NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

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3:44 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

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

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

ACTING PRESIDENT PERSAUD: Reverend Teresa Darden, of the Upper Room House of Worship in Spring Valley, New York, will deliver today's invocation.

REVEREND DARDEN: Let us pray.

Most gracious, merciful and all-knowing and all-wise God of the heavens and the earth, we humbly approach Your throne room of grace with thanksgiving and praise upon our lips for this once again grand opportunity to seek out Your wisdom and instruction to commit in a call of duty of our Senate.

We call upon You, our God, to give of wisdom to the wise and knowledge to the scholar. You reveal deep and mysterious things, and only You know what lies behind the darkness, though You are surrounded by light.

We ask for Your wisdom in the many

decision-makings needed in these chambers today, and always during these critical and perilous times. May Your truth and justice echo throughout this setting to silence, paralyze and to find resolve for the raging violence, the senseless deaths among our nation to the least complicated decision.

May there be a balanced scale of justice and liberation on all sides. May these, Your servants, reverence and reference Your ways and Your laws, for guidance and making sound decisions that are good for all mankind, that we may live peaceful and quiet lives marked by godliness and dignity, now and for our future and for our children's future.

May they not take their authority and decision-making and responsibility lightly, but responsibly. We are thankful for the vision of leadership You have imparted to our Senators. And we declare and decree that they will not allow the advice of the wicked nor stand around or agree with the evildoers nor join in with mockers.

May they delight in Your law and meditate on it day and night. And as Your

Senators and servants do this, we confess that they shall be like the trees planted by the waters, bearing fruit each season. Their leaves shall never wither. And whatsoever they do shall prosper for the good of the nation: America the beautiful, God to shed His grace on thee, and crown thy good with brotherhood from sea to shining sea.

God, mend our every flaw. Confirm thy soul and self-control, to souls way far as earth and air, to selfish gain no longer stain.

Oh, Father, shed Your light on thee. This is our prayer, that You, our God, fill your Senators with wisdom, truth, understanding, compassion, counsel and might. Give them favor, increase their faith, and help them to pursue with success in Your excellence, fulfilling Your purpose.

Do keep their hearts and motives pure. Make their hearts pliable, willing and obedient to Your will, and bring glory to Your name, for You alone are God. You are subject to none, yet all are subject unto You.

May we put feet to our prayer. Your eyes is on the sparrow, and we know that You are

watching us. Yours be the Kingdom, the Power, and the Glory forever.

This we pray in the name of the God of Abraham, Isaac and Jacob, in Jesus' name. Amen.

(Response of "Amen.")

REVEREND DARDEN: Amen.

ACTING PRESIDENT PERSAUD: Thank you.

Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 24, 2023, the Senate met pursuant to adjournment. The Journal of Friday, April 21, 2023, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Madam President.

We're going to break for a very quick Rules Committee meeting in Room 332, and then come back to take up resolutions very shortly.

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

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:51 p.m.)

(Whereupon, the Senate reconvened at 3:57 p.m.)

ACTING PRESIDENT PERSAUD: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, can we begin the resolutions with previously adopted Resolutions 571 and 698, both by Senator Griffo, read those titles, and recognize Senator Griffo.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 571, by Senator Griffo, congratulating the Section III Girls Gymnastics Team upon the occasion of capturing the New York State Public High School Athletic Association Girls Gymnastics Team Championship on March 4, 2023.

Senate Resolution 698, by Senator Griffo, congratulating Grayson Gall upon the occasion of capturing the New York State Public High School Athletic Association Girls Gymnastics Championship in both the uneven bars and balance beam events on March 4, 2023.

ACTING PRESIDENT PERSAUD: Senator Griffo on the resolutions.

SENATOR GRIFFO: Thank you, Madam President.

It's a pleasure today to have these young ladies with us from the Section III Gymnastics Team. They have won their state championship. They're here with their coaches and their families today. We're proud to recognize them -- I know they were in the Assembly Chamber earlier -- and to congratulate them on winning the state championship for Team Gymnastics earlier this year.

The Section III Girls Gymnastics Team won that championship, which took place March 4th in Buffalo, and they defeated the second-place team by five points. They did an extraordinary job.

The team consists of a number of athletes from different locations within the Central New York area, many of them within the 53rd Senate District -- New Hartford, Sauquoit, Whitesboro, New York Mills, Oriskany, and also Fayetteville-Manlius, so there's Senator Mannion.

And so the girls are up here with coaches. I think I know the coach by coach -- Cerminaro, Fishkin and Coach Smith. So they've done an extraordinary job.

I think the important thing here to note is that these girls chose this sport. It's a demanding sport. It requires great discipline and commitment. And they have done this with great determination and success.

So we're very proud of how you have conducted yourselves not only athletically, but also as young ladies. Because you have been a true inspiration and motivator to so many others, but also you've represented our community so well

that we're very proud of you and want to recognize you today.

Additionally, I want to specifically recognize Grayson Gall. Grayson Gall -- and I know her mom, Judge Gall, is here today with her, Judge Erin Gall. She has won the state championships in the uneven bars and the balance beam events. This is the second year that we're recognizing her, so she is quite an athletic accomplishment and quite an extraordinary young lady.

So, Grayson, you set a standard for a lot of other young athletes, and you continue to demonstrate each and every day what commitment and hard work can do.

So again, I think gymnasts are extraordinary athletes when you consider what they have to do to prepare themselves, and all of these young ladies exemplify the best in athletics and gymnastics.

So to all of you young ladies, I would ask the chair to recognize you and to extend to you all the privileges of the Senate chamber today.

So congratulations, and best of luck

to you.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Mannion on the resolutions.

SENATOR MANNION: Thank you, Madam President.

Thank you to Senator Griffo for sending forward this resolution in acknowledgement of our Section III gymnasts.

I don't have much to add other than we appreciate you, we appreciate your competitive spirit and everything that you add to the Section III region.

A quick acknowledgement of the J-D/F-M combined team members, including Charlotte Ford, Antoinette Sakellariou, and Katie DeStefano. Thank you for making us proud.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: I move to adopt the Resolution Calendar, with the exception of Resolutions 786 and 818.

ACTING PRESIDENT PERSAUD: The resolutions were previously adopted on 3/21 and 4/10.

All those in favor of adopting the Resolution Calendar, with the exceptions of Resolution 786 and 818, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now move on to previously adopted Resolution 682, by Senator Gounardes, read its title, and recognize Senator Gounardes.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 682, by Senator Gounardes, memorializing Governor Kathy Hochul to proclaim April 24, 2023, as Armenian Genocide Remembrance Day in the State of New York.

ACTING PRESIDENT PERSAUD: Senator Gounardes on the resolution.

SENATOR GOUNARDES: Thank you, Madam President. I stand here today in support of my resolution commemorating April 24th as Armenian Genocide Remembrance Day.

The 20th century has seen some of the greatest atrocities known in the history of mankind -- attempts to wipe out and fully exterminate entire populations of peoples. And even a generation before the terrible atrocities that happened during the Holocaust in Nazi Germany, the Ottoman Empire engaged in a systemic pogrom to exterminate the Armenians, the Greeks, the Pontians, the Assyrians, and other Christian minorities living in the Ottoman Empire, living in modern-day Turkey.

