NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 2, 2022

1:18 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: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.

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

ACTING PRESIDENT BAILEY: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 1, 2022, the Senate met pursuant to adjournment. The Journal of Tuesday, May 31, 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 Gaughran

moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 10144B and substitute it for the identical Senate Bill 978C, Third Reading Calendar 89.

Senator Brooks moves to discharge, from the Committee on Transportation, Assembly Bill Number 9702B and substitute it for the identical Senate Bill 1271B, Third Reading Calendar 235.

Senator Biaggi moves to discharge, from the Committee on Alcoholism and Substance Abuse, Assembly Bill Number 658A and substitute it for the identical Senate Bill 409A, Third Reading Calendar 306.

Senator Rivera moves to discharge, from the Committee on Finance, Assembly Bill Number 7230B and substitute it for the identical Senate Bill 6534C, Third Reading Calendar 596.

Senator Hoylman moves to discharge, from the Committee on Health, Assembly Bill Number 159 and substitute it for the identical Senate Bill 995, Third Reading Calendar 887.

Senator Skoufis moves to discharge, from the Committee on Agriculture, Assembly Bill

Number 1451A and substitute it for the identical Senate Bill 8426, Third Reading Calendar 982.

Senator Rivera moves to discharge, from the Committee on Health, Assembly Bill Number 9290 and substitute it for the identical Senate Bill 8813, Third Reading Calendar 989.

Senator Kavanagh moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 9675A and substitute it for the identical Senate Bill 8793A, Third Reading Calendar 1033.

Senator Comrie moves to discharge, from the Committee on Transportation, Assembly Bill Number 3801A and substitute it for the identical Senate Bill 3587C, Third Reading Calendar 1053.

Senator Parker moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 25 and substitute it for the identical Senate Bill 3275, Third Reading Calendar 1131.

Senator Kaplan moves to discharge, from the Committee on Internet and Technology, Assembly Bill Number 7865A and substitute it for the identical Senate Bill 4511B, Third Reading

Calendar 1318.

Senator Hinchey moves to discharge, from the Committee on Commerce, Economic Development and Small Business, Assembly Bill Number 9649A and substitute it for the identical Senate Bill 8741A, Third Reading Calendar 1326.

Senator Akshar moves to discharge, from the Committee on Rules, Assembly Bill Number 9751 and substitute it for the identical Senate Bill 8609, Third Reading Calendar 1375.

Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 9269A and substitute it for the identical Senate Bill 8246A, Third Reading Calendar 1558.

Senator Skoufis moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 9625 and substitute it for the identical Senate Bill 8390, Third Reading Calendar 1560.

Senator Sanders moves to discharge, from the Committee on Rules, Assembly Bill Number 4947B and substitute it for the identical Senate Bill 621B, Third Reading Calendar 1628.

Senator Ortt moves to discharge, from the Committee on Civil Service and Pensions,

Assembly Bill Number 9375 and substitute it for the identical Senate Bill 3723, Third Reading Calendar 1640.

Senator Martucci moves to discharge, from the Committee on Rules, Assembly Bill Number 9690 and substitute it for the identical Senate Bill 8676, Third Reading Calendar 1671.

Senator Ramos moves to discharge, from the Committee on Transportation, Assembly Bill Number 9964 and substitute it for the identical Senate Bill 8831, Third Reading Calendar 1681.

Senator Cooney moves to discharge, from the Committee on Cultural Affairs, Tourism, Parks and Recreation, Assembly Bill Number 9710 and substitute it for the identical Senate Bill 8934, Third Reading Calendar 1690.

Senator Kaplan moves to discharge, from the Committee on Rules, Assembly Bill Number 10085 and substitute it for the identical Senate Bill 8953, Third Reading Calendar 1691.

Senator Salazar moves to discharge, from the Committee on Rules, Assembly Bill Number 9749B and substitute it for the identical Senate Bill 8972A, Third Reading Calendar 1695.

Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 10113 and substitute it for the identical Senate Bill 9036, Third Reading Calendar 1697.

Senator Hinchey moves to discharge, from the Committee on Rules, Assembly Bill Number 10271 and substitute it for the identical Senate Bill 9193, Third Reading Calendar 1714.

Senator Kaminsky moves to discharge, from the Committee on Rules, Assembly Bill Number 10419 and substitute it for the identical Senate Bill 9196, Third Reading Calendar 1715.

Senator Rivera moves to discharge, from the Committee on Health, Assembly Bill Number 9442A and substitute it for the identical Senate Bill 9207, Third Reading Calendar 1716.

Senator May moves to discharge, from the Committee on Rules, Assembly Bill Number 10237 and substitute it for the identical Senate Bill 9272, Third Reading Calendar 1717.

Senator Palumbo moves to discharge, from the Committee on Rules, Assembly Bill Number 9895 and substitute it for the identical Senate Bill 9345, Third Reading Calendar 1722.

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: Mr. President, once again we're going to try and multitask as much as we can during the day. And so I'd ask you to simultaneously call an immediate meeting of the Rules Committee in Room 332 and take up previously adopted Resolution 2497, by Senator Hinchey, read its title, and recognize Senator Hinchey.

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

The Secretary will read.

THE SECRETARY: Senate Resolution 2497, by Senator Hinchey, memorializing Governor Kathy Hochul to proclaim September 25 through October 2, 2022, as Frontotemporal Degeneration Awareness Week in the State of New York.

ACTING PRESIDENT BAILEY: Senator Hinchey on the resolution.

SENATOR HINCHEY: Thank you, Mr. President.

Frontotemporal degeneration, or FTD, is the most common form of dementia for people under the age of 60, and yet it's one of the least understood. Symptoms typically start between the ages of 40 and 65, beginning gradually and progressing rapidly.

FTD represents an estimated 5 to 15 percent of all dementia cases, and yet it's often misdiagnosed as a psychiatric issue due to the wide range of cognitive and behavioral symptoms and their young onset.

When my father was diagnosed with primary progressive aphasia, or PPA, one of the many variants of FTD, the disease took a devastating toll. Anyone who has had to watch a family member suffer through this degenerative brain disease understands the heartbreak, the frustration of a misdiagnosis, the challenge of finding affordable long-term care, especially in our upstate and our rural communities, and the need for quality information and resources to

help prepare for every stage of the disease.

We need to strive for a future free of FTD, but to get there we need increased awareness among our population, our communities, but especially amongst our medical community, as this is something that often flies under the radar.

I'm incredibly proud to sponsor the resolution designating September 25th to October 2nd as Frontotemporal Degeneration Awareness Week here in the State of New York. The more people who know about this disease, who are aware of this disease, who are looking for the symptoms and the signals, they will be better prepared to support both their family members who are suffering as well as their family members who are suffering alongside those with the disease for the long term.

We are all striving for a future without FTD, and this awareness week will help us get there.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you.

Senator Cooney on the resolution.

SENATOR COONEY: Thank you, Mr. President.

I want to thank Senator Hinchey for bringing this resolution to the floor and her advocacy in supporting frontotemporal degeneration awareness. Not only do Senator Hinchey and I share a passion for our upstate communities, we also share the unfortunate circumstance that our parents both suffered from FTD.

The onset of FTD, as Senator Hinchey mentioned, occurs early on, and my own mother started right after she retired. Unfortunately, I lost my mother to a variety of health symptoms, including FTD, about 10 years ago.

But Senator Hinchey is right: We have an opportunity and a responsibility to make sure we're advocates for those who are struggling with dementia, and make sure that there are resources to continue the research in this fight to make sure that no family has to go through what our families and other families across New York State have had to go through with the loss of someone's cognitive ability.

I fully support this resolution and

again thank Senator Hinchey for her leadership.

ACTING PRESIDENT BAILEY: Thank you.

The resolution was previously adopted on May 10th.

Senator Liu.

SENATOR LIU: Mr. President, please take up previously adopted Resolution 2811, by Senator Kaminsky, and read that resolution title only and recognize Senator Kaminsky on the resolution.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 2811, by Senator Kaminsky, congratulating Dunia Sibomana upon the occasion of capturing the 102-pound Division I wrestling title at the New York State Public High School Athletic Association Wrestling Championships on February 26, 2022.

ACTING PRESIDENT BAILEY: Senator Kaminsky on the resolution.

SENATOR KAMINSKY: Thank you, Mr. President.

I didn't want to leave session this

year without honoring a very special young man from my home community of Long Beach, Dunia Sibomana.

Dunia's story of resilience and perseverance should be inspiring to all of us in light of what he's gone through and what he's achieved.

At the age of six, in Central Africa, Dunia and his brother and cousin were attacked by wild chimpanzees. Dunia's brother and cousin were killed, and he was severely disfigured in the incident.

Thanks to Smile Rescue Fund, he was brought to the United States and at Stony Brook University Hospital underwent numerous surgeries. And after those surgeries, he was adopted in Long Beach by Miguel and Marissa Rodriguez, and Miguel is the local wrestling coach.

Dunia has been a phenom. And this year, at age 14, he won the state wrestling title. Dunia has never given up, he doesn't let anything get in his way, and he is a star in our community and we know he's going to go on to do great things.

And many of us in our lives get

bogged down by the trials and tribulations that we have to go through. And we think that obstacles are in our way, and then you look at Dunia's situation and realize that it doesn't hold a candle to what some people have to go through. And that if you set your mind to it and you have some good people around you, you could achieve anything.

Now, Dunia is not here today. He's in school. It's the end of 8th grade, and today is a school day. But we're going to send him this video. And so, Mr. President, it would mean the world to our community of Long Beach, to Miguel and Marissa and of course to Dunia, to see that the State of New York recognizes his major feats, that he's not going to be defined by his accident, and that he's going to be a champion today and every day the rest of his life.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Kaminsky.

In his absence, we recognize him for his accomplishments and we recognize him for his greatness.

We congratulate him. please rise

and recognize him.

(Standing ovation.)

ACTING PRESIDENT BAILEY: Senator Liu.

SENATOR LIU: Mr. President, at the request of the sponsors, the resolutions are open for cosponsorship.

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

Senator Liu.

SENATOR LIU: Mr. President, there's a privileged resolution at the desk. Please take that up, read its title, and recognize Senator Krueger on the resolution.

(Off the record.)

ACTING PRESIDENT BAILEY: Senator Liu.

SENATOR LIU: Mr. President, we'll take up the privileged resolution at the desk.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 2481, by Senator Krueger, Concurrent Resolution

of the Senate and Assembly concerning the rescission of all previous requests by the New York State Legislature or either house thereof for a convention under Article V of the United States Constitution.

ACTING PRESIDENT BAILEY: The question is on the resolution.

The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Senate Resolution 2481, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The resolution is adopted.

Senator Liu.

SENATOR LIU: Mr. President, please take up the reading of the calendar.

ACTING PRESIDENT BAILEY: The

Secretary will read.

THE SECRETARY: Calendar Number 89, Assembly Print Number 10144B, by Assemblymember McDonald, an act to amend the Public Officers Law.

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 a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 89, voting in the negative: Senator Akshar.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 120, Senate Print 5451C, by Senator Parker, an act directing the Department of Public Service to prepare a written report on the affordability of

utility 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: In relation to Calendar Number 120, those Senators voting in the negative are Senators Borrello, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, Ortt, Rath and Stec.

Ayes, 53. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 235, Assembly Print Number 9702B, by Assemblymember Griffin, an act to amend the Vehicle and Traffic 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 306, Assembly Print Number 658A, by Assemblymember Rosenthal, 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 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 340, Senate Print 6488, by Senator Kavanagh, an act to amend the Private Housing Finance Law.

SENATOR LIU: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside. Lay it aside for the day.

SENATOR LIU: Lay it aside for the day, please.

ACTING PRESIDENT BAILEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 347, Senate Print 4327C, by Senator Mayer, an act to amend the Insurance Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 347, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Martucci, Ortt, Palumbo, Rath, Stec, Tedisco and Weik.

Ayes, 49. Nays, 14.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 467, Senate Print 6069, by Senator Parker, 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 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

473, Senate Print 7855A, by Senator Kennedy, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

SENATOR WEIK: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 477, Senate Print 5010, by Senator Reichlin-Melnick, 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 596, Assembly Print Number 7230B, 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 596, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Palumbo, Rath, Stec, Tedisco and Weik.

Ayes, 48. Nays, 15.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 609, Senate Print 164, by Senator Gianaris, 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: In relation to Calendar Number 609, recorded in the negative: Senators Boyle and Felder.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 665, Senate Print 6664A, by Senator May, an act to amend the Public Health Law.

SENATOR LIU: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 692, Senate Print 8183, by Senator Gaughran, an act to amend the Executive 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 692, those Senators voting in the negative are Senators Akshar, Borrello, Griffo, Helming, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino, Stec and Tedisco.

Ayes, 48. Nays, 15.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 715, Senate Print 8405B, by Senator Parker, an act relating to the development of a blueprint to guide the replacement and redevelopment of New York's oldest and most polluting fossil fuel facilities.

ACTING PRESIDENT BAILEY: 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: In relation to Calendar 715, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Jordan, Martucci, Mattera, Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino, Stec and Tedisco.

Ayes, 47. Nays, 16.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 799, Senate Print 7743, by Senator Savino, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 817, Senate Print 2873, by Senator Kavanagh, 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 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 869, Senate Print 7406C, by Senator Krueger, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the

last section.

THE SECRETARY: Section 2. This act shall take effect April 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 869, 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, 42. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 887, Assembly Print Number 159, 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: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 982, Assembly Print Number 1451A, by Assemblymember Santabarbara, an act to amend the Agriculture and Markets Law.

SENATOR WEIK: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 989, Assembly Print Number 9290, by Assemblymember Forrest, an act to amend the Social Services 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1016, Senate Print 8750A, by Senator Weik, an act authorizing the County of Suffolk to alienate certain lands used as parklands.

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1019, Senate Print 1962A, by Senator Brooks, an act to amend the General Business 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1033, Assembly Print Number 9675A, by Assemblymember Glick, an act to amend the Multiple Dwelling 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 1033, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Jordan, Lanza, Mattera, Oberacker, O'Mara, Ortt, Ritchie, Skoufis, Tedisco and Weik.

Ayes, 48. Nays, 15.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1052, Senate Print 3535C, by Senator Kennedy, an act to amend the Transportation Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 8. 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, 63.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 1053, Assembly Print Number 3801A, by Assemblymember Abinanti, 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 1053, those Senators voting in the negative are Senators Borrello, Helming, Jordan, Oberacker, O'Mara, Ortt, Palumbo, Rath and Tedisco.

Ayes, 54. Nays, 9.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1057, Senate Print 6839, by Senator Kaminsky, 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 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 1057, those Senators voting in the negative are Senators Lanza and Skoufis.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1105, Senate Print 8828A, by Senator Mayer, 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1121, Senate Print 8826, by Senator Skoufis, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1131, Assembly Print Number 25, by Assemblymember Cahill, an act to amend the

Executive 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1144, Senate Print 8767, by Senator Ryan, an act to amend the Executive 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 1144, those Senators voting in the negative are Senators Brisport and Skoufis.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1153, Senate Print 8792, by Senator Mayer, an act to amend the State Finance Law.

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1199, Senate Print 670, by Senator Sanders, an act to amend the General Municipal Law and the Banking Law.

SENATOR WEIK: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1202, Senate Print 981, by Senator Gaughran, 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 on the first of April.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1202, voting in the negative are Senators Akshar, Brisport and Lanza.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1244, Senate Print 7383, by Senator Stavisky, an act to amend 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: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1275, Senate Print 7586A, by Senator Kaminsky, an act to amend the Highway 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 1275, voting in the negative:

Senator Krueger.

Ayes, 62. Nays, 1.

Excuse me. Also Senator Ramos.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1281, Senate Print 8927A, by Senator Brooks, an act to amend the Highway Law.

(Off the record.)

SENATOR GIANARIS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1304, Senate Print Number 6524, by Senator Reichlin-Melnick, 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 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1318, Assembly Print Number 7865A, by Assemblymember Fahy, 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 180th 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.

I understand the goal of this bill. However, I think there's a far better way of going about this.

We're saying here that we need to have some kind of a human being that's going to be monitoring social media, determining whether something is a threat or not, and then reporting it to someone. Sounds pretty old-fashioned to me. In fact, I think there's a far better way to do this.

Right now, if I were to put a post up on social media, on Facebook, and mention the word "COVID" or "vaccine," instantly that post is tagged with a link that says "Find out where you can get a COVID vaccine near you."

Now, that's probably a proprietary algorithm that Facebook has. They should be able to share that with other social media platforms. Because all this is going to do is it's going to push people into lesser-known and Dark Web social media platforms. How many people heard of Twitch before the Buffalo shooting? Anybody? You? That's weird, though.

(Laughter.)

SENATOR BORRELLO: I will say that I did not, because I'm not a gamer.

But if you can incidentally tag a COVID post with a link, you can certainly

instantly tag and report -- not to a human being, but to another computer in law enforcement to do this.

You're leaving the subject to human error. And I think it's a nice attempt, but there are other flaws with this bill, so I'll be voting no. Thank you.

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

Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you very much.

I think this bill from Senator Kaplan is extremely important. Whether it's in a bullying context where someone posts terrible pictures of your kid or your neighbor's kid or whether someone posts hateful speech, people don't know what to do when they see this.

This doesn't say anyone has to do anything other than say where you can report it. A parent has called me: Do you know that there is a naked picture of my child someone posts? What do I do? Who do I call? I have no idea. There's no number, there's no anything to do.

Or, in the case of hateful speech, it could be even more important and in the case of a threat, it could be terribly important.

This just says if you need to reach us and flag something for us, here is how you do it. What happens after that, this bill does not speak to.

I think this makes common sense, is common sense, and it is good policy. I'm an aye.

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

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

You know, I want to just call into question what I'm hearing on the floor here today from my colleagues that may be against this bill.

You know, we just had a horrific mass shooting in Buffalo less than three weeks ago where 10 people died at the hands of an evildoer who posted his hateful thoughts and his horrific atrocities on the internet before he carried out his plan. Wouldn't it have been well-thought-out to have a place to report this sort of thing?

You know, are we to do nothing? Are we to stand back and just pretend this didn't happen and carry on, business as usual? It's mind-boggling to think that anybody would be against some accountability on these websites and a reporting mechanism to allow for the hate and the evil and the white supremacy that's happening all across the internet to be reported.

This handles all of that very neatly, and hopefully we'll prevent some of these atrocities in the future by being able to call them out before they happen.

I vote aye, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1318, voting in the negative are Senators Borrello, Oberacker and Tedisco.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1326, Assembly Print Number 9649A, by Assemblymember Woerner, an act to amend the

Economic Development 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 Number 1326, voting in the negative: Senator Skoufis.

Ayes, 62. 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.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 5. 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 1333, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Felder, Gallivan, Griffo, Helming, Jordan, Lanza, Mannion, Martucci, Mattera, Oberacker, O'Mara, Ortt, Rath, Ritchie, Serrano, Skoufis, Stec, Tedisco and Weik.

Ayes, 41. Nays, 22.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1375, Assembly Print Number 9751, by Assemblymember Lupardo, 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: Announce the results.

THE SECRETARY: In relation to Calendar Number 1375, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1556, Senate Print 8180, by Senator Hinchey, an act to amend the Town Law.

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

ACTING PRESIDENT BAILEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 1558, Assembly Print Number 9269A, by Assemblymember McDonald, an act to amend the County Law and the Tax 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 1558, those Senators voting in the negative are Senators Akshar, Borrello, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1560, Assembly Print Number 9625, by Assemblymember Jacobson, an act to amend the Tax 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 1560, those Senators voting in the negative are Senators Akshar, Boyle, Brooks, Felder, Gallivan, Gaughran, Griffo, Harckham, Helming, Hinchey, Jordan, Kaplan, Kennedy, Lanza, Mannion, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco, Thomas and Weik.

Ayes, 36. Nays, 27.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1561, Senate Print 8396A, by Senator Skoufis, 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 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 Number 1561, voting in the negative: Senator Kaplan.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1563, Senate Print 8549, by Senator Persaud, 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 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1573, Senate Print 8743B, by Senator O'Mara, an act authorizing the City of Elmira, County of

Chemung, to alienate and sell parklands.

SENATOR GIANARIS: Lay it aside temporarily.

(Off the record.)

ACTING PRESIDENT BAILEY: Lay it aside temporarily.

ACTING PRESIDENT BAILEY: Calendar Number 1574, Senate Print 8752B, 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.

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 1574, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1578, Senate Print 8845A, by Senator Skoufis, an act to amend the Tax 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 1578, those Senators voting in the negative are Senators Akshar, Brooks, Felder, Gallivan, Gaughran, Griffo, Harckham, Helming, Hinchey, Jordan, Kaplan, Kennedy, Lanza, Mannion, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco, Thomas and Weik.

Ayes, 37. Nays, 26.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1592, 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.

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: In relation to Calendar 1592, voting in the negative are Senators Oberacker and Ortt.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1595, Senate Print 9145A, 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.

SENATOR WEIK: Lay it aside temporarily.

ACTING PRESIDENT BAILEY: The bill will be laid aside temporarily.

THE SECRETARY: Calendar Number 1598, 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.

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

Read the last section.

THE SECRETARY: Section 9. 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 1598, voting in the negative: Senator Oberacker.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 1628, Assembly Print Number 4947B, by Assemblymember Bichotte Hermelyn, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 5. 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 Ramos to explain her vote.

SENATOR RAMOS: Yes, thank you, Mr. President. I rise in support of Senator Sanders' bill.

Actually, you know, upon being elected to the State Senate one of my main missions was actually to figure out how I could help get this bill passed here in this body.

You know, we have lost so many workers since the death of Carlos Moncayo in the construction industry. In fact, 86 percent of

fatalities are non-union work sites, and at least 54 percent of the fatalities are Latinos. And unfortunately, there are six workers since who we cannot name, we haven't been able to identify who they are.

But I do want to read the names of workers who have died building New York City since Carlos Moncayo was buried on a construction site in 2015.

Carlos Moncayo, Trevor Loftus, Christian Ginesi, Dominick Deluca, Angel Munoz, Juan Cerezo, Fernando Venegas, Pedro Basilico, Eugeniuzo Klecha, Konstantinos Potamousis, Manuel Sobral, Alex Santizo, Phil Dellegrazie, Igor Begun, Lorenzo Perechu, Luis Mata, Bruno Travalja, Paul Kennedy, Michael Buffamante, George Smith, Elizandro Enriquez Ramos, Wilfredo Enriques, Mahamoudon Marega, Rakesh Ram, Antonio Veloso, Jose Cruz, Thomas Ryan, Jonathan Lupinsky, Antonio Garcia, Joseph Pacheco, Juan Chonillo, Christopher Sayers, Przemyslaw Krawczyk, Ju Cong Wu, John Davie, Jorge Castaneda, Edgar Pazmino, Angel Espinoza, Carlos Gabrielli, Luis Almonte, Juan Otoya, Over Paredes, Nelson Salinas, Erik Mendoza, Gregory

Echevarria, Giuseppe Pagano, Carlos Olmedo Lala, Rene Chavarria, Jose Martins, Segundo Huerta, Stanislaw Supinsky, Luis Miguel Duran Solano, David Johnson, Victor Pando, Wilson Patricio López Flores, Mario Salas Victorio, Marcos Rodriguez, Saqueo Mejia, Jashim Mia, Joseph Rosa, Scott Keegan, Lizbeth Mass, Diego Lliguicota, Michael Melfi, David Alomia Jr., Angel Pilataxi, Alexander Gabatashvili and Holger Molino-Pinos are all the men who have died on construction sites in New York City alone since 2015. Most of them are Latino, most of them were my neighbors from my district.

And so I want to thank the leader, and I want to thank every single one of my colleagues who is about to vote for this bill. It is going to be life-saving for families in my district, and I am forever indebted to you.

Thank you.

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

Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Mr. President.

It has been very well put by my

colleague Senator Ramos, the necessity of this bill. I really hope that people have listened and that those words that she was using, those names, that people remember they are people behind that, they are family behind that. There's a -- an injustice that has called out for it to be remedied, and it has waited for a long time for this moment.

I am grateful to so many people. I'm grateful to Local 79. I'm grateful to the leader. I'm grateful to all of my colleagues here that all of us can take credit for remedying a systemic failure.

For those who don't know, a young man went to work, Carlos, and he -- 22 years old -- went to work and he was set to build a trench. What he didn't know was an inspector had come in and said no one should build that trench, it's not safe. No one go in there.

The employer, of course, said -- well, not of course, but the employer said, go in and build a trench anyway. The trench collapsed, killed him.

They took the employer to court. The employer fought it, and the best that they

could do was fine the guy $10,000. Ten thousand dollars for a person's life, a young person, 22 years old, and that was the most that society could do in a case like that.

Not anymore. With your vote, we're going to increase that penalty to $500,000. Not anymore will we read name after name after name.

When you were reading it, Senator, I was saying, When will it end? Can she ever -- when will this end? It was horrifying to hear each name.

So we will call this law after Carlos. And be aware that there were Carloses before him and Carloses after. But at least we in this body can do something about it, and we're doing something about it today.

Mr. President, I of course am voting yes, and I urge everyone, in honor of all of those names and families that go behind that, to vote yes on Carlos's bill.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to

Calendar 1628, voting in the negative are Senators Akshar, Oberacker and Ritchie.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1632, Senate Print 1608, by Senator Gounardes, an act to amend the Civil Service 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 1632, voting in the negative: Senator Lanza.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1640, Assembly Print Number 9375, by Assemblymember Hawley, an act to authorize the County of Orleans to offer an optional 20-year retirement plan to Ryan Flaherty.

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 1640, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1658, Assembly Print Number 879, by Assemblymember Gottfried, an act to amend the Public Health Law and the Insurance Law.

SENATOR WEIK: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1660, Senate Print 8297A, by Senator Gounardes, an act to amend the Civil Practice Law and Rules.

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 1660, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Jordan, Lanza, Martucci, Mattera, Rath and Tedisco.

Ayes, 54. Nays, 9.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1671, Assembly Print Number 9690, by Assemblymember Gunther, an act granting

retroactive Tier IV membership in the New York State and Local Employees' Retirement System to Mark Pavlak.

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1676, Senate Print 8757, by Senator Helming, an act in relation to authorizing the Town of Webster, County of Monroe, to alienate certain lands used as parkland.

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

Read the last section.

THE SECRETARY: Section 6. 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1679, Senate Print 8775, by Senator Cooney, an act extending the time within which certain elected officials may file their oaths of office.

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 1679, voting in the negative:

Senator Ortt.

Ayes, 62. Ayes, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1681, Assembly Print Number 9964, by Assemblymember Joyner, 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: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1682, Senate Print 8832, by Senator Boyle, an act authorizing the town board of the Town of Islip, County of Suffolk, to transfer funds of the Kismet Street Improvement District.

SENATOR GIANARIS: Lay it aside temporarily.

ACTING PRESIDENT BAILEY: The bill will be laid aside temporarily.

THE SECRETARY: Calendar Number 1685, Senate Print 8864, by Senator Mattera, an act in relation to authorizing the assessor of the Town of Brookhaven, 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 1685, voting in the negative are Senators Akshar and Oberacker.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1686, Senate Print Number 8874, by Senator Reichlin-Melnick, an act to amend the Executive Law and the State Finance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 6. 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 1686, those Senators voting in the negative are Senators Akshar, Borrello, Griffo, Helming, Jordan, Martucci, Ortt, Stec, Tedisco and Weik. Also Senator Oberacker.

(Off the record.)

ACTING PRESIDENT BAILEY: Senator Reichlin-Melnick to explain his vote.

SENATOR REICHLIN-MELNICK: Thank you, Mr. President.

I rise today in support of S8874, a bill that I'm proud to sponsor because New York

must do all that we can to dismantle the institutional racism that continues to undermine the ability for us to reduce the racial wealth gap.

Owning a home is not just the foundation of the American dream, it's often the greatest contributor to household wealth. And yet throughout the history of the United States, government policies have systematically undermined the ability for Black people to own homes, which is such a critical step in ensuring and establishing generational wealth.

When the New Deal established the Federal Housing Administration, they created a path for many Americans to own their own homes. But this monumental program that fostered the largest wealth accumulation process in the 20th century excluded Black Americans. In fact, the FHA intentionally created policies that discouraged banks from lending to Blacks and that today we call redlining. The Fair Housing Act of 1968 officially ended redlining, and it was intended to end systematic housing discrimination. But the goals of the Fair Housing Act have never been fully realized.

And so today appraisal discrimination is a continuation of the legacy of federal policies like redlining. And in fact, it's embedded in the home purchasing process.

There are many stories of Black homeowners having their homes appraised at drastically lower values than white homeowners in the same neighborhood. And a 2018 study by the Brookings Institute found that homes in majority Black neighborhoods were undervalued by an average of 23 percent, or $48,000 per home, and that appraisal discrimination collectively costs Black homeowners billions of dollars a year in lost home values.

So this bill aims to crack down on appraisal discrimination by forcing violators of state and federal fair housing policies and laws to pay fines that will be allocated to the Anti-Discrimination in Housing Fund. It will allow New York to join just a handful of states that have taken action to ensure that everyone, regardless of race, can fully and fairly participate in buying homes.

I proudly vote aye, and I thank our Majority Leader for bringing it to a vote.

ACTING PRESIDENT BAILEY: Senator Reichlin-Melnick to be recorded in the affirmative.

Announce the results. Could we have a show of hands for those who are recorded in the negative.

Senator Jackson to explain his vote.

SENATOR JACKSON: Good afternoon.

My colleagues, I rise to -- sometimes, you know -- I know that everyone has a right in order to express themselves. But when in fact people are discriminating, no matter who it is, regarding housing, it's a shame. And we need to stand up and fight discrimination no matter where it is.

So my colleague, let me thank you for bringing this up. Obviously some of our colleagues are going to vote no because maybe they feel that someone should not be fined when they're discriminating against people in housing.

So I just need to stand up for what's right and what's legal and just. And I just say that it's kind of shameful, to me, to stand here and watch all my colleagues vote no for a fine regarding anyone that has

discriminated against individuals for housing.

So my colleague, I thank you, and I vote aye on this bill.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1686, those Senators voting in the negative are Senators Akshar, Borrello, Griffo, Jordan, Martucci, Mattera, Oberacker, Ortt, Stec and Tedisco.

Ayes, 53. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1687, Senate Print Number 8881A, by Senator Reichlin-Melnick, an act to authorize the assessor of the Town of Ramapo, County of Rockland, 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 1687, those Senators voting in the negative are Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1690, Assembly Print Number 9710, by Assemblymember Barrett, an act in relation to conducting a study of public and private museums in New York 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: Announce the results.

THE SECRETARY: In relation to

Calendar Number 1690, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1691, Assembly Print Number 10085, by Assemblymember Solages, 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 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 1691, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1693, Senate Print 8957A, by Senator Myrie, an act to amend the Election Law and the State Finance Law.

SENATOR GIANARIS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1694, Senate Print 8959, by Senator Savino, an act to amend the Retirement and Social Security 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1695, Assembly Print Number 9749B, by Assemblymember Eichenstein, an act to amend the Social Services 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1697, Assembly Print Number 10113, by Assemblymember McDonald, an act to amend the Real Property Actions and Proceedings 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: In relation to Calendar 1697, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1714, Assembly Print Number 10271, by the Assembly Committee on Rules, an act to amend the Private Housing 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1715, Assembly Print Number 10419, by the Assembly Committee on Rules, an act authorizing the Bais Torah U'tefillah to receive retroactive real property tax exempt status.

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 1750, voting in the negative are Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1716, Assembly Print Number 9442A, by Assemblymember Gottfried, an act to amend the Social Services 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1717, Assembly Print Number 10237, by the Assembly Committee on Rules, 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1718, Senate Print 9293A, by Senator Gounardes, an act to amend the Civil Rights 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1721, Senate Print 9327, by Senator Bailey, 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 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1722, Assembly Print Number 9895, by Assemblymember Thiele, an act to amend the Environmental Conservation 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 1722, voting in the negative: Senator Lanza.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1731, Senate Print 9418, by Senator Gaughran, an act to amend the Local 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1793, Assembly Print Number 7805D, by the Assembly Committee on Rules, an act to amend the Public Housing Law and the Administrative Code of the City of New York.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. 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: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President.

I rise to speak in support of Senator Salazar's bill, S9409A, to establish a public housing preservation trust for the New York City Housing Authority, commonly known as NYCHA.

For decades our community has debated the best path forward for NYCHA. Conditions have deteriorated. The price tag for urgent capital repairs and operational costs has

boomed and continues to boom.

It is no secret that the facilities require significant investment for design, development, construction, reconstruction, improvement, modernization, rehabilitation and repair of aging buildings. Access to a secure funding stream that federal subsidies have failed to provide will allow repairs to improve the physical integrity of NYCHA's infrastructure.

This legislation would also lead to job creation while addressing core health and safety issues such as mold, lead, heat, pests, elevators -- which are critical to NYCHA's residents' well-being and preserve the permanent affordable character of housing.

Let's be clear, Mr. President, that this bill does not -- and I repeat, does not -- lead to the privatization of public housing, but it prevents it. And I acknowledge the huge distrust of the agency that residents feel has failed them year after year after year.

But today I trust the groups that support this bill, as well as my colleague Senator Salazar, who is an unwavering defender of public and affordable housing. Relief for tens

of thousands of tenants cannot wait. I believe strongly in self-determination. This bill includes the ability for NYCHA residents to opt into the trust. And it's up to the legislators, housing advocates and agency to ensure all residents know how to make the best-informed decisions for their housing development.

Finally, if the residents want to opt in, notice must be provided by way -- in advance, via mail, email, phone call and building postings, with the opportunity to vote virtually. That is what I call democracy.

For these reasons, I'm a proud cosponsor. I vote aye and urge my colleagues to do the same. Thank you, Mr. President.

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

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

Now, while there are no perfect solutions, I think that when we talk about the New York City Housing Authority, we might be talking about something that's very close to a perfect problem. Billions of dollars -- not

millions, but billions of dollars lacking from the federal government; mismanagement at the local level, repairs not done on time. Over and over again, public housing tenants -- thousands of which live in my district -- are stricken by these problems.

And so we have to look for a solution. Is the preservation trust before us a perfect solution? No, sir, Mr. President, it is not. But there are some things that it does create that need to be underlined, and my colleague Senator Jackson spoke about some of them.

First of all, it is not privatization. As a matter of fact, if we look at the way that over the last couple of years -- certainly in my district, for example, just this year alone, 1800 NYCHA units are in the process of being transformed by a so-called RAD Pact without barely any notice. It is a private-public partnership, but one in which the tenants have little to no input.

So the bill before us is, as I said, certainly not a perfect solution, but one that I think provides both choice and input from the

tenants, provides an opportunity for them to vote and participate in the process. Now, make no mistake, Mr. President, again, this is not a perfect solution, and we will keep very, very close tabs if we are successful in creating this. This is not a private entity, it is a public entity. And since we do not have billions of dollars that will come to us from the federal government, I believe that this is the way to go forward.

But once again, and finally, we will keep very close track. The tenants and their involvement in this process -- their opting in, as my colleague said, is the most essential part. Without that, this would not function.

So it is why I'm supporting this. I thank the leader for bringing it to us. And I thank Senator Salazar for leading on this.

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

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

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

I rise in support of this bill. And I want to commend Senator Salazar for being courageous enough to tackle this issue. Do you -- sir?

Being courageous enough to tackle this issue. I told her yesterday that I was just a little younger than her when I first went to work -- are you trying to tell me something? Oh. I was just a little younger than her when I went to work for the City of New York in 1990, as a caseworker in the city's Child Welfare Administration. In the vast majority of cases that I dealt with at the time, the families were residing in NYCHA developments.

The conditions were deplorable then, and then a few years later I went to work for the union that represented many of the workers who worked in NYCHA. They were deplorable then. Ten years later, I got elected to the New York State Senate and I wound up representing a district that had 14 developments in Coney Island and six in Staten Island that I represent. They were deplorable then. And they've only continued to get worse and worse with each passing year.

And we've heard over and over that

if we just had more money from Washington, if we just had this bailout, if we just had that -- and it never came. And the conditions continue to deteriorate for the people who live there.

In 2012, after Hurricane Sandy, the people of Coney Island and Staten Island were devastated. And other parts of the city as well, in the Rockaways. And one of the things we worked on was tackling the issue of mold remediation, because we saw people were going around selling themselves as mold remediation specialists to affected homeowners. And the Legislature decided that we needed to create a licensing standard for mold remediation specialists so that homeowners would not get taken advantage of.

We negotiated that bill at the ninth hour -- at midnight, I should say, the 11th hour, at midnight on December 31st. The New York City Housing Authority insisted on being carved out of that bill. They did not want to be required to live up to the standards that we were going to require of every other property owner in the State of New York. They promised that they were going to develop their own standard for mold

remediation. To date, they have not done it.

Those of you who represent NYCHA developments, you know the conditions there. You know the number of people that have been affected by mold. I had a tenant leader in South Beach Houses, Scherisce Lewis. She recently died because she was affected by mold poisoning, in addition to the kidney disease that she suffered from.

So is this the perfect solution? I don't know if there is one. But I know that tenants are concerned because they're afraid of privatization. This is not privatization. Because here's one thing I know about Julia Salazar. She would never allow privatization of public housing, never.

But this is a plan that will finally begin to turn this agency around. It was deplorable in 1990, it was deplorable in 2010, deplorable in 2020. But God willing, it will not be deplorable in 2025.

Thank you to Senator Salazar and to everyone who will support this bill. I proudly vote in favor of it.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1793, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Brisport, Cleare, Gallivan, Gianaris, Griffo, Helming, Jordan, Kavanagh, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Sanders, Serino, Serrano, Stec, Tedisco and Weik.

Ayes, 38. Nays, 25.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1835, Assembly Print Number 8427, by Assemblymember Galef, an act to amend the Real Property Tax Law.

SENATOR WEIK: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

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

SENATOR GIANARIS: Now take up the supplemental calendar, please.

ACTING PRESIDENT BAILEY: Senator

Gianaris.

SENATOR GIANARIS: My apologies, Mr. President. I believe there's first a report of the Rules Committee at the desk. Can we take that up first.

ACTING PRESIDENT BAILEY: The Secretary will read.

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

Senate Print 67A, by Senator Hoylman, an act to amend the Public Health Law;

Senate Print 89B, by Senator Kaminsky, an act to amend the Penal Law;

Senate Print 145B, by Senator Thomas, an act to amend the General Business Law;

Senate Print 772A, by Senator Kaminsky, an act to amend the Executive Law;

Senate Print 2091C, by Senator Jordan, an act to amend the Military Law;

Senate Print 4116A, by Senator Hoylman, an act to amend the Penal Law;

Senate Print 4436, by Senator May, an act to amend the General Municipal Law;

Senate Print 4970A, by Senator Kavanagh, an act to amend the Executive Law;

Senate Print 6022B, by Senator Hoylman, an act to amend the Retirement and Social Security Law;

Senate Print 7046, by Senator O'Mara, an act to amend the Criminal Procedure Law;

Senate Print 7141, by Senator Addabbo, an act to establish a commission to be known as the "New York Seawall Study Commission";

Senate Print 7532, by Senator May, an act to amend the Tax Law;

Senate Print 7572A, by Senator Mannion, an act to amend the Executive Law and the State Technology Law;

Senate Print 7915, by Senator Martucci, an act in relation to permitting certain municipalities to receive reimbursement from the state for law enforcement activities;

Senate Print 8291A, by Senator Brouk, an act to amend the Environmental Conservation Law;

Senate Print 8378C, by Senator Harckham, an act to amend the Environmental Conservation Law;

Senate Print 8443, by Senator Akshar, an act to authorize the County of Broome to offer an optional 20-year retirement plan to Joshua Quinn;

Senate Print 8559, by Senator Gounardes, an act to amend the Retirement and Social Security Law;

Senate Print 8863, by Senator Mattera, an act in relation to authorizing the assessor of the Town of Brookhaven, County of Suffolk, to accept an application for a real property tax exemption;

Senate Print 8910A, by Senator Helming, an act to amend the Real Property Tax Law;

Senate Print 8996, by Senator Skoufis, an act to amend the Tax Law;

Senate Print 9016, by Senator Addabbo, an act to amend the Racing,

Pari-Mutuel Wagering and Breeding Law;

Senate Print 9032B, by Senator Kavanagh, an act to amend the Real Property Tax Law;

Senate Print 9113A, by Senator Skoufis, an act to amend the Civil Practice Law and Rules;

Senate Print 9229A, by Senator Hoylman, an act to amend the Penal Law;

Senate Print 9230, by Senator Hoylman, an act to amend the Real Property Actions and Proceedings Law;

Senate Print 9346, by Senator Mannion, an act granting retroactive membership with Tier IV status in the New York State Teachers' Retirement System to Peter Guarino;

Senate Print 9407B, by Senator Kavanagh, an act to amend the Penal Law, the General Business Law and the Executive Law;

Senate Print 9447, by Senator Skoufis, an act to amend the Penal Law;

Senate Print 9454, by Senator Krueger, an act to amend the Administrative Code of the City of New York;

Senate Print 9456, by
Senator Sepúlveda, an act to amend the Penal Law;
Senate Print 9458, by
Senator Thomas, an act to amend the Penal Law;
Senate Print 9459, by Senator Liu,
an act to amend the Education Law;
Senate Print 9460, by Senator Liu,
an act to amend the Education Law;
Senate Print 9461, by
Senator Skoufis, an act to amend the Arts and
Cultural Affairs Law;
Senate Print 9462, by
Senator Kavanagh, an act establishing the
special joint legislative commission on
affordable housing;
Senate Print 9463, by
Senator Jackson, an act to amend the
Civil Service Law;
Senate Print 9464A, by
Senator Krueger, an act to amend Chapter 53 of
the Laws of 2022;
Senate Print 9465, by
Senator Bailey, an act to amend the
Executive Law;
Senate Print 9466, by

Senator Hoylman, an act to amend the Judiciary Law and the Family Court Act;

Senate Print 9467, by Senator Cooney, an act to amend the Economic Development Law;

Senate Print 9470, by Senator Cooney, an act to amend the Real Property Actions and Proceedings Law.

All bills reported direct to third reading.

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

ACTING PRESIDENT BAILEY: All 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 Rules Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we return to messages from the Assembly, please.

ACTING PRESIDENT BAILEY: Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Hoylman moves to discharge, from the Committee on Health, Assembly Bill Number 3298A and substitute it for the identical Senate Bill 67A, Third Reading Calendar 1832.

Senator Thomas moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 266A and substitute it for the identical Senate Bill 145B, Third Reading Calendar 1846.

Senator Jordan moves to discharge, from the Committee on Finance, Assembly Bill Number 1310B and substitute it for the identical Senate Bill 2091C, Third Reading Calendar 1848.

