NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 9, 2023

12:53 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BAILEY: The reading of the Journal.

THE SECRETARY: In Senate, Thursday, June 8, 2023, the Senate met pursuant to adjournment. The Journal of Wednesday, June 7, 2023, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Ashby moves

to discharge, from the Committee on Investigations and Government Operations, Assembly Bill Number 6102 and substitute it for the identical Senate Bill 5962, Third Reading Calendar 769.

Senator Brisport moves to discharge, from the Committee on Rules, Assembly Bill Number 4942B and substitute it for the identical Senate Bill 5355A, Third Reading Calendar 809.

Senator Krueger moves to discharge, from the Committee on Rules, Assembly Bill Number 1122 and substitute it for the identical Senate Bill 110, Third Reading Calendar 824.

Senator Harckham moves to discharge, from the Committee on Health, Assembly Bill Number 4117 and substitute it for the identical Senate Bill 6063, Third Reading Calendar 855.

Senator Breslin moves to discharge, from the Committee on Insurance, Assembly Bill Number 4925 and substitute it for the identical Senate Bill 6827, Third Reading Calendar 1189.

Senator Murray moves to discharge, from the Committee on Local Government, Assembly Bill Number 3451 and substitute it for the identical Senate Bill 5796, Third Reading

Calendar 1295.

Senator Rivera moves to discharge, from the Committee on Health, Assembly Bill Number 6030C and substitute it for the identical Senate Bill 6886A, Third Reading Calendar 1332.

Senator Myrie moves to discharge, from the Committee on Rules, Assembly Bill Number 1177 and substitute it for the identical Senate Bill 6195, Third Reading Calendar 1343.

Senator Hinchey moves to discharge, from the Committee on Agriculture, Assembly Bill Number 5928 and substitute it for the identical Senate Bill 6185, Third Reading Calendar 1354.

Senator Mannion moves to discharge, from the Committee on Rules, Assembly Bill Number 6021A and substitute it for the identical Senate Bill 3146A, Third Reading Calendar 1366.

Senator Rolison moves to discharge, from the Committee on Rules, Assembly Bill Number 5261A and substitute it for the identical Senate Bill 4900A, Third Reading Calendar 1488.

Senator Ashby moves to discharge, from the Committee on Transportation, Assembly Bill Number 3162 and substitute it for the identical Senate Bill 5237, Third Reading

Calendar 1491.

Senator Palumbo moves to discharge, from the Committee on Rules, Assembly Bill Number 5931 and substitute it for the identical Senate Bill 5741, Third Reading Calendar 1505.

Senator Rivera moves to discharge, from the Committee on Rules, Assembly Bill Number 5448A and substitute it for the identical Senate Bill 266A, Third Reading Calendar 1739.

Senator May moves to discharge, from the Committee on Rules, Assembly Bill Number 1191B and substitute it for the identical Senate Bill 288C, Third Reading Calendar 1792.

Senator Cooney moves to discharge, from the Committee on Rules, Assembly Bill Number 1567 and substitute it for the identical Senate Bill 1045, Third Reading Calendar 1796.

Senator Comrie moves to discharge, from the Committee on Finance, Assembly Bill Number 1909 and substitute it for the identical Senate Bill 1082, Third Reading Calendar 1797.

Senator Ortt moves to discharge, from the Committee on Local Government, Assembly Bill Number 2228 and substitute it for the identical Senate Bill 1139, Third Reading

Calendar 1798.

Senator Ortt moves to discharge, from the Committee on Local Government, Assembly Bill Number 2311 and substitute it for the identical Senate Bill 1580, Third Reading Calendar 1799.

Senator Ortt moves to discharge, from the Committee on Rules, Assembly Bill Number 2356 and substitute it for the identical Senate Bill 1581, Third Reading Calendar 1800.

Senator Skoufis moves to discharge, from the Committee on Rules, Assembly Bill Number 4282B and substitute it for the identical Senate Bill 3505B, Third Reading Calendar 1802.

Senator Harckham moves to discharge, from the Committee on Finance, Assembly Bill Number 121A and substitute it for the identical Senate Bill 5372A, Third Reading Calendar 1804.

Senator Harckham moves to discharge, from the Committee on Finance, Assembly Bill Number 119A and substitute it for the identical Senate Bill 5394A, Third Reading Calendar 1805.

Senator Hoylman-Sigal moves to discharge, from the Committee on Judiciary, Assembly Bill Number 1967 and substitute it for

the identical Senate Bill 5400, Third Reading Calendar 1806.

Senator Jackson moves to discharge, from the Committee on Finance, Assembly Bill Number 5679 and substitute it for the identical Senate Bill 5653, Third Reading Calendar 1807.

Senator Weik moves to discharge, from the Committee on Rules, Assembly Bill Number 5799A and substitute it for the identical Senate Bill 5814A, Third Reading Calendar 1809.

Senator Weber moves to discharge, from the Committee on Transportation, Assembly Bill Number 4793 and substitute it for the identical Senate Bill 6027, Third Reading Calendar 1811.

Senator Martins moves to discharge, from the Committee on Rules, Assembly Bill Number 6557A and substitute it for the identical Senate Bill 6309A, Third Reading Calendar 1813.

Senator Jackson moves to discharge, from the Committee on Rules, Assembly Bill Number 6731 and substitute it for the identical Senate Bill 6598, Third Reading Calendar 1815.

Senator Canzoneri-Fitzpatrick moves to discharge, from the Committee on Commerce,

Economic Development and Small Business, Assembly Bill Number 7073 and substitute it for the identical Senate Bill 6681, Third Reading Calendar 1816.

Senator Rhoads moves to discharge, from the Committee on Transportation, Assembly Bill Number 4212 and substitute it for the identical Senate Bill 6706, Third Reading Calendar 1817.

Senator Thomas moves to discharge, from the Committee on Rules, Assembly Bill Number 6568B and substitute it for the identical Senate Bill 6714B, Third Reading Calendar 1818.

Senator May moves to discharge, from the Committee on Rules, Assembly Bill Number 7391A and substitute it for the identical Senate Bill 7493, Third Reading Calendar 1824.

Senator Jackson moves to discharge, from the Committee on Rules, Assembly Bill Number 4018 and substitute it for the identical Senate Bill 1991, Third Reading Calendar 1838.

Senator Jackson moves to discharge, from the Committee on Rules, Assembly Bill Number 5630 and substitute it for the identical Senate Bill 5849, Third Reading Calendar 1810.

ACTING PRESIDENT BAILEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, let's move right into the calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 126, Senate Print 1201A, by Senator Parker, an act to amend the Public Service Law.

SENATOR LANZA: Lay it aside.

SENATOR GIANARIS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 443, Senate Print 4899A, by Senator Rolison, an act to amend the Highway Law.

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 443, voting in the negative: Senator Brisport.

Ayes, 57. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 595, Senate Print 4814A, by Senator Harckham, an act to amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay the bill aside.

THE SECRETARY: Calendar Number 605, Senate Print 5836, by Senator Stec, an act to amend the Town Law.

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it

aside.

THE SECRETARY: Calendar Number 668, Senate Print 6218A, by Senator Parker, an act to amend the Public Authorities Law.

(Pause.)

SENATOR GIANARIS: Mr. President, let's stand at ease for five minutes, please.

ACTING PRESIDENT BAILEY: The Senate will stand at ease temporarily.

(Whereupon, the Senate stood at ease at 1:01 p.m.)

(Whereupon, the Senate reconvened at 1:23 p.m.)

ACTING PRESIDENT BAILEY: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, please recognize Senator Lanza.

ACTING PRESIDENT BAILEY: Senator Lanza.

SENATOR LANZA: Mr. President, there will be an immediate meeting of the Republican Conference in Room 315 of the Capitol.

ACTING PRESIDENT BAILEY: There will be an immediate meeting of the

Republican Conference in Room 315 of the Capitol.

SENATOR GIANARIS: The Senate stands at ease.

ACTING PRESIDENT BAILEY: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 1:23 p.m.)

(Whereupon, the Senate reconvened at 2:32 p.m.)

ACTING PRESIDENT BAILEY: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, let's begin by removing the lay-asides on Calendar Numbers 595 and 605. And we can continue with the calendar, starting with 595.

ACTING PRESIDENT BAILEY: The lay-asides on Calendar Numbers 595 and 605 will be removed.

The Secretary will read.

THE SECRETARY: Calendar Number 595, Senate Print 4814A, by Senator Harckham, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 605, Senate Print 5836, by Senator Stec, an act to amend the Town Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 605, voting in the negative:

Senator May.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 668, Senate Print 6218A, by Senator Parker, an act to amend the Public Authorities Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 746, Senate Print 2943B, by Senator Kavanagh, an act to apply the Housing Stability and Tenant Protection Act.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 747, Senate Print 2980C, by Senator Kavanagh, an act to amend the Administrative Code of the City of New York.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number

769, Assembly Bill Number 6102, by Assemblymember McDonald, an act to amend the Public Officers Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 804, Senate Print 5850A, by Senator Rhoads, an act authorizing the Seaford Fire District to receive retroactive real property tax exempt status.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 804, those Senators voting in the negative are Senators Bailey and O'Mara.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 809, Assembly Bill Number 4942B, by Assemblymember Forrest, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 823, Senate Print 6349A, by Senator Breslin, an act to amend the Executive Law.

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

Read the last section.

The bill is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 824, Assembly Bill Number 1122, by Assemblymember Epstein, an act to amend the State Finance Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 824, 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, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 855, Assembly Bill Number 4117, by Assemblymember Paulin, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

887, Senate Print 6573, by Senator May, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1056, Senate Print 6749B, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1073, Senate Print 1051A, by Senator Cooney, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Calendar Number 1073 is high and will be laid aside for the day.

THE SECRETARY: Calendar Number 1153, Senate Print 6893, by Senator Harckham, an act to amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1189, Assembly Bill Number 4925, by Assemblymember Hunter, an act to amend the Insurance Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

SENATOR GIANARIS: Lay it aside for

the day, please.

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

THE SECRETARY: Calendar Number 1225, Senate Print 5965A, by Senator Bailey, an act to amend the Correction Law.

SENATOR GIANARIS: Lay it aside temporarily.

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

THE SECRETARY: Calendar Number 1295, Assembly Bill Number 3451, by Assemblymember DeStefano, an act in relation to authorizing the Ruth AME Zion Church to file with the Town of Brookhaven assessor an application for certain real property tax exemptions.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1295, voting in the negative are Senators O'Mara and Skoufis.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1297, Senate Print 6493C, by Senator Griffo, an act to amend Chapter 639 of the Laws of 1970.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1297, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1299, Senate Print 6858B, by Senator Rhoads, an act authorizing the County of Nassau assessor to accept an application for a real property tax exemption.

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

THE SECRETARY: Calendar Number 1300, Senate Print 6906, by Senator Cleare, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1332, Assembly Bill Number 6030C, by Assemblymember Paulin, an act to amend the

Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1343, Assembly Bill Number 1177, by Assemblymember Paulin, an act to amend the Election Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

THE SECRETARY: In relation to Calendar 1343, 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, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1354, Assembly Bill Number 5928, by Assemblymember Stirpe, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1366, Assembly Bill Number 6021A, by Assemblymember Paulin, an act to amend the Social Services Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1488, Assembly Bill Number 5261A, by Assemblymember Beephan, an act to amend the Highway Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1488, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1491, Assembly Bill Number 3162, by Assemblymember Woerner, an act to amend the Highway Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1491, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1505, Assembly Bill Number 5931, by Assemblymember Thiele, an act permitting the Town Board of the Town of East Hampton to provide health insurance coverage for enrolled members of the East Hampton Volunteer Ocean Rescue and Auxiliary Squad.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1505, voting in the negative:

Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1580, Senate Print 6441B, by Senator Skoufis, an act relating to approving certain employee benefit costs for transportation employees for the Goshen Central School District.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1603, Senate Print 7509, by Senator Jackson, an act to amend the Retirement and Social Security Law.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1728, Senate Print 7541, by Senator Comrie, an act to amend the Public Authorities Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1739, Assembly Bill Number 5448A, by Assemblymember Gunther, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1792, Assembly Bill Number 1191B, by Assemblymember Epstein, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1792, voting in the negative: Senator Walczyk.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1793, Senate Print 513B, by Senator Thomas, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator

Thomas to explain his vote.

SENATOR THOMAS: Thank you, Mr. President.

It's one of those weeks where we pass some historic legislation. And this bill before us is important to the Asian-American community. We are one of the fastest-growing ethnic communities here in New York State. And for decades we had to choose between sending our kids to school or observing that religious holiday.

Today, because of our supermajority leader and all those that supported the Asian Caucus within this conference, we are able to put this bill on the floor. This bill allows school districts outside of New York City to give a holiday to those who observe Eid, Diwali, Lunar New Year, among many other Asian and East Asian holidays.

This is a big deal. And I want to thank my colleagues for their support in bringing this to the floor. This is important to our communities out in the suburbs. This is important to our youth, who need to understand the values that this country has for them.

And I am so proud of this moment today, and I proudly vote in the affirmative.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1794, Senate Print 961, by Senator Bailey, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1794, 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, Scarcella-Spanton, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 40. Nays, 23.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1795, Senate Print 1039A, by Senator Jackson, an act to amend the Civil Service Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Mr. President. I rise in order to support this bill, S1039A.

This bill is of utmost importance, as it seeks to ensure that permanent non-New York City government employees receive a fair

due-process hearing in line with the principles of justice and fairness.

The purpose of this bill is clear, to provide permanent non-New York City government employees facing disciplinary charges with an unbiased and fair hearing process, as outlined in Section 75 of the Civil Service Law. While maintaining the existent disciplinary process for New York City employees, this bill recognizes the exceptional track record and expertise of the Trials Division of the New York City Office of Administrative Trials and Hearings.

By appointing an impartial arbitrator selected by mutual agreement of both parties from a designated list maintained by the Public Employment Relations Board, we guarantee a fair opportunity for employers and employees to present their respective cases. This approach fosters transparency, accountability, and the proper adjudication of disciplinary matters.

Furthermore, Mr. President, this bill ensures that Civil Service employees are protected from unjust suspensions without pay during the hearing procedures. By affording civil service employees the same due process

rights, we maintain consistency and uphold the principles of fairness across different sectors.

In conclusion, Mr. President, supporting S1039A is an affirmation of our commitment to justice and fairness. By establishing a more equitable hearing process and safeguarding the rights of civil service employees, we demonstrate our dedication to upholding the values underpinning our democratic society.

I proudly vote aye, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1795, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Martins, Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 47. Nays, 16.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1796, Assembly Bill Number 1567, by

Assemblymember McDonald, an act to amend the General Municipal Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1797, Assembly Bill Number 1909, by Assemblymember Zinerman, an act to amend Chapter 696 of the Laws of 1887.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1798, Assembly Bill Number 2228, by Assemblymember Morinello, an act to amend Chapter 20 of the Laws of 1985.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1798, voting in the negative: Senator Bailey.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1799, Assembly Bill Number 2311, by Assemblymember Morinello, an act to amend Chapter 363 of the Laws of 1982.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1799, voting in the negative: Senator Bailey.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1800, Assembly Bill Number 2356, by Assemblymember Morinello, an act to amend Chapter 19 of the Laws of 1985.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1800, voting in the negative: Senator Bailey.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1801, Senate Print 2985C, by Senator Kavanagh, an act to amend the General Municipal Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 37. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to

Calendar 1801, those Senators voting in the negative are Senators Borrello, Helming, Martinez, Oberacker, O'Mara, Ortt, Rhoads, Scarcella-Spanton, Stec, Tedisco and Walczyk.

Ayes, 52. Nays, 11.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1802, Assembly Bill Number 4282B, by Assemblymember Paulin, an act to amend the Town Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1804, Assembly Bill Number 121A, by Assemblymember Magnarelli, an act to amend the Military Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1804, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1805, Assembly Bill Number 119A, by Assemblymember Magnarelli, an act to amend the Military Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1805, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1806, Assembly Bill Number 1967, by Assemblymember Carroll, an act to amend the Real Property Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1806, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Harckham, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Skoufis, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 1807, Assembly Bill Number 5679, by Assemblymember Pheffer Amato, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1808, Senate Print 5678, by Senator Gounardes, an act to amend the Administrative Code of the City of New York.

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

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1809, Assembly Bill Number 5799A, by Assemblymember Gandolfo, an act to authorize the Town of Islip, County of Suffolk, to discontinue as parklands and lease certain lands.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to

Calendar Number 1809, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1810, Assembly Bill Number 5630, by Assemblymember Jones, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1811, Assembly Bill Number 4793, by Assemblymember McGowan, an act to amend the Highway Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1812, Senate Print 6169A, by Senator Cleare, an act to amend the Election Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1813, Assembly Bill Number 6557A, by Assemblymember Sillitti, an act in relation to authorizing the County of Nassau assessor to accept an application for a real property tax exemption.

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1813, voting in the negative: Senator O'Mara.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1814, Senate Print 6500, by Senator Kennedy, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator

Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

I'm going to support this bill. However, I'm very disappointed because -- I think we all recall last year Chautauqua Institution, which I represent, where author Salman Rushdie was attacked by a terrorist. This was international news. And we had the Governor come out, and all kinds of people come out saying how this is horrible. And the Governor said if the bill to provide peace officer status to Chautauqua Institution's police force was brought to her desk, she would sign it.

But we cannot get that. I'm grateful that we're able to get it for these Parks officers. They need it. But in an emergency situation like that, precious seconds count. And without that peace officer status, they cannot use the force that they need to ensure that they can keep people safe.

This is a disappointment to not just me but everyone who understands how important Chautauqua Institution is but, more importantly, how important public safety is and the appearance

of vulnerability is to a place like that.

So while I will vote aye, I am disappointed that politics is being chosen over public safety.

Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1814, those Senators voting in the negative are Senators Ashby, Bailey, Borrello, Canzoneri-Fitzpatrick, Griffo, Krueger, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo. Senator Lanza. Also Senator Rivera, Senator Rhoads -- I'll start over.

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1814, those Senators voting in the negative are Senators Ashby, Bailey, Brisport, Canzoneri-Fitzpatrick, Fernandez, Griffo, Krueger, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rivera, Rolison, Skoufis, Stec, Tedisco, Weber and Weik.

Ayes, 40. Nays, 23.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1815, Assembly Bill Number 6731, by Assemblymember Stern, an act to amend the Retirement and Social Security Law.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1816, Assembly Bill Number 7073, by Assemblymember Curran, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1816, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1817, Assembly Bill Number 4212, by Assemblymember McDonough, an act to amend the Highway Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

THE SECRETARY: In relation to Calendar Number 1817, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1818, Assembly Bill Number 6568B, by Assemblymember McDonald, an act in relation to establishing the New York State Organized Retail Crime Task Force.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1819, Senate Print 6877, by Senator Gounardes, an act to amend the Administrative Code of the City of New York.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1820, Senate Print 6993A, by Senator Ryan, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1821, Senate Print 7356, by Senator Stavisky, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1821, those Senators voting in the negative are Senators Borrello, Griffo, Lanza, Martinez, Mattera, Murray, Oberacker, Palumbo, Rhoads, Stec, Walczyk and Weik. Also Senator Tedisco.

Ayes, 50. Nays, 13.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1822, Senate Print 7362A, by Senator Cooney, an act to amend the General Municipal Law.

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

THE SECRETARY: Calendar Number 1823, Senate Print 7395C, by Senator Weber, an act in relation to authorizing the assessor of the Town of Ramapo, County of Rockland, to accept an application for a real property tax exemption.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1823, those Senators voting in the negative are Senators O'Mara and Skoufis.

Also Senator Palumbo.

Ayes, 60. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1824, Assembly Bill Number 7391A, by Assemblymember Lemondes, an act to amend the Tax Law.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1824, those Senators voting in the negative are Senators Canzoneri-Fitzpatrick, Felder, Harckham, Hinchey, Kennedy, Lanza, Mannion, Martinez, Mattera, Murray, O'Mara, Ortt, Palumbo, Rhoads, Scarcella-Spanton, Skoufis, Tedisco and Webb.

Ayes, 45. Nays, 18.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1825, Senate Print 7533A, by Senator Hinchey, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

SENATOR GIANARIS: Lay it aside temporarily.

