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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 15, 2023

3:31 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 (Child on Senate floor: Yaaaay!)

9 (Laughter; applause.)

10 ACTING PRESIDENT PERSAUD:
11 Discipleship Pastor Daniela Piña, from New Life
12 Christian Church in Watertown, New York, will
13 deliver today's invocation.

14 PASTOR PIÑA: You may bow your
15 heads if you feel comfortable.

16 God, we thank You for Your presence
17 and Your love that fills the earth. May our
18 hearts be joined to Yours, Jesus. Thank You,
19 Father, for our nation and the incredible State
20 of New York. We pray that Your will be done
21 today on earth as it is in heaven.

22 May we grow in awareness of Your
23 presence today. Open the ears and the eyes of
24 our hearts, that we may see each other that have
25 each been made in Your image.

1 Lord, I lift up every leader and
2 civil servant in our great state, every life
3 that's within our influence. May they be blessed
4 today by You.

5 God, I ask that every burden, spoken
6 and unspoken, carried in the hearts be given to
7 You. We ask for Your empowerment, Holy Spirit,
8 that You may fill us with You.

9 Lord, for everyone in this place
10 who's experiencing strain in their relationships,
11 may You make a way of restoration. We lift up
12 every physical body asking You for health and
13 healing. Thank You that You care for us just
14 like the flowers in the field and the sparrows of
15 the sky.

16 Lord, fill our leaders with wisdom
17 today, wisdom beyond understanding, and help them
18 see the individual and the multitudes in all
19 their decisions. Change the climate of our
20 nation from anger to love, from fear to great
21 peace. Transform us as agents of change and
22 revival.

23 May You be glorified, Jesus, in our
24 state and great nation. It is in Your mighty
25 name that we pray today.

1 Amen.

2 (Response of "Amen.")

3 ACTING PRESIDENT PERSAUD: Reading
4 of the Journal.

5 THE SECRETARY: In Senate, Friday,
6 May 12, 2023, the Senate met pursuant to
7 adjournment. The Journal of Thursday, May 11,
8 2023, was read and approved. On motion, the
9 Senate adjourned.

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

12 Presentation of petitions.

13 Messages from the Assembly.

14 The Secretary will read.

15 THE SECRETARY: Senator Mayer moves
16 to discharge, from the Committee on Labor,
17 Assembly Bill Number 4862 and substitute it for
18 the identical Senate Bill 2299A, Third Reading
19 Calendar 417.

20 Senator Mannion moves to discharge,
21 from the Committee on Internet and Technology,
22 Assembly Bill Number 266A and substitute it for
23 the identical Senate Bill 3114A, Third Reading
24 Calendar 431.

25 ACTING PRESIDENT PERSAUD: So

1 ordered.

2 Messages from the Governor.

3 Reports of standing committees.

4 Reports of select committees.

5 Communications and reports from
6 state officers.

7 Motions and resolutions.

8 Senator Gianaris.

9 SENATOR GIANARIS: Good afternoon,
10 Madam President.

11 On behalf of Senator Skoufis, on
12 page 34 I offer the following amendments to
13 Calendar 676, Senate 3431, and ask that said bill
14 retain its place on the Third Reading Calendar.

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

18 Senator Gianaris.

19 SENATOR GIANARIS: On behalf of
20 Senator Comrie, I wish to call up
21 Senate Print 485, recalled from the Assembly,
22 which is now at the desk.

23 ACTING PRESIDENT PERSAUD: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 436, Senate Print 485, by Senator Comrie, an act
2 to amend the Public Authorities Law.

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

5 ACTING PRESIDENT PERSAUD: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 55.

9 ACTING PRESIDENT PERSAUD: The bill
10 is restored to its place on the Third Reading
11 calendar.

12 SENATOR GIANARIS: I offer the
13 following amendments.

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

17 SENATOR GIANARIS: Please recognize
18 Senator Walczyk for an introduction.

19 ACTING PRESIDENT PERSAUD: Senator
20 Walczyk for an introduction.

21 SENATOR WALCZYK: Madam President,
22 thank you so much.

23 We're honored to have some guests in
24 the gallery today, the Hammond Girls Basketball
25 Team, Class D State Champions.