Senator Hoylman moves to discharge, from the Committee on Codes, Assembly Bill Number 7926A and substitute it for the identical Senate Bill 4116A, Third Reading Calendar 1849.

Senator Hoylman moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 5278B and substitute it for the identical Senate Bill 6022B, Third Reading

Calendar 1852.

Senator O'Mara moves to discharge, from the Committee on Codes, Assembly Bill Number 7968 and substitute it for the identical Senate Bill 7046, Third Reading Calendar 1853.

Senator Addabbo moves to discharge, from the Committee on Finance, Assembly Bill Number 5557 and substitute it for the identical Senate Bill 7141, Third Reading Calendar 1854.

Senator May moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 8334 and substitute it for the identical Senate Bill 7532, Third Reading Calendar 1855.

Senator Mannion moves to discharge, from the Committee on Internet and Technology, Assembly Bill Number 8453A and substitute it for the identical Senate Bill 7572A, Third Reading Calendar 1856.

Senator Brouk moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 8630A and substitute it for the identical Senate Bill 8291A, Third Reading Calendar 1858.

Senator Akshar moves to discharge,

from the Committee on Civil Service and Pensions, Assembly Bill Number 9437 and substitute it for the identical Senate Bill 8443, Third Reading Calendar 1860.

Senator Mattera moves to discharge, from the Committee on Local Government, Assembly Bill Number 9773 and substitute it for the identical Senate Bill 8863, Third Reading Calendar 1863.

Senator Skoufis moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 10205 and substitute it for the identical Senate Bill 8996, Third Reading Calendar 1865.

Senator Addabbo moves to discharge, from the Committee on Racing, Gaming and Wagering, Assembly Bill Number 10028 and substitute it for the identical Senate Bill 9016, Third Reading Calendar 1866.

Senator Skoufis moves to discharge, from the Committee on Codes, Assembly Bill Number 7079C and substitute it for the identical Senate Bill 9447, Third Reading Calendar 1873.

ACTING PRESIDENT BAILEY: So ordered.

SENATOR GIANARIS: Mr. President, now take up the supplemental calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 1832, Assembly Print Number 3298A, by Assemblymember Epstein, 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: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

This bill will make our constituents safer by providing patients at risk of what's called Sudden Unexpected Death in Epilepsy, also know as SUDEP, with information about this condition.

Transparency, especially relating to

our health, is absolutely critical for patients and their loved ones. Patients deserve to understand the risks associated with their conditions, of course, and this bill ensures that people with epilepsy are more fully informed.

According to CDC, SUDEP causes mortality at an annual rate of 1.16 cases for every thousand people with epilepsy. Currently SUDEP isn't widely discussed between doctors and their patients, even when the patient might be at high risk. The best way to prevent SUDEP is to reduce the number of seizures suffered by a person with epilepsy as much as possible.

To reduce seizures, a person with epilepsy needs to know their triggers for seizures, take their medicine on time, and know the risk factors for SUDEP to better understand and plan for the future.

This legislation would require healthcare practitioners to provide patients they're treating for epilepsy that have an elevated risk for SUDEP with current and evidence-based information about SUDEP, and to connect them with nonprofit organizations that can offer further assistance and support.

It will also require the Department of Health to provide information to healthcare practitioners to assist with compliance and to post such information on their website.

I want to thank the Medical Society and the Neurological Society for working with us on this bill. Of course we wouldn't be here without my Assembly colleague, Harvey Epstein, who's passed this legislation already and has successfully shepherded it in the other house.

And thank you to our Majority Leader, Andrea Stewart-Cousins, for bringing this bill to the floor today.

Lastly, Mr. President, I want to thank Tim and Alexis Gembka for their dogged advocacy. And by "dogged," I mean they called me two or three times a week, sometimes two or three times a day. Their daughter Natasha tragically died from SUDEP at the age of 24. Her death might have been avoided if she and her family had been made aware of the existence and risks of SUDEP. So we have named this bill, in her honor, the Natasha Gembka SUDEP Awareness Act.

I vote aye, Mr. President.

ACTING PRESIDENT BAILEY: Senator

Hoylman to be recorded in the affirmative.

Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you. I really want to thank Senator Hoylman for this bill.

A young 10-year-old boy in my district, Lazar LaPenna from Long Beach, a Little Leaguer, died of an epileptic seizure rounding first base a few weeks back. It's rocked our community. It's been a very difficult time, and the community is looking for answers. Legislation like this in the future will make a big difference.

I vote in the affirmative. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1832, those Senators voting in the negative are Senators Borrello, Ortt, Serino and Stec.

Ayes, 59. Nays, 4.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 1845, Senate Print 89B, by Senator Kaminsky, an act to amend the Penal Law.

SENATOR WEIK: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1846, Assembly Bill Number 266A, by Assemblymember Paulin, 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 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 1846, those Senators voting in the negative are Senators Gallivan, Helming and Oberacker.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1847, Senate Print 772A, by Senator Kaminsky, 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1848, Assembly Print Number 1310B, by Assemblymember Magnarelli, 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 1848, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1849, Assembly Print Number 7926A, by Assemblymember Rosenthal, an act to amend the Penal Law.

SENATOR WEIK: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1850, Senate Print 4436, by Senator May, an act to amend the General Municipal Law.

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1851, Senate Print 4970A, by Senator Kavanagh, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1851, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Ritchie, Stec and Tedisco.

Ayes, 46. Nays, 17.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1852, Assembly Print Number 5278B, by Assemblymember Barrett, an act to amend the Retirement and Social Security 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 Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

This bill is going to continue to bring justice to veterans who served our country but were less than honorably discharged due to who they are, by allowing those LGBTQ+ veterans to participate in the state's military buy-back program for retirement and pension benefits.

Under -- until the end of "don't ask, don't tell" we punished people who were

willing to risk their lives for our country simply because of their sexual orientation, which put many LGBTQ+ veterans out of a job and drove others to hide their identities.

This is honestly the least we can do to right the wrongs our military and federal government perpetrated against those that simply wanted to serve.

In our retirement system, public employees can purchase up to three years of retirement service in exchange for military service. This opportunity is available for eligible veterans who were honorably discharged, however. Discharged LGBTQ+ veterans were discharged less than honorably due to their sexual orientation or gender identity or expression, and thus barred from this retirement benefit.

This bill extends existing opportunities to buy back military time to vets who were released from military service due to their being a member of the LGBTQ+ community or suffering from certain conditions such as diagnosis of post-traumatic stress disorder, traumatic brain injury made by or experienced due

to military sexual trauma. We have wronged our LGBTQ+ veterans for too long, and this bill is going to help repair the damage.

I want to thank Majority Leader Andrea Stewart-Cousins for helping bring this bill to the floor, Assemblymember Didi Barrett for passing it in the other house, and our Vets chair, John Brooks, for his support and guidance through this process.

I vote aye, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1853, Assembly Print Number 7968, by the Assembly Committee on Rules, an act to amend the Criminal Procedure 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1854, Assembly Print Number 5557, by Assemblymember Barnwell, an act to establish a commission to be known as the "New York Seawall Study Commission."

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1855, Assembly Print Number 8334, by Assemblymember Salka, an act to amend the Tax 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 1855, those Senators voting in the negative are Senators Akshar, Brooks, Felder, Gallivan, Gaughran, Harckham, Helming, Hinchey, Jordan, Kaplan, Kennedy, Lanza, Mannion, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Serino, Skoufis, Tedisco, Thomas and Weik.

Ayes, 38. Nays, 25.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1856, Assembly Print Number 8453A, by Assemblymember Simon, an act to amend the Executive Law and the State Technology 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1857, Senate Print 7915, by Senator Martucci, an act in relation to permitting certain municipalities to receive reimbursement from the state for law enforcement activities.

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 Martucci to explain his vote.

SENATOR MARTUCCI: Thank you, Mr. President.

Today is a good day for several communities across our state, but in particular it's a good day for the community of Greenwood Lake.

The reason this bill is on the floor here today, I have to personally thank Mayor Jesse Dwyer from the beautiful Village of Greenwood Lake, who brought this issue to my attention.

Greenwood Lake is in the Town of Warwick, and this bill will provide access to funding for police patrols on Greenwood Lake for their municipal police department. This is important to help keep the lake safe, keep it clean for both residents and visitors alike.

So I do want to take this moment and thank my colleagues for their support of this bill. I want to thank Mayor Dwyer for bringing

this important bill to my attention.

And I want to also pause and invite my colleagues to come visit the beautiful, beautiful Greenwood Lake, as we sit here on the verge of our summer break. It's a great destination, and I hope to see you all there.

I proudly vote aye. Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1857, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1858, Assembly Bill Number 8630A, by Assemblymember Reyes, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1859, Senate Print 8378C, by Senator Harckham, an act to amend the Environmental Conservation 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: In relation to Calendar 1859, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Griffo, Helming, Oberacker, O'Mara, Ortt,

Ritchie, Serino, Stec and Tedisco.

Ayes, 51. Nays, 12.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1860, Assembly Print Number 9437, by Assemblymember Lupardo, an act to authorize the County of Broome to offer an optional 20-year retirement plan to Joshua Quinn.

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 1860, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1861, Senate Print 8559, by Senator Gounardes, an act to amend the Retirement and Social Security 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 1861, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1863, Assembly Print Number 9773, by Assemblymember Smith, an act in relation to authorizing the assessor of the Town of Brookhaven, County of Suffolk, 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 Number 1863, voting in the negative are Senators Akshar and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1864, Senate Print 8910A, by Senator Helming, an act to amend the Real Property Tax 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 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 Number 1864, voting in the negative: Senator Akshar.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1865, Assembly Print Number 10205, by the Assembly Committee on Rules, an act to amend the Tax 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 1865, those Senators voting in the

negative are Senators Akshar, Brooks, Felder, Gallivan, Gaughran, Griffo, Harckham, Helming, Hinchey, Jordan, Kaplan, Kennedy, Lanza, Mannion, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco, Thomas and Weik.

Ayes, 36. Nays, 27.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

By agreement with the Minority, we're going to allow Senator Ramos to speak on a bill that we previously passed and she did not have the opportunity to explain her vote on.

So Calendar 1681, please recognize Senator Ramos to explain her vote on that bill.

ACTING PRESIDENT BAILEY: Senator Ramos to explain her vote on Calendar 1681.

SENATOR RAMOS: Thank you, Mr. President.

In 2020 reports were published concerning a commuter rail train conductor who miscarried at six months due to the strenuous

work required of her in the train yard. The worker described her water breaking after pulling a train switch and being afraid to leave her shift.

Subsequent incidents of similar tragedies experienced by Metro-North employees raised the alarm, evidence that this is a pattern for commuter rail workers. Train yard work -- manually moving heavy train switches, climbing over tough terrain -- is extremely strenuous, but it's not one where reasonable accommodations are impossible to organize.

And that's why with this bill we're establishing a light-work-duty requirement for pregnant workers of commuter rail services. Because without this bill, workers have to go through a heavy administrative process where they somehow have to prove that they need accommodations, and meanwhile they are continuing to work as their pregnancy is progressing.

Reproductive justice is not just about abortion access. It's about the ability to have full agency and protections over your reproductive future. This bill identifies a place where mental health and labor rights

overlap. A worker's health should never come secondary to the demands of their job.

Thank you, Mr. President.

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

The Secretary will read.

THE SECRETARY: Calendar Number 1866, Assembly Print Number 10028, by Assemblymember Pretlow, an act to amend the Racing, Pari-Mutuel Wagering and Breeding 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 1866, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1867, Senate Print 9032B, by Senator Kavanagh, an act to amend the Real Property Tax 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 1867, voting in the negative: Senator Oberacker.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1868, Senate Print 9113A, by Senator Skoufis, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 8. 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: In relation to Calendar 1868, those Senators voting in the negative are Senators Borrello, Gallivan, Griffo, Helming, Jordan, Martucci, Oberacker, O'Mara, Ortt, Rath, Ritchie, Serino, Stec and Tedisco.

Ayes, 49. Nays, 14.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1869, Senate Print 9229A, by Senator Hoylman, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator

Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

You know, large-capacity magazines, with which this bill deals, are already illegal. This legislation is going to make it more clear and fix a statutory loophole that has prevented local prosecutors from enforcing the law.

Large-capacity magazines, I think most of us have learned, sadly, allow the user to shoot 10 or more rounds of ammunition before needing to reload. They're incredibly dangerous, and there's absolutely no use for them in everyday gun use or sportsmen activities.

The white supremacist murder in Buffalo used a large-capacity magazine to perpetrate his domestic terrorism against the Black community, resulting in the deaths of 10 and the serious injuries of three.

These devices have been prohibited in New York for years, but conflicting statutes have made prosecution unnecessarily difficult. That's because the prohibition is split into two different sections of the Penal Law, so that a prosecutor has to prove first the device's date

of manufacture, and then the manufacture itself, to secure a conviction. Since the device designs don't vary much, this can be impossible to prove and leave owners of illegal and dangerous weapons off the hook.

This bill closes this outdated loophole. Large-capacity magazines are illegal. This affirms it. I want to thank the Brooklyn district attorney, Eric Gonzalez, for bringing this issue to our attention, as well as the team here, Eric Katz and Dorothy Powell, as well as Majority Leader Andrea Stewart-Cousins for getting this important bill to the floor.

I vote aye. Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1869, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1870, Senate Print 9230, by Senator Hoylman, an act to amend the Real Property Actions and Proceedings 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 1870, voting in the negative are Senators Oberacker, O'Mara and Palumbo.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1871, Senate Print 9346, by Senator Mannion, an act granting retroactive membership with Tier IV

status in the New York State Teachers' Retirement System to Peter Guarino.

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1872, Senate Print 9407B, by Senator Kavanagh, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. 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 Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

First of all, let me start by thanking the Majority Leader, Andrea Stewart-Cousins, for bringing this bill to the floor today, along with a package of bills to promote gun safety and public safety across New York State.

I want to thank the bill's sponsor for bringing this important piece of legislation of the comprehensive package that we're putting forward today that will establish penalties for the sale or purchase of body armor, including that on the internet, just as the coward did who invaded our community in Buffalo and massacred 10 people in broad daylight.

That body vest that he wore prevented him from taking a bullet from Lieutenant Salter, who courageously fired back and hit the perpetrator, and he was protected while Lieutenant Salter and nine others were murdered.

This bill, had it been in effect,

would have prevented the invader, the white supremacist, the coward and the racist from ever having purchased that protection for himself illegally here in the State of New York.

Again, I want to thank the sponsor for this legislation. I want to thank my colleagues for their support of this and the other pieces of legislation that will help move New York forward, promote public safety, and set a precedent for the rest of the nation to follow.

I vote aye, Mr. President.

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

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

I'm not going to support this bill today. This does not decriminalize the possession of body armor, and in fact something can be purchased five minutes down the road from where the evil person that came to Buffalo could have crossed the border into Pennsylvania to buy that body vest.

What it will do, though, however, is

it will put in the hands of the Department of State who will actually get to purchase a vest to protect themselves. Now, there are some very obvious answers to that -- people in law enforcement and security -- but there are some that aren't so obvious.

If you're a taxi driver and you feel you want to have a vest to protect yourself, you should be able to have one. That may not be allowed by the Department of State. If you work an overnight shift at a convenience store in a dangerous neighborhood, you should be able to do that. Members of EMS. We actually have doctors that show up at the scenes of dangerous situations that would like to possess that vest.

The possession of a vest is not illegal in New York State. And where I live, you can drive five minutes across the border and purchase one.

I don't believe the Department of State will do enough due diligence to determine who can and cannot purchase something that could save their own lives.

Therefore, I'll be down on this bill. Thank you.

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

Senator Weik to explain her vote.

SENATOR WEIK: Thank you, Mr. President.

I would just like to say I do recognize the importance of limiting body vests to law enforcement and important workers, but I want to make sure that we remember that our EMS and ambulance workers have been shot at, and these are important working individuals who will still need to remember to have body vests available to them.

So I hope that as we move forward with this legislation, that we include important individuals who are constantly under fire in dangerous situations, risking their own life to save others. And for that, I am in favor.

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

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Mr. President.

This is of course one bill of a

broader package that we're doing today to -- as part of our ongoing efforts in New York to protect New Yorkers from the scourge of gun violence. We know that we'll never be fully rid of these kinds of atrocities until our Congress and some state legislatures and the gun industry stop blocking the kinds of legislation that we know prevent gun violence.

But we in New York have now a long track record of addressing this in ways that we know work across the country and here in New York. This bill, which is a first-in-the-nation restriction of this type on body armor, is intended to take a modest step with respect to body armor to discourage use of body armor among people who don't have any cause to use it as a result of their job.

Now, to the concerns that have been raised on the other side of the aisle, the bill, first of all, doesn't go into effect for 30 days and, second of all, requires the Secretary of State to come up with a list of appropriate professions. And, thirdly, has a specific provision that allows somebody in a particular profession where they believe they need body

armor to be added to that list so that they can purchase it here in New York.

I got a call from a reporter who has done overseas work in war zones, pointing out that the bill doesn't specify that reporters in war zones should be able to purchase this. And obviously that is something I told him I will support the request to the Secretary of State to do that. Similarly, EMS workers and others that are responding to emergency situations would certainly be perfectly reasonable.

The bill doesn't specify all of these things because -- for exactly the reason that we didn't want to take it upon ourselves to anticipate all possible circumstances. Instead, we've got a flexible process. The Secretary of State will put out this list before the bill goes into effect, and then they will modify it over time.

Again, body armor has been an increasingly common part of these -- especially of these mass shootings, especially of mass shootings where the goal seems to be to kill the maximum number of people. And this bill takes a modest but significant step towards discouraging

that by restricting the sale of this equipment in New York. It's often marketed as tactical gear that you need along with your tactical weapons.

So we're taking this step today. It's an important part of a larger package. I'm proud to support the package, and I'm proud to vote aye on this bill.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1872, those Senators voting in the negative are Senators Borrello, Griffo, Helming, Jordan, Oberacker, O'Mara, Stec and Tedisco.

Ayes, 55. Nays, 8.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1873, Assembly Print Number 7079C, by Assemblymember Burdick, 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 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1874, Senate Print 9454, by Senator Krueger, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 16. 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1875, Senate Print 9456, by Senator Sepúlveda, an act to amend the Penal Law.

SENATOR WEIK: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1876, Senate Print 9458, by Senator Thomas, an act to amend the Penal Law.

SENATOR WEIK: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1877, Senate Print 9459, by Senator Liu, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 11. 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 to speak in support of my colleague John Liu's legislation S9459, regarding the governance of New York City schools.

Mayoral accountability, not control, because one person should not have absolute power over the largest school district in the nation. I say accountability because we need to hold those in power accountable to the school communities they are tasked with serving.

The new administration has offered many commitments to students and families, saying that they will "do things differently." We have come together to extend mayoral accountability by two years -- not three years, not four years, which had been the full term of the administration.

We want to ensure the promises stated in announcements and press conferences are kept. The Legislature will return in two years to review an extension and gauge the success of the administration.

I urge our school communities to collaborate on what they would like to see in their school governance, for us to make

worthwhile changes if absolutely needed. School governance does not begin with the Panel for Educational Policy level, it begins at the parent/teacher conference's level, the PTAs and, very importantly, the school leadership teams and CECs, the Community Education Councils in New York City.

We need to govern from the ground up. We expect New York City to abide by the law and support our school communities, reducing class size, providing evidence-based dyslexia support, and engaging students rather than criminalizing them.

We are challenging New York City governance on behalf of our constituents -- meaningful parent engagement, student and youth voices in their education. And for that reason, I vote aye and I urge my colleagues to vote aye.

Thank you.

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

Senator Brisport to explain his vote.

SENATOR BRISPORT: Thank you, Mr. President.

A common joke in New York City is that you need a passport to go from Brooklyn to the Bronx. Even within the same borough, our neighborhoods are so wildly different from one to the next that crossing the street can feel like traveling to a different world.

Our city has the single largest public school system in the nation, with nearly a million students. And those students are facing a vast and diverse range of circumstances. As a recent public school teacher, I can tell you that providing kids equitable access to a quality education, especially in New York City, requires deep responsiveness to that range of circumstances.

I recently held a public forum to hear from educators as well as parents and students about their experiences under mayoral control, and it quickly became clear that this current system of hypercentralized power is not resulting in that necessary responsiveness.

In fact, on many issues, like the necessity of remote learning options, Mayor Adams has either looked the other way or failed to even notice their importance.

While in theory the PEP exists to help the mayor receive and implement feedback, the composition of this small body makes it little more than a barrier between concerned parents and the mayor. This bill does not do nearly enough to change that.

Mayoral control was designed to be temporary, yet lawmakers keep kicking the can down the road instead of investing the time and energy to work with parents and educators to develop a permanent system. Once again, the Legislature is concentrating power in the hands of a single individual rather than doing that work.

To make matters worse, this plan includes a process to review the outcome that is controlled again not by a democratic and diverse body, but again by a single individual. I would like to remind this body that two years is double the first extension Mayor de Blasio was granted. More importantly, it is also an incredibly long time in the life of a child. And a quality education too long deferred is a quality education denied.

Mr. President, I vote no on this

bill.

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

Senator Sanders to explain his vote.

SENATOR SANDERS: Mr. President, I have two friends who are arguing here today. A friend of 30 years, Mayor Adams, makes a claim that he should have the authority. A friend of longer, the truth, tells me that there are problems here.

One of the problems with this bill is that it fails to recognize that New York City and Yonkers are the only cities in New York State that don't have a school board. Are we saying that democracy is good for the rest of the state but not good for these cities?

I would say that some will say that this was done because there was some type of problems in the school boards years ago. Okay. The facts say that over the 20 years that there was school boards in New York City, where hundreds of people were actually involved in the school boards, five people were convicted of crimes during that time. Hundreds of people.

So are we to say that once there's a

problem anywhere, we just get rid of democracy everywhere? And if that's the case, then we should hold that same standard to the entire state. The problems of democracy are not solved by getting rid of democracy, but by cleaning it up, working at it. It's not an easy thing.

I also will remind my colleagues that there's been mayoral control for around 20 years. No studies have been done on this. Do we know it's effective? Do we know it works or doesn't work? We should look at these things.

So under those conditions, and understanding that time is against us this afternoon, I'm going to urge my colleagues to do whatever they believe is right on this one. But as for me, I believe that the problems of democracy are solved with more democracy and not saying that people are not worthy of democracy, so we'll take it away and put it into the hands of one person. That's not the country that I'm fighting for.

Thank you very much, Mr. President.

ACTING PRESIDENT BAILEY: Senator Sanders, is that -- are you --

SENATOR SANDERS: I'm voting no,

but not against my friend the mayor.

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

Senator Lanza to explain his vote.

SENATOR LANZA: Thank you, Mr. President, to explain my vote.

I'm going to be voting no additionally, but for very different reasons.

Since the -- from the moment that I've entered public service serving the people of Staten Island, I've been a champion for mayoral control. That's because I remember the '70s and the '80s. And I remember how terribly the Department of Education failed students from one end of New York City to the other -- I mean really miserably failed students.

And people were just so frustrated. There was a sense of despair whenever you would talk to a parent or to a teacher anywhere in New York City about what was happening. And the common response that you would hear with respect to the problem was "We can't hold anyone accountable."

I remember Mayor Dinkins, Mayor Bloomberg, Mayor Giuliani, Mayor Koch --

Democrats, Republicans -- all had the courage to say, Let me try. Give me the power. Hold me accountable, and I'll take care of it. Just in the same as way as in the City of New York when crime and public safety are issues, you turn to the mayor. God forbid there are fires and there is not safety with respect to that, you turn to the mayor. It's the mayor's job to have a fire commissioner, a police commissioner.

In the same way, the thought has always been: Well, maybe if we turn it over to the mayor, we're going to see something better happen. And I truly believe that things did improve under mayoral control. And while it is not perfect, I still believe it is better to have mayoral control so that the voters, the citizens, the parents, the students of the City of New York, when things aren't going right, they can say, Well, let's change it.

You could never change the bureaucracy. I mean, it was really a joke. What was it, Livingston Street? Everything went -- people went in and never came out.

It was a -- I remember the percentage of dollars that we all thought -- you

all thought, or people before us all thought they were sending to educate children in the City of New York. I know Senator Jackson has always been a champion in terms of getting Albany dollars down to the city. A horrific percentage of those dollars never got to the kids. They never got to the teachers. There was a whole city, and it wasn't a shining city on a hill. It was a Department of Education where dollars went to die and people had patronage jobs who didn't care about our kids. It's sad, but it's true.

The reason I'm voting against this legislation is because I think it takes us a step back in that direction. I'll take my chances with Mayor Adams. The people of the City of New York elected him. He's a good man. I'd rather the people of the City of New York be able to turn to him and say "You're doing a good job" or "You're failing us and we're going to hold you accountable."

This legislation creates a whole new advisory panel where people are going to be sharing that power with him. And of course one person can't do it all. But this really divests power from the mayor, sends it off into a new

bureaucracy, which is going to be born here, 25 now, I'm sure 50 next year, 200 -- before you know it, we're back at Livingston Street, and once again we will not have accountability.

We spend more taxpayer dollars per kid, per student in New York City than anywhere on Planet Earth. And yet all the years I'm here, Democrats and Republicans have said: Boy, we're failing our kids, it's a disaster. The kids are being left behind. How could that be? More dollars per kid than anywhere on earth.

So I know there are problems. I think the best way to get things done is to have mayoral control. This takes us back in the wrong direction, back to the bureaucracy, back into the land of no accountability.

And so, Mr. President, I vote no.

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

Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

I also rise to say that I am unfortunately voting against this bill. While I support the efforts of the sponsor, and I know

that he put a lot of work into this, it's very complicated. How do we decide who's going to control our school system, who's going to be responsible for the education of our children? It's incredibly complicated.

But I do think that this bill takes us a step back, as Senator Lanza said. I don't think it's actually mayoral control. It's the exact opposite. Because instead of having a Panel for Education Policy with 13 or 15, now we have 23. Rarely does adding bureaucracy increase efficiency or excellence. We're -- it's going to be impossible to get anything done. It will be impossible to come to agreement. It will be impossible to come to decisions about what's best for the school system when you have 23 people -- who, by the way, cannot be removed except for cause.

And what does that mean? They're not government employees. They don't have due process rights. What venue will that hearing be? Who will determine whether or not they should be removed? How will that be done? Will it be done in an oath trial? Will it be done -- where, in court? This could lead to endless Article 78

cases.

So I have concerns about the way this was put together, which is why I'm voting no. I do think if we believe in mayoral control -- and obviously as a state we do, because we picked it up 20 years ago and we've continued it ever since under three other mayors -- we should allow the mayor then to be in charge of the school system, with a system of checks and balances that the Legislature puts in place.

This bill goes backwards, not forwards. And unfortunately, I cannot vote for it. I am in the negative.

Thank you, Mr. President.

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

Senator Liu to explain his vote.

SENATOR LIU: Thank you, Mr. President.

This is an issue that certainly has taken a great deal of time in this body among our colleagues, and also among the educational community. There are those who say we need to get rid of mayoral control and therefore

potentially revert back to the system of prior to 2002. There are people who say we need to strengthen mayoral accountability and make it perhaps forever. And then there are others who are somewhere in the middle.

Then there are the most important people, the parents. The parents, who are the most important stakeholders in public schools. It's their kids that they have entrusted to our educational system in New York City. We need to hear them.

And for the past many years, the parents have felt less and less and less engaged. They cannot get their suggestions or input heard. Sometimes they can't even get a response to simple questions, especially during a pandemic time when they were very concerned -- not just about the education of their kids, but about their health as well.

So there have been a lot of issues. No shortage of emotions that have been injected into this debate. But today we have a bill, we have a bill that I don't think anybody would say it's perfect. And how many times have we said, at the end of the day, a good piece of

legislation is where everybody is unhappy.

But the fact of the matter is this. This bill allows the mayor of New York City to retain control of the public schools. That control is evidenced by the fact that he has a clear majority of appointments to the New York City school board, otherwise known as the Panel for Educational Policy. The mayor also retains the appointment and termination at any point of the New York City schools chancellor, who has the greatest hand in operating the 1800 schools in New York City.

So it would not be accurate to say that the mayor does not have control. The mayor has a tremendous amount of control, and he will retain a tremendous amount of control over New York City public schools.

At the same time we've heard our constituents, we've heard the parents of New York City schoolkids, and we are making the system more responsive to them. Number one, by expanding the representation of parents on the school board, the PEP. We're increasing it to reflect the diversity of the boroughs. We're also requiring the mayor to increase the number

of parents that he actually appoints to the PEP. His choice. But they should be parents.

And we're also, importantly, increasing the voice of the parents with students, with children with disabilities as well as parents of children who are English language learners.

These are all changes that will make the PEP stronger, more reflective of the diversity of the city. And to those who would say it's less efficient, colleagues, we have 63 members in this body. Some -- some would say that's pretty inefficient. But that's what representation is about. And to those who would say it's inefficient, I say representation sometimes takes a little bit more time to get things done, but it's important to have that representation. And we're expanding the representation of parents who truly have felt that they have been left out of the process.

So -- and then, lastly, we are also increasing the integrity of this school board, the PEP, by allowing the appointees of this school board to serve one-year terms. Those terms can be renewed if their appointer, whether

it be the mayor or borough president, chooses to do so. But they will no longer be removable at any moment for no reason, which is what the current system does. Giving them one-year fixed terms -- not term limits, one-year fixed terms -- injects a great deal more integrity into the PEP process.

So for all of those reasons and more, but in the interests of time, I vote yes, Mr. President. Thanks.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1877, those Senators voting in the negative are Senators Akshar, Brisport, Comrie, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Persaud, Rath, Ritchie, Salazar, Sanders, Savino, Stec and Weik. Also Senators Borrello, Tedisco, Sepúlveda and Serino.

Ayes, 38. Nays, 25.

ACTING PRESIDENT BAILEY: The bill is passed.

A brief housekeeping note. Please

note that sponsors of the bills are limited to five minutes when explaining their vote, and other members are limited to two minutes while explaining their vote.

The Secretary will read.

THE SECRETARY: Calendar Number 1878, Senate Print 9460, by Senator Liu, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 6. 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.

And my colleagues, I rise to explain my vote on behalf of the students for S9460, which finally implements highly needed and desired classroom reductions in New York City.

When I cofounded the Campaign for Fiscal Equity with Michael Rebell to file a

lawsuit against New York State, excessive class sizes were a main focus for the Foundation Aid formula. The courts found: "Tens of thousands of students placed in overcrowded classrooms is large enough to represent a systemic failure."

After over 30 years, first came the funding of Foundation Aid, and now the accountability and doing what is proven to improve education outcomes: Small class sizes.

There were those who doubted but now support this fight for educational justice. As a marathon runner, I know the goal is to stay the course and reach the finish line, and I am extremely excited that my colleagues molded this legislation from my 2021 introduction of S6296A with Assemblymember Jo Anne Simon, an education lawyer. Since January, we've been beating the drum on requiring a five-year phase-in to reduce class size, placing a cap on class size by grade, creating a strict timeline for meaningful public engagement, and adding teeth to the Contract for Excellence by holding funds if their goals are not met.

Every year DOE surveys what changes K-12 parents would like to see in their

children's school. Smaller class sizes have been the top priority.

This is a win for every student, and I want to thank the groups who have worked tirelessly through the years: Alliance for Quality Education. Class Size Matters. Education Law Center. And of course we cannot forget the parents who fought and even sued the state for its refusal to reduce class size.

When I set my mind to something, I don't care how it gets done. It gets done. This victory is for the students. And thank you, Madam Leader, Chair Liu, and UFT.

I proudly vote aye, and I ask my colleagues to vote aye. Thank you.

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

Senator Brisport to explain his vote. Senator Brisport not to explain his vote.

Senator Liu to explain his vote.

SENATOR LIU: Thank you, Madam President. And Madam Chair.

A generation ago the courts of this state ruled in simple terms that the kids were not getting a sound basic education. And they

cited a litany of reasons why that was the case. One of those major reasons was excessive class sizes, too many kids in the same classroom. Not enough attention possibly being paid to each student by the teacher, because that teacher had too many people in the classroom.

And so after years of litigation, of which our colleague Robert Jackson was a plaintiff, the courts decided, including the highest court of this state, that the State of New York needed to provide that funding. We needed to cough up in order to provide that sound basic education for every child in this state.

And so we did. And this Legislature, although that preceded most of us here, put together a funding plan. And that plan was followed through until at some point things fell off track, presumably because of some recession. But thankfully last year we put it back on track. And we are now in the second of a three-year phase-in. By next year we will have finally fulfilled the funding mandate that was ordered by our courts.

But an important corollary to that funding mandate was the actual definition of what

a sound basic education is and what the necessary elements are in order to provide that. Small class sizes were deemed to be something that needed to be taken care of specifically, as spelled out in the Contract for Excellence that this body has affirmed year after year. But that mandate has not been complied with by New York City schools.

And so now that we have finally given the City of New York all the money that it's due through Foundation Aid, as spelled out by the court system, we are now insisting that the City of New York also live up to the spirit of that Campaign for Fiscal Equity and provide a sound basic education -- which does not include continuing excessive class sizes.

When we say small class sizes, I don't even know if that's the right term, because we're -- the plan, this legislation calls for class sizes that are closer to the national norm, even closer to the rest of the state. The class sizes in the City of New York are substantially larger than the rest of the state and the rest of the country.

So I wouldn't even call it small

class sizes, I would call it effective class sizes. That is necessary in order for all the New York City schoolkids to get a sound basic education as envisioned by the court system nearly a generation ago.

So Madam President, I thank you, as the chair of our Education Committee, for all your support and all the work that you have done over the years. I thank our Madam Leader, who's been very much engaged in that court decision over this last generation.

I certainly thank Robert Jackson, who we're -- RJ, we're trying to spare you another walk to Albany, all right? -- and all the advocates who have really been a part of this effort. I will mention Leonie Haimson, who is the epitome of persistence.

And so with that, once again, I vote yes on this bill. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1878, those Senators voting in the negative are Senators Borrello, Comrie, Ortt and

Savino.

Ayes, 59. Nays, 4.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1879, Senate Print 9461, by Senator Skoufis, an act to amend the Arts and Cultural Affairs 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1880, Senate Print 9462, by Senator Kavanagh, an act establishing the special joint legislative commission on affordable housing.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Brisport to explain his vote.

SENATOR BRISPORT: Thank you, Madam President.

It is challenging to stand here right now and speak to you all calmly, because the truth is I'm quite angry.

For five months we have talked about the devastating, compounding impact of the pandemic on our preexisting housing crisis. We have watched the courts flood with eviction cases. We have watched a massive wave of rent hikes hit tenants already struggling to rebuild their lives. Yet the entire time, we have sat on a bill that would drastically improve housing stability for a huge percentage of New York's most vulnerable tenants: Good Cause Eviction.

And while this body dragged its feet, the real estate industry was busy shelling out unbelievable sums of money to spread

disinformation about Good Cause, disinformation that some members of this Legislature seem to have been successfully misled by.

It is our responsibility as legislators to base our work in facts and reality, especially in the face of disinformation campaigns. It is our responsibility to prioritize the well-being of our constituents over corporate profits. It is our responsibility to take meaningful action when New York is in crisis. But instead of voting on the desperately needed, longstanding Good Cause Eviction bill, we are voting on a bill to create a commission stacked with Hochul appointees to think about the issue some more.

This bill is an inexcusable abdication of our responsibility.

Madam President, I vote no.

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

Senator Helming to explain her vote.

SENATOR HELMING: Thank you, Madam President.

We all know that homelessness is a problem across the entire state. It impacts

every single community, and it impacts every single county.

This bill creates a special joint legislative commission on affordable housing to make recommendations to the Legislature on how to preserve and maintain existing affordable housing. The commission would also explore ways to support the development of new affordable housing in the State of New York.

Additionally, this commission would examine ways to maximize the impact of private, state, local and federal resources by ensuring long-term affordability -- something that we need to do.

Madam -- Mr. President --

(Laughter.)

SENATOR HELMING: -- while the goal of this commission is laudable, the fact that neither minority leaders have representation or have the ability to make nominations is problematic to me.

Only by bringing in all interested stakeholders will we find real solutions to New York State's affordable housing crisis. It's my hope that the sponsor of this legislation will

reconsider the exclusion of the minority conferences being able to nominate representatives.

We represent millions of New Yorkers, millions of New Yorkers. And as I said, this is a crisis across the entire state.

I will be voting no, Mr. President.

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

Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

I am voting yes on this bill, but I do so because I recognize the affordable housing crisis is growing and it is complex and there are reasons to study ways to address a whole range of issues that it raises.

But I also believe that we know the answers to some of these questions. And I hope and expect that the commission will take into account policy that we have already drafted, including the Good Cause Eviction, including my bills for statewide right to counsel for people who are facing eviction and the Tenant Dignity and Safe Housing Act that allows tenants to

withhold rent if their housing conditions are unsafe.

So I look forward to the results of this commission, but I hope that they will build in the things we already know about how to solve the problems of affordable housing and eviction in this state.

I vote aye. Thank you.

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

Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President.

I rise to support this bill, understanding that this pandemic that we are all living in has had a negative impact on housing overall. And you may say, How did it have a negative impact on housing? Well, all of the people that live in housing, whether or not they are renters or owners or even homeowners, both renters and homeowners have been negatively impacted as we go through this pandemic.

And I think realistically, if in fact a true commission comes together and looks at the reasons why, then there are going to be

some startling events that we will all know that quite frankly so many people are being negatively impacted regarding housing, especially during the pandemic, because of the loss of employment and what have you. That's why we, as a State Legislature, put up ERAP and all the other programs to help people in housing.

So I'm looking forward to that. But I also agree as far as Good Cause Eviction is extremely important for the people that are living in housing and cannot afford to pay their rent in regard of the pandemic situation, but also understanding that if I'm renting and I'm abiding by the law, rules and regulations, I should have a right to have my lease renewed.

And so I ask all of us to consider: Let's not wait until January, till we come back to deal with a new session. We should deal with Good Cause Eviction right away, because if not, tens of thousands of people are going to be negatively impacted. And we don't want to negatively impact tens of thousands of people. We want to be able to help them.

So with that, I vote aye on this bill.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1880, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Brisport, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Salazar, Stec, Tedisco and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

Once again, we are moving so expeditiously through the calendar -- which I appreciate -- that one of our members missed the opportunity to speak on his bill.

So by agreement, can we return to Calendar 1879 and recognize Senator Skoufis to explain his vote.

ACTING PRESIDENT BAILEY: On Calendar 1879, Senator Skoufis to explain his

vote.

SENATOR SKOUFIS: Thank you very much, Mr. President. Thank you to Senator Gianaris.

I didn't want to miss the opportunity to speak on this bill. A lot of work was put in by central staff, my team -- specifically Evan Gallo, Eric Katz, Shontell Smith. I want to also thank our Majority Leader.

This is over a year in the making. We're updating our ticketing laws here in New York State. And coming out of the pandemic, you know, I think we all acknowledge and all appreciate that New York State offers the best entertainment -- events, entertainment -- in the country, perhaps even the world. It's important that our access to those events keeps up and we offer the best opportunities for our constituents to access these great events as well.

And so facing an expiration in just about four weeks, on July 1st, we had an opportunity to renew, to update our live event ticketing statute. And working with Assemblyman O'Donnell, we did that.

And in particular I want to highlight two provisions that are first-in-the-nation provisions, if I could use a Cuomonian statement there. First, all-in pricing.

Everyone in this chamber has probably bought tickets, and you go to StubHub, you go to Vivid, you go to any of these websites and you see a price and their listing. That's a wonderful price, I'm willing to pay. The first click, you put in your name, your address, et cetera. The second click you put in your credit card information. The third click you put in something else. The fifth click, you're checking out, and now suddenly there's a $25 service charge and an $18 delivery fee, an $11 convenience charge, and the ticket price is now double what you thought you were paying for 20 minutes prior.

All-in pricing requires all of these sellers to move that total price to the front so you know what you're paying for right at the beginning of the transaction.

And the second, we'll be the first in the country to disclose -- mandate -- that the

original price, the face value price be disclosed on the resale market. And so when you go to these platforms, you will now be able to see what the original price of that ticket was.

Are you getting a good deal? Are you getting a bad deal? You still want to buy a ticket. If you got a bad deal, fine, but you at least deserve to know the context, whether you are getting a good deal or a bad deal, whether that ticket's marked up two times, three times, four times. And that's what consumers will now be able to do.

We also ban delivery fees if there's no delivery. Go figure. If you're printing your ticket at home, you shouldn't be charged a delivery fee.

We're also banning the resale of free tickets. This is a provision that our colleague Senator Hoylman has championed over the years.

Shakespeare in the Park, free tickets are handed out, and unscrupulous individuals then go out and try and make a profit reselling those tickets. The Pope comes to town a few years ago; free tickets are given out to

faithful Catholics throughout New York State. Unscrupulous individuals then go and put on Craigslist and elsewhere $500, $800 to get this hot ticket that they got for free. That will no longer happen in New York State.

So I will argue this makes us the leader in this space in the country. These are great reforms. And again, I appreciate the opportunity to speak on this and share some words.

Thank you.

ACTING PRESIDENT BAILEY: Senator Skoufis to be recorded in the affirmative on Calendar 1879.

The Secretary will read.

THE SECRETARY: Calendar Number 1881, Senate Print 9463, by Senator Jackson, an act to amend the Civil Service Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 25. 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1882, Senate Print 9464A, by Senator Krueger, an act to amend Chapter 53 of Laws of 2022.

SENATOR GIANARIS: Is there a message of necessity at the desk?

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

SENATOR GIANARIS: Move to accept the message of necessity.

ACTING PRESIDENT BAILEY: All those in favor of accepting the message of necessity please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The message is accepted.

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1883, Senate Print 9465, by Senator Bailey, an act to amend the Executive Law.

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: In relation to Calendar 1883, those Senators voting in the negative are Senators Borrello, Helming, Oberacker and Ortt.

Ayes, 59. Nays, 4.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1884, Senate Print 9466, by Senator Hoylman, an act to amend the Judiciary Law and the Family Court Act.

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1885, Senate Print 9467, by Senator Cooney, an act to amend the Economic Development Law.

SENATOR GIANARIS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT BAILEY: There is

a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

ACTING PRESIDENT BAILEY: All those in favor of accepting the message please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The message is accepted.

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: Senator Cooney to explain his vote.

SENATOR COONEY: Thank you, Mr. President.

First let me thank the Majority Leader and her staff for bringing this legislation forward, along with my coprime

sponsor Senator Mannion.

This legislation has the potential to be absolutely transformational in our state. This legislation will position New York to take advantage of the federal push to bring semiconductor manufacturing back to the United States, which is critical to our economy and to our national security.

Green CHIPS projects are semiconductor manufacturing projects that also include sustainability measures to mitigate greenhouse gas emissions over the lifetime of the project.

