NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:31 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.)

(Child on Senate floor: Yaaaay!)

(Laughter; applause.)

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

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

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

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

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

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

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

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

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

Amen.

(Response of "Amen.")

ACTING PRESIDENT PERSAUD: Reading of the Journal.

THE SECRETARY: In Senate, Friday, May 12, 2023, the Senate met pursuant to adjournment. The Journal of Thursday, May 11, 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.

The Secretary will read.

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

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

ACTING PRESIDENT PERSAUD: So

ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Madam President.

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

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

Senator Gianaris.

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

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number

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

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

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

SENATOR GIANARIS: I offer the following amendments.

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

SENATOR GIANARIS: Please recognize Senator Walczyk for an introduction.

ACTING PRESIDENT PERSAUD: Senator Walczyk for an introduction.

SENATOR WALCZYK: Madam President, thank you so much.

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

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

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

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: Let's take up the reading of the calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will read.

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. 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: Ayes, 57.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. 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 Number 229, those Senators voting in the negative are Senators Ashby, Borrello, Gallivan, Griffo, Oberacker, O'Mara, Ortt, Palumbo, Stec,

Tedisco and Walczyk.

Ayes, 46. Nays, 11.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 431, Assembly Print Number 266A, by Assemblymember Burdick, an act to amend the State Technology 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: Ayes, 57.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. 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: Ayes, 57.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first January next succeeding the date upon which 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.

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

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

discriminated against because of their age at work.

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

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

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

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you very much, Madam President.

Thank you to Senator May for rising.

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

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

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

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

I vote yes. Thank you, Madam President.

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

Announce the results.

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

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

Ayes, 40. Nays, 18.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT PERSAUD: The resolution is adopted.

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

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: Ayes, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. 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: Ayes, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

Senator Scarcella-Spanton, an act to amend the Military 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 Number 640, voting in the negative: Senator Walczyk.

Ayes, 57. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

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

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 5. 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: Ayes, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 3. This act shall take effect one year 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 685, voting in the negative: Senator Ashby.

Ayes, 57. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 727, Senate Print 4133A, by Senator Mannion, an act to amend the Highway 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: Ayes, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Fernandez to explain her vote.

SENATOR FERNANDEZ: Thank you, Madam President.

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

This bill requires that all state

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

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

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

Google altered its search engine

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

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

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

Thank you, Madam President. I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 742, Senate Print 1738, by Senator Hoylman-Sigal, an act to amend the Criminal Procedure 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: Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Madam President.

Everybody that proclaims to love

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

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

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

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

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

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

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

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

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

Senator Hoylman-Sigal to explain his vote.

SENATOR HOYLMAN-SIGAL: Thank you, Madam President.

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

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

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

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

I vote aye. Thank you.

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

Announce the results.

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

Ayes, 38. Nays, 22.

ACTING PRESIDENT PERSAUD: The bill

is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. 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: Ayes, 60.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. 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 760, voting in the negative: Senator Felder.

Ayes, 59. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

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

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

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

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

SENATOR LANZA: Good afternoon, Madam President.

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

that amendment and ask that you recognize Senator Murray 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 Senator Murray be recognized and heard on the appeal.

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

SENATOR MURRAY: Thank you, Madam President.

I rise to appeal the ruling of the chair.

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

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

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

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

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

properly identified by the Department of Labor.

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

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

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

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

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: Request a show of hands.

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

Announce the results.

THE SECRETARY: Ayes, 21.

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

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

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Madam President.

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

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

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

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

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

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

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

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

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

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR GONZALEZ: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: Thank you. Thank you, Senator.

Could you explain the purpose of

this bill today?

SENATOR GONZALEZ: Absolutely.

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

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

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR GONZALEZ: I do, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MURRAY: Thank you.

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

SENATOR GONZALEZ: Absolutely.

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

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

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

so that they are no longer completely locked out.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

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

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR GONZALEZ: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

SENATOR GONZALEZ: No, I have not.

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

ACTING PRESIDENT PERSAUD: Senator Murray on the bill.

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

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

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

For that reason, I'll be voting no.

Thank you.

ACTING PRESIDENT PERSAUD: Thank

you, Senator.

Are there any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

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

Ayes, 41. Nays, 19.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

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

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: On that happy note, 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, Tuesday, May 16th, at 3:00 p.m.

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

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