1 We are joined by Zoey Cunningham,
2 Raelee Downs, Ava Howie, Landree Kenyon -- who is
3 the Class D Player of the Year -- Hailee Manning,
4 Mikayla Jones, Sadey Sprabary, Mia Tulley,
5 Laurall Vinch, Isabelle Woodcock.

6 We're also joined by Head Coach
7 Alyssa Crosby and Assistant Coach Chet
8 Truskowski, along with Superintendent
9 Doug McQueer.

10 Now, this team was 10-0 in their
11 league, 21-1 for an overall record. And sorry if
12 you represent Oxford, but they took down
13 Oxford Academy, the mighty Oxford Academy, in a
14 61-37 win for the state title. This is the proud
15 third state title in Hammond school history.

16 They say that defense wins
17 championships, and I think that's true. And
18 these girls forced 22 turnovers. They held
19 Oxford 1-11 at the three-point range to win this
20 title. They beat teams throughout the season by
21 an average of 24 points. And the closest game in
22 the state playoffs was only within 22 points.

23 Our motto in New York State is
24 Excelsior, which means "Ever Upward," and it's on
25 our State Flag. But Madam President, these

1 ladies put "Ever Upward" on the scoreboard every
2 single time that they played.

3 And I ask that you invite the
4 Class D champions, Hammond Girls Basketball, with
5 a warm welcome.

6 Thank you.

7 ACTING PRESIDENT PERSAUD: Thank
8 you, Senator.

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

12 Please rise and be recognized.

13 (Standing ovation.)

14 ACTING PRESIDENT PERSAUD: Senator
15 Gianaris.

16 SENATOR GIANARIS: Let's take up
17 the reading of the calendar, please.

18 ACTING PRESIDENT PERSAUD: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 207, Senate Print 629A, by Senator Comrie, an act
22 to amend the Agriculture and Markets Law.

23 ACTING PRESIDENT PERSAUD: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT PERSAUD: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PERSAUD: Announce
6 the results.

7 THE SECRETARY: Ayes, 57.

8 ACTING PRESIDENT PERSAUD: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 229, Senate Print 2418, by Senator Comrie, an act
12 to amend the Executive Law.

13 ACTING PRESIDENT PERSAUD: Read the
14 last section.

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

17 ACTING PRESIDENT PERSAUD: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT PERSAUD: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar Number 229, those Senators voting in the
24 negative are Senators Ashby, Borrello, Gallivan,
25 Griffo, Oberacker, O'Mara, Ortt, Palumbo, Stec,

1 Tedisco and Walczyk.

2 Ayes, 46. Nays, 11.

3 ACTING PRESIDENT PERSAUD: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 417, Assembly Print Number 4862, by
7 Assemblymember Ardila, an act to amend the
8 Labor Law.

9 ACTING PRESIDENT PERSAUD: Read the
10 last section.

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

14 ACTING PRESIDENT PERSAUD: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PERSAUD: Announce
18 the results.

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT PERSAUD: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 431, Assembly Print Number 266A, by
24 Assemblymember Burdick, an act to amend the
25 State Technology Law.

1 ACTING PRESIDENT PERSAUD: Read the
2 last section.

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

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Announce
10 the results.

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT PERSAUD: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 448, Senate Print 979, by Senator Mattera, an act
16 to amend the Public Authorities Law.

17 ACTING PRESIDENT PERSAUD: Read the
18 last section.

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

21 ACTING PRESIDENT PERSAUD: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT PERSAUD: Announce
25 the results.

1 THE SECRETARY: Ayes, 57.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 483, Senate Print 2449, by Senator Krueger, an
6 act to amend the Executive Law.

7 ACTING PRESIDENT PERSAUD: Read the
8 last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the first January next
11 succeeding the date upon which it shall have
12 become a law.