It also includes commitments to worker training and community investment, including investing in programs to help keep employment for underserved communities. Think about the community colleges that may be in your community and the training programs that they're providing to get people these good-paying jobs.

It's also labor-friendly. This includes a requirement for federal prevailing wages for the construction projects.

As the chair of the Cities 2 Committee, I traveled across the state, and the

access to good-paying jobs is the number-one way that we're going to grow and keep our population in these small and midsized cities across the state, especially in the Thruway Corridor.

Passing this bill today makes New York not only more competitive with other states across the country, but also positions us to lead in ushering in a new generation of green manufacturing in New York State.

Mr. President, I vote aye.

Thank you.

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

Senator Mannion to explain his vote.

SENATOR MANNION: Thank you, Mr. President.

I'm proud to stand here today, along with my colleague Senator Cooney, in not only the construction of this bill but certainly the advocacy for it. And I thank the leader for bringing it to the floor.

We've learned a lot over the past few years, and one thing is that we must make our products -- essential products, products essential to a number of different industries,

products essential to national security -- we must make those here in the United States of America. And better yet, we should make them in New York State.

I represent an area that has a great history of technology, a great history of industry, a great history of manufacturing. Syracuse, New York, Rochester, New York, and other places around this state are where we should be making our conductors -- semiconductors, excuse me.

Clay, New York, one area that I represent, is perfectly positioned for projects like what would benefit from Green CHIPS. We not only have a tremendous workforce, we have excellent educational institutions, we have tremendous natural resources and transportation systems. But one thing we have that many do not know is that we are at the crossroads of electrical transfer that comes from green energy, maybe more than anywhere else in North America.

And as a result, I'm proud to promote this bill, proud to promote a program that will have community benefits built into it, proud to make sure that we again in Syracuse,

New York, are at the cutting edge of technology.

I proudly vote aye. Thank you, Mr. President.

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

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I'm voting no on this bill. I respect the people who have dreams of what might happen, but I've watched this state for decades make deals that are races to the bottom with people from other states, from county to county, where we give away our tax dollars. Sometimes, when you add them up, they're dramatically more than could ever be seen as new economic activity from the program.

I understand why we're doing this, and I respect my colleagues who will vote for it. But I worry and I've in fact even told Senator Schumer, who's behind the federal bill, that I worry that he's encouraging range wars between the states so that now we need to give away even more of our tax dollars to try to draw in companies that might have been perfectly happy to

come to us just on the federal program, but we have to match federal money, we have to give even bigger contributions -- tax dollars away.

I just read about a deal of a similar plant in Ohio, and they're talking about wanting to do 10 there, where Ohio is clearly going to spend more money on the building of these plants than they can ever generate in the number of jobs that will be created.

I worry that this program, because it goes for almost 25 years, is estimated to potentially cost us 500 million per year in state money, the equivalent in matching local tax giveaways -- and that's $25 billion over potentially 25 years.

And they're not jobs for low-wage workers, they're actually jobs of $100,000 to $200,000 that, with all due respect, in this economy high-skill workers are going to get those jobs anyway. Maybe they wouldn't all be in New York; I don't know.

So I worry that we continue this pattern of saying we're only doing economic development in the context of the biggest megadeals in the hopes of drawing people into

New York State, as opposed to focusing on what's already here, who's already here, what they're trying to do, and investing in them.

I worry, even though I think there are more protections in this bill than in many others I've seen, that if they don't deliver on their side of the deal, we still lose the tax money. You know, I worry that there will be side deals -- okay, we'll give you the land for free now. Okay, you don't have to pay the school taxes for 25 years now. So you'll draw people into your community, but you won't have any more money to pay for the schools.

I worry about a lot of things. And I think that this kind of program, since it is going to pass, needs a commitment from us and the Governor's office that we are going to evaluate this step by step, the kinds of evaluations we talk about but we don't do in economic development programs in this state.

For example, Mr. President, we have these two chip plants right here in the Albany area. They were started by George Pataki and every Governor since. And I keep being told those were incredibly successful, those are our

model. Well, with all due respect, nobody's even done a report to study how much tax money we gave up in these years for those plants and what we got out of it.

We owe the people of New York transparency and accountability when we do these kinds of deals, and this one will be the biggest one New York State has ever done.

So -- sorry -- I'm too cynical about this model. I can't vote for this bill.

Thank you, Mr. President.

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

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

Let me just start by thanking Majority Leader Stewart-Cousins for bringing this important bill to the floor, and thanking the bill's sponsor, Senator Cooney, for working to help advance this very important piece of legislation that's going to create jobs in New York State.

It's going to help improve our economy, particularly in upstate New York. And

it's going to play off of the federal vision for bringing semiconductor processes and jobs to the great State of New York.

What we need to do as a body, as a Legislature, as a government is to allow for the most flexibility that we possibly can give to our economic development agencies to lure businesses from out of state and out of country so that we can provide for local economies. Areas of the State of New York, particularly upstate, have really felt the pain over many decades of neglect, and unfortunately have felt as if we've been left behind.

Those days are over. And this is an opportunity for us to demonstrate that we're focused on economic development, we're focused on a new vision for our economy, we're focused on every area of New York State, including upstate, and making sure that we're giving the tools necessary to the economic development agencies to produce jobs.

With that, Mr. President, again, I thank the bill's sponsor, and I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1885, those Senators voting in the negative are Senators Krueger and Skoufis.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1886, Senate Print 9470, by Senator Cooney, an act to amend the Real Property Actions and Proceedings Law.

SENATOR GIANARIS: Lay it aside temporarily, please.

ACTING PRESIDENT BAILEY: The bill will be laid aside temporarily.

Senator Gianaris, that completes the reading of the supplemental calendar.

SENATOR GIANARIS: Thank you, Mr. President. Can we now move to the controversial calendar, beginning with Calendar 1845.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number

1845, Senate Print 89B, by Senator Kaminsky, an act to amend the Penal Law.

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

SENATOR LANZA: Mr. President, I believe there's an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Akshar to be heard.

ACTING PRESIDENT BAILEY: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly, Mr. President, I appeal the ruling of the chair and ask that you recognize Senator Akshar.

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

SENATOR AKSHAR: Mr. President, thank you. I rise to appeal your ruling from the chair.

The proposed amendment is in fact germane, Mr. President, not only to the

bill-in-chief before us. The bill seeks to address issues related to the safety of students and so too, Mr. President, does the amendment, as it would provide for the safety of students by requiring all schools to employ a school resource officer and provide the funding for the hiring of such personnel.

There's no disputing the facts, Mr. President, that recent events have reminded us all of the critical importance of protecting our students because of the threat of violence.

Most importantly, providing the funding, in requiring each school in New York to have a school resource officer, would help secure the safety of our students, teachers, administrators and school personnel.

These officers, as many of us know, they have diverse duties in the school setting. They provide protection to our children. They provide mentoring and counseling services. They assist in the design of school safety plans and security policies.

And these officers, frankly, become members of the school community and develop a level of trust with students and faculty, putting

them in a perfect position, Mr. President, to observe or receive information on both students in need of help and potential threats.

School resource officers, there's no denying this, have the capacity to help prevent targeted violence in school and to respond quickly to attack -- God forbid it takes place.

We are taking up a series of bills, Mr. President, to protect New Yorkers. Of course this bill before us aims to protect students. And while I recognize there is a script for you to follow from the chair, I would respectfully ask you to reconsider your position with respect to the amendment that I have put forth.

Mr. President, I thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Akshar.

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

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

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: Mr. President,

we have agreed to waive the showing of hands and record each member of the Minority in the affirmative.

ACTING PRESIDENT BAILEY: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

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

Senator Lanza, why do you rise?

SENATOR LANZA: Mr. President, I believe there is another amendment at the desk.

I waive the reading of this amendment and ask that you recognize Senator Borrello to be heard and recognized.

ACTING PRESIDENT BAILEY: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly, Mr. President, I appeal the ruling of the chair and ask that you recognize Senator Borrello.

ACTING PRESIDENT BAILEY: The

appeal has been made and recognized, and Senator Borrello may be heard.

SENATOR BORRELLO: Thank you, Mr. President.

I rise because this bill is -- this amendment is germane to the bill-in-chief because it makes amendments to the Criminal Procedure Law related to criminal offenses that this bill creates. In fact, this amendment makes both offenses created by this bill bail-eligible.

It also includes a provision to require judges to order psychiatric assessments for any person charged with this offense.

This bill is laudable, but it really doesn't have any teeth because it identifies someone who's making a threat, like to shoot up a school. And what's going to happen to them? They're going to get an appearance ticket and we'll see you in a month.

That's not good enough if we think someone is a threat. If that person who's made the threat is a student, is 16 or 17 years old, he's going to be sent to Family Court and the records will be sealed.

We need to have more teeth in this

bill. That's why this amendment is not only germane but incredibly important to ensuring the safety of our students.

So, Mr. President, I ask you to reconsider your ruling. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Borrello.

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

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

SENATOR LANZA: Request a show of hands.

SENATOR GIANARIS: Mr. President, have once again graciously agreed --

(Laughter.)

SENATOR GIANARIS: -- to waive the showing of hands and record each member of the Minority in the affirmative.

ACTING PRESIDENT BAILEY: Another one. Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT BAILEY: The

ruling of the chair stands, and the bill-in-chief is before the house.

Senator Palumbo.

SENATOR PALUMBO: Thank you, Mr. President.

Would the sponsor yield for a few quick questions, please.

ACTING PRESIDENT BAILEY: Would the sponsor yield for some questions?

SENATOR KAMINSKY: I got one good one left in me. Yes.

ACTING PRESIDENT BAILEY: The sponsor has one good one left, and he will yield.

SENATOR PALUMBO: Thank you, Senator Kaminsky. Good evening. Good to see you.

Just a few quick questions. And if maybe you could just tell our colleagues very briefly what this bill does and why it was necessary, please.

SENATOR KAMINSKY: Sure. This bill adds supplemental criminal offenses because the crime of making a terroristic threat was really eviscerated by the Appellate Division a few years back. In a case, in fact, involving a

Long Island case.

There was a custodian named Hulsen who, in front of a colleague, said he was going to Columbine the place, made a shooting noise, and when they went to his house, an AR-15 was recovered, he was arrested. But the court said that to make a terroristic threat you need to prove imminence. And he could have Columbined that school at any time, and the definition of the law was not met.

So what this does, it says just the fact of making a threat of mass harm without any indicia of evidence would be sufficient to prove this new offense, either the lower level or an overt action in furtherance of that on the greater level.

SENATOR PALUMBO: Will the sponsor yield for another question?

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And I think we all agree that in light of what's currently been occurring in our society, that this is a loophole that needed to be dealt with.

And in line with what some of my colleagues just mentioned, are either of these offenses bail-eligible?

SENATOR KAMINSKY: Through you, Mr. President, they are not.

SENATOR PALUMBO: Will the sponsor yield for another question?

SENATOR KAMINSKY: Yes.

ACTING PRESIDENT BAILEY: Will the sponsor yield? The sponsor yields.

SENATOR PALUMBO: Thank you again, Senator.

And was there any particular reason why you felt the level of offense should be a B misdemeanor for making the threat and aggravating factors being if you take an overt act, make a list or do something in the furtherance of that threat, it's only an A misdemeanor?

SENATOR KAMINSKY: Through you, Mr. President. That was the agreement that we

were able to work out.

But it was satisfactory to me because, you know, this is not taking anything away from law enforcement, this is only supplementing it. This is only adding more tools so our men and women in law enforcement will be able to be deal with these threats.

There are many cases where someone can make an arrest. And I think we've lost sight, especially in a lot of our bail discussions, the case doesn't end at arraignment. It continues, and there are consequences at the end of that case. But for making a terroristic threat where you couldn't prove imminence, that was not the case.

So ensuring that there could be a conviction and that there were actual consequences as a result of making a threat -- more than just against schools, against places of mass gathering, whether it's a supermarket or a town hall. It was important to make sure that we close that loophole.

SENATOR PALUMBO: Thank you, Senator Kaminsky.

ACTING PRESIDENT BAILEY: Can we

have some order, please.

SENATOR PALUMBO: Thank you, Mr. President. And thank you, Senator Kaminsky.

On the bill, please, Mr. President.

ACTING PRESIDENT BAILEY: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you.

And I certainly support this bill. This is something that we certainly needed to address. And just from experience, there were some wrinkles that I've dealt with in the criminal justice system. For example, when someone would make a bomb threat many years ago when I was an ADA, and they would threaten to blow up a school, we would actually charge the felony of falsely reporting an incident. And that was limited to fires or explosions or releasing of a hazardous substance, and that was a Class E felony.

In fact, in my district, I believe it was yesterday -- in the past two days someone threatened to shoot up a school and they were charged with the Class D felony of making a terroristic threat. Quite frankly, I don't know -- and as Senator Kaminsky indicated

accurately, I don't know if that particular threat meets the specific elements.

So we do have a huge hole in the Penal Law with regard to crimes we can charge. And quite frankly, we already have the ability -- falsely reporting an incident in the third degree, which is a Class A misdemeanor, is actually, in my opinion, easier to prove than these new crimes that are the subject of this bill.

A person is guilty of falsely reporting an incident in the third degree when, knowing the information reported conveyed or circulated to be false or baseless, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a crime, catastrophe or emergency under circumstances in which it is not unlikely that public alarm or inconvenience will result.

That's an A misdemeanor. So if someone threatened today, before this becomes law, you already have an A misdemeanor that is easy elements, and you can certainly prove that particular crime. You can charge them, get them the help they need. Obviously there are a lot of

mental health aspects to this.

So quite frankly, my friends, I do support this. Of course I think we all do. But if we're going to do it, let's do it. Let's do it right. Let's do it for real. Let's make the threat of, in my opinion, a terrorist act to shoot up a school, whether you're an 18-year-old kid -- and I've even handled cases like this, where it's just a kid who doesn't want to take an exam that day and they thought it would be cute to leave an anonymous message that there's a bomb in someone's locker so they didn't have school that day.

But that terrorized communities. And now, in this current climate, with what we've seen over the past few years, that is extremely heightened.

So I do support this bill. And of course I urge my colleagues -- I'm sure they will be voting in the affirmative. But let's do it right. Because we actually have a bill on the agenda we're going to be taking up in a little bit that my 18-year-old son -- because under the semiautomatic rifle bill, giving is considered a sale, just like with drugs, under our Penal Law.

So if I give my 18-year-old son a .22 rifle in a couple of days, without a license -- or when this becomes law, I should say, I would be guilty of a Class E felony for giving my son a lawfully owned .22 rifle. Yet if I threaten to shoot up a school, I get an appearance ticket.

So we need to go further. I appreciate what we're doing here. And I know, I understand the nature of this business, that you have certain compromise and certain people with different views of the criminal justice system. But we need to unify on this issue now. This needs to be a real crime, a serious crime, not just on the misdemeanor level.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Palumbo.

Are there any other Senators wishing to be heard?

On the bill, Senator Borrello, or to explain your vote?

SENATOR BORRELLO: On the bill, Mr. President.

ACTING PRESIDENT BAILEY: Senator

Borrello on the bill.

SENATOR BORRELLO: Thank you, Mr. President.

I'd like to thank Senator Kaminsky for this bill. I do not believe it doesn't have enough teeth. But what we're trying to do here is we're trying to protect innocent people from carnage. And we want to know in advance when someone's going to do something. But we're not always going to have that opportunity. In fact, we will likely not have that opportunity, unfortunately.

But we have the opportunity to do something here. We can do it today, we can do it before we leave here. And that is to mandate and fund a school resource officer in every school building in New York State. You want to help our kids? You want to keep them safe? An armed SRO in every school. That will be a big step forward.

But you won't do that. You won't do that because those radical "defund the police" advocates -- I love the word "advocates" -- they don't like that. They don't like having a trained officer in a school with a gun. Because

even now, two years after the disaster of bail reform and the spikes in crimes that we've seen, they still believe that law enforcement is the enemy, and they don't want them in our schools protecting our children.

So you're not going to do that, and you could. You could do it easily. We have the money to do it. We could do it before we leave Albany. And you won't do it because of politics.

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. These 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, I rise in support of this legislation.

I thank the sponsor. I think it's a

step in the right direction. I know that you can't hit the mark and solve every problem in one piece of legislation, but I think our side of the aisle has put on the floor today amendments, provisions which, if added to this legislation, I think would really give it teeth and really make a difference.

So this legislation says that if you threaten mass harm, you can be arrested. It would be a crime under this legislation. I think that's appropriate.

You're arrested, you're given a DAT, you can't be held on bail, you go home. God only knows what is going to happen then. Especially since not only do you now have a person who threatened mass harm, but who has now been arrested by the police and told, Okay, we'll see you later. I think it may -- and I fear I'm wrong -- I hope I am wrong -- may possibly increase the risk and put this person in a whole new different state of mind.

So why not -- and I urge the sponsor. The Governor threatened to bring us back. I urge the sponsor, my good friend, to consider, if this becomes law, amending it and

add a commonsense public safety provision that says, yes, you threaten mass harm, you're going to be arrested. Now that you're arrested, you're bail-eligible. Not only that, you are going to undergo immediate psychiatric evaluation.

We've all seen the story play over and over again. It's the same storyline, tragically. People say they're going to do something. They slip through the cracks. Government fails time and time again. They're sent on their way. All the signs were there. If only there was a psychiatric evaluation. If only there was a psychiatric evaluation.

So I think this is a good start. We have an arrest, we have the person in custody. Now let's actually do something about it. Let's actually make sure that we're not putting a person who is a real threat, who is a person that's going to carry out on their words, back on the street without actually trying to understand who it is we're dealing with.

So I vote in the affirmative, Mr. President, but I urge my colleague: Please consider these measures. Consider these amendments.

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

Senator Tedisco to explain his vote.

SENATOR TEDISCO: Thank you, Mr. President.

I just want to follow up on what's been said about what's being proposed here, because I think it's a good idea. I'm going to support it.

But if you do exactly what you've put into this bill, it's been explained by Senator Lanza and others exactly what's going to happen. You're going to find somebody that probably has a psychological, emotional or mental problem, an anger problem. And then you're going to bring them in, you're going to chastise them, take a weapon away, maybe. But again, as he said, they're going to walk out the door.

So you've given them a false sense of security. You've found the potential perpetrator -- and we always talk about assisting and helping in solving the problem. Not making somebody a criminal, but stopping them from being a criminal before they become one. And that entails providing an evaluation, and then that

provides treatment after.

If that were added to that, this would be a tremendous bill. If you said, We've got a problem, the law is going to say we're going to evaluate you, see what your problem is, and then we're going to force you to have some treatment -- because we've done some bills before on addiction where individuals who were incarcerated, very difficult when you have addiction to start -- get treatment.

But when you're incarcerated, you're locked down. We can provide you the treatment. We got a grant in Schenectady, part of the system we passed here, for $300,000 to treat individuals when they were incarcerated. This doesn't do that.

Even if we did do that, though, there are still going to be people who slip through the harp. So I want to bring back something you may think is an instant replay. It's something we talked about about four years ago when we were in the majority and I had a bill called the Guardians of Schools.

I want to ask you, when you walk down the halls before you go through all the

process to get into the LOB or come up to the Capitol here, what do you see as a security program to protect you and the constituents who come here? Let's stop for a minute, let's think about it.

When I get up the elevator and I walk down the hall, the first thing I see is what? Several armed troopers, law enforcement officials, with usually their hands on their guns on the side. In here. Not to protect the kids in the school. They're not in the school protecting the kids in the school. You're much older than kids right now -- sometimes we act like kids here -- but they're protecting you.

ACTING PRESIDENT BAILEY: Senator Tedisco, if I may, could I ask you to wrap up and explain your vote. How will you be voting?

SENATOR TEDISCO: Sure. And that's the security you have. Then you go through metal detectors. Then we have cameras all over. Then we have emergency --

ACTING PRESIDENT BAILEY: Senator Tedisco, how do you vote?

SENATOR TEDISCO: -- activities. Shouldn't you provide that to the kids in the

school --

ACTING PRESIDENT BAILEY: Senator Tedisco, how do you vote?

SENATOR TEDISCO: -- if you're providing that security for yourself?

ACTING PRESIDENT BAILEY: (Gaveling.) How do you vote?

SENATOR TEDISCO: I'm going to vote no --

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

SENATOR TEDISCO: No, I'm going to vote yes --

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

SENATOR TEDISCO: -- because you've done a --

ACTING PRESIDENT BAILEY: Senator Kaminsky to explain his vote.

SENATOR TEDISCO: You've got me confused. You're very loud in my ear.

ACTING PRESIDENT BAILEY: I'm sorry, Senator Tedisco, I was trying to --

SENATOR TEDISCO: Shut me up. I know, that's okay.

ACTING PRESIDENT BAILEY: No, you were past the two-minute prescribed limit and you started to veer off into a topic that was not germane to the bill. I tried to give you every possible allowance, Senator.

SENATOR TEDISCO: Sometimes the other side does that too, but you give them a little leeway. So I was taking --

ACTING PRESIDENT BAILEY: Well, I gave you leeway as well. Thank you, Senator Tedisco.

SENATOR TEDISCO: That's like giving me a couple of feet for a shot, right?

ACTING PRESIDENT BAILEY: I still can't guard you, Jimmy.

SENATOR TEDISCO: So I'm going to vote yes. You went partway. But give them the security you have here. They should ask for no less.

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

Senator Kaminsky to explain his vote.

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

I just want to start explaining my vote by going over some facts. First of all, in light of changes we made to the Criminal Procedure and the Health Law in the State Budget, it is not the case -- I repeat, not the case -- that someone in emotional distress, who appears to clearly be mentally ill or in some type of psychotic episode, someone who would want to cause mass harm, would be given an appearance ticket and told to go on his or her own way. That's not how the system would now work.

The person would be brought before a judge and, if the judge believes that this person is a danger to himself or others, would be ordered to undergo a psychiatric evaluation that could lead to in-person -- an in-person -- inpatient treatment, that is. And that was important to include.

And there will now be consequences for a threat of making mass harm, and I think that's important and it's important that we're doing it here today.

Remember, in light of extreme risk protection orders, guns recovered at the incident is not as simple as giving someone a ticket and

walking away. There are lots of things that this law will now enable law enforcement to do to defuse what might otherwise be a catastrophic situation.

But I want to step back from this actual bill to discuss the larger issue that we're grappling with as a nation and as a state. Because this body is emblematic of the problems that we're having in Washington where each side is talking past each other.

Of course I'm in favor of having more school resource officers. That's important. But what about people being shot up in movie theaters and supermarkets and in the street and at a concert and God knows where? Locking down our schools might be one answer, but it's certainly not the only one. And we continue to talk past each other.

The idea of having a mandatory psychiatric evaluation is of course important. But I was here sitting on that side when we continually disinvested in our state system, closed down homes, and let people walk the street with no pants on and just their socks. And it happened in my community all the time.

I was here in 2018 when, after Parkland, nothing happened. I was in the Judiciary Committee when we brought up extreme risk protection orders. And here's a real debate that happened. Senator Sepúlveda opened up his heart and talked about a family member, an immediate family member who committed suicide. And why not having guns around such a person might be a good idea, and why a red flag law might help. And the chair of the committee said, "Well, she could have just have jumped off a bridge."

And when we failed as a body to address the issue -- and I was with students marching, people were fed up -- this chamber changed leadership. And I think those two things are absolutely connected.

Why can't we both agree that we have answers to this question that does involve regulating guns and creating gun safety, that does involve giving law enforcement more tools, that does involve giving our schools more security and, yes, involves not allowing people to walk around with weapons of war in the State of New York where no war is currently occurring,

except the one that a crazy person could dream up any day of the week.

So this is a small commonsense measure, but I beg us to stop talking past each other. It is crazy. People want to know what is the future of our country when we can't protect our children, when we can't protect our supermarkets, that someone going to buy a bag of carrots doesn't come home.

We can do this together. And our state, at least, is stepping up. The problem is you can go into Pennsylvania or anywhere else and evade a lot of this. So we need more than just us. But I'll be damned to do nothing and watch this happen.

I vote in the affirmative. I'm sorry it took two massacres to get this law done, but we're doing it. Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1845, those Senators voting in the negative are Senators Ramos and Salazar.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we now move to Calendar 473, and then take the remaining bills on the controversial calendar in order from there.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 473, Senate Print 7855A, by Senator Kennedy, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT BAILEY: Senator Borrello.

SENATOR BORRELLO: Mr. President, will the sponsor yield for some questions.

ACTING PRESIDENT BAILEY: Senator Kennedy, do you yield?

SENATOR KENNEDY: Thank you, Mr. President, I certainly do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: All right, thank

you, Senator Kennedy.

Can you just explain what this bill does, please.

SENATOR KENNEDY: Sure, yeah. Through you, Mr. President, this bill will restructure the Western Region OTB board.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR KENNEDY: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: And why did you bring this bill forward for the Western Region OTB?

SENATOR KENNEDY: That's a great question, Mr. President.

This legislation is about cleaning up one of the most corrupt and unethical agencies in our state, the Western Region OTB, that has needed to be addressed for quite some time. We're going to create oversight where I believe it is begging for oversight.

SENATOR BORRELLO: Mr. President,

will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR KENNEDY: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, when you say oversight, it looks like it's really a shift, it's a shift in who is going to be represented.

So can you explain how this new board is going to be structured and how that's going to create oversight?

SENATOR KENNEDY: Sure. Through you, Mr. President. This legislation will amend the OTB restructuring bill that we initially put forward that will ensure that every community that's represented by the Western OTB board has a voting member.

Those voting members will each have a proportional amount of weighted vote based upon the population that that individual represents. We will continue to have a member from two cities that are also currently on the board, Buffalo and Rochester. And then we are adding three members to the board -- one appointment by the Governor,

one appointed by the Majority Leader of the Senate, and one appointment by the leader of the Assembly.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR KENNEDY: I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: You mentioned an audit by the Comptroller as justification. Was there a recommendation for this structure from the Comptroller's office?

SENATOR KENNEDY: I did not mention the Comptroller's audit today.

SENATOR BORRELLO: In the memo, I'm sorry.

SENATOR KENNEDY: I did mention it the last time we spoke of these bills, when we voted on a couple of different pieces of legislation that banned the use of take-home vehicles for Western Region OTB and other OTBs, as well as the personal use of tickets at these OTBs.

But those, along with this, were based upon an audit by the office of the State Comptroller, as well as advisory opinions by the Attorney General and outside legal counsel that the dysfunction at the OTB and the pattern of dysfunction as well as a blatant disregard for the rules and the lack of accountability at the Western OTB needed to be addressed.

I would like to add that the State Comptroller is highly supportive of this legislation in addressing the issues of dysfunction that he put forward in his audit.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KENNEDY: I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Through you, Mr. President.

So can you explain currently how the profits of the Western Region OTB are distributed?

SENATOR KENNEDY: Sure. The

current profits are sent out, they're disbursed by a proportional amount, depending on the population of each area of that region. So based on population, the finances are disbursed. And based upon population, we will have representation on the board.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR KENNEDY: I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Does the sponsor have any data on which counties generate the most revenue for Western Region OTB?

SENATOR KENNEDY: Not at this moment.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR KENNEDY: I will.

ACTING PRESIDENT BAILEY: the sponsor yields.

SENATOR BORRELLO: Well, I'll answer my own question for you. Batavia Downs is the major revenue source, and a large job creator in Genesee County.

So how many -- what percentage of weighted vote will Genesee County have in this process, considering they are the ones responsible for the lion's share of the profit that's generated and distributed to all the other counties?

SENATOR KENNEDY: Through you, Mr. President, which county were you referring to?

SENATOR BORRELLO: Well, it's Batavia, so it's Genesee County.

SENATOR KENNEDY: Genesee County.

And the question again?

SENATOR BORRELLO: They are the largest generator of revenue. What percentage of vote are they going to get in the weighted votes?

SENATOR KENNEDY: The percentage of vote that Genesee County will receive is based upon the population in Genesee County, just as it will be determined today on how that money is provided already.

So according to the statistics that I have in front of me, Genesee County has 58,388 residents out of a total population of all counties of over 2.5 million. You would divide the population of Genesee County by the population of the overall regional representation of the board, and therein you will have your answer.

However, I will add to that that, you know, not everyone that gambles at Batavia Downs resides in Genesee County. As a matter of fact, many folks from Erie County and the surrounding vicinity come to Genesee County. So I think it's an important note to add to the statistics that you're representing.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR KENNEDY: I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, as someone who operates a large entertainment venue myself, I can tell you that it's the responsibility of

those folks at Batavia Downs to maintain the infrastructure. The local government has to provide order, they have to provide services, everything else.

So I would say that they bear the lion's share of it. And I understand revenue can come from a number of places. But in the end, they're going to have a far less say in what happens and how the funds are distributed and actually what happens when it comes to the management of OTB. Right now they're at 6 percent, and that will drop in the weighted vote to 1 percent. And yet the Majority Leader will have 34 percent.

How are we going to ensure that those votes are in the best interests of the people of Genesee County and the surrounding areas when the Majority Leader here, who I would bet has never been to the Batavia Downs, is going to have the lion's share of the votes?

SENATOR KENNEDY: Through you, Mr. President. We are creating accountability by ensuring that the voice of the state is represented, the voice of the region is represented, and the voice of the local community

is represented. All on a proportional basis, all due to the extreme dysfunction that has been demonstrated by the Western Region over many years.

We wouldn't be having this conversation today had the audits come back and said they're doing a wonderful job dealing with the finances at the Western Region OTB. Quite the contrary. It has been several audits and advisory opinions, the State Comptroller, the State Attorney General. There's investigations from the federal government that have taken place. The Western Region OTB has hired its own outside counsel that agreed with the Attorney General and the Attorney General's determination. There is dysfunction that needs to be addressed.

So what we need to do is recognize the dysfunction and create a process to which the people, not only in the Western Region but in this great state, all of which have the opportunity to utilize the services provided by the Western Region OTB, to ensure that there is transparency and accountability at the top of that administration.

SENATOR BORRELLO: Mr. President,

will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR KENNEDY: I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Senator Kennedy, I believe all the other regional OTBs were also audited and investigated. How did they do in their audits and investigations, and what remedies are we suggesting for them?

SENATOR KENNEDY: Through you, Mr. President, I happen to reside out in the Western Region of this state. I am a Buffalonian. And we're starting with the Western Region OTB because from the audits that I've seen from the State Comptroller, I know for a fact that the egregious dysfunction that's been demonstrated needs to be addressed.

We'll have plenty of time to address the other regions if my colleague would like to do that.

I think for today's purposes and the purpose of this legislation, I think it's important that we put in the additional state

oversight. You know, we've heard from the community that has made it very clear that oversight is necessary.

You know, I think it's important here, since we're on the issue of why we're doing this today, the financial and ethical improprieties that have been demonstrated, to point them out.

In 2008 the Attorney General's office concluded that OTB board members are not legally authorized to receive health insurance benefits. Eleven years later, in 2019, the OTB, as I already mentioned, hired a prominent law firm to provide an opinion, an independent opinion on whether these board members were entitled to the health benefits on their own, and they agreed with the Attorney General's assessment that they're not legally authorized. But yet today, they continue to receive that benefit.

In 2020, despite receiving over $3 million in federal aid through the PPP program from the federal government, the Western OTB furloughed 300 workers and is continuing to deal with closed facilities.

You know, there is, again, story after story. I could go on, Mr. President. For the purposes of time, I will hold it to that, but I could go on and on about what we believe, in the best interests of the public, is there needs to be serious reforms at the Western Region OTB to rein in the dysfunction and to create transparency and accountability at the top.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: Senator Kennedy, thank you very much for your engagement today.

I don't think that we're addressing corruption here. What we're doing is we're shifting this. You're shifting the accountability away and actually giving more authority to a very small group of people. In fact, the four people in Erie County will now have 60 percent of the vote. There are several counties listed here that are all involved in Western Region OTB, but Erie County is going to control the table. So I think we're just swapping one corruption for potentially another

corruption, and less transparency instead of more transparency.

But more importantly, the small communities like Genesee County, like -- you know, the small rural counties where these are job creators, where this is important revenue, are going to be silenced. They're going to have 1 percent, 1 percent, 2 percent, zero percent to a weighted vote in Erie County.

So I don't see how this solves the problem. I think what this does is it shifts it actually from Republican-leaning counties and a bipartisan, really, group of people that all had an equal -- essentially equal vote, to Erie County and to here in Albany. And I think one thing we've learned about Albany is they're not really good at fixing corruption. So that's probably not going to work.

I think it's going to be unfair, and ultimately I think it's going to be a problem; we're going to replace one problem with another problem. We've got a lot of corruption in New York State government, I don't disagree with that. I don't think this is a solution.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Borrello.

Are there any other Senators wishing to be heard?

Senator Rath, are you on the bill or are you going to explain your vote?

SENATOR RATH: Explain my vote.

ACTING PRESIDENT BAILEY: Senator Rath to explain his vote when the time comes.

SENATOR RATH: Thank you, Mr. President.

ACTING PRESIDENT BAILEY: No, Senator, when the time comes. I'm sorry, Senator Rath.

Seeing and hearing none, the 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 Rath to explain his vote.

SENATOR RATH: Thank you, Mr. President. I rise to explain my vote here.

And there's no doubt that the Western Region OTB has some problems and some challenges, and improvements most certainly must be made.

However, what we have before us today is not an improvement. Instead, what the Majority has opted to do is to take action before us for no reason other than political gain.

I have no clue why the Governor has appointments to this board in its restructured proposal. Also I'm not sure why the Western Region OTB is the only target when there is corruption across the state on OTBs. Twelve of the 14 counties that are part of the Western Region OTB are rural. And what we have here today is a bill that blatantly reduces the voices of all 12 of those rural counties.

Specifically, in my district, we are potentially and significantly weakening the representation of Genesee County. This legislation silences their needs and concerns, and that is the very municipality that hosts the Western Region OTB as well as Batavia Downs.

For Genesee County to be left without significant presence on this board is outrageous, it's ridiculous, and it's inappropriate. It's all three of those things because they are the largest revenue producer for the Western Region OTB. Their voice should be respected, and it's being disrespected with a 1 percent weighted proportional representation.

To be clear, what we have before us today will not address the problems facing the Western Region OTB. Rather, it silences the communities most impacted by the Western Region OTB, particularly Genesee County and Batavia Downs.

So for these reasons, Mr. President, I'll be voting in the negative. Thank you.

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

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

To close? I'll -- I'll defer.

ACTING PRESIDENT BAILEY: Senator Kennedy to defer.

Senator Helming to explain her vote.

SENATOR HELMING: Thank you, Mr. President.

So I rise to express why I will be voting no on this bill. This is nothing more than a purely political bill. Let's call it for what it is.

The sponsor talked about state oversight. The Comptroller does audits every single week -- of schools, of towns, cities, villages. But this is targeted at one OTB.

State oversight? That's not what this is about. This is stripping away the voices of our rural counties -- Wyoming, Chautauqua, Cayuga, Genesee, Livingston, Schuyler, Seneca, Niagara, Oswego, Cattaraugus and Orleans -- telling all of these counties that they cannot have equal representation. Saying to them, We're taking away your voice and we're replacing it with appointments by the Democrats in the state: The Governor, a representative appointed by the Majority Leader of the Senate, a representative appointed by the Speaker of the Assembly.

That's wrong. And that's why people are sick and tired, they're fed up of one-party rule in this state. This is wrong.

To crush and silence the voices of the rural communities, replace them with big-city voices and people who are not familiar with their activities, is wrong, and I vote no.

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

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

Well, I suppose I'm glad that I deferred so I could clean up the record here, Mr. President.

Let me just start by saying that a lot of what I've heard from my colleagues across the aisle that want to put politics before good policy is just simply unfortunate, and I believe that the people of this state deserve better.

You know, why is it that someone who resides in Erie County, that has a population of over 950,000, shouldn't have a proportional vote to that population when someone in another county represented on the board -- by the way, today -- has a population that is 53 times less?

You know, it's unfortunate that my colleagues are trying to politicize something

that the Comptroller of the State of New York, through his audits, has demonstrated needs significant solutions to.

And that's what we're providing today. We're cleaning up the dysfunction at the Western Region OTB by providing a board vote that's proportional to the population it serves, plain and simple. And at the same time we're ensuring that that vote is in line with the way that the money is disbursed already.

So this legislation is simply about cleaning up one of the most corrupt and unethical agencies in the state, the Western OTB. It's a creation of the state. This isn't some random corporation, this is a creation of the state, controlled by the legislation we put forward. But this creation of the state has time and time again willfully ignored the audits of the Comptroller, the Attorney General, even their own outside counsel.

What sense does that make? Does that fall in line with serving the taxpayers they're supposed to be representing? I certainly don't think so.

This is a pattern of dysfunction

that's gone on year after year. And we're here to change that today. We need a board that's representative of the people of the Western Region, a board voting structure that's based on population, not politics. This organization clearly needs additional state oversight, which is why this bill adds members appointed by the Executive and by the leaders of the Legislature.

And for far too long, the Western OTB has been a dumping ground for political patronage, leading to lavish benefits for executives and board members and their families, while the taxpayers of the Western Region have been stuck with the bill.

Enough is enough. This hasn't been a one-and-done type of situation, either. This has been a pattern of behavior over decades. And it's clear that a slap on the hand isn't going to fix this problem long term.

The OTB has said they're already taking steps to correct these offenses. And if they truly are, then they shouldn't mind us holding them and future boards accountable, and holding them to their word.

This bill is one of a series that

I've introduced to directly address the misuse of power and funds at the OTB. They're commonsense reforms, simply put. And quite frankly, they're long overdue.

Comptroller DiNapoli, as I mentioned earlier, is incredibly supportive of this legislation advancing. And I am very proud of this Democratic Conference for showing that there's little tolerance for the kind of behavior indicated in the Comptroller's report. Taxpayers deserve accountability, they deserve transparency, they deserve better, and today we're delivering on that.

I want to thank Majority Leader Andrea Stewart-Cousins for bringing this important bill to the floor today. And I want to thank my colleagues for their vote in the affirmative.

Thank you, Mr. President. I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 473, those Senators voting in the

negative are Senators Akshar, Borrello, Boyle, Cooney, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 982, Assembly Print Number 1451A, by Assemblymember Santabarbara, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BAILEY: Senator Borrello.

SENATOR BORRELLO: Hello again, Mr. President.

ACTING PRESIDENT BAILEY: Good to see you.

SENATOR BORRELLO: Yes, same here.

Will the sponsor yield for a question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Of course.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Through you, Mr. President. Thank you, Senator Skoufis.

I understand the purpose of this bill is to ensure that those who use propane gas to heat their homes may be able to essentially self-declare a state of emergency, which isn't something -- it's normally an authority that's given to a government and not an individual.

SENATOR SKOUFIS: Through you, Mr. President, I appreciate the question.

So the -- it's not -- I would not characterize the bill as simply as you just did through this self-declaration process. There are very specific circumstances that need to be met before the provisions of this bill are triggered.

For example, a federal, state or local state of emergency can be declared. That is one possible trigger.

I think the one that you're referring to is an option whereby there is a severe weather event or some other similar debilitating circumstance that puts an individual

in imminent danger or may result in significant damage to their building due to lack of heat.

So it's not quite as open-ended as you just characterized. There needs to be -- there are these very specific criteria that must be met.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, I realize there are specific criteria. But isn't this still a self-declaration regardless?

They can say, Well, I live out here in the rural areas -- like I represent -- and it's snowing right now, and I didn't pay my bill to my current propane supplier, and I'm in crisis of running out and I'm declaring an emergency because I may not be able to heat my home because I haven't paid my bill and I can't get a refill.

SENATOR SKOUFIS: Through you, Mr. President, I appreciate the scenario that was

just shared. But under that scenario, no, the provisions of this bill would not apply, because there was not some severe weather event or other similar circumstances that would apply the provisions to be triggered here.

I also want to point out that in order for an alternative company to deliver propane to a homeowner, there needs to be an effort in good faith for that customer to reach out to their original, their existing company. And only if that company cannot provide for a delivery within 24 hours or the regularly scheduled delivery pursuant to their contract, then if these other criteria are met, may the customer go out and seek an alternative.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, 24 hours is kind of a short notice. I can tell you that those folks who have propane gas -- you know, the

technology is there for their suppliers to monitor the amount in there, that they should get to a point where they still have several days, not 24 hours.

If they've gotten to the point -- anyone who has propane, who operates off propane -- I know lots of people. If you've gotten to where you have less than 24 hours of gas, you really have been irresponsible. But also you have the ability to have your supplier, usually at no charge to you, put a monitor where they can remotely monitor that amount of gas.

So I guess my question is -- I'm going to go back to my first question -- is who is going to determine whether or not they have met the criteria? You said they have to meet certain criteria. But if they call up a competitor, the person that doesn't own that tank, a different propane supplier and say, Hey, I meet the criteria of this new state law and I want you to come and fill my tank, who's going to determine that that's okay or not?

SENATOR SKOUFIS: Through you, Mr. President, I appreciate the question.

I do just want to clarify one thing

that my colleague stated, and that is that the fulfillment of that good-faith effort must be made within 24 hours. The 24 hours is applicable to that, not the -- I think you misinterpreted what the 24 hours pertains to.

But to answer your question, look, there are regs that will be developed by the Department of Ag & Markets that will speak to I think some of the guardrails that you're looking to have in place.

But, you know, I do think -- look, what happened this past winter, what happened a couple of winters ago, there were situations where you had young families in negative 5 degree weather in the dead of winter with an infant in their home, not able to heat and keep their families safe because one company in particular was so derelict in their responsibilities they were not even responding to phone calls.

And so in those kinds of situations where you're trying to protect your family and you can't heat your home, this needs to be in place so that you can, within reason, in emergency circumstances, go out and find an alternative supplier so that you can keep your

family safe.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: You know, I've spoken to a lot of people in the propane business. I have friends and relatives in the business. And the bottom line is they make every effort to deliver.

And there are a lot of competitors. I realize that perhaps over in your neck of the woods, Senator Skoufis, maybe there's not enough competitors. But where I live, there's a lot of them, and they're all willing to do whatever they can -- and do whatever they can, even in the harshest weather conditions in the most remote parts of New York State, to make sure that those people don't run out of gas.

That's why they have the technology in place to ensure that, barring some really strange unforeseen circumstance, they can predict -- and they know -- when those people will need to have a refill. And they make every effort to do so.

But what this bill does is it's going to allow bad actors to come in and say -- and particularly those folks that are homeowners -- and say, You know what, I ran up my bill over here, I don't own the tank, but I can call this guy down the street and he'll come and fill this tank and I don't have to worry about paying that bill over here. And then do that again to the next person.

And unfortunately, that's going to create a situation where you're going to have less choices. People aren't going to want to deliver propane. And that is a greater risk than anything -- any of these rare circumstances that we've heard occur. This is going to create a much more common circumstance and also a liability issue.