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

THE SECRETARY: Calendar Number 1826, Senate Print 7549A, by Senator Thomas, an act relating to a temporary in rem foreclosure moratorium.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1826, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Martins, Mattera, Murray, O'Mara, Palumbo, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 46. Nays, 17.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1827, Senate Print 7551A, by Senator Myrie, an act to amend the Criminal Procedure Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1828, Senate Print 7552, by Senator Addabbo, an act to amend the Education Law.

SENATOR GIANARIS: Lay it aside temporarily.

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

THE SECRETARY: Calendar Number

1829, Senate Print 7553, by Senator Thomas, an act to amend the General Business Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1830, Senate Print Number 7559, by Senator Scarcella-Spanton, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1831, Senate Print Number 7561, by Senator Hoylman-Sigal, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1831, those Senators voting in the negative are Senators Helming and Walczyk.

Ayes, 61. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1832, Senate Print 7562, by Senator Gianaris, an act to amend Part D of Chapter 59 of the Laws of

2023.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1832, those Senators voting in the negative are Senators Ashby, Canzoneri-Fitzpatrick, Helming, Murray, O'Mara, Ortt, Rhoads, Skoufis, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 50. Nays, 13.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1833, Senate Print 7563, by Senator Sanders, an act to amend the New York City Charter.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1833, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Martins, Mattera, Murray, Oberacker, O'Mara, Palumbo, Rhoads, Rolison, Skoufis, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1834, Senate Print 7564, by Senator Myrie, an act to amend the Election Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 1835, Senate Print 7575, by Senator Jackson, an act implementing an agreement between the state

and an employee organization.

ACTING PRESIDENT BAILEY: Senator Gianaris.

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

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

SENATOR GIANARIS: Move to accept the message of necessity.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The message is accepted and the bill is before the house.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1836, Senate Print 7576, by Senator Jackson, an act to amend the Civil Service Law.

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: Mr. President, I believe there's another message of necessity at the desk.

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

SENATOR GIANARIS: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The

message is accepted, and the bill is before the house.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1837, Senate Print 7579, by Senator Kennedy, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: Mr. President, I believe there's another message of necessity at the desk.

ACTING PRESIDENT BAILEY: There is a message of necessity.

SENATOR GIANARIS: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The message is accepted, and the bill is before the house.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

First of all, I want to thank the sponsor, Senator Kennedy, for bringing this forward.

This has been a very sensitive subject for a lot of us. You know, the

Seneca Nation and what they do for our economy is very important. But for me, they are not only my constituents, they are my friends, my neighbors, people that I grew up with in this area. And this compact is critically important to them, but also to the communities that are supported by the economic activity of the Seneca Nation.

This bill provides essentially permission for the Governor to negotiate a compact agreement. And I would just implore her to do the right thing. I think we all know what that is. And there are important things in this bill, like the exclusivity, that is not just good for the Senecas but is good basic business.

That we understand that there has been many, many years of the previous administration attacking the Seneca Nation on a number of fronts -- petty things, including violating the current compact that we were operating under.

So it's time to step up and do the right thing. We've talked about it in this chamber, we've passed a bill to try to ensure that we are sensitive to all of our Native tribes. But those things are just words. This

is the action. This compact is the action.

And the Governor has some inherent conflicts of interest, which is why I wanted to see the Comptroller oversee this process and approve it so that there would be above-board integrity in this whole process.

So absent that, we're going to have to rely on good faith. I know the Senecas have it. Let's hope our Governor has it as well.

I vote aye. Thank you.

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

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

I rise to speak on this bill that I'm very proud to sponsor that will authorize New York State to enter into negotiations with the Seneca Nation to amend and continue the tribal state compact. What we've heard over the last few days is that those negotiations have not only gone very well, but that there's been an agreement in principle.

What this bill does is it takes the step to enable that agreement-in-principle to

move forward. This bill enshrines strong labor protections for unions to organize at Nation-owned facilities, and ensures the Nation will maintain an adequate civil recovery system that guarantees fundamental due process to visitors and guests as well as maintains sufficient liability insurance.

For generations, New York State and our federal government has broken promises and oppressed Native people all across our state, all across our nation, all across the Western Hemisphere. A lack of trust and decades of neglect has undermined what should have been a relationship built on mutual respect and understanding.

This has resulted in disparities perpetuated by decades of generational trauma, disinvestment, and discrimination that these Nations have faced. Today, we take a major step forward for the relationship between New York State and the Seneca Nation. The Seneca Nation is responsible for over 5,000 direct jobs and over 5,000 indirect jobs in the Western New York region, the majority of which are non-Native.

The Seneca Nation is responsible

also for over $300 million in annual wages to our local economy. And the Nation spends over $600 million annually to vendors and suppliers, a true economic generator.

The economic impact, well over a billion dollars in Western New York alone, not to mention the reciprocal economic impact all across New York State -- that revenue goes to local communities like Niagara Falls, Buffalo, Salamanca, making up a significant portion of revenue for each of these host communities.

And with legislation that we passed just yesterday, that funding is going to continue to move forward. And funding for services for the people of the Nation, including healthcare, education, housing, elder services, infrastructure, public safety and so much more is impacted by the negotiations that this legislation allows to move forward.

Since 2002, over 20 years the Seneca Nation has invested over $2 billion in capital spending in its facilities in Western New York. Now we stand here today because there's another opportunity for New York State to make good on our commitment to our

Native neighbors and the approval of a fair compact with the Seneca Nation that is good for all parties involved.

I want to thank our great Majority Leader, Andrea Stewart-Cousins, for prioritizing this important piece of legislation and for empowering myself and members of the Subcommittee on Native American Relations that worked not just out in Western New York, but all across New York State to give the Native people a voice that they rightfully deserve -- for the first time ever in nearly 200 years of existence of this great state.

With that, Mr. President, I'm proud to vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1837, voting in the negative:
Senator Cooney.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

1838, Assembly Bill Number 4018, by Assemblymember Pheffer Amato, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1838, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1839, Senate Print 6361, by Senator Brouk, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1839, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Martinez, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR GIANARIS: Mr. President, let's move on to the controversial calendar, beginning with Calendar Number 1834, please.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1834, Senate Print 7564, by Senator Myrie, an act to amend the Election Law.

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

SENATOR LANZA: Mr. President, good afternoon. I believe there's an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Walczyk.

ACTING PRESIDENT BAILEY: (Pause.) I'm sorry, Senator Lanza, thank you. I appreciate that.

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, Mr. President, I appeal the ruling of the chair and ask that you recognize Senator Walczyk to be heard on the appeal.

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

SENATOR WALCZYK: Thank you, Mr. President.

I know you're all familiar with

Rule 6, but if you would allow me just a moment to explain the germaneness of this amendment.

So the bill-in-chief before us is actually titled "relates to public campaign financing; repealer." And this amendment is germane to the bill-in-chief because this bill makes amendments to the public campaign finance program, and this amendment repeals, actually, the entire program. So it's a full repealer.

By repealing this program that is essentially welfare for politicians, we can save an estimated $100 million for every four-year election cycle, and that's just a starting number. Instead of using this money to run negative campaign ads, this money, which is taxpayer money, could be used to pay for additional educational services, mental health services, public safety services, a lot of the wish list for my colleagues across the aisle on budgetary items that they just ran out of taxpayer money for.

This money would be much better used serving the New Yorkers that sent it to us here in Albany, especially for the most vulnerable New Yorkers. And for these reasons, I strongly

urge everyone to support this amendment and do a full repealer of the public campaign financing program.

ACTING PRESIDENT BAILEY: Thank you, Senator Walczyk.

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 BAILEY: A show of hands has been requested. Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 21.

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

Senator Walczyk, why do you rise?

SENATOR WALCZYK: Mr. President, I hope the sponsor would yield for some questions.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So on the changes that you're proposing to the public campaign financing program, I note the current program allows for large-dollar donors to have their -- the first $250 of someone's donation is matched by taxpayer money. Is that correct?

SENATOR MYRIE: Through you, Mr. President, that is incorrect.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: What is the maximum amount under the current program that someone could donate and have it matched by taxpayer funding for campaigns?

SENATOR MYRIE: Through you, Mr. President, the current law is $250 will be

matched. That is the max.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes. Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: And this bill is proposing a change to the maximum amount that someone could donate and have that donation still match in portion, is that correct?

SENATOR MYRIE: Through you, Mr. President, it doesn't change the max that will be matched. So 250 remains the maximum that can be publicly matched.

What it does change is that it allows for a contribution that is above $250 to have the first 250 matched, as opposed to the current law, that can only match if that donation was capped at 250.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Why in the -- I wonder if -- why do we have a goal of $250 maximum for a taxpayer match to funding political campaigns in the State of New York?

SENATOR MYRIE: Through you, Mr. President, one of the most successful public financing administrations in the country is in New York City, and our matching on the $250 is nearly identical to that system.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Why was the number $250 selected rather than, you know, the maximum campaign donation allowing taxpayer

funding to match someone who, you know, donated $5,000, for example?

What's the principle there in picking $250?

SENATOR MYRIE: Through you, Mr. President, I just want to clarify.

Are you asking why we're not giving more matching funds? As opposed to 250 being capped, would you like for us to have $5,000 matched? Or -- I just want to make sure I'm clarifying the question.

SENATOR WALCZYK: Mr. President, is he asking me to yield?

ACTING PRESIDENT BAILEY: Senator Walczyk, could you clarify the question.

SENATOR WALCZYK: I sure would.

So currently maximum contributions are $5,000 for a primary and $5,000 for a general election.

If there's a change in statute that you're proposing today to the public campaign financing -- on the day after the last day of session, in what may be some of the last hours of our legislative session -- the proposal here is to allow donations that are maxed out -- so those

$5,000 donations would not be allowed, any portion, to have a matching donation.

But this changes that that so that their first $250 of that $5,000 donation can be matched by taxpayer funding. Is that correct?

SENATOR MYRIE: Through you, Mr. President that is correct.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So just so that I understand that I'm doing the math right, if someone were to donate -- and we're talking about somebody pretty wealthy, obviously, who wants to have their influence seen in political campaigns. If they were to donate $5,000 in a primary election and $5,000 in the general election, they would see matches from taxpayer money which would total $2,300 in matching funds from the taxpayers of the State of New York, in addition to the

$10,000 that they've already donated.

Am I understanding that math correctly?

SENATOR MYRIE: Through you, Mr. President, that is correct.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Why?

SENATOR MYRIE: Through you, Mr. President, I'm assuming that you're asking why we're making the change from the current law?

And the goal here, outside of matching exactly what happens in the New York City public financing context, we think it's important that as many people who want to participate in this public matching system should have the opportunity to do so.

SENATOR WALCZYK: Through you, Mr. President, will the sponsor continue to

yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I don't mean to harp on it, but I'm asking sort of about the principle here.

While I disagree with the whole program -- and even brought an amendment on the floor today to repeal the entire program, because I think it's offensive that we use taxpayer money to fund political campaigns, and I'd call it political welfare for politicians -- even so, I think there was a principle when the initial law passed that said we're only going to accept for this matching program a donation up to $250 matching. If it's large-dollar donations, those aren't eligible for matching funds.

And I think that the principle at the time, and the way that the current law states, was so that New Yorkers who are donating smaller amounts, sort of a more grassroots effort within campaigns, the smaller donors, those $250

and less, they would have their voice amplified by taxpayer money, while larger-dollar donors, the ones that are maxing out at $5,000, $10,000 in political campaign donations, aren't matched by taxpayer money.

So I'm wondering, why are you changing that so that the large-dollar donors are also matched by taxpayer money?

SENATOR MYRIE: Through you, Mr. President, I think my colleague makes an excellent case for the public matching system.

The ability for a larger donation to be matched at the 250, it bears repeating again, the New York City system is just the same. And what we have seen in the New York City system is an encouragement of small donor participation.

I would also note that a candidate is not precluded from continuing to go after those grassroots donations. And in fact that's what we see in public financing elsewhere.

So while the larger donation will be matched to an extent, it still encourages the small donors to give whatever they can to have their voice amplified in this process.

SENATOR WALCZYK: Through you,

Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I'm still looking for the reason that we've added -- and I know you've stated exactly what the change is and stated it straightforward. I appreciate that, because it means that I'm clear on what the change is here.

But I'm still looking for the reason why someone who is donating $5,000, $10,000 in an election cycle did not get matched by taxpayer money in the past. Under the changes that you're proposing today, their donation will get matched by taxpayer money. I just want to know why that change is being made. What's the principle behind it?

SENATOR MYRIE: Through you, Mr. President. I think, as with a lot of the things that we do in this house, it is an iterative process where we have conversations

amongst the conference and other stakeholders to determine, particularly when we are starting a program of this magnitude, that we're doing so in a way that the administration is smooth. And in looking at some of the other public financing administrations, like the one we have in the city, we felt that this was an appropriate change at this time.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Of those larger-dollar donors that will now be eligible for a taxpayer match for political campaigns, do larger-dollar donors generally support incumbent candidates or insurgent or new candidates?

SENATOR MYRIE: Through you, Mr. President, I'm not sure I know how to answer that question.

SENATOR WALCZYK: I know how to

answer that question, but maybe I will on the bill. Mr. President, would the --

ACTING PRESIDENT BAILEY: Senator Walczyk on the bill.

SENATOR WALCZYK: No, Mr. President, I'd actually ask the sponsor to continue to yield if he would.

ACTING PRESIDENT BAILEY: Okay. Well, does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So the New York Times ran an article a couple of days ago stating the following: "Changes proposed by lawmakers would protect incumbents and discourage challengers -- the opposite of the program's goal. Suddenly a program that would have encouraged small donations would no longer do anything of the sort; in fact, it would supplement donations as large as $18,000 with matching funds from taxpayers, a complete turnabout from the original intent of the system promised to voters by reformers elected in 2018, and a perversion of the promise of most other

public financing programs," including the one that you referenced in New York City.

How would you respond to the way that the New York Times described this proposed change?

SENATOR MYRIE: Through you, Mr. President, I would not.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: The New York Times editorial board's article says if a company executive seeking a state contract makes a $10,000 contribution to a state senator, that contribution would still receive a $2,300 public taxpayer money match. Matching a contribution of that size is a waste of public money and provides little incentive to pursue small donors.

Would you agree that this is kind of counter to the original intent of that threshold

in the public campaign financing program?

SENATOR MYRIE: Through you, Mr. President. On the particular passage cited by my colleague on the other side, it made note of someone seeking contracts from the state and whether or not that contribution, because of its size, would influence that process.

And I draw my colleague's attention to a bill passed in this house just yesterday that would ban contributions of any size from an individual seeking state contracts. And this is something that we have sponsored in this house, we've had many bipartisan I think agreements on that notion. And that's an issue that I'm hoping that we can advance in the entire Legislature as we go forward.

So I am very strenuously against campaign contributions having any influence over the governing process, but I won't opine on what the editorial board said otherwise.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Does this bill have movement in the other house? Do you have a cosponsor in the other house? Do we think that it will go this session?

SENATOR MYRIE: Through you, Mr. President. The -- my -- I'm the chair of the Senate Elections Committee. The chair of the Elections Committee in the other house is carrying this bill.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: The chair of the Elections Committee in the other house is Assemblywoman Walker, is that correct?

SENATOR MYRIE: Through you, Mr. President, yes.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Would Assemblywoman Walker be eligible for matching donations if she registers for the public campaign financing program?

SENATOR MYRIE: Through you, Mr. President, if she meets the criteria outlayed in the bill, if it is signed into law, she would be eligible.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I would draw your

attention to Bill Section 2, page 3, lines 11 through 14, which amends 14-203(1)(g) and adds a (g-1) to that paragraph, to the eligibility requirements, to state that you are ineligible if you owe any payments, repayments or civil penalties from previous participation in the public campaign financing program, or if you owe similar funds from participating in any local public campaign financing program within the previous 10 years.

As recently as two days ago, it was reported that the current chairwoman of the Elections Committee in the Assembly, and the sponsor of the Assembly bill that you stated, had outstanding fines owed to the New York City Campaign Financing Board back from her 2019 run for public advocate.

So with that provision in this bill, would the chair of the Elections Committee and the sponsor of this bill in the other house be eligible for any taxpayer match?

SENATOR MYRIE: Through you, Mr. President. What I -- my previous answer remains that if she meets the criteria, she would be eligible. As it currently stands, that might

not be the case. But should she pay back, she would be eligible.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I've often heard rhetoric about taking the big money out of politics and allowing more grassroots voices, that it's part of the core of our representative democracy that voters and small-dollar donors don't get rolled by big money and big corporations and larger campaign donors.

How does the increase of the amount that someone can donate and still have public taxpayer money match that donation, how does that line up with some of that rhetoric that I've heard?

SENATOR MYRIE: Through you, Mr. President. I would, one, distinguish the corporate rhetoric that my colleague referenced

with a program that does not allow any matching for any corporation. In fact, on the first page it says that it has to be an actual person. So this is about individual contributions.

And then I'd secondarily note that, again, this is the program that the City of New York has been using to -- I think what everyone who examines that system would say a successful system -- they have been using that to effect, to maximize the voices of small donors.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Under the current program, can someone -- if they register under the current program but they haven't yet qualified to be on a ballot, can they receive taxpayer match under the current program?

SENATOR MYRIE: Through you, Mr. President, that is not our reading of the

current law. Because of the payment schedules, they would not receive it before there's a determination of their candidacy on the ballot.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So in other words, someone would have to register for the program, go fully in on the program, also qualify on the ballot -- they'd have to do all of those things before the schedule hits and they receive any taxpayer matches for any of the donations that they'd received. Am I understanding that correctly?

SENATOR MYRIE: Through you, Mr. President, yes. But it's not a requirement in the current statutes. It's just a function of the payment schedule.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to

yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So Bill Section 5, page 5, lines 53 through 56, and on page 6, lines 1 through 14, amends 14-205, paragraph 3, to change the schedule that you were just talking about, to change both beginning dates for when public funds can be paid as well as the number of payment dates.

Previously there had been a minimum of three payments made in the 30 days prior to an election. This would have made the first payment for the 2024 primary in May of 2024; that's what I've understood and been briefed on.

The amendments in this bill state that the Public Campaign Financing Board shall schedule payments beginning as early as December 15, 2023. Is that accurate?

SENATOR MYRIE: Through you, Mr. President, yes.

SENATOR WALCZYK: And through you,

Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Doesn't this create a conflict with current statute?

SENATOR MYRIE: Through you, Mr. President, not one that I can readily identify.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So it's your understanding that in current statute you don't have to be a qualified candidate, petition and get on a ballot, to actually receive taxpayer matching funds for your political campaign?

SENATOR MYRIE: Through you, Mr. President. Just anticipating where I believe my colleague is going, if you are disqualified -- i.e., you don't make the ballot -- you have to pay back every single penny.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So my understanding is that under this bill we're changing the schedule so that someone could actually register for the public campaign financing program, a program that allows them to go out and solicit donors for a campaign, when they're not yet a legitimate candidate, they haven't qualified for the ballot, receive those donations, and then as early as December 15th, 2023, for a following-year election that is all the way one year later in November, they can receive those funds -- and not only that, will

receive taxpayer matching dollars.

And then, if I'm understanding your answer correctly, does that mean the only recourse that the taxpayers have, after they've paid this candidate who fails to qualify, is that they'll have to then chase them down for the money if they haven't qualified for the ballot? Am I understanding that correctly?

SENATOR MYRIE: Through you, Mr. President, I wouldn't characterize it as chasing down. It's the same enforcement that we have throughout our Election Law -- in fact, one that you just referenced about a member of the other house.

I think it's important to note here that the change there on the payment schedule is to encourage participation in the program and to also, for individuals who don't have this largesse that you just decried, the influence in our politics, that they would have the stability of knowing that this is coming, should they make the ballot and should they be a bona fide candidate.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to

yield.

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: You referenced the enforcement mechanism. What would the enforcement mechanism be for going after a candidate that received taxpayer matching funds but then failed to qualify for the ballot?

SENATOR MYRIE: Through you, Mr. President. Partially, it would be the enforcement regime already set up in our State Board of Elections. But we also have a Public Campaign Finance Board that has been given enforcement powers.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I am aware that we have actually, in this year's budget, significantly increased the budget for the Public Campaign Financing Board -- I think you and I actually may have had a discussion about it during the budget process, or it might have been the Finance chair -- in addition to also putting taxpayer money into the pot in support of taxpayer money for campaigns.