13 ACTING PRESIDENT PERSAUD: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT PERSAUD: Senator
17 May to explain her vote.

18 SENATOR MAY: Thank you,
19 Madam President.

20 I want to thank Senator Krueger for
21 this bill and the leadership for bringing it
22 forward.

23 Seventy-two percent of women report
24 age discrimination when they're between the ages
25 of 45 and 74. They believe that they are

1 discriminated against because of their age at
2 work.

3 But we know that women that age are
4 actually some of the most productive and reliable
5 workers there are in the workforce. So it is
6 very important to make sure that employers aren't
7 finding ways to discriminate against people by
8 asking them for data that they shouldn't have to
9 reveal.

10 So I am grateful to Senator Krueger
11 for this bill. I proudly vote aye.

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

14 Senator Krueger to explain her vote.

15 SENATOR KRUEGER: Thank you very
16 much, Madam President.

17 Thank you to Senator May for rising.

18 And thank you to my colleagues for
19 passing this bill today.

20 Again, as was explained, we have so
21 much ageism in our society, even though research
22 shows that older workers prove to be
23 exceptionally good workers. And the dilemma,
24 particularly in a world where there are online
25 applications for people to apply, is the computer

1 then determines the person is X age or Y age and
2 dumps them even before they've had an opportunity
3 to be interviewed.

4 You know, it's one thing to fail to
5 get the job once you've been interviewed. But to
6 actually be locked out by an algorithm on a
7 computer before you even have an opportunity to
8 present yourself and your credentials, is frankly
9 not fair no matter what kind of discrimination is
10 taking place -- but actually is harming the
11 employers, because if they don't have a chance to
12 meet all these talented, skilled older
13 New Yorkers, then they're not going to have the
14 opportunity to actually hire them and discover
15 what excellent workers they can be.

16 I vote yes. Thank you,
17 Madam President.

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

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 483, those Senators voting in the
23 negative are Senators Ashby, Borrello,
24 Canzoneri-Fitzpatrick, Griffo, Lanza, Martins,
25 Mattera, Murray, Oberacker, O'Mara, Ortt,

1 Palumbo, Rhoads, Stec, Tedisco, Walczyk, Weber
2 and Weik.

3 Ayes, 40. Nays, 18.

4 ACTING PRESIDENT PERSAUD: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 574, Senate Print 27, by Senator Stec, Concurrent
8 Resolution of the Senate and Assembly proposing
9 an amendment to Section 1 of Article 14 of the
10 Constitution.

11 ACTING PRESIDENT PERSAUD: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT PERSAUD: Announce
15 the results.

16 THE SECRETARY: Ayes, 58.

17 ACTING PRESIDENT PERSAUD: The
18 resolution is adopted.

19 THE SECRETARY: Calendar Number
20 578, Senate Print 5287, by Senator Mannion, an
21 act to amend Chapter 373 of the Laws of 1998.

22 ACTING PRESIDENT PERSAUD: Read the
23 last section.

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

1 ACTING PRESIDENT PERSAUD: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT PERSAUD: Announce
5 the results.

6 THE SECRETARY: Ayes, 58.

7 ACTING PRESIDENT PERSAUD: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 629, Senate Print 1469, by Senator Breslin, an
11 act to amend the Insurance Law.

12 ACTING PRESIDENT PERSAUD: Read the
13 last section.

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

16 ACTING PRESIDENT PERSAUD: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT PERSAUD: Announce
20 the results.

21 THE SECRETARY: Ayes, 58.

22 ACTING PRESIDENT PERSAUD: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 640, Senate Print Number 5441, by

1 Senator Scarcella-Spanton, an act to amend the
2 Military Law.

3 ACTING PRESIDENT PERSAUD: Read the
4 last section.

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

7 ACTING PRESIDENT PERSAUD: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT PERSAUD: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar Number 640, voting in the negative:
14 Senator Walczyk.