The company that owns that propane tank owns it because they're leasing it to that person. Now, every homeowner has a chance and the opportunity to buy the tank, and then they can have anybody fill it any time they want, they don't have to stick with a particular supplier.

But if you don't do that, or you can't afford to do that, that tank is owned and

is the liability and the property of the company that's delivering the propane gas.

You're now going to let a competitor come in who has really no responsibility to ensure that they're safely and correctly filling the tank, and no responsibility or liability if something goes wrong. Propane's a very dangerous gas. It explodes. And somebody who doesn't know what they're doing could create a dangerous situation.

So I understand the problem you're trying to solve, but you're creating a new problem, several new problems with this bill. And that's really the ultimate problem here. This is going to essentially encourage people to do fraudulent things while also creating new liabilities for the companies that ultimately may decide that they don't want to be in the business. Which will create less choice and less opportunity and more dangerous situations.

So, Mr. President, I vote no when the time comes. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Borrello.

Are there any other Senators wishing

to be heard?

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

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 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 982, those Senators voting in the negative are Senators Akshar, Borrello, Griffo, Jordan, Lanza, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Stec, Tedisco and Weik.

Ayes, 48. Nays, 15.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1199, Senate Print 670, by Senator Sanders, an act to amend the General Municipal Law and the Banking Law.

ACTING PRESIDENT BAILEY: Senator

Borrello.

SENATOR BORRELLO: Mr. President, I rise to ask a question of the sponsor, if he shall yield.

ACTING PRESIDENT BAILEY: It's been a while, Senator Borrello.

Senator Sanders, do you yield?

SENATOR SANDERS: Absolutely, Mr. President.

SENATOR BORRELLO: Through you, Mr. President. Hello again, Senator Sanders. Good to see you.

SENATOR SANDERS: Me too.

SENATOR BORRELLO: We've talked about this in the Bank Committee several times. I think you're aware of my position on this.

But I just want to start off by asking a few questions on this bill. I understand that credit unions in particular are prolific across our state. But just answer the first question, just for the benefit of those who are watching.

Do credit unions pay corporate taxes to New York State or to the federal government?

SENATOR SANDERS: Through you,

Mr. President -- I'll take that as a yes -- they don't pay those particular taxes, but they pay many others, sir.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SANDERS: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Do credit unions pay sales tax to New York State?

SENATOR SANDERS: Mr. President, credit unions often pay federal, state and local taxes, including real and personal property taxes and employment taxes, sir.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR SANDERS: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: For the downstate credit unions, do they pay the

Metropolitan Transportation business tax surcharge, which is required of every business and not-for-profit in the 12 downstate counties?

SENATOR SANDERS: As a non-for-profit corporation, no, sir, they would not.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SANDERS: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Are credit unions required to participate in the New York State or federal Community Reinvestment Act?

SENATOR SANDERS: Not at this moment. Through you, Mr. President, not at this moment. That's forthcoming. I'm working on a bill on that.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SANDERS: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: When it comes to federally insured deposits, how do credit unions work -- stand on that area as far as participating in the federal deposit insurance program?

SENATOR SANDERS: Through you, Mr. President -- I'll take that as a yes -- they are insured through their federal deposit -- I'm sorry, National Credit Union Share Insurance. They are guaranteed that way, sir.

SENATOR BORRELLO: Thank you, Mr. President. Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR SANDERS: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So this bill proposes essentially that taxpayer money, whether it be property taxes from a county government or other taxes, could -- instead of being deposited in a local community bank that's paying taxes,

could be deposited into a credit union that's not paying taxes. Is that correct?

SENATOR SANDERS: Through you, Mr. President. No, that's not correct, sir.

The origin of this bill comes from a -- there was a time when the majority was Republican, and they requested that some of us come up and see the conditions of the North Country. And I was one of those people who went out there, and I looked at the conditions of Watertown, of other places, and saw the economic devastation that was taking place in communities like that.

I made a promise to the people of Watertown, and a promise to many others, that we were going to do something about this. And this bill is an attempt to do that. And this is why we are supported by the New York State Conference of Mayors and Municipal Officials, the New York State Association of Counties, the New York State School Boards Association, and many more organizations that understand that they need to have financial institutions in their communities, local ones, that they can put their money in.

And may I remind you that this is a

voluntary program, that the mayors don't have to do it. But if they see that they can get a good return for their local communities, the communities of Watertown, Floral Park, Webster, Beacon, Fishkill, Rome, Ulster and Warwick and others -- if they could get a return in those communities, then I think that we should let the laws of capitalism work. Let them have some choice.

SENATOR BORRELLO: Will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR SANDERS: Madam, you've changed. But yes. Yes.

(Laughter.)

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: It's a nice change of scenery, Madam President.

Well, you're making the assumption that these current government entities don't have a banking relationship and they need one. And I understand and I appreciate the fact that you've come upstate and you've seen the economic

devastation, and certainly it does exist.

But part of that problem is that you're assuming that they don't have a banking relationship now. They all must. Every county, every municipality you just mentioned, they already have banking relationships.

What we're going to do now is we're going to take those community banks that are themselves taxpayers, property taxpayers, employers, and we're going to create unfair competition, are we not, by allowing credit unions, who aren't paying the same load as far as taxes, to be able to compete with those community banks that are paying taxes. Isn't that really what would happen here?

SENATOR SANDERS: Through you, Madam President, no, I wouldn't see it that way.

I would suggest to you that it's the largest banks that are competing against the smaller community banks. That this voluntary program allows the local mayor, aided by all of people in the local communities, to decide which of these offer the best return for their community. Often these smaller communities are not putting it in their local banks, they're

driving miles, hours away to put it into some larger bank.

Why not trust the people of Floral Park, Watertown, et cetera, et cetera, to make the right decisions? Let them choose which one they wish. And if they see fit to go with the banks that they've been going with, this is a voluntary program. This is good. But they should -- capitalism works best with competition, and they need to have some competition.

SENATOR BORRELLO: Okay. Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Borrello on the bill.

SENATOR BORRELLO: Senator Sanders, thank you very much. Once again, you and I have talked about this time and time again in the Banks Committee, and I'm happy to serve as the ranking member on the Banks Committee with you.

But you and I have disagreed on this since Day One. And the reason is, Madam President, is that this is creating unfair competition. Credit unions used to be a small specialty group. I remember my first car loan was with a local credit union, and I was able to

get a decision at the local level.

That's really what the essence of a credit union is, to serve a particular group of people -- whether it's a group of people that work for the same company, a group of people that live in the same community, that are in the same trade -- that has a specialty because they are not-for-profit and they can provide a better return, better rates on loans to serve that specific population.

But what they have morphed into now are behemoths that are not paying the same share, the fair share that other community banks are. They are billions of dollars in assets, foreign investments. These credit unions have become very much like some of our hospital organizations where you've got multiple six-figure salaries, high-paid members of boards of directors, and patronage jobs. And they have created unfair competition.

Now, we're talking about a very fundamental thing here. We're talking about a municipality, a county that collects property taxes -- and they're going to take those taxes and they're going to deposit it in an institution

that doesn't pay those taxes. That's the fundamental problem here. They are going to take and get a little better rate because they're not paying the same load as our community banks are, and they're going to take property taxes, sales tax revenues, investments on -- vehicle investments. And we're going to be able to get a little bit better rate than that community bank that relies on those deposits and has for years.

We're not creating a level playing field. In fact, we're creating an unlevel playing field. And credit unions are not what they used to be. They are big business. And they're a big business that does not participate in some of the basics, in some of the -- well, like paying these taxes. Like in -- you know, like in making sure that those funds are secured properly. Like participating, as I mentioned, in the Community Reinvestment Act, which other banks are required to do. All those things that we tell our other banks to do, credit unions do not have to comply with. And that's why this is not fair.

But it's more than not fair. New York State's going to lose a lot of revenue here.

If this money is now being deposited with institutions that aren't paying those taxes, New York State will lose tax revenue.

And even those communities that choose to go this route are ultimately going to be hurting themselves, because they are going to be hurting those community banks that are paying property taxes, that are paying all the taxes that the credit unions are not paying, and possibly put them in a situation where they have to decide whether or not they want to keep those branches open in those small communities. It will reduce choice, not increase choice.

This is a problem, and hopefully my colleagues will join me in voting against this. No deference to Senator Sanders -- I know your heart is in the right place, sir -- but this is not the right way to go about this.

Madam President, I'll be a no when it comes time to vote. Thank you.

ACTING PRESIDENT PERSAUD: Thank you.

Are there any other Senators wishing to be heard?

Seeing and hearing none, the debate

is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Sanders to explain his vote.

SENATOR SANDERS: Thank you, Madam President.

I just have faith that the mayors of all of these small places can do math, that they can sit up and see what is the best for their particular community. I have faith that they can get together with the School Boards Association and the Association of Counties, and they can all sit together and decide, since this is a voluntary program, is this the program that is best for them. I think that it's just a question of making sure that people have choices.

And if -- there are some large credit unions. The majority are small, the local ones to their particular town. And under those

conditions, it's better to have your money go to your town than drive it 50 miles away, 100 miles away, and put it in some other bank. In your town, your money circulates.

And that's the faith that I have, and that's why I'm voting for this and in support of the New York State Conference of Mayors and Municipal Officials, the New York State Association of Counties, the New York State School Boards Association, and I'm sure others.

Thank you very much.

ACTING PRESIDENT PERSAUD: Senator Sanders to be recorded --

SENATOR SANDERS: It was a great debate.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1199, those Senators voting in the negative are Senators Akshar, Borrello, Gallivan, Hinchey, Jordan, Lanza, Mattera, O'Mara, Ortt, Palumbo, Rath, Ryan, Savino, Stec, Tedisco and Weik.

Ayes, 47. Nays, 16.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 1658, Assembly Print Number 879, by Assemblymember Gottfried, an act to amend the Public Health Law and the Insurance Law.

ACTING PRESIDENT PERSAUD: Senator Oberacker.

(Pause.)

SENATOR OBERACKER: Yes.

(Laughter.)

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

SENATOR OBERACKER: Yes, Madam President. I rise to see if the bill sponsor would answer some questions, please.

ACTING PRESIDENT PERSAUD: Senator Cleare, do you yield?

SENATOR CLEARE: Yes, I yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR OBERACKER: Thank you, Madam President, for my lack of speed on this.

And thank you, Senator Cleare, to answer some questions.

Through you -- Mr. President.

(Laughter.)

SENATOR OBERACKER: Wow. Very good.

How would this bill account for the subspecialties that it's looking to require?

SENATOR CLEARE: I'm not sure I understand your question.

SENATOR OBERACKER: So we have currently these medical necessity determinations are made by licensed physicians who would consult with specialist physicians when needed. So this is a fair and effective way, I think, to handle a large number of claims submitted.

In contrast, this proposed legislation presents a widely and an expensive process by adding in another layer, if you will, of specialists. And so what I was wondering is how are these -- how does this bill account for that? How do we vet, if you will, these subspecialties?

SENATOR CLEARE: Well, I'm not sure how we vet them. But the bill requires simply that if care is going to be denied or subject to an appeal, the individual from the health plan

must be somebody that's licensed in the state, board-certified, and practicing in that specialty.

SENATOR OBERACKER: Thank you.

Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR CLEARE: I yield.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR OBERACKER: Thank you.

So it appears to require that the initial utilization review agent be licensed in any of these specialities. So if -- like, for an example, aerospace medicine is a recognized specialty. Would this plan or would plans be required to have an aerospace specialist on the payroll?

Or maybe more practically, let's use this example: Medicine that would be for our older geriatric patients. Would this plan have to be sent to a utilization review of elderly patients to a geriatric specialist rather than just, say, a doctor of internal medicine?

SENATOR CLEARE: It would only have to be sent to -- it would have to be sent to a peer of the doctor who is prescribing the course of care.

So whomever that is, yes, it would have to go to them.

SENATOR OBERACKER: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR CLEARE: I yield.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR OBERACKER: Thank you.

Senator Cleare, we have -- your district and mine, even though we're neighbors in the LOB, which is -- glad to have you. Welcome to the neighborhood, so to speak.

The ruralness of my district is something that at times I don't think is considered as we look at some of the legislation with travel. I know many people that have to travel 18 miles one way for any type of an interview or with a doctor's appointment.

So does this adding another layer of potential -- another potential layer for reviewing of these things, has that been taken into account, in other words, you know, with that much travel involved?

SENATOR CLEARE: Right. So we're only talking about claims being denied in the first place, right?

And, you know, what this bill does is it actually focuses on the course of care for the patient and the prescription of their doctor, who is the expert, as opposed to weighing on the side of profit or something else. It focuses attention on making sure that someone's review process is being handled by someone who understands that specialty and is licensed and practicing in the state.

SENATOR OBERACKER: Through you, Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR CLEARE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR OBERACKER: So there is currently a national physician shortage, and Governor Hochul has extended an executive order waiving the preauthorization reviews multiple times, citing the need to free up available clinical staff.

If hospitals and providers are experiencing a shortage of available doctors, how will health plans be able to hire appropriate personnel to uphold this mandate?

SENATOR CLEARE: Again, this only applies when they're denying claims or delaying claims. And this bill focuses on the health of the patient, the best quality of care for the patient.

SENATOR OBERACKER: Through you, Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR CLEARE: I yield.

ACTING PRESIDENT BAILEY: So the sponsor memo states that current utilization review can result in medically necessary care being inappropriately denied. Does the sponsor

have any evidence of this happening?

SENATOR CLEARE: No, I didn't say that.

But, you know, dozens of New Yorkers get denied care daily with good health plans, or supposedly good health plans, employer-based, private-based. But -- (conferring).

Well, I'll go with that. There has been -- there's been support on this. I've spoken to the Medical Society of the State of New York, who have issued a memo of support of this bill, as well as the New York Cancer and Blood Specialists.

SENATOR OBERACKER: Thank you.

Through you, Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR CLEARE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR OBERACKER: So who pays for all of this expertise? You know, with plans now mandated to have all of these specialists on the utilization review staff, and demand for their

services will be exponential, specialists will be able to set their fees at, I don't know, any level -- whatever the market will bear. And these plans have to comply.

So who, in essence, is going to pay for this?

SENATOR CLEARE: This only applies, first of all, if they're denying claims. And the bill is really focused on people being seen or being -- their cases being reviewed by people in that specialty, physicians in that specialty and licensed by the State of New York.

And this only applies to claims being denied.

SENATOR OBERACKER: On the bill, Mr. President.

ACTING PRESIDENT BAILEY: Senator Oberacker on the bill.

SENATOR OBERACKER: And I would like to thank my colleague for the debate and for bringing forth those answers.

You know, this bill would require, again, the initial determination of medical necessity regarding a claim to be made by a board-certified specialist in the same or related

specialty as the physician who recommended the treatment under review. Essentially, it would require health plans to have a plethora of specialists on staff to make initial claim determinations.

In my opinion, this is unnecessary in light of the current law, which adequately protects consumers by requiring that board-certified specialists review the claim at both intermediate and at the highest levels of appeal.

Senate Bill 8113 is unwarranted because plans often contract with specialists as required by the National Committee for Quality Assurance. In those cases where specialized clinical judgment is necessary to make appropriate coverage determinations, plan medical directors must call on outside experts.

However, mandating this standard for every denial is overburdensome and costly. And the costs of providing this expertise will be borne by the premium payers, at a time when health insurance costs are already rising at two or three times the Consumer Price Index.

You know, lastly, this bill states

that there would be no fiscal implications for enacting this proposal. Clearly, clearly there will be added costs for added specialty physician reviews beyond those required by the NCQA. The current process has plans prevailing more than 60 percent of the time without this costly administrative requirement.

And for all these reasons, Mr. President, I will be voting in the negative. Thank you.

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

Senator Cleare, on the bill or to explain your vote?

SENATOR CLEARE: On the bill.

ACTING PRESIDENT BAILEY: Senator Cleare on the bill.

SENATOR CLEARE: It's often said that your health is your wealth, and this statement is both literally true and contains a sense of irony, as our healthcare system is for-profit.

The bill before us, known as Peer to Peer, establishes and extends an important principle in law; namely, that insurance

companies and other plan review personnel who have the power to deny or alter treatment to patients that was recommended by medical professionals, at the very least have the same credentials, specialties, and standing as medical professionals, as a prerequisite for making an evaluation and review.

I think this is important to our consumers. It will improve healthcare in New York State, and I vote aye on the bill.

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: Announce the results.

THE SECRETARY: In relation to Calendar 1658, those Senators voting in the negative are Senators Borrello, Gallivan,

Helming, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec and Tedisco.

Ayes, 49. Nays, 14.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1835, Assembly Print Number 8427, by Assemblymember Galef, an act to amend the Real Property Tax Law.

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

SENATOR RATH: Through you, Mr. President, will the sponsor yield for some questions.

ACTING PRESIDENT BAILEY: Senator Harckham, do you yield?

SENATOR HARCKHAM: Through you, Mr. President, absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Good to see you, Senator Harckham.

SENATOR HARCKHAM: Good to see you as well, sir.

SENATOR RATH: Got a few questions here.

The first off is, what is the general purpose of this legislation?

SENATOR HARCKHAM: Sure. Thank you for the question.

Through you, Mr. President, this is a three-word amendment to a bill that we passed in 2020, ostensibly in response to the closure of the Indian Point nuclear power plant and the loss of tax revenue for the Village of Buchanan and the Hendrick Hudson School District.

However, this is a statewide bill because we know we have other nuclear power plants in New York State that eventually will close. They cycle out. They have a life cycle.

So at the time it would allow the municipality to place real property value on the spent casks, the concrete casks that spent fuel are in, and they will be there in perpetuity. So every municipality that has a nuclear power plant, while the power plant is going, they're a great corporate citizen, they pay the lion's share of the property taxes, it's great. But when they leave, the taxes go away and they are

left with nuclear waste in the middle of their municipality and they can't repurpose that property for economic development.

So at the time, the bill was to allow them to tax the casks. The reason we did not authorize them to assess the spent fuel was because at the time it was believed that the spent fuel belonged to the federal government. And it does not.

The spent fuel belongs to the company that's doing the decommissioning. The federal government pays them to store it on that location. They don't pay them enough, so our taxpayers and our ratepayers have to make up the difference. But this allows them to place a real property value on that.

So for instance, the Village of Buchanan, with the closure of Indian Point, lost 50 percent of their tax revenue {snaps fingers} like that. The Hendrick Hudson School District lost 30 percent of their tax revenue {snaps fingers} like that.

And so this would allow these municipalities to assess these, so essentially when they're doing a PILOT agreement, these

are -- as the plant is being decommissioned, it allows them to have another tool in the toolkit in their negotiation to establish a PILOT, and it protects our taxpayers and it protects our local institutions.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Thank you for your answer. That actually covered a few things, and we'll get into I think a few more of the details on it.

My first question, though, along those lines is, are spent nuclear fuel rods subject to sales or use tax when they are acquired for use by a nuclear facility?

SENATOR HARCKHAM: I'm sorry, I couldn't hear the question.

SENATOR RATH: Are they subject to

sales or use tax when they're acquired by a nuclear facility?

SENATOR HARCKHAM: A sales tax when they're acquired?

SENATOR RATH: When they're acquired originally. By a facility.

SENATOR HARCKHAM: I would say -- and I am not certain, but I would say because they're federally regulated materials, there's probably not a local assessment on those.

SENATOR RATH: Okay.

SENATOR HARCKHAM: That would be my guess. We can find more out for you.

SENATOR RATH: I'm curious.

SENATOR HARCKHAM: It's a good question.

SENATOR RATH: Yeah, I'm curious. Thank you.

Through you, Mr. President, will the sponsor yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: So along those lines, do you know of any other states that could potentially be taxing nuclear fuel rods?

SENATOR HARCKHAM: Maine started this. Vermont. And then based on our law in 2020, New Jersey was working on a law. So we are not the only ones doing this.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Under this legislation, who will determine the value of the spent fuel rods, spent fuel pools, and dry cask storage?

SENATOR HARCKHAM: Through you, Mr. President, that will be done by the local assessors.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Is there a proven and established market for spent fuel pools, spent fuel rods, and dry cask storage?

SENATOR HARCKHAM: Through you, Mr. President, that's an excellent question.

The answer is no, they're not allowed to by federal policy. Other countries repurpose the fuel rods that are spent. In the United States, that is not allowable under energy policy.

So these will sit in perpetuity in casks. And because the federal government pays the decommissioning company -- not even the utility anymore, or the energy generator, it's a decommissioning company, that they pay them to store them there. That adds inherent value to them, and therefore they are allowed -- and that's not even counting the millions of dollars that these casks are worth. They're very high-tech, concrete, steel, to keep those rods

safe. But they're going to be there in perpetuity.

So the municipality is losing out on the rateables, and so this allows them to tax that property and at least recoup some of what they're losing by not allowing other private-sector enterprise to build in those facilities.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Shifting gears a little bit. In New York and in many other states, real property is generally assessed based on its full value.

How will assessors account for federal regulations concerning the handling and storage of spent fuel as well as other relevant state environmental regulations?

SENATOR HARCKHAM: That's a very

good question.

By the time that these are placed, they are in full storage. The safety and the movement is closely controlled by the Nuclear Regulatory Commission.

In New York State, we went one step further. Again, in 2020 we had originally had legislation for this. We ended up doing it in a chapter amendment with the former governor to establish a decommissioning oversight board for Indian Point that can be a model moving forward, with representatives of state agencies who have relevant say. In fact, the PSC is in the process of hiring their own inspector to be full-time on the ground during the decommissioning, to coordinate and oversee the safety of the different agencies.

But the safety of nuclear fuel is generally the purview of the Nuclear Regulatory Commission.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Is the fuel rod reprocessing and recycling, is that allowed in the United States?

SENATOR HARCKHAM: Through you, Mr. President, it's not. And that's a whole issue we're dealing with, is that these fuel rods will be stored forever in these municipalities.

So, you know, if you have -- through you, Mr. President, if the Senator has a functioning nuclear power plant in his district, at some point that will close. And there is no federal repository for the spent fuel. You remember years ago the federal government was going to try and do that repository at Yucca Mountain. For whatever reason, that fell through.

So now every local nuclear power plant, all of the spent fuel must be stored on the facility. And so therefore, when that facility closes -- and so for instance in Indian Point, the company Holtec was brought in to do the decommissioning. They will take every building down, go several feet down to restore

the property to before the power plant was there. Except right in the middle there's going to be four acres of spent nuclear fuel that will be there in the Village of Buchanan forever, unless the federal government comes with up with a solution.

Now, this is pristine Hudson River property. Could you put a hotel and a marina there? Not with the spent fuel there. You know, could you put a manufacturing facility? Not with the spent fuel there.

So at least this allows a municipality a little protection, and the school district a little protection to assess that and tax it as real property.

SENATOR RATH: Thank you.

Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: So since this is not done in the United States, how will spent nuclear

fuel rods have any tangible value?

SENATOR HARCKHAM: I'm sorry --

SENATOR RATH: No problem. I saw that. I saw that. I got your back. I'll ask it again.

Since this is not done in the United States right now, how will spent nuclear fuel rods have any tangible value?

SENATOR HARCKHAM: Good question.

And what counsel was telling me was the last facility in the United States that reprocessed these rods closed in the 1970s.

So the value is derived in a couple of ways. The value is derived because the federal government pays the company to store the fuel. And as we said at the beginning, they don't pay them enough, so that's subsidized by ratepayers and taxpayers through the decommissioning fund. The federal government really needs to step up.

So the fact that they are paying them to store it on that property is value right there. The casks themselves have value. And as we know, you know, from our limited knowledge of property law in New York, that anything that is

basically attached or a part of -- I think the word we would use is -- well, it's affixed to. Anything that's affixed to a property would also yield it to be taxable.

And this -- this -- something that's there forever, I think in a reasonable person's definition, would be affixed.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Shifting gears again.

How will this bill impact PILOT agreements for existing nuclear plants that are in the process of decommissioning?

SENATOR HARCKHAM: A very good question. And this is another tool in the toolkit for municipalities and school districts in negotiating PILOTs.

This is really a statewide bill. So

it was not intended to intervene in any local negotiations. If it's a tool that the municipality can use, that's fine.

But what we wanted to do was set a template, because as we know, in the decades to come as these plants age out and close, we want to give our municipalities -- you know, yesterday Senator O'Mara spoke very passionately about property taxes from energy supporting our local municipalities. And we've got to give them the tools to do it. Because, you know, these are small school districts, small municipalities. And I know from colleagues upstate they're the same types of communities.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Your sponsor's memo specifically references the Indian Point Energy Center, which is in the process of

decommissioning. Are you aware of the joint proposal that was approved by the Public Service Commission in April of 2021?

SENATOR HARCKHAM: I am. I serve on the decommissioning oversight board -- through you, Mr. President -- and I am aware of all of those agreements.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: The joint proposal specifically contains provisions regarding real property tax payments as well as specific commitments made to negotiate PILOT agreements with the local taxing jurisdictions.

Are you familiar and aware with those specific provisions?

SENATOR HARCKHAM: I am aware of the agreements and the negotiations. I do not get involved in them. It's not appropriate for,

I believe, a Senator to get involved in local negotiations. So that is between the municipality, the school district and the company Holtec.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Also contained within that joint proposal is a specific provision relating to "future state legislation." Is the sponsor aware of that provision?

SENATOR HARCKHAM: There are provisions pertaining to offsetting the cost of state legislation.

And so as I said before, Mr. President, this is a statewide bill setting statewide policy. It is not meant to influence what is happening necessarily in one community or another community, but this is giving all communities the tools that are needed in their

negotiations on the PILOT.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: My last question. And Senator Harckham, thank you for the discussion and the debate.

How would this legislation impact the agreed payments specified in the joint proposal to the state and local municipalities?

SENATOR HARCKHAM: Another good question.

And quite honestly, I cannot tell you, because I am not involved in the daily negotiations. This is something that is amending something that we did three years ago, this body.

You know, and thank you for a really fact-based debate. I remember three years ago when we had this debate, you know, the nuclear industry really tried to sow a lot of fear. And

this bill is really agnostic on the nuclear industry. This is just like what are you doing with the spent fuel. It's not pro, it's not -- you know, it hasn't cost anyone a job, it hasn't closed a plant.

So I really want to thank you for the tenor of the debate.

What was the question again?

(Laughter.)

SENATOR RATH: You know, that's twice now I'm going to have to have your back.

(Laughter.)

SENATOR RATH: What is the legislative impact on agreed payments specified in the joint proposal to state and local municipalities?

SENATOR HARCKHAM: Oh, all right.

So in this case it may be cost-neutral, because if they were to pay more in property tax, there may be relief on the back end through the decommissioning fund.

So, you know, for this company to be concerned, I think in this instance they don't need to be concerned. This is either not going to be a big hit, a de minimis hit, or no hit to

them. This is really fixing the law we did three years ago because we now have better information.

And moving forward, this can be statewide policy that will help our small communities at least meet some of the tax burden when these big taxpayers in their district close down.

SENATOR RATH: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Rath on the bill.

SENATOR RATH: Thank you, Senator Harckham, for a very informative discussion.

I want to start by saying that state and local governments entered into this joint petition last year for the Indian Point Energy Center, which covered all the specific provisions of property tax payments, PILOT agreements, as well as payments to be made as a part of the decommissioning activity.

This bill now seeks to open that joint petition back up and make changes to the agreement that was unanimously agreed to by numerous local governments, the host county, and

associated entities. I have grave concerns about reopening this agreement.

To me, Mr. President, plain and simple, this looks to me to be an attempt at a money grab. It looks to also be an unprecedented program here, with legal concerns. And I also think it's a dangerous example in New York State. The sponsor talks about setting a template; this could be setting a very dangerous template in New York State.

So for these reasons, I'll be in the negative. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Rath.

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: Announce

the results.

THE SECRETARY: In relation to Calendar 1835, those Senators voting in the negative are Senators Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Mannion, Martucci, Oberacker, O'Mara, Palumbo, Rath, Serino, Stec and Tedisco.

Ayes, 47. Nays, 16.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1849, Assembly Bill Number 7926A, by Assemblymember Rosenthal, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: Senator Borrello.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield for some questions?

SENATOR HOYLMAN: Yes, thank you.

ACTING PRESIDENT BAILEY: The sponsor yields.

(Laughter.)

SENATOR BORRELLO: It's too early

to be this slappy.

Thank you, Mr. President. Through you, Mr. President. Could you please -- Senator Hoylman, could you please explain what this bill does?

SENATOR HOYLMAN: Yes. Through you, Mr. President, this bill will require all newly manufactured semiautomatic pistols sold in New York to be equipped with microstamping technology.

Now, microstamping is a process that imprints a unique microscopic array of alphanumeric characters onto the shell casings of each cartridge fired from the weapon.

This technology is for law enforcement, and it makes it possible to examine a spent shell casing -- say at the scene of a crime -- and easily identify the pistol from which it was fired. The technology is going to provide law enforcement officials with a vital new tool to investigate shootings and gun trafficking patterns and bring the people who commit those crimes to justice.

Microstamping is the missing link between the shell casing and the firearm tracing

system when firearms are not recovered at a crime scene.

Now, the reason it's so important, Mr. President, is that we have such low clearance rates. Clearance rates are used to measure the number of crimes that are solved. For a firearm homicide, the clearance rate is the percentage of homicide cases where an arrest was made or the police have evidence to make an arrest but can't because of exceptional circumstances such as the suspect's death.

A high clearance rate indicates that most perpetrators are arrested and thus there's a high proportion of solved homicides. The opposite is what we have in the State of New York. A low clearance rate indicates that most perpetrators were not arrested and thus there is a high proportion of unsolved homicides.

Now, the national homicide clearance rate was only 58.3 percent from 2014 to 2018. In New York City the clearance rate in 2020 was only 30 percent. In Buffalo, between January and November 2020, it was 8 percent.

Now, the vast majority of these unsolved crimes are in Black and brown

communities. Microstamping is a key for law enforcement. It is a technology that has been proven. And New York is taking a bold step to pass it.

I will say that this chamber has rejected microstamping twice before. Under the leadership of Mayor Mike Bloomberg, a Republican then, and Governor Arnold Schwarzenegger, a Republican then, microstamping took off in 2007-2010. It was attempted to be passed in this chamber but rejected.

Those were the days, Mr. President, when bipartisan agreement, commonsense gun solutions were on the table. We need to bring that back to bear given the low clearance rates in the homicides, the unsolved murders in our communities here in New York.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Thank you for that answer, Senator Hoylman.

So are you saying that the reason that we have such a low clearance rate is we can't figure out which gun the bullet came from?

SENATOR HOYLMAN: Through you, Mr. President, that is certainly the problem.

Now, we do have ballistics technology. And some ballistics technology, you know, is inadvertent. When a gun is fired, there is a trace element left on the casing, not intended. But I will tell you that that trace element that results in a mark, so that law enforcement can pursue the gun crime, only solves cases about 1.3 percent of the time.

And of course when you're using this trace element to try to track the owner of a gun that's been used at a crime scene, well, frankly, you need the gun. And in the vast majority of cases the gun is nowhere to be found. So that creates a situation where very few gun crimes are solved, because you don't have the chain of custody -- this is what we're talking about, the chain of custody that is necessary to link a shell casing to the actual gun that was fired.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, I would argue that that's not -- has really nothing to do with the low crime-solving rate. You've defunded the police in New York City, you cut their budget by a billion dollars, you've taken away from their ability to proactively take people off the streets that are committing crimes. You've gotten rid of the gang unit, every other tool that the police department used to have when they had a better rate than the last two years, is when this is all really happening.

So I would not think it has anything to do, so much, with the forensic and ballistic technology, and more to do with the fact that you have hamstrung the police department and the NYPD. But I'm going to move on to my next question.

So microstamping, you're saying, is this great solution. But does the technology actually exist? I mean, is this -- and is this a reliable technology?

SENATOR HOYLMAN: Through you, Mr. President, yes, it exists. It's been in existence for a couple of decades now.

But I'll tell you that it has improved appreciably in the last five to 10 years. And there are a number of companies that are pursuing microstamping technology which we have identified here in the State of New York. There is a market now for microstamping technology which we hope to spur, actually, through this legislation today.

It has been proven to be -- to show effectiveness over 90 percent of the time in trials where microstamping technology was used.

So there is a market. There is the ability for us to spur new interest in this. And frankly, New York can be a leader in microstamping technology through this legislation that we're hopefully going to pass today.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So you claim that microstamping technology is working. Can you tell me where it's working?

SENATOR HOYLMAN: Through you, Mr. President. Of course, I'm sure my colleague knows that California passed, under Republican Governor Arnold Schwarzenegger, microstamping legislation back in 2007.

The gun manufacturers rebelled, and they filed a lawsuit which eventually was found in favor of the State of California and has permitted microstamping technology to proceed.

But there have been fits and starts, I'm not going to deny it. That's one of the reasons why it's so important that New York be the third jurisdiction after California and Washington, D.C., to pass it.

But I have numerous studies, Mr. President, showing the viability, both

scientifically and marketplace analysis, of microstamping technology.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: I appreciate that you have some studies. But can you tell me where it's working now, where it has effectively been put in place and is solving crimes. You said Washington, D.C., you said California. Where is it working?

SENATOR HOYLMAN: Through you, Mr. President, it is a technology that, while not new, has not yet been fully deployed, given the gun manufacturers' lawsuit that went all the way to the federal Circuit Court in California. Unfortunately, that is the reality of the gun manufacturers' resistance.

But every study that I've examined -- and that's why we have the support of

district attorneys here in New York. Mayor Bloomberg organized city mayors across the state to support it. The International Association of Chiefs of Police. And of course gun safety organizations: New Yorkers Against Gun Violence, Everytown for Gun Safety, the Brady Research Center, the Coalition to Gun Violence.

This is a time, Mr. President, for bold action. We have nothing to lose. We have lives to save.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: I appreciate everything you had to say, but I didn't hear an answer to where it was actually being implemented and working.

So I think the answer is the fact that this passed in 2007 in California, and here we are all these years later, 15 years later, and

as you said, fits and starts -- these are not fits and starts. It's a complete failure. They haven't implemented it in California, nor have they implemented it in Washington, D.C.

So what makes you think that it's going to work here in New York?

SENATOR HOYLMAN: Through you, Mr. President, I don't see that we have a choice when you have so many unsolved gun crimes in our community, when you have the fact that, according to the National Association -- the National Integrated Ballistic Information Network, when they use bullet and cartridge evidence to try to track illegal guns, they only solve those crimes 1.5 percent of the time.

And I'll also add that our legislation is different than California, in that California's legislation was both to modify the breechface as well as the firing pin. The technology has since advanced, and we propose only that the firing pin be modified in newly manufactured semiautomatic pistols.

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

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: You just brought up an interesting statistic that only 1.5 percent of crimes committed with illegal guns have been solved, but we're talking about microstamping brand-new guns.

Are we just planning to have the criminals bring their guns in to have their firing pins microstamped? How is that going to work?

SENATOR HOYLMAN: Through you, Mr. President. The reality is that another important part of microstamping technology is that about a third of illegal guns are actually purchased legally in the State of New York and nationwide.

So, you know, that old adage "criminals having guns" really doesn't apply, because so many of those guns are purchased originally legally.

Plus we need to create an enormous disincentive to those who traffic in illegal guns

to understand that they will be tracked, their guns will be traced. No more using straw purchasers to fund the "iron pipeline" into the State of New York. We will track those guns, and we will find the perpetrator and prosecute them to the fullest extent of the law.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So let's assume for the moment that we do this, and we have a new gun with a microstamp on the firing pin. You're saying if someone steals that gun from someone's home, or it is an arm's length transaction -- all these things that put a legally purchased gun into the hands of someone who is not legally allowed to possess it -- you don't think that they wouldn't just file that off of the -- that microstamp right off the firing pin?

SENATOR HOYLMAN: Through you,

Mr. President. The truth is it's -- most guns that are illegal are not modified, and the statistics bear that out.

It is very difficult to remove a pin and replace it with another one unless you're a gunsmith or an expert. So it has been demonstrated that the firing pin is not something that can be easily removed or altered.

That said, also the statistics show that most people who use guns for crimes don't alter them either.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Okay, let's say I buy a gun that has a microstamp and it's a registered firearm, it's a pistol, and that gun gets stolen out of my house. How are we going to connect that person who stole the gun, whose name the gun is not registered in, to the crime when

that gun comes back to me?

How is that going to work? How are we going to actually solve a crime if a gun crime was committed by a person who stole that gun and then committed a crime, when the microstamp goes back to me as the registered gun owner?

SENATOR HOYLMAN: Through you, Mr. President. Just to be clear, also, to my colleague's earlier question about those who might file or attempt to alter the gun, there will be additional criminal penalties for that that can be imposed on such a -- in such a situation.

Of course, microstamping is not the be-all or end-all of solving gun crimes. It is an important tool for law enforcement. We need all hands on deck to try to attempt to solve gun crimes and reduce gun violence in our communities.

I'm not suggesting that microstamping is going to solve every gun crime. I am suggesting, though, that based on the data, based on real-world evidence and based on the new technology, it can make a big difference. That's why so many in law enforcement support this

legislation.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So your bill mentions that we're going to determine if this is technologically viable. You certainly have some data to suggest that it is. But that's a broad term.

Explain what "technologically viable" means, especially since we can't point to a single state or municipality that's actually implemented this technology to solve crimes. So who's going to determine "technologically viable," and what does that mean?

SENATOR HOYLMAN: Well, through you, Mr. President, according to the legislation, within six months the Division of Criminal Justice Services, DCJS, is going to engage in and complete an investigation to certify the technical viability, to prove to the naysayers

that this in fact can work.

That's why we have that period where we will examine the viability of microstamping-enabled pistols. The investigation's going to include live-fire testing evidence. And ultimately DCJS will certify or decline to certify that microstamping-enabled pistols are technologically viable.

I think the plain language of "technological viability" speaks for itself, although I would imagine that DCJS will look to the regulatory-making process to further fill out what that definition will be.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So we're talking about DCJS. Are they going to be required to consult with firearms experts to do this analysis?

SENATOR HOYLMAN: Through you, Mr. President, I would imagine that will be part of their process. The legislation doesn't specify that.

But knowing the expertise that is in DCJS, both in-house and outside of DCJS, I would hope that they would look and consult with experts, both on staff and elsewhere, to make that determination.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: You know, the repeated use of a firearm would inevitably lead to the wearing away of that microstamping, and I think that's what some of these studies indeed do show happening.

So is there any requirement for that firearm owner to ensure that that microstamp is maintained on that firing pin?

SENATOR HOYLMAN: The studies have shown that microstamping technology can last for literally thousands of rounds. And ultimately, if it is worn off, the pin will have to be replaced.

But there are statistics, again, that show that microstamping technology is in fact very durable. Even if part of the alphanumeric code is worn because of repeated thousands and thousands of firings, that is much more information than law enforcement currently has now.

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

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, you keep talking about this as if there's someplace where this is actually taking place and we're solving crimes. You say it's very durable, it's going to last for thousands of rounds.

But again, we don't even have a single state or municipality where this has been successfully utilized. So where is that data coming from?

SENATOR HOYLMAN: Through you, Mr. President. Well, we -- California does have a lot of experience in this realm, having passed a statute in that regard. We have, of course, real-world data from a number of different organizations and advocacy groups. And we have actual microstamping private firms that are looking to enter the marketplace here in New York State.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: But again, we're doing this because you're saying that there is proof positive, evidence, that microstamping will help solve a crime. Where has that happened?

SENATOR HOYLMAN: Through you, Mr. President. Once again, in California, the gun manufacturers blocked the deployment of this technology. It is in place in the District of Columbia.

New York needs to take bold action and be the third jurisdiction to pass microstamping technology requirements.

But also, understand that the legislation lays out a time frame and a series of -- of performance --

SENATOR BORRELLO: Measures?

SENATOR HOYLMAN: No, I was -- thank you very much for that assistance.

-- lays out a series of opportunities for private manufacturers to weigh in. In fact, we don't -- the latest that microstamping technology will actually come into effect in New York is four months after -- four years, rather, after it's certified to be technologically and commercially viable.

So we have laid out a runway to drill down into the commercial and technological viability of this. And I know that is a concern of the sponsor. But there's a roadmap here for

us to determine its effectiveness and its commercial viability laid out in this bill.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: I guess I'm hearing something conflicting here. You're saying that we have to determine that it's viable, but you've said it's already -- we already have a viable ability to deploy this. So why do we have to wait four years if it's already viable?

And I still am waiting for an answer as to who's actually successfully done this. You said California passed it in 2007. But I don't want to go off on a tangent here. How is -- if it's already commercially viable, why can't we just deploy it?

SENATOR HOYLMAN: Through you, Mr. President. The technology is viable. We've

had gun manufacturers who have intervened and stalled its application, with the intention of undermining this effort to make our streets and communities safer.

We need to go around the gun manufacturers, and that's exactly what we're doing with this legislation today.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So I'd say it would be correct to say that there are millions of pistols in New York State that are already existing that will not have this microstamping technology. So, you know, what are we going to do about the millions of guns that already exist that are not going to be brought in to be microstamped or modified? Those are the ones that are illegally possessed in many cases.

And the vast, vast majority of gun crimes, by the way, we know are committed by

people who have guns that they illegally possess. So how is this going to help that situation?

SENATOR HOYLMAN: Well, through you, Mr. President, the -- it's new guns that are actually causing one-third of gun crimes here in the State of New York, new guns. So newly manufactured.

The -- my colleague is correct in that this bill would not have any impact on guns that are in the private possession of New Yorkers. But we're taking other steps. And I appreciate -- I appreciate my colleague's concern about those millions of guns. And we need to take additional steps in regard to that, and that's what we're doing with today's package.

So I share my colleague's concern, and I welcome him into this argument. And let's have some bipartisan on gun safety. Let's fix this problem which is killing -- literally, Mr. President -- our children. Let's have New York be the bipartisan model for Washington, the inaction in Washington that is resulting in the deaths of so many of our loved ones.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So I'm going to ask one last question here. We have ballistics technology. We already have the ability to trace a bullet back to a gun. You've brought that up. We have the -- the people, unfortunately, have been underfunded recently in law enforcement to do this.

So without any examples of where this has been done successfully, how is this realistically going to help solve crime?

SENATOR HOYLMAN: Through you, Mr. President. We are looking for that missing link between a gun used to murder someone who we may know and love, and the shell casing that is often left at the scene of the crime. Through microstamping technology, we establish that chain of custody and we empower law enforcement to solve gun crimes.

That is the least we can do in this

moment of national despair when just this week yet another mass shooting occurred. But it's not just the mass shootings, it's the killings that seem to happen almost on a daily basis in some of our communities across the state of New York.