I don't recall, though -- I don't recall any of that money going specifically to enforcement. My understanding of the Public Campaign Financing Board is that it's largely staff and advisors that can assist candidates with the program, whether they be incumbents or new candidates coming into the program.

I don't remember anyone tasked with an enforcement mechanism, and that's what I'm really curious about, especially since you brought it up.

SENATOR MYRIE: Through you, Mr. President. I was just handed by staff -- to get the exact number, we specifically lined out in this year's budget, for the election

enforcement program, $5.4 million.

SENATOR WALCZYK: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Is that -- and not to, you know, bring up the other chair of the Elections Committee, who can't qualify for this program right now because she hasn't paid past fines back to two thousand --

ACTING PRESIDENT BAILEY: Senator Walczyk. Senator Walczyk. I'd ask could you keep your questions germane to the nature of the bill. Thank you.

SENATOR WALCZYK: I would, Mr. President. And it was actually my colleague in his response that evoked the Elections chair in the other house. I thought it was a pretty concise example of the problem that I'd like to illustrate and the question that I'd like to ask.

On the enforcement mechanism, is it

similar to the enforcement mechanism for New York City that's failed to receive those fines since 2019 from the Elections chair in the other house?

SENATOR MYRIE: Through you, Mr. President. And, you know, I think it's unfortunate that we are abusing another colleague when we're talking about this bill.

But I will also note that we introduced a bill earlier this year to increase the enforcement power of our elections counsel. And we had a spirited discussion in our Elections Committee about how you thought that that was not appropriate and that our elections counsel should not be able to go after individuals who break the Election Law.

And so I would hope, again, that we could bring our focus back to this bill and the questions that I think for the most part that you've asked have been germane to what we're talking about.

SENATOR WALCZYK: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: And I will -- I appreciate that, and I appreciate the course direction from the president as well.

I think it is important not to invoke specific members, but certainly to stay on the course with the bill here. Which I would have done if this bill came through the committee that you chair, which is Elections. Instead, we're finding -- instead of a discussion at a table about the particulars in this bill, we're finding ourselves with a bill that was pushed through Rules directly onto the chamber floor.

And so I do have a question that I would have asked in committee about Section 12 of this bill. If you could look at Section 12, it appears to repeal the New York State Campaign Finance Fund and related check-off. There are two problems that I see with this.

One, the section cited for the bill, which is Section 11 of Part ZZZ of Chapter 58 of the Laws of 2020 amending the Election Law, is the original severability provision of that part,

which is not related to the fund or the check-off. Could you address that? Am I reading this wrong?

SENATOR MYRIE: Through you, Mr. President. I don't know if you're reading it wrong. Maybe we're just reading it differently.

But this actually repeals the nonseverability clause that's in the current law and puts in a severability clause.

SENATOR WALCZYK: And through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Would the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

Senator Walczyk, I just want to remind you that you're close to the 30-minute mark.

SENATOR WALCZYK: Thanks for the reminder, Mr. President.

So there is not a -- then I'm understanding there is not a repeal of that check-off in this legislation?

SENATOR MYRIE: Through you, Mr. President, that's correct.

SENATOR WALCZYK: Okay. Thank you.

Why are we passing this bill --

ACTING PRESIDENT BAILEY: Are you asking the sponsor to yield?

SENATOR WALCZYK: Oh, through you, Mr. President, would the sponsor yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So the public campaign financing program has been in place for four years. Why are we bringing -- and, you know, the staff has been working and we've even added funds to the budget this year to hire additional staff. And they've figured out the program as it is now. Some members of the Legislature have even registered with the Public Campaign Financing Board.

Why is this change being made today?

SENATOR MYRIE: Through you, Mr. President. While the program has been in its

inception, while we have invested resources in staffing and organization, there has not been any disbursements yet. As you know, this starts really next year.

So it's important for us, before that program starts, to make what we believe to be appropriate changes in order for the program to be successful.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Do you think we'll do some analysis about whether the changes to this program will be more helpful for incumbents than they are for challengers?

SENATOR MYRIE: Through you, Mr. President, I'm not sure we'd be doing that exact analysis. But I think it's an important point that you make that we have to see how the program actually plays out. I think we have a

responsibility as a legislature to see what are the good things in the program and what are the things that might need some work, and we will legislate accordingly.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Is there also a change in the number of contributors that would allow someone to qualify -- contributors meaning campaign donors -- allowing them to qualify for the matching program from taxpayer money at all? Was there an increase in the threshold there?

SENATOR MYRIE: Through you, Mr. President, yes.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: What was the change of increase in the threshold? How many additional donors are we expecting that any candidate should get?

SENATOR MYRIE: Through you, Mr. President. So the qualification thresholds, I'll just break it out between the current law and what this bill proposes.

So for in-district contributions for the Senate, the current law says that 150, that's the threshold that you need. This bill would make that threshold 350. And for the Assembly, the current law says that it is 75; this bill proposes it would be 145.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: For sitting members of the Legislature, either in the Assembly or in the Senate, wouldn't it be easier for them, with their names well known as incumbents, to go out and get that increase of matched contributions?

So you're changing from 150 matchable contributors to 350. Doesn't that sort of favor the incumbents that are already well known and used to raising money?

SENATOR MYRIE: Through you, Mr. President, we represent approximately, most of us, 300,000 people. Three hundred fifty individual contributors, it's less than 1 percent. I don't view that as an incumbent advantage. I view that as proportionate to the Senate district size.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I may disagree, but I'm encouraged to hear you say that.

Why was the number of campaign donors increased from 150 to 350 in order to qualify for taxpayer money to match your campaign if you register for this program?

SENATOR MYRIE: Through you, Mr. President, I think there were concerns that if we are giving out taxpayer dollars, something that I think you have stated on the record you are against in its entirety, that there should be a demonstrated support within the community.

SENATOR WALCZYK: And through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: That change from 150 matchable contributors to 350 matchable contributors, where does that number come from? We didn't have a committee meeting about this bill. Where does that get populated out of?

Where does that idea come from?

SENATOR MYRIE: Through you, Mr. President, I would again point to the comments I made about the populations of our districts.

We, you know, through our conversations, have found that that 350 number represents still a very, very small portion of the district and still allows for individuals who don't have any notoriety or who don't have an office to participate in the program.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Bill Section 7, page 7, lines 13 to 21, amends 14-207 to add a new subparagraph (3-a), which requires that the Public Campaign Financing Board develop and administer training to allow individuals to become certified compliance officers under the

program.

I would presume that these certified compliance officers would be available to be hired by campaigns to assist them with compliance. But what does this mean? What's the purpose of that addition?

SENATOR MYRIE: Through you, Mr. President. Part of the discussion we're having now is protecting the public fisc. If this is something that we are going to be giving out, we want to ensure that people are complying, that they're doing this the right way.

Some of the concerns that we've heard is that in the current program in New York City, for individuals not familiar with the system, it is easy to run afoul of the regulations. And we don't want that happening in this program. We want individuals complying, only getting public matching funds if they have met the appropriate criteria. And this is meant to encourage individuals to comply with the law.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR WALCZYK: Would political consultants that are paid to work on campaigns, fundraise for campaigns and develop campaign strategy, essentially run campaigns, would they be eligible to become certified compliance officers under the program?

SENATOR MYRIE: Through you, Mr. President, yes.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Why would we want to put the compliance officers embedded as paid campaign hands rather than trust the staff that was funded in this last year's budget -- we talked about a little bit earlier -- at the

Public Campaign Financing Board to perform that function?

SENATOR MYRIE: Through you, Mr. President, I don't think it's a question of whether or not we trust the PCFB or other enforcement entities.

This is a new program, and compliance is important. And we think the more people that know how to comply, the better.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Is there a requirement that the certified compliance officers have to be attorneys with Election Law experience?

SENATOR MYRIE: Through you, Mr. President, no.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to

yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: the sponsor yields.

SENATOR WALCZYK: The certified compliance officers, under this program, would they have to work at State Board of Elections or work for the Public Campaign Financing Board as paid staff, as we funded in this last year's budget?

SENATOR MYRIE: Through you, Mr. President, no. But they would be trained by the agency.

And I note that other places in our election system -- for instance, a treasurer, that I'm sure you have and all of us in this room have. There also aren't requirements professionally on them. What is most important is that they know how to comply and that they assist the candidate in that compliance.

SENATOR WALCZYK: And through you, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Senator Walczyk, I just want to let you know that this will be your final question. You have elapsed the 30-minute mark by five minutes and change.

Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Why should I vote for this?

(Laughter.)

SENATOR MYRIE: Through you, Mr. President. Given the hostile amendment you just offered in which you wanted to repeal this system in its entirety, I take you at your word. I believe that that was a genuine offer.

So if you do not believe in public financing, you should vote no.

SENATOR WALCZYK: Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Walczyk.

Are there any other Senators wishing to be heard?

Senator Borrello, why do you rise?

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

Senator Myrie, currently there is a max of $250, you've already established that, for a match. But now with this new legislation we're passing today, someone can donate $5,000, and the first $250 would be matched. What does that make that $5,000 donation to, with the additional taxpayer money that's going to be added on to it? How much will that be now worth?

SENATOR MYRIE: Through you, Mr. President. I went to law school because I was not good at math. But I believe it would add, on top of that 5,000, $2300. And so it would make that a total of 7,000-something-something.

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

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: That's correct, $7300. I feel like I'm a game show host. Sorry.

So now that $5,000 -- now we just lowered the personal donation from $11,800 to 5,000 in the hopes that we would reduce the amount of, I don't know, influence or whatever it is. So now that $5,000 donation is going to get supercharged to 7300, courtesy of the taxpayers. So the big donor doesn't have to donate as much, but the candidate gets that much money.

So why are we doing that? Why didn't we just say, Okay, lower it to $7300? If we're going to allow someone who's clearly got $5,000, they probably have $7300, to be quite honest.

SENATOR MYRIE: Through you, Mr. President. I'd say that more broadly, we -- the hope with this program is that individuals would not feel that they would have to go after a $5,000 donation.

If you get a donation of $250, that can net close to $2500. And the goal here, as it was when this was initially enacted into law, is to encourage that type of engagement between candidates and small donors.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, you said we hope that they won't go after the $5,000 donation. Well, if we don't want them to, then why would we give them any match at all on a $5,000 donation?

SENATOR MYRIE: Through you, Mr. President. As I've mentioned a number of times, that is the process under the New York City campaign finance regime, and that has encouraged engagement with small donors. We believe it would do the same here.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So the current New York City campaign match is $5,000 up to -- the first 250 for -- up to 5,000, is that correct?

SENATOR MYRIE: Through you, Mr. President, it is the similar concept. The numbers don't quite match because they're smaller legislative districts.

But the notion that the first, you know, whether it's 175 or 250, would be matched regardless of the size of donation, that is the same.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, I know

that for the longest time we were talking about this. This was modeled after that New York City program. So did it change recently that we have to have a bill that actually requires a message of necessity, if I'm not mistaken, to change it? Was there a sudden change to the New York City program that necessitated this change to our bill?

SENATOR MYRIE: Through you, Mr. President, there was no change in the New York City program.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So what was the epiphany that we all of a sudden had to make this change? I mean, nothing's changed, you just said. Now we have a bill in front of us with a message of necessity from the Governor in order for us to make this change. What changed?

SENATOR MYRIE: Through you,

Mr. President. Just to clarify, there is no message of necessity on this bill from the Governor.

But more broadly, just like many of the other provisions in this bill, including the severability clause that was not included -- that is not included in this current law, was the result of many discussions and one that we felt appropriate to make as we are on the precipice of this program becoming a reality.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Okay, so what we've established is there's been no change to the program but we have to make this we'll call it last-minute change, even without a message of necessity, for a program that was written probably more than a year ago, I would guess.

So with that being said, this is going to change the dollar amount. Do we have

any idea, with this change to this maximum match, what that's going to cost in additional taxpayer dollars to fund this public campaign finance?

SENATOR MYRIE: Through you, Mr. President. One, the total amount that can be spent on the program is capped, so it doesn't affect how much more would be outlayed.

But like many of the other things that we do, it would be subject to appropriation and budget conversations.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: I just want to be clear. We're not -- I realize that you're still matching the same dollar amount. But you're going to have more matches if you open it up to donations above $250. So isn't that going to, in the end, mean there's going to have to be more outlay of money for those matches? I mean, there has to be.

SENATOR MYRIE: I'm sorry. Senator Borrello, do you mind repeating the question?

SENATOR BORRELLO: You said that there isn't going to be an impact because we haven't changed the $250 match amount. However, if someone donates $300 before this change, there's no match. With this change, there's now a match, and so on and so forth.

So just by the simple math of the fact that all your donations above $250 will now be eligible for the match, doesn't this mean we're going to have to outlay more taxpayer dollars to match those additional donations?

SENATOR MYRIE: Through you, Mr. President, I'm loath to hypothesize about what will happen until we see the funds being disbursed. And that is -- as I was having the conversation with Senator Walczyk, I think it's important that we continue to monitor that and legislate accordingly.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, I just think it's really simple. There are going to be more donations eligible with this higher threshold. That's just -- there's just no -- it's inevitable.

So the question is we've already allocated money in this upcoming budget; that will be for the next cycle, the '23-'24 budget. Do we have any idea how this is going to impact the amount of money the taxpayers are going to have to supply to match these larger donations?

SENATOR MYRIE: Through you, Mr. President. So again, I'd reiterate that we have to see what the level of participation is.

But once we hit that $100 million cap, the Comptroller does have the ability to pull from other funds until we appropriate, in the subsequent budget, the amount to match.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So we have a $100 million pot of money. And if we exceed that, the Comptroller -- at his discretion, or is he obligated to supply that extra money?

SENATOR MYRIE: Through you, Mr. President, it's an obligation.

SENATOR BORRELLO: It's an obligation, okay.

Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So with that amount being obviously higher, we just haven't done an analysis -- I just want to be clear, there's been no analysis done, with this sudden change to the rules, to determine if there's going to be additional expenses.

We've -- I guess, has there been any

financial analysis done?

SENATOR MYRIE: Through you, Mr. President, it will be subject to appropriation.

I get the question that my colleague is offering. But having not made a single disbursement yet, it is hard to answer the question.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: You know, this obviously means a lot of additional money, taxpayer money, that's going to be used to fund these campaigns.

Is there any prohibition against using that taxpayer money, that public money, for something like negative ads? Will there be a prohibition against using negative ads with taxpayer dollars?

SENATOR MYRIE: Through you,

Mr. President, there is not.

But I would note that even if we wanted to do something like that, that gets into I think some tricky First Amendment constitutional issues.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, I would argue that the First Amendment only applies when you're using your own money and not the taxpayers' money.

But that being said, so there's no real guardrails as to what this money can be used for, is that correct?

SENATOR MYRIE: I'm sorry, could you repeat the question?

SENATOR BORRELLO: So there's no guardrails for this -- where this money could be used.

SENATOR MYRIE: Through you,

Mr. President, there is actually a robust amount of guardrails. And so we prescribe, I think pretty specifically, some of the things that you can and can't do.

And also the PCFB has promulgated and will promulgate more regulations as to campaign expenditures.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: You've increased the threshold for people to qualify. For the State Senate, it's going to go from $12,000 in contributions to $24,000, from at least 300 matchable donors instead of 150.

What was the reason for that? Why are we raising that threshold?

SENATOR MYRIE: Through you, Mr. President, I think there were concerns around expending public dollars for candidates who have not demonstrated the appropriate amount of

support in the community.

The number of contributions and the amount, the threshold, is reflective of that community support, and that is what this is meant to do.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So how does this compare, at least proportionally, to the New York City program that this was modeled after? Was this change because of some -- in some way matching the New York City program?

SENATOR MYRIE: Through you, Mr. President, it was not. It was meant to reflect the realities of current and future participants in this state program.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: You know, this is a program that's been talked about for years, is my understanding, and now it's finally come to fruition. And now all of a sudden -- again, last minute -- we are changing and doubling it. What was the change in philosophy?

I understand you're saying, you know, that we want -- I guess you used the term "community support." But how did community support change from 150 people to 300 people just over the last couple of weeks?

SENATOR BORRELLO: Through you, Mr. President. As I mentioned to my colleague in the previous exchange, this was meant to reflect concerns around demonstrating community support.

And this is -- as we've also discussed we will see how the program is effectuated and will legislate accordingly if there are changes needed to be made.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator

Borrello on the bill.

SENATOR BORRELLO: Senator Myrie, thank you for your question-answering today with myself and Senator Walczyk.

You know, I think that there are a lot of us that are just opposed to this in general, but we are likely going to have to reluctantly participate in this program because it's going to be there for everyone else, and we face the same problems.

But my friends in the Majority have the distinct ability to change the rules of the game, and that's what they've done. Because they came to the realization that this is going to essentially fuel primary opponents, it's going to fuel Republican opponents.

So the whole idea of a grassroots effort to get small donors engaged was the original intention way back when, but now we're going to allow someone to donate $5,000 and get another $2300 -- an almost 50 percent match, courtesy of the taxpayers. We're going to increase the amount from 145,000 per election to 175,000. And we're going to bar candidates that are just starting out that could actually benefit

from this by saying, we're raising that threshold, we're raising the bar.

So this has gone from being a grassroots effort to essentially an incumbency welfare program. And that's really what this is.

So sadly, this is the direction we are going in. The taxpayers are going to be paying for negative ads, negative mailers. The taxpayers are going to be watching as many, many consultants are going to become very, very rich because they're also allowed to use -- there's a lot of restrictions, as Senator Myrie said, but there's no restriction on campaign consultants getting paid using taxpayer money.

Now, think about that, folks. Think about all the negative ads you see over and over and over again. We don't write those. Those are written by really-high-paid campaign consultants. And now taxpayer money is going to go to write those negative ads that you see, those negative mailers, all that stuff that you look at and you throw in the garbage. That's all going to be paid for courtesy of the taxpayers.

So I was not in favor of the original. I'm not in favor of this, especially

because now it's gone completely away, completely away from the idea of bringing more people in to be able to create more competitive elections, and instead it is going to raise the bar to make it further and further of a reach for people to be able to actually compete in statewide elections.

So I'll be voting no.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Borrello.

Senator Tedisco, why do you rise?

SENATOR TEDISCO: Would the Senator yield for a question, possibly two?

ACTING PRESIDENT BAILEY: Would the sponsor yield for a question, possibly two?

SENATOR MYRIE: Yes, for a question or possibly two.

SENATOR TEDISCO: Okay, Senator.

Senator, I've been listening intently, and I've read up a little bit on what the new proposal is. We raise money continuously. It's like a two-year term, we start and we just keep going after the election if we're going to run again, every two years. And usually it's in dollars or checks. But what

I didn't see in there is the process for receiving, spending and reporting what's called in-kind donations.

Has that changed at all with the -- I don't know if it did in the previous or in this one.

SENATOR MYRIE: Through you, Mr. President. You can't get any public matching funds for in-kind donations.

But this also doesn't disturb the current statutes around non-public-matching in-kind donations.

SENATOR TEDISCO: Would the Senator yield for another question?

ACTING PRESIDENT BAILEY: Will the Senator yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR TEDISCO: So it's the same process for in-kind donations; that hasn't changed at all. Is the dollar value -- let's say I'm running for office and we do this sometimes, we -- somebody lets us have a space, a rental space, it's an in-kind donation. Another company

will give us some furniture, that's an in-kind donation. Maybe we'll have a barbecue, somebody provides the chicken, that's an in-kind donation.

Is that a five -- is that up to $5,000 just like a regular cash donation, limited?

SENATOR MYRIE: Through you, Mr. President, yes. That's the short answer. This doesn't disturb anything with in-kind contributions.

I would just note very clearly that you cannot have that matched in any capacity.

SENATOR TEDISCO: I'm not talking about the matching.

Would the gentleman yield again.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR TEDISCO: So we're going to start running. We'll get certified -- register first, then we get certified. We start raising the funds, it comes into the second year where we're going to have a primary. Somebody gets on

the ballot for a primary with an opportunity to ballot. Is that different from having a regular endorsement or anything? A write-in opponent. Do we still get matching -- be able to spend our matching funds against someone like that? Would it be matching funds to spend for that?

