as a matter  
6     of fact.

7                     SENATOR HARCKHAM: I will become  
8     familiar in about five seconds, okay?

9                     (Laughter.)

10                    SENATOR HARCKHAM: Okay, through  
11     you, Mr. President. What specifically are you  
12     referring to? We know there are differing  
13     categories of the types of deterrent. If you  
14     could perhaps expound a little bit.

15                    SENATOR PALUMBO: Well, certainly.

16                    And through you, Mr. President, my  
17     understanding is that -- I guess to make it a  
18     little bit easier, to rephrase it, that a  
19     full-spectrum deterrent means that it is not  
20     subject to abuse at all.

21                    A non-full spectrum, for example, is  
22     what I would suggest these types of deterrents  
23     are, with our current technology, is that they  
24     cannot be abused through injection or snorting,  
25     by crushing them and so forth, but they can still

1 be abused orally. You can take the pill and you  
2 can take more than prescribed and you can still  
3 ultimately have a dependency or other issues that  
4 would result.

5 Does that sound familiar? Is that  
6 something --

7 SENATOR HARCKHAM: Yes, thank you  
8 for that clarification.

9 SENATOR PALUMBO: Thank you,  
10 Senator. Would you yield for another question,  
11 please.

12 ACTING PRESIDENT BAILEY: Senator  
13 Harckham, will you yield?

14 SENATOR HARCKHAM: Absolutely.

15 ACTING PRESIDENT BAILEY: The  
16 Senator yields.

17 SENATOR PALUMBO: And would you  
18 agree with that notion with respect to these  
19 types of --

20 SENATOR HARCKHAM: Yes.

21 SENATOR PALUMBO: -- the technology  
22 that we have today?

23 SENATOR HARCKHAM: (Nodding.)

24 SENATOR PALUMBO: Thank you. And  
25 that was a yes, right? That was a yes?

1                   SENATOR HARCKHAM:     Yes.

2     Absolutely.

3                   SENATOR PALUMBO:     Would you  
4     continue to yield, please?

5                   ACTING PRESIDENT BAILEY:     Senator  
6     Harckham, do you yield?

7                   SENATOR HARCKHAM:     I would.

8                   ACTING PRESIDENT BAILEY:     Senator  
9     Harckham yields.

10                  SENATOR PALUMBO:     And so the  
11     effects of this bill, Senator, requiring everyone  
12     to have some sort of a quantity of these  
13     abuse-deterrent formulations, is quite a  
14     significant -- is at a significant cost.

15                  Because I have some information here  
16     that the financial ramifications are such that --  
17     and just -- I guess I'll ask the question, I'll  
18     go through those numbers to keep things moving,  
19     and please let me know if you believe otherwise.

20                  That there was a study about best  
21     retail price of abuse deterrent morphine products  
22     against generic extended-release morphine  
23     products, using 30 milligram doses, 60-day  
24     supplies. The generic morphine was \$43.82 for a  
25     month's supply, while abuse deterrent morphine

1       was between \$567 and \$1,013. And for example,  
2       the Department of Veterans Affairs spent nearly  
3       \$100 million in fiscal year 2016 on opioids for  
4       1.2 million patients with at least one opioid  
5       prescription. And only 1.9 percent of the  
6       opioids dispensed were for an abuse-deterrent  
7       product, but they accounted for 37 percent of  
8       those costs.

9                       So they're extremely expensive. And  
10       so I guess just maybe -- would you agree with  
11       those -- and even just generally, that they're  
12       significantly more expensive than the actual  
13       opioids themselves?

14                      SENATOR HARCKHAM: Through you,  
15       Mr. President, I would agree that they are more  
16       expensive, without question.

17                      I would make one correction. I  
18       believe in the beginning of your question you  
19       said they were expensive to require to keep on  
20       hand. There's nothing in this bill about  
21       requiring pharmacies to stock these.

22                      This is an insurance bill that would  
23       simply require plans in New York to cover one  
24       formulary, and they could have a choice among  
25       several brands. And they could make that cost

1 determination themselves. But this is about  
2 insurance coverage, not about forcing folks to  
3 stock supplies.

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

6 ACTING PRESIDENT BAILEY: Senator  
7 Harckham, will you yield?

8 SENATOR HARCKHAM: Absolutely.

9 ACTING PRESIDENT BAILEY: Senator  
10 Harckham yields.

11 SENATOR PALUMBO: And thank you for  
12 that clarification, because I did get some  
13 concerns from smaller hospitals and so forth,  
14 they would have to keep them. But there's  
15 nothing right now that precludes physicians from  
16 prescribing abuse-detering formulations, is that  
17 correct?