Microstamping technology is a promise, but we have to take every step to make sure that our families are safe. And I think it's a bet that we cannot afford to miss.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: Senator Hoylman, thank you. You have obviously studied this well, and I appreciate the engagement today.

Senator Hoylman talked about what we can do to empower law enforcement. I know what we can do to empower law enforcement. We can start respecting them again, we can start funding them again, we can start giving them the tools that they need to not just solve crimes but to prevent crimes.

We need to do a lot of other things. Microstamping technology is not a proven

technology. It isn't working. They passed this in 2007 in California, and trust me, in the last 15 years I'm sure something could have been done to get that deployed.

But what we're really talking about here is we're talking about the gun. We're not talking about the people that use the gun. And that's the problem with all of these bills that we have here today. Until we address people that have violent tendencies, until we address those folks with violent mental illness, until we address people that have evil in their hearts -- and we are not doing anything to separate these people, pull them out of society -- nothing like this is going to help.

We're going to nibble around the edges. We're going to make political statements. But the reality is New York has become far more dangerous in the last two years. Not because of new guns, but because of bad policy out of Albany, because of things like our failed bail reform law, the other criminal justice reforms. That's why New York is more dangerous.

Are there more guns here in New York than there were two years ago? Maybe. But the

bottom line is we are now at a 40-year high for crime here in New York. So we're going to sit here, we're going to talk about law-abiding citizens, we're going to create a barrier to selling guns here in New York State by requiring a microstamping technology, which will happen -- which is what happened in California, is the gun manufacturers are just going to say, We're not going to sell them.

And there are a lot of you that would say, That's great, we don't want to sell any more guns here in New York State, that's wonderful. But unfortunately, most of the guns that are on the street here in New York State were not legally purchased. Most of the guns that are being used in crimes are not legally possessed.

So this is just another feeble attempt to try and hamstring everyone's Second Amendment right to keep and bear arms. It's not going to work. The technology is not there. It's not being used anywhere. And this isn't going to happen.

So I'm voting no. 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: Senator Boyle to explain his vote.

SENATOR BOYLE: Thank you, Mr. President, to explain my vote.

It seems like every time we have an issue where we need to come here after a tragedy, the focus by the Majority is always on firearms. We can debate that. But we're talking about a bill here about microstamping forensic technology -- as Senator Borrello so aptly pointed out, an unproven technology.

But you know what technology does work? DNA. This Majority refuses to bring to the floor legislation on genetic genealogy and familial DNA. This tool has solved numerous, numerous cases around the world, but we don't

allow it here in New York State. The Angie Dodge case in Idaho, murder case, was solved with familial DNA. The Eve Wilkowitz case in my district, Bay Shore, just solved by our new district attorney, Ray Tierney. A 42-year-old cold murder case solved with familial testing and genetic genealogy.

And Senator Hoylman, you brought up the State of California and microstamping. Okay, they passed a law to have microstamping. I do not believe they've solved any crimes with microstamping. But you know what case California did solve? The Golden State Killer. Joseph DeAngelo, murdered 13 women and men. Raped more than 50 women, 120 burglaries, and they caught him through genetic genealogy, a technology that does work, has been proven to work, and you will not allow it in this state.

I will vote no on this and hope that my colleagues will bring familial testing and genetic genealogy to New York State.

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

Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you,

Mr. President.

To my colleagues, I've listened to the debate and discussion on this particular matter. And everyone is entitled to their opinions. But I say to you, I support this bill because we need to make sure that if in fact it works, that we microstamp the bullets and everything that comes out of the guns because of the fact that we can then trace these to whoever.

One of the colleagues said that what if in fact they had a pistol and it was stolen. Well, like anything else, if you -- someone robs your house or robs your vehicle and steals the merchandise, and especially a gun, you'd better report it so that the police know that the weapons were stolen, and also try to find those to the extent that we can.

The bottom line is that this is about trying to save lives and also to connect people that have used guns, especially if there's microstamping for robberies, killings and stuff like that. This is a positive aspect, this is not a negative aspect. We're trying to save lives and trying to reduce crime overall.

So I appreciate my colleague and --

standing up not only on behalf of himself, but on behalf of myself and everyone else that supports this bill. And I respect my colleagues that disagree, but I hope that we move forward in unity in order to save lives, in order to stop crime, and in order to identify the type of -- if in fact weapons are used, that we'll be able to determine where the gun came from or where the bullets came from.

So with that, Mr. President I vote aye.

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

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President. I appreciate the debate with my colleague and his questioning.

I guess we differ in the urgency which we face given the problem of gun violence in our state and across this country.

I would say that failing to pass comprehensive gun violence legislation just isn't an option anymore, Mr. President. It is quite literally a matter of life or death for too many New Yorkers, and we must act now.

The truth is that only half of all homicides in New York from 2010 to 2019 were solved. In New York City, only 30 percent of those were solved in 2020. The inability to solve murders -- and we have so many colleagues, Mr. President, on both sides of the aisle who are concerned about public safety, as we all should be, and consider themselves law and order officials. But the inability to solve murders is a racial one. It disproportionately affects Black and brown communities.

Across 52 of the nation's largest cities, 53 percent of murders of Black Americans between 2008 and 2018 never led to an arrest -- 53 percent -- let alone a conviction.

Microstamping technology can help end these egregious failures by helping law enforcement identify firearms used in shootings and solve more crimes.

When shootings and homicides and other firearms crimes are unsolved, something else happens, Mr. President. We didn't get a chance to talk about this. There's a retaliatory cycle of violence when a crime is unsolved. Trauma, vigilantism are more likely to erupt,

leading to an increased sense of lack of security and violence and injury, a weakened trust in our judicial system.

Microstamping technology is feasible, reliable and its costs are minimal. The estimate is it costs less than 10 bucks a firearm.

In addition to reducing gun deaths, this law can also create a greater sense of security among the public, serve the public interest and public safety in ways other than by reducing deaths and physical bodily injury alone -- including by addressing psychological harms -- and ensure that Americans and their families have the security equally to enjoy the full range of constitutional freedoms.

Now I want to say that I'm so grateful to all the gun advocacy groups that got us here. And there's so many of them. You know, we sat down at the beginning of session and we identified this priority. We had no idea that we'd be here today with so many shootings having occurred. But New Yorkers Against Gun Violence, Everytown, the Coalition to Stop Gun Violence, Giffords, Brady. District attorneys like

DAs Gonzalez and Bragg have also written in their support.

I want to thank Governor Hochul for embracing our legislation, and the Assembly for passing it yesterday through my colleague Assemblymember Linda Rosenthal, and of course Majority Leader Andrea Stewart-Cousins and all of my colleagues for making microstamping a technology and taking this leap forward, this bold step that we need to address gun violence.

Thank you, Mr. President. Thank you to my colleagues. I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1849, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1875, Senate Print 9456, by Senator Sepúlveda, an act to amend the Penal 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 Sepúlveda, will you yield?

SENATOR SEPÚLVEDA: Well, I feel left out now, because Senator Borrello is not asking me questions.

(Laughter.)

ACTING PRESIDENT BAILEY: Senator Borrello may indulge you later.

Senator Sepúlveda, will you yield?

SENATOR SEPÚLVEDA: Yes, I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Sepúlveda.

Regarding this bill, it's a pretty straightforward addition to the definition of a firearm, about four lines that adds any other

weapon as a type of firearm in the State of New York.

Can you tell us where the language used in the proposed legislation originated?

SENATOR SEPÚLVEDA: I'm having a hard time hearing you.

SENATOR PALUMBO: Sure. Can you just tell us -- am I on here? I'm on. It's lit.

Can you just tell us the origin of the language used in the bill?

SENATOR SEPÚLVEDA: The origin?

SENATOR PALUMBO: Yeah, if you have one. Is it your own words? It appears to be somewhat similar to --

SENATOR SEPÚLVEDA: Through you, Mr. President, absolutely.

So I represent the Central and South Bronx, and in our community there's been a rash of violence involving firearms. The problem that we have is when we charge these individuals with offenses that have to do, for example, with criminal use first degree of a firearm, if they're using -- the biggest issue we have is a ghost gun. You cannot elevate the charge, you cannot elevate the sentence because the ghost

guns aren't defined as a firearm under the current definition in the statute.

What this will do is it will include ghost guns -- a major problem in the community that I have. Some of the children that were shot recently, some of the residents, they used a ghost gun. When I speak to my precinct councils and my commanding officers in my precinct, they all say ghost guns is a major problem that we have.

That is the origin of the language.

SENATOR PALUMBO: So if I can get into the specific words used, because I would like to compare them. And I'll tell you where I'm going with this. Under the National Firearms Act --

ACTING PRESIDENT BAILEY: Senator Palumbo, are you asking Senator Sepúlveda to yield?

SENATOR PALUMBO: Yes. Would you yield, please, Senator.

ACTING PRESIDENT BAILEY: Does the sponsor yield? The sponsor yields.

SENATOR PALUMBO: Yes, thank you.

So in this bill it adds a new

subsection (f) to the definition of a firearm, "any other weapon that is not otherwise defined in this section containing any component that provides housing or a structure designed to hold or integrate any fire control component that is designed to or may readily be converted to expel a projectile by action of explosive."

So regarding that specific language, can you just explain to us what do you mean by an explosive act that would project a projectile from this device?

SENATOR SEPÚLVEDA: Through you, Mr. President. If you're using a device that uses, for example, gunpowder -- something that is used to create an explosion so that a projectile can be released from that object -- then that particular object will be considered a firearm under this definition.

SENATOR PALUMBO: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SEPÚLVEDA: Yes, I do.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

So is there any sort of characterization as to the type of projectile or the speed of the projectile? Because I do recall that in, for example, charging use of a firearm in New York, it needs to be a projectile that is readily capable -- or the firearm, the object, would be readily capable of producing a shot that can cause serious physical injury or death.

So is that what's intended here, although it's not specifically defined?

SENATOR SEPÚLVEDA: Through you, Mr. President. So we want to capture weapons that are used sort of as firearms but are not defined as firearms.

So in your situation, if in fact the object that you're using as a firearm does expel a projectile, at that point it falls under the definition of the statute.

SENATOR PALUMBO: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Sepúlveda.

So essentially -- and these have been termed, on occasion, as maybe a zip gun, someone takes a radio antenna and they manufacture something that can fire off a cartridge, say a .22 cartridge -- are those the type of firearms you're talking about?

SENATOR SEPÚLVEDA: If the object uses something like gunpowder or any explosive that's going to release a projectile, then yes, all of that would fall under the statute.

SENATOR PALUMBO: Will the sponsor continue to yield.

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BAILEY: Will the sponsor yield? The sponsor yields.

SENATOR PALUMBO: So pursuant to that definition, would a flare gun be considered a firearm under this legislation?

SENATOR SEPÚLVEDA: No. Through you, Mr. President, no.

SENATOR PALUMBO: Will the sponsor

continue to yield.

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BAILEY: Will the sponsor yield? The sponsor yields.

SENATOR PALUMBO: I appreciate that clarification, Senator.

And for the purposes of legislative intent, I guess we should get in the weeds a little bit. Because that is something that has a primer, it's almost like a shotgun shell that has a device that strikes it -- a firing pin, so to speak, that can strike -- in a plastic flare gun, and that projectile can certainly cause injury.

So can you tell me how that does not fit within your definition of a firearm?

SENATOR SEPÚLVEDA: Through you, Mr. President, I think part of the requirements to be convicted of a gun offense is that you're using the object as a weapon.

I don't think that most people use flare guns as weapons, so that wouldn't fall under the category under the statute.

SENATOR PALUMBO: Would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR PALUMBO: And so -- and this is the rub, and I'm going to ask you some questions because there's similar language used in the federal law. That a weapon, for example, like a dangerous instrument -- it can be a piece of paper, under the Penal Law. If I use something that can be used to threaten someone with injury, for example, in a robbery, it could be a bottle, it could be a phone, it could be a number of -- it could be a telephone, it could be -- you know, a can of soda could be a dangerous instrument.

So along those lines, this definition of a firearm becomes so expansive that it doesn't actually define specifically the dangerous level of the projectile and it does not even describe the actual device.

So can you reconcile that for me, please?

SENATOR SEPÚLVEDA: Through you, Mr. President, did you have a question? Because

I know you were speaking and I was speaking to my counsel. I'm sorry.

SENATOR PALUMBO: Yes, Senator. Just can you reconcile that issue that we don't have -- that it's extremely expansive?

That in the example I gave of maybe a flare gun or even a potato gun that you make as a kid -- you know, you take some PVC pipe, you get a sparker from a barbecue, you squirt in some hair spray, and you can shoot a potato gun across the yard, shoot a potato that you shove down it. I mean, we've -- I haven't shot one in years.

(Laughter.)

SENATOR PALUMBO: But in fact that is a projectile that's produced by way of an explosion.

So can you reconcile that, just for clarification for all of us? Because this will be a crime to possess a firearm if and when this becomes law.

SENATOR SEPÚLVEDA: Through you, Mr. President, I haven't used a firearm to shoot potato chips or french fries yet, but I'll look at what you do with a potato gun.

But the point is that, first of all,

the issue of dangerousness doesn't exist anywhere in the statute. So, you know, it's not going to change what we consider dangerous, because it's not defined here. It's not defined throughout the criminal procedure.

But with respect to your examples, first of all, you have to have the explosive, gunpowder. You have to have the intent to harm. And that's the critical difference. Most people that use potato guns aren't trying to kill someone. But this, in this definition, if you use the explosive and the projectile causes injury, just like any -- if you see the definition here of any firearm, it's the same concept. As long as it's a firearm or you're using it as a firearm to cause harm, then you would fall under the definition.

SENATOR PALUMBO: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR PALUMBO: Well, Senator, so

this is the wrinkle. Under 265.01 of the New York State Penal Law, a person is guilty of criminal possession of a firearm when he or she, one, possesses any firearm.

So the mere possession of a firearm -- referring, of course, to the statute that we're amending and adding language to right here -- just the possession of it, regardless of intent, is a Class A misdemeanor.

So that's the wrinkle. So please, if you can, reconcile that.

SENATOR SEPÚLVEDA: Through you, Mr. President, that's exactly what we're trying to resolve here. If it's a -- we want to use the definition of firearm even if it's a Class A felony. Without this bill, the ghost guns wouldn't fall under that category, and someone can use a ghost gun to injure someone and get away with it; they won't get charged with, say, criminal possession of the use of a firearm.

With this, you can actually go after someone under the charge of criminal possession of a firearm in the first degree because you have to have the predicate felon first. And in this case let's say you commit a Class B felony. Now

you have the predicate to be able to be charged with criminal use of a firearm in the first degree, which gives you 25 years rather than, you know, a lot less if you're convicted of possession or you use a firearm -- you commit a Class B felony but don't use your typical firearm but instead use a ghost gun.

SENATOR PALUMBO: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR PALUMBO: Well, so, Senator, I guess another wrinkle with that is, though, a ghost gun is simply a gun that is readily capable of producing a shot that can cause serious physical injury or death that just doesn't have a serial number, for example. That's a ghost gun. So that's already covered, in my opinion.

But let me ask you this. And I have, under the National Firearms Act, the federal definition of any other weapon. Because

that does exist, a definition in our law somewhere. Title 26 of the United States Code, Section 5845: "Any other weapons is any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell" -- so a prepared shell itself -- "weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire." So that's a pretty specific definition.

Further, "Such term shall not include a pistol or a revolver having a rifle bore or rifle bores, plural, or weapons designed, made or intended to be fired from the shoulder and not capable of firing fixed ammunition."

So the federal statute, which is quite clear as a catch-all, is much more limited to specific items. So when we juxtapose that with what you're offering, it doesn't have to be

concealable, it doesn't have to be shoulder-fired, but it's anything that can produce a shot.

So again -- and I don't mean to bring us back to the flare gun, but I think that's kind of an easy example, because that is a readily prepared ammunition, if you want to call it that, and just about I would say most boaters have those on their boats themselves. So that's what I'm trying to reconcile in my head.

So if you could maybe show me somewhere in the statute, if I'm missing it, if there's more to it -- but it's only four lines. So please help me out, if you can.

SENATOR SEPÚLVEDA: Through you, Mr. President. Look, the federal statutes, the federal government, they have their own legislation when it comes to guns.

New York State, we have our own legislation when it comes to firearms. We're not bound by the federal government. If we want ours to be more expansive, we can be more expansive.

And I think in a particular case like this, the flare gun doesn't hold water because the flare gun is not used as a projectile

to hurt someone. You may do it accidentally. But when you have a gun that's using -- an item that's using gunpowder to excrete a projectile, that would fall under this definition.

SENATOR PALUMBO: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SEPÚLVEDA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

So I'm going to have to try and make some distinctions, though, because there are gunpowder-fired machines used in construction, for example, called a Ram shooter, where you'd shoot nails into concrete with, essentially, a .22 round without a bullet. Your bullet, your projectile, is in fact a nail with a little bit of a plastic casing on it so that it shoots straight.

And if you took that thing and were able to discharge it in someone's direction, you bet that's going to hurt someone and could

possibly kill them. So is that a firearm pursuant to this statute?

SENATOR SEPÚLVEDA: Through you, Mr. President, if in fact these guns use anything that can be used as a projectile, like gunpowder or something like that, if the intent is to hurt someone, then chances are they may fall under this definition.

It's about the intent. We can have dozens of examples about how we can use projectiles, but the intent here is to hurt someone or to commit a felony using one of these guns -- or one of these objects.

SENATOR PALUMBO: Thank you. Will the Senator continue to yield? Through you, Mr. President.

ACTING PRESIDENT BAILEY: Will the Senator continue to yield?

SENATOR SEPÚLVEDA: I do.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR PALUMBO: Thank you.

And, Senator, could you please point me to where in this statute or the Criminal Procedure Law "intent to harm" is necessary for

possession of a firearm?

SENATOR SEPÚLVEDA: Through you, Mr. President. That's correct, it can be charged with possession of a firearm if in fact it falls under the category that we've listed here, that's correct. Even without the intent, because possession is not intent.

But as long as you're able to fall within the definition of a firearm and you have that -- if you have a ghost gun, for example, in your pocket, then you can be charged with possession of a firearm under this definition. Right now you cannot.

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

And Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Palumbo on the bill.

SENATOR PALUMBO: And thank you, Senator Sepúlveda, I appreciate your honesty.

That's the answer I was looking for, that you can simply possess a firearm under the sections that already exist, right, under (a) through (e), assault weapons, firearms, as we obviously know, or pistols, revolvers and so

forth, shotguns that are short shotguns.

But you can also possess now any other weapon that is not otherwise defined in this section, containing any component with a housing, a fire control component, and maybe either designed to or readily be converted to expel a projectile by action of an explosive.

That's an AM radio. Because I've seen radio antennas converted to fit a .22 round in them, and a little zip gun with paper clips or otherwise MacGyver-ed pieces of metal that strike the back of a rimfire cartridge -- you just need to hit it anywhere hard enough to make it spark, it ignites the powder, and the projectile goes forward. And you've probably heard of those . They haven't -- they now -- you know, Saturday night specials they'd call, you know, old, cheap guns that were made in someone's garage. That is a dangerous weapon. I completely agree with that.

However, if we want to start adding anything that can produce a shot, like a flare gun -- because that fits into the statute, quite frankly -- like a ram shooter or anything else, not only will you be guilty of a crime by

possessing it, but you in fact will need a license for it.

So this is something that -- and I understand the laudable intent. And I think, as some of my colleagues said in the previous discussions on the bills and, you know, some of my colleagues and sponsors on the other side were talking about gun safety, and this is about bipartisan gun safety, and that everyone should be concerned about public safety.

Who really isn't? I mean, we can't say that with a straight face that we all aren't completely concerned about public safety. But we keep adding laws, and you look at a lot of these really restrictive -- from a lawful standpoint, areas of this country -- Baltimore, Chicago, New York, LA -- crime is running -- flying through the roof, and we add another law to say, Well, this is bad. And then we add another law, there's a horrible tragedy -- well, now it's really bad, we're going to say this is really bad.

And by admission of the sponsor of the previous bill, one-third of guns used in crimes are bought lawfully. In fact, I've never

seen that high a number. I've seen from 10 percent down, depending on the study you look at. So less than 10 percent of gun crimes are with legal guns.

So what's the answer? Put another law on the books, we'll say hooray, we fixed it? Or -- here's a novel issue -- they do nothing unless they go off. And it reminds me of the situation when you have young police officers who watch a lot of TV and they get to a crime scene, like a homicide scene, and the murder weapon's on the ground next to the decedent. And they see, on TV, they take a pencil and stick it through the trigger guard, they have to disturb the crime scene -- yes, it's probably loaded. You don't need to make it safe. You need to secure the crime scene and not spoil evidence, because it does not go off unless somebody's operating it.

So the answer, my friends, is to punish people who unlawfully use guns, not make more lawful guns more difficult to get. Because let's say this is great and you do that and, you know, let's get rid of -- let's ban all guns in New York, because that's where we're going. Let's just do it. That's great. Who's going to

have guns? And you think of that old bumper sticker -- I never had it -- but "When guns are outlawed, only outlaws will have guns."

Well, the math is even by admission, I think it might have been a little fudged, those numbers -- not intentionally. There may be a study that says that. But by own admission, two-thirds of crimes committed with guns are with illegal guns. So they don't care. They don't go to stick up the 7-11 and say, Oh, I hope I have ten rounds in this magazine, because they're bad guys. And bad girls.

So I get it. And this has always been the answer, unfortunately, is that we'll just throw another law on the books, we'll do less and less to the lawful gun owner. There will be more and more restrictions where you cannot have something to protect yourself from the bad guys.

Why do you think these soft targets have been targets of these maniacs, school districts? Because nobody's armed. They know they can go in there and wreak havoc. It's awful. You don't see that happening in a police station, do you? For obvious reasons.

So I understand -- and certainly we have had this discussion for years, I think, in this building, in this house and the other one. But we all know what the answer is. The answer is to get tough. The answer isn't to make it a misdemeanor to threaten to shoot up a school so you can maybe go home that afternoon and get, you know, yelled at by your parents. No. We make it a real crime, because that will deter people from doing it. Will it eliminate them all the time? It won't. Of course it won't. Because we have sociopaths who are maniacs. Many of them expect to die when they commit a mass shooting.

But this is unfortunately not an answer. And this is just going to be so out of control because it is so expansive. When you look at the federal statute, it limits it to concealable guns, it limits it to actual, specific items that are used to force a projectile out, not every single one.

So I appreciate the intention of this bill, but it is unfortunately way off the mark. We need to reorganize our priorities. And I would urge my colleagues 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 30th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Sepúlveda to explain his vote.

SENATOR SEPÚLVEDA: Thank you, Mr. President, for allowing me for explain my vote.

I thank my colleague for a spirited debate.

It seems like some of my colleagues believe that doing nothing is the option rather than doing something immediately to combat some of the issues that we have with guns and weapons in this state. I invite all my colleagues to come to the neighborhood that I represent and speak to the mothers who have lost children to

ghost guns and see what their position is. The problem we have in this country is the proliferation and availability of weapons. Since President Obama became president, I think the number of weapons that were sold in this country doubled or was 200 percent; since the pandemic, another 200 percent.

And there lies the issue with guns in this country. It's the availability of guns. We can put our heads in the sand, deny and deny it and try to get around it, but if there aren't any guns or there are less guns, obviously there would be less violence.

The problem we have in my district is exacerbated by the use of ghost guns. Some of these individuals that are using it are clever enough to know that if they use a ghost gun, the criminal charges that they face, the length of sentences that they face is nowhere what it would be if they used a traditional gun. And we have to stop that.

I invite you all to come to my district. I invite you all to see how a ghost gun is used. It's not a flare gun. People don't go into places to hurt other people and say

either stop or I'm going to shoot a flare gun at you. They use projectiles, a projectile that can be emitted from a gun, from an object that looks like a gun. And ghost guns are becoming a major problem in this state and outside of this state.

I've spoken to many law enforcement individuals who have told me if we don't do something about ghost guns, things are going to get worse. And so that is the basis of this legislation.

Now, you know, you can try to -- you know, you may want a perfect piece of legislation, but I never let the perfect get in the way of the good. Especially when it's children in the district that I represent that are being murdered, that are being shot and killed by the use of ghost guns, and yet those that perpetrate the crime do not face the full extent of the law because the definition of a ghost gun is not within the definition of a firearm.

So I proudly vote yes on this bill, and I hope that it makes a humongous difference for the children that I represent in the South Bronx.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1875, those Senators voting in the negative are Senators Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1876, Senate Print 9458, by Senator Thomas, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: Read the last section -- I'm sorry.

Senator --

SENATOR AKSHAR: I want to ask a question when it's appropriate.

ACTING PRESIDENT BAILEY: Sure. I wasn't sure who was debating.

Senator Akshar, why do you rise?

SENATOR AKSHAR: Would the sponsor

yield for a few questions.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes, if it's short.

(Laughter.)

ACTING PRESIDENT BAILEY: The sponsor conditionally yields, apparently.

SENATOR THOMAS: Yes. Yes. Yes.

SENATOR AKSHAR: Am I standing between you and supper?

(Laughter.)

SENATOR THOMAS: No, absolutely not.

SENATOR AKSHAR: Mr. President, through you --

ACTING PRESIDENT BAILEY: The sponsor does yield.

SENATOR AKSHAR: Thank you.

The bill is seven pages long. On 14 occasions the bill uses the words "take possession." I'm wondering -- Mr. President, through you -- if the sponsor could give me a definition of those two words, "take possession." What does that mean?

SENATOR THOMAS: Through you, Mr. President. This piece of legislation is about saving lives, because thoughts and prayers no longer work. This piece of legislation is not about taking away anyone's guns, it's about a permitting process for individuals that want to purchase a semiautomatic rifle.

Now, you ask me what does it mean to take possession; Webster's Dictionary will probably tell you: To take something from someone else.

SENATOR AKSHAR: Mr. President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT BAILEY: Senator Thomas, do you yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: Yeah, I don't give a damn what Webster's Dictionary said. Webster didn't write the bill, you did. What did you mean by that?

SENATOR THOMAS: Through you, Mr. President, the Webster's Dictionary would

basically say the same thing.

SENATOR AKSHAR: Mr. President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: Would the sponsor be so kind to tell me what Webster's Dictionary says with respect to "take possession"?

SENATOR THOMAS: Through you, Mr. President, we are here to discuss this bill today, not to discuss what's in the dictionary.

I was responding to what I meant -- or what the bill meant by "take possession." So I told you what that basically meant.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR AKSHAR: Well, all due respect, Senator, that's why I'm asking the questions, because I care about what the bill says. You wrote the bill. On 14 occasions it uses the words "or to purchase or take possession of a semiautomatic rifle." What does that mean, "take possession"? It's a relatively simple question.

SENATOR THOMAS: Through you, Mr. President, for this purpose in the bill it's about someone giving someone a gun, purchasing a gun -- what else -- bartering a gun. But again, that's what I was saying before.

SENATOR AKSHAR: Mr. President, thank you. If the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: Senator, would that include the temporary -- temporarily taking possession of, such as maybe borrowing a

semiautomatic rifle? If you were to go on a hunting trip with your father or your grandfather and he in fact gave you -- let you borrow a semiautomatic .30-06 deer rifle, would that fall within that scope of "take possession"?

SENATOR THOMAS: Through you, Mr. President. Again, this bill is about purchasing, not about a possession license. It's about a purchasing permit.

SENATOR AKSHAR: All right. Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR AKSHAR: Does the legislation prevent anybody from traveling out of the state to purchase a semiautomatic rifle and bring it back into the State of New York?

SENATOR THOMAS: Through you, Mr. President, I am a New York State Senator and I cannot prevent an individual from going to another state to purchase a gun.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: If I own a dozen semiautomatic hunting rifles currently, and 90 days after this bill passes, what process would I go through if I chose to purchase my 13th semiautomatic rifle?

SENATOR THOMAS: Through you, Mr. President. Right now, if you own a semiautomatic rifle, you do not have to get a permit. But if you are going to get a new semiautomatic rifle, you will have to go through the permitting process which is described in the bill.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor continues to yield.

SENATOR AKSHAR: So can you -- just for my own edification and the edification of the people of this great state, can you explain how the licensing process would work pursuant to your legislation?

SENATOR THOMAS: So the licensing process, if you look at Section 3 of the bill, it has -- it says "Applications." And applications shall state the full name, date of birth, residence, present occupation of each person or individual signing the same, whether or not he is a citizen of the United States, whether or not he complies with each requirement for eligibility specified in subdivision 1 of the section, and such other facts as may be required.

So this is basically your pedigree information, your character and fitness, a background check. So that's what entails a permitting process for this specific gun.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: So, Senator, is it the same process as one would go through to apply for a pistol permit?

SENATOR THOMAS: Correct, yes.

SENATOR AKSHAR: Mr. President, through you, if the sponsor will yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: So I have a pistol permit back at home. If I wanted -- 90 days after this becomes law, if I wanted to go and purchase a semiautomatic hunting rifle, would I have to go and get a new permit?

SENATOR THOMAS: Through you, Mr. President, the licensing officers will be able to make a determination on that. But I don't -- I don't see an issue with that.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: If you'd be so kind, can you clarify that a little bit?

I mean, my question very specifically is, there are many pistol permit holders throughout this great state. Ninety days after this becomes law, would they -- if they chose to buy a semiautomatic hunting rifle, would they have to go through a new permitting process, get a new permit or a new license for that semiautomatic hunting rifle?

SENATOR THOMAS: Through you, Mr. President, they would still need a separate permit. But your licensing officer should to be able to give you more instructions on what you need to do next.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to

yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: I want to make sure I'm clear about this, because it doesn't sound like, as the author of this bill, you're clear at all about what will happen with respect -- during the licensing process.

Now, am I -- I buy a .30-06 semiautomatic hunting rifle, or I want to buy that. Do I go and see the pistol permit clerk at the sheriff's office and say, "Brian, I just bought a .30-06 hunting rifle, will you put it on my permit?" And he puts it on my permit, then I can go back to the store, pick it up and bring it home?

SENATOR THOMAS: Through you, Mr. President, you would still need to go through a new permitting process to get a semiautomatic rifle.

SENATOR AKSHAR: All right, Mr. President, through you, if the sponsor would

continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: So 90 days after this becomes law, anyone -- either if you're a card-bearing member of having a pistol permit, you would still be required to go to the licensing agency in your respective county, fill out a new application, and wait for whoever the issuing authority is to give you the blessing whether or not you can legally possess that firearm?

SENATOR THOMAS: Through you, Mr. President, it's a process of amending your permit. If you've ever had a permit before, and if you wanted to add another gun, you would go and amend it. Correct? This is exactly what it would entail.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: Does the sponsor have a pistol permit?

SENATOR THOMAS: Through you, Mr. President, no, I do not.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: So you've never -- you've never amended a pistol permit?

SENATOR THOMAS: Through you, Mr. President, if I never had a permit before, I've never amended a permit. So yes.

SENATOR AKSHAR: I'm on the bill for just a moment.

ACTING PRESIDENT BAILEY: Senator Akshar on the bill.

SENATOR AKSHAR: This is the problem with this bill. You've authored a bill, you have no idea how the process works.

This is -- this is the problem. In one breath you are saying you have to go out and get a new license, you have to go through a new application process, and then in the second breath you're saying, well, no, you would just go and amend your pistol permit. You would just add the .30-06 to your existing permit.

SENATOR THOMAS: Mr. President, may I respond to that?

SENATOR AKSHAR: Sure.

ACTING PRESIDENT BAILEY: Senator Thomas -- is Senator Thomas asking Senator Akshar to yield?

Do you yield to a question? Senator Akshar yields to a question from Senator Thomas.

SENATOR THOMAS: This bill is about saving lives. There might be some technicalities here and there, there might be some bureaucracies involved in this. But this is about saving lives and raising the age of individuals trying to get a semiautomatic that's being used to kill individuals.

If you want to change the process at these gun licensing agencies, you should put in a bill.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: So this bill really is about raising the age of young people being able to buy firearms, 18-, 19-, or 20-year-olds?

SENATOR THOMAS: Through you, Mr. President, yes. And to ensure a proper background check.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR AKSHAR: How will this bill affect school-aged children who are engaged in shooting sports?

SENATOR THOMAS: Through you, Mr. President, they would need to use other types of rifles.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: Like what kind of rifle?

SENATOR THOMAS: Through you, Mr. President, bolt action. Guns with bolt action. Not a semiautomatic.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: So any school-sanctioned shooting program that used semiautomatic weapons would no longer be able to be in existence, under the construct of this law.

SENATOR THOMAS: Through you, Mr. President, I don't know of how many school districts have such a program where they use a semiautomatic. But we could obviously work with them and the State Education Department to see what other types of rifles they could use to continue their program.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: Senator, I just want to come back to the permitting piece, if I may, for just a moment. I want to make sure that

I completely understand how we're moving forward, because this inevitably will be signed into law.

And I agree with you, you've heard it a lot today -- I said it after Senator Kennedy spoke about the tragedy in Buffalo, that it was my hope that we could move the conversation and the policy forward in a positive direction. And as you've seen, in these bills today, you saw some bipartisanship.

But I want to understand whether or not, when I go home to talk to my constituency, many of whom have semiautomatic hunting rifles, who have pistol permits, if in fact they're going to have to apply once again for a specific permit to be able to purchase that semiautomatic hunting rifle.

SENATOR THOMAS: Through you, Mr. President, I believe I answered this like five different times already.

SENATOR AKSHAR: Mr. President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield? Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: You did answer it five times. Five different ways. So I am asking it the sixth time.

Mr. President, so just --

ACTING PRESIDENT BAILEY: The sponsor has yielded, Senator Akshar.

SENATOR AKSHAR: So the question again is, do you have to go now, fill out a new application form 90 days from the enactment of this law -- new application form, a whole host of things happen, a process takes place. Where from I'm from, the sheriff sends it to the county court judge, the county court judge is the issuing authority. He or she will make that decision.

Is that process going to happen? Or is a pistol permit holder simply going to be able to go and buy that .30-06 rifle and just amend his or her pistol permit?

SENATOR THOMAS: Through you, Mr. President, they would need to go through a separate application process for a semiautomatic rifle. But since they are already a permit

holder, they can talk to the issuing agency. It would make it a lot easier.

But if you have any suggestions on making it easier, you know, I'm more than open to it.

SENATOR AKSHAR: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: Is the sponsor willing to lay the bill aside for the day and have a follow-up conversation about making the bill better?

SENATOR THOMAS: Through you, Mr. President, no.

SENATOR AKSHAR: I just -- Mr. President, through you, if the sponsor would continue to yield, I'll just ask a couple more questions.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR AKSHAR: I just want to go back to this issue about travelling out of state. I don't think I articulated it well enough.

Would it be illegal for me, 90 days after the enactment, to travel to Virginia, buy a .30-06 semiautomatic hunting rifle, and then bring it back to New York? Would I be in violation of the law?

SENATOR THOMAS: Through you, Mr. President, we are only talking about purchases that are made inside of New York State, not outside.

SENATOR AKSHAR: Mr. President, I thank the sponsor for answering my questions. I'll all set, thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Akshar.

Senator Stec.

SENATOR STEC: Thank you. Will the sponsor yield, please.

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: Will the

sponsor yield? The sponsor yields.

SENATOR STEC: All right, I've been paying attention to the debate my colleague just had, and I think I have more questions now than I did before you started the debate. So I want to make sure, I'm going to repeat some of these questions.

You said yourself you do not have or are not familiar with, have never been through the pistol permit process. Is that true, Senator?

SENATOR THOMAS: Through you, Mr. President, yes.

SENATOR STEC: All right. Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR STEC: So are you also unaware of what's involved in getting a pistol permit? Are you familiar with the cost, the time, the process at all?

SENATOR THOMAS: Through you,

Mr. President, since I never obtained a license to have a pistol, I do not -- I am not aware of what it takes to do that.

But reading the law here, I am familiar with what they need.

SENATOR STEC: All right. And yet you're authoring legislation on the subject.

If the sponsor would continue to yield --

ACTING PRESIDENT BAILEY: Are you asking the sponsor to yield?

Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR STEC: All right. So are you familiar that the pistol permit process requires a criminal background check be performed by the sheriff's office, it involves the county judge signing off, it involves fingerprinting, the whole nine -- are you aware of that?

SENATOR THOMAS: Through you, Mr. President. In Nassau County, where I reside, we do not need a judge to sign off on that. It's a different process.

SENATOR STEC: Okay. There's 62 other counties in the state.

If the sponsor will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR STEC: Are you suggesting that this application process under this bill for semiautomatic long guns would be similar, identical, very similar to the pistol permit process? Would there be background checks, fingerprinting, you know, an analogous process to what pistol permit processes are in the rest of the state?

SENATOR THOMAS: Through you, Mr. President, yes.

SENATOR STEC: If the sponsor would continue to yield, please.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR STEC: All right. So now you're aware that there are a lot of people that have long guns that don't have pistol permits?

SENATOR THOMAS: Yes.

SENATOR STEC: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Does the sponsor yield?

The sponsor yields.

SENATOR STEC: All right. So you're suggesting that the millions of New Yorkers that own long guns, if they already own the long gun, they don't need to go through this process.

But as my colleague said, if they already owned a dozen long guns, if they wanted to buy another long gun in New York State, they would have to go and apply for this semiautomatic permit. Is that true?

SENATOR THOMAS: Through you, Mr. President, it's a semiautomatic rifle that we are putting the permitting process on. And we are raising the age to 21 for a reason. Because right now --

SENATOR STEC: That's not my question. If the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: If you'd allow Senator Thomas to continue his answer, Senator Stec.

SENATOR STEC: No, I'm not, I want him to answer the question I'm trying to ask.

If the sponsor will continue --

ACTING PRESIDENT BAILEY: Senator Stec. Senator Stec. Senator Thomas was answering your question. Whether you like the answer or not is immaterial. He was answering your question.

Are you asking him to yield?

SENATOR STEC: I have a new question, if he would yield.

ACTING PRESIDENT BAILEY: Will you yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: Senator Thomas yields.

SENATOR STEC: So if you already own a dozen semiautomatic rifles, you don't need a permit. But if you go and you want to buy

another one in New York, you will need to go through this permit process; correct?

SENATOR THOMAS: Through you, Mr. President, yes. Because there are going to be additional requirements for you to undergo in order to get that semiautomatic rifle.

If you've never had a pistol permit before and you've had the semiautomatic rifles, it is logical that you have to go through the fingerprinting, the criminal background checks and other checks before you are given a permit for a semiautomatic.

SENATOR STEC: If the sponsor would yield.

ACTING PRESIDENT BAILEY: Would the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR STEC: So if you're one of those gun owners that has a pistol permit already, are you saying that your process, your application process to buy a semiautomatic rifle would be simpler because you already have a pistol permit, that there will be two processes,

one for people that already have a pistol permit and one for people that don't have any permit at all?

SENATOR THOMAS: Through you, Mr. President, I think I've answered this like a bazillion times already.

But listen, there's going to be another application for a semiautomatic rifle. All right? If you've already had a permit for a pistol before, you can go talk to your licensing agency. I don't know how many times I have to repeat that.

SENATOR STEC: All right. If the sponsor will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR STEC: If you move here from another state and you bring your hunting rifles with you, do they need to be licensed?

You move into New York -- you're one of the few people that move into the State of New York from another state, for all that we have

to offer. Do you have to get a pistol permit -- or a -- sorry, a semiautomatic rifle permit?

SENATOR THOMAS: Through you, Mr. President, if you're bringing, you know, a gun from outside the state which was legal in that state and you're bringing it into New York, no, you do not need another license.

SENATOR STEC: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR STEC: If you're a New Yorker and you want to go to another state and buy a weapon there and bring it back -- I just want to make sure we get the same answer twice.

SENATOR THOMAS: Through you, Mr. President. Again, you and I are both New York State Senators. I don't understand why I need to try and explain what another state's law is and what hypothetical state you're talking about here.

SENATOR STEC: If the sponsor would continue to yield, my question is, is that gun legal in New York?

ACTING PRESIDENT BAILEY: Will the sponsor yield? The sponsor yields.

SENATOR THOMAS: Repeat the question again?

SENATOR STEC: If you had this permit -- or if you didn't have a permit, you went to New Jersey and bought a semiautomatic rifle there and came back to New York, would you be violating this law?

SENATOR THOMAS: This law is about guns that are bought here in New York.

SENATOR STEC: If the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR STEC: All right.

"Take possession." So I've gone through this process again for a long rifle semiautomatic permit. And I have guns -- or I

already have long guns, but I have them and I want to let my 17- or 18-year-old son take possession of them to go hunting. Are either one of us violating this law?

SENATOR THOMAS: Through you, Mr. President, this is not a possession permit. This is a permit to purchase a semiautomatic.

So if you're going hunting with your loved one and you are handing the gun over to them to do whatever they need to do, you're not in violation of the law.

SENATOR STEC: All right. Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

SENATOR STEC: All right, so over the last week or so we've seen commercials and news reports from our Governor talking about raising the age to buy AR-15s.

Is it fair to say that this legislation goes far beyond raising the age to buy an AR-15, it's more than that?

SENATOR THOMAS: Through you, Mr. President, I don't think it goes far beyond.

Because we are making the same requirements that you need in order to get a pistol permit for a semiautomatic rifle.

SENATOR STEC: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR STEC: Does this bill only apply to AR-15s?

SENATOR THOMAS: No. Through you, Mr. President, it applies to all semiautomatic rifles.

SENATOR STEC: All right. If the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR STEC: Regardless of caliber? Would it apply to a .22?

SENATOR THOMAS: Through you,

Mr. President, it's a semiautomatic. Right? So it's when a gun that can shoot faster bullets because it reloads faster -- those are the type of guns that we're talking about here.

So a .22 -- can you describe what that is?

SENATOR STEC: Will the sponsor yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR STEC: I want to make sure I understand your question. Are you asking me to describe to you what a .22 is?

SENATOR THOMAS: Through you, Mr. President, is it a semiautomatic?

SENATOR STEC: On the bill.

ACTING PRESIDENT BAILEY: Senator Stec on the bill.

SENATOR STEC: Mr. President, we're all concerned about safety. We all abhor gun violence, all of us.

If you're going to bother with legislation and you're going to jerk around 19 million New Yorkers, millions of gun owners that own their weapons lawfully, have for years,

the first thing I think you should do is make sure you're familiar with the topic that you're going to author legislation on.

Second, it should be enforceable and understandable.

I went through this exercise of asking these questions, like my colleague did, because a lot of us are going to be asked questions at home about this, and all they know is what they've been seeing on the television for the last seven days, where we're going to raise the age on buying an AR-15.

This bill goes far beyond that. And if you say we're going to make 21-year-olds -- before I saw this legislation, I had in my mind that we were going to be showing a driver's license at the gun store to show that we were 21 years old. And I think that. If I thought that, there's a lot of people in this room that thought that, and I know there are a lot of constituents back home that were thinking, oh, okay, we're raising the age to 21 to buy an assault weapon.