SENATOR MYRIE: Through you, Mr. President. If they have met the other criteria as outlined in this bill, the competitive candidate criteria, and they have otherwise met their requirements, they would be eligible for matching funds.

SENATOR TEDISCO: And whatever I spend against them would be matching -- could be matching funds.

ACTING PRESIDENT BAILEY: Senator Tedisco, do you want the --

SENATOR TEDISCO: Excuse me. Will the gentleman yield.

ACTING PRESIDENT BAILEY: Senator Myrie, do you yield?

SENATOR MYRIE: I do yield.

ACTING PRESIDENT BAILEY: And if you could repeat the question, Senator Tedisco, so we can clarify.

SENATOR MYRIE: If he could just clarify, because I'm not sure I understand.

SENATOR TEDISCO: So as I spend my dollars -- there's legacy money and there's matching funds money. I can spend the matching funds money against that opponent in a primary. Would the gentleman yield for another --

SENATOR MYRIE: {Inaudible.}

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MYRIE: Yes.

SENATOR TEDISCO: Now, once I spend all this legacy money, the money I've had before, that's gone. Two years goes by, I raise quite a bit of money. Have no opponent for a primary, have no opponent for a general election. All of my constituents -- let's say I've raised a half a million dollars -- have donated to me, expecting me to spend their money for me to win an election against a candidate running against me. And I've got a half a million dollars and nobody ran against me.

I couldn't spend any of that money in that campaign because I had no opponent?

SENATOR MYRIE: Through you,

Mr. President. In that hypothetical, I'm not sure you would qualify for matching funds. That, to me, appears to just be private donations.

SENATOR TEDISCO: Okay. Would the gentleman yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes. Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR TEDISCO: So I've got no matching funds now, I've got a half a million dollars. Can I take that off into the next year for legacy? What do I do with that half a million dollars I've raised that I can't use anymore?

SENATOR MYRIE: Through you, Mr. President, yes.

SENATOR TEDISCO: I can.

SENATOR MYRIE: Yes.

SENATOR TEDISCO: So I can build legacy money if I have -- oh, excuse me. Would the gentleman yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.
ACTING PRESIDENT BAILEY: The sponsor yields.
SENATOR TEDISCO: I can build legacy money if I just happen to have no opponent whatever.
SENATOR MYRIE: Well, part of -- through you, Mr. President, you could do that now.
SENATOR TEDISCO: Right.
SENATOR MYRIE: But part of the -- one of the guiding principles of this public financing is that we're not spending public dollars on noncompetitive races. And it's why we are pretty prescriptive in defining what competition is, because you are spending public dollars.
SENATOR TEDISCO: Would the gentleman yield.
ACTING PRESIDENT BAILEY: Will the sponsor yield?
SENATOR MYRIE: Yes.
ACTING PRESIDENT BAILEY: The sponsor yields.
SENATOR TEDISCO: I just want to

clarify this. So I have been raising money under the guise that I'm going to have an opponent. I'll never get matching money until I really have an opponent?

SENATOR MYRIE: Through you, Mr. President, that's correct.

SENATOR TEDISCO: And when does -- when does that take --

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR TEDISCO: Oh, excuse me --

SENATOR MYRIE: Yes, I yield.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR TEDISCO: -- would the gentleman yield.

SENATOR MYRIE: I yield.

SENATOR TEDISCO: When does that take place that I really have an opponent?

SENATOR MYRIE: Through you, Mr. President. We have a -- I'm not going to read through all of the criteria, but it is in the bill where it tells us what a competitive race is.

After those requirements are met,

you would have to certify to the PCFB and then you would get a disbursement of matching funds.

SENATOR TEDISCO: Would the gentleman yield for another question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR TEDISCO: Okay. I do have an opponent now. I've raised a half a million dollars. Nobody ever heard of him or her, nobody knows him or her. I spent 500 bucks on the campaign. Now I have all that matching funds, it's probably a million dollars minus $500.

What happens with that money?

SENATOR MYRIE: Through you, Mr. President -- and I direct my colleague's attention to page 6 of the bill, where we outline what defines a competitive race.

You mentioned this is someone that no one has ever heard of, has no endorsements. If -- if it was just that and not any of the other criteria, that sounds like it would not be a competitive race and that you would not be

eligible for public matching funds.

SENATOR TEDISCO: Would the gentleman yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR TEDISCO: On page 6, you said that was?

SENATOR MYRIE: Yes. Page 6, lines 24 through 53.

SENATOR TEDISCO: And let's say he or she fits that contingency on page 6, has the endorsements, very high profile. And when the campaign is over, I still have half a million dollars left. What do I do with that money?

SENATOR MYRIE: Through you, Mr. President, I -- just to clarify, that's half a million in what, matching funds?

SENATOR TEDISCO: I had a viable --

SENATOR MYRIE: Well, you wouldn't have half a million in matching funds because that's way over the maximum --

SENATOR TEDISCO: All right,

250,000.

SENATOR MYRIE: But let's say you had the maximum, and you didn't spend any of it. That's what you're asking, what happens to that?

SENATOR TEDISCO: Can I answer? Because he's asking me a question.

ACTING PRESIDENT BAILEY: Senator Tedisco, you may clarify.

But going forward, if we can direct the questions and comments through the chair, it makes it much easier. Thank you.

SENATOR TEDISCO: Okay. So let's say I had $350,000, I could raise that much. Viable candidate. I only spent $50,000. I got $300,000 in matching funds left. What happens?

SENATOR MYRIE: Through you, Mr. President, you'd have to give that back.

SENATOR TEDISCO: Okay.

On the bill.

ACTING PRESIDENT BAILEY: Senator Tedisco on the bill.

SENATOR TEDISCO: So Mr. President and my colleagues, you know, we go to our constituents and we ask them for money for us, because they believe in us. They come to our

campaign events, they send money in the mail, they go out and they ring doorbells, they get petitions for us, they support us.

We raise this money from them, and then at the end, if we win an election like I just discussed with the Senator and we have all of their money left over, do you really think they want it to go -- I didn't ask this question, but I'm not sure exactly where it goes. Probably back into the fund for matching funds, to fund other people which they don't believe in, which is not from their district, which they did not donate to.

Now, you know, what I would think we would do with that is let us at least send that back to our constituents in some way and have them decide if they want to, in the next election, donate to us once again.

But here we are, we're taking taxpayers' money to begin with, to spend for other candidates who they don't believe with. Then when we raise the money personally from them and they know they only want it to go to us because they're only donating to us, at the end, whatever we have left -- their money, money that

they send to you and I and all of us, they believe in us, we're sending back into that pool to go to other candidates in other places for people that they don't believe and don't know, maybe would never vote for.

It's a bad concept. But as some of my colleagues said, we'll probably have to be involved with it because our opponents are probably going to be involved with it. But it was bad to begin with, it's not the best right now, but we have to play the hand we've gotten, and so do our constituents from upstate New York. But it seems every time something happens in New York City and is utilized in New York City, unfortunately it's brought up to upstate New York and our constituents have to deal with it.

Mr. President, I thank you for the time, and I thank the Senator for answering some of those questions.

ACTING PRESIDENT BAILEY: Thank you, Senator Tedisco.

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 13. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President. I was very interested in the entire debate.

And one response to some of my colleagues was since you've already voted against supporting public financing at all, it's not surprising you would vote against this bill.

So for the record, I do support public financing, but I have too many problems with this bill. I think we should allow the program we put in place to be tried out through a series of legislative elections, and if we need to fix it, fix it at a later date.

I vote no.

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

Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

I appreciate the efforts of Senator Myrie, of our Majority Leader, and of my colleagues to fix some potential glitches in the existing public campaign financing program.

But I cannot support this bill, because I believe it betrays the original intent of New York's path-breaking campaign finance law.

Over the last few months I've had many conversations with constituents in the 48th District, explaining to them that their small donations from $5 to $250 will end up contributing substantially more to a legislative campaign. It's been moving to see people who never thought they had the means to make a difference in a state-level campaign to realize that our state wanted to honor their contributions in this way, and honor them above the contributions of those who might have the ability to give far more.

With this change in how matching funds are treated, I can no longer tell my constituents, my lower-income constituents, in

good conscience that we are lifting their voices up in that way.

If we wonder why people of limited means tend not to turn out to vote, maybe it's because we persist in sending them the message that when push comes to shove, our campaign system will always make sure that those with the deepest pockets have the loudest voices.

I regretfully vote nay.

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

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Madam President.

I will be voting aye on this piece of legislation, but not -- not happily.

So I've been in the Legislature for 13 years, and during that time I certainly before have talked about how public financing -- that we need to get a system right. I believe in public financing. And I believe that we need to move towards a system in which we excise money from politics.

I think that this program has some imperfections. Some things that we're changing

with this particular piece of legislation I think are not necessarily the way that we need to go. But I'm going to trust the process. And I'm going to hope that some of the changes that we've made today make people participate. If there's things that we need to do in the future, as the chair of the Elections Committee said, we might need to tweak some more to make sure that we get it right, I hope that we come back and do that.

For the moment, reluctantly, I will be voting in the affirmative.

Thank you, Madam President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1834, those Senators voting in the negative are Senators Ashby, Borrello, Brisport, Canzoneri-Fitzpatrick, Comrie, Gallivan, Gonzalez, Gounardes, Griffo, Helming, Hoylman-Sigal, Krueger, Lanza, Liu, Mannion, Martins, Mattera, May, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Webb, Weber and Weik.

Ayes, 32. Nays, 31.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, I believe there's a report of the Judiciary Committee at the desk. Can we take that up, please.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senator Hoylman-Sigal, from the Committee on Judiciary, reports the following nominations --

ACTING PRESIDENT PERSAUD: Excuse me. May we have some order in the chamber, please. Senator Borrello.

THE SECRETARY: Senator Hoylman-Sigal, from the Committee on Judiciary, reports the following nominations:

As interim judges of the Supreme Court:

Honorable Maureen Liccione;

Honorable James McCarty;

Honorable Joanne Quinones.

As a judge of the Monroe County Family Court:

Maria Cubillos Reed.
As judges of the Court of Claims:
Honorable Ruth Shillingford;
Honorable Scott Odorisi;
Kim Parker;
Raymond Fernandez;
Aletha Fields;
Brian Haak;
David Fried;
Nicole McGregor Mundy;
Mario Giacobbe;
Ellen Tobin;
Seth Marnin;
Honorable Maureen Heitner;
Honorable Timothy Lewis;
Honorable Anar Patel; and
Honorable Michael Siragusa.
SENATOR GIANARIS: Move to accept the report of the Judiciary Committee.
ACTING PRESIDENT PERSAUD: All those in favor of accepting the report of the Judiciary Committee, signify by saying aye.
(Response of "Aye.")
ACTING PRESIDENT PERSAUD: Opposed, nay.

(Response of "Nay.")

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

Senator Gianaris.

SENATOR GIANARIS: Let's now take up the report of the Judiciary Committee and call on Senator Hoylman-Sigal.

ACTING PRESIDENT PERSAUD: Senator Hoylman-Sigal.

SENATOR HOYLMAN-SIGAL: Thank you, Madam President.

I rise to submit this report from the Judiciary Committee and move the slate of judges, many of whom we have here today, for the Court of Claims, interim justices of the Supreme Court, and judge of the Monroe County Family Court.

Madam President, we heard from these nominees in the Judiciary Committee. I want to thank the committee members for their thoughtful participation during the hearing.

I'm very happy to say, Madam President, that this year's slate of 19 candidates has a variety of diverse personal, geographic and professional backgrounds, from

attorneys with Legal Aid experience to lifelong prosecutors, to those who spent their career within the court system itself.

We learn every day in this chamber that representation matters, with the first Black woman to lead the New York State Senate, with the first woman as New York State Governor. And we understand the importance of representation in the judicial branch as well.

I have to note that we have to continue to take steps in addressing the disparity with Latino judges in our system, compared to the general population. I've discussed this with Senator Sepúlveda, and it's something we're committed to continuing to address.

I'm proud also that the AAPI community is represented in this cohort of judicial nominees, but we are also lacking in that regard too.

But we are making history today in one significant regard. We're confirming the first openly trans man to sit as a judge anywhere in the United States. That is our friend Seth Marnin, and I have to acknowledge his

presence here today. Happy Pride.

Congratulations to all the nominees and to their families who are with us today.

Madam President, with that, I move the nominations to the floor and ask that you please recognize any Senator who wishes to speak on the nominations.

ACTING PRESIDENT PERSAUD: Senator Mayer on the resolution.

SENATOR MAYER: Thank you, Madam President.

It's truly my honor to speak on behalf of all the nominees that were brought before us and submitted by the Governor. As Senator Hoylman-Sigal said, this was an extraordinarily talented, diverse, and experienced group of jurists that we are proud to confirm here today.

And I was particularly proud to hear that so many of them had a true feel for the experience of pro bono and other litigants who come into the court system and experience their first taste of the American justice system through the courts, and how important it is that each of them walks away with a feeling that this

is a place where they are respected and heard, whatever the outcome is, that this is a place that rules by the rule of law, that is not dependent on how much money you have and how much power you have and what language you speak and who you love.

I was extraordinarily impressed by all of them.

I want to speak about two reappointments: One, the Honorable Anar Patel, my constituent, who has served with great distinction in the year since we confirmed her before; and the Honorable James McCarty, who has also continued to serve after he was confirmed previously.

I would like to specifically say about Judge McCarty, who is a very experienced prosecutor, that the value of having a prosecutor with integrity, judgment and experience is something that we value, alongside with those who come from the other side of the aisle, from Legal Aid and legal services.

And I'd like to speak on two new nominees, Brian Haak and David Fried, both of whom I know and I'm very confident will be

excellent, really qualified judges who continue to bring distinction to our judiciary.

It truly was a beautiful experience yesterday to hear each of you talk about your personal experience, your commitment to the rule of law, and your belief that our judicial system is something worth fighting for.

Thank you, and I vote aye on all the nominations.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Bailey on the nominations.

SENATOR BAILEY: Thank you, Madam President.

I want to thank the Governor for really bringing out New York's best and brightest to serve on our court system. There's been a lot of attention on the court system in recent days, weeks and months, and it's always been a focus of mine. It's something that -- you know, it's the forgotten branch.

But with these folks on the bench that are returning, and those that will be new to the bench, they certainly won't be forgotten.

I want to add my voice to the chorus

of Senator Hoylman-Sigal, our chair, who conducted an excellent meeting, and my colleagues who asked thoughtful questions and made thoughtful statements about all of these incredible nominees. And they will all be incredible judges.

And I echo the concerns about the lack of diversity, whether it be Latino or AAPI. We can and we will and we should get better.

But I want to talk about somebody who I went to law school with and I know incredibly well: Raymond Fernandez.

If you know me in this chamber, you know that I love sneakers. And the first conversation Ray and I ever had was about sneakers. You know, I went to lawyering seminars -- I switched lawyering seminars and I went to law sem, and the first conversation we had wasn't about statutory construction, it wasn't about the writing piece that we had in front of us, it was about, yo, I really like your 7s. Yo, I really like your 3s.

So from then on, a bond was formed, and that was my guide through law school. We met in Judge Jenny Rivera's seminar class. And

Judge Jenny Rivera is on the Court of Appeals, but she was a notoriously tough grader. And Ray and I would be up quite late working on her law seminar work.

But that's just the tip of the iceberg as to who he is. In law school -- and Ray's a handsome dude, and he would have found a nice young lady anywhere. But in law school, the only way he would have found Tina was in law school, because nobody would have believed Ray that -- where he was at 2 o'clock in the morning, which was in the library. Ray Fernandez used to get escorted out of the library in law school. That was his dedication.

So you knew he was a special guy, and he had a special dedication and a special art. But like coming from where he comes from, coming from the disparity that he's come from, so to speak -- he spoke about it in his opening statement. Parents, substance use disorder. Often left by himself to fend for himself, learned certain social and life skills on his own. But he's been able to persevere not only as a great attorney and soon to be judge, but as a better father and a husband.

And so this is the kind of person that you want on the bench. This is the kind of person that you need on the bench in New York State. And this is a person that I am extremely proud that I get to say "I vote aye on your nomination."

But, you know, I don't drink, I don't smoke, but I like to bet. And Ray, I'm going to bet this isn't the last time that we hear your name about judicial offices.

I vote aye, Madam President.

ACTING PRESIDENT PERSAUD: Thank you.

Senator Ramos on the nominations.

SENATOR RAMOS: Thank you, Madam President.

You know, back home in Queens we love to say that Queens is the future. It is a mantra of sorts that I think speaks to the diversity that is innate to Queens now. Right? I represent the most diverse district in the entire country, where we speak 200 languages and we proudly tout the largest transgender community in the entire country.

And so to me, this particular class

of judicial minds, of legal scholars, has been truly eye-opening to be able to witness what the future of our bench at different levels can be like, will be like.

I think, above all, I want to congratulate and thank the Governor for having the vision and following through on making true efforts to diversify our bench on every level.

As a Latina I would be remiss if I didn't, of course, mention and ask that we ensure that our community is much more included among these nominations moving forward.

But I am truly proud to be voting in the affirmative. I was so impressed by many of the stories that I heard as a member of the Judiciary Committee, whether it was David Fried or Ray Fernandez. But certainly Seth Marnin's nomination and confirmation today is a proud, proud achievement for our state as we continue to lead the nation, not only during Pride Month but throughout the year, in making sure that we are putting forth equality, justice and fairness.

Thank you. I am proud of you all, and I know you will make us all proud throughout your service.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Murray on the nominations.

SENATOR MURRAY: Thank you, Madam President.

I'm sure we have a group of wonderful people. But as Senator Hoylman-Sigal said, we have 19 before us today -- 19 -- that as of last week did not even know they were nominated.

All the nominations get brought to the Judiciary Committee. I do not serve on that committee, so I did not have the pleasure of speaking to each one individually. But I did hear from some of my colleagues and got some very good reports.

But that hearing was earlier this week. All of this is dropped on us in the final week of session, where we've had bills just, what, within the hour that had messages of necessity. We've had supplemental calendars that were dropped, everyone scrambling to get things done at the last minute. And this is how we are nominating 19 judges.

And to top it off, we are not voting

on 19 judges individually, on their individual merit. It's a block vote, up on all or down on all. How is that possibly ensuring to the public that we are choosing the best and the brightest?

I'm sure many in there are highly qualified and will do a fantastic job. But am I sure that all of them will? No, I'm not.

And for that reason, Madam President, I cannot vote yes. I will be voting no.

ACTING PRESIDENT PERSAUD: Senator Ryan on the nominations.

SENATOR RYAN: Thank you very much, Madam President.

It's great to sit on the Judiciary Committee, because I got to listen to each of these candidates, you know, tell their stories and read their qualifications.

I have to thank Governor Hochul for nominating such an outstanding group of jurists, truly an august group of lawyers with backgrounds that match the State of New York. Truly a fine group.

I'm going to pick out three to recognize. My constituent Mario Giacobbe is

being nominated today. I've known Mario for well over 20 years. He himself is an American success story -- learned English in grammar school, has had a great legal career on all sides of the bench, whether it's criminal justice defense, prosecutor, or civil. He's got a nice, well-rounded career.

He's going to be a great judge and, more importantly, he has a disposition that is going to be serving him well as a judge. So I'm going to be very happy to vote in the affirmative for Mario Giacobbe.

Former Erie County Attorney Mike Siragusa is being reappointed today. I said a lot of good things about Mike last year, so we'll save that.

And my former law school classmate, Maureen McHugh Heitner. She has a contagiously good nature, she's extremely intelligent, and she is a diligent worker. She too has the disposition that's going to make her a successful judge.

So it's my honor to vote aye in favor of this slate of judicial candidates.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Sepúlveda on the nominations.

SENATOR SEPÚLVEDA: Thank you, Madam President, for allowing me to speak on these nominations.

As the chair of the Senate Subcommittee on Judicial Diversity, and myself an attorney now for 31 years, diversity is extremely important to me. I recall the first time I stepped foot in the Bronx Courthouse; I could probably count on one hand the number of people of color that were judges or even attorneys.

And starting with people like former Assemblyman and chair of the party Roberto Ramirez, then Jose Rivera and our current Speaker of the Assembly, Carl Heastie, and Jamaal Bailey, our new chair, they've made it a point to make the Bronx one of the most diverse counties in terms of representation on the bench.