15 Ayes, 57. Nays, 1.

16 ACTING PRESIDENT PERSAUD: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 651, Senate Print 2976, by Senator Mayer, an act
20 to amend the Labor Law.

21 SENATOR LANZA: Lay it aside.

22 ACTING PRESIDENT PERSAUD: Lay it
23 aside.

24 THE SECRETARY: Calendar Number
25 664, Senate Print 1891, by Senator Sanders, an

1 act in relation to establishing the New York
2 State cryptocurrency and blockchain study task
3 force.

4 ACTING PRESIDENT PERSAUD: Read the
5 last section.

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

8 ACTING PRESIDENT PERSAUD: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT PERSAUD: Announce
12 the results.

13 THE SECRETARY: Ayes, 58.

14 ACTING PRESIDENT PERSAUD: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 685, Senate Print 6220B, by Senator Stavisky, an
18 act to amend the Education Law.

19 ACTING PRESIDENT PERSAUD: Read the
20 last section.

21 THE SECRETARY: Section 3. This
22 act shall take effect one year after it shall
23 have become a law.

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar Number 685, voting in the negative:
6 Senator Ashby.

7 Ayes, 57. Nays, 1.

8 ACTING PRESIDENT PERSAUD: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 696, Senate Print 2852A, by Senator Skoufis, an
12 act to amend the Alcoholic Beverage Control Law.

13 SENATOR GIANARIS: Lay it aside for
14 the day.

15 ACTING PRESIDENT PERSAUD: The bill
16 will be laid aside for the day.

17 THE SECRETARY: Calendar Number
18 727, Senate Print 4133A, by Senator Mannion, an
19 act to amend the Highway Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

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

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: Ayes, 58.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 736, Senate Print 5410, by Senator Fernandez, an
9 act to amend the State Technology Law.

10 ACTING PRESIDENT PERSAUD: Read the
11 last section.

12 THE SECRETARY: Section 2. This
13 act shall take effect one year after it shall
14 have become a law.

15 ACTING PRESIDENT PERSAUD: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT PERSAUD: Senator
19 Fernandez to explain her vote.

20 SENATOR FERNANDEZ: Thank you,
21 Madam President.

22 I want to note that I'm reading this
23 in from a smartphone as we're talking about
24 making websites more mobile-friendly.

25 This bill requires that all state

1 agencies maintain mobile-friendly platforms for
2 their existing websites. By providing for
3 mobile-friendly forms of statewide websites, the
4 state will ensure widespread equivalent and
5 improved access to state resources.

6 Since 2007, with the introduction of
7 the first iPhone, mobile devices and smartphones
8 have brought about a technological revolution in
9 terms of the way consumers access and use online
10 resources. Smartphones, tablets and newer
11 operating systems for desktops and laptops have
12 begun to shift the marketplace away from
13 landlines and desktops towards more mobile
14 pathways.

15 To illustrate the demographic shift,
16 the Pew Research Center reported on April 1,
17 2015, that 64 percent of Americans now own a
18 smartphone -- we can assume that went up since
19 then -- up from 35 percent in the spring of 2011.
20 The same research report indicated that
21 10 percent of American adults rely solely on
22 their mobile device for internet access in their
23 homes, further illustrating the need for updated
24 websites in 2014.

25 Google altered its search engine

1 results pages to list websites that are
2 mobile-friendly, as prioritized in search results
3 in response to the paradigm shift that mobile
4 websites have caused in internet access.

5 The state remains in the
6 technological dark ages in terms of providing
7 mobile-friendly access to citizens who rely on
8 the state's services and resources. Being that
9 the vast majority of the state-affiliated
10 websites are only available on desktop format,
11 the state is effectively double-dipping by making
12 residents use more of their data plans to access
13 critical information and resources, while taxing
14 use of such mobile devices via cellphone and
15 utility taxes. The state should ensure that
16 steps are taken to provide equal access for all.

17 And I think after the pandemic,
18 where we've seen that many people don't have
19 access to a laptop or a tablet or a desktop, we
20 need to make sure that our state can properly
21 give the resources on a mobile device.