What this bill does is -- the vast majority of long guns sold in the United States

today are semiautomatic. The bill's sponsor doesn't even know what a .22 is. And we're talking about if it's a semiautomatic weapon -- that's almost every long gun that's sold. And this isn't flash the driver's license, I'm 21 years old. This is do the pistol permit process all over again for millions of New Yorkers that have not had a problem owning or possessing a gun.

This bill does nothing more than hassle lawful gun owners. This bill will do very little in a practical sense to stop gun violence. And frankly, the sponsor should be embarrassed for his lack of knowledge on the subject.

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

Senator Ryan on the bill.

SENATOR RYAN: Will the sponsor yield for a question?

SENATOR THOMAS: Through you, Mr. President, yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR RYAN: Two weeks ago there was a horrific crime in Buffalo, and the crime

was perpetrated by an 18-year-old who went to a gun store and he bought a Bushmaster XM15 AR-15 semiautomatic assault-style rifle.

Today, in New York State, can that 18-year-old buy that without any restrictions?

SENATOR THOMAS: Through you, Mr. President, yes. All they need to do is go to the gun store and get a background check done, and they will have it.

SENATOR RYAN: So through you, Mr. President, you've passed a basic federal background check, it takes minutes, then you can walk out with that gun.

SENATOR THOMAS: Through you, Mr. President, yes.

SENATOR RYAN: Any licensing, any training?

SENATOR THOMAS: Through you, Mr. President, no.

SENATOR RYAN: Through you, Mr. President, would this bill, if this passes and the Governor signs it, would that same 18-year-old be able to buy that gun in the same way?

ACTING PRESIDENT BAILEY: Senator

Thomas, do you yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR THOMAS: Through you, Mr. President, no, they will not be able to, because the age would be now 21 years, and they would have to go through additional checks in order to purchase that semiautomatic.

SENATOR RYAN: Thank you very much. I have no further questions.

SENATOR THOMAS: Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Ryan.

Senator Weik, are you asking the sponsor to yield?

SENATOR WEIK: Through you, Mr. President, does the sponsor yield for a question?

SENATOR THOMAS: Yes.

SENATOR WEIK: So you're telling me an 18-year-old can go to Pennsylvania, buy that semiautomatic rifle, and come back to New York and there's no problem?

SENATOR THOMAS: Through you,

Mr. President. Again, we control the laws here in the State of New York. What they are able to do in another state, we are not here to regulate.

SENATOR WEIK: So what I heard was yes.

ACTING PRESIDENT BAILEY: Senator Weik, are you asking the sponsor to yield?

SENATOR WEIK: I'm sorry. Through you, Mr. President.

So what I'm hearing you say is yes, any 18-year-old can go to another state, buy those weapons, come back to our state and commit the same heinous crime.

SENATOR THOMAS: Through you, Mr. President, are you advocating for federal gun control? Because that's what we need in order for that to stop.

SENATOR WEIK: I'm sorry, are you asking me a question?

ACTING PRESIDENT BAILEY: I'd like to remind our colleagues that the hour may be late, but we pride ourselves on decorum.

So are you asking the sponsor to yield, Senator Weik?

SENATOR WEIK: No. He seemed to be

asking me a question, sir.

SENATOR THOMAS: It was rhetorical.

ACTING PRESIDENT BAILEY: Senator Thomas, your answer was?

SENATOR THOMAS: Through you, Mr. President, listen. I'm a New York State Senator, I regulate what happens within this state. What they do outside of the state and what laws are governing that transaction, it's not up to me.

SENATOR WEIK: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Weik on the bill.

SENATOR WEIK: So basically this bill does absolutely nothing to protect New Yorkers because 18-year-olds can still go to other states, purchase the same gun and come back to our state and commit the same heinous crime. And so this bill essentially does absolutely, positively nothing to protect New Yorkers.

Thank you.

ACTING PRESIDENT BAILEY: Senator Rivera.

SENATOR RIVERA: Through you,

Mr. President, would the sponsor yield for a few questions.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

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

Earlier we were talking about definitions in the dictionary. And I wanted to ask you whether you thought that a word that was utilized on this floor by one of my colleagues on the other side of the aisle about a hassle -- would you qualify a hassle as having to stand outside of a school while your child is murdered inside by someone with a semiautomatic rifle? Would you consider that a hassle? Through you, Mr. President.

SENATOR THOMAS: Through you, Mr. President, it's an unfortunate situation what we're going through in this country. And this piece of legislation is there to protect New Yorkers. And it will save lives.

SENATOR RIVERA: Thank you,

Mr. President. On the bill.

ACTING PRESIDENT BAILEY: Senator Rivera on the bill.

SENATOR RIVERA: There's something a lot of people don't know on this floor and around the state. Some of my closest friends don't even know. I actually own a handgun. I went through the process of actually getting a license. It took me almost a year, Mr. President. I had to go through various interviews down at One Police Plaza, I had to fill out all sorts of questionnaires, I had to provide letters of reference from some of my close friends who know me to be a person of good character. And that was perhaps, Mr. President, a hassle.

But you know what it was as well? It reminded me -- and as I did, I talked to all of the different police officers that I talked to throughout the entire process about how I was thankful that it was such a difficult process, because that meant that I was able to take the time -- and since I am, again, a person of good character and a person who was seeking it for potential personal protection or for shooting

sports, et cetera, it took me a time and I was thankful that it took me that long.

And I was thankful that someone else that might be looking for such a weapon to hurt other people or to mass murder folks was not able to get a handle on it so quickly.

And so, Mr. President, I came onto this floor more than a little bit perturbed, because when some of my colleagues refer to a permitting process as a hassle, a hassle to New Yorkers, a hassle to responsible gun owners -- it is not a hassle to a responsible gun owner, which I am one. And I believe that many of my colleagues might be as well. It is meant to be a hassle -- it is meant to be a hassle to those folks who might want to quickly get their hands on something with which they can mass murder people.

And as some of my colleagues also have said -- and I'm very thankful that they recognize the fact that unfortunately there is only so much that this state can do. Because until our colleagues in Washington, D.C., get off their keisters, to be PG on this floor, we will still have the ability for people who are looking

to perform the heinous crimes that have been committed in our state and all across the nation on a daily friggin' basis.

So a hassle, yes. That is indeed what we would like to do. Maybe not the sponsor, I'll only speak for myself. I want it to be a hassle. I want it to be a process by which you go through different steps, and maybe you have to file something and send it to somebody and then something goes back -- that is exactly what we should do. Because unfortunately, my colleagues, until our friggin' colleagues in Washington do what they need to do, that is all we can do.

But guess what? We're going to do it. And we're going to do it because it's the least that we can do, to create a hassle so that people that are responsible can go through that hassle. And people that are irresponsible and are looking to potentially murder our neighbors, our children, don't have the ability to do so so quickly.

It is little stones, perhaps. Until we get it done at the federal level, that's all we can do in this the state. But we will do it because we have a responsibility and we have an

obligation to do so.

So I'm sorry that you shall be hassled for the rest of the day, still talking about many other bills, but such a hassle is necessary.

When the times comes, I'll be voting in the affirmative -- and proudly so, Mr. President. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Rivera.

Senator Palumbo.

SENATOR PALUMBO: Thank you, Mr. President. Will the sponsor yield for just one or two quick questions.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator Thomas.

So I'm not going to belabor the point, but just there's another point that was raised listening to this questioning. I have a valid permit, pistol permit. I now apply to

purchase a new semiautomatic and I do not get authorized, I fail that investigation, or the application process is denied.

Can you tell me, under this legislation, what happens to my current permit and my current guns? Are they confiscated?

SENATOR THOMAS: Through you, Mr. President, it depends on why that permit failed, why it was denied. Did your character and fitness fail? Did your background check fail? That's what should be looked at.

But I'm not here to speculate, because that's not what the bill here is about.

SENATOR PALUMBO: Will the sponsor yield for another question?

ACTING PRESIDENT BAILEY: Would the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR PALUMBO: Well, Senator, I guess if it's not something that would otherwise disqualify you for a pistol permit, necessarily, but you just failed that new application process, that's a question that's left open. So actually

that was rhetorical. Let me ask the actual question, because this is really where I'm going with this.

Who's going to promulgate these rules regarding the new application process? Because all we have now, in certain jurisdictions -- like you and I from Long Island, in the western part of Suffolk County the Suffolk County Police Department issues pistol permits. Out by me, on the East End, it's the Suffolk County sheriff who issues my pistol permit.

So who is going to create these rules in the event this is lobbed now into the universe? Who is going to create the permitting process for long guns?

SENATOR THOMAS: Through you, Mr. President, it's just -- this bill is just incorporating all the permit requirements for a pistol license to a semiautomatic.

SENATOR PALUMBO: Will the sponsor just yield for one more question, then.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

So just so I'm clear, so this is the only process, we have one process. And just so I'm clear, for the purposes of those folks listening, that we have one process of obtaining a license to have a firearm. That is going to be the exact same process for the application to purchase a semiautomatic rifle. Is that accurate?

SENATOR THOMAS: Yes. Through you, Mr. President.

SENATOR PALUMBO: Okay, thank you. No further questions.

ACTING PRESIDENT BAILEY: Thank you.

Senator Borrello, welcome back.

SENATOR BORRELLO: Ah, good to be back. Thank you very much, Mr. President. Just on the bill.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: I wanted to

address the idea of this being a hassle for people to have to reapply for a permit. I agree, it should be a process, it should be a hassle.

It's ironic, though, coming from my colleague, who supports bail reform, which is all about making sure we're not hassling criminals to actually show up for court.

In the Town of Persia, population 700, in the month of February, 46 of the people facing criminal charges, 46 of 50 did not show up. Because it was a hassle. And it was a hassle because, well, you know, they don't have to show up because we don't need them to.

Can the judge issue a bench warrant? No. We've got to let him do it two more times. We don't want to hassle them to show up to face their criminal charges.

It's a hassle for people to actually have to follow their parole orders. Don't get stoned, go to your job on time. That's a hassle. We don't want criminals to be hassled with actually having to follow the conditions of their parole order. We're going to let them just, you know, get a pass for that.

Why don't we repeal bail reform? If

we want to save lives, let's repeal bail reform. If you want to save, protect our children, how about we put an SRO in every school building in New York State? And if you want to solve crimes, how about we refund instead of defund our police so they actually do the job they're supposed to do, protect the citizens.

I am sick and tired of listening to this hypocrisy. That's what this is today, total hypocrisy. Do those three things, and New York will be a much safer place.

Thank you, Mr. President.

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

Senator Brooks on the bill. Excuse me, Senator Helming.

SENATOR BROOKS: Thank you, Mr. President.

It's sad what's going on here tonight, it really is. When I was a kid, my grandfather was a gunsmith. There were guns in the house all the time, but they were locked up. You didn't touch them. They were separated. There were different guns that had different purposes. You knew what safety meant. You knew

your responsibilities as a gun owner. I wouldn't call myself a gun owner.

Fifty-one years ago, down in Fort Polk, Louisiana, I had my first exposure to a military weapon. Dramatically different than the guns grandpa had. We had M16s. It was incredible. You could aim at a target 300 yards away and hit it. The gun was designed to use single shot. Semiautomatic automatic. What was it? It was a gun that was developed to kill people, to use in combat. There was a difference between the guns we had at home and the guns that we used in the military.

This last couple of weeks it's been awful what's going on here. To see those kids killed, to see those kids in the building for over an hour, to see those kids make phone calls to send help, to realize in the 50 years from when I first saw a military weapon, to what's produced now -- they're designed to kill someone, a long distance. The ammunition we use is meant to mutilate people. Those kids were shot with that kind of weapon. Close proximity to the firer of the gun. The injuries they received were devastating. They were identified by DNA

samples.

We have a crisis in this country, in this state and in this country. We're here tonight fighting back and forth on what we should do. It's time, back and forth, collectively, we figured out what we have to do. Take the politics out of this, because it's killing the kids. We all have the same responsibility, to protect the people of this state. You look at those pictures. They were kids, right? They had the pictures. They made the honor roll. Ten years old. Mom and dad never got to congratulate them. They had a girl apparently there that covered herself in blood so not to be shot.

We've got a weapon that's so powerful that it appears the officers that respond didn't want to try to make entry. Stop fighting. It's time to solve the problem. We've got to recognize there should be a separation in the kind of weapons that are going to be used in the military and what we can buy. We've got to recognize that people that have guns are responsible, and we should identify those that aren't responsible and make sure they don't have them.

Too many kids have died in this country and in this state. We don't have the right answers here tonight. And we're having a challenge, a Ping-Pong match, back and forth asking questions. But every one of us should ask the question, How is it that the last two incidents those individuals got hands on the weapons that they had? Neither one should have had those kind of weapons.

We've got to figure out how to stop this. We've got to work collectively. Many on the other side of the aisle have a lot of experience in weapons, and others don't. We have to bring all of our resources together. We've got to stop this. We've got to stop this for the kids, for the seniors that we've lost, the events we had in Buffalo, the events we had in Texas. We've got to stop this.

What we're doing here tonight is not right. What we need to be doing is working together. What we need to be doing is protecting the innocent kids in this state and the rest of this country. It's the last day of session. We've got a lot of time to think about what's happened in this state and what's going on, a lot

of ideas to kick ideas together as to what we can do.

But we've got to recognize that we have an obligation to the people of this state to solve the problem. It's not going to be easy, and it really has to be done at the national level. But this exercise proved nothing. We're a hell of a lot smarter than we think we are if we work together. And we can solve this problem, and we can save those kids and we can make sure that a kind of weapon that should be for combat is only used in combat. And we should make sure that we have safety controls on guns in case somebody gets hold of a gun they shouldn't.

I don't know the answer. But I know what's happening tonight is not the answer. We've got to work together and save the kids.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Helming on the bill.

SENATOR HELMING: Thank you, Mr. President.

On the issue of protecting the people, saving lives -- which should be the top priority for all of us, and I do believe that it

really is -- I heard the sponsor of this piece of legislation say something to the effect that if you have something to discuss, bring it forward. I heard that said yesterday during the Clean Slate discussion. I heard that today during several of the firearm pieces of legislation: If you have any suggestions, solutions, answers, bring it forward.

You know what? The first few times I heard it, I kept my mouth shut, but I'm not anymore. I'd like to remind people that just today, a few hours ago, we brought forward two amendments, one to help keep our schoolkids safer by hardening our schools, by providing school resource officers in every single building. Every Republican here voted for that, but we couldn't even get a discussion going with our colleagues across the aisle.

We also brought forward an amendment to increase mental health resources and to increase the access that's needed by our children and by adults. It's ridiculous that people have to wait months and months.

When Senator Boyle spoke during the microstamping discussion, on the issue of

tracking down killers, solving murders -- microstamping, a technology that hasn't been proven, that hasn't even been fully developed. But this body, Senator Boyle brought it up, brought forward two pieces of legislation that the Democrats ignored, did not even bring to this floor. Proven technologies -- the familial DNA, the genetic genealogy -- disregarded.

We've submitted so many bills, and we support so many of our Democratic colleague bills that do more to reinvest in our mental health system, that do more to deter and to fight crime, and that do more to hold criminals accountable.

Listen, I want to work with everyone in here to reduce what's happening. We've got to stop it. But don't tell me we haven't brought anything to the table. We have. It's been ignored. It's not been brought to the floor.

ACTING PRESIDENT BAILEY: Senator Kennedy on the bill.

SENATOR KENNEDY: Thank you, Mr. President.

First let me start by thanking again our great Majority Leader, Andrea

Stewart-Cousins, for bringing the comprehensive package of laws that we're voting on today to the floor to protect the public, to strengthen the laws against criminals in New York State, and to make sure that we are protecting those individuals throughout our state that can't protect themselves.

They can't protect themselves because of the fact that we have a government at the federal level that has failed us when it comes to gun laws. We have a government at the federal level that has failed to act time after time. We have a government that is as divided today as it's ever been.

And I've got to tell you, I'm heartbroken at the fact that we are bringing this comprehensive package to the floor and bill after bill we're getting no votes after no votes, when we are trying to put things forward like strengthening the red flag laws that will allow potential criminals from possessing firearms in the first place, making it more difficult to get body armor like the invader in our community wore, the white supremacist, when he murdered 10 of my constituents, 10 of my neighbors, 10 of

our friends and family members and community members and leaders.

When we bring bills forward like high-capacity magazine bans in the state, or increasing the purchases -- I want thank my colleague Senator Thomas for bringing this bill to the floor increasing the age, making it more difficult to get somebody's hand on a semiautomatic weapon.

Holding each other accountable through social media platforms? Helping law enforcement by giving them tools to identify firearms that have been used in crimes by improving ballistics? There's nothing sensational about these bills. These bills are simply common sense. And we have to do them here in New York State because our federal government is failing us and our streets and communities across this state are being saturated with firearms that are being brought into our state illegally, the Iron Pipeline.

I want to recognize my colleague Senator Myrie for his work in helping to hold gun manufacturers accountable, a bill we passed earlier this year, that grieving families in

New York can now use to make sure that their families get justice.

We have a uniquely American problem. America has a gun problem. Yes, we have to deal with mental health. We deal with that in this package of legislation. Yes, we have to deal with the unaccountable social media platforms and the hate and the white supremacy and the evil that goes unchecked on those social media platforms. We deal with that in this legislation.

Yes, we have to deal with the gun problem here in our state and in our country. We deal with it in this comprehensive package of legislation. Now is the time we need to act. New York State has to act because the federal government failed us.

And we should come together. This should not be a partisan issue. This isn't a Democrat or Republican issue. This isn't an upstate or downstate issue. This is an American issue. And we're all Americans in this room, and we've got to act like it. And we've got to vote like it.

After the massacre in Buffalo, I

attended eight funerals. I was here in the Capitol voting on the Tuesday where one was held and wasn't able to join the family for that funeral. I sent my regards, my condolences and my sympathies. There was another funeral in Auburn I was not able to attend. I sent my sympathies and condolences to the families.

What I did at those funerals was I promised the families -- to their faces, looking them in the eyes -- that every single day and every single moment that I have breath in these lungs, I'm going to fight for justice for their families. And I'm going to stand with my colleagues to do the same thing, to make sure that those 10 individuals in Buffalo that were massacred didn't die in vain. That maybe something positive can come from them being slain in broad daylight on a Saturday afternoon on Jefferson Avenue going shopping for groceries at Tops Friendly Markets in the heart of the community.

What we're doing here right now is making good on that promise. I think everyone here in this chamber today owes it to those 10 families in Buffalo, our fellow New York State

family members, our fellow residents, I think we owe it to those that were massacred everywhere else across this country, time after time after time. I could start rattling off the list, but you know what, the list is far too long. And we all know it.

It's time we do something about the gun problem in America. It's time we do something about the gun problem in New York. And this is it. This is our time, this is our moment. This is why the people of New York State sent us here. This is what we have to do. I would suggest to my colleagues on both sides of the aisle that we have the political courage, the thoughtfulness to do the right thing and to pass this comprehensive package of bills in a bipartisan fashion.

With that, Mr. President, on this bill I vote aye.

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

Senator Lanza.

SENATOR LANZA: Yes, Mr. President. On the bill.

ACTING PRESIDENT BAILEY: Senator

Lanza on the bill.

SENATOR LANZA: So I've got some bad news for the people of New York. This legislation that is immediately before the house would not have prevented what happened in Buffalo, plain and simple.

People are shaking their heads. A question was asked on this floor, the question went something like this: Could that deranged, satanic individual have done what he did if this was the law? The answer was no. That is not true, because that individual went to Pennsylvania and purchased the rifle and came here and did what he did.

This legislation will do nothing to stop what happened there. No -- there were no yes votes on this side? That's a lie too. There were plenty of yes votes on this package, plenty. Hate speech on the internet, almost unanimous here. Red flag, there were votes here. Body armor, almost unanimous.

You know, I can yell and scream and raise my voice and ask why that side of the aisle refuses to put an armed police officer in every school. I can yell and I can scream, and I've

carried the legislation for 10 years. Hasn't worked. I can yell and scream and raise my voice and ask why that side of the aisle today, just today, said no to a provision that would say if you are arrested under this new law that's -- because you said you are going to shoot up a school, that you should be held on bail and sent for immediate mandatory psychiatric evaluation. I can yell and scream and ask why, why not? Why did you vote no?

Yelling doesn't work. I get it. We shouldn't yell at each other. And we should talk to each other. And you say it's not about politics? It is about politics. It is. It is.

Does anyone think, does anyone think that requiring someone to have a permit for one of these rifles is going to stop someone who is so deranged, so satanic, so evil that they will walk into a school and kill innocent children? Does anyone actually believe that?

You know, some people point to what happened in Texas, another evil, satanic individual, and say, Hey, that's why you don't need the Second Amendment. I have another theory. I say that's why you need the

Second Amendment, because government is not going to save you. Government failed at every single level. Government sat outside that school for an hour. Government did nothing. A mother stormed through government barricades to save her child.

Buffalo. Everything was there before us to know that that was imminent. Government had everything it needed, and government failed.

And I don't want to blame only government, because I don't want to walk away from what is really true and what we all know in our hearts, that the fault always lies -- sits with that deranged individual. And that's why, yes, we have philosophical differences on the approach.

But I'm not going to sit here and have to listen to the B.S. that we don't care. I'm not going to say that you don't care. I know you care. As Senator Brooks said, we've got to stop using the differences to accuse each other of not caring. We have different ways of going about doing it. And I could tell you that I believe that requiring someone to get a permit to get a semiautomatic weapon is not going to solve

the problem. And the people of the State of New York should know -- because I know people run home, we both do it: Hey, I passed a bill, I've solved the problem, nothing to worry about. That's not true. And the people should know it. There's still a lot to worry about.

This bill before the house is not going to do anything to address all the horror that we've been talking about and witnessing. Not a single thing. Our approach focuses, yes, more on defending society against the type of people, the evil that over and over again commits these crimes.

And again, I'll say it. If you are that deranged, that evil, that sick, that hellbent on doing harm, you're going to do it. Oklahoma City, there were no guns involved. I don't want to give sickos ideas, so I won't list all the other ways that people could do disgusting, hateful, evil things.

But I know this. If you think this is going to help, I hope you're right. I'm not going to call you a bad person. I'm not going to sit here and hear that no one on this side of the aisle cares about it or is trying to seriously

address it. And if you want to talk, you've got my number.

Mr. President, I'm going to vote no.

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 8. 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: Senator Ryan to explain his vote.

SENATOR RYAN: Thank you, Mr. President.

It's hard to believe that 19 days ago a massacre occurred in Buffalo, New York. But hot on the heels of that was a massacre of schoolkids in Texas. And hot on the heels of that was a massacre in Tulsa, Oklahoma. So they keep rolling -- we seem to have a recipe for it.

We could do two things. We could do

nothing, or we can attempt to fix problems. The bills that we are passing today are attempting to fix the problem. You cannot say that if we do something, something else won't happen. But I can tell you, you can put hurdles up, you could put impediments in the way.

And, you know, just to be clear, according to the district attorney of Erie County, the gun that was purchased to murder the people in Buffalo was purchased at a gun shop in Endicott, New York, legally, following all the rules of New York State. No one had to leave New York State, because our laws as they currently stand are so permissive that an 18-year-old can buy a weapon of war, then drive to Buffalo. No need to go to Pennsylvania, because our laws were so lax that you could come right here and buy them. No need to go out of state. Right near here in New York State, legal weapon.

So we're going to make it a little harder. We're going to make it so you have to be 21. You have to take a safety course. Here's one of the ultimate ironies of New York State and our tough gun laws. Before today, anyone could

go to any store and buy any long gun they wanted. But if you want to take that long gun and go hunt a squirrel, you need to sit for an eight-hour safety course. But if you want to go to Endicott, New York, and buy an AR-15 to go hunt people, no requirements on that.

We're going to change that today. We can't say that our actions are going to prevent something, but boy are we going to try. We are going to try. I don't have to tell you this, Mr. President. I've watched the scenes of shootings from around America, and you get hardened to it. It touches your heart, but you get hardened. But when it happens 1.9 miles from your house, it flips you out when you realize the tremendous loss of life that could happen with these weapons.

Senator Brooks has it right. These are not the same kind of weapons that if you grew up handling a gun 30 years ago you'd even be familiar with. There's a tremendous loss of life that occurred in 120 seconds.

So while it may not be perfect, we are going to try. And we are trying today, and we are going to raise the age to 21. We are

going to make it so body armor cannot be just purchased willy-nilly by civilians. And we are going to make our ERPO laws stronger.

I proudly vote in favor of this legislation, Mr. President.

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

Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President.

You know, I rise with a sense both of sadness at this debate that I've heard today and, frankly, a sense of disbelief. Because I think we are not talking to the same people in our districts. I know, after Buffalo and Texas, the mothers and fathers that called my office, and they weren't talking about anything but guns. They are afraid of guns.

Here's one that wrote me: "I've never messaged a Senator before, but I am afraid and really don't know what to do. I am a nurse and a mom of four children. Two of my children are in elementary school. It terrifies me that this could happen anywhere. What can I do? What can the moms in my area do? I'm not sure where

to start. Please let me know how to help make change."

I called this mother. And you know what she said? "Don't let people under 21 buy these deadly weapons." And today, we made a promise to these people.

And I would say to my colleagues on the other side of the aisle who I think, frankly, have quibbled and made small arguments over an effort to solve a problem: This package may not be a perfect, as Senator Ryan said, but we are putting something on the board here to address a critical problem -- not a small problem, a problem that is of such incredible proportion.

We are doing it, and we are pledged to do it. But you know what we could do together? Call on your partners in the Senate that represent your side of the aisle to join our side and call for a ban on assault weapons. That's something we could do on a bipartisan basis that would make a real difference for our nation and for our state.

But until we get to that point of bipartisanship, we on our side of the aisle are going to put everything on the table that we

promised, everything that's sensible and thoughtful and reasonable, but that speaks to the mothers and fathers in my district and the children in my district and the people who want to go to a supermarket at 3 o'clock in the afternoon in my district, and their families.

We're going to do everything that we have to do. It's too bad we can't do it all jointly. But I know what we can do jointly: Get your colleagues to join us in Washington.

Until that day, I proudly vote yes.

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

Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President.

So I've been here all day long listening to all of us discuss support and against legislation that we're discussing. And I say to you that -- Kevin, let me thank you for carrying the piece of legislation that's part of our package. As you said, this legislation and what you're doing is to save lives. And I appreciate that. Because too many lives are being wasted, killed. Every day we pick up the

newspaper or listen to the radio or TV, people are killing each other.

And it's devastating all of these little kids and people being killed with deranged individuals, people with psychological issues, with assault weapons that can fire 150 or a couple of hundred bullets within a matter of a minute or so.

And I just say that I think that we need to not scream at each other. But when I hear that if a person goes to Pennsylvania or out of our state to purchase, that is not going to do any help -- I know that if I'm walking a half a mile to go get something and I have to walk another half a mile, I'm going to think about whether or not I'm going to walk that other half a mile in order to get it.

Or to walk upstairs after I park my car in my parking space and I start walking up the stairs and I'm walking to the third floor -- but if I have to walk to the sixth or seventh floor, I may take the elevator. So sometimes it delays action that you are expecting to take.

But this is about saving lives. And I'd say to you that I think about the lives of

these children and I think about my grandchildren that are 9 and 12. And God knows, Allah knows that I want nothing to happen to them, just like I don't want anything to happen to anyone.

So let's refocus and let's not try to tear each other apart in here. Let's come together in unity, understanding what we're trying to do. And is it perfect? It's not perfect. But we're going to try our best to make a big difference in order to save lives.

And with that, Mr. President, I vote aye.

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

Senator Reichlin-Melnick to explain his vote.

SENATOR REICHLIN-MELNICK: Thank you, Mr. President.

We've been listening to a lot of debate about this issue. And we're talking about gun safety and how we keep our communities and our state safe from guns. And yet it seems like my colleagues on the other side of the aisle want to talk about everything but guns. They want to talk about mental health, about social media,

about violent video games. They want to talk about everything but the problem.

Because in any country in the world, there are mentally unstable people, there are violent people, there are social media platforms, there are video games. All of these things exist not just in the United States. And yet only in the United States do we routinely have these deadly mass shootings in schools, in supermarkets, in shopping malls, in public places, in houses of worship. That's a United States problem.

And what's the difference? It's that here, unlike all these other countries, an 18-year-old can walk into a store and walk out with a weapon that can kill dozens of people in the space of a few minutes.

We should not continue down this path. There are more guns than people in the United States. That is not what the founders envisioned. That is not what New Yorkers want to see.

This is simply saying -- and I think it's long overdue -- that you can't go as a teenager and purchase these deadly weapons, very

similar to the weapons that we send our soldiers into battle with, weapons that outgun and out-firepower our law enforcement officers.

We hear sometimes that a good guy with a gun is going to stop these shootings. There was a good guy with a gun in Buffalo, an armed security guard who engaged the shooter and paid for it with his life because he could not match the firepower that this 18-year-old was able to obtain.

There were police officers that went into the school in Texas. They did not stop the shooter. Good guys with guns are not enough.

We need to reduce the amount of firepower that is out there in our communities, and this is an important first step.

I'm grateful to the leadership for bringing this to a vote. I support this bill.

ACTING PRESIDENT BAILEY: Senator Reichlin-Melnick to be recorded in the affirmative.

Senator Hinchey to explain her are vote.

SENATOR HINCHEY: Thank you, Mr. President.

I am a proud upstate Democrat. I support our hunting culture, and I grew up with guns in our house. And as was brought up earlier today, when I decided to run for office, I went out to get a gun permit because I wanted to understand what we would be talking about in this chamber.

And to show you how much I knew at that time, even being an upstate Democrat who grew up around guns, I thought I was going to shoot a handgun. Before I got my permit, I thought that would be the process. And what I learned was through the state laws, I was not able to shoot a handgun until I had a permit, but for the first gun I was able to shoot was an AR-15. That was the first gun I ever shot -- at a gun range, safely -- having no experience, because that was what our laws allowed.

All this bill does is raise the age of when you can purchase a semiautomatic rifle. We are just increasing the age so that people don't get used to the ease of some of these guns. It doesn't change semiautomatic shotguns that are used for hunting. It doesn't touch that. We advocated. We said that the hunting culture is

incredibly important.

But what it does do is not start off people with guns that they shouldn't be using in our normal community.

This is something that is pretty simple. We have to make some changes. I should not be able to go to a gun range and have the first gun I ever shoot be an AR-15.

For that reason, Mr. President, I vote aye.

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

Senator Skoufis to explain his vote.

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

I wasn't planning to speak on this bill, but I heard something from my good colleague from Staten Island a short while ago, who I genuinely, sincerely respect, that I did want to respond to.

And he acknowledged that the shooters in Buffalo and Texas were evil, satanic, deranged individuals. And surely they were. He went on to say, however, that there's no legislating a solution to what happened there and

what's happening elsewhere on a near daily basis in this country, and that no laws can stop those kinds of evil people. If they're evil enough, they will find a way to do what they did.

The suggestion there, in my mind, is that I guess there are no evil people in Europe. There are no deranged people in Australia. There are no satanic people anywhere else in the industrialized world. Because surely if there were, they'd find a way to do what's happening here on a near daily basis.

But the matter of fact is that's not happening anywhere else in the world, because everywhere else in the sane world has systems in place that keeps guns out of the hands of dangerous individuals. And that's what we're trying to do here.

I vote yes.

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

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Mr. President.

I've been listening to the debate,

and I've been taken by so many of the things our colleagues have said, from Senator Brooks and Senator Ryan and Senator Hinchey and Senator Reichlin-Melnick, all about firepower and types of weapons.

I grew up shooting. My father was in the military. Actually, he taught marksmanship in the military. And I own two shotguns myself. And there is such a difference in the purpose and the firepower in the 12-gauge shotguns that I own for trap shooting and for bird hunting than for hunting people, as our colleagues have described. These weapons are so powerful that the police are outgunned. And they are derived from the M16, as Senator Brooks said, which is the primary combat weapon for so many decades.

And so what I circle back to is what Senator Thomas is accomplishing in this are two things. One is we need to think about who has that kind of firepower. And so that's why I think the permit is so necessary, and to Senator Hinchey's point about why we left shotguns and automatic shotguns out of this process.

But I also think -- and many of us

here perhaps can relate to this. We're parents of adults that we saw grow up, and the difference between our children when they were 18 and when they are 21, the big, big gap of judgment there. And a big change in judgment.

And so we have seen nationally that the impulses of 18-year-olds who are able to legally buy these weapons of war -- in two instances, 30 dead. In Tulsa, five dead because someone on an impulse was able to purchase a weapon of war.

And so to me this is not infringing on our constitutional rights, it's not even infringing on people's rights to get one of these weapons. But we need to regulate the firepower, and we need to regulate the age of folks so they have time to think about their decisions, so that we don't end up with 30 folks dead in two incidents.

So for all of those reasons, I vote aye. Thank you, Mr. President.

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

Senator Tedisco to explain his vote.

SENATOR TEDISCO: You know, we're

all, up here on the floor, representatives on behalf of our constituents. But we're not hearing here in these chambers from the most important people we represent. They're not governors, they're not senators, they're not Assembly people. They're not people who advise us. They're the people out there, the 20½ million people.

I just heard from one. It's an obligation on my behalf as a representative to read what this one said. The subject: Bills 10497, S9407B. "Hello. I would like to point out many parents" -- and this is what is so sad about what's being sent to me -- "have purchased body armor for their children."

Purchased body armor for their children. I believe there is some media that would love the story about felon parents, because they're going to be felons with the bill you passed today.

-- "trying to protect their children when they cannot, especially when politicians who are armed guard at work" -- she paraphrased wrong -- "the Capitol building." She's talking about you, which we get pooh-poohed

to when we talk about your security issues here -- the guards and the metal detectors and the cameras all about.

And the last time we talked about that, years ago when we passed it in the majority, we were told we were militarizing schools. Well, are we militarizing government here? Because you sure as hell aren't asking them to leave.

"Especially when politicians who have armed guards at work" -- the Capitol building -- "will not put security measures in all schools equal to what they have." This is a parent who puts body armor on her children, because you didn't give them what you have here at their school and she wants to make sure they have them.

So it goes from both sides. We've got to protect them where they are. And we've got to do the things that protect them when they're out in the playgrounds and when they're just around the house.

But we can't be one-dimensional. And it can't be all about saying, We figured out you're mentally ill or you've got psychological

problems, take your gun, walk out the door. That's irresponsible for them and for us. We're doing nothing to help them if we don't require, as has been said, treatment.

And when we talk about mental health, we're not saying mental health's the answer. But it seems you are saying guns are the answer. Well, guns are not the answer. Because they will learn how to make bombs and bombs are much more bigger and dangerouser than guns. They can hide them easier, they can do a lot more damage.

So as has been said, we don't have all the answers. You don't have all the answers. But if we're one-dimensional and we want to really say we're not playing politics, then we do have to work together. And it has to be good laws for using weapons that are serious, but protecting our Second Amendment rights, but also protecting our children just like we protect ourselves.

I mean, if you can't say you want them to have resource officers with weapons, then why do we have resource officers with weapons? If they don't work for us, then why do we have

them? If they do work for us, they're smaller; they need bigger resource guards with guns. They need bigger metal detectors. They need better security than we have here.

And the parents who are watching, some of them probably agree with you. But this one to a great extent --

ACTING PRESIDENT BAILEY: Senator Tedisco, you just hit the four-minute mark.

SENATOR TEDISCO: -- feels as though they've got to protect themselves.

ACTING PRESIDENT BAILEY: If you can conclude, please.

SENATOR TEDISCO: Thank you, Mr. President.

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

Senator Thomas to explain his vote.

SENATOR THOMAS: Thank you, Mr. President.

Thoughts and prayers don't work anymore, and concrete action must be taken to protect lives. As a functioning legislative body whose job is to work on behalf of all our residents, how can we not be reactive and change

the laws when their flaws are revealed to us and it becomes necessary to protect our residents, our children?

The Legislature has made sure, year after year, that there are budget allocations for the State Office of Mental Health. We ensure our police departments have essential funding and equipment. And we work closely to ensure gun violence prevention advocacy groups and organizations have funding to carry about lifesaving work, like family and children's associations STRONG Youth and Life After Loss A.N.D.R.E. And we even passed gun safety legislation when I took office in 2019.

Yet gun violence continues to be a topic of debate here in Albany because it has not ended. The tragedies in Buffalo and Texas have shown us yet again that there is more that needs to be done by states. We know that when semiautomatic weapons are used, more people are killed. We know that young adults ages 18 to 20 account for a disproportionate share of gun homicides and related gun crimes.

We will not stand by and wait for more New Yorkers to die before we take action.

Our efforts bring us one step closer to ending senseless gun violence, not only in mass-casualty shootings but also when happening, quite literally every day, in communities throughout my district and I'm sure throughout communities around yours as well.

This legislation today saves lives. We will prevent more people, more children, more grocery store employees, and more New Yorkers from being killed by senseless gun violence. It will promote public safety. It will reduce the psychological harm that gun violence victims, survivors and their families suffer as a result of gun violence. This bill ensures that future generations of New Yorkers live long enough to enjoy the full range of constitutional freedoms this country offers.

Opponents of gun safety legislation will always find something to say and someone else to blame but the guns themselves. Yet I'm proud to say to my district and to all New Yorkers that this legislative body has your back. We see what's happening, we see the devastation, the loss of life, and we are going to work to fix it.

That is why I support this legislation and support the other bills on the floor today to ensure our communities are kept safe and prosperous without having to live in fear.

And I want to thank leadership, thank the leader, the deputy leader, and my entire conference for pushing forward with this piece of legislation.

And to the families that lost their loved ones, this is for them.

Thank you.

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

Senator Ortt to explain his vote.

SENATOR ORTT: Thank you, Mr. President.

A lot of passion in this debate -- and rightfully so, when you consider what has happened in our state, in my -- what I consider my hometown, Buffalo, New York, Western New York. I don't represent the grocery store where the shooting of those folks took place, but I live 25 minutes from there.

There's not an American that watched

the news about the school massacre whose gut wasn't wrenched, who wasn't angry. And I'll promise you this: There wasn't one lawful gun owner who wasn't as upset or more when they saw that report. There wasn't one parent who saw the pictures of those kids that didn't feel sick to their stomach.

Everyone here is frustrated, angry, sad and knows that this is not acceptable. We can't be okay with it. I think -- I really believe there's bipartisan agreement on that. And many of my colleagues have voted for various pieces of this package today.

But there are some bills in this package that either don't do what they are purported to do, that won't stop bad people from committing bad things, but what they will do -- and I want to break ranks from my own colleagues, who kept saying "This bill will do nothing." They're wrong. It will do something. It will do something for the millions of law-abiding gun owners here in New York State. I've heard it will deprive people from exercising their constitutionally protected right. And it will deprive them in the following way.

If I have an immediate threat to my safety, to my property, to my person, I have the constitutionally protected right to defend that property. I'm not going to get a pistol, because that takes months. It takes months in a gun-protecting county like Niagara. Some of you live in counties where it will take over a year, your permit agency will take over a year.

But I could go and get a sport rifle, I could go and get a rifle -- not a weapon of war. Every rifle was designed and every rifle can kill. My Glock 43 can kill. It can also protect my own life. That's why a lot of people actually purchase firearms. But now you will have to wait months because most rifles, many guns that are manufactured today are, quote, unquote, semiautomatic, under the definition of this bill.

So that's what the bill will do. For people who follow the laws, for people who want to exercise their constitutionally protected right, it will deprive them of that immediate ability, it will make them go through more hoops which we have not been able to define. But will it stop the scourge of gun violence? No, it

won't.

There's been a scourge of gun violence happening all over New York State, in New York City, in the City of Rochester, in the City of Buffalo -- not in a supermarket, but in that same neighborhood. In that same neighborhood, in the City of Buffalo, there have been gun shootings, murders, assaults committed with illegal firearms, illegal handguns. None of these bills will address that.

We have a bill that has technology to help our cops. The problem is the technology doesn't really exist. We're increasing the age, but we're actually doing more than that. We're creating a whole new process which wasn't even laid out or properly defined. By the way, not the first time that the sponsor of a bill didn't really understand the bill.

Intention is good, intent is important. But what the bill really does, and understanding it, is just as important.

It was said by one of my colleagues across the aisle, if we could only get rid of the guns or, I'm sorry, reduce gun ownership -- that's almost a direct quote. And that really is

the problem.

When we have these -- many colleagues of mine said we're supposed to do nothing, we're going to do nothing. We haven't done nothing. The SAFE Act. Red flag law. Safe storage law. Ghost guns. Don't sit here and tell anyone we've done nothing. Most of these bills have been around, although not all, many of them have been around for years.

This has always been the agenda for some of my colleagues on the Democratic side of the aisle. There's an aversion to gun ownership. The goal is to reduce legal gun ownership. Many of my colleagues said over and over again: They want it to be a hassle. They want owning a firearm to be a hassle. They want performing your Second Amendment rights to be a hassle. They want to make it harder. Some, I'm sure, would ban guns.

And that's why our conference opposes these bills, because we do not subscribe to that. I do believe the person behind the gun is responsible for these atrocities. No one on this side of the aisle has any culpability with a racist scumbag coward who drove three hours --

one of my colleagues said, Well, maybe if they have to walk an extra block, they'll think about it. That guy drove three hours. He had three hours to think about it. Didn't change his mind.

Neither does your law. Anyone who can walk into a school and gun down a third-grader, your law is not going to cause them to rethink that. There are real issues. Protecting our kids. There's an aversion -- the aversion to guns is so strong, we don't even want a police officer with a gun in a school.

While I was happy that there were bills in here that even myself was able to support, and my colleagues, the reality is this package, this package, like all those laws before -- the SAFE Act, that was going to stop everything. Our Governor, former Governor, told us so. Here we are. Safe storage, it was going to save lives. Here we are. Bill after bill. And mark my words, we'll be back again.

And for those talking about the federal government, the federal government is in complete control -- one party, the majority party in this house is the majority party in the U.S. Senate and the White House and in Congress. So

if they want to pass federal legislation, they have the ability to do so. But even amongst Democrats in Washington, D.C., and across this country, there is not unanimity, because they're not all as progressive, they're not all as averse to gun ownership as some of my colleagues here.

So, Mr. President, we all share the loathing, the sickening about what's happened. But I will also add the shooter in Tulsa, Oklahoma, he was 45 years old. Not every shooter is under 21. Bad news for you, a lot of people who commit mass shootings are over 21. Because it's the shooter, that's the problem.

And when we start getting serious about people who commit crimes with guns, who commit crimes with illegal firearms, instead of giving them desk appearance tickets, then I'll get lectured by some of my colleagues about safety and about working with our law enforcement and protecting New Yorkers.