And in my position as chair of the subcommittee, it's something that I'm striving for as well, to make sure that the bench in this state represents and resembles the population of this state.

I sat through the committee hearings

as well, the nomination hearings as well, and very impressed with many, many of the stories, many of the compelling stories of the nominees. And I was not -- and I'm not happy that we only have one Latino on the Court of Claims that was nominated this year, but I understand that and I believe that the Governor and the leaders of the Legislature are making an effort to diversify the bench on the Court of Claims and throughout the State of New York.

I want to speak also on behalf of Raymond Fernandez, who I've known as a wonderful court attorney working for one of the best administrative judges in the State of New York, and that's Doris Gonzalez.

Raymond is known for being an extremely intelligent, hardworking, ethical and fair person on the bench. And so I encourage all of you, if you want to look at compelling stories, someone who came from meager means with terrible challenges in his life, he was able to overcome it, and look where he is now. Soon he will be a Court of Claims judge. He's been a role model not only for Latinos but for every person in the State of New York who's had a

difficult life and aspires to be a judge.

I also want to speak on behalf of Joanne Quinones, who is renominated. An incredible judge, an incredible person who I've grown to admire and I hear nothing but great things about her while she's on the bench.

This is an extremely important time for this state. We have to continue to stress the importance of people from all walks of life to be on the bench.

Very impressed that we also have the first transgender candidate that's going to be on the Court of Claims. This is what New York State needs, because diversity is nothing but a good thing for this state. When you have different experiences to speak about, when you have different experiences in life, it will help you deliberate better as a judge and as a human being.

So I will proudly vote aye for these nominees. Thank you.

ACTING PRESIDENT PERSAUD: Senator Canzoneri-Fitzpatrick on the nominations.

SENATOR CANZONERI-FITZPATRICK: Thank you, Madam President.

I do share some of the concerns that were expressed by Dean Murray -- Senator Murray, excuse me, regarding the process, that we didn't have more time to interview and consider these candidates. And I think voting as a block is not necessarily the preferred way to be voting on these candidates.

I will say that I am very lucky to have been part of the Judiciary Committee, to hear their qualifications and listen to the responses to the questions they were asked. There are many qualified candidates, and some that I couldn't really assess in the short period of time.

I would like to speak about two candidates specifically that I do have the pleasure of knowing.

Nicole McGregor Mundy is somebody I've known for about 10 years. She is an exceptionally qualified attorney. I am so proud to call her my friend and colleague, and I'm so excited for her to have been nominated by the Governor.

And I'd also like to mention one of my constituents, Ellen Tobin, a very qualified,

very experienced attorney who's also a mom. And I love to see -- like Ms. Mundy, she's also another mom. I love to support women who can have it all, who can be attorneys, who can be judges, who can be moms and contribute to our communities and to our judicial system.

So I'm very proud to speak on behalf of those two candidates. I wish all the candidates well.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Weber on the nominations.

SENATOR WEBER: Thank you, Madam President.

I stand today to congratulate Judge David Fried. Judge David Fried is a lifelong resident of Rockland, a fellow Village of Montebello resident and a great attorney, someone who's well respected in Rockland County.

And as we communicated throughout the last couple of days, he'll be the first appointment and -- someone appointed and now confirmed to the Court of Claims from Rockland County in over half a century.

So I know he'll make Rockland proud, and I want to congratulate David Fried.

ACTING PRESIDENT PERSAUD: Senator Kennedy on the nominations.

SENATOR KENNEDY: Thank you, Madam President.

I too want to first of all recognize our leader, Andrea Stewart-Cousins, for bringing this auspicious group of candidates to the floor here for their respective positions on the judiciary across New York State.

I want to thank Governor Hochul for nominating such an outstanding group of jurists that will work to make us all proud. And from everything that I've seen and everything I've gathered, they've already begun that work, making us proud, serving the community, serving this great state, and demonstrating a pride in justice.

There's a couple of people that I want to recognize here today. First of all, Mario Giacobbe, from Buffalo.

I have known Mario Giacobbe for over 20 years, and I have seen him not just rise up as a leader in the legal community but as someone

who's engaged in every aspect of leadership throughout the Western New York community.

And I'm so proud to support his appointment here today to the Court of Claims. We have seen him rise up through the ranks, and we have seen him lead. Now he's going to do it on the bench.

Another individual I'd like to recognize is Ellen Tobin, someone I have known for the better part of a decade -- who, as has been mentioned already, a working mother, someone who has risen up in her own right in the legal community and now she has an opportunity to lead on the bench.

She celebrates her birthday today. She shares her birthday with my wife and our colleague Neil Breslin. Happy birthday, Judge!

And congratulations to all of you. I'm proud to voice my support for each and every one of these incredible candidates.

With that, Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: I just want to

pause, Madam President, in the midst of hearing about our judicial nominees, to recognize a guest in the chamber, a classmate of mine from the Assembly -- he happens to be the Speaker of the Assembly -- Carl Heastie is with us.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Stavisky on the nominations.

SENATOR STAVISKY: Thank you, Madam President.

As a member of the Judiciary Committee, I must tell you that yesterday was quite a memorable day. I know it was important for our friends in the gallery, but also I think for the members of the Judiciary Committee, because the Governor presented us with an incredible group of potential jurists.

When they sat in that chair and told their stories of how they got there, the problems that they had, what motivated them, what profound difficulties they had in reaching that day, that will forever I think have an impact on their lives.

So I congratulate the Governor, and

I thank our Majority Leader.

And I particularly want to mention David Fried, from Rockland County, and congratulate him on his appointment.

And to the Honorable Maureen Heitner, whom I've known for a number of years because she has been principal law secretary to a number of judges in Queens County, particularly recently retired Justice Margaret McGowan, who's a friend whom I've known for many years also.

So I congratulate you all. I think this is a memorable class. And may you continue to serve the people of our state.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Borrello on the nominations.

SENATOR BORRELLO: Thank you, Madam President.

I'm sure behind me there is a group of very fine individuals. And, you know, unfortunately this process is just -- it's ridiculous. That we're coming here at the end of session and we face hundreds of bills a day, and we're being asked to vote on people who are going to be making some very important decisions.

What's most ironic is that we're grouping 19 people into one vote. I remember last month when we had to add some fish to the DEC's management program, and we literally had to vote for one fish at a time -- one fish at a time. Here's the vote, 63 votes for this fish, 63 votes for that fish. And yet for judges, we're going to group them all together and just do it all at once. We're going to school our judges, but not school our fish.

So as a result, I'm going to have to vote no. Thank you, Madam President.

(Laughter.)

ACTING PRESIDENT PERSAUD: Senator Cleare on the nominations.

SENATOR CLEARE: Thank you, Madam President.

I rise to just commend the Judiciary Committee; our leader, Andrea Stewart-Cousins; the Governor, for such a fine, outstanding group of individuals.

I was able to sit in on the hearings yesterday, and story after story, experience after experience just gave me more and more confidence and comfort in this group that we have

before us today.

You know, I'm going to claim three of them as my constituents.

Ray, you're from East Harlem, so it doesn't matter where you are now, that's where you started.

Kim, great to see you here today, my constituent from Harlem.

And Seth, you are just an amazing individual. Your record-breaking step that you're taking, the history that you're making today is going to mean so much to so many people.

And I just -- it warms my heart to see the diversity. You don't know what it looks like standing right here, looking at all of you. But the diversity is incredible and it's just a pleasure to see it.

And what's even greater than the diversity in ethnicity and gender is the diversity in where you come from, and the stories you told about why you're here and why you're doing what you're doing. And your lived experience.

That's what I bring with me, it is the most valuable thing I bring with me to this

job, is my lived experience, because I know that I'm representing many, many people who may not get representation and may not have a voice.

And in many ways you all are going to do the same thing. You are representing so many different stories, so many different people, and it is so important that everybody gets justice.

I look forward to your continued great work. And I'm just proud to vote aye.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Liu on the nominations.

SENATOR LIU: Thank you, Madam President.

You're awesome. Congrats!

Madam President, I vote yes.

(Laughter.)

ACTING PRESIDENT PERSAUD: Senator Rhoads on the nominations.

SENATOR RHOADS: Thank you, Madam President.

First off, I want to congratulate all of the nominees that sit up in the balcony today. I know that they will make fine justices.

Unfortunately, because of the process, I will have to vote against their nominations -- not because of anything having to do with the justices.

And to be perfectly honest, we found out about these nominations with 24 hours notice.

And in the Judiciary Committee -- and as a member of the bar, certainly -- we take our responsibility seriously on the Judiciary Committee. And usually when we interview a nominee, we have the opportunity to take a look -- and they're all wonderful people. Let's start off by saying that.

But we have an opportunity to look beyond that at some of their judicial temperament, some of the decisions that they've written over the course of their judicial careers, to get a sense of how they would be on the bench for the particular court that they're going to be assigned to.

We didn't have the opportunity to be able to do that. And that's not a discredit to the candidates. The reality is they only found out that they received the nominations 48 hours before they actually appeared in the

Judiciary Committee yesterday.

So -- and it's unfortunate because the vacancies that they're filling are vacancies that existed for months, yet for some reason the Governor waited until the very last day of session -- which was supposed to be yesterday -- to bring those nominations to the floor, so that instead of being here and voting on bills we were in 124 downstairs considering nominees for Judiciary.

That's not the way the process is supposed to work. It's disrespectful, to be perfectly honest, to the nominees; disrespectful to us as Senators. And I would hope that the Governor is somehow listening and would take that into account to get us these nominations earlier so that we can treat these nominees with the respect that they deserve.

So I will be voting no, but I do congratulate, obviously, all of our nominees, and I look forward to what I hope will be impressive careers on the bench.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Parker on the nominations.

SENATOR PARKER: Thank you, Madam President.

Let me rise to add my voice to those who are congratulating the Governor for putting forth such a diverse group of jurists.

My congratulations to our leader, Andrea Stewart-Cousins, and the members of the Judiciary Committee for their thorough work, as always. And congratulations to all of you for your hard work, for persevering and making it to this place.

I particularly want to congratulate my friend Kim Parker -- no relation -- who I've known since she was a young lawyer. And now -- she's still young, but now a judge. And just very proud of her and all the work that she's done. And all that she's done in the community outside of her judicial work is very, very impressive.

And although she just happens to live in Harlem, you know, we still love you, Kim.

(Laughter.)

SENATOR PARKER: And, you know, we're just very, very excited to see this judicial class, you know, provide justice

throughout our state.

Thank you. I vote aye.

ACTING PRESIDENT PERSAUD: The question is on the nominations.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT PERSAUD: The nominees are confirmed.

(Lengthy standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: Madam President, at this time we're going to simultaneously call a joint meeting of the Committees on Finance and Crime Victims, Crime and Correction in Room 124, and call up Calendar 668, by Senator Parker, for debate.

ACTING PRESIDENT PERSAUD: There will be an immediate meeting of the Finance Committee in Room 124.

The Secretary will read.

THE SECRETARY: Calendar Number

668, Senate Print 6218A, by Senator Parker, an act to amend the Public Authorities 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 Canzoneri-Fitzpatrick 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 Canzoneri-Fitzpatrick to be heard on that appeal.

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

SENATOR CANZONERI-FITZPATRICK: Thank you, Madam President.

I rise to appeal the ruling of the chair. The proposed amendment is unquestionably

germane to the bill at hand, and in fact is more germane to the original print of this bill than the language that was added to the A print, because my proposed amendment keeps the same new Section 1885 of the Public Authorities Law as well as most of its originally proposed language and even keeps the same title of this act.

My proposed amendment simply removes some of the language, which is nongermane alienation language, that was recently added to this bill, and improves the original version of the bill at hand by requiring NYSERDA to develop a comprehensive and improved offshore wind plan before projects are finalized, rather than waiting until after the state has already met its offshore wind goals.

Further, my proposed amendment would increase the prioritization of community and environmental protections and ensure meaningful public input in developing this plan.

While the bill at hand seeks to balance impacts on the environment and balance impacts of the local municipalities, my proposed amendment would prioritize minimizing negative impacts on the environment and local

municipalities. I am not opposed to New York practicing a cleaner, more robust energy mix -- in fact, I'm in favor of it. However, I am in favor of doing so responsibly and with local input and participation.

I have heard from countless constituents who have had questions on how the offshore wind project related to the alienation that was added to the A print of the bill at hand, how it would impact them, and their questions have not been answered.

My proposed amendment not only improves the original bill at hand, but it corrects an extreme overreach that sought to bypass local representation.

As the State Senator who proudly represents the City of Long Beach and who is committed to ensuring my constituents' voices are heard here in Albany, the alienation language my amendment would remove does not belong in the bill at hand.

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

Thank you.

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 Canzoneri-Fitzpatrick.

SENATOR CANZONERI-FITZPATRICK: Thank you, Madam President. On the bill.

ACTING PRESIDENT PERSAUD: Senator Canzoneri-Fitzpatrick on the bill.

SENATOR CANZONERI-FITZPATRICK: The first part of this bill tasks NYSERDA with the purpose of overseeing offshore wind projects. I'm not sure why NYSERDA is tasked with this,

since they have nothing to do with procuring transmission and they are really not, in my opinion, the appropriate overseer of this project.

My biggest complaint, as I just stated, was that this bill states that NYSERDA only comes in after 9,000 megawatts of offshore wind has been achieved, which is the goal of the CLCPA. The original bill says that NYSERDA is tasked with considering community protection, both onshore and offshore, balancing the impacts on the environment, balancing the impacts on local municipalities, and streamlining the process for the planned transmission process.

As you just heard from my suggested amendment, I think that we should be minimizing the negative impacts on these communities and -- the offshore community and onshore, in order to make sure that the process is done responsibly.

I don't understand why we are waiting until the goal of the CLCPA is met, and I think there is a more appropriate way of doing this.

As I stated, I am the proud representative of the City of Long Beach and the

neighboring communities of Island Park and Oceanside, all of which are in my district and will be impacted by this project.

My amendment would also task NYSERDA with ensuring that the project minimizes these negative impacts, and solicit input from the community and require a minimum number of hearings to be held to get that input from the community.

Now, the recent amendment to this bill added Section 4, that was not part of the initial version of this bill. In fact, Section 4 is an exact duplicate of Senate Bill S5364, of which I am the sponsor. Section 4 permits the alienation of parkland located in the City of Long Beach, which again is in my Senate district. And from what I am told, this is an unprecedented move by another Senator to take over a local bill.

This is a local bill. This is a local issue -- a critical local issue that has the potential to change the City of Long Beach forever. Without the public authority that has been proposed, there is no one to coordinate this massive project to ensure that all of the

affected communities are protected.

For weeks I have been in meetings with constituents, speaking to them via phone, in-person meetings, as well as emails about their concerns over this project. Equinor, who is the non-U.S. company that has been awarded this project, has failed in every way possible to be a good neighbor to these communities. They have held hearings that they have ignored the residents, they have done nothing to say how the project will be managed, and there are many unanswered questions.

So the bill that I propose regarding alienation was not advanced because the constituents have been ignored and I am extremely upset by the fact that this project has the potential to override my constituents and their concerns. In fact, it's my understanding that there's no home-rule at the desk for this bill, which I believe is necessary.

The path that has been proposed on this plan goes right through prime real estate in the middle of Long Beach. I've spoken to Equinor about changing that plan, and they have not indicated in any way that they're willing to

consider other paths. They are going to tear up an evacuation route, and it is a main thoroughfare for ambulances getting access to the emergency room.

Part of this project started with mapping out the wind farm out in the ocean. There has been an unprecedented number of whales that have been beached that have died on the coast of New Jersey as well as Long Island. It's believed by some that this increase in whale deaths is directly related to this project. Until those studies are done and the constituents are reassured that they are not affecting the ecosystem and the marine life in this area, I think they have a right to those answers before this project continues.

Another part of this project is the Village of Island Park. The proposal is to put a transfer station that some have said will be seven stories high that will overlook Reynolds Channel and will forever be a blight on the beautiful sight that Long Beach looks at when they look at Island Park. Never mind the fact that off the coast of Long Beach you will forever see these windmills.

And I haven't even gotten to the idea that the windmill blades are not recyclable. There are many articles and much research to be done on how to handle these windmills after they are no longer useful. These blades are tremendous. These wind farms, the towers -- the wind turbines, excuse me, are two-thirds of the height of the Empire State Building. These are not small, and these will be visible from the coastline.

And anybody that knows Long Beach and Island Park the way I do, because I've spent my life growing up on the coast of Long Island -- Long Beach treasures their beach, treasures their coastline. It is an incredible jewel to Nassau County that is used by all the residents of the area.

So with that background in mind, I would like to know if Senator Parker, the sponsor, would yield for a few questions.

ACTING PRESIDENT PERSAUD: Senator Parker, will you yield? Senator Parker?

SENATOR PARKER: Yes, Madam President.

ACTING PRESIDENT PERSAUD: Will you

yield?

SENATOR PARKER: Yes, ma'am.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: Thank you, Senator Parker.

SENATOR PARKER: (Inaudible.)

SENATOR CANZONERI-FITZPATRICK: I wanted to ask a little background from you as to how the alienation piece of this bill was added to your proposed bill.

SENATOR PARKER: Through you, Madam President. As we all know here, the Climate Leadership and Community Protection Act is the ruling guide for both our energy and our environmental policy here in the State of New York. Much of what we've done in the Energy and Telecommunications Committee this year has been around supporting the goals of our climate-change initiatives.

Part of -- a small part of what we're doing is 9 megawatt wind turbine projects off the coast of Long Island. And part of what needs to happen in order for that project to properly plug into the grid is this project.

And so when presented with the opportunity to do that, we certainly saw that the needs of the state and the energy needs of the people of all of Long Island, you know, took precedence over some of the objections that we were hearing. And so that's how we wound up with this as part of the legislation.

SENATOR CANZONERI-FITZPATRICK: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: The sponsor yields.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: Thank you, Senator.

As you may have just heard -- and I believe I may have misspoken -- Senate Bill 5364 is sponsored by me. And that was the alienation language that is now included in Section 4 of your bill. And I'd like to know, how is it that that happened?

SENATOR PARKER: Madam President,

through you. Again, this project that needs to happen is part of the CLCPA goals. And so we included it because we thought it was important in order to make sure these 9,000 megawatts of electricity from this offshore wind project happens as soon as possible.

SENATOR CANZONERI-FITZPATRICK: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So with that in mind, Senator, why is it that your bill proposes that NYSERDA only comes in after 9,000 megawatts is met, which is the goal of the CLCPA? What isn't NYSERDA getting involved in the planning now to make sure that this project proceeds properly?

SENATOR PARKER: Through you, Madam President. The offshore wind project was already approved through a different process. NYSERDA is already involved in that.

My legislation now is related to the interconnection of bringing that energy literally from offshore, onshore.

And so now we are, in my legislation, making sure that the proper approval through NYSERDA are being done in that process.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So, Senator, do you have any information about the Long Beach project that is being proposed? How much energy will be garnered from this Empire Wind 2 project?

SENATOR PARKER: Through you, Madam President, 1.26 gigawatts are going to be brought onshore.

SENATOR CANZONERI-FITZPATRICK: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So, Senator, 1.2 gigawatts is a fraction of the 9,000 megawatts that is needed for this project. And as part of what's been proposed, wind turbines are going to be built, there's going to be transmission lines coming through Long Beach that go right through prime real estate, through Reynolds Channel, up to Island Park. And these transmission lines are going to come through based on the project that's proposed.

So based on what you have asked, NYSERDA to supervise the coordination of these transmission lines, doesn't it make sense that NYSERDA should be involved at the beginning?

SENATOR PARKER: Madam President, through you. NYSERDA is already involved. Right? Like -- so, I mean, when we start talking about -- there's two separate parts of this, right? So two things have to happen. We have to approve, and we have approved, the wind turbines

to be built offshore. That was already done. NYSERDA's involved in that process.

This now is the second part of the process, which now deals with the interconnection of bringing that energy onshore. And now, through my legislation, we are involving NYSERDA in the study and administration of that part of the project.

So NYSERDA is essentially involved in every step of this project.

SENATOR CANZONERI-FITZPATRICK: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: Thank you, Senator.