April 24, 1915, ultra-nationalist Turkish factions in the Ottoman Empire, known as the Young Turks, began their eight-year-long

campaign to systemically wipe out the minority communities living there. Over the course of eight years, 1.5 million Armenians were exterminated because of the Turkish Ottoman genocide pogrom, 800,000 Greeks exterminated by the Turkish Ottoman genocidal pogrom. Hundreds of thousands of Assyrians, Pontics, and other Christian minorities were terminated, killed, slaughtered, displaced. They were forced into death marches and placed in concentration camps. Churches were destroyed. Whole communities were set on fire.

In 1923, the Ottoman Empire set fire to the entire Greek city of Smyrna, in Asia Minor, in an attempt to kill everyone living there.

This is an awful, awful legacy that we have an obligation not just to never forget, but to proactively remember.

Henry Morgenthau, who was the U.S. ambassador to the Ottoman Empire, in 1915 observed that the actions by the Ottoman Turks constituted a carefully planned scheme to thoroughly extinguish the Armenian race, and that "a campaign of race extermination is in

progress."

Three years later, Ambassador Morgenthau issued a call to the world pleading with them to stand up for the truth. He said: "Will the outrageous terrorizing -- the cruel torturing -- the driving of women into the harems -- the debauchery of innocent girls -- the sale of many of them at eighty cents each -- the murdering of hundreds of thousands and the deportation to and starvation in the deserts of other hundreds of thousands -- the destruction of hundreds of villages and cities -- will the willful execution of this whole devilish scheme to annihilate the Armenian, Greek and Syrian Christians of Turkey -- will all this go unpunished?"

Sadly, Madam President, at that time it did go unpunished.

But we're here today, more than a century later, to be able to say that we will never forget what happened to those communities and that we'll do everything in our power to put their memory into our consciousness.

I'm particularly proud that today we are joined in our chamber by the ambassador of

the Republic of Armenia to the United Nations, the Honorable Ambassador Mher Margaryan, and we thank him and his wife for being here with us today.

We're also joined by members of the Armenian community here in New York, including representatives from the Armenian National Committee, the Armenian Assembly of America, the Armenian Bar Association, Armenian Youth Federation, and the St. Peter Armenian Apostolic Church. We thank all of you for joining us here today as well.

At a time of renewed hatred and bigotry against ethnic, racial and religious minorities around the world, regardless of where they are or where they come from, let us remember the tragedies that occurred to the Armenian, Greek, Assyrian and Pontic people just over a century ago, pay tribute to their lives, and commit ourselves to ensure that on our watch, and forever beyond, these atrocities will never, ever happen again.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Mayer on the resolution.

SENATOR MAYER: Thank you, Madam President.

And thank you, Senator Gounardes, for your leadership on this important issue. And thank you to our guests for being here, and the ambassador as well.

I'm proud to represent a vibrant community of Armenian-Americans, many of whom attend St. Gregory the Enlightener in White Plains and are connected to St. Nersses Seminary, now in my district.

This community of active community participants, both in their faith and in our wider secular community, have made such an extraordinary contribution, which needs to be recognized.

But today, I'm so appreciative that Senator Gounardes has brought this resolution regarding Armenian Genocide Remembrance Day. And particularly this year, as incidents of hatred expand to so many segments of our society, it is our obligation and our duty in this chamber to speak out, to remember, to call out genocide and hatred, and to acknowledge those who lost their

lives in this terrible time.

So thank you, Madam President. And thank you, Senator Gounardes. And credit to you for ensuring that we do not forget acts of hatred and genocide, and that we keep their memories alive forever.

Thank you, Madam President.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: Thank you, Madam President.

Next up is previously adopted Resolution 694, by Senator Salazar. Let's read that resolution's title and recognize Senator Salazar.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 694, by Senator Salazar, mourning the death of

Marvin E. Mayfield, Jr., dedicated human rights advocate, distinguished citizen, and devoted member of his community.

ACTING PRESIDENT PERSAUD: Senator Salazar on the resolution.

SENATOR SALAZAR: Thank you, Madam President.

It is with profound sorrow that today we memorialize the recent passing of Marvin E. Mayfield, Jr., a dear friend, a loving husband, a nurturing father and grandfather whose kindness touched countless lives.

Marvin was born on December 15, 1961, in Brooklyn, New York, to the late Reverend Marvin E. Mayfield, Sr., and Louise Frances Mayfield. He attended Edward R. Murrow High School before entering into the United States Air Force.

His attendance and graduation from NYU's Prison Education Program inspired him to share his life experiences and hopes for the future. Earning his B.A. degree in social work from NYU, Marvin also attended the Justice in Education Initiative Scholars Program of Columbia University.

Marvin grew up in the North Brooklyn neighborhoods of Bed-Stuy, Cypress Hills-East New York and Bushwick, neighborhoods that make up our Senate district today. He was proud of his Brooklyn roots, and he used to chat with me about what was like there back when he was a kid. Of life in Cypress Hills, Marvin said to me: "It was rough running through those Brooklyn streets, but it was a close-knit community."

To me, those words reflect the unconditional, radical love that Marvin had for others. It was his intimate understanding that the strongest communities, those who overcome violence, poverty and oppression, are the close-knit communities where people feel a collective responsibility for one another.

It's easy to allow fear and conflict and strife to define a community. It is much harder in difficult times to focus, as Marvin did, on the bonds that hold our communities together, that can break through cycles of violence and oppression.

Marvin was committed to the work of restorative justice, an outspoken advocate for those who have been imprisoned, mistreated or

traumatized. Marvin's personal experiences of criminalization and incarceration drove him to build a movement to change unjust laws and policies.

Marvin was a familiar face here in the Capitol. From 2017 to 2019, Marvin helped lead a fight for bail and discovery reform, changing laws in our state to ensure that people could avoid the horrors of pretrial incarceration, allowing them instead to keep their jobs and their homes and take care of their children.

Since 2020, Marvin has served as the director of organizing at the Center for Community Alternatives, building power with people across New York State who have been impacted by criminalization and community disinvestment. He was integral to envisioning and launching innovative campaigns to help end the injustices of mass incarceration.

A truly multi-talented man, Marvin Mayfield was a roller skater, a barber, a tailor, an artist, a singer, tech guru, and self-taught musician. Marvin truly embodied the meaning of fighting ruthlessly against unjust systems, yet

always being gracious and kind and compassionate with people.

The meaningful way for us to honor Marvin, his memory and his life's work, is to continue his fight for justice. In that spirit, the Center for Community Alternatives is creating the Marvin Mayfield Organizing Fellowship in his honor.

To Marvin's beautiful family, who are here with us today, thank you for sharing him with us. I miss his warmth and his smile, and I am better for having had the privilege of knowing him.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Brisport on the resolution.

SENATOR BRISPORT: Thank you, Madam President.

And thank you, Senator Salazar, for introducing this resolution.

Marvin Mayfield, Jr., was a proud son of Bed-Stuy, Brooklyn, and a dedicated civil rights leader whose work touched the lives of people across our great state.

His legacy, though, was not only the

civil and human rights that he helped to win and defend for our people, but also the extraordinary example he set of a life lived in pursuit of a more just future.

At a moment in history when the right seems to be clawing back every inch of progress our communities have made, that pursuit can sometimes feel overwhelming. In those moments, I find inspiration in Mayfield because he proved that when faced with even the most terrible darkness, there was always light to be found in coming together with our community. He proved that in uplifting the humanity and dignity of all of our people collectively, we become far stronger than the sum of our parts.

That lesson feels especially important in these final hours of budget negotiations in which our Governor is attempting to roll back some of the very same civil rights that Mayfield fought for.