18 SENATOR HARCKHAM: Correct.

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

21 ACTING PRESIDENT BAILEY: Will the  
22 sponsor yield?

23 SENATOR HARCKHAM: Absolutely.

24 ACTING PRESIDENT BAILEY: Senator  
25 Palumbo, please make sure you're directing the

1        comments the chair, as opposed to Senator  
2        Harckham.

3                    SENATOR PALUMBO:    Yes, certainly.  
4        Thank you, Mr. President, I will.    Old habits die  
5        hard.

6                    ACTING PRESIDENT BAILEY:    Redirect.  
7                    (Laughter.)

8                    SENATOR PALUMBO:    So, Senator  
9        Harckham -- and I'll get right to the point on  
10       that, because we've obviously been here for  
11       quite -- we've had kind of a longer day.

12                   This legislation was previously  
13       presented to the floor, it was previously passed,  
14       and the previous Governor did veto it.    And there  
15       weren't -- there were some other concerns  
16       regarding studies, so -- and the veto memo from  
17       2016 specifically said "Much greater study is  
18       warranted to ensure such drugs would achieve  
19       their intended effect and not cause greater  
20       harm."

21                   This was -- the Department of Health  
22       and Department of Financial Services were  
23       directed to study the costs associated with  
24       prescribing abuse-detering drugs and whether the  
25       benefits of such drugs necessitate a change to



1 the drug formulary. And to my understanding,  
2 neither of these studies have been released as of  
3 today. Is that accurate?

4 SENATOR HARCKHAM: Through you,  
5 Mr. President, I do not know. We will get that  
6 answer for you.

7 But what I would say is via the  
8 former Governor's veto message, we had the same  
9 issue when it came to medicine-assisted treatment  
10 for Medicaid. And so it was an equity issue.  
11 And that's why this body was so persistent that  
12 folks on private insurance, Mr. President, could  
13 get access to this life-saving medication and  
14 folks on Medicaid could not. And that was an  
15 issue with the prior Governor.

16 And so in that veto message that you  
17 refer to, it was an instance, I believe, of the  
18 former Governor putting costs before the welfare  
19 of patients.

20 SENATOR PALUMBO: Through you,  
21 Mr. President, would Senator Harckham yield for  
22 another question.

23 ACTING PRESIDENT BAILEY: Senator  
24 Harckham, do you yield?

25 SENATOR HARCKHAM: I do,

1 Mr. President.

2 ACTING PRESIDENT BAILEY: Senator  
3 Harckham yields.

4 SENATOR PALUMBO: Thank you,  
5 Senator. I appreciate that.

6 And as far as the balance between  
7 costs versus patient, I don't think there's a  
8 person in this room that thinks that should even  
9 be considered at this point, regarding safety of  
10 people and the opioid crisis.

11 But I do have here from the  
12 New England Journal of Medicine a published  
13 article indicating how in fact the benefits may  
14 not actually be what we think they are.

15 A study involving people who had --  
16 and I'm reading directly from the article. And  
17 I'd like to have you possibly reconcile that. "A  
18 study involving people who had misused Oxycontin  
19 and were entering treatment programs revealed  
20 that although use of the pills decreased after  
21 the release of an abuse deterrent formulation,  
22 25 to 30 percent of participants had continued to  
23 use the new formulation" -- after they were no  
24 longer prescribed it, they had begun abusing it,  
25 either because they found a way to defeat the

1 abuse-deterrent features or because they were  
2 taking the pills orally.

3 More strikingly -- this is the  
4 serious part -- the majority of people who were  
5 discouraged by the new formulation reported  
6 switching to heroin. That's the majority of  
7 approximately 30 percent of the individuals who  
8 were prescribed ADFs.

9 So regarding their overall  
10 productivity, efficacy, however you want to  
11 describe it, can you reconcile that with respect  
12 to -- because really what -- and the point of my  
13 questioning is this bill is pushing not only  
14 insurers to cover it, but more of them to be out  
15 in our society, in our community, thinking that  
16 they're the most wonderful formulation or that  
17 they're the best possible answer.

18 So I'm wondering if you could  
19 reconcile those numbers and if you have any  
20 information that that is inaccurate, please.

21 SENATOR HARCKHAM: Through you,  
22 Mr. President, I would take strong exception with  
23 the categorization that this is pushing more out  
24 and that they are harmless.

25 I would also, on a personal level --

1 I can't speak to the sponsor of the bill's  
2 premise here. But the wisdom of prescribing an  
3 opioid to someone who has already gone through  
4 treatment for opioids -- to me, that is highly  
5 questionable.

6 So the basis of the study starts  
7 from a highly questionable point. If someone's  
8 been in treatment for addiction to opioids, then  
9 treating them with opioids, whether it's an abuse  
10 deterrent or not, you know, begins that whole  
11 cycle again. So I would disagree medically with  
12 that entire premise.