So as I said before, we're -- and as you answered, we're looking at 1.2 gigawatts of energy. How many other wind farms are we going to build off the coast of Long Island to get to the 9,000 megawatts of the goal of the CLCPA?

SENATOR PARKER: Madam President, through you. When we start talking about the projects, they're interconnected. They're not independent. So even though this particular project may be only partial of what we need, is that if this project doesn't happen and its interconnection doesn't happen, there are other projects equaling over 3.3 gigawatts that may be in peril if in fact this project doesn't happen.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So, Senator, where else are we going to make up the other roughly 6,000 megawatts of offshore wind that we need to meet the CLCPA goal?

Because if I understood you correctly, there's about 3,000 that's going to come in from the projects off of Long Island. Where is the other 6,000 megawatts coming from?

SENATOR PARKER: Madam President, through you. So when we talk about the total of 9,000 megawatts, that is all offshore wind. Right? And almost all of that offshore wind, in my understanding, is coming from this particular -- this set of projects off the shore of Long Island. Right?

What we're now discussing in the context of this legislation is one interconnection. There will be other interconnections, but right now we're dealing with this one interconnection. So there will be other interconnections that happen along the South Shore of Long Island.

SENATOR CANZONERI-FITZPATRICK: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: Thank you.

Through you, Madam President, if

we're looking at trying to get to 9,000 megawatts, are we going to be building further into the ocean south of Long Island? Are we going off the North Shore of Long Island? Where is it anticipated that we're going to get 6,000 more megawatts of power, of offshore wind?

SENATOR PARKER: Through you, Madam President. So this process is an organic process. And so this -- there's some projects that are already planned, there's some projects that are being planned. We know that when we finish building out and -- planning out and building out, that the goal is 9,000 megawatts. So some of the other projects are not quite fully planned out.

There is an opportunity for all of us to be involved, including community members, to be involved with ORES, the Office of Renewable Energy Siting, to be involved in that planning process of the projects that are going to be built out. And not just on the issue of offshore wind, but all the projects that we're going to build out throughout the State of New York, irregardless of the type of technology we're going to be using to build them out.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So the information that I have is that New York now has five offshore wind projects in active development, the largest offshore wind pipeline in the nation totaling more than 4300 megawatts, and representing about 50 percent of the capacity that we want to reach by 2035 for the 9,000 megawatts that's the goal of the CLCPA.

And what I'm trying to find out is, are we going to continue to disrupt our Long Island coast, or is there anyplace else in the state that we are going to get offshore wind from?

SENATOR PARKER: Madam President, I think what the Senator is indicating to me is not different from what I've said. Right? Which is that some of the stuff is being built out, some

things are still being planned out. And whether it's offshore or whether it's onshore or other types of technology, there are projects that are happening.

This particular legislation is about one particular project. So if she's -- if the Senator is interested in conversations about what's going to be happening in other places, she probably should talk to the people at ORES.

But this legislation is about this specific interconnection that needs to happen in order to facilitate this 3.3 gigabytes -- I'm sorry, gigawatts of energy.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: Thank you, Senator.

I wanted to ask, too, if you've had any communications with the Long Beach public

officials regarding the alienation that's in your bill.

SENATOR PARKER: Through you, Madam President. I have not directly had any contact with them. But the elected officials in Long Beach have issued a home-rule, which indicates that they support the project.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So through you, Madam President, I'd like to know if the sponsor had any information, communications with the constituents of Long Beach regarding the alienation that has been proposed.

SENATOR PARKER: Madam President, again through you. Leaning on my last response is that there are elected officials who actually represent Long Beach. They have issued a home-rule, which means that they have approved of

this project and this legislation.

And so we really have leaned on the fact that the people who represent the constituents are saying that they want this project and have approved of this project.

SENATOR CANZONERI-FITZPATRICK: On the bill, Madam President.

ACTING PRESIDENT PERSAUD: Senator Canzoneri-Fitzpatrick on the bill.

SENATOR CANZONERI-FITZPATRICK: Thank you, Senator Parker, for yielding for the questions.

This is an extremely important, massive project that's going to have an unbelievable impact on my district. And as I stated before, I'm very troubled that my alienation bill is still pending, yet was copied and pasted into the bill that we're about to vote on. I think it is unprecedented that this has happened, according to what I've been told.

I have spoken to public officials from the City of Long Beach, and they were unaware that my bill was hijacked. And not to say that there weren't other public officials that communicated with the other side of the

aisle regarding this. But again, this is very troubling.

I do have my doubts that the community truly wants to move forward with this, because there are many, many concerns that they have raised that have been unanswered. And it goes beyond Long Beach. It's going to affect Island Park and Oceanside, as I spoke about before.

I do appreciate the fact that we're trying to have clean energy and that we have a goal of offshore wind. But I do want someone to consider that we cannot destroy the coast of Long Island in order to meet the goals of the CLCPA of 9,000 megawatts. As I stated, we're looking at roughly half of that goal in three projects that are off Long Island. And those coastlines are going to be impacted drastically by the visibility of these wind turbines, the transmission lines that are coming through Long Beach, through our Reynolds Channel.

I have people that are asking me, Would you want the transmission lines to go under your home? Because there's the fear of health issues that result from the transmission lines.

And as I said before, you know, we've had at least 14 dead whales show up on the coast of Long Island and New Jersey. And I don't know if it's related to this turbine mapping that's going on. And I don't know for sure that there is a health risk to anybody that comes close or lives close to those transmission lines.

But I can say with pretty good certainty that the property values are going to be affected when people know that there's now a transmission line under their home. And I can say with great certainty that Long Beach is going to be disrupted for quite a long time while this project goes on, and their beaches dug up, and Reynolds Channel is dug up, and that there's a seven-story transfer station that's now going to have a perpetual hum that the residents of Island Park need to listen to. And never mind the fact that there is now a seven-story building in a community that doesn't have anything higher than three stories.

So what I am so troubled by is that Equinor has hosted what they claim to be community forums where people are able to, you know, express their concerns. They've been

staged. They have not really listened to the concerns of the residents.

And as I said, all of these concerns, maybe they're not really concerns at all. But I think the residents have a right to know what the answers are to their questions before this project pushes forward. For those reasons, I held my alienation bill.

Unfortunately, it is -- I've been overruled, and that means that the constituents of the 9th Senate District are being ignored as well. And that, to me, is troubling. Because no matter whether you are a Republican or a Democrat representing a district, we want our constituents to be heard at all times. And I am very troubled by what has gone on here.

For those reasons, Madam President, I will be voting no. Thank you.

ACTING PRESIDENT PERSAUD: Senator Borrello.

SENATOR BORRELLO: Thank you, Madam President. I'm sorry, I'm causing trouble again, so -- on the bill.

ACTING PRESIDENT PERSAUD: Senator Borrello on the bill.

SENATOR BORRELLO: You know, Senator Canzoneri-Fitzpatrick and I share an issue here, and that's an issue that we're going to have these offshore wind projects potentially disrupting not just our -- the land in the area, but literally our quality of life.

You know, I look at this bill and it says, you know, that NYSERDA is going to conduct a study to see, you know, impacts on the marine ecosystem, impacts on local municipalities, streamline the process -- all those things that sound good, but here's the deal. Here's the dirty little secret. NYSERDA spent a year, over a year doing a study on placing wind turbines in -- industrial wind turbines in the waters of Lake Erie and Lake Ontario.

And we were told by my -- I was told by my colleagues in the EnCon Committee that we have to wait for the study, it's very important. Because I had a bill that would stop that, that would be a moratorium on placing those wind turbines in freshwater. Which is, in the case of Lake Erie, the drinking water for over 11 million people. So we understand that, but we have -- we trust the process, we'll let NYSERDA do their

study.

Well, then the study came out. And lo and behold, the study said don't do it. The risks are too high, the costs are unknown. The impacts are unknown. There we go, there's the study.

So I brought my bill back to the EnCon Committee. And what was the response? Whoa, whoa, we don't know about this NYSERDA study and the Department of Energy may disagree with it, the federal Department of Energy. Which -- what do they know about Lake Erie? Nothing.

So that same thing is likely going to happen with this NYSERDA study on Long Island. If they don't get the results they want, they're just going to change the rules.

So here's the problem. The only thing green about green energy is money. There's a lot of money being made out there. First and foremost, let's talk about offshore wind in general. Offshore wind, the cost -- just the cost alone of building the infrastructure, building those wind turbines out in the water, is many, many, many multiples more than wind

turbines on land. The cost of generating that electricity is at least double that of wind turbines on land.

So why are we doing this? Are we out of land? No. I don't like them on land either, let me tell you, because this is just a big boondoggle, waste of money. But we're doing this so we can pretend that we are the climate champions, that we're going to save the world. Because you know what? When you define something as an existential threat to humanity, you can justify doing a lot of really bad things in the process.

And that's what's going on here. We're destroying ecosystems, slaughtering animals, tearing up land, destroying our quality of life, contaminating drinking water. It goes on and on and on.

But we're saving the planet here, folks. That's what this is all about. We're going to justify it. We're going to say, you know what, it's okay to destroy the environment, because we're going to save the planet. It's a load of you know what.

And in the end, what are we going to

get? Well, I'll tell you what we're going to get. We're going to get a lot of very expensive projects, billions of dollars. And what's going to happen to climate change? What kind of impact are we going to have? Zero. Nothing. New York State accounts for 0.4 percent of all the greenhouse gas emissions in the world. So if we do all this, wreck our economy, wreck our quality of life, destroy our property values, kill whales, fish -- what are we going go get? Nothing. It's a big ruse.

But a lot of people are going to make a lot of money. All those foreign companies, all those Chinese-made solar panels and wind turbines, the slave labor that's used to mine rare-earth metals in places like the Congo -- child labor, the Uyghurs that are enslaved in China right now. We talked a lot about slavery yesterday. There are slaves in China right now mining products so you people can drive electric cars and say "I'm saving the planet." That's what's going on.

Well, you know what, we can justify slavery, modern-day slavery -- not 200 years ago, not 300 years ago, today's slavery, because we're

saving the planet. That's what's going on here.

So this, this is just another ruse. This is just another payoff to donors who are going to be making a lot of money off of this project. That's what this is about. That's what this is about. That's all it's about. And in the end, there's going to be a lot of people that are going to be very unhappy. At the very least, their quality of life is going to be destroyed.

So I'm voting no on this and anything else that has to do with this ridiculous boondoggle CLCPA stuff.

I'm voting no. Thank you.

ACTING PRESIDENT PERSAUD: Senator Wal -- Senator Martins.

SENATOR MARTINS: Why, thank you, Madam President. I was wondering if the sponsor would yield for a few questions.

ACTING PRESIDENT PERSAUD: Will the sponsor yield.

SENATOR PARKER: Madam President, I'll yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Thank you,

Senator Parker. I was wondering if you would tell us if your district is -- has any waterfront in your district in Brooklyn.

SENATOR PARKER: Madam President, it does.

SENATOR MARTINS: Thank you, Madam President. Through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Senator, I was hoping you could tell us that -- you've been here for many years. We've shared this chamber for many years ourselves. I was wondering if you could tell us whether or not during all the years that you've been here, whether or not there has been a parkland alienation bill proposed by another Senator in this chamber which affects your waterfront without your consent.

SENATOR PARKER: Madam President, I only got waterfront in the last six months, and so that would not have been a -- a possibility.

In this particular case, this particular project is of substantial interest and benefit to the people of the entire state, and so it's necessary.

SENATOR MARTINS: Madam President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: The sponsor yields.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Thank you, Senator Parker.

I'll then ask, since waterfront is a recent addition to your district, if anyone -- any other Senator has ever gone into your district to introduce a parkland alienation bill without your consent, without even consulting you in submitting a parkland alienation bill, if that has ever happened to you.

SENATOR PARKER: Madam President, I'm not sure. I need to check LRS.

SENATOR MARTINS: Madam President,

through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Senator Parker, I'm wondering if you could tell me whether or not you're familiar with any other offshore wind projects that are landing on Long Island, either off the South Shore of Long Island or off the East End of Long Island.

SENATOR PARKER: Madam President, through you, I am familiar. There's at least -- there's a number of them. There's at least three of them that are being worked on now, and a few others that are in planning.

SENATOR MARTINS: Thank you. Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR MARTINS: I do agree that there are several of them, probably two, three or so, and others in the works.

I was wondering, perhaps, Senator, if you have submitted parkland alienation bills for those projects in their respective communities where those cables would be landing onshore, similar to what you're proposing here today.

SENATOR PARKER: Madam President, not yet. But the night is young.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Would it surprise the sponsor if on -- in those instances the local community and the developer, the offshore wind developer, were actually able to come to terms and to reach agreement on proper local community

hosting benefit agreements as well as the local Senator being able to submit parkland alienation bills which would allow not only for the state to allow it, but the local communities, whether it's the towns -- actually, two towns Out East, on Eastern Long Island -- to reach those agreements on their own in a process that has historically been collaborative, one that involves not only local governments, the developer, but the state representative representing that area.

I was wondering if you could tell me if you're familiar with that.

SENATOR PARKER: Madam President, this legislation that's before us now is not forcing anything on any community. It simply is permissive to allow the agency to be involved in it. And in fact, the local elected officials have in fact put forward a home-rule message which indicates that they agree with the project.

And so this is not something that is being put on a community. In fact, the leaders of that community have agreed to it.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: So are those other projects that were approved off the East End of Long Island and off the South Shore of Long Island, were they equally as important as priorities to the state in reaching its CLCPA goals?

SENATOR PARKER: Madam President, this legislation is about a specific project. Right? And a specific interconnection around a specific project.

Now, what's happening with other projects, you know, we have to kind of wait and see kind of where we're going to be with those things. But let's understand this. That there is an existential threat to our planet. And New York State has done what it's done, as the Empire State it has led the way on creating a first-in-the-nation, very bold program in order to address that.

And so there's going to be things

that we need to do, and all those things are not going to be comfortable. But they are in fact quite necessary and proven by science. And so here we are in this moment on a micro level, after we've already approved some offshore wind projects, now looking to make sure that that electricity that we're producing offshore can in fact get onshore to in fact light and heat the homes and roadways and the businesses of the Senator's constituents, his neighbors, and his friends.

SENATOR MARTINS: Thank you.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: I was wondering perhaps if the sponsor has been to Long Beach to visit the location where this cable would actually be making landfall.

SENATOR PARKER: Through you, Madam President, I have. Actually, Long Beach is

one of my favorite beaches.

SENATOR MARTINS: Thank you.

Madam President, through you -- and I don't disagree, it's a great beach -- if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: And it's got a great boardwalk.

But I was wondering if you could tell us if you're familiar with any other potential landing sites for this offshore wind cable. Or whether -- excuse me. Or whether or not there were other discussions involving other sites outside of the one that you proposed in this bill.

SENATOR PARKER: Madam President, through you, that was a negotiation that frankly the community, before they issued a home-rule on this particular site, should have been negotiating.

And so we're right now, in the

context of this legislation, addressing what was put before us. And not the, you know, options that may in fact have been going on in that context.

SENATOR MARTINS: Thank you.

Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: So as part of any parkland alienation bill here, here and in the other house, there has historically been a requirement that for every property that is -- every piece of parkland property that is being alienated, that there be a -- at least another piece of parkland that is dedicated of a similar or larger size to the one that is being alienated.

Are you familiar with that policy, Senator?

SENATOR PARKER: Madam President, through you. I'm familiar with that practice.

I'm not sure it's policy.

But there is language in the bill that in fact allows that.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Well, I think policy, practice -- it may be practice here, it may be policy in the other house. I guess we can discuss that.

But I was reading that particular section of your bill, and I see that your bill doesn't speak to a trade in lots and in property but in fair market value, that there would be a contribution somehow, a payment of value, as opposed to the dedication of parkland. Something that, you know, we've all striven, certainly, whether it's a policy or a practice, to make sure that for every square inch of parkland that is taken out, that there is at least a square inch

or more of parkland that is dedicated for the benefit of the residents of the great State of New York. That's been our practice or our policy.

And yet in this bill, Madam President, I see that we're talking about money, fair market value. Perhaps the sponsor can speak to that?

SENATOR PARKER: Madam President, through you. I'm going to make two quick points.

The first is that this is something that's done in public policy often, generally, and is referred to as being Pareto-optimal. Right? Pareto was an Italian economist who said that in fact if you can substitute -- if you disenfranchise somebody or, you know, make people uncomfortable because of something, if you can give them money, that it becomes still a good option to do from a policy perspective because you can essentially trade money for their discomfort. Right?

And so from a broad policy perspective, this is something that is generally done. In the context of these kinds of specific deals, it is also done very, very often. Most of

the time they appear as, you know, upgrades or development or, you know, projects in which you're saying, Okay, we're going to put it back and then on top of that we're going to give you, you know, a boathouse or bathrooms or we're going to do something from a capital perspective to upgrade the land that's been alienated. Right?

And so that's a common practice, both here in the State of New York and within the context of these kind of projects.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: Thank you.

So there are four different municipalities, from my understanding, that were involved in negotiations with regard to a possible landing site: The City of Long Beach, the Town of Hempstead, the Village of Island Park and the Village of Atlantic Beach, all of which

were having discussions with the developer.

Did anyone ever bring that to your attention with regard to your efforts here today to include this parkland alienation bill in your bill?

SENATOR PARKER: Madam President, through you, I did not have specific conversations with those folks about this specific legislation. We did lean on the fact, as we often do here in the State Legislature, on the fact that we had a home-rule message that indicated that the community approved of the project and we were willing to go forward.

SENATOR MARTINS: I thank you for that. I do.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: So there were no discussions with the local community. You became aware that there was a home-rule message. May I

ask how you became aware that there was a home-rule message pending in this house with regard to a bill that had been submitted by somebody else that wasn't before your committee?

SENATOR PARKER: Madam President, through you, because they gave it to us. That's how we became aware of it. They sent us the home-rule.

SENATOR MARTINS: And Madam President, through you. When you say "they," Senator, who --

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR PARKER: Yes, I continue to yield.

SENATOR MARTINS: Pardon?

SENATOR PARKER: I'm just telling the President I continue to yield.

SENATOR MARTINS: Oh, thank you. Thank you.

Who is "they"? Who sent you the home-rule message?

SENATOR PARKER: From the City of Long Beach, Madam President.

SENATOR MARTINS: Madam President,

through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: So do you recall, Senator, who reached out to you from the City of Long Beach with a copy of the home-rule message?

SENATOR PARKER: Madam President, there was no -- I didn't look at -- I looked at the home-rule. I didn't look at the email address and all the other -- the things attached to it.

You know, again, getting a home-rule message on legislation that affects local communities is a standard operating procedure here in the State Legislature. It's not something odd. It's not something unusual. And so when you receive one, there's not -- you know, it's not overly critiqued. You get the home-rule message, you confirm that he got it from who he's supposed to get it to, you look at it, you have to say you have it, and then you move forward

based on the fact that you have it.

Again, what we -- the -- the practice of what we always do with home-rule messages.

SENATOR MARTINS: Thank you.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: The sponsor yields.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: So in fact in this house we have historically had a counsel that reviews home-rule messages to verify whether or not they are in order, to verify that they actually comply with the requirements of the house. There's a corresponding verification similarly in the other house.

Did you check with the counsel to determine whether or not that home-rule message that you received had actually been received by them and had -- and whether or not it met all of their criteria and requirements of the house that

we would normally require for a home-rule message?

SENATOR PARKER: Madam President, through you. I need some clarification. When you say -- when the Senator says check with "them," who was I supposed to be checking -- who are we supposed to be checking with in order to determine what?

SENATOR MARTINS: I will clarify --

ACTING PRESIDENT PERSAUD: Senator --

SENATOR MARTINS: -- Madam President. We've always had -- and I'm assuming we still do, I haven't done a parkland alienation bill yet this session -- a counsel who is responsible for reviewing those home-rule messages to determine whether or not they are in fact compliant and, if they are, we're able to move forward with our legislation.

I'm curious, since you received it from the city directly, whether or not you checked with Senate counsel to determine whether or not it actually met the requirements of the Senate to see whether or not it was compliant in order to be used in your bill.

SENATOR PARKER: Madam President, the home-rule message has been part of the record of this project for a number of months, going back, you know, I think probably to March. It is in the system. Anyone in the Senate could actually access it. If any Senator here would look to see a copy of it, we will make sure that they see it. But they all have staff that know how to look at the system.