A couple of weeks ago some of us in this room visited Rikers Island, where the overwhelming majority of incarcerated people are simply awaiting a trial. As it is, the conditions on this island are a horrific blight

against our state. If bail reform is rolled back, the island and other jails around the state will see their populations explode with more New Yorkers being held for years on end in even worse conditions, without being convicted of a crime.

New Yorkers are calling, they are marching, they are protesting, and they are speaking out against this potential future and the Governor's attempts to roll back civil rights through the State Budget. They are coming together and bringing light into this darkness. I hope that we too can stand with them and carry on the legacy of Marvin Mayfield, Jr.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Ramos on the resolution.

SENATOR RAMOS: Thank you, Madam President.

Marvin Mayfield has certainly been a fixture here in Albany for the past few years. His voice reverberated through our stone walls. He stood tall and unafraid on the Million Dollar Staircase. He came up here from his hometown of Brooklyn because he was called to act, having

experienced the conditions of our jail system and being forever changed by them, he committed himself to ensuring that we break the cycles that lock up poor people.

Those of us who have been either lucky enough to stand side by side with Marvin as we fight to end the criminalization of poverty, or those of us who have been on the receiving end of his righteous advocacy, were heartbroken to hear of Marvin's passing. Many of us have asked ourselves what is the best way that we could possibly honor Marvin and his legacy.

To me, the first answer is obvious. We must speak clearly and consistently against injustice, to reject fear when it is used as a tool to criminalize people who are a product of their environment.

The next answer is to attack the root of the problem. Let's unravel the conditions that even led Marvin to this very personal fight against regressive and racist criminal justice policy.

We can honor Marvin by doubling down on the war on poverty. We are looking at a budget that includes a subway fare hike, no

action on a plan to keep tenants in their homes, and possibly the codification of poverty wages unless we stop it.

Marvin wanted a world where everyone was safe, where everyone had the care and the resources they needed to flourish. With no budget bills before us today, we still have time to honor his memory. I hope he is present in the room with our leaders as they make their final decisions over the next few days.

I vote aye on the resolution. Thank you.

ACTING PRESIDENT PERSAUD: Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Madam President.

You know, Marvin was my constituent; he lived in the great City of Co-op, Co-op City. And he was never shy about, anytime we were at a Zoom or at a presser, saying that he was my constituent. Right? That he was from -- excuse me, that he lived -- he always loved Brooklyn, Madam President, but that he lived in my district.

That might not seem like a big deal,

but to somebody who was a big deal in that space, it meant something. It meant that -- because in this space, Madam President, the conversation and negotiations are often complicated and often fraught with emotion with impacted individuals who have not seen the light of day for years, who these pieces of legislation that you may think are just statutory language, they are possibly affecting the liberty and life of individuals that we haven't yet gotten a chance to meet.

But Marvin Mayfield allowed you to see something that -- you cannot be defined by what you have gone through, but you will be defined by what you have been after you've gone through it. See, if you looked at Marvin Mayfield just cruising through in his drop top, looking smooth and clean, and if you saw how he carried himself, I don't know if you would think "formerly incarcerated individual."

But we have to redefine in ourselves in thinking that we're all equal, and Marvin showed us that. Marvin was a real one. And we had -- we had conversations where there were, again, fraught and tense conversations. And he'd pull me to the side and say, "I got you. We're

going to have a conversation. We will work it out. I understand where you're coming from, but you got to understand where we're coming from."

And when you have people like Marvin at the table, it means a lot. And he was a member of Woods AME Church in my district, right on Edson Avenue. And I remember one time just running into him at their annual like street fair. And that was the last place that I expected to see Marvin at. He was a man of faith, he believed in something great. And I remember seeing him there, and he was like "What are you doing here?" I'm like, "What are you doing here? Like, this is my district." He's like, "Well, this is my church." And you got it, Marvin. That trumps.

As I close, Madam President, I think about his name and there's strength in names. Marvin Mayfield, there's an alliteration there, there's alliterative power there. There's power in the people there, but it's important being told, so to speak, of two of our greatest soul singers, Marvin Gaye and Curtis Mayfield, all in one. Marvin would have told you Marvin Gaye told us "What's Going On." And Curtis Mayfield told

us about this "Little Child Running Wild." But Curtis Mayfield also said "Move On Up." It's a greater day. If you keep on pushin', you'll find a way.

Rest in peace to the legend, Marvin Mayfield.

ACTING PRESIDENT PERSAUD: Senator Gianaris on the resolution.

SENATOR GIANARIS: Thank you, Madam President.

I just want to add my words of condolence to Marvin Mayfield's family and honor him by speaking a little bit about his life and his legacy.

As you heard from my colleagues, he was someone who spent a lot of time in this building over the last several years. And what always struck me about Marvin was he was committed to his cause, born of real hard experiences in his own life, but I never saw him when he didn't greet me with a smile. And it was one of those beaming smiles that some people have, but Marvin always lit up the room and then let you know that he wasn't messing around on the issues he was talking about.

So he will be sorely missed here, and the issues he fought for will not be forgotten. And I know many of us pledge to redouble our efforts to honor his legacy, his experience, by carrying on his work.

And so I thank Senator Salazar for bringing this resolution to the floor. I thank his family for letting us experience Marvin for these last several years. And I thank you, Madam President, for giving me a moment to speak on this.

ACTING PRESIDENT PERSAUD: Senator Rivera on the resolution.

SENATOR RIVERA: Thank you, Madam President.

As many of my colleagues have said, Marvin was from Brooklyn. But even if he didn't live in the Bronx, we still claim him. And not because it's the Bronx, but because wherever there are folks who need someone to stand up for them, Marvin was there.

As has been said by my colleagues, he spent a lot of time in this building. And I spent a lot of time standing right beside him in many of the protests or press conferences that

were held up here. And there's a phrase that I've said many times during those press conferences, and that is "I believe in redemption." And I say that phrase in a lot of ways because of what me knowing Marvin inspired. The fact that there are folks who have made mistakes, they are folks who have gone through situations in their life, but they have not given up. And they have continued to live on, and they've made life better for themselves, for their families, for their communities.

And Marvin did that right until the end. He was somebody who demonstrated that you can be a relentless fighter, a passionate, relentless fighter, and still do it filled with love.

I will miss this brother. He was an incredible part of changing so much of public policy here in the State of New York. And as some of my colleagues have already reminded us, the best way to honor him would be to continue to remember why we made those changes in the first place. And to not succumb to fear, but to embrace love. That's what he would have done. That's what he did right until the end. I will

miss my brother.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: To our guests, I welcome you on behalf of the Senate. We extend the privileges and courtesies of this house. Please stand and be recognized.

Our condolences.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: The resolution was previously adopted on April 18th.

Senator Gianaris.

SENATOR GIANARIS: At this time can we take up Resolution 786, by Senator Ashby, read that resolution's title and recognize Senator Ashby.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 786, by Senator Ashby, mourning the death of Patrick J. Hogan, retired and heroic police investigator with the New York State Police, distinguished citizen and devoted member of his community.

ACTING PRESIDENT PERSAUD: Senator Ashby on the resolution.

SENATOR ASHBY: Thank you, Madam President.

Earlier we lost a hero in New York State, someone who had given their life in dedication to service. Patrick Hogan was a State Trooper, he was a Marine Corps veteran, he was a father, he was a son, he was a husband.

And he never stopped giving, much like the remarks that we just heard. He ended up passing from 9/11-related illness, but it never stopped him from giving back to his community in countless ways. Never stopped him from looking for ways to help those who needed it, regardless of who they were, their political stance, where they stood.

