NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 25, 2022

12:09 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

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

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

PASTOR JACKSON: Let us pray.

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

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

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

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

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

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

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

our entire world.

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

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

Amen.

(Response of "Amen.")

ACTING PRESIDENT BAILEY: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Calendar 1181.

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

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

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

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

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

Senator Harckham moves to discharge,

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Brooks moves to discharge,

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

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

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

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

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

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

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

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

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

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

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

Senator Rivera moves to discharge,

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

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

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

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

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

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

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

ACTING PRESIDENT BAILEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

Amendments are offered to the following Third Reading Calendar bills:

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

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

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

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

ACTING PRESIDENT BAILEY: The

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

Senator Gianaris.

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

Senate Bills 3081A, 7854, and 1271.

ACTING PRESIDENT BAILEY: The Secretary will read.

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

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

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

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

SENATOR GIANARIS: I offer amendments to these bills.

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

SENATOR GIANARIS: Please recognize Senator Lanza.

ACTING PRESIDENT BAILEY: Senator Lanza.

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

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

Senator Gianaris.

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

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

ACTING PRESIDENT BAILEY: The Secretary will read.

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

ACTING PRESIDENT BAILEY: Senator Cooney on the resolution.

SENATOR COONEY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Cooney.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: Senator Rath on the resolution.

SENATOR RATH: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

Senator Gianaris.

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

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

Senator Gianaris.

SENATOR GIANARIS: Please recognize Senator Jordan for an introduction.

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

SENATOR JORDAN: Mr. President and

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

(Laughter.)

SENATOR JORDAN: Hey (waving).

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

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

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

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

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

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

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

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

Dave Dellehunt and Tom Call.

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

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

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

Please rise and be recognized.

(Laugher; standing ovation.)

ACTING PRESIDENT BAILEY: Senator Gianaris.

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

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

SENATOR GIANARIS: The Senate will stand at ease.

ACTING PRESIDENT BAILEY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease

at 12:36 p.m.)

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

ACTING PRESIDENT BAILEY: The Senate will return to order.

Senator Gianaris.

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

ACTING PRESIDENT BAILEY: The Secretary will read.

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

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

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

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

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

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

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

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

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

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

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

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

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

Senate Print 5602B, by

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

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

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

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

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

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

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

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

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

Schumaker and Mark Hennessy to receive certain service credit under Section 384-d of the Retirement and Social Security Law;

Senate Print 7292, by Senator Biaggi, an act to amend the Executive Law;

Senate Print 7297, by Senator Breslin, an act to amend the Highway Law;

Senate Print 7318, by Senator Ortt, an act to amend Chapter 363 of the Laws of 1982;

Senate Print 7531, by Senator May, an act to amend the General Municipal Law;

Senate Print 7620A, by Senator Brooks, an act to amend the Highway Law;

Senate Print 7867A, by Senator Biaggi, an act to amend the Public Health Law;

Senate Print 7881, by Senator Stavisky, an act to amend the Insurance Law and the Public Health Law;

Senate Print 7900, by Senator Martucci, an act to amend the Criminal Procedure Law;

Senate Print 8024, by Senator Kaplan, an act to amend the Highway Law;

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

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

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

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

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

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

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

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

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

Senate Print 8390, by
Senator Skoufis, an act to amend the Tax Law;
Senate Print 8396A, by
Senator Skoufis, an act to amend the
Real Property Tax Law;
Senate Print 8472B, by
Senator Mannion, an act to amend the Highway Law;
Senate Print 8549, by
Senator Persaud, an act to amend the
Insurance Law;
Senate Print 8581A, by
Senator Griffo, an act to amend the Highway Law;
Senate Print 8584, by
Senator Jackson, an act to amend the Retirement
and Social Security Law;
Senate Print 8587, by
Senator Skoufis, an act to amend the
General Municipal Law;
Senate Print 8594, by
Senator Parker, an act to authorize the widow of
Peter Sistrom to file a retirement option
election form;
Senate Print 8598, by
Senator Kaminsky, an act in relation to extending
the boundaries of the Woodmere Fire District;