22 Thank you, Madam President. I vote
23 aye.

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

1 Announce the results.

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT PERSAUD: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 737, Senate Print 6323A, by Senator Gonzalez, an
7 act to amend the General Business Law.

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT PERSAUD: Lay it
10 aside.

11 THE SECRETARY: Calendar Number
12 742, Senate Print 1738, by Senator Hoylman-Sigal,
13 an act to amend the Criminal Procedure Law.

14 ACTING PRESIDENT PERSAUD: Read the
15 last section.

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

18 ACTING PRESIDENT PERSAUD: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT PERSAUD: Senator
22 Bailey to explain his vote.

23 SENATOR BAILEY: Thank you,
24 Madam President.

25 Everybody that proclaims to love

1 hip-hop and love the 50th anniversary of hip-hop
2 should be standing and rejoicing that we are
3 protecting the creative expression of one of
4 the -- not just one of the greatest forms of art
5 in hip-hop, but art in general.

6 You see, an artist's ability to be
7 able to creatively express themselves is expressly
8 protected by the First Amendment, and it should
9 be. But what happens when you have overreach in
10 terms of what certain artists are saying, and
11 it's criminalized, right?

12 Quite frankly, when it comes to
13 hip-hop lyrics, this is something that is paid
14 attention to much more than other lyrics. Nobody
15 seems to believe that Bob Marley shot the sheriff
16 or that Johnny Cash killed a man in Reno or that
17 Carrie Underwood did everything that she said she
18 did in that song.

19 However, when it comes to hip-hop
20 artists, it is often taken literally. And what
21 this bill does, just to make sure that we
22 understand it, it doesn't bar the introduction of
23 lyrics, it just makes it a higher threshold to be
24 able to -- so that they can come into -- they
25 come into the court.

1 Because quite frankly, we don't want
2 to stunt creativity. You know, nobody -- nobody
3 really believes -- if you know who Nasir Jones
4 is, you know he is not an actual gun. However,
5 on his second album, It Was Written, he created a
6 song called "I Gave You Power," where he was
7 within the personification of a gun and he spoke
8 about him being a weapon that was trafficked up
9 via the Iron Pipeline. And obviously he is not a
10 gun. But if we took that literally, where would
11 we be?

12 And there's so many different, you
13 know -- you know, examples of this. You have to
14 listen to music in context. If you take a lyric
15 out of context, it may not mean the same thing.
16 Certain colloquialisms. And what about those
17 ghost writers, people that write the music for
18 the artists? Whose state of mind are we looking
19 to prosecute? Is it the artist or is it the
20 writer or is it both? We don't know.

21 So it's so important that we make
22 sure that we have a standard and standards. And
23 I'm grateful to Senator Hoylman-Sigal for being
24 the lead sponsor on this bill. He's allowed me
25 to co-prime it because of my love for the arts.

1 But I'm grateful to my colleagues
2 for supporting this bill, and I vote aye,
3 Madam President.

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

6 Senator Hoylman-Sigal to explain his
7 vote.

8 SENATOR HOYLMAN-SIGAL: Thank you,
9 Madam President.

10 I think everyone knows why
11 Senator Bailey is the prime cosponsor of this
12 legislation that protects artistic expression at
13 its roots. Because as we've discussed with
14 Senator Bailey, rap, hip-hop, in its fundamental
15 essence is political speech. And we all regard
16 political speech as sacrosanct in our democratic
17 society -- except some courts and some
18 prosecutors have not. And there's no New York
19 without art, whether it's thought-provoking or
20 inspiring or beautiful or crude.

21 But recent scholarship has
22 highlighted a disturbing trend, Madam President,
23 poised to threaten New York's position as the
24 home of artistic freedom. The researchers
25 Erik Neilson and Andrea Dennis wrote a book

1 called Rap on Trial that has identified 500 to
2 700 cases over the last decade where rap music
3 lyrics were used as evidence in criminal trials
4 across the country. And there are at least
5 28 cases in New York where prosecutors are
6 attempting to use rap as evidence, since 2017.