He was a member of our community, he was a member of our state, he served our country bravely in the '90s as a Marine Corps veteran. And he will be greatly missed.

Thank you, Madam President. I proudly vote aye.

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

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Next, Madam President, is previously adopted Resolution 677, by Senator Martins. Read that resolution in its entirety, and recognize Senator Martins.

Before we do that, Madam President, I understand there were guests here for the previous resolution. So if you wouldn't mind recognizing them before we move on.

ACTING PRESIDENT PERSAUD: To our guests, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house. Please rise and be recognized.

Our condolences.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: And now please take up previously adopted Resolution 677.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 677, by Senator Martins, commemorating the observance of Portugal Day in the State of New York on June 10, 2023.

ACTING PRESIDENT PERSAUD: Senator Martins on the resolution.

SENATOR MARTINS: Thank you, Madam President.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: "WHEREAS, It is the sense of this Legislative Body, in keeping with its time-honored traditions, to recognize and pay tribute to those events which foster ethnic pride and enhance the profile of cultural diversity which strengthens the fabric of the communities of New York State; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to commemorate the observance of Portugal Day in the State of New York, on June 10, 2023; and

"WHEREAS, Every 10th day of June,

the Portuguese diaspora around the world observes Portugal Day, their national holiday known as Dia de Portugal, which celebrates the history and heritage of Portugal; and

"WHEREAS, The Portuguese-American community in New York has been an integral part of our great state since its inception, with long-standing community centers in Mineola, Yonkers, Farmingville, Brooklyn, Manhattan, New Rochelle, Tarrytown, Ossining, and Mount Vernon, among others; and

"WHEREAS, This date also commemorates the death of Luis de Camoes, a significant figure in the history of Portugal; he is best known for his work on Lusiadas, the national epic poem of Portugal, which celebrates the nation's successes and rich history; and

"WHEREAS, Since then, the country's national day was established and subsequently celebrated on June 10th; it is because of uncertainties on Camoes' birth date that Portugal Day was established to commemorate the hero's death; and

"WHEREAS, The borders of the nation of Portugal were defined in 1143, making it one

of the oldest nations in the world; in fact, Lisbon is actually four centuries older than Rome; and

"WHEREAS, Portuguese is one of the 10 most spoken languages in the world, with over 250 million Portuguese speakers around the globe, and is the official language in nine countries: Brazil, Mozambique, Angola, Portugal, Guinea-Bissau, East Timor, Equatorial Guinea, Macau, Cape Verde, Sao Tome, and Principe; and

"WHEREAS, In 2021, Portugal came in fourth place on the Global Peace Index (GPI), making it one of the most peaceful countries in the world; and

"WHEREAS, Portugal is a European leader in sustainable energy; in March of 2018, Portugal generated 100 percent of its energy through renewable sources such as hydro, wind, and solar power; and

"WHEREAS, In 2020, Portugal ranked as the 4th green country in the European Union across six categories, including waste, energy, greenhouse gases, air quality, fresh water, and natural land; Portugal was also among the first countries in the world to set 2050 carbon

neutrality goals; and

"WHEREAS, On July 1, 2001, Portugal became the first country in the world to decriminalize all drugs; today, the country has some of the lowest drug-usage rates in the European Union, where most countries hold criminalization models; and

"WHEREAS, Portugal is home to the world's largest cork forest, making up 34 percent of the world's area of cork forests and producing more than 50 percent of the world's cork supply; and

"WHEREAS, Due to its many achievements and low cost of living and tax incentives, retirees from all over the world settle in Portugal; retirees can make use of the NHR regime, a quality healthcare system, and an all-around high standard of living; and

"WHEREAS, Each year, tourists also travel to Portugal, approximately 8 million of whom visit the site of the Fatima apparitions and the miracle of the Sun; in 1917, three shepherd children witnessed the apparition of Mary, the mother of Jesus, six times over six months; these three apparitions and the spread of the messages

throughout the city culminated in the Miracle of the Sun, allegedly witnessed by over 70,000 people; and now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the observance of Portugal Day in the State of New York, on June 10, 2023; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Luisa Pais Lowe, the Consul General of Portugal in New York."

ACTING PRESIDENT PERSAUD: Senator Martins on the resolution.

SENATOR MARTINS: Thank you, Madam President. And thank you very much for indulging us in reading the entire resolution.

June 10th is celebrated as Dia de Portugal in the entire Portuguese Diaspora around the world and, appropriately, here in New York as well. The Portuguese communities in New York date back to the revolution, with strong communities in Mineola and Farmingville and Brentwood and Yonkers, Mount Vernon, New Rochelle, Tarrytown, Ossining, Jamaica, Manhattan, and Brooklyn, among others.

We have the privilege of calling this country home. And Madam President, as you know, I have the privilege of having had my parents emigrate from Portugal and being part of that culture. It's important that we continue to celebrate the diversity that is New York State, that, through many, we're able to actually create a culture all our own.

The Portuguese people, as was said during the resolution, over 20 years ago legalized drugs, all drugs, and yet continues to have amongst the lowest drug-usage rates of anywhere in the world.

It's a peaceful country, having scored fourth in the world index in peace. It's a great climate, a great culture, and that is what we celebrate each and every year.

Now, it's June 10th, which is some time from now, when we celebrate the history of a country that will celebrate its 880th year, in just a month and a half. Again, amongst the oldest countries in the world because of its fixed borders. And frankly, there's a lot to celebrate there.

But today is April 25th, and

April 25th also marks a very important day. And I'm very proud to stand here because Portugal celebrates its Independence Day on April 25th. In 1974 there was a revolution in Portugal against the fascist regime, and there was what they call the Carnation Revolution. The Carnation Revolution because there were flowers placed in the rifles of the military as the people in Lisbon and across the country rose up and overthrew that fascist regime.

And here we are, just twenty -- excuse me, 49 years later, it will be 50 years next year, and continuing with the history of commitment to renewable resources, commitment to law and order, commitment to peace. In fact, Portugal has one of its own sons, the prime minister, former prime minister, Portugal's -- currently the Secretary General of the U.N., Antonio Guterres. So it's that commitment to peace, that commitment to diplomacy as a means of finding solutions to the world problems I think that best defines Portugal today.

So a country of 10 million people, Madam President, welcomes about 20 million people as tourists each and every year because of its

culture, because of its climate, because of its people.

And we had the privilege today of having with us the Consul General of Portugal, who's visiting Albany, Luisa Pais Lowe, who's here with her husband, Glynn Lowe.

And I would just ask, Madam President, that as we recognize Dia de Portugal, as we recognize the 49th anniversary of the Independence Day in Portugal, and as we recognize the great Portuguese-American communities in New York State, that we take the opportunity as well to welcome these guests to our chamber and to extend the privileges of the house to them.

Madam President, I vote aye. Thank you.

ACTING PRESIDENT PERSAUD: Senator Mayer on the resolution.

SENATOR MAYER: Thank you, Madam President.

And again, thank you to Senator Martins for his leadership on ensuring that this resolution came to the floor and that we have an opportunity to honor the very vibrant

Portuguese-American community that we have.

And for the City of Yonkers and New Rochelle and my colleagues next door and the City of Mount Vernon, Westchester is full of a very vibrant, engaged Portuguese-American community which has contributed to our small businesses as well as some of our more academic professions, and certainly lawyers and doctors, but also the most warm and inviting social world that you could ask to join.