13 I think where this type of  
14 technology comes in -- for instance, if somebody  
15 lives with somebody or lives in an environment  
16 where medication might be stolen, might be  
17 absconded with, might be appropriated -- look,  
18 the whole work that we're doing is trying to  
19 reduce demand, reduce supply. And that's what we  
20 do here.

21 This bill is really an insurance  
22 bill. Right? We don't want to -- there are  
23 people who have chronic medical conditions who  
24 may need an opioid, and we know that. We want to  
25 reduce them as much as we can, but some people

1 medically need an opioid.

2           So this bill simply says that if you  
3 need an opioid prescribed by your doctor and they  
4 happen to recommend a brand-name opioid deterrent  
5 formulary, that New York State Medicaid must pay  
6 for that. That's all this bill does. It doesn't  
7 promote a technology, it doesn't promote a brand,  
8 it doesn't promote a modality of treatment. It  
9 simply says that if a doctor prescribes something  
10 that they were going to prescribe as medically  
11 necessary, Medicaid needs to pay for it.

12           SENATOR PALUMBO: Thank you,  
13 Senator Harckham. I appreciate your time.

14           On the bill, please, Mr. President.

15           ACTING PRESIDENT BAILEY: Senator  
16 Palumbo on the bill.

17           SENATOR PALUMBO: And thank you.  
18 And I really appreciate Senator Harckham for his  
19 comments. And we all agree, and I absolutely  
20 agree with him that we need to do what we can  
21 regarding the opioid crisis.

22           But this is actually somewhat  
23 counterintuitive. And this bill, by the way, was  
24 originally -- it originated in the Republican  
25 Conference several years ago, when they were in

1 the majority. So -- and I previously, as I said,  
2 voted yes.

3 But the more that I've gotten into  
4 these numbers and taken a look at it, I  
5 unfortunately am uncomfortable with this bill  
6 because the jury is still out. We know it's not  
7 the brass ring. We know about one-third of  
8 people who are prescribed these ADFs actually end  
9 using -- not only becoming addicted to it, they  
10 end up going to the cheaper alternative, which is  
11 even worse, and that's street heroin.

12 So I understand certainly where  
13 we're going. But let's remember who caused the  
14 opioid crisis, the Big Pharma. Eight I believe  
15 billion dollars they paid. There were criminal  
16 convictions. Because at the time originally  
17 physicians thought when we need to -- we need to  
18 make people comfortable, so let's prescribe this  
19 miracle drug. And they concealed the addictive  
20 qualities of it. And then we had a horrendous  
21 epidemic.

22 And in fact I do have some  
23 information that I got from the Medical Society,  
24 who certainly has done a lot, they have come a  
25 very long way over the years, and that was

1     because of conservative treatments. They didn't  
2     give them out like candy. And quite frankly  
3     those of us in this building did some really good  
4     things as well. We created the I-STOP program so  
5     people couldn't doctor shop, get 30 days of pills  
6     here, 60 days of pills there. Then we reduced --  
7     in a budget a few years ago we reduced the amount  
8     of pills prescribed, that you wouldn't get a  
9     90-day supply for a shoulder surgery because you  
10    need about 20 pills tops, maybe 10, until you  
11    start feeling better and you don't need them  
12    anymore. So that's been the dynamic here that  
13    we've had to deal with.

14                 So now, what does this do? This  
15    requires insurers to pay for an extremely  
16    expensive alternative that is not the be-all,  
17    end-all. And what is this doing? This is  
18    putting big money in the pockets of Big Pharma,  
19    because doctors would think -- in fact, there was  
20    a study that indicated that physicians thought  
21    that there were no addictive qualities.

22                 Fifty percent of physicians, I  
23    believe, polled in that study -- almost half,  
24    just under 50 -- thought that there were no  
25    addictive qualities to ADFs, that they were a

1 beautiful thing. But obviously they can still be  
2 taken orally. And then you see all these other  
3 studies that have revealed some really  
4 significant problems.

5 So the Department of Health and  
6 Department of State continues to sit on their  
7 hands. I think the study should be completed and  
8 we should find out what the heck is going on with  
9 this and what can we do to make it better. But  
10 the jury's still out.

11 So for those reasons -- I certainly  
12 appreciate this is something that is not an easy  
13 answer, we all agree. But the medical profession  
14 finally realized, once everything was revealed  
15 through a criminal case and a huge lawsuit, that  
16 these drugs are highly addictive. So they now  
17 have been conservatively treating people, and  
18 they are very tight with the leash when it comes  
19 to prescribing opioids.

20 So there's a lot more progress to be  
21 made, we get that. But I don't know if right now  
22 this is the answer. And for those reasons, I'm  
23 going to vote no.

24 Thank you, Mr. President.

25 ACTING PRESIDENT BAILEY: Are there



1 any other Senators wishing to be heard?

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

4 Read the last section.

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

8 ACTING PRESIDENT BAILEY: Call the  
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Senator  
12 Harckham to explain his vote.