7 As Senator Bailey noted, this bill
8 raises the standard on using music, using
9 artistic expression against a defendant -- to
10 protect everyone's rights, but also to resist the
11 roots of racism that have attacked hip-hop music
12 in particular.

13 I vote aye. Thank you.

14 ACTING PRESIDENT PERSAUD: Senator
15 Hoylman-Sigal to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 742, those Senators voting in the
19 negative are Senators Ashby, Borrello,
20 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
21 Lanza, Martinez, Martins, Mattera, Murray,
22 Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
23 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

24 Ayes, 38. Nays, 22.

25 ACTING PRESIDENT PERSAUD: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 749, Senate Print 6518, by Senator Hinchey, an
4 act to amend the Private Housing Finance Law.

5 ACTING PRESIDENT PERSAUD: Read the
6 last section.

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

9 ACTING PRESIDENT PERSAUD: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT PERSAUD: Announce
13 the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 760, Senate Print 150, by Senator Gianaris, an
19 act to amend the Public Officers Law.

20 ACTING PRESIDENT PERSAUD: Read the
21 last section.

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

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar Number 760, voting in the negative:
6 Senator Felder.

7 Ayes, 59. Nays, 1.

8 ACTING PRESIDENT PERSAUD: The bill
9 is passed.

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

12 SENATOR GIANARIS: Can we now move
13 to the controversial calendar, please.

14 ACTING PRESIDENT PERSAUD: The
15 Secretary will ring the bell.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 651, Senate Print 2976, by Senator Mayer, an act
19 to amend the Labor Law.

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

22 SENATOR LANZA: Good afternoon,
23 Madam President.

24 Madam President, I believe there's
25 an amendment at the desk. I waive the reading of

1 that amendment and ask that you recognize
2 Senator Murray to be heard.

3 ACTING PRESIDENT PERSAUD: Thank
4 you, Senator Lanza.

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

8 SENATOR LANZA: Accordingly,
9 Madam President, I appeal the ruling of the chair
10 and ask that Senator Murray be recognized and
11 heard on the appeal.

12 ACTING PRESIDENT PERSAUD: The
13 appeal has been made and recognized, and
14 Senator Murray may be heard.

15 SENATOR MURRAY: Thank you,
16 Madam President.

17 I rise to appeal the ruling of the
18 chair.

19 The proposed amendment is germane to
20 the bill at hand because the bill at hand would
21 close a loophole in the Labor Law dating back to
22 1890, and currently being exploited due to the
23 recent decision in Vega v. CM & Associates
24 Construction Management, LLC, which is being
25 interpreted to misapply the wage theft provisions

1 of Section 198 of the Labor Law by ruling that
2 manual workers who are being paid in full every
3 two weeks have standing to seek liquidated
4 damages in the amount of an additional payment
5 equal to half of all wages they had already been
6 paid for up to six full years.

7 Now, Section 190 of the Labor Law
8 broadly defines "manual worker" as, and I quote,
9 "mechanic, working man or laborer." That
10 definition, by the way, dates back to 1890.

11 The intent of my amendment would
12 clarify that a manual worker is someone whose
13 primary duty is to perform physical labor. The
14 Commissioner of Labor would be directed to adopt
15 regulations establishing criteria for determining
16 whether an occupation meets the definition of
17 manual worker and what constitutes physical
18 labor.

19 This legislation will provide for
20 much-needed clarity and specificity for
21 employers, regulators and courts in ensuring that
22 employers acting in good faith are not subject to
23 violations of wage theft laws and civil
24 liability, and also ensures that occupations that
25 should be classified as manual workers are

1 properly identified by the Department of Labor.

2 The current lack of clarity has led
3 to a multitude of lawsuits filed against
4 businesses big and small across the state, and in
5 many cases could result in the closure of the
6 business and the loss of livelihood for all
7 involved.