To all of us, I encourage you, go to the Portuguese-American Club in your community, see how wonderful it is, drink their fantastic wine and eat their food, but enjoy their companionship, their friendship, and their great pride in the country of Portugal.

So thank you for letting me speak on this. I proudly vote aye. And I'm very happy to celebrate Portugal Day in the State of New York.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Rivera on the resolution.

SENATOR RIVERA: Thank you, Madam President.

I want to thank Senator Martins --

Mar-teen, Senator Mar-teens, for bringing this resolution before us.

(Laughter.)

SENATOR RIVERA: I had the opportunity to visit Lisbon, Lisboa, in late last year. Not only did I find magnificent chapelaria, which is a hat shop -- I got this beautiful hat for like 70 American dollars. It was beautiful.

I also had the opportunity to listen to an amazing musical genre called fado in these small, amazing clubs with live music where everyone -- you could hear a pin drop as this amazingly -- you know, amazing music was being played just a couple of feet from you.

Or I had the opportunity to visit also the Museum of Resistance and Liberation, which was an absolutely inspirational place, Madam President. It used to be -- during the military dictatorship, it used to be a jail, a prison for spies. And then it was transformed after the democratic revolution in the seventies. Eventually it was turned into a Museum of Resistance and Liberation.

It was an incredible experience.

And what topped it off for me was to be able to visit -- as Senator Martins expressed, Portugal is actually way ahead of us as it relates to how we deal with addiction. They legalized all drugs, which seems like a crazy notion, and yet the reality is that their rates of drug use are way below ours, the rate of violence attached to drug use is basically nonexistent. They treat addiction like a public health crisis, not like a criminal act.

And it has been transformative for the lives of Portuguese people, and it has been certainly an inspiration to many of us who want to bring that forward thinking into the U.S.

So I'm certainly appreciative of Senator Martins for bringing this resolution to the floor, and I would encourage all of my colleagues to learn about what this amazing country has done right, and maybe we can borrow some of that for us, Madam President.

I vote aye. Thank you.

ACTING PRESIDENT PERSAUD: Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Madam President.

Thank you, Senator Martins, for this resolution.

So as Senator Mayer mentioned, also in the City of Mount Vernon there is a vibrant Portuguese population. And when you go to that section of the city, it is incredibly festive, incredibly welcoming, and incredibly lively.

But, Senator Martins, the food. The food is top-notch. It is simply incredible. The tastes of Portugal that are within the district in the four square miles of Mount Vernon are really important.

But it's not just about the food or just the cultural liveliness, it's about the resilience of a culture who's been able to fit in seamlessly within the Mount Vernon community. And so, you know, anytime you're in the City of Mount Vernon and you're looking for a great Portuguese meal, go to the South Side. It is, again, replete and full of incredible life and incredible culture.

But I just wanted, you know, to congratulate Senator Martins on bringing this resolution forward. And to all the people, not just in the City of Mount Vernon, but of

Portuguese descent statewide, we salute you. We appreciate you.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Ramos on the resolution.

SENATOR RAMOS: Thank you, Madam President.

I rise today as a proud Colombian of Portuguese descent. I carry the last name Ramos with great pride. My ancestors arrived in Colombia from Portugal a few hundred years ago. And, you know, being half-white and half-Indigenous in that way always kind of has me wrestling with what history has charted as a path for the rest of us.

And I think even though the Portuguese were indeed ruthless colonizers hundreds and hundreds of years ago, they've actually done the work to heal and ensure that they are putting forth a country that is on the brink of progress in nearly every single different sector.

And I don't want to repeat everything that's already been said, but, you know, the Portuguese culture is one that is so

strong, so beautiful. The food is delicious; the wine is even better. But the warmth of the people is certainly something that is still very heartfelt in my family.

And I do want to, for the record, mention my grandfather, who I didn't have a chance to meet, who died when my father was a young boy, Luis Enrique Ramos, who was, I'm told, an amazing merchant himself in Colombia.

And I appreciate the opportunity that Senator Martins has given me to be able to honor this part of my heritage that I seldom have an opportunity to do. So thank you.

ACTING PRESIDENT PERSAUD: To our guests, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house. Please stand and be recognized.

Happy Portugal Day.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: The resolution was previously adopted on 4/10.

Senator Gianaris.

SENATOR GIANARIS: Madam President, now let's take up Resolution 818, by Senator Sepúlveda, read that resolution's title,

and recognize Senator Sepúlveda.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 818, by Senator Sepúlveda, welcoming the Society of Foreign Consuls to the Legislative Chambers in Albany on April 25, 2023.

ACTING PRESIDENT PERSAUD: Senator Sepúlveda on the resolution.

SENATOR SEPÚLVEDA: Thank you, Madam President, for allowing me to present this resolution today.

Today I rise to support a joint resolution welcoming the Society of Foreign Consuls in New York to our legislative chamber today. We have 26 members of the foreign consuls here blessing us with their presence.

I'm pleased to announce and to note that some members of the society are here, with the delegation directed by the Honorable Ambassador Marita Landaveri, the consul general of Peru. (In Spanish.)

I'm happy to say the Society of Foreign Consuls represents the world's largest consular corps, and they foster cultural and

economic relationships between member countries, New York City, and United States.

This resolution acknowledges the Society of Foreign Consuls, their commitment to promoting these relations, and its effort in organizing seminars and events on consular access, diplomatic security, immigration, document fraud, and airport protocol.

It also applauds the Society of Foreign Consuls' contribution to supporting many charitable organizations here in New York State.

Let us take this opportunity to show our appreciation and allow me the indulgence to announce who is here. We have the Consul General from Angola -- and forgive me if I mispronounce anyone's name -- Augusta Bessa. We have the Consul General Ambassador from Argentina, Santiago Villalba. We have the Consul General -- a friend of mine who I've met on many occasions -- from Bangladesh, Mohammad Monirol Islam. We have the Consul General from Belgium, Filip Vanden Bulcke. We have the Consul General from Bulgaria, Angel Angelov. We have the Consul General from Colombia, Andres Mejia Pizanoan.

We have the Consul General from

Denmark, Berit Basse. From El Salvador, Daniel Erazo. From Estonia, Arvo Anton. From Finland, Keijo Karjalainen. From Guatemala, Nivia Rosemary Arauz Monzon. From Iceland, we have Nikulas Hannigan. From India, we have Randhir Jaiswal. From Khazakhstan, Raushan Yesbulatova. From Liberia, Nathaniel Nagbe. From Luxembourg, Ergu Kivanc. From Nepal, Bishnu Prasad Gautam. From Nigeria, Lot Peter Egopija. From Norway, Heidi Olufsen.

From Peru, I mentioned the Ambassador Consul General Marita Landaveri. We also have the Deputy Consul General from Peru, Giovanna Zanelli, and Deputy Consul General Jose Emanuel.

From the Philippines, we have Consul General Senen Mangalile. From Portugal, we have Luisa Lowe. From Serbia we have Olgica Vlacic. From South Africa we have Mzwanele Langa. From Sweden we have Camilla Mellander. And from Switzerland, Niculin Jager.

Please help me welcome all these members from the Consul Generals' offices, and we welcome you to our chamber.

Thank you for allowing me to present

this resolution.

ACTING PRESIDENT PERSAUD: Senator Gianaris on the resolution.

SENATOR GIANARIS: Thank you, Madam President.

Well, since I got brought into this, let me say to the Peruvian Consul General {in Spanish}.

(Awed reaction from members.)

ACTING PRESIDENT PERSAUD: Wow.

(Laughter.)

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

Please stand and be recognized.