And it's part of the public record that a home-rule message on this particular project has been received by the New York State Senate.

SENATOR MARTINS: Thank you.

Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: And I appreciate that, Senator Parker.

Did you then in fact, upon receiving it from the City of Long Beach, go to check to

see whether or not it was actually filed with the Senate? Because you didn't get it from the Senate, right? You said you got it directly from Long Beach?

SENATOR PARKER: Madam President, through you. We, the Majority in the Senate, the counsel's office received it. So when I talk about we received it, I didn't personally receive it. It didn't come to my email address. It came to the Senate. And the counsel's office received it as they receive many other home-rule messages and properly placed it on the system and filed it in the way that we typically file home-rule messages for our records.

And so once I got indication that we had received a home-rule message on it, I understand that we have people who do that, and I let them do their job so they let me do my job.

SENATOR MARTINS: Thank you, Madam President. Through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR MARTINS: I thank you for that, again.

But I had asked you earlier how you got it, and I was asking how you, you in your individual capacity, you, your office got it. Not how the Senate Majority got it, not how it was filed with this body, but how you got it. How did this home-rule message make its way to you to, to your office, in order for you to take it and to incorporate it, to know that there was a home-rule message and know that you wanted to intervene and include a -- your existing bill to include this piece in your bill? How did it come to you?

SENATOR PARKER: Madam President, through you. So this is a teaching moment for the people of New York State who may be watching this and care about how things actually work in the New York State Senate.

There is a thin line between my staff and the staff who make up the Senate Democratic Counsel's office. They work together. Half the time, I don't know -- when I look, turn back, I don't know whether they're my staff, the

Senate staff. But I know they work here and they're smart people.

In this particular case, we were informed by counsel's office that there was a home-rule message. And that's how we received it. There was no need for my staff specifically to receive it, because this is a public process. It is available publicly. It is available to every member of the Senate. And it is the way that we typically do things. This is not a, like, odd thing or unusual circumstance. This is -- this is a day in the life of the Senate, is to receive home-rule messages on legislation that affect local communities.

SENATOR MARTINS: Madam President, through you, if the Senator would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MARTINS: I appreciate the teaching moment we just had. And I want to ask you, then, if this is common. Because it is

important to how we get to the point of this particular bill.

Madam President, on the bill.

Thank you, Senator Parker.

ACTING PRESIDENT PERSAUD: Senator Martins on the bill.

SENATOR MARTINS: So we have an offshore wind developer who's having trouble with a local community in reaching agreement with regard to where they're going to land their offshore cable. It's not unique.

These projects I referenced Out East, off the East End of Long Island, took a long time. Some of them involved litigation. There were fights over whether or not the landing cable would be in one area of Easthampton or in another area, whether it would come onshore at a county park or a state park. There were discussions about the impacts to the local community and discussions about how those off/onshore cables, when they landed, how they would then interface with the transmission system if there's a substation in the area, and the logistics involved in doing that.

Those are decisions that are left to

local communities, and rightfully so, because you want to make sure that your local villages and towns and cities have the ability to have those conversations and that they work with their locally elected State Senator and Assemblymember to ensure that they're working collaboratively and that one piece doesn't move ahead before all of the pieces are in place.

And sometimes it takes time. Because, you know, as Winston Churchill once said, Madam President, democracy is the worst form of government -- except for everything else.

So it is democracy. And we do expect that it's going to sometimes be difficult. And I don't know what the process is when you're dealing with community boards in New York City, and I don't know whether or not those are more or less difficult than dealing with some of the local communities that we have with our villages and towns. But I would not, under any circumstances, ever go into another Senator's district and pretend to go and take over a parkland alienation bill that belongs in someone else's district, because that's not what we do here in the Senate, whether you're in the

Majority or whether you're in the Minority.

I can tell you this. I had the honor or serving in this body as a member of the Majority and as a member of the Minority. And I can tell you that we would never, ever do that to a colleague and do that to their local communities. Under any circumstances.

So it troubles me, as a person who loves this institution and believes in protecting the integrity of the institution. As it falls to each one of us as members, it's up to us to protect it. So when something happens that just doesn't seem right, we have to ask ourselves why that is.

This one doesn't seem right. Not only do we not have the proper, in my view, alienation of parkland requirements that has another parcel of land, another piece of land that is going to be dedicated to parkland to substitute for this, but we have a colleague going into another colleague's district and interfering with negotiations that were taking place with the developer.

Now, I know Senator Parker to be a colleague, a person of integrity. And I'm not

casting any aspersions at all, nor would I. But I'm concerned. I'm concerned because the only group I think that benefits from this is the developer. I am. Because they want a fast answer, they want to fast-track this. They don't want to have to deal with the local communities. They do not want to have to negotiate with multiple bodies to figure out where they're going to land that cable. And yet here we are.

So I can only ask that the sponsor reconsider this bill, under the circumstances, to allow the process to play itself out. It's entirely up to the sponsor. It's not up to me. It's not my bill. I don't have the authority to strike the enacting clause and to allow this process to move forward.

But I can tell you that there were questions here that would impact each and every one of us if this were in our district. And I can tell you that if this were in my district, I certainly would be more upset than I am right now, and I'm pretty upset right now. Or at least disappointed in how this is playing out.

So we all want renewable energy. We all understand that that's going to be part of

our future. We understand we're decarbonizing here in the state and we're moving to a carbon-neutral future and we're making great strides and great investments in this state towards that end.

But it should not come, ever, at the expense of the integrity of this institution and the respect we need to show for each other as members of this body.

Madam President, I vote nay.

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 10. This act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Parker to explain his vote.

SENATOR PARKER: Thank you very much, Madam President.

So I really just wanted to get the

record straight about a couple of things, one of which is that this project is necessary. It is one thing to talk about big, you know, kind of goals that we have to set in the context of dealing with our climate crisis. But that then gets down to the nitty-gritty of looking at projects.

And some of the things that we're going to have to do is going to have to disrupt the way that we've been doing things. Doing things as we've been doing them is what got us into this trouble in the first place. And so the definition of insanity is to do the same thing over and over again and expect a different result.

We're not going to create a clean energy future by continuing to use fossil fuels. And so you have to create clean energy projects. Clean energy projects are going to require us to in fact do things differently. And it's something that's going to be disruptive to the way that we're moving day to day.

This notion that the climate crisis that our planet is facing is some kind of made up crisis, and the fact that we have climate crisis

deniers in this chamber is exactly why it's important for us to be really, really forward about what needs to happen here.

And the fact that -- honestly, I'm going to tell you why I stood up. Let me keep it -- lemme keep it funky witchu, Senator.

Somebody's going to tell me that they're concerned about slavery in China when yesterday they couldn't even acknowledge the enslavement of African people in this very country, and vote against a bill that required reparations. And now --

ACTING PRESIDENT PERSAUD: Senator Parker -- Senator Parker --

SENATOR PARKER: And now you're upset about slavery in China? Really?

ACTING PRESIDENT PERSAUD: Senator Parker, if you can just bring it down a little, please.

SENATOR PARKER: Okay.

ACTING PRESIDENT PERSAUD: Thank you.

SENATOR PARKER: But I'm just saying like you're concerned about China, China, not America. You're concerned about China and

possible slavery in China and a documented history of enslavement here that you don't even want to provide restitution to? And so you're going to deny enslavement of African people and you're going to deny a climate crisis, here in 2023 in this chamber. And wonder why your party languishes in the Minority.

It's outrageous. And it's insincere. And it's ridiculous. You may not like the process, but this is what must be done.

I'll leave you with a little piece. There's a professor at the Kennedy School of Government at Harvard University called Martin Linsky. He wrote a book called Leadership on the Line. And Martin Linsky argues that leadership is not a noun but a verb. That no one is actually a leader; you just have leadership moments. And those moments are when you're doing something that's unpopular. When everybody's doing something that everybody agrees with, that's not leadership. All you're doing is being a representative.

Leadership is about when there's a real problem and people are upset about how you're going to solve it, and you decide to go

forward. And that's what the Democratic Conference of the State Senate continues to do every single day, is look at the things that are going on in our communities and confront them head on.

And sometimes people are upset about that, and I get it. But we can't allow NIMBYism to stop our climate goals. We can't allow people not being able to go to the beach in a certain section for a few months to stop the build-out of a clean energy economy. We certainly can't allow climate deniers to control the narrative and the policy of what must happen at such a critical time as the one that we're in.

And so I stand in defense of not just this legislation and how it's necessary to reach the climate goals of our great state, but I stand really to make sure that truth is being told in this place and that people understand that just saying something and acting like it's true -- and you know it's not true -- is not honorable in this place. It's just simply not.

And I know that people do that all over the country, and we had a former president who did that -- and now he's getting his just

deserts because he did that. But that's not a thing here in this body. And as people indicated, I've been here a long time, and just -- and not that I've been in a place where I've felt like people are just saying whatever they want to say in -- in defiance of the truth.

I vote aye.

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

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Madam President.

I heard during the debate that this is going to be disruptive and uncomfortable. You know who it's not going to be uncomfortable for? The people in New York City that are pushing all of this. So I have an idea. You know, I've been in New York City, there's lots of tall buildings. I've been to the top of a lot of them -- Rockefeller Center, the Empire State Building. It's really windy up there, all the time.

We should start putting wind turbines at the top of every single building in Manhattan and everywhere else. Because if we're

going to have to sacrifice, if we're going to be sacrificing because this is such an existential threat to humanity, I want those folks that spent five, ten million dollars on a co-op in Manhattan to maybe have to have a wind turbine across -- on the building across from them, and watch the shadow flicker as the sun sets.

Then we'll see how much of an existential threat to humanity that is when it starts impacting their property values, their quality of life. It's really great to be sitting in the concrete canyons of New York City talking about how this is such an important thing, a threat. New York City, 30 percent of your energy comes from renewable energy, 70 percent from dirty, old-fashioned coal and oil and everything else. Upstate, 90 percent renewable energy.

We aren't the problem. You folks are. So about how you step up and be a little uncomfortable for yourselves. Start putting all that stuff on your buildings, disrupting your lives. Then we'll see how committed you are to the climate crisis.

I vote no.

ACTING PRESIDENT PERSAUD: Senator

Borrello to be recorded in the negative.

Senator Lanza to explain his vote.

SENATOR LANZA: Madam President, I'd like to take this -- to explain my vote, take this in a different direction. Right?

I appreciate the passion. I get it. If you don't get mad at things, then you probably are not -- you probably don't care about them either.

You know, the opposition here is pretty simple, it really is. And it's not about NIMBYism. I served with my good friend Senator Parker in the City Council, and local land use issues sometimes are the most important things that happen in our districts.

The issue here is not really -- it's not about the energy, the wind turbines, the clean energy, the climate, the climate deniers, the climate theorists. It's simple. We have a member here who cares about her community. She lives there, just like every one of us lives in our districts. There's a company, whether it's a clean energy company, a turbine company, a lollipop company. They're coming into her district and they want to rip up the roads, they

want to rip up the streets, they want to rip up the beaches and they want to go through people's homes.

And all this member is saying is that the people that are there should have a say is how that happens. I hear all the time, you know, big business gets to run roughshod over people. We hear that all the time, that it's this side of the aisle that allows that to happen. And this is what we do; we say, well, you make that happen so I'm going to make that happen.

That's what's happening here. This is a big company that's saying, We're going to come where we want to come, we're going to rip up the streets we want to rip up, we want to rip up the beaches that we want to rip up, we're going to do it on our timeline, we're going to disrupt your community for as long as we want, and we don't even want to hear what you have to say about it.

And I know Senator Parker, I've known him a long time. He doesn't like that either, and he fights against that.

And I understand there's this bigger

picture. But right now the opposition is really closer to the ground, and that's what this opposition today on this side of the aisle is about.

Madam President, I vote in the negative.

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

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Madam President. I'll be brief.

You know, the CLCPA, C, L, C, P, A, it sounds -- it sounds impressive. It actually stand for Climate Leadership and Community Protection Act. Climate Leadership, Community Protection Act. We heard about climate leadership, but no one wanted to talk about community protection and the need for us to protect our local communities when it comes to making these decisions.

And this is every bit as much about protecting those communities in Long Beach as it is anything else. And the ability of the Senator that represents the great City of Long Beach to do just that.

So before we throw stones, before we make claims that the ends justify the means -- which I don't believe is the case. It certainly shouldn't be -- Madam President, let's understand, we're not climate deniers. It has nothing to do with that. It has to do with process.

And for that reason, again, I'll be voting nay.

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

Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Madam President.

I was listening with interest to a very passionate debate and just wanted to add my two cents here.

Just to be clear, there is no requirement that someone whose district is affected by a particular project has the ultimate say in this body as to what happens to it. And it has happened many, many times, despite the protestations from my colleagues. Because there are a lot of things that have bigger

complications than just a particular local effect.

Now, I heard the comments from one of my colleagues, and I started chuckling in my seat. It was said that this is a big company, they want to come into the district, rip up what they want to rip up, disrupt what they want to disrupt, don't want to hear about what you have to say about it.

I feel like I made that statement, back in 2018, 2019 when a big bad company known as Amazon tried to come into my community. And the people on that side of the aisle berated me for it -- to this day, five years later.

I didn't have the time, unfortunately, while I was preparing to explain my vote to look up some of the things said by the very people sitting on that side of the aisle about why what I was doing was really bad because it wasn't considering the bigger picture. It was said I wasn't considering the effect on jobs on Long Island, and that's why I was criticized for taking that position.

Back then, the Long Islanders among us didn't care about the local person or the

effect that would have had in that district, in that community. I was the bad guy back then. But now the shoe is on the other foot, and it's funny how the hypocrisy rains down.

We're doing what we have been elected here to do. I don't need to remind my colleagues that we have a majority, and so we get to decide what bills pass and what bills don't pass. Because the voters of this state have empowered us to do that. And in this case, we want to create the opportunity for a renewable energy project to go forward.

By the way, we're not mandating it go forward. We're giving it the opportunity to continue in the process. And that's why this is a good vote.

And just to correct the record, Senator Parker was never in the City Council as far as I understand, so I think Senator Lanza must have been thinking of other times they worked together. But just so no one thinks he was in the Council.

SENATOR LANZA: I misspoke.

SENATOR GIANARIS: I vote yes, Madam President, and I thank you for the

opportunity.

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

Senator Rhoads to explain his vote.

SENATOR RHOADS: Thank you, Madam President.

And I thank Senator Gianaris for his comments. I think the difference here, though, is that in the case of Amazon, you had the opportunity to be heard. And in this case, Senator Canzoneri-Fitzpatrick has not had the opportunity to be heard, was not even consulted -- and with respect to a project that was going on in her district.

Process does matter, no matter what the goals are. Leadership is not bending people to your will. Leadership is building consensus. Leadership is being respectful of the opinions of others, considering those opinions, and trying to work collaboratively towards a common goal. That did not happen here.

And my colleague on the other side of the aisle who is the sponsor for this legislation was very passionate. But I think he was very passionate about the fact that he was

called out on something that should never have happened, and called out on something that in the past in this chamber, as is my understanding of its history, would never have happened. But rather than acknowledge that, we got the theatrics.

The bottom line is we have a community on the South Shore of Long Island that is now bearing the brunt of the CLCPA without being asked, without being consulted. They are the ones that are feeling the impact for the benefit of the rest of the state. Whether you're the majority or the minority, the least that you can do is consult and work collaboratively with the residents and with the representatives, their representatives in that district, to ensure that somehow we might be able to work together to make sure that all interests are being protected.

That did not happen here. It's wrong. It was wrong 10 years ago. It's wrong now. It will be wrong 10 years from now.

So, Madam President, I vote in the negative, and I urge my colleagues to do so.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 668, 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, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 42. Nays, 21.

ACTING PRESIDENT PERSAUD: The bill is passed.

(Pause.)

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 746, Senate Print 2943B, by Senator Kavanagh, an act to apply the Housing Stability and Tenant Protection Act of 2019.

ACTING PRESIDENT MAYER: Senator Martins, why do you rise?

SENATOR MARTINS: Madam President, I was hoping that the sponsor would yield for a few questions.

ACTING PRESIDENT MAYER: Senator Kavanagh, do you yield?

SENATOR KAVANAGH: Happily, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: Thank you, Senator.

Now, Senator, I understand that the intent, at least the stated intent of this bill is to clarify the retroactive application of certain provisions of the HSTPA, certainly in light of some Court of Appeals decisions. Would you agree?

SENATOR KAVANAGH: No, through you, Madam President, not really. It's primarily about the prospective applications rather than the retroactive -- retrospective applications of the bill. And I could provide a little context if that would be useful.

SENATOR MARTINS: Through you, Madam President. And I do thank you for that. And certainly, however you choose to answer, Senator.

But my question is in light of certain Court of Appeals decisions, at least it's my understanding in reading the bill and the

references in the summary and memorandum of support, that this bill came directly from at least one, possibly two Court of Appeals decisions and seeks to address those decisions in light of the HSTPA. Is that correct?

SENATOR KAVANAGH: Again, through you, Madam President. For those who -- the HSTPA being the Housing Stability and Tenant Protection Act. My colleagues graciously reminded us of what the CL and the CPA are, so HSTPA is the Housing Stability and Tenant Protection Act, which was passed in 2019.

It was a very broad law that closed a lot of loopholes in the rent laws and provided protections for manufactured mobile homes and changed various provisions of landlord/tenant law.

The particular provision we're talking about here was Part F of that law, and that was a law -- a piece of this law that dealt with how far back the law -- the courts or HCR, in reviewing overcharge claims under the rent laws, should look.

And before the HSTPA, the law was such that there was a four-year lookback period

and a two-year period before any case might be brought where a landlord could be charged treble damages if they were found to have exceeded the legal rent.

The HSTPA changed that lookback period to six years and also changed the provision about the overcharge -- about the damages that can be assessed in overcharge claims. And expressly in the HSTPA it said that was -- that applied to prospective cases and to cases that were already pending, so activities that occurred before the HSTPA was passed.

In a case called Regina Metro v. DHCR, the Court of Appeals limited the retroactive application of those provisions and especially did so to the extent the court found that certain of those provisions would revive claims that had been barred, that, you know, were more than four years old at that point, and claims that would increase liability.

So it was a very nuanced review of the circumstances in which provisions that are retroactive might violate the due process clause of the federal Constitution, among other provisions, and they determined that this law,

that the law as we enacted it in 2019 did indeed in certain respects, to the extent it applied retroactively, violate that clause.

So what this bill does is two things. First of all, it states the legislative intent of this Legislature with respect to overcharge claims and some of those provisions of the HSTPA. The court in Regina Metro noted that Part F did not have a legislative intent, although there was legislative intent in other parts of the HSTPA.

And that it also clarifies -- given that Regina Metro left open a lot of questions about how the law applies prospectively and other matters, it clarifies how this Legislature believes those ought to be interpreted.

But again, mostly leaving -- you know, of course doing that within the constraints put on by Regina Metro -- which, you know, was a case of the highest court of the state interpreting the Constitution -- where we are trying to clarify other aspects so that, given that the Regina Metro case knocked out certain provisions, so courts don't have to fill in some of those gaps themselves, and we are providing

what we believe to be constitutionally firm clarification of how this law -- how this part of the law should work.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: Senator Kavanagh, I thank you for the explanation.

I did have opportunity to review the Regina Metro case and the court's decision in the Regina Metro case. Wouldn't you agree that the Regina Metro case was really about the retroactive application of computations in overpayments of rent and whether or not the court found them to be in violation of due process?

SENATOR KAVANAGH: Through you, Madam President. Yes, they found very specific provisions of Part F as written in the HSTPA to violate the Constitution under substantive due

process and some other provisions, and struck those down. And again, in a very nuanced 20-page analysis of under what circumstances things might be infirm because they're retroactive and in other circumstances where they're not constitutionally infirm because they're retroactive.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: In fact, it was a rather extensive decision -- probably, as you said, somewhere in the mid-20s to upper 20s, and the dissent was actually probably as long as that as well.

And so, you know, the idea that how we apply laws retroactively, sort of changing the rules after the fact and then trying to apply it backwards -- and the court found that you

couldn't do that. Isn't that correct?