So, well-intentioned as some of these bills may be, they fail to meet the moment and they in fact do infringe on our constitutional amendment. And for those reasons, Mr. President, like most of my conference, I'll

be voting in the negative.

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

Majority Leader Andrea Stewart-Cousins to close.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

Buffalo, Uvalde, Tulsa -- three more places added to that uniquely American list of mass shooting sites. Since Uvalde last week, there have been 18 more, 18 more mass shootings. Just think about that. This year alone, since January, there are over 230 mass shootings.

Over and over again, we think that our country will finally get to the moment of reckoning after one of the shootings dominates the headlines, but we don't. We hear the words. We hear fake promises. We have thoughts, we have prayers, we have condolences. And what happens when the tears dry? Because no action is taken, the inevitable happens. We have another mass shooting added to the horrific and, again, uniquely American list.

So many of my colleagues, my Republican colleagues are not willing to take any

action. For years, along with the gun industry allies flooding the streets with weapons of war -- and at the same time fearmongering, pushing dangerous misrepresentations on a federal level. We have Republican obstruction, the threat of the Supreme Court overturning the state ban on concealed carry.

New York cannot stand idly by, and that's why we're here. We're taking action. We're once again leading the nation on smart and commonsense gun laws. State legislatures have to act. We have to be the ones to take action. And I frankly hope that others will follow on our lead. We don't have all the answers. No, we don't. But what we want to do is disrupt a culture that has created a horrific and scary present and future if we're not willing to say we're unwilling to continue down this path.

Ten bills are passing today in both the Senate and the Assembly, and the idea is to tighten New York's gun laws, to close loopholes that directly address the gaps in our laws exposed by these horrific shootings in Buffalo, Uvalde, Chattanooga, and around the country. Why? Because, as I said, we need to create more

roadblocks between someone having a lethal premeditated idea and them acting on it.

We're changing the law to require that an individual obtain a license with a minimum age of 21 to purchase a semiautomatic rifle. The fact that you needed a permit for a semiautomatic handgun but not for a rifle, which is a true weapon of war, makes no sense.

By requiring the permits, we're raising the age, building in an automatic cooling-off period, requiring a background check, and creating a record of who owns these weapons.

We're passing a microstamping act which will require semiautomatic pistols manufactured or delivered to any licensed dealer in this state be capable of microstamping ammunition. This will allow us to clear more domestic violence and murder cases.

In this legislative package we're also strengthening the red flag law by expanding the list of people who can file for extreme risk protection orders. We never want a tragedy like Buffalo to happen again. We have red flag laws. We don't understand what happened. That's why we're making sure that we close that loophole and

that more people can be able to apply for extreme risk protection orders.

We're confronting the spread of misinformation and hateful ideology by finally demanding social media platforms do more. There are no more excuses. We need a mechanism so that when people see something, they can say something. And we need the resources to investigate real solutions. That's why we've created a special task force in the Attorney General's office. This will allow law enforcement to break the echo chamber where malice festers.

In these devastating times in New York and across the nation, we must stand united to address the laws that keep allowing guns to fall into the wrong hands. It's one thing to pass laws, but we need to ensure that these measures are being enforced to fully provide public protection. And I, along with my colleagues, will continue working on different levels of government and with different levels of government to make sure we do as much as we can and these things get done.

Mr. President, this is one step in a

lifelong journey. We will always have more work to do to prevent and heal from these atrocities. But I -- and I know all of us are committed to this work and emboldened by those who are depending on us to take action.

I very proudly vote aye. Thank you.

ACTING PRESIDENT BAILEY: Majority Leader Stewart-Cousins to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1876, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the reading of the controversial calendar.

SENATOR GIANARIS: Thank you, Mr. President.

Just to give members a sense of

schedule for the remainder of the evening, we are going to break for respective party conferences at this moment.

We're going to call a Rules Committee meeting for 10:30 p.m.

And the Democratic Conference will meet at 9:30 p.m. The link for the virtual conference will be sent to your emails.

Please recognize Senator Lanza.

ACTING PRESIDENT BAILEY: Senator Lanza.

SENATOR LANZA: Mr. President, there's an immediate meeting of the Republican Conference in Room 315 of the Capitol.

ACTING PRESIDENT BAILEY: There will be a meeting of the Democratic Conference at 9:30 and an immediate meeting of the Republican Conference in the Republican Conference Room.

And Rules will be at 10:30.

SENATOR GIANARIS: Correct.

The Senate will stand at ease.

ACTING PRESIDENT BAILEY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 8:36 p.m.)

(Whereupon, the Senate reconvened at 11:38 p.m.)

ACTING PRESIDENT BAILEY: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I believe there's a report of the Committee on Rules 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 922C, by Senator May, an act to amend the Education Law;

Senate Print 2238B, by Senator Brooks, an act to amend the Public Health Law;

Senate Print 4594B, by Senator May, an act to amend the Real Property Actions and Proceedings Law;

Senate Print 5625, by Senator Martucci, an act to amend the State Technology Law;

Senate Print 5946B, by

Senator Reichlin-Melnick, an act to amend the Real Property Tax Law;

Senate Print 6541A, by Senator Rivera, an act to amend the Public Health Law;

Senate Print 6680A, by Senator Savino, an act to amend the Civil Rights Law;

Senate Print 6742, by Senator Ramos, an act to amend the Alcoholic Beverage Control Law;

Senate Print 6895A, by Senator Rivera, an act to amend the Public Housing Law;

Senate Print 8025, by Senator Palumbo, an act to repeal Sections 2, 3, 4 and 5 of Chapter 330 of the Laws of 2011;

Senate Print 8048B, by Senator Mattera, an act authorizing the County of Suffolk and the Town of Smithtown, located in the County of Suffolk, to exchange certain parklands;

Senate Print 8216, by Senator Rivera, an act to amend the Correction Law;

Senate Print 8268B, by

Senator Mannion, an act to amend the Real Property Tax Law;

Senate Print 8449B, by Senator Sanders, an act establishing a commission to determine what benefits a public bank or network of public banks owned by the State of New York can provide;

Senate Print 8541A, by Senator Brooks, an act in relation to authorizing the Village of Freeport, County of Nassau, to alienate and discontinue the use of certain parklands;

Senate Print 8558A, by Senator Gounardes, an act to amend the Retirement and Social Security Law;

Senate Print 8846, by Senator Ritchie, an act to amend the Tax Law;

Senate Print 8889A, by Senator Hinchey, an act to amend the Public Authorities Law;

Senate Print 8987A, by Senator Breslin, an act to authorize the commissioner of the Office of General Services to convey certain unappropriated state land to KIPP;

Senate Print 9049, by

Senator Kaplan, an act to amend the Alcoholic Beverage Control Law;

Senate Print 9059A, by Senator Reichlin-Melnick, an act to amend the Tax Law;

Senate Print 9083, by Senator Brooks, an act to amend the General Municipal Law;

Senate Print 9085, by Senator Savino, an act to amend the General Municipal Law;

Senate Print 9086, by Senator Mannion, an act relating to assessing the staffing and other issues causing the continued displacement of individuals with developmental disabilities;

Senate Print 9119, by Senator Gounardes, an act to amend the Retirement and Social Security Law;

Senate Print 9141, by Senator Stec, an act to authorize the County of Clinton to offer an optional 25-year retirement plan to certain deputy sheriffs;

Senate Print 9149, by Senator Gounardes, an act to amend the Workers'

Compensation Law;

Senate Print 9349, by Senator Myrie, an act to amend the Facilities Development Corporation Act;

Senate Print 9352, by Senator Lanza, an act to amend the Environmental Conservation Law;

Senate Print 9448, by Senator Brouk, an act to amend the Education Law;

Senate Print 9469, by Senator Hinchey, an act to amend the Public Service Law;

Senate Print 9471, by Senator Kavanagh, an act to amend the Real Property Tax Law;

Senate Print 9478, by Senator Jackson, an act to amend the Civil Service Law;

Senate Print 74A, by Senator Hoylman, an act to amend the Estates, Powers and Trusts Law;

Senate Print 6486D, by Senator Parker, an act to amend the Environmental Conservation Law;

Senate Print 8530C, by

Senator Kennedy, an act to amend the General Business Law;

Senate Print 8850, by Senator Kavanagh, an act to amend Chapter 56 of the Laws of 2021;

Senate Print 4155A, by Senator Comrie, an act to amend the Insurance Law.

All bills reported direct to third reading.

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

Can we take that up now, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senator Hoylman, from the Committee on Judiciary, reports the following nominations:

As Interim Justice of the Supreme Court, Nassau County: Wayne Ozzi.

As Interim Justice of the Supreme Court, Kings County, Matthew J. D'Emic.

As Judge of the Court of Claims: Stephanie Saunders; Michael Siragusa; Betty Calvo-Torres; Stephen Thomas Miller; Zainab Chaudhry; Anthony Brindisi; Anar Patel; Javier Enrique Vargas; Sarika Kapoor; Joanne Quinones; Maureen Heitner; Tim Lewis.

As Justice of the Supreme Court, Erie County: Craig Hannah and Edward Pace.

As Surrogate Judge of the St. Lawrence County Surrogate's Court: Michelle Holmes Ladouceur.

As Judge of the Nassau County Family Court: Colin O'Donnell; Eileen Goggin; Joy Watson; Deral Dwayne Givens.

ACTING PRESIDENT BAILEY: Senator

Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President. I rise to submit the report from the Judiciary Committee.

And I'd like to congratulate not just the members of the committee and not just Governor Hochul for those splendid nominations, but also to our nominees who are here in the chamber this evening, many of them who persevered throughout the entire day.

What's so impressive, Mr. President, about this roster of judicial candidates is the diversity. First of all, it's the diversity of their backgrounds.

Let me just tell you, Mr. President, we have three first-generation Americans who have been nominated to a number of courts. We have the first little person who's been nominated to the Court of Claims. Believe it or not, the first gay man who's been nominated to the Court of Claims. The first Muslim New Yorker nominated to the Court of Claims. The first three South Asians nominated to the Court of Claims. We have Black nominees, we have Latino nominees, we have Latina nominees.

And of course their background is diverse, which is so important. Because when you're a litigant and you look up on that bench, Mr. President, you want to see someone who understands your lived experience. That's why we strive for judicial diversity in the State of New York, as my colleague Senator Sepúlveda has said many times.

But it's also their professional background that's so diverse. We have public defenders, we have experts and former judges in problem-solving courts. We have individuals who have served in white-shoe law firms and have practiced pro bono defense and immigration law.

So let me say that I could not be more proud to submit this report. We have seen a sea change from the previous Governor in terms of judicial nominees.

I welcome them. I congratulate them and their families.

And I urge you, Mr. President, to accept this report and call on any colleagues who wish to speak about these specific judicial nominees.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Hoylman.

Senator Ryan on the nominations.

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

I have several folks I want to speak of, and I'm going to try to go through with deliberate speed.

And it's great to see people here today at the hour. To all the nominees, congratulations.

I'm going to start with four nominees that I'm familiar with; I'm going to start in the East and go to the West.

Anthony Brindisi, who's not here but he's watching. Anthony has been involved in the Utica community for many years. He was a school board member who worked hard to improve the education system. He was my colleague in the Assembly. We came in together in 2011 in a special election. We became fast friends. And we joined forces to help lift up the growing refugee populations both in Buffalo, Utica and across New York State.

Anthony served with distinction as a

member of congress from 2019 to '21 and works as a lawyer in his family's law firm with his father Louis and his sister Eva.

I'm so happy for Anthony. I know he will make an excellent judge. I know that Erica, Anthony Jr. and Lily are all going to be happy to have him home again.

So congratulations to Judge -- now Judge Brindisi.

Judge Betty Calvo-Torres is up here. I've known Betty for a long time. When she was a freshly minted district attorney, I was a public defender and we were working out in the town courts, riding the circuit.

Our family lives and legal and political careers have run parallel to one another. I was so pleased to support her when she ran successfully for Buffalo City Court in 2008. And that was noteworthy because she was the first female Hispanic elected to Buffalo City Court.

I was very pleased to support her nomination, and I know that Charlie and Christian could not be more proud of her today.

Stephanie Saunders, also another

Buffalonian. Wide legal experience in both the public and the private sector. She's going to serve well on the bench.

For the past five and a half years she's been the principal law clerk for Honorable Jeannette Ogden in the State Supreme Court. The experience will no doubt serve her in her own courtroom.

I was happy to chat with Stephanie's mom yesterday, and you couldn't believe how proud she was.

In alphabetical order, the last is Mike Siragusa. I've also been an attorney with Mike over the years. He was a New York Assistant Attorney General, and he's currently the Erie County Attorney. He's been in that position for about 10 years. And that is a hard job.

He's a leader in the legal community, he's an expert in all areas of civil law. He's going to be missed in the County Attorney's office, but he is going to be a great asset to the Court of Claims.

So to Anthony, Betty, Stephanie and Mike, congratulations. I know you're all going to make Buffalo and Utica proud.

ACTING PRESIDENT BAILEY: Senator Cooney on the nominations.

SENATOR COONEY: Thank you, Mr. President.

I rise to express my great satisfaction in Judge Stephen Miller's appointment to the Court of Claims.

Judge Stephen Miller is a constituent and a friend who has tirelessly served my district in Rochester and all of Monroe County for over two decades, first as an assistant district attorney and currently as a Rochester City Court judge.

Judge Miller is from the City of Rochester and still lives in our community just a few blocks from where he was raised, where he attended Wilson Magnet High School. As a fellow Rochester City Schools graduate, I'm always proud to see representation in state government service.

Recently Judge Miller was awarded the Rochester Black Association's Bridge Builder Award, and he is highly qualified to bring a diverse and unifying perspective to our state's judiciary. In fact, I believe that Judge Miller

will be one of the first people of color to represent the 7th Judicial District on the Court of Claims.

I have personally witnessed Judge Miller's commitment to professionalism and his accomplishments in serving our community, including our faith community, and I wholeheartedly support his nomination to the Court of Claims.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Rivera on the nominations.

SENATOR RIVERA: Thank you, Mr. President.

While I'm sure, Mr. President, that there will be many conversations that we have with the Governor in the future about diversity in her appointments, I will say that credit where credit is due.

When we first received some potential nominations for the Court of Claims, we very clearly said that we needed more diversity in that group of folks that were nominated, and she responded in style.

The fact is that the folks who are

before us are not only supremely well qualified but are representative of many groups that, as was stated by Senator Hoylman, many folks who have not had the opportunity to serve in the Court of Claims. And I am incredibly proud to vote in the affirmative.

But there's one person in particular that I want to point out, and that is Your Honor Betty Calvo-Torres. Although we've only had the chance to meet briefly, you should know, Your Honor, that your reputation precedes you.

The fact is that in Western New York there has never been a Latina in this particular position. And she will serve honorably, I know this well. You should know that there are many folks who reached out all the way from Western New York, all the way to me in the Bronx, saying "This is somebody that you need to stand up for." Community leaders, other fellow jurists, and even the Cookie Man said that this is somebody who needs to serve and will serve with honor.

So this is an amazing roster. I congratulate each and every single one of you. I just singled out the judge because it was necessary to point out how -- the service that

she will do over there. But I know that each one of you will serve honorably. And I am incredibly proud to vote in the affirmative for this fantastic slate of jurists.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you.

Senator Sepúlveda on the nominations.

SENATOR SEPÚLVEDA: Thank you, Mr. President, for allowing me to speak on these nominations.

First of all, I want to congratulate everyone who has been nominated and will serve as justices in different capacities. But as my brother colleague here, Senator Hoylman, indicated, I am the chair of the Subcommittee on Judicial Diversity, and that is something that's one of my passions.

As a proud Latino man from Puerto Rican descent, I became a lawyer in 1992 and when I first set foot in the courthouse, I think there was one judge of Hispanic descent in the entire building.

Now, over the years we have seen

improvements in the election process with judges, especially south of Yonkers. We haven't had as much success in the appointment processes, especially north of Yonkers. But today we do well. Today I have to give credit where credit is due.

I have been hard on the issue of diversity, and I will continue to do so until this state's images represent the population of Latinos that we have in New York. But today I'm so proud of three nominees for the Court of Claims because these are individuals that will make us proud.

When you are young and you're a child, sometimes the people that you meet, the people that you read about or you have experiences with, can promote an interest in you to strive for a career, to strive for a goal. And when I was a young Latino boy in first, second, third grade, there were no examples like that for me. I had a grandfather who did not have a formal education but was one of the smartest persons I ever knew, and he taught me about the law and injustice. He taught me about Martin Luther King and a famous Puerto Rican

figure called Pedro Albizu Campos.

But there weren't role models there. Now we have three. Future generations -- my young child, who's half Dominican and half Puerto Rican -- can look at them and say, I can strive and accomplish the same thing. These are the role models that we're putting forth today.

Joanne Quinones, Judge Quinones, Judge Betty Calvo-Torres, who will always have a special place in my heart -- not that the other ones won't -- and Javier Enrique Vargas are three exemplary people of Latino descent. They are highly skilled, they are highly qualified, and they are high-quality human beings.

And today you will make us proud. All I ask is that don't forget wherever you -- where you came from, and pay it back for future generations.

Thank you, and congratulations.

ACTING PRESIDENT BAILEY: Senator Kennedy on the nominations.

SENATOR KENNEDY: Thank you, Mr. President.

I rise today to support a number of individuals from Western New York, each of whom

has proven themselves to be of the highest integrity and demonstrated their commitment to equal justice under the law.

Chief Judge Craig Hannah of the Buffalo City Court and Orchard Park Town Justice Ed Pace, both nominated to the Erie County Supreme Court. And Stephanie Saunders, Mike Siragusa and Judge Betty Calvo-Torres all nominated to the Court of Claims. I also want to recognize in the gallery Zainab Chaudhry, who will also be appointed to the Court of Claims.

I'm very proud to support these nominees, and I want to commend Governor Hochul for her diligence in ensuring that these judgeships are filled by highly qualified individuals who we know we can count on all across New York State.

I also want to take this opportunity to recognize my friend and our great leader and champion for Western New York -- and really all of us in this state -- who's joined us in the chamber here this evening, Majority Leader Crystal Peoples-Stokes.

Majority Leader, great to see you today. Thank you.

(Applause.)

SENATOR KENNEDY: We have a great partnership, and this partnership helped bring these judges to the attention of the Governor, who put them forward to be confirmed here this moment.

Judge Betty Calvo-Torres has served at Buffalo City Court since 2007, after serving as ADA and Erie County commissioner for the Buffalo Municipal Housing Authority, demonstrating a commitment to fairness time and time again.

In 2020 she was one of 99 State Court judges of color who issued a collective statement reaffirming their duty to dispense equal treatment for all. That commitment came in the wake of the murder of George Floyd. It was a powerful demonstration of their promise to uphold the Constitution of the United States and the State of New York, and to be mindful of the impacts racism and systemic injustices have on people of color.

Judge Calvo-Torres isn't just vocal on the bench. She's an active member of our community, having personally served as the

president of the Hispanic Women's League, the Minority Bar Association of Western New York, and on and on and on. She does so much for our community. In fact, Judge Torres was the first Latina judge to serve on the Buffalo City Court, making her a trailblazer in Western New York. And she breaks another glass ceiling with this appointment tonight.

For all of those reasons and more, I wholeheartedly support the nomination of Judge Betty Calvo-Torres to the Court of Claims.

And the Erie County Attorney, Mike Siragusa, who's handled himself with professionalism and skill, holding the position for the past decade, and previously serving as an Assistant Attorney General and Deputy Assistant Attorney General in charge of the Buffalo regional office.

For the past five years, Mike has served as the president of the County Attorneys Association for the State of New York, showing the level of respect his fellow county attorneys hold for him.

In addition, he serves our community in a variety of ways, including on the boards of

the Buffalo Zoo and the Buffalo Erie Niagara Land Improvement Corporation.

As a former Erie County legislator, I know how important the work of the Erie County Attorney is, which is why I know Mike Siragusa will be an excellent member of the Court of Claims.

Buffalo native -- and our great friend -- Stephanie Saunders, who is an exemplary nominee for the Court of Claims. Currently serving as the principal law clerk for the Honorable Jeannette Ogden at the New York State Supreme Court in Erie County. Prior to that, she served as the assistant corporation counsel for the Buffalo Board of Education.

Stephanie received her law degree from the University of Buffalo and quickly emerged as a leading attorney, well-versed on tax, estate planning, pension and employee benefits. She's built her career in the city and region she loves, and we're all better off because of her work.

She's the president of the Minority Bar Foundation of Western New York, which works to prioritize minority representation

in the profession and empower future leaders to help shape our justice system.

In everything she does, personally and professionally, she leads with purpose, passion, and integrity. I'm thrilled to support her nomination here today.

Judge Craig Hannah, who's been a member of the Buffalo City Court since 2006 and served as chief judge since 2019.

Judge Hannah's track record is truly impressive, serving as the presiding judge of the nation's first Opioid Intervention Court. This intervention court was designed with input by medical professionals working to get nonviolent drug users into treatment within hours of their arrest instead of weeks, and requiring daily check-ins with the court and quickly linking them with the medication-assisted treatment and behavioral treatment to get them back on the path to recovery, recognizing that individuals fighting addiction need all of our support.

At every step of his career, Judge Hannah has shown himself to be a consummate professional who's more than deserving of the high esteem in which he's held by the

Western New York legal community and our entire community. Judge Hannah's made us so proud on the Buffalo City Court, and I know he'll continue that track record on the Erie County Supreme Court.

And Ed Pace, currently serving as town judge for the Town of Orchard Park since 2002. A true public servant, he has served as deputy supervisor of the Town of Orchard Park, a trustee for Orchard Park Library, and a trustee for the Cornell Cooperative Extension for Erie County.

In his two decades as Orchard Park town justice, he's overseen thousands of cases ranging from vehicle and traffic matters to small claims and criminal offenses. Regardless of the case in front of him, Judge Pace has treated each case with the attention and care that it merits, recognizing that any appearance before a court by an individual is important. And with his legal experience, Judge Pace will bring strong legal acumen to the Erie County Supreme Court.

Again, Mr. President, I want to thank the Governor for these strong nominations that will ensure Western New Yorkers and all

state residents will have qualified and caring members of the Court of Claims and the Erie County Supreme Court for years to come.

I proudly vote aye.

ACTING PRESIDENT BAILEY: Senator Thomas on the nominations.

SENATOR THOMAS: Thank you, Mr. President.

I rise on this very historic day -- it's a historic day because, for our South Asian community, we have three trailblazers in this list of nominees. I want to congratulate all the nominees, actually.

I want to especially congratulate Zainab Chaudhry, Anar Patel, and Sarika Kapoor, the three trailblazers from our South Asian community.

You know, we came to this country as immigrants. Our parents brought us here, we worked two or three jobs to get through the year, and they raised the kids to do the right thing and to do the best that they can. And now, look at all of you, being nominated for judgeships in the Court of Claims. I'm incredibly proud of all of you. Keep up the great work. And God bless

you all.

I vote aye.

ACTING PRESIDENT BAILEY: Senator Mayer on the nominations.

SENATOR MAYER: Thank you, Mr. President.

I do want to commend the Governor for this not only really spectacularly qualified group of nominees for the Court of Claims -- and thank you for those who stuck it out all the night tonight -- but also for, as my colleagues have said, the historic diversity of those who will represent New Yorkers in hearing their cases.

I want to mention two nominees.

My former colleague Anthony Brindisi was a member of the Assembly with a number of us here today, and then was an exceptional member of Congress. He is an extraordinary lawyer. He cares about his community. He's been a leader on the issues that were not always the easiest politically, but they showed his courage and his determination and his intelligence.

And so I'm very, very pleased that the Governor has nominated him for the Court of

Claims.

And in my district, my constituent, Anar Rathod Patel, who's not here any longer. I think she has three small kids and she understandably drove home.

But Anar Patel grew up in the small rural town of Sherman, Texas. Her parents, both physicians, emigrated to the United States in 1975 and started their -- began their practices.

She went on to become an exceptional lawyer, now counsel at Simpson Thacher & Bartlett in New York City, as well as an adjunct professor at Columbia Law School, after clerking for a federal district court judge. In addition, she's handled pro bono immigration cases in the firm, been active in our community, managing all that while being a mother of three small children and really having an exceptional legal career to date as a young woman.

It is so very fitting that the Governor has nominated her. I couldn't be more pleased, not only for myself and my constituents, but for all in the judicial district that she will represent, who will have someone of such high caliber and representing the diversity of

our community.

So I'm proud to vote aye. Thank you, Mr. President.

ACTING PRESIDENT BAILEY: The question is on the nominations.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The nominees are confirmed.

(Extended standing ovation.)

ACTING PRESIDENT BAILEY: On behalf of the New York State Senate, we congratulate you and we wish you the best of luck.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, I now believe there's a report of the Finance Committee at the desk.

Can we take that up and recognize Senator Krueger.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senator Krueger,

from the Committee on Finance, reports the following nominations.

As Major General of the Air National Guard, Department of Military and Naval Affairs: Denise Donnell.

As a member of the Board of Parole: Darryl Towns.

As commissioner and president of the Civil Service Commission: Timothy Hogues.

As members of the Workers' Compensation Board: Renee Delgado, Steven A. Crain, Mark Daniel Higgins and Samuel G. Williams.

As member and vice chair of the Workers' Compensation Board: Freida D. Foster.

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: Mr. President, before we proceed with the nominations, pursuant to Rule 5, Section 2, I request permission to continue our business after midnight.

ACTING PRESIDENT BAILEY: So ordered.

Senator Krueger.

SENATOR KRUEGER: Excuse me. I

didn't realize it was broken down into two pieces. Thank you very much.

So as the Finance chair, we took up, as you'll see if you listen for the whole list tonight, an enormous number of nominees in the last several weeks, to both work for the state and to contribute as board members in various unpaid positions.

This first group are people who were nominated by the Governor to take on actual positions that are paid for, working for the State of New York: Board of Parole, Workers' Compensation Board, Civil Service Commission, and the Air National Guard.

Each of them went through their appropriate committee interviews or chairs of the committee interviews and then through the Finance Committee. All of the people -- who are before us on paper, since it's 1:00 in the morning -- midnight, excuse me -- were supported by the majority of members of the committees to come to the floor of the Senate.

So in their absence, I am hoping that we won't have that many speeches this evening. But we congratulate them all on the

jobs that they have been appointed to, and we are confident that they will do well in them.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Kennedy on the nominations.

SENATOR KENNEDY: Thank you, Mr. President.

Let me just start by recognizing a few individuals that need to be recognized for their leadership and congratulated on their nomination as well as confirmation here tonight, people that I have known for many years -- decades, even -- and have earned these titles that I believe Governor Hochul has made extraordinary selections.

Tim Hogues, as the commissioner and president of the Civil Service Commission, has been a wonderful leader in Western New York and Erie County, in his church and in our community.

Mark Higgins and Sam Williams as members of the Board of Workers' Compensation have been leaders their entire lives, both in labor and in the community, as well as ensuring fairness and justice.

I want to recognize them, and I want

to thank Governor Hochul for bringing them to the floor tonight.

Thank you, Mr. President. I vote aye.

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

Seeing and hearing none, the question is on the nominations. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The nominations are confirmed.

Congratulations to the nominees.

Senator Gianaris.

SENATOR GIANARIS: And I believe we're still on the report of the Finance Committee. There's a second resolution as part of that report.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: As members of the

Adirondack Park Agency: Benita Law-Diao and Arthur Lussi.

As member and chair of the Adirondack Park Agency: John Ernst.

As members of the Administrative Review Board for Professional Medical Conduct: Jill Rabin, MD, and Michael Reichgott, MD.

As members of the Behavioral Health Services Advisory Council: Angelica Durham and Joseph Turner.

As members of the Board for Historic Preservation: John Aldrich and Dewey "Wayne" Goodman.

As a member of the Board of Visitors for the Capital District Developmental Disabilities Services Office: Nirmala Sankaran.

As a member of the Capital District Transportation Authority: Daniel Lynch.

As members of the Board of Visitors of the Central New York Forensic Psychiatric Center: Khadijah Osbourne and Lynn Schuetrum.

As a member of the Central New York Regional Transportation Authority: Francis Saya III.

As a member of the Continuing Care

Retirement Community Council: Wayne L. Kaplan.

As a member of the Correction Medical Review Board: Michael Pratts, Jr., MD.

As members of the Council on Human Blood and Transfusion Services: Amy Schmidt, MD; David Huskie; Timothy Hilbert; and Jessica Jacobson.

As a member of the Board of Visitors of the Creedmoor Psychiatric Center: Jane Bardavid.

As a member of the Dormitory Authority: Lisa Gomez.

As a commissioner of the Gateway Development Commission: Alicia Glen.

As board members of the Genesee State Park, Recreation and Historic Preservation Commission: Nathan Coogan and Loren Penman.

As a member of the Great Lakes Protection Fund: Judy Drabicki.

As a member of the Great Lakes Protection Fund Board of Directors: Jill Spisiak Jedlicka.

As members of the Board of Visitors of the Home for Veterans and their Dependents at Oxford: Lora Rowe; Joseph W. Coe; and Sophie

Liberatore.

As a member of the Justice Center Advisory Council: Veronica Crawford.

As members of the Board of Visitors of the Kirby Forensic Psychiatric Center: Denise Hodges and Romy Rousseau.

As a member of the Lake George Park Commission: Kathryn Muncil.

As members of the Metropolitan Transportation Authority: Harold Porr III; David S. Mack; Frank Borelli; Isabel Midori Valdivia Espino; Blanca Lopez; Lisa Sorin; Frankie Miranda; Sherif Soliman; and Samuel Chu.

As a member of the Minority Health Council: Luis Freddy Molano.

As a member of the Board of Visitors of the New York City Children's Center: Marcia E. Alkins.

As a member of the New York State Gaming Commission: Marissa J. Shorenstein.

As member and chair of the New York State Gaming Commission: Brian O'Dwyer.

As members of the Board of Visitors of the New York State Home for Veterans and their Dependents at Montrose: Susan P. Heyel and

Chester B. Edwards II.

As a member of the Niagara Frontier State Park, Recreation and Historic Preservation Commission: Samika Sullivan.

As member and chair of the Niagara Frontier Transportation Authority: Michael Hughes.

As a commissioner of the Ohio River Valley Water Sanitation Commission: Douglas E. Conroe.

As member and chair of the Olympic Regional Development Authority: Joseph Martens.

As board members of the Palisades Interstate Park Commission: David H. Mortimer and D. Bryce O'Brien II.

As members of the Port of Oswego Authority: Stanley Delia, Kathleen Macey and Diane Zeller.

As a member of the Public Health and Health Planning Council: Denise Soffel, Ph.D.

As a member of the Rochester-Genesee Regional Transportation Authority: Laurie Oltramari.

As a member of the Board of Visitors of the Rockland Children's Psychiatric Center:

Susan Albamont.

As a member of the Board of Visitors of the Rockland Psychiatric Center: Gerry Trautz.

As a board member of the Roosevelt Island Operating Corporation: Fay Christian.

As board members of the Saratoga-Capital District State Park, Recreation and Historic Preservation Commission: Eleanor Mullaney; Heather Mabee; and Raul Aguirre.

As a commissioner of the State Insurance Fund: Kenneth R. Theobalds.

As a commissioner of the State Liquor Authority: Lily Fan.

As members of the Taconic State Park, Recreation and Historic Preservation Commission: Edgar Masters and Linda B. Tarrant-Reid.

As a board member of the Thousand Islands State Park, Recreation and Historic Preservation Commission: Michael Chavoustie.

As directors of the

Urban Development Corporation: John Wang and Robert M. Simpson.

As director and chair of the Urban Development Corporation: Kevin Law.

As members of the Veterans' Services Commission: Kenneth Rosenblum; Diana Lynn Patton; John Paddock, Jr.; Tanya Nelson-Waller; and Lynn M. Magistrale.

And as a member of the Board of Visitors of the Western New York Children's Psychiatric Center: Priti S. Bangia.

ACTING PRESIDENT BAILEY: Senator Krueger.

SENATOR KRUEGER: Mr. President. All right, it's 12:15 at night. So it's a very long list, as we all just heard. It's a very broad diversity of people being nominated to serve on endless numbers of boards and authorities.

These are citizens of the State of New York who are willing to contribute their time and talent, basically gratis to us, because they believe in our state and what we are trying to do. And in a world where sometimes it is difficult to find people willing and able to take

on serious responsibilities from a volunteer perspective, I think that Governor Hochul has found an extraordinary mix of people to serve.

Some are not new to these positions -- they're being re-upped after previous times serving in these positions -- and many of them are new. They probably come from almost every district we have in our state. And I am very appreciative of my colleagues who chaired the overlapping committees and the members of the Finance Committee for being willing to sometimes drop everything on very short notice to have extra virtual meetings and interviews with these candidates.

And given the late hour, again, I am asking all members to please vote and support these people. But of course if individuals wish to not vote for any one or a group of people on these lists, they can let you know at the dais.

So thank you very much, Mr. President.

ACTING PRESIDENT BAILEY: Senator Kennedy on the nominations.

SENATOR KENNEDY: Thank you, Mr. President. It's a late hour; I will be

brief. But it's very important I recognize a couple of folks.

First of all, I want to recognize and congratulate the Governor for choosing such an auspicious group of appointees.

I want to thank Majority Leader Stewart-Cousins for bringing them to the floor tonight. Of course the great chair of the Finance Committee, Liz Krueger, for her efforts in moving them through the process. My colleague from the Corporations and Authorities Committee that worked with me, as the chair of Transportation, on all of the MTA appointments that are moving through.

There's a couple of folks -- I want to recognize the chair of the Gaming Commission, who has been an extraordinary leader on the national and international level, who I've gotten to know over the years, Brian O'Dwyer.

He is going to serve this great state very well as the chair of that commission. A man of honor, a man of integrity, a man of fairness, and someone I think that we will all be able to work with very well.

As well as the NFTA commissioner and

chairman, Mike Hughes, who I've known for decades. And Mike Hughes is going to play a prominent role in ensuring that the NFTA in Western New York, our public transportation system, functions to the highest level possible for the residents of our community.

He is the son of Larry Hughes, who drove a bus for many years. He understands firsthand the importance of public transportation, its impact on our community, the ridership and the workforce.

He is an extraordinary leader in the private sector as well as the public sector, and he will make an extraordinary leader as chair of the NFTA.

With that, Mr. President, I vote aye.

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

Seeing and hearing none, the question is on the nominations set before us. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed,

nay.

(No response.)

ACTING PRESIDENT BAILEY: The nominations are confirmed.

Congratulations to the nominees.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, can we remove the lay-aside on Calendar 1682 and take that bill up, please.

ACTING PRESIDENT BAILEY: Remove the lay-aside, and the Secretary will read.

THE SECRETARY: Calendar Number 1682, Senate Print 8832, by Senator Boyle, an act authorizing the Town of Islip, County of Suffolk, to transfer funds from the Kismet Street Improvement District.

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 1682, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Can we now take up the supplemental calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

(Pause.)

SENATOR GIANARIS: Mr. President, we have some substitutions from the Assembly. Can we return to that part of the agenda and take those up, please.

ACTING PRESIDENT BAILEY: Return to the substitutions.

THE SECRETARY: Senator May moves to discharge, from the Committee on Finance, Assembly Bill Number 5735C and substitute it for the identical Senate Bill 922C, Third Reading Calendar 1862.

Senator Brooks moves to discharge,

from the Committee on Health, Assembly Bill Number 6551B and substitute it for the identical Senate Bill 2238B, Third Reading Calendar 1887.

Senator Reichlin-Melnick moves to discharge, from the Committee on Local Government, Assembly Bill Number 3491B and substitute it for the identical Senate Bill 5946B, Third Reading Calendar 1890.

Senator Rivera moves to discharge, from the Committee on Housing, Construction and Community Development, Assembly Bill Number 7053A and substitute it for the identical Senate Bill 6895A, Third Reading Calendar 1895.

Senator Palumbo moves to discharge, from the Committee on Local Government, Assembly Bill Number 9158 and substitute it for the identical Senate Bill 8025, Third Reading Calendar 1897.

Senator Mattera moves to discharge, from the Committee on Local Government, Assembly Bill Number 9335B and substitute it for the identical Senate Bill 8048B, Third Reading Calendar 1898.

Senator Rivera moves to discharge, from the Committee on Crime Victims, Crime and

Correction, Assembly Bill Number 9273 and substitute it for the identical Senate Bill 8216, Third Reading Calendar 1899.

Senator Mannion moves to discharge, from the Committee on Local Government, Assembly Bill Number 5987C and substitute it for the identical Senate Bill 8268C, Third Reading Calendar 1900.

Senator Brooks moves to discharge, from the Committee on Local Government, Assembly Bill Number 10002A and substitute it for the identical Senate Bill 8541A, Third Reading Calendar 1902.

Senator Gounardes moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 4607B and substitute it for the identical Senate Bill 8558A, Third Reading Calendar 1903.

Senator Hinchey moves to discharge, from the Committee on Finance, Assembly Bill Number 9328A and substitute it for the identical Senate Bill 8889A, Third Reading Calendar 1905.

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

10225A and substitute it for the identical Senate Bill 8987A, Third Reading Calendar 1906.

Senator Kaplan moves to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 10176 and substitute it for the identical Senate Bill 9049, Third Reading Calendar 1907.

Senator Stec moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 10231 and substitute it for the identical Senate Bill 9141, Third Reading Calendar 1913.

Senator Parker moves to discharge, from the Committee on Environmental Conservation, Assembly Bill Number 7389C and substitute it for the identical Senate Bill 6486D, Third Reading Calendar 1923.

Senator Kennedy moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 9343B and substitute it for the identical Senate Bill 8530C, Third Reading Calendar 1924.

Senator Comrie moves to discharge, from the Committee on Insurance, Assembly Bill Number 4535A and substitute it for the identical

Senate Bill 4155, Third Reading Calendar 1926.

ACTING PRESIDENT BAILEY: So ordered.

SENATOR GIANARIS: Please take up the supplemental calendar now, Mr. President.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 929, Senate Print 8343, by Senator Sanders, an act in relation to establishing the New York State Cryptocurrency and Blockchain Study Task Force.

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 929, voting in the negative: Senators Akshar and Brisport.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1189, Senate Print 5535, by Senator Comrie, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 7. 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 1189, voting in the negative are Senators Felder and Skoufis.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1862, Assembly Print Number 5735C, by Assemblymember Joyner, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President. I'm just making sure. This is Calendar 1862, correct?

ACTING PRESIDENT BAILEY: Yes, it is, Senator May.

SENATOR MAY: All right, thank you.

Dr. Martin Luther King School in Syracuse, in one of the most racially segregated and economically disadvantaged zip codes in the country, sits within 100 feet of Interstate 81. Eighteen-wheelers speed by just overhead, along with giant dump trucks carrying garbage from New York City to the Seneca Meadows Landfill to the west.

It's an environmental and social justice calamity, causing high rates of asthma,

distracting noise levels, and hazardous conditions. And it sends a message that we as a society don't really value these kids or their education.

The SIGH Act, which stands for Schools Impacted by Gross Highways, prohibits construction of new schools within 500 feet of major roadways, with some necessary exceptions.

This Legislature has taken many actions in recent years to assure a sound basic education to all schools, and this is one more step to affirming that essential duty given to us by the State Constitution.

I want to thank Lanessa Chaplin of the New York Civil Liberties Union for her relentless advocacy for this bill, and Dan Ranellone and Amanda Godkin for their legal assistance from the central staff, and of course Majority Leader Andrea Stewart-Cousins, who recognized the need and moved this bill along.

So I thank my colleagues for supporting it, and I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1862, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Serino, Stec, Tedisco and Weik.

Ayes, 44. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1887, Assembly Print Number 6551B, by Assemblymember Solages, 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 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, 63.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 1888, Senate Print 4594B, by Senator May, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 7. 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 May to explain her vote.

SENATOR MAY: Thank you again, Mr. President.

Tenants in my district have told us some true horror stories -- squirrels chewing through the ceiling and getting into their kitchen cabinets and eating their food. An apartment without heat where one family used the stove to heat the apartment and caused a fire, and the landlord blithely rented the apartment to new tenants without fixing the heat or the fire

damage. A third apartment with massive black mold spreading from a sewage leak in the basement.

Tenants are often afraid to report unsafe conditions like these for fear of retaliation from their landlords. This bill gives them a safe and simple way to get a court order to fix such problems or allow them to withhold rent without risking eviction. It will improve lives and improve the housing stock in communities around the state.

I'm very grateful to the members of the Syracuse Tenants Union, particularly Mary Traynor and Palmer Harvey; to Steven Koch of the Senate staff; and again to our Majority Leader, Andrea Stewart-Cousins, for recognizing the urgent need to address these issues for tenants all across the state.

I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1888, those Senators voting in the negative are Senators Borrello, Boyle, Felder,

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

Ayes, 44. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1889, Senate Print 5265, by Senator Savino, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 6. 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 1889, voting in the negative are Senators Brisport and Salazar.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1890, Assembly Print Number 3491B, by Assemblymember Galef, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BAILEY: Read the last section.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay the bill aside.

THE SECRETARY: Calendar Number 1892, Senate Print 6541A, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 10. 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1893, Senate Print 6680A, by Senator Savino, an act to amend the Civil Rights 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1894, Senate Print 6742, by Senator Ramos, an act to amend the Alcoholic Beverage Control 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: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1895, Assembly Print Number 7053A, by Assemblymember Burgos, an act to amend the Public Housing 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 Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

As we've been talking in the last couple of days about redemption, and we were talking about the fact that we should not be defined by the worst thing that we've ever done, this bill goes along with that mentality. It basically says that it changes the rules for

folks who have -- who are formally incarcerated and whether they can reside in public housing.

It is true that once, as we've talked about before, if someone has committed a mistake but they have paid their dues, they have accepted responsibility, and we want to make sure that they have some level of stability as they come back into society, we want to make sure that they have a place to live, that they have a place to work. Those that want to do those things, we want to make sure that they have the ability to do that.

So in this case, changing this -- passing this bill today, hopefully signing it into law, would make certain that those folks have the opportunity to reside in public housing, which means that they'll have an opportunity to stand on their own two feet and come back into society and be productive members of it.

So I'm glad that it got brought onto the floor, and I vote in the affirmative.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1895, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Griffo, Helming, Jordan, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 45. Nays, 18.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1897, Assembly Print Number 9158, by Assemblymember Thiele, an act to repeal Sections 2, 3, 4 and 5 of Chapter 330 of the Laws of 2011.

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 1897, voting in the negative are

Senators Mannion, Reichlin-Melnick and Skoufis.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1898, Assembly Print Number 9335B, by Assemblymember Fitzpatrick, an act authorizing the County of Suffolk and the Town of Smithtown, located in the County of Suffolk, to exchange certain parklands.