(Standing ovation).

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

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

ACTING PRESIDENT PERSAUD: The

resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Madam President, at the request of the various cosponsors, all the resolutions we took up today are open for cosponsorship.

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

Senator Gianaris.

SENATOR GIANARIS: I believe there's a report of the Rules Committee at the desk. Can we take that up.

ACTING PRESIDENT PERSAUD: The Secretary will read.

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

Senate Print 1535, by Senator Hoylman-Sigal, an act to amend the Executive Law;

Senate Print 1688, by Senator Sanders, an act to amend the Environmental Conservation Law;

Senate Print 1725A, by Senator Harckham, an act to amend the Environmental Conservation Law;

Senate Print 4859A, by Senator Krueger, an act to amend the State Finance Law.

All bills reported direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(No response.)

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

Senator Gianaris.

SENATOR GIANARIS: Can we now take up the calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number

317, Senate Print 3419A, by Senator Mannion, an act to establish the Bottle Redemption Fraud Task Force.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 317, voting in the negative: Senator Lanza.

Ayes, 60. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 426, Senate Print 4304, by Senator Parker, an act to amend the Public Service Law and the Public Authorities Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the first of January.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 426, those Senators voting in the negative are Senators Griffo, Oberacker and Walczyk.

Ayes, 58. Nays, 3.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 603, Senate Print 4636, by Senator May, an act to amend the General Municipal Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 609, Senate Print 992A, by Senator Hoylman-Sigal, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect December 31, 2024.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 609, those Senators voting in the negative are Senators Borrello, Griffo, Lanza and Oberacker.

Ayes, 57. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 610, Senate Print Number 1538A, by Senator Hoylman-Sigal, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 610, those Senators voting in the negative are Senators Borrello, Oberacker and O'Mara.

Ayes, 58. Nays, 3.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 611, Senate Print 4198, by Senator Comrie, an act to enact the New York Wildlife Crossing Act.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 611, those Senators voting in the negative are Senators Gallivan, Ortt and Stec.

Ayes, 58. Nays, 3. Oh, I'm sorry. Also Senator Helming.

Ayes, 57. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 613, Senate Print 5331, by Senator Harckham, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 623, Senate Print 5512, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 623, those Senators voting in the negative are Senators Borrello, Gallivan, Oberacker and Walczyk.

Ayes, 57. Nays, 4.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Can we now take up the supplemental calendar.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 633, Senate Print 1535, by Senator Hoylman-Sigal, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 633, those Senators voting in the negative are Senators Borrello,

Canzoneri-Fitzpatrick, Gallivan, Griffo, Lanza, O'Mara, Oberacker, Ortt, Rhoads, Stec, Tedisco, Walczyk and Weik.

Ayes, 48. Nays, 13.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 634, Senate Print 1688, by Senator Sanders, an act to amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 635, Senate Print 1725A, by Senator Harckham, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Madam President.

You know, this is a perfect example of government overreach and bureaucracy. I understand that we want to try to do more to keep our streams clean and safe, but this would be the opposite, quite frankly.

The DEC is already overburdened with the lakes and waterways they are already supposed to be really taking care of, and they can't accomplish all that with the time that they have. And yet we're going to take things that could be dry ditches and regulate them and stop people from doing things as basic as flood mitigation or preparation for something like a flood -- all so they can wait on the DEC bureaucracy.

This is just horrible overreach. It will impact our farmers, it will impact our local governments, and I would encourage all my colleagues to vote no.

Thank you.

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

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam President.

I'm really excited that we have moved this bill to this point. As you know, we've had a couple of versions in the past. With this version, we have actually listened to our colleagues from the other side of the aisle to make improvements for local governments and for water conservation boards.

And I've heard mention on this floor that this is bureaucratic overreach. This bill protects people's drinking water. The Town of Cortland, the City of Peekskill, the Town of Guilderland, the Town of Waverly, many of these communities, their sole supply of drinking water comes from Class C streams. There are exemptions for local governments that they already have for farmers, replacement in kind if they're not disturbing a thousand feet.

So there's a lot of disinformation about this bill. This is about protecting our water quality and our drinking water. Everyone relies on Class C streams in one way, shape or form for their drinking water.

I'm proud to sponsor this. I'm

proud to vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 635, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco, Walczyk and Weik.

Ayes, 42. Nays, 19.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 636, Senate Print 4859A, by Senator Krueger, an act to amend the State Finance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator

Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Madam President.

I appreciate the people who are voting for my bill. I just want to emphasize how important the issue of the continued deforestation of the tropical rain forests on our planet are -- the enormous damage done to climate because of the tearing down and the destruction of these areas in the world.

They are destroying properties that are home to indigent people, who then are pushed off of their land. This is doing enormous damage to our natural resources, directly correlating to growth in climate change.

And this bill will simply ensure that a standard that we've had in the State of New York for 30 years that we should not be purchasing tropical hardwoods will in fact no longer be allowed in anyone doing business through contract with the State of New York.

We have set out a very detailed way to ensure that state agencies can monitor, that vendors can understand what is expected of them.

And frankly, we believe that this

should be expanded beyond just contractors with the State of New York, but with the passage of this law, and with implementation, we think that others will understand why not only is it so important for our planet that we are following down this road of protecting the remaining tropical and boreal forests of the world, but they will also realize it's not that hard to do, we have alternative options.

I vote yes, and I hope my colleagues will vote yes. Thank you, Madam President.

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

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Madam President.

And I do want to thank Senator Krueger for the bill. Unfortunately, I will be voting no.

And it's simple. At the end of the day, the ideals of protecting rare-woods rain forests is something we should all aspire to. The idea, though, that we are going to hold contractors, those who are actually the workers who are putting -- framing a building or putting

this together, seems odd to me.

We're not going after the importers, we're not going after the suppliers, we're actually going to hold contractors responsible for the type of wood that they're using when they are just putting work in to try to make ends meet.

So I do understand the concept of holding people accountable, but those people who brought those woods into the country, who brought them into our state, who actually put them into the stream of commerce should be held accountable, not just the person who is actually the person doing the work.

So I'll be voting no. Thank you.

ACTING PRESIDENT PERSAUD: Senator Martins to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 636, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 19.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Can we now move to the controversial calendar, beginning with Calendar 634.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 634, Senate Print 1688, by Senator Sanders, an act to amend the Environmental Conservation Law.

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

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

ACTING PRESIDENT PERSAUD: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly, Madam President, I appeal the ruling of the chair and ask that you recognize Senator Palumbo to be heard on the appeal.

ACTING PRESIDENT PERSAUD: The appeal has been made and recognized, and Senator Palumbo may be heard by the Jacksons.

SENATOR PALUMBO: Thank you, Madam President.

I appeal the chair's ruling and rise to appeal it because the proposed amendment is germane to the bill at hand, because the bill-in-chief helps farmers find a beneficial use for their unwanted tires.

This bill will provide additional and greatly needed relief for farmers and is welcome relief. In fact, this is one of the first positive proposals we've seen for many New Yorkers in quite some time as we face a budget that's a month late -- and the latest in 13 years, mind you.

But New Yorkers need relief from the crushing squeeze of the state's burdensome taxes and historic inflation. Despite easing inflation pressures after months of historic increases,

price growth is still squeezing consumers in key areas. Prices for food climbed 8.5 percent from March of last year to March of this year, while over that same period rent grew by 8.4 percent. So we're seeing inflation posing a risk to New Yorkers as consumers and as taxpayers.