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

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

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

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

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

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

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

Senate Print 8818, by

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

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

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

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

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

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

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

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

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

establishing a Caumsett State Park fire readiness study;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senate Print 9328, by

Senator Thomas, an act to amend the Tax Law;

Senate Print 9333, by Senator Ramos, an act to amend the Executive Law;

Senate Print 9336, by Senator Bailey, an act to establish a juvenile justice education task force;

Senate Print 9348, by Senator Sanders, an act in relation to directing the Superintendent of Financial Services to study overdraft fees;

Senate Print 9350, by Senator Jordan, an act to amend the Criminal Procedure Law;

Senate Print 9357, by Senator Gaughran, an act to amend the Education Law;

Senate Print 9358, by Senator Gaughran, an act to amend the Education Law;

Senate Print 9359, by Senator Thomas, an act to amend the General Business Law;

Senate Print 9360, by Senator Thomas, an act to amend the Abandoned Property Law;

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

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

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

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

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

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

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

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

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

Real Property Tax Law;

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

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

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

All bills reported direct to third reading.

ACTING PRESIDENT BAILEY: Senator Gianaris.

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

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

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The report of the Rules Committee is accepted.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

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

ACTING PRESIDENT BAILEY: The Secretary will read.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Kaplan to explain her vote.

SENATOR KAPLAN: Thank you, Mr. President.

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

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

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

an excuse to do so.

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

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

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

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

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

And with that, I proudly vote aye.

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

Senator Ryan to explain his vote.

SENATOR RYAN: Thank you, Mr. President.

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

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

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

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

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

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

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

So we already have Holocaust

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

Thank you, and I vote in the affirmative.

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

Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you, Mr. President.

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

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

explained why.

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

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

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

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

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

I want to thank the sponsor for this bill.

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

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

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

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

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

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

Thank you.

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

Senator Bailey to explain his vote.

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

Thank you, Senator Kaplan, for introducing it.

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

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

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

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

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

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

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

Brothers and sisters, I leave you

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

Thank you once again for this bill, Anna.

I vote aye, Madam President.

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

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Madam President.

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Rath to explain his vote.

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

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

Thank you.

ACTING PRESIDENT BAILEY: Without objection, so ordered.

Announce the results.

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

Ayes, 45. Nays, 15.

Senator Rath excused.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 40. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 43. Nays, 18.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Harckham to explain his vote.

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect April 1, 2022.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Mr. President.

As many of you know in this chamber,

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

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

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

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

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

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

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

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

Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

Rosenthal, an act to amend the Insurance Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 57. Nays, 4.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 52. Nays, 9.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Excuse me. Also Senator Jordan.

Ayes, 51. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: There is

a home-rule message at the desk.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 59. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to

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

Ayes, 53. Nays, 8.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 52. Nays, 9.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 51. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 51. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

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

Chapter 505 of the Laws of 2016.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 51. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 51. Nays 10.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 51. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 51. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

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

Ayes, 50. Nays, 11.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 51. Nays, 10.

ACTING PRESIDENT BAILEY: The bill

is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 52. Nays, 9.

ACTING PRESIDENT BAILEY: The bill is passed.

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

Chapter 511 of the Laws of 2016.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

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

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

of Albany since the beginning of time.

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

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

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

I proudly vote aye. Thank you.

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

Senator Lanza to explain his vote.

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

I agree with my colleague and friend

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

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

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

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

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

So I vote no.

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

Announce the results.

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

Ayes, 51. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 50. Nays, 11.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

to amend the Town Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator

Ramos to explain her vote.

SENATOR RAMOS: Thank you, Mr. President.

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

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

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

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

So I vote in the affirmative, Mr. President.

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

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

Thank you.

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

Announce the results.

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

and Tedisco.

Ayes, 57. Nays, 4.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Helming and Ortt.

Ayes, 56. Nays, 5.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 56. Nays, 5.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 42. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

certain lands to the Farmingdale State Development Corporation.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

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

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

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

So I vote no. Thank you.

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

Announce the results.

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

Ayes, 48. Nays, 13.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 58. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Senator Martucci.

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

SENATOR GIANARIS: Lay it aside for the day.

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

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Jordan to explain her vote.

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

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

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

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

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

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

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

those killed in action.