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1899, Assembly Print Number 9273, by

Assemblymember Aubry, an act to amend the Correction 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 1899, those Senators voting in the negative are Senators Borrello, Griffo, Jordan, Lanza, Martucci, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 48. Nays, 15.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1900, Assembly Print Number 5987C, by Assemblymember Stirpe, 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: In relation to Calendar Number 1900, voting in the negative: Senator Helming.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1901, Senate Print 8449B, by Senator Sanders, an act establishing a commission to determine what benefits a public bank or network of public banks owned by the State of New York or by a public authority constituted by the State of New York can provide.

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

ACTING PRESIDENT BAILEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 1902, Assembly Print Number 10002A, by Assemblymember Darling, an act in relation to authorizing the Village of Freeport, County of Nassau, to alienate and discontinue the use of certain parklands.

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 1902, voting in the negative are Senators Brisport, Rivera, Salazar and Stavisky.

Ayes, 59. Nays, 4.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1903, Assembly Print Number 4607B, by Assemblymember Abbate, an act to amend the

Retirement and Social Security Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1903, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1904, Senate Print 8846, by Senator Ritchie, an act to amend the Tax 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 1904, voting in the negative are Senators Brooks, Felder, Mannion and Skoufis.

Ayes, 59. Nays, 4.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1905, Assembly Print Number 9328B, by Assemblymember Lupardo, an act to amend the Public Authorities 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1906, Assembly Print Number 10225A, by the Assembly Committee on Rules, an act to authorize the commissioner of the Office of General Services to convey certain unappropriated state land to KIPP.

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 1906, voting in the negative are Senators Brisport, Mannion and Salazar.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1907, Assembly Print Number 10176, by the

Assembly Committee on Rules, an act to amend the Alcoholic Beverage Control 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1908, Senate Print Number 9059A, by Senator Reichlin-Melnick, an act to amend the Tax Law.

SENATOR GIANARIS: Lay the bill aside for the day.

ACTING PRESIDENT BAILEY: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1909, Senate Print 9083, by Senator Hinchey, an act to amend Chapter 463 of the Laws of 2000.

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1910, Senate Print 9085, by Senator Savino, an act to amend the General Municipal 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 Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President.

I rise in support of this piece of legislation, which is a long overdue amendment to our state's Civil Service and Pension Law as it refers to local police and fire departments.

As you know, most young men and women who join the police department start early. Many of them go on to get married and they have families and they have children. And if they are unfortunate enough to die in the line of duty, their death benefits are -- they go on to their family, to their children, to their wives. And those wives and children receive the full death benefit.

But for those who are not married and don't have children, their beneficiaries, which are oftentimes their parents, only get 50 percent of their death benefit.

This bill corrects that and allows surviving parents to be able to collect the full line of duty death benefit that a surviving spouse or children would get, if there are none.

And just recently we had three young men who died early, two firefighters --

31-year-old Timothy Klein, from Senator Persaud's district -- he died very suddenly after responding to a fire. He was not married, he had no children, but he had surviving parents.

Steven Pollard, just the year before -- in fact, Timothy Klein delivered the eulogy at Steven Pollard's funeral just the year before.

And in January of this year, two police officers were gunned down in Senator Cleare's district. One of them was not married. He was Police Officer Wilbert Mora, 27 years old, no wife, no children, but two surviving parents.

This bill will see to it that their parents will be able to collect the line of duty death benefit that they're entitled to.

Thank you, Mr. President. I thank my colleagues for supporting this measure.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1911, Senate Print 9086, by Senator Mannion, an act relating to assessing the staffing and other issues causing the continued displacement of individuals with developmental disabilities.

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1912, Senate Print 9119, by Senator Gounardes, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 13. 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 1912, voting in the negative: Senator Borrello.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1913, Assembly Print Number 10231, by the Assembly Committee on Rules, an act to authorize the County of Clinton to offer an optional 25-year retirement plan to certain deputy sheriffs.

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 1913, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1914, Senate Print 9149, by Senator Gounardes, an act to amend the Workers' Compensation Law.

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: In relation to Calendar 1914, those Senators voting in the negative are Senators Jordan, Oberacker, O'Mara, Ortt and Tedisco.

Ayes, 58. Nays, 5.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1915, Senate Print 9349, by Senator Myrie, an act to amend the Facilities 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: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1916, Senate Print 9352, by Senator Lanza, 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1918, Senate Print 9448, by Senator Brouk, 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1919, Senate Print 9469, by Senator Hinchey, an act to amend the Public Service Law.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT BAILEY: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1920, Senate Print 9471, by Senator Kavanagh, an act to amend the Real Property Tax Law.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT BAILEY: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1921, Senate Print 9478, by Senator Jackson, an act to amend the Civil Service Law and the State Finance Law.

SENATOR GIANARIS: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT BAILEY: There is a message of necessity at the desk.

SENATOR GIANARIS: Move to accept the message of necessity.

ACTING PRESIDENT BAILEY: All those in favor of accepting the message of necessity,

please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The message is accepted.

Read the last section.

THE SECRETARY: Section 28. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you, Mr. President.

And so I guess the last time I will speak on this Senate floor, I wanted to rise to pay tribute to the great civil servants of this state.

And this bill, I want to thank our leader for bringing it to the floor, and all the great leadership she has given us. I want to thank the sponsor, Senator Jackson, for bringing

it forward.

And this recognizes a collective bargaining agreement that has been brought together by all the parties. But I think it speaks in a broader term, because the four years I've been in this Senate, we passed a lot of great bills, we do a lot of great things, but it's the men and women who work hard, whether they are civil servants, whether they are the staff of this great Senate -- no matter what they do, they make us look great and they make our state look great.

I vote in the affirmative.

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

(Sustained applause.)

ACTING PRESIDENT BAILEY: Thank you, Senator Gaughran.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1922, Senate Print 74A, by Senator Hoylman, an act to amend the Estates, Powers and Trusts Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: After that, we lay it aside.

(Laughter.)

THE SECRETARY: Calendar Number 1923, Assembly Print Number 7389C, by the Assembly Committee on Rules, an act to amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1924, Assembly Print Number 9343B, by Assemblymember Magnarelli, an act to amend the General Business Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. 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: Senator Kaminsky to explain his vote.

SENATOR KAMINSKY: Thank you, Mr. President.

First I want to speak about this particular bill. And, you know, as the author of the CLCPA, I have tremendous respect for the sponsor, the chair of the Energy Committee, and what he's doing here.

I'm going to be voting in the negative on this because I believe that we should want to work with the industry to help make it greener, but obviously I'm grateful for all the efforts we've done to protect the environment here.

I just want to take this last moment, like our previous speaker did, to just very briefly reflect. When I first came to Legislature seven years ago, I did not have a respect for the work that happened here. And probably because I spent the last previous seven years investigating it.

(Laughter.)

SENATOR KAMINSKY: So the first day I walked in the Assembly, I actually shook hands with three members who didn't know I had investigated them. And they said, I'm so-and-so.

And in my head, I'm like, I've read your bank accounts for like the last two years.

(Laughter.)

SENATOR KAMINSKY: And when I got to the urinal the first time in the Assembly bathroom, someone at the urinal next to me said, "I have a crackling on my phone. Do you think I'm being tapped?" And I said, "I just think you need to change your provider."

It was a very weird conversation.

(Laughter.)

SENATOR KAMINSKY: But I have come to have a healthy respect -- a tremendous respect for the work that's done here.

First, just look where we are. Look where we are. We're in the hallowed halls where Roosevelts have walked and where New York has paved the way, for generations, to do great things and lead the way in America. And we have worked together to solve some very important problems.

I've gotten to help the families of 9/11 first responders, differently-abled children, Sandy victims, and so many of our -- to help so many of our neighbors. I was entrusted

the chair of the Environment Committee, got to work on the CLCPA. But the most important thing I'll remember are the friendships I've made here and the hard work of the people that keep this building going.

Thank you to Shontell Smith, to Eric Katz, to Halie Meyers, my amazing chief of staff -- you know, my favorite memory of Halie is one day we got a tip from the previous Governor's office that vaccine appointments were going to be going online at 2 in the morning or 3 in the morning, and you can tell your constituents when they wake up they could get them.

Well, that wasn't good enough. Halie got up at 2 in the morning, had a list of about a hundred people over 80 years old that needed them. And when they woke up in the morning, they already had their appointments, because that's the dedication that Halie and my staff have for the people on Long Island and the people of New York that we get to represent.

And most importantly, I got to be here to play a small part, but to basically watch Andrea Stewart-Cousins show the world what leadership means, to ascend that rostrum and to

entrust us all to do the landmark legislation and the groundbreaking things that we have done.

So I'm going to miss the friendships. It's been the honor of my lifetime to get to serve the people of New York State. Please keep up the good work. And I'll be watching, and I'll be voting. God bless.

Thank you.

(Standing ovation.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1924, voting in the negative: Senator Kaminsky.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1925, Senate Print 8850, by Senator Kavanagh, an act to amend Chapter 56 of the Laws of 2021.

ACTING PRESIDENT BAILEY: Read the last section.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1926, Assembly Print Number 4535A, by Assemblymember Cook, an act to amend the Insurance 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.

(Pause.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

(Laughter.)

ACTING PRESIDENT BAILEY: Senator Gianaris, that completes the reading of the supplemental calendar.

SENATOR GIANARIS: Thank you, Mr. President.

I understand a couple of the bills we took up on this calendar passed the Assembly

first, so we need to take care of some administrative work. So back to motions.

On behalf of Senator Comrie, I wish to call up Senate Bill 5535, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 1189, Senate Print 5535, by Senator Comrie, an act to amend the Not-For-Profit Corporation Law.

SENATOR GIANARIS: Move to reconsider the vote by which the bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT BAILEY: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

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

SENATOR GIANARIS: I now move to discharge, from the Committee on Rules, Assembly Print 382 and substitute it for that identical bill.

ACTING PRESIDENT BAILEY: I now

move that the substituted Assembly bill have its third reading at this time.

THE SECRETARY: Calendar Number 1189, Assembly Number 382, by Assemblymember Paulin, an act to amend the Not-For-Profit Corporation Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 7. 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 1189, voting in the negative are Senators Felder and Skoufis.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: And, Mr. President, on behalf of Senator Sanders, I

wish to call up Senate Print 8343, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 929, Senate Print 8343, by Senator Sanders, an act in relation to establishing the New York State Cryptocurrency and Blockchain Study Task Force.

ACTING PRESIDENT BAILEY: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

SENATOR GIANARIS: Thank you for accepting my motion to reconsider the vote, Mr. President. Is it now on third reading?

ACTING PRESIDENT BAILEY: Yes.

(Laughter.)

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

SENATOR GIANARIS: Move to discharge, from the Committee on Rules, Assembly Print Number 9275 and substitute it for the identical bill.

ACTING PRESIDENT BAILEY: I now

move that the substituted Assembly bill have its third reading at this time.

THE SECRETARY: Calendar Number 929, Assembly Print Number 9275, by Assemblymember Vanel, an act in relation to establishing the New York State Cryptocurrency and Blockchain Study Task Force.

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 929, those Senators voting in the negative are Senators Akshar and Brisport.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Thank you, sir. Let us take up the controversial

calendar now, please.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1890, Assembly Print Number 3491B, by Assemblymember Galef, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BAILEY: Senator Rath.

SENATOR RATH: Through you, Mr. President, will the sponsor yield for some questions.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR REICHLIN-MELNICK: Yes, I'd be glad to.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Thank you.

Senator Reichlin-Melnick, it is late, it's almost 1 o'clock, I will keep my questions brief. But they're important.

Through you, Mr. President, in a market where housing stock is scarce, is the

sponsor concerned that altering the assessment for condos and co-ops could jeopardize housing availability in growing or developing areas?

SENATOR REICHLIN-MELNICK: Through you, Mr. President, I am not especially concerned because this is a bill that simply gives every local government outside New York City and Nassau County the option to change the way that they value new -- after 2023 -- condo and co-op construction.

So if a local government is concerned about the limitation, they don't need to participate in this methodology.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

(Pause.)

SENATOR REICHLIN-MELNICK: Yes, I'm sorry. The hour is late. Through you, Mr. President, yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Next question. What

certainty does a developer of a rental building have that may be converting to a co-op or a condo that the assessment methodology would not change during the construction or permitting process?

SENATOR REICHLIN-MELNICK: Through you, Mr. President. Again, this is a local option. And so I would certainly encourage any government considering -- that would consider doing this to take that very seriously under consideration.

The reason that I introduced this legislation and that the Assembly has already passed it on a nearly unanimous vote is because the methodology that is currently used to assess condos and co-ops is somewhat nonsensical. You could have two single-family houses, essentially, side by side, one of them part of a co-op association, or a condo, and one that is not. And the assessment on them would be very different, and their property tax burden would be very different.

An investigation by Syracuse.com was locating several houses where they found, for instance, the same houses, side by side, that were assessed dramatically differently because

one of them was considered to be a condo and one was not.

And so that's the point of this bill, to give a local community that feels this does not make sense, it is unfairly burdening single-family homeowners with higher assessed values, it would give them this opportunity to change the way that they assess condos and co-ops.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR REICHLIN-MELNICK: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: In many instances condos and co-ops are attractive for mobile residents -- who like to move back and forth -- seeking smaller footholds in New York. Particularly, I know of many retirees who prefer these type of living situations, given the affordability and lesser space of the smaller places where they'll live.

Is the sponsor concerned that the higher taxes as a result of this measure will dissuade these individuals from staying in New York State?

SENATOR REICHLIN-MELNICK: Through you, Mr. President, I think one of the reasons this bill is necessary is because, contrary to what many of us think of condos and co-ops necessarily being smaller units, that is not the case in many of these newer developments.

There are many situations where there have been single -- what essentially are developments of single-family houses. There's one in my district on a golf course where there are 12 luxury -- basically luxury mansions, McMansions, whatever you want to call them, which are considered to be a condo association and taxed as if they were these smaller units, and yet similar houses that are visually identical from the street would pay a significantly lower {sic} property tax.

And so this is essentially a loophole which developers have been able to exploit to build and market single-family houses at a preferable tax rate, where existing

single-family homeowners in the community are stuck paying a much higher rate.

And so this gives a community the option -- not a requirement -- to address that inequity.

SENATOR RATH: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR REICHLIN-MELNICK: I will.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RATH: Last question. This is a specific question.

Doesn't a condo with 100 units provide a net tax benefit to a municipality, versus 100 single-family homes which require more municipal services?

SENATOR REICHLIN-MELNICK: Through you, Mr. President. The point of this bill, again, is that we are -- ought to be valuing properties in our assessments based on the type of property.

And so when you have -- you could

have an apartment building, as you said with 100 condo units, versus an apartment building with 100 rental units, and the assessment would be very different simply based on the type of ownership, not the number of units, not the type of, you know, a hundred single-family homes.

And so I think that part of this is about saying, again, if we have a situation, as we do in many parts of the state -- I represent the Hudson Valley, was quoting something from near Syracuse. This article also indicates some similar issues out near the district that you represent -- where you have single-family units -- again, there are cases where we've got traditional condos that, yes, they might be in a multifamily building, and many new cases where you have a condo that you could walk right by and you would never know it's a condo because it looks like a standard single-family house.

And again, I think it is important to give a local community the option, not the requirement, to treat these properties based on the type of property, not the ownership class.

SENATOR RATH: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Rath on the bill.

SENATOR RATH: This is a major issue in my district, and it's a major issue I think in many areas, suburban areas around New York State.

I have heard from many stakeholders in my district where this will be disastrous for Western New York development and for Western New York growth. We need measures that I believe prioritize affordability and incentivize smart and rational growth.

This measure undermines all of those goals. For those reasons, Mr. President, I will be in the negative. 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: Announce the results.

THE SECRETARY: In relation to Calendar Number 1890, those Senators voting in the negative are Senators Akshar, Bailey, Borrello, Boyle, Comrie, Gallivan, Gaughran, Griffo, Helming, Kennedy, Lanza, Liu, Martucci, Mattera, Mayer, Oberacker, O'Mara, Palumbo, Ramos, Rath, Serino, Skoufis, Stavisky, Tedisco and Weik.

Ayes, 38. Nays, 25.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1922, Senate Print 74A, by Senator Hoylman, an act to amend the Estates, Powers and Trusts.

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

SENATOR BORRELLO: Mr. President, will the sponsor yield for questions on something else?

ACTING PRESIDENT BAILEY: Senator Hoylman, will you yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: All right. It's been a while, Senator Hoylman.

SENATOR HOYLMAN: Yes.

SENATOR BORRELLO: Through you, Mr. President. I know this bill is going to expand those who can get damages in medical malpractice.

My first question is, you know, New York State is already the highest when it comes to medical malpractice payouts -- in 2019, $661 million, dwarfing Pennsylvania at $394 million and Florida at $335 million.

New York State also leads the nation in payouts per resident, at $37.04 for every single man, woman and child in New York State.

So why do you think that is? And do you think that's a problem?

SENATOR HOYLMAN: Through you, Mr. President. This bill is important because it resets not just who can file a wrongful death, but what they can file for. The bill authorizes the recovery of noneconomic damages.

Under the current law, a jury or

judge in a wrongful death case can only award damages based on pecuniary or financial loss. This excludes noneconomic loss, such as emotional harm experienced by a decedent's loved ones.

And this bill would remove that restriction and expand possible damages to include grief or anguish caused by the death, loss of love, society, protection, comfort, companionship and consortium, loss of nurture, guidance, counsel, advice, training and education and training resulting from the death.

New York is an outlier. We are one of only two states that don't allow noneconomic damages.

And another thing I wish to point out, Mr. President, is that this statute hasn't been updated in 175 years. In fact, it was 1847 when this law was written. That was when James Polk was president, the automobile hadn't yet been invented, antiseptics, aspirin, penicillin were not available. Dick Gottfried had just finished his first term in the Assembly.

(Laughter; applause.)

SENATOR HOYLMAN: It is time to update this statute for the people of New York.

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

ACTING PRESIDENT BAILEY: Senator Borrello, are you going to ask questions after that? All right.

(Laughter.)

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Notwithstanding that.

Well, you know, your bill calls for a surviving close family member, which is really kind of a vague term. So wouldn't this really allow an unlimited amount of family members to recover damages from wrongful death?

SENATOR HOYLMAN: Well, a distributee right now is defined in the statute and refers to only one who is entitled to property from the decedent under the inheritance statutes.

This bill would remove that

restriction and allow for the award of damages to any surviving close family member, including a spouse, children or parents.

The bill would expressly include domestic partners, among those for whom damages may be recovered. And the bill would instruct the fact-finder to determine who qualifies as a close family member of the decedent, so it would be up to the jury to determine that.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: You mentioned trying to bring us in line with other states, and -- but other states actually cap those awards. This bill does not. Is that a concern?

SENATOR HOYLMAN: Through you, Mr. President. Not all states do cap. Illinois, in fact, just removed their caps recently, and we haven't seen skyrocketing medical malpractice

insurance fees there.

But here's another concern about caps. We think the Constitution of the State of New York actually prohibits caps. Article 1, Section 16 says "The right of action now existing to recover damages for injuries resulting in death shall never be abrogated and the amount recoverable shall not be subject to any statutory limitations."

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR HOYLMAN: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So we're going to have unlimited amounts of awards for what could potentially be an unlimited amount of people. Studies show that this is going to increase the cost of medical liability premiums by as much as 39.5 percent.

You know, we have hospitals that just got through COVID, hospitals and doctors

that are struggling. Do you have a concern for this actually having a negative impact for us -- for hospitals to be able to provide care?

SENATOR HOYLMAN: Through you, Mr. President. Of course we should all be concerned about our hospitals.

Let me say that if a jury sets an award, a judge can examine that award, and that happens routinely currently. And that would happen under this statute.

And not only does the statute recognize that families take many different shapes, but also that no money can replace a loved one who's lost -- a father, a daughter, a sibling, a domestic partner or a spouse. But financial compensation for family members grieving a loved one's wrongful death is a necessary accountability tool. We think that this statute is actually going to make institutions and others safer as a result.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: Senator Hoylman,

thank you very much for indulging me at this late hour.

You know, I think we already know that New York State is probably the most expensive place to do any kind of business. But when we start talking about healthcare, I've heard a lot of people in this chamber bemoan the high cost of healthcare.

We are about to raise one of the most expensive parts of being a doctor in New York State, which is liability insurance, by about 40 percent. So we can't replace anyone, we can't replace their grief, but we're going to put a price tag on it and it's going to have no cap.

I understand that there are a lot of people out there who make a lot of money by recovering damages on behalf of grief-stricken loved ones. I get that. But the problem is New York State already has a problem. We're already the most expensive place to do pretty much anything, and certainly healthcare is among the highest in the nation. And we talk about how we're going to provide universal healthcare. Well, things like this make healthcare less and less affordable.

So I don't think this is a good idea. I don't think the people of New York State, who are trying to just afford the basic cost of living, think this is a good idea, and I'll be a no on this one.

So, Mr. President, that's all I have on this one. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Borrello.

Are there any other Senators wishing to be heard?

Seeing and hearing none -- Senator Savino on the bill.

SENATOR SAVINO: Thank you, Mr. President.

I rise in support of this bill. You know, I've been here a long time now, 18 years. In fact, when I first arrived in the Senate -- after I was recruited by Senator Krueger and her colleague Senator Schneiderman and the former Senator Paterson, who went on to become the Governor -- I arrived here in the Senate and I sat in that very chair where Senator Hoylman is sitting now. That was my first desk. And if you look in the desk, you'll see my name signed in

there.

By the way, you should all sign your desks. One of these desks belonged to FDR; his name is in here somewhere. I think Senator Kennedy's desk is signed by George W. Plunkitt, who seen his opportunities and he took 'em. That's quite true. I went from that desk to that desk to three desks in the back there (pointing).

And over the 18 years, I've been a cosponsor of Senator Hoylman's bill, and I've heard all of the horror stories of what would happen, and what would happen to New York if we don't do it. And over those 18 years, as we know, 30 other states have had this statute in place, and none of the horror stories came to pass there.

But a lot of other things, you know, I've learned along the way. I didn't know anything about medical malpractice when I got here. I didn't know anything about energy policy when I got here. I didn't know anything about a lot of things when I got here. I knew a little bit about a lot. And I learned so much from so many people.

I can remember sitting in that desk,

sitting next to Senator John Sabini, who sat in the chair that is now Senator Tedisco's. And every day I would sit next to him and say, "What's going on?" I had no idea.

I don't remember the first time I spoke on the floor of the Senate, but I do remember my first debate, and it was against Senator Skelos, who was quite annoyed that I had the nerve to lay aside one of his bills.

(Laughter.)

SENATOR SAVINO: I have been here through six majority leaders, five governors. I've lost track of the number of lieutenant governors that have presided over the Senate.

(Laughter.)

SENATOR SAVINO: It has been an amazing ride. We have made history in this chamber -- sometimes good, and sometimes bad. I have written some amazing pieces of legislation with the help of the people in this chamber.

The first Domestic Workers' Bill of Rights in the nation, correcting an 85-year injustice to women, particularly women of color. We wrote the most comprehensive wage theft law in the country. It set the standard for other

states. Medical marijuana. Couldn't have done it without many of you in this room. Over and over and over, we made history. Again, as I say, sometimes it was good. Sometimes it was flattering. Sometimes it wasn't. I will never recover from seeing the image of myself with a clown head superimposed on it on the front page of the New York Post sitting in that chair over there.

But that is the price you pay for being an elected official. You take the brickbats with the accolades, and we move on. Because public service is a calling.

None of us are able to do what we do without the people that first got us here and then the people that make sure we stay here, and that's our staff. I have been blessed since I got elected to have had the same chief of staff for 18 years: Robert Cataldo, he's been amazing. The same scheduler, Joanne Carbone, 18 years. Barbara O'Neill, my legislative director, who has been probably one of the most prolific legislative staffers. She's worked for the Legislature for 32 years.

I could go on and on about all of

the staff. Our central staff are amazing. None of us could get anything done without them. You see them during the budget process. They work ungodly hours. And they manage to put together briefings and make us look good every day.

The sergeants-at-arms that take care of us, who protect us, make sure this chamber is protected. The staff here every day, running chamber, who understand the integrity of the Senate, respect it. We couldn't do it without any of you.

So I've been asked a million times am I going to miss it. Of course there will be things I miss. Of course. But, you know, you've got to know when it's time to move on and do other things.

I am now, Senator Lanza, the second-longest-serving Senator from Staten Island -- after Senator Marchi, who served for 54 years. I was not going to meet that goal. You will now move on to be the senior Senator from Staten Island. And I know you're up to the task.

But to every person in this chamber who has helped me, who has criticized me --

(Laughter.)

SENATOR SAVINO: Criticism is important. We have to be willing to listen to each other. But people who have been there and worked with me and allowed me to be able to deliver for not just the people that I represent, but for the people of the State of New York, I want to thank you.

And finally, to the Senate Majority Leader, Andrea Stewart-Cousins, who did not have to take me in. You know, I belonged to a little ragtag bunch of people that pissed off some of you --

(Laughter.)

SENATOR SAVINO: -- the Independent Democratic Conference. We were an experiment in time. And I'm -- I will -- I was proud of that, and I'm still proud of it. But I know it was disruptive.

But again, you know, when the time came, she was incredibly gracious to me, brought me into the conference, accepted me. And I will never forget that.

And so this may very well be the last time I speak on the floor, who knows. It

has been a hell of a ride. I've enjoyed every minute. But it's time for me to get off now and for someone else to get on.

Thank you, Mr. President.

(Extended standing ovation.)

ACTING PRESIDENT BAILEY: After that, I must say debate is certainly closed.

(Laughter.)

ACTING PRESIDENT BAILEY: 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: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President. I just wanted to thank my colleagues for their support of this important legislation.

You know, the current law providing for economic loss only discriminates against children, seniors, women, people of color --

those who are traditionally undervalued in our society. This is a major course correction in our law.

And this is a bipartisan effort. You know, not for nothing, but we have 83 percent of the New York State Senate as cosponsors. That's not a supermajority, that's a super-duper majority, Mr. President.

(Laughter.)

SENATOR HOYLMAN: That includes -- thank you -- the Minority Leader as well as so many members of the Senate on my side of the aisle and the other side of the aisle.

(Laughter.)

SENATOR HOYLMAN: We are going to do a great thing with this legislation.

But I have to say, we are only here because of a new voice in the Senate, a woman who raised her voice and was heard by my colleagues and most importantly by our Majority Leader. I want to thank Senator Cordell Cleare for being clear to us about the importance of this legislation, for sharing with us her personal story.

And I cannot thank you enough, but

New Yorkers cannot thank you enough.

Thank you very much.

(Standing ovation.)

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

Senator Cleare to explain her vote.

SENATOR CLEARE: I wasn't going to say anything, but -- and it's been a long night. And I'm so proud of all of the work I have gotten to do with all of you. I feel very fortunate and really lucky.

But tonight, first I want to give thanks to God, who brought me here. It was His strength that got me here. And those of you who know my story know, but I have a grateful heart.

And I have profound thanks for the leader, Andrea Stewart-Cousins, for her courage, for her wisdom, for her leadership. Senator Brad Hoylman, thank you, sir. Assemblywoman Helene Weinstein. My conference, and the people on my side of the aisle.

(Laughter.)

SENATOR CLEARE: I thank you for finally bringing this important wrongful death legislation to the floor.

No family should have to lose a loved one under tragic circumstances and then learn during the midst of the grieving process that there's no recourse and no value placed on the life of the individual because they are a child or a senior or someone who was defined as of limited pecuniary value.

So this legislation, as you know, is extraordinarily personal to me. And today New York joins the majority of states in recognizing that the worth and value of a life must be measured in a thoughtful and comprehensive way, taking into account noneconomic damages such as loss of love, society, protection, comfort, companionship, nurture, guidance, counsel and advice.

This is a proud night, and I am indeed grateful. And I vote aye.

Thank you. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1922, those Senators voting in the negative are Senators Borrello, Breslin, Brooks,

Cooney, Oberacker and O'Mara.

Ayes, 57. Nays, 6.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1923, Assembly Print Number 7389C, by Assemblymember Kelles, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BAILEY: Senator Borrello.

SENATOR BORRELLO: Mr. President.

ACTING PRESIDENT BAILEY: Good to see you again.

SENATOR BORRELLO: It's good to be here still -- that's not true.

(Laughter.)

SENATOR BORRELLO: Will the sponsor yield for a question?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR PARKER: Through you, Mr. President.

ACTING PRESIDENT BAILEY: Senator Parker, good to see you.

(Laughter.)

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Through you, Mr. President. Senator Parker, good to see you.

Can you explain to me what this bill will do?

SENATOR PARKER: Yes, through you, Mr. President. This bill is a bill that makes sure that a very specific activity around mothballed peaker plants in fact stays consistent with our Climate Leadership and Community Protection Act.

As you know, a number of years ago, we have moved to a process in which we have decided that we need to address the issue of climate change in a very, very serious way. And so members of this body banded together and worked for a number of years to pass what we lovingly call the CLCPA, the most bold and audacious climate change legislation in the history of our great nation.

As an effect of that, a number of what we call peaker plants -- that these are plants that during peak energy times in our state are turned on for very short periods of time,

sometimes six seven, eight hours, usually not more than nine to 12 hours, sometimes over the course of a month.

What has happened is that there is some economic activity that has come in, taken over some of these plants, and are now running some of these plants that oftentimes are very dirty -- are running on coal, are running sometimes on gas -- and then running these plants, instead of a couple of hours a month, they're running them 24 hours a day, seven days a week, 365 days a year.

What this bill does is really two things. One, it asks us to pause for a little while we study the impact of this economic activity on in fact our environment.

And the second thing it does is that it asks DEC to actually do a study to find out what the impact is on our ecology, on our carbon footprint, and how we can actually do this activity better.

So, in short, that's what it does.

SENATOR BORRELLO: Thank you, Senator Parker.

Mr. President, will the sponsor

continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor continue to yield?

SENATOR PARKER: Yes. Through you, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So we've established that these peaker plants have now become -- I'm going to assume, if they're doing cryptocurrency mining, and that's a -- there's a lot of energy that's used there. So -- but they're in business, they're doing this, they've made the investment. How is this going to impact those operations that are currently underway?

SENATOR PARKER: So when we talk about those operations, it is the sum total of one. Right? And the legislation is prospective, and so has no particular impact on the operation as it currently stands.

SENATOR BORRELLO: Thank you, Senator Parker, for that answer.

And Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, there are other projects that are pending out there, is my understanding, and the DEC is reviewing them. How will this moratorium impact those that have permits currently under review by the DEC?

SENATOR PARKER: As far as I understand, DEC has one other permit pending, and it would actually pause that -- the approval of that permit until the study is complete.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: And there are others that are looking to request a change in their current operations through DEC. What will happen to those?

SENATOR PARKER: Through you,

Mr. President, as far as I know -- you're saying that, but that's rhetorical. Because until you put in an application, we don't know who's actually intending to in fact, you know, be involved in this particular endeavor.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: You know, I think that New York State is in a particularly good position to take advantage of the cryptocurrency market.

And I know that there are those who have concerns about that when it comes to the environmental inspect. But the truth of the matter is if New York is going to continue to be a leader in the financial world, this has to be a part of it. It has to be a part of New York's portfolio.

I think we all understand that there is a movement around the planet when it comes to cryptocurrencies. The United States has enjoyed the American dollar as being the reserve currency of the world. That puts us in a very unique

position. I don't know that that's always going to be the case. And it's a very dangerous situation, because the day that the U.S. dollar is no longer the reserve currency of the world is the day that we instantly become Venezuela or Greece. And that's not a position we want to be in.

So New York should be leading in this effort, and I think that's incredibly important.

(Reaction on the floor.)

SENATOR BORRELLO: I know you don't think it's --

SENATOR GIANARIS: (Inaudible.)

SENATOR BORRELLO: Oh, I'm sorry. Oh, the Greeks. Well, you know.

(Laughter.)

SENATOR BORRELLO: I'm talking about the reserve currency of the world. Would you let me finish, please? Thank you very much.

(Laughter.)

SENATOR BORRELLO: And with that, I have no more questions. And this is my last bill tonight.

(Laughter.)

SENATOR BORRELLO: Thank you all very much.

(Laughter.)

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

Senator Krueger on the bill.

SENATOR KRUEGER: We do have entertaining debates here in the Senate, don't we.

For the record, because there's so much confusion here, this isn't going to put cryptocurrency out of business in New York State in any way, shape or form. As you just heard the sponsor say, there is one mine in an old peaker plant. We're not closing them down. We're studying the impact. I suspect the impact will be serious problems.

But you know what? There are large numbers of cryptocurrency companies starting, and apparently almost all of them have made a commitment not to do this kind of overutilization of our energy and our water, and that they have pretty much all said, you know, we're sort of inventing our currency so we can sell it, and we've figured out we can invent it without using

up small countries' energy supplies.

So what this moratorium will do, I believe, and what the DEC study will do, I believe, is to wake up those in the industry who think maybe this model is working for them, and to say this model isn't going to work for you and your competitors are going to jump way ahead of you because they aren't going to have to face being responsible for environmental damage, and that smart entrepreneurs going into these fields of cryptocurrency will realize they can build a better mousetrap and get us to buy that if they're not destroying our environment.

I have a lot of other concerns about cryptocurrencies and whether it's a good idea for investment or not, but that's not the topic of this bill or this fight. So I think probably everybody in the cryptocurrency world is not necessarily watching their TV tonight on us, but are watching what happens here in New York. And I think the message will be very clear: You can do this, just do this right.

And since most of the companies out there have already figured out how to do that, the couple of recalcitrant ones will either

figure that out or they weren't going to make it in this market anyway.

I vote yes. 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: Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. President.

Let me thank all of my colleagues and the leader for letting this legislation come forward. I know for a lot of my colleagues this was a difficult vote to take. I think there was a lot of miseducation.

I want to thank Liz Krueger, because I think that she certainly, you know, laid out

the fact that this is not an anti-cryptocurrency vote or bill.

You know, first, I'm pro-cryptocurrency. I'm pro-cryptocurrency mining in the State of New York. But it has to happen in comportment with the CLCPA and with our climate goals. And some of the activity that we're seeing now is certainly not that way, and we certainly want to kind of be in a place where we can protect our environment.

But also we understand that if, you know, folks want to do cryptocurrency mining in the State of New York -- which, again, I'm very open to -- that they should do it in a sustainable way. Developing sustainable energy is our next best opportunity to create full-time jobs at a living wage with benefits in this great state. And we need those all over the state. And certainly looking forward to both the study but also an opportunity to work with these companies as we grow our economy.

And as I take my seat, Mr. President, let me just say "opa" to all of the people of Greece.

SENATOR GIANARIS: Thank you,

Kevin.

(Laughter.)

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

Announce the results.

THE SECRETARY: In relation to Calendar 1923, those Senators voting in the negative are Senators Addabbo, Akshar, Borrello, Boyle, Cooney, Gallivan, Gaughran, Griffo, Helming, Jordan, Kaminsky, Kennedy, Mannion, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Savino, Serino, Skoufis, Stec, Tedisco and Weik.

Ayes, 36. Nays, 27.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1925, Senate Print 8850, by Senator Kavanagh, an act to amend Chapter 56 of the Laws of 2021.

ACTING PRESIDENT BAILEY: Senator O'Mara.

SENATOR O'MARA: Yes, good morning, Mr. President. Will the sponsor yield for a couple of questions.

ACTING PRESIDENT BAILEY: Will the

sponsor yield for -- will the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR O'MARA: Senator Kavanagh, could you I guess just briefly explain what this -- this is a pretty brief bill -- so what you're attempting to do here with regards to the Emergency Rental Assistance Program?

SENATOR KAVANAGH: Yes. Through you, Mr. President, this is, as has been noted, an amendment to the Emergency Rental Assistance Program that was enacted as part of the budget in 2021. That program, of course, is a program that is intended to pay rent arrears that were accumulated during the COVID pandemic.

We have funded that program to date with about $3.55 billion, and also supplemented that program with a program called LRAP, which focuses on landlord debts at about $375 million, for a total of about $4 billion.

When the program was initially enacted, it had a provision in it that said that residents of public housing or residents of

certain other housing where the rent -- the tenant contribution of the rent can be adjusted, or is a set percentage of income, that those tenants are eligible for the program, but they effectively went to the bottom of the list.

This bill repeals the 50 words that provided for that and just puts tenants in public housing and in Section 8 housing and other programs on the same footing as tenants in any other kind of housing in the state.

SENATOR O'MARA: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Senator, these tenants in the public authority subsidized housing, if I'm phrasing that correctly, those property owners -- the public housing authority at that point -- they continued to receive the subsidized rent payments throughout COVID, isn't

that correct?

SENATOR KAVANAGH: Through you, Mr. President, the public housing authorities did indeed continue to receive money from the federal government, as they do every year. That funding actually has been calculated by Congress at only a fraction of the need in public authorities throughout the states. So they've been underfunded for quite a while.

But with respect to these particular tenants, there was an adjustment downward in some cases of the rent that the tenant was paying, but -- and there was some expectation when the original bill that we're amending today was passed that HUD, the federal agency, would subsidize -- would do direct subsidies for lost revenue during COVID.

Subsequent to that, subsequent to our passage of this, the federal Treasury Department put out guidance that made it clear that public housing authorities should be eligible for this program. So HUD declined to increase the amount of subsidy that the housing authorities got to offset the reduction in rent that these tenants were able to pay.

So they were continuing to receive money, but they didn't receive more as a result of having the lost revenue from the tenants.

SENATOR O'MARA: Through you, Mr. President, if the sponsor will yield for another question.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: So this bill, then, is putting those public housing authorities that received subsidized rent payments throughout this on a level playing field with property owners or landlords of housing that were not receiving subsidized payments, so that perhaps were receiving no rent at all during this period. Is that correct?

SENATOR KAVANAGH: Through you, Mr. President, this program, the Emergency Rental Assistance Program, is intended to cover arrears that were built up during the COVID period. So it could conceivably be that all of a landlord's

tenants were able to pay no rent at all, and this program would pay for that.

In many cases the -- I mean, it's conceivable also that somebody who's benefiting from this bill also could have received very little rent and very little subsidy.

But yes, generally speaking, if you're benefiting from the bill we're passing today -- and again, only benefiting by, you know, treating you the same as any other resident -- you probably were receiving some subsidy during that period.

And I would just note again this is not just public housing authorities, but perhaps providers of housing through the Section 8 program.

SENATOR O'MARA: Through you, Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Out of the total amount that's been appropriated for these programs -- I think you said at the beginning 3-point-something billion dollars has been put towards this?

SENATOR KAVANAGH: 3.925, if you include the LRAP program.

SENATOR O'MARA: Now, how much of that right now has been used or applied for? And what funds are remaining in this program to be distributed?

SENATOR KAVANAGH: Again, I'm going to separate out the LRAP for a second. We did $250 million in LRAP in Year 1, and we did another 125 million in this year's budget. I don't actually have figures for that.

But on the ERAP program, again, we did a total of about 3.55 billion. That includes some administrative costs. Roughly speaking, there should be about $3.2 billion available. And as of May 25th, $2.3 billion of that had been obligated for the payment. Which would leave about $900 million remaining that was unobligated as of about a week ago.

SENATOR O'MARA: Through you,

Mr. President, if the sponsor will continue to yield.

ACTING PRESIDENT BAILEY: Would the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Is this bill dealing with just the ERAP portion or is it the LRAP?

SENATOR KAVANAGH: It does not include the LRAP program. I just thought that was important to sort of indicate the totality of our state investment in this program, including the fact that all of that LRAP money is state money.

And just to make the point that of the total program, $2.75 billion is federal money and $1.2 billion is state money. There is no state in America that has put nearly that much state money into an effort to pay the rent that has been lost by landlords throughout the state.

SENATOR O'MARA: Through you, Mr. President, if the sponsor will continue to

yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Now, the funds that are being affected by this legislation, the ERAP funds, those payments, when awarded, go to who? Directly to the landlord, or do they go to the tenant -- through the tenant, supposedly to the landlord?

SENATOR KAVANAGH: Through you, Mr. President, all payments in this program go to the landlord and not to the tenant.

SENATOR O'MARA: Through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Mr. President.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR O'MARA: Just one last question, I guess it's a little bit off to the side of this bill.

But on the LRAP program, what portion of that has been exhausted at this point, and what's left?

SENATOR KAVANAGH: Again, through you, Mr. President, we did $250 million last year for that program. It is my understanding that all of that had been allocated by the time we did the budget this year. And in this year's budget we added $125 million of new state money to the LRAP program. Since this bill does not affect that, I don't have the current data on that.

But as of -- we added that to the budget in April, and I imagine some of it has been spent by now.

SENATOR O'MARA: Thank you, Senator Kavanagh. Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator O'Mara.

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: Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Mr. President. I'll be brief. The hour is late. And I'm not leaving, as the Wolf of Wall Street once said.

(Laughter.)

SENATOR KAVANAGH: But, you know, I did want to just take a moment to -- you know, this bill we're passing tonight is part of a long-term commitment on the part of this state and this house to ensure that we are paying the full cost of the economic harm that has been done during COVID.

We know that there are a lot of other harms -- emotional harm, physical harm. We've all suffered tragedies in our communities. But we have been more committed than any other state in America to ensuring that people are not

left with rent arrears. That includes tenants who might have that hanging over them for a long time, and also our property owners, who of course need money to maintain their property.

I want to thank our leader, Andrea Stewart-Cousins, for bringing this bill to the floor and for her leadership in getting this program up and running in the first place, and all the staff and colleagues who have worked on this.

And, you know, we're now basically trying to treat residents of public housing and Section 8 housing in the same way. And, you know, it's sort of like had we done a bill that excluded people, you know, solely because they're from Greece, that would be unjust.

(Laughter.)

SENATOR KAVANAGH: And this is unjust in a similar way, so we're righting that unjustice {sic} tonight, and I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 1925, those Senators voting in

the negative are Senators Akshar, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, Ortt, Palumbo, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 46. Nays, 17.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris, that completes the reading of the controversial calendar.

SENATOR GIANARIS: Thank you, Mr. President.

I want to remind my colleagues that without Greece, we wouldn't be enjoying the democracy that puts us in this room right now.

(Laughter.)

ACTING PRESIDENT BAILEY: So ordered.

(Laughter.)

SENATOR GIANARIS: And I don't want my colleagues to get the wrong idea by the next question, because we still have some work to do.

But is there any further business at the desk on this fine Thursday evening?

ACTING PRESIDENT BAILEY: There is no further business at the desk on this fine

Thursday evening.

SENATOR GIANARIS: I move to adjourn until 1:45 a.m. on Friday, June 3rd.

ACTING PRESIDENT BAILEY: The Senate will be adjourned until 1:45 a.m. on June 3rd.

(Whereupon, at 1:43 a.m., the Senate adjourned.)