8 One example. A small employer with
9 just seven full-time employees, all of whom meet
10 the Vega decision "manual worker" definition, and
11 all of whom were paid in full on a biweekly
12 basis, faces a liability of \$655,200. That's
13 nearly 100,000 for each member of its workforce.
14 Many small businesses just can't survive.

15 There really cannot be an any more
16 germane piece of legislation.

17 For these reasons, Madam President,
18 I strongly urge you to reconsider.

19 ACTING PRESIDENT PERSAUD: Thank
20 you, Senator.

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

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

1 (Response of "Aye.")

2 SENATOR LANZA: Request a show of
3 hands.

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

6 Announce the results.

7 THE SECRETARY: Ayes, 21.

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

11 SENATOR GIANARIS: Madam President,
12 we have agreed to restore this bill to the
13 noncontroversial calendar.

14 ACTING PRESIDENT PERSAUD: The bill
15 is restored to the noncontroversial calendar.

16 Read the last section.

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

19 ACTING PRESIDENT PERSAUD: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT PERSAUD: Senator
23 Mayer to explain her vote.

24 SENATOR MAYER: Thank you,
25 Madam President.

1 I rise to explain the importance of
2 this bill, which we passed last year and
3 unfortunately was vetoed by the Governor last
4 year. But as all of us in this chamber know,
5 during the height of COVID we were besieged with
6 people trying to reach the Department of Labor
7 about their unemployment claims. And we all did
8 our best to ensure that they got communication on
9 a prompt level, but the fact is that many of them
10 waited a significant period of time before they
11 heard whether their application was granted or
12 denied.

13 This bill would require the
14 commissioner to issue determinations of approval
15 or denial within 30 days unless there's exigent
16 circumstances. And people will know sooner
17 rather than later whether they are eligible for
18 unemployment.

19 I would point out a 30-day notice
20 would bring the Department of Labor in line with
21 the eligibility determination time frame for
22 other state-administered benefits such as the
23 SNAP program and medical assistance programs.

24 And while this all may pose a burden
25 to the department, it is the minimum that should

1 be expected while people are desperate for income
2 replacement because they've lost their jobs.

3 I vote aye, and I urge my colleagues
4 to do the same.

5 ACTING PRESIDENT PERSAUD: Senator
6 Mayer to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT PERSAUD: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 737, Senate Print 6323A, by Senator Gonzalez, an
13 act to amend the General Business Law.

14 ACTING PRESIDENT PERSAUD: Senator
15 Murray, why do you rise?

16 SENATOR MURRAY: Madam President,
17 would the sponsor yield for a few questions.

18 ACTING PRESIDENT PERSAUD: Will the
19 sponsor yield?

20 SENATOR GONZALEZ: Yes.

21 ACTING PRESIDENT PERSAUD: The
22 sponsor yields.

23 SENATOR MURRAY: Thank you. Thank
24 you, Senator.

25 Could you explain the purpose of

1 this bill today?

2 SENATOR GONZALEZ: Absolutely.

3 So this bill is an act to allow any
4 person who's been a victim of identity theft to
5 use their physical identification, whether a
6 passport, a government-issued I.D., to regain
7 access of their accounts. And this is limited to
8 specifically companies that have a retail
9 location.

10 So this would mean tech companies,
11 but they would have to have a physical location
12 for this law to apply to them.

13 SENATOR MURRAY: Madam President,
14 would the sponsor continue to yield.

15 ACTING PRESIDENT PERSAUD: Does the
16 sponsor yield?

17 SENATOR GONZALEZ: I do,
18 Madam President.

19 ACTING PRESIDENT PERSAUD: The
20 sponsor yields.

21 SENATOR MURRAY: Thank you.

22 And could you give us a few
23 examples? Are there limited numbers of examples
24 of proof of identity? Or what types of proof
25 could be shown?

1 SENATOR GONZALEZ: Absolutely.

2 So it would need to be an unexpired
3 state I.D. Again, I mentioned a passport.
4 Anything that we would actually accept on a state
5 level to enter, for example, one of our
6 buildings.