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

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

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

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

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

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

I vote aye. Thank you.

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

Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President.

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

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

professionals and related middle-management personnel.

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

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

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

working with individuals with developmental disabilities.

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

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

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 48. Nays, 13.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Lanza to explain his vote.

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

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

So thank you to them. I vote aye.

ACTING PRESIDENT BAILEY: Senator

Lanza to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Senator Akshar.

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

act to amend the Military Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 59. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill

is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Cleare to explain her vote.

SENATOR CLEARE: Thank you, Mr. President.

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

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

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

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

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

It is believed that a multi-agency

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

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 59. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

from real property taxes.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 59. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

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

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill

is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bill

is passed.

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

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

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

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

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

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

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

I will yield to Senator Borrello.

(Laughter.)

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

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

generously yielding. I appreciate that.

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

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

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

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

would be defined the same way as exactly today.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

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

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

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

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

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

small market.

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

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

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

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

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

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

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

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

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

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

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

How can we prevent that from happening?

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

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

proposal.

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

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

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

the law. Yet you still have class action lawsuits.

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

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

SENATOR BORRELLO: So any victim.

SENATOR GIANARIS: Yeah.

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

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

Those behaviors in and of themselves

will inevitably result in victimization.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: Senator Gianaris, thank you very much.

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

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

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

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

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

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

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

What exactly was the level of harm

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

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

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

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

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

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

what we're proposing here.

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

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

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

Another very important piece of this

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

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

(Laughter.)

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

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

Thank you, Mr. President.

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

Announce the results.

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

Ayes, 36. Nays, 25.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

SENATOR PALUMBO: Thank you,

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

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

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

ACTING PRESIDENT BAILEY: Senator Harckham yields.

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

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

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

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

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

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

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

ACTING PRESIDENT BAILEY: Senator Harckham, will you yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: Senator Harckham yields.

SENATOR PALUMBO: Thank you, Senator.

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

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

based on the scientific standards that they have laid out.

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

ACTING PRESIDENT BAILEY: Will Senator Harckham yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: Senator Harckham yields.

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

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

SENATOR HARCKHAM: Correct.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR PALUMBO: Well, thank you Senator.

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

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

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

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

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

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

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

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: Senator Harckham will yield.

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

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

SENATOR HARCKHAM: Absolutely.

SENATOR PALUMBO: Okay, thank you.

Would you yield for another question, please, Senator?

ACTING PRESIDENT BAILEY: Senator Harckham, will you yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The Senator will yield.

SENATOR PALUMBO: Thank you.

In light of the fact that that could

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

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

(Laughter.)

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

SENATOR PALUMBO: Well, certainly.

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

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

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

Does that sound familiar? Is that something --

SENATOR HARCKHAM: Yes, thank you for that clarification.

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

ACTING PRESIDENT BAILEY: Senator Harckham, will you yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The Senator yields.

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

SENATOR HARCKHAM: Yes.

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

SENATOR HARCKHAM: (Nodding.)

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

SENATOR HARCKHAM: Yes. Absolutely.

SENATOR PALUMBO: Would you continue to yield, please?

ACTING PRESIDENT BAILEY: Senator Harckham, do you yield?

SENATOR HARCKHAM: I would.

ACTING PRESIDENT BAILEY: Senator Harckham yields.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT BAILEY: Senator Harckham, will you yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: Senator Harckham yields.

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

SENATOR HARCKHAM: Correct.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

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

comments the chair, as opposed to Senator Harckham.

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

ACTING PRESIDENT BAILEY: Redirect.

(Laughter.)

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

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

This was -- the Department of Health and Department of Financial Services were directed to study the costs associated with prescribing abuse-deterring drugs and whether the benefits of such drugs necessitate a change to

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

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

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

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

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

ACTING PRESIDENT BAILEY: Senator Harckham, do you yield?

SENATOR HARCKHAM: I do,

Mr. President.

ACTING PRESIDENT BAILEY: Senator Harckham yields.

SENATOR PALUMBO: Thank you, Senator. I appreciate that.

And as far as the balance between costs versus patient, I don't think there's a person in this room that thinks that should even be considered at this point, regarding safety of people and the opioid crisis.