And for those who don't know, inflation causes what is known as bracket creep. This results in taxpayers moving into higher tax brackets where they face higher tax rates without any increase in income. Or even, as we've even seen, there are suggestions that income has been increasing but not keeping pace with the rate of inflation. So incomes increase 4 percent, inflation is at 8; obviously the net result is that you have an expansion and almost compression, Madam President, where folks are now included in higher tax brackets without -- and it's -- essentially it is a -- inflation is a tax, but they're paying more in taxes and obviously having less in their pockets.

But I have the solution, Madam President. I've got good news. It's a bill that I sponsor, 9518, that would end such increases and index New York's income tax

brackets, standard deduction, and dependent exemptions to inflation and to CPI, thus providing New Yorkers roughly $300 million annually in tax relief. And that's relief that's long overdue.

So, Madam President, I do appeal the ruling of the chair and indicate that the germaneness is relevant to relief to New Yorkers. This is a farmers' relief bill. This bill-in-chief is a good bill, I'm going to vote for it, but we need to do more.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

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

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

(Response of "Aye.")

SENATOR LANZA: Show of hands.

ACTING PRESIDENT PERSAUD: A show of hands has been requested and so ordered.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT PERSAUD: The

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 603, Senate Print 4636, by Senator May, an act to amend the General Municipal Law.

ACTING PRESIDENT PERSAUD: Senator Palumbo --

(Laughter.)

ACTING PRESIDENT PERSAUD: -- so nice to see you.

SENATOR PALUMBO: Would the sponsor yield for a question or two, please.

ACTING PRESIDENT PERSAUD: Will the

sponsor yield for a question or two?

SENATOR MAY: I'll be glad to.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator May.

And this bill actually was my predecessor's bill for many years, and I do absolutely appreciate the intent of it, that it would just simply add lakes to the Adopt-A-Park program.

But I do have a concern, because when I see in Section 2, Subdivision 2: "Notwithstanding any inconsistent provision of law, the county, city, town or village and its employees shall not be liable for damages suffered by any persons resulting from the actions or activities of such volunteers or groups."

So in that regard, was there any consideration by the sponsor, Madam President, to possibly add some new provisions with respect to now the fact that the volunteers are going to be out on bodies of water, not just walking the shoreline or cleaning up a park on land?

SENATOR MAY: Through you, Madam President. Thank you for that question.

So my understanding is that there would be liability waivers on the part of the volunteers. They would be organized, they would be instructed in safety, and probably mostly along or very close to the shoreline in any case.

SENATOR PALUMBO: Thank you.

Madam President, will the sponsor yield for another question.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR MAY: I will.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you again for that response, Senator May.

And my question, though, is of course this involves the actual lake itself. So in the event there's floating plastic, things like that, they will need to wander off of the shore. And in the event, just hypothetically, that, say, this little village doesn't provide adequate safety equipment, adequate life jackets and so forth, and someone is injured as a result,

a lake is certainly more dangerous than your ordinary park. So this provides absolution for the municipality, and that's of concern to me.

So how do you reconcile that, if you can, for me? And if not, maybe we can consider an amendment or some other manner of handling the fact that we're adding lakes to this legislation.

SENATOR MAY: Through you, Madam President, safety is obviously very important, and I'm grateful for your concern.

I will say that roadways are included in the existing law, and roadways are far, far more dangerous, if you count up roadway deaths or roadway injuries, by comparison to those on water. So -- and I mean that's in general.

And then within the program of Adopt-A-Roadway there have been very, very few injuries reported.

So in general this program has been quite safe in the areas where it has been in effect up until now. So I do feel confident that we will have a similar safety record along waterways too.

And I will say, as somebody who

kayaks, is out on the Finger Lakes in my district a lot, the temptation to pull things out of the water is strong. It would be very dangerous to do that if you were out there alone. But this kind of organized activity, where you're supported and in a group, is a much better way to do it.

SENATOR PALUMBO: Thank you, Senator May.

Madam President, on the bill, please.

ACTING PRESIDENT PERSAUD: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you, Madam President.

And I like to use the Zoom feature now; I don't always have to put my glasses on to read it.

And as I indicated, this was my predecessor's bill for many years. And it seems somewhat innocuous to just add "lake" to a very laudable goal to clean up our parks. And I'm completely in favor of that.

But I do have a significant concern because the bill actually provides that they're

authorized to provide and coordinate services by volunteers or groups, to reduce the amount of litter, including providing trash bags and trash bag pickup in the designated areas where volunteers may be in close proximity to moving vehicles, providing safety briefings and reflective safety gear.

I would like to see something along those lines. And quite frankly, I am concerned because I was -- this was brought to my attention by some groups and individuals who pay attention to these things, that providing absolute liability to the municipality, we're asking volunteers to do an amazing thing and sign their life away, potentially.

So for those reasons, I do have significant concerns. I'd ask that we amend and clarify that language in this bill. And I will be voting no.

Thank you, Madam President.

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

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

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

And I want to thank the chair of Environmental Conservation and the Majority Leader for bringing this package of bills for Earth Day. And I'm proud to have a bill on the agenda, because protecting our waterways is extremely important to me.

I now represent a new district that has four Finger Lakes and part of Lake Ontario in it. And one of the things that I have been really struck by is how much responsibility the local residents take for making sure that their waterways are protected. The watershed associations do incredible work in my district.

And I think this gives them one more opportunity to kind of harness that excitement

and community engagement with the water to actually do cleanup along the lakes and on the lakes, and I look forward to being part of some of those projects moving forward.

So I vote aye. Thank you.

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

Senator Murray to explain his vote.

SENATOR MURRAY: Thank you, Madam President. I'd just like to thank the sponsor.

I actually, as many of you know, served some time over -- down the hall in the Assembly, and during that time I actually carried this bill and helped to write it. So I thank you for pushing it forward. It's long overdue, as we were trying so hard to get lakes included. A lot of the litter is along the shoreline.

We were pushing very hard and kept hitting roadblocks. So I thank you for pushing this through. I'm proud to support this bill, as it will do a lot of good in our communities.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 603, voting in the negative: Senator Palumbo.

Ayes, 60. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 613, Senate Print 5331, by Senator Harckham, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Senator Borrello --

SENATOR BORRELLO: Yes, Madam President.

ACTING PRESIDENT PERSAUD: -- how may we help you?

SENATOR BORRELLO: Thank you, I appreciate that.

(Laughter.)

SENATOR BORRELLO: The list is long, Madam President.

(Laughter.)

SENATOR BORRELLO: Would the sponsor yield for a question.

ACTING PRESIDENT PERSAUD: Will the

sponsor yield?

SENATOR HARCKHAM: First of all, Happy Earth Day, Madam President, and to you, Senator Borrello.

And yes, the sponsor happily will yield.

SENATOR BORRELLO: Thank you.

Through you, Madam President, food waste obviously is a big topic. You know, I think as much as 40 percent of food is thrown away, which is certainly a problem.

But we already have a solution for this right now. There's a current program that DEC put in place after legislation was passed that's only a hot 16 months into its execution. Why are we changing this now with this bill?

SENATOR HARCKHAM: Through you, Madam President. First, I want to thank the Senator for highlighting the need of this program. A, the amount of food that is wasted: 30 to 40 percent.

It's also important that we address this for climate change. To put it in perspective, in the United States food waste accounts for 170 million metric tons, or the

equivalent of 42 coal-fired power plants. Which is why so much attention has been placed on food waste in the scoping plan of the CLCPA.