7 And a few examples of how this might
8 be used. And really, you know, the urgency and
9 why we introduced this bill. We've had a series
10 of identity theft cases throughout the last year
11 widely reported on, for example, by the
12 Wall Street Journal, where, for example, an
13 individual would be drugged at a bar, lose their
14 iPhone, have it stolen, and then have thieves
15 essentially log into their iPhone and then lock
16 them out of their account by changing their
17 passcodes. And then in a few minutes they could
18 have tens of thousands of dollars drained from
19 their private account using their Apple ID to
20 enter into those, for example, bank accounts or
21 Venmo.

22 And because of this, we felt that it
23 was necessary to have a law to take a physical
24 form of I.D. to be able to go to, for example, an
25 Apple Store and regain access into that account

1 so that they are no longer completely locked out.

2 SENATOR MURRAY: Madam President,
3 would the sponsor continue to yield.

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR GONZALEZ: I do.

7 ACTING PRESIDENT PERSAUD: The
8 sponsor yields.

9 SENATOR MURRAY: So you've used the
10 words "physical I.D." Do you mean photo I.D.,
11 something with a photograph to identify?

12 SENATOR GONZALEZ: Apologies.
13 Through you, Madam President, yes, I do mean a
14 physical I.D.

15 SENATOR MURRAY: Okay. Madam
16 President, would the sponsor continue to yield.

17 ACTING PRESIDENT PERSAUD: Does the
18 sponsor yield?

19 SENATOR GONZALEZ: I do.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR MURRAY: Many times when we
23 introduce bills we get memos of support, memos of
24 opposition. Have you received any memos of
25 opposition to this bill?

1 SENATOR GONZALEZ: No, I have not.

2 SENATOR MURRAY: Madam President,
3 on the bill, please.

4 ACTING PRESIDENT PERSAUD: Senator
5 Murray on the bill.

6 SENATOR MURRAY: Thank you,
7 Senator, I appreciate that.

8 I just find it very interesting that
9 you've received no opposition to this when we
10 have several bills introduced in the past that
11 would require photo I.D. for one of the most
12 sacred rights that we have, and that is for
13 voting. And yet over and over and over again we
14 get told that some people just can't get photo
15 I.D.s, it's impossible, it's discriminatory.

16 So I find it interesting that no one
17 is complaining about this, where it's requiring a
18 photo I.D. This is not considered discriminatory
19 when it could keep someone from their own
20 financial institution and their own bank accounts
21 and other very personal matters. And yet for
22 voting, we won't allow that.

23 For that reason, I'll be voting no.

24 Thank you.

25 ACTING PRESIDENT PERSAUD: Thank

1 you, Senator.

2 Are there any other Senators wishing
3 to be heard?

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

6 Read the last section.

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

9 ACTING PRESIDENT PERSAUD: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT PERSAUD: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar Number 737, those Senators voting in the
16 negative are Senators Ashby, Borrello,
17 Canzoneri-Fitzpatrick, Griffo, Helming, Martins,
18 Mattera, Murray, Oberacker, O'Mara, Ortt,
19 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
20 Weber and Weik.

21 Ayes, 41. Nays, 19.

22 ACTING PRESIDENT PERSAUD: The bill
23 is passed.

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

1 SENATOR GIANARIS: It also
2 completes the first bill passage for
3 Senator Gonzalez.

4 (Standing ovation.)

5 ACTING PRESIDENT PERSAUD: Senator
6 Gianaris.

7 SENATOR GIANARIS: On that happy
8 note, is there any further business at the desk?

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

11 SENATOR GIANARIS: I move to
12 adjourn until tomorrow, Tuesday, May 16th, at
13 3:00 p.m.

14 ACTING PRESIDENT PERSAUD: On
15 motion, the Senate stands adjourned until
16 Tuesday, May 16th, at 3:00 p.m.

17 (Whereupon, at 4:04 p.m., the Senate
18 adjourned.)

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