But I do have here from the New England Journal of Medicine a published article indicating how in fact the benefits may not actually be what we think they are.

A study involving people who had -- and I'm reading directly from the article. And I'd like to have you possibly reconcile that. "A study involving people who had misused Oxycontin and were entering treatment programs revealed that although use of the pills decreased after the release of an abuse deterrent formulation, 25 to 30 percent of participants had continued to use the new formulation" -- after they were no longer prescribed it, they had begun abusing it, either because they found a way to defeat the

abuse-deterrent features or because they were taking the pills orally.

More strikingly -- this is the serious part -- the majority of people who were discouraged by the new formulation reported switching to heroin. That's the majority of approximately 30 percent of the individuals who were prescribed ADFs.

So regarding their overall productivity, efficacy, however you want to describe it, can you reconcile that with respect to -- because really what -- and the point of my questioning is this bill is pushing not only insurers to cover it, but more of them to be out in our society, in our community, thinking that they're the most wonderful formulation or that they're the best possible answer.

So I'm wondering if you could reconcile those numbers and if you have any information that that is inaccurate, please.

SENATOR HARCKHAM: Through you, Mr. President, I would take strong exception with the categorization that this is pushing more out and that they are harmless.

I would also, on a personal level --

I can't speak to the sponsor of the bill's premise here. But the wisdom of prescribing an opioid to someone who has already gone through treatment for opioids -- to me, that is highly questionable.

So the basis of the study starts from a highly questionable point. If someone's been in treatment for addiction to opioids, then treating them with opioids, whether it's an abuse deterrent or not, you know, begins that whole cycle again. So I would disagree medically with that entire premise.

I think where this type of technology comes in -- for instance, if somebody lives with somebody or lives in an environment where medication might be stolen, might be absconded with, might be appropriated -- look, the whole work that we're doing is trying to reduce demand, reduce supply. And that's what we do here.

This bill is really an insurance bill. Right? We don't want to -- there are people who have chronic medical conditions who may need an opioid, and we know that. We want to reduce them as much as we can, but some people

medically need an opioid.

So this bill simply says that if you need an opioid prescribed by your doctor and they happen to recommend a brand-name opioid deterrent formulary, that New York State Medicaid must pay for that. That's all this bill does. It doesn't promote a technology, it doesn't promote a brand, it doesn't promote a modality of treatment. It simply says that if a doctor prescribes something that they were going to prescribe as medically necessary, Medicaid needs to pay for it.

SENATOR PALUMBO: Thank you, Senator Harckham. I appreciate your time.

On the bill, please, Mr. President.

ACTING PRESIDENT BAILEY: Senator Palumbo on the bill.

SENATOR PALUMBO: And thank you. And I really appreciate Senator Harckham for his comments. And we all agree, and I absolutely agree with him that we need to do what we can regarding the opioid crisis.

But this is actually somewhat counterintuitive. And this bill, by the way, was originally -- it originated in the Republican Conference several years ago, when they were in

the majority. So -- and I previously, as I said, voted yes.

But the more that I've gotten into these numbers and taken a look at it, I unfortunately am uncomfortable with this bill because the jury is still out. We know it's not the brass ring. We know about one-third of people who are prescribed these ADFs actually end using -- not only becoming addicted to it, they end up going to the cheaper alternative, which is even worse, and that's street heroin.

So I understand certainly where we're going. But let's remember who caused the opioid crisis, the Big Pharma. Eight I believe billion dollars they paid. There were criminal convictions. Because at the time originally physicians thought when we need to -- we need to make people comfortable, so let's prescribe this miracle drug. And they concealed the addictive qualities of it. And then we had a horrendous epidemic.

And in fact I do have some information that I got from the Medical Society, who certainly has done a lot, they have come a very long way over the years, and that was

because of conservative treatments. They didn't give them out like candy. And quite frankly those of us in this building did some really good things as well. We created the I-STOP program so people couldn't doctor shop, get 30 days of pills here, 60 days of pills there. Then we reduced -- in a budget a few years ago we reduced the amount of pills prescribed, that you wouldn't get a 90-day supply for a shoulder surgery because you need about 20 pills tops, maybe 10, until you start feeling better and you don't need them anymore. So that's been the dynamic here that we've had to deal with.