And finally, the cost of the waste. With 18 percent of the municipal waste stream made up of food waste, we all pay by the ton. Taxpayers pay, municipalities pay, district payers and customers. So by the ton.

So this has always been the plan. This was discussed in the scoping plan that we would get to this point. The first bill that the Senator rightly refers to, which we passed a few years ago, was the pilot to get it set up so DOT could see that it was working. And then this is where the scoping plan has envisioned we would get to.

SENATOR BORRELLO: Madam President, does the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: Well, I don't think 16 months has been enough time to really

see if this pilot program is working and functioning.

But I'll ask you, though, in the original bill important stakeholders like the New York State Restaurant Association and others were engaged so they could come up with something that was tenable that, you know, restaurants and others that deal with food waste, you know, would be able to have a say in how this looks so it could be manageable for so many New York businesses.

But I'm told by the New York Restaurant Association they weren't involved in this piece of legislation that you've presented. And so where did these numbers come from? I mean, if you're not engaging folks like the New York State Restaurant Association, who were involved in the first plan with DEC, who came up with this plan?

SENATOR HARCKHAM: Through you, Madam President. To the first point -- well, I'll come back to the -- oh, the first point was about who said DEC was ready to expand this. It was DEC who said they were ready to expand this.

The second point I would make regarding the Restaurant Association is they were involved in the original plan, and the original plan is this. I also met with them, members of my team met with them, members of central staff met with the Restaurant Association. This was not a gotcha. This was long in the works, this was long the plan.

But I would point out that many restaurants are saving money. We've also spoken to many individual restaurants, because in the course of discussions about another bill -- many restaurants were concerned about that bill -- this came up.

Many restaurants are saving money. Because, again, waste we pay for by the ton. And if we're eliminating up to 18 percent of that tonnage -- and let's not forget where a lot of that is going. A lot of this food can help feed our neighbors. Anywhere between 10 and 30 percent of New Yorkers go to bed hungry every night, especially our children -- the rate is much higher.

So at no cost to restaurants and supermarkets, much of this food is picked up.

And what can't be served and fed to New York's hungry goes to be either composted or put in digesters to create energy at no cost to the restaurant.

So this is a money-saving mechanism for restaurants, and many of them are finding it does. There is also an escape hatch in here that if for some reason a restaurant finds that this is 10 percent -- this increases their waste cost by more than 10 percent, they can get a waiver.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: Well, you bring up there's going to be a savings. Well, you know, the food is already purchased by the restaurant or whatever institution it might be. And whatever is left -- and we do this at our restaurants -- is often donated to local food banks close by, especially perishable foods and things like that.

This is now a burden that would require them to have a hauler come and pay that hauler. So I don't see any savings.

But you did actually remove the 25-mile radius requirement in this bill. Which means now many restaurants that aren't in close proximity to one of these organic haulers may have to pay somebody to come from 50 miles away, 75 miles away, and they're likely coming in diesel-powered trucks that are going to be spewing emissions to pick up those products.

So why the removal of this 25-mile radius?

SENATOR HARCKHAM: Through you, Madam President. First, I want to thank you and your family for what you do at your restaurant for donating. That is the spirit we encourage.

There is, number one, an exemption, again, a hardship exemption. If transportation becomes a barrier, people can get a waiver. And in the first 18 months of the pilot program, 90 percent of the waivers were granted. There were only three waivers that were denied.

But the point is, A, to build capacity. As people know, more is coming, both

the food recipient organizations, organizations like Feed New York -- and a number have been contracted by DEC to assist in this effort. So restaurants will not be left to their own, that there will be partner organizations to assist them. And so the capacity will be built up enough so that the 25-mile radius can be dropped.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Yes, absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR BORRELLO: First of all, thank you for the kind words. Appreciate that. I think we all in this industry hope that no food goes to waste and that no one goes hungry and we all try to endeavor to that.

And the New York Restaurant Association, which I'm a member of, does a lot in that space as well.

That being said, we start talking about these food scrap recyclers, and actually in my district we have a facility that takes food

scraps and actually turns it into electricity. They compost it and turn it into electricity. Which is a great program. But again, the cost of getting it there is, you know, an issue oftentimes.

With that being said, would this plan now accelerating the number of people who will have to recycle their food waste or do something with it, are we going to have the capacity currently, with the infrastructure that we have from those organic food haulers and recyclers, to handle the increase that this is going to create?

SENATOR HARCKHAM: Through you, Madam President, I would say two things.

Number one, the capacity of the people who come and pick up the food to take it to food pantries will be there, it is there. They are begging for more usable food for their pantries, as food insecurity has stayed high after the pandemic.

And let's remember that's no cost to the donor. So that's saving the restaurateur money. And many times when there's an organic -- when the organics are sent, there is no cost

because the digesting folks are making money on the back end with the energy.

So these -- there may be an expense of getting it from Point A to Point B, admitted. But we're saving in other areas of cost. And that's why many restaurants are finding they're actually saving money by this program versus their costs going up.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: I will, Madam President.

If I may, there is also a waiver if transportation is unavailable. So we know in some of our rural areas, you're 75 miles from the nearest municipality or infrastructure, you can apply for a waiver. Thank you.

SENATOR BORRELLO: Thank you for that information.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR HARCKHAM: Yeah, absolutely.

SENATOR BORRELLO: Thank you. Thank you.

Is there any other state that has kind of matched this we'll call aggressive agenda for food waste that this bill calls for?

SENATOR HARCKHAM: Yes, Madam President, momentarily. We'll get that for you. (Pause.)

Through you, Madam President. To answer your question, Senator: Massachusetts, Vermont, Connecticut, New Jersey, Rhode Island, California, Oregon and Washington, and several other major national cities, have implemented food donation and diversion programs.

SENATOR BORRELLO: All right. Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Borrello on the bill.

SENATOR BORRELLO: First of all, thank you, Senator Harckham. Appreciate it. Also, nice shirt (pointing to purple tie).

(Laughter.)

SENATOR BORRELLO: You know, he brought up, the Senator brought up that the Restaurant Association was engaged here.

But we have a memo here that actually states that, you know, that this was -- they were not involved, that New York State and its -- "New York State Restaurant Association members are always open to making better policy based on constructive feedback and data, particularly when it comes to food waste reduction. However," and they cite the bill number, "was introduced on March 2nd of 2023, and is now poised to pass the Senate just a few weeks later. We have not been asked to engage or provide any kind of stakeholder feedback on this proposed legislation that would fundamentally alter the current program."

So what we're saying here, folks, is the Restaurant Association is saying we were -- we discussed this initially, and now we were cut out of this change.

And I realize that it's Earth Day, we want to get this up and running quickly. But I can tell you that the restaurant industry, like so many others, was really damaged by the pandemic. I think we all know that. And now, to put this new onerous burden on them is going to set them back that much further.

And the reality is is that whether it's individual restaurants, restaurant associations regionally, or the State Restaurant Association or the National Restaurant Association, eliminating food waste and ensuring that that food gets to those folks who need it most is a high priority.

This bill isn't really necessary. And the 16-month-old program that's really just getting underway hasn't had a chance to really work.

So I'll be voting no. Thank you.

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

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to

Calendar 613, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco, Walczyk and Weber.

Ayes, 44. Nays, 17.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Is there any further business at the desk?

ACTING PRESIDENT PERSAUD: There is no further business at the desk.

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, April 26th, at 11:00 a.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Wednesday, April 26th, at 11:00 a.m.

(Whereupon, at 5:25 p.m., the Senate adjourned.)