13 SENATOR HARCKHAM: Thank you very  
14 much, Mr. President.

15 Just two quick points. Number one,  
16 people may wonder what the Majority Leader does  
17 when she is not in this chair on the floor.  
18 Well, she's watching the debate and texting me  
19 that Senator Brouk actually had a baby girl, not  
20 a baby boy.

21 (Laughter.)

22 SENATOR HARCKHAM: So I stand  
23 corrected on this floor and in public, and I  
24 apologize to Senator Brouk.

25 So just let us know that that record

1 is clear.

2 (Laughter.)

3 SENATOR HARCKHAM: I want to thank  
4 Senator Palumbo for an excellent discussion. You  
5 know, I think we're pretty close on a lot of the  
6 issues that we discussed.

7 I think where Senator Brouk was  
8 going with this bill, and I agree, this is simply  
9 an insurance bill. It's not promoting a drug,  
10 it's not promoting a technology. It's simply an  
11 equity issue saying that if a doctor prescribes a  
12 certain medication, that Medicaid should cover  
13 that medication. And that has been our practice  
14 in much of what we've done here.

15 So for that reason, I'll be voting  
16 aye.

17 ACTING PRESIDENT BAILEY: Senator  
18 Harckham to be recorded in the affirmative.

19 In the affirmative, Senator  
20 Harckham?

21 SENATOR HARCKHAM: Oh, in the  
22 affirmative. I apologize. It's been a long  
23 week.

24 ACTING PRESIDENT BAILEY: It's been  
25 a long week.

1                   Senator Harckham to be recorded in  
2                   the affirmative, and the record is corrected as  
3                   to Senator Brouk's child.

4                   (Laughter.)

5                   ACTING PRESIDENT BAILEY:    Announce  
6                   the results.

7                   THE SECRETARY:    In relation to  
8                   Calendar Number 1357, voting in the negative:  
9                   Senator Palumbo.

10                  Ayes, 60.   Nays, 1.

11                  ACTING PRESIDENT BAILEY:    The bill  
12                  is passed.

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

15                  SENATOR GIANARIS:    Thank you,  
16                  Mr. President.   Back to motions for a moment.

17                  I offer amendments to the following  
18                  Third Reading Calendar bills:

19                  By Senator Parker, page 5,  
20                  Calendar 120, Senate Print 5451B;

21                  By Senator Hoylman, page 40,  
22                  Calendar 1192, Senate Print 8439A.

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

1 Senator Gianaris.

2 SENATOR GIANARIS: I also wish to  
3 call up the following bills, recalled from the  
4 Assembly, which are now at the desk: Senate  
5 Bills 3959A and 4738.

6 (Pause.)

7 ACTING PRESIDENT BAILEY: Senator  
8 Gianaris.

9 SENATOR GIANARIS: I think where we  
10 left off, Mr. President, was I wanted to call up  
11 Senate Bills 3959A and 4738, which were recalled  
12 from the Assembly and are now at the desk.

13 ACTING PRESIDENT BAILEY: The  
14 Secretary will read.

15 THE SECRETARY: Calendar Number 80,  
16 Senate Print 4738, by Senator Ramos, an act to  
17 amend the Labor Law.

18 Calendar Number 907, Senate Print  
19 3959A, by Senator Kennedy, an act to amend the  
20 Public Authorities Law.

21 ACTING PRESIDENT BAILEY: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT BAILEY: The bills

1 are restored to their place on the Third Reading  
2 Calendar.

3 SENATOR GIANARIS: I now move to  
4 reconsider the votes by which these bills were  
5 passed.

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

9 (Laughter.)

10 SENATOR GIANARIS: I now offer the  
11 following amendments.

12 Actually, Mr. President, I think we  
13 have to have the vote to reconsider.

14 ACTING PRESIDENT BAILEY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61.

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

21 SENATOR GIANARIS: I now offer the  
22 following amendments.

23 ACTING PRESIDENT BAILEY: Now the  
24 amendments are received, and the bills will  
25 retain their place on the Third Reading Calendar.

1                   SENATOR GIANARIS:   And finally,  
2   Mr. President, on behalf of Senator Kaplan, I  
3   offer the following amendments to Calendar Number  
4   1574, Senate Print 8752, and ask that said bill  
5   retain its place on Third Reading Calendar.

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

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

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

13                  SENATOR GIANARIS:   Move to adjourn  
14  until Tuesday, May 31st, at 3:00 p.m., with the  
15  intervening days being legislative days.

16                  ACTING PRESIDENT BAILEY:   On  
17  motion, the Senate stands adjourned until  
18  Tuesday, May 31st, at 3:00 p.m., with intervening  
19  days being legislative.

20                  (Whereupon, at 2:57 p.m., the Senate  
21  adjourned.)

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