So now, what does this do? This requires insurers to pay for an extremely expensive alternative that is not the be-all, end-all. And what is this doing? This is putting big money in the pockets of Big Pharma, because doctors would think -- in fact, there was a study that indicated that physicians thought that there were no addictive qualities.

Fifty percent of physicians, I believe, polled in that study -- almost half, just under 50 -- thought that there were no addictive qualities to ADFs, that they were a

beautiful thing. But obviously they can still be taken orally. And then you see all these other studies that have revealed some really significant problems.

So the Department of Health and Department of State continues to sit on their hands. I think the study should be completed and we should find out what the heck is going on with this and what can we do to make it better. But the jury's still out.

So for those reasons -- I certainly appreciate this is something that is not an easy answer, we all agree. But the medical profession finally realized, once everything was revealed through a criminal case and a huge lawsuit, that these drugs are highly addictive. So they now have been conservatively treating people, and they are very tight with the leash when it comes to prescribing opioids.

So there's a lot more progress to be made, we get that. But I don't know if right now this is the answer. And for those reasons, I'm going to vote no.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Are there

any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Harckham to explain his vote.

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

Just two quick points. Number one, people may wonder what the Majority Leader does when she is not in this chair on the floor. Well, she's watching the debate and texting me that Senator Brouk actually had a baby girl, not a baby boy.

(Laughter.)

SENATOR HARCKHAM: So I stand corrected on this floor and in public, and I apologize to Senator Brouk.

So just let us know that that record

is clear.

(Laughter.)

SENATOR HARCKHAM: I want to thank Senator Palumbo for an excellent discussion. You know, I think we're pretty close on a lot of the issues that we discussed.

I think where Senator Brouk was going with this bill, and I agree, this is simply an insurance bill. It's not promoting a drug, it's not promoting a technology. It's simply an equity issue saying that if a doctor prescribes a certain medication, that Medicaid should cover that medication. And that has been our practice in much of what we've done here.

So for that reason, I'll be voting aye.

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

In the affirmative, Senator Harckham?

SENATOR HARCKHAM: Oh, in the affirmative. I apologize. It's been a long week.

ACTING PRESIDENT BAILEY: It's been a long week.

Senator Harckham to be recorded in the affirmative, and the record is corrected as to Senator Brouk's child.

(Laughter.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1357, voting in the negative: Senator Palumbo.

Ayes, 60. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR GIANARIS: Thank you, Mr. President. Back to motions for a moment.

I offer amendments to the following Third Reading Calendar bills:

By Senator Parker, page 5, Calendar 120, Senate Print 5451B;

By Senator Hoylman, page 40, Calendar 1192, Senate Print 8439A.

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

Senator Gianaris.

SENATOR GIANARIS: I also wish to call up the following bills, recalled from the Assembly, which are now at the desk: Senate Bills 3959A and 4738.

(Pause.)

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: I think where we left off, Mr. President, was I wanted to call up Senate Bills 3959A and 4738, which were recalled from the Assembly and are now at the desk.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 80, Senate Print 4738, by Senator Ramos, an act to amend the Labor Law.

Calendar Number 907, Senate Print 3959A, by Senator Kennedy, an act to amend the Public Authorities Law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT BAILEY: The bills

are restored to their place on the Third Reading Calendar.

SENATOR GIANARIS: I now move to reconsider the votes by which these bills were passed.

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

(Laughter.)

SENATOR GIANARIS: I now offer the following amendments.

Actually, Mr. President, I think we have to have the vote to reconsider.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

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

SENATOR GIANARIS: I now offer the following amendments.

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

SENATOR GIANARIS: And finally, Mr. President, on behalf of Senator Kaplan, I offer the following amendments to Calendar Number 1574, Senate Print 8752, and ask that said bill retain its place on Third Reading Calendar.

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

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

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

SENATOR GIANARIS: Move to adjourn until Tuesday, May 31st, at 3:00 p.m., with the intervening days being legislative days.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Tuesday, May 31st, at 3:00 p.m., with intervening days being legislative.

(Whereupon, at 2:57 p.m., the Senate adjourned.)