SENATOR KAVANAGH: Through you, Madam President. The court -- I guess I'm not sure what the -- I'm lost as to what the "it" was in that question.

SENATOR MARTINS: I'll rephrase, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT MAYER: Yes.

SENATOR MARTINS: So the Court of Appeals decided, in the majority opinion, that you can't apply something retroactively because it's a violation of due process unless, unless you can demonstrate that there was fraud. Isn't that what the court decided?

SENATOR KAVANAGH: Through you, Madam President, no.

Through you, Madam President, my -- first of all, the court did not find that things cannot generally apply retroactively. We very frequently create laws that provide provisions that apply before the date we enact them. We're

going to pass some tax bills later that -- programs and other things that will apply retroactively to some date earlier because they expired previously. So we very frequently pass things that apply retroactively.

But the court found that certain provisions of this bill -- and again, they particularly focused on provisions that revived certain claims against people that had been time-barred before the HSTPA was passed. Meaning there was a four-year lookback and now we were saying the lookback should be six years. So they were saying that certain things that fell in that gap between four and six, which the HSTPA purported to revive, they found that it was a violation of the Constitution to revive those particular claims in that circumstance.

And they also found that certain provisions that imposed additional liability retroactively -- again, in that very fact-specific analysis -- were also barred.

The question of fraud has always been an element of this law. The four-year lookback said you could not look back more than four years unless it was necessary to

demonstrate -- unless there was some evidence of fraud. The HSTPA said you couldn't look back past six years unless there was evidence of fraud.

So both before HSTPA and after HSTPA you could look back before that -- the number of years that was relevant if there was some evidence that there was fraud. So I don't think the court changed that fundamental principle in Regina Metro.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: So as you mentioned, HCR required a four-year lookback, and the Housing Stability and Tenant Protection Act actually went back six years. So the court found that those two years that went beyond the four years violated due process and therefore could

not be enforced.

Is that the purpose of this bill, to overcome that due process impediment?

SENATOR KAVANAGH: Through you, Madam President, no. We -- I -- you know, I may have -- were you on the Court of Appeals at that time, perhaps I would have sided with the dissent or perhaps I would have sided with the majority. I suspect I would have sided with the dissent.

But we are not trying to, you know, overturn Regina Metro, we are just trying to clarify the law within the confines of the Constitution as interpreted by Regina Metro.

SENATOR MARTINS: Madam President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: So to clarify Regina Metro. You know, my reading of the bill is that -- and now it poses a requirement that

the property owner has to retain records and has to be responsible for providing those records, and allows for it going back further than those four years.

Is that how you intended to address the court's ruling in Regina Metro?

SENATOR KAVANAGH: Through you, Madam President. Again, I'm not sure which provision of this bill my colleague is referring to.

But, first of all, the -- you know, the court in Regina Metro did not say that a six-year lookback was problematic in general. It just says as applied to cases, to activities that had occurred before the effective date in June of 2019, it could not be applied retroactively to things that had happened more than four years ago at that point -- unless, again, the fraud exception that was in place before HSTPA could be invoked.

So it basically said that as applied retroactively to activities before the HSTPA, that extra two years was problematic.

And it also -- it did not, as a general matter, say you could not require records

to be kept more than four years. It did make it clear that a property owner's liability for things that happened before June of 2015 might be limited as a result of the fact that the court felt that that would violate substantive due process.

But again, if there's a provision here that my colleagues reads that way, be happy to discuss it.

SENATOR MARTINS: Madam President, through you, if the Senator would continue to yield.

ACTING PRESIDENT MAYER: Senator Kavanagh, do you continue to yield?

SENATOR KAVANAGH: Yes, I do, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: I appreciate it, Senator.

Just to perhaps help us through this, can you tell us what -- since you've mentioned that the bill was written as a way of addressing the court's decision in Regina Metro, tell us in what way you, as the sponsor of this

bill, drafted this to address whatever concerns you had from the court's decision.

SENATOR KAVANAGH: Through you, Madam President. Again, as I mentioned, the court expressly noted that there was no legislative intent in Part F of the HSTPA, although there was legislative intent specified in other parts of the HSTPA.

So this does have, first, a section of legislative findings so that any court that is reviewing and -- you know, in a case where the opinion of the Legislature is relevant and the findings of those is irrelevant, they would have that before them.

So it first of all expresses concern about the fact that current rents may be very -- may be excessive, based on some activities that occurred in the past. It expresses a public policy to the extent rents may be high now because of activities that have occurred in the past, that -- a preference that those be reduced.

And it basically expresses an opinion about a finding, really, that we want to make sure that the prospective application of this law is in place to encourage registration.

Because as many people in this room know, rent-stabilized properties are supposed to be registered. And before HSTPA and after, there have been always been downsides to not registering.

But the effect of having penalties for not registering is -- would be such that they might be encouraged to register prospectively, and that's a desirable thing.

And, you know, there are a few other legislative findings in this, including the fact that we generally think that registration statements are the best basis for determining legal rents in most circumstances.

So it -- again, it lays out those findings and then it has various clarifications about how rents -- the current legal rent ought to be calculated. But again, prospectively, not in a way that looks back and penalizes the landlord for calculations they might have made and rents they might have charged more than four years before the HSTPA was passed.

And it has various provisions about record-keeping, as my colleague mentioned, there were certain circumstances in which

requirements -- again, retroactive requirements of record-keeping were questioned by the court, so it makes it clear that certain provisions of law that were in place then, and variations of those are in place now -- that those don't expressly authorize the destruction of records.

It makes it clear that if records have been destroyed by virtue of being proper -- if they're properly destroyed by virtue of a unit being properly registered --

ACTING PRESIDENT MAYER: Excuse me, can we have some quiet. Thank you.

SENATOR KAVANAGH: If they've been destroyed properly, they were permitted to be destroyed by virtue of a unit having been properly registered, then that might be acceptable.

But if, again, it is not properly registered, they may not -- that it should not be assumed that they were properly destroyed.

And again, I'm summarizing because obviously this is some dense text and there are many other provisions that we're attempting to clarify here. But this text has been available, and we did have an opportunity to discuss this

about a month ago when this bill came out of the Housing Committee.

SENATOR MARTINS: I appreciate that.

Madam President, through you, if the Senator will continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: And Senator Kavanagh, I thank you for that, because that really is at the crux I think of our discussion here. It's the application of that retroactive lookback and the burden shift that you propose in your bill on an owner to have to be responsible for records beyond that four-year lookback period.

And the consequence of their not being able to produce those records would require -- or at least from your bill, the one we have before us, have a presumption of fraud. Isn't that what this bill would do? If the

landlord cannot produce records that go back beyond those four years.

SENATOR KAVANAGH: Through you, Madam President, absolutely not. There's certainly no provision I would read in this bill that creates a presumption of fraud or anything remotely like that. If there is a provision here that my colleague thinks would do that, I'd be happy to talk about it.

SENATOR MARTINS: Madam President, through you. What is the consequence after the four years --

ACTING PRESIDENT MAYER: Are you asking if the Senator will continue to yield?

SENATOR MARTINS: Through you, if the Senator would yield. Thank you.

ACTING PRESIDENT MAYER: Senator Kavanagh, do you yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: So, Senator Kavanagh, what is the consequence for -- and you referenced it just a few moments ago --

for an owner for recordkeeping for a period within which -- beyond the four-year lookback? What's the consequence under your bill?

SENATOR KAVANAGH: Through you, Madam President, the bill -- you know, if you're in a highly regulated business, there are various reasons why one might keep records and benefits of keeping records, including circumstances in which your activities might be litigated.

The -- this bill does not have -- does not impose any specific or strong consequence of not having records. It does make it clear that certain provisions of law, like subdivision (g) of Section 26-516 of the Administrative Code or Section 2523.7 of the Rent Stabilization Code, those provisions shouldn't be construed as permitting records to be destroyed.

But again, if one -- you know, if one is -- you know, this bill does not create some new penalties for destroying records, and it certainly does not create presumptions of fraud where someone might not otherwise think there's fraud.

SENATOR MARTINS: Madam President,

through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: Just so we're creating a record, if a landlord does not have records beyond the four-year lookback period that HCR required, which was referenced in the Regina Metro action, in the court's decision, how would your bill treat the lack of record or the inability of a landlord to produce records beyond those four years?

SENATOR KAVANAGH: Through you, Madam President. The bill does not spell out all the implications of not having records.

This bill does not replace the language of Part F of the HSTPA or the regulations of HCR, the agency that enforces this. It merely expresses certain provisions to clarify what Part F may or may not require with respect to records.

Again, if I were in a situation where the question of whether I've committed fraud might be relevant to my defense of an overcharge claim, I might choose to keep certain records beyond the minimum required. But the bill doesn't -- the bill doesn't impose new recordkeeping requirements.

It does specify that certain laws that someone might interpret to affirmatively permit the destruction of records does not do so. And I'm just giving that as an example of one of the many things this bill does.

But -- and again I would note that just for anybody who might be confused, you know, the hordes of people that are watching at home, no doubt, and trying to learn about the effect of HSTPA's Part F -- because it's a, you know, hot topic for all of us. But the -- I would just note that the current law is a six-year lookback. This case -- these clarifications are mostly about the difference between four years and six years as it applied in June of 2019.

So we're mostly talking about records that would have been between 2013 and 2015, at this point, as being relevant here,

because the -- you know, the -- on a prospective basis, for activities that occurred after June 2019 when HSTPA was passed, we're now four years hence. So, you know, that -- the notion that six years, the primary lookback period, has been in place now for four years.

SENATOR MARTINS: Thank you.

Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: So 2013 to 2015, there's a claim of overpayment of rent brought by tenants in a rent-stabilized building for that period. The landlord does not have those records because when the HSTPA was passed in 2019, the lookback was four years. So if they're not able to produce records between 2013 and 2015, what is the effect for a landlord who cannot produce records and cannot provide any proof as to how those records were disposed of?

SENATOR KAVANAGH: Through you, Madam President. I mean, the actual effect of that would be very fact-specific. It would depend on what the basis is of -- I presume we're talking about an overcharge case, first of all, which is what Part F is about. But it would depend on the basis on which the tenant was asserting there was an overcharge.

You know, for example, there was a case called Roberts which found that for many years, HCR had been misinterpreting the law and permitting deregulation where it was not permitted. This was discussed extensively in Regina Metro, as I'm sure my colleague knows. But there was not much of an indication that somebody was committing fraud if it was an overcharge based on the Roberts decision, because the Roberts decision was the law as interpreted by HCR.

But I suppose that if we're -- before the HSTPA there was a four-year lookback, and the way to get beyond four years was for -- for the petitioner, usually the tenant, to demonstrate that there was some indication of fraud. So I suppose if the tenant, the

petitioner, had some indication of fraud that they were presenting in order to get back into that two-year period that exceeded the four years, the landlord might be at some disadvantage in demonstrating that in fact fraud had not occurred, because they don't have records.

But again, the burden before the HSTPA to get beyond four years was to provide some indication of fraud. So absent an indication of fraud, it would presumably have very little effect on the landlord.

SENATOR MARTINS: Thank you, Senator.

If the sponsor could continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: So I appreciate that.

So if there is the burden on the tenant prior to the HSTPA to demonstrate fraud as

a means of getting beyond the four-year lookback, we can agree that that was the case back then prior to the HSTPA, can't we?

SENATOR KAVANAGH: Through you, Madam President, I'll take that as a question and say yes.

SENATOR MARTINS: The inflection --

SENATOR KAVANAGH: Yeah, I didn't -- I --

SENATOR KAVANAGH: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

(Pause.)

ACTING PRESIDENT MAYER: Senator Kavanagh, do you yield?

SENATOR KAVANAGH: I'm sorry, yes, I do yield.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: I appreciate that, Senator.

So after the HSTPA and I guess this bill before us, does the burden with regard to

proving or disproving fraud shift not to the -- from the tenant to the landlord if they're not able to produce records?

SENATOR KAVANAGH: Madam President, I don't think there's anything in this bill that would have that effect, no. As it was, a court could a -- no, I mean, let me be simpler. I do not believe there's anything in this bill. This bill is mostly about the prospective application of Part F of the HSTPA. And it's about what the rent might be now.

Before the HSTPA it was settled that it was a four-year lookback, and to get beyond the four-year lookback, there needed to be some indication of fraud. The HSTPA made that a six-year lookback, and before -- and to get beyond six years, there had to be some indication of fraud. So fraud was an element in both cases.

And again, this bill is mostly about what to do with rents going forward, not the kinds of penalties and the treble -- like under HSTPA, it dramatically increased your liability of damages if you had overcharged in the past. Because if those overcharges have occurred, you either get treble damages -- again, pre-HSTPA,

for two years of overcharges; HSTPA made it four years of treble damages.

So it was a significant -- it would have a significant impact on a landlord retroactively, the provisions of Part F. Regina Metro said largely those retroactive impacts cannot -- could not be imposed by the HSTPA. And, you know, in a lot of that -- you know, they -- the courts, basically every aspect of HSTPA and most aspects of the rent laws have been challenged in court. But they found this particular provision we couldn't do that kind of retroactive effect.

So largely, retroactive effects here are -- the retroactive effects of that law have been largely rendered invalid. This bill is primarily about the prospective effect, how do you decide the rent going forward based on past activity.

SENATOR MARTINS: Madam President, through you. So what would the impact be --

ACTING PRESIDENT MAYER: Senator Martins, are you asking the sponsor to yield?

SENATOR MARTINS: Through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR KAVANAGH: I do indeed, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: Thank you.

What would the impact be -- or what would the effect be on a landlord who does not have records, in the event that there is an action brought for overpayment of rent?

SENATOR KAVANAGH: Through you, Madam President. I assume my colleague means records that they're not legally required to keep, that go beyond -- I mean, landlords are required under various provisions of law to keep records regarding rent. If they're registering their apartment, then the rent registration itself, which is an annual requirement which we might perhaps talk about in a subsequent bill today -- but that constitutes a record of what the rent was at various times.

But landlords are required to keep records. And if they do not keep records, they're required to keep -- presumably either the

courts or HCR adjudicating a rent claim, you know, will not look favorably upon them. If they don't have records that they're not required to keep, it presumably might diminish their ability to assert certain defenses when a petitioner brings a claim.

But because again the -- in both pre-HSTPA and post-HSTPA there is this question of whether fraud allows you to get back past the lookback number. And the lookback number changed from four to six in the HSTPA, but in either case it might be prudent to have records that show -- that allow you to thoroughly demonstrate that there was no fraud. But of course there would have to be some reason to think there's fraud before you have to demonstrate that.

SENATOR MARTINS: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Senator Martins, your time has expired. This will be your final question.

SENATOR MARTINS: It has expired.

ACTING PRESIDENT MAYER: Yes.

SENATOR MARTINS: Oh. Where did

the time go, Senator.

(Laughter.)

SENATOR KAVANAGH: Allow me to yield and express my disappointment that Senator Martins' time has expired.

(Laughter.)

SENATOR MARTINS: Madam President, thank you.

Senator Kavanagh, we'll continue this again at a different time. But I'm sure one or more of my colleagues may have some additional questions for you.

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

SENATOR PALUMBO: Thank you, Madam President. Would the sponsor yield for a few questions.

ACTING PRESIDENT MAYER: Senator Kavanagh, do you yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Thank you, Brian. Nice to see you.

We've been talking about this for quite some time. Only a half-hour, like you said, goes so quickly. And a lot of those questions that I was going to address were discussed, but I just want to follow up a little bit on the section regarding I guess recapture. Let me find that little -- what I was looking to see.

Can you explain to me, in the event that a unit was deregulated, is there anything in this legislation that would actually allow you to recapture into the rent regulation a unit that was deregulated at some point?

SENATOR KAVANAGH: Through you, Madam President. For clarification -- I guess I'm asking my colleague to yield to clarify his own question. But does he mean a bona fide legal deregulation?

SENATOR PALUMBO: Certainly I'll respond to that, thank you. And Madam President, I certainly will yield.

ACTING PRESIDENT MAYER: Are you asking the sponsor to yield?

SENATOR PALUMBO: Yes. Would the -- I thought he was asking me. But yes,

would the sponsor continue to yield.

SENATOR KAVANAGH: Yes, Madam President.

SENATOR PALUMBO: Thank you. I'll clarify that question.

Either/or. Because I know obviously there are kind of two categories that we look at, I guess, right, one that's fraudulently deregulated -- and I believe is what's addressed in this bill -- and ones that aren't, that are done obviously lawfully.

So can you explain to me the distinction between those two?

SENATOR KAVANAGH: Through you, Madam President. I'd just first of all note that the bill is -- relates to overcharges, and there could be a variety of circumstances in which somebody could be accused of an overcharge, where they did not assert that it was deregulated, they just charged more than the legal rent, or perhaps they claim to have done an individual apartment improvement that allowed them to raise the legal rent but they had not in fact done so.

So there are a number of ways that overcharge claims have come up in the past.

This bill doesn't change the fundamental -- you know -- actually, let me -- I'm not aware of any particular way this bill changes the conditions and circumstances in which you could be accused of -- effectively accused of an overcharge, either through deregulation or through other purpose.

And again, Regina Metro is the defining law on whether you -- whether a retroactive application of any of the provisions that are on the books through Part F would be relevant to that situation.

SENATOR PALUMBO: Would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And with respect to rehabilitation and rebuilding some of these units, does this still allow for certain units, in the event that

they are rehabilitated units, that they're exempt from rent regulation, in the event you put money into the unit or the building?

SENATOR KAVANAGH: Through you, Madam President. I'm going to suggest to my colleague that he may be referring -- he may be asking about provisions that are in Bill 2980C, which is on the agenda today.

This bill does not affect the circumstances in which someone can rehabilitate a rental unit in any particular way. Although I suppose given that it -- if somebody were being accused of overcharge related to rehabilitation, I suppose it could -- it could be relevant in some general way.

But we do have another bill on the agenda that has provisions specifically about rehabilitation.

SENATOR PALUMBO: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The

sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And you know what, I may have been conflating the two, because there are a lot of similarities between it. So let me ask you, then -- let's go back to that Regina case, if we may. And I do have the case in front of me.

And there was -- and I'll read from this one page, I guess it's from the original side, I guess this is about page 385, that the court held, with respect to the United States Supreme Court -- as the Supreme Court has observed, retroactive legislation that reaches "particularly far" into the past and that imposes liability of a high magnitude relative to impacted parties' conduct raises "substantial questions of fairness," citing Eastern Enterprises, from the U.S. Supreme Court.

And again, in the retroactivity context, a rational justification is one commensurate with a degree of disruption to settled substantial rights. In this instance, that standard has not been met.

And so when I read that and then I

compared that to this bill that's currently before us, it seemed as though that -- and as you mentioned earlier, to an extent that the legislative intent is what you were intending to address. Because it seemed that it may have been a little silent.

So when you crafted this bill, was your intention to I guess clarify for the Court of Appeals and future courts that the retroactive application could be expanded and could go -- and records could be reviewed prior to a four-year lookback period? Or prior to, I'm sorry, 2019. Excuse me.

SENATOR KAVANAGH: Through you, Madam President, no. The bill in various places expressly says that we're not talking about -- in most of the provisions we're not talking about retroactive application. It repeatedly says we're talking about the prospective application of various provisions of the HSTPA.

And again, if there is any language in this bill that my colleague believes would impose a retroactive thing that might -- a retroactive effect that might violate the U.S. Constitution, you know, that's obviously on some

level not something for us to decide in this room. You know, courts will decide whether what we do today is constitutional, but there's no intention to do anything that violates the constitutional provisions as interpreted by Regina Metro.

SENATOR PALUMBO: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Now, I just have from my notes, if I may, Senator, that this bill requires owners claiming exemption from regulation -- I guess this went to what we were just discussing a minute ago -- due to substantial rehabilitation to now first file for approval with the Division of Housing, with DHCR. Is that -- is that in this bill?

SENATOR KAVANAGH: Through you, Madam President. That is not in this bill. That does sound suspiciously like a provision that is

in S2980, although that of course is not relevant to this debate before us.

SENATOR PALUMBO: Very good. Thank you.

Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Thank you, Madam President.

I guess the last area that I'd just like to discuss, if we may, regarding inheritance to family members and trusts. Could you describe to me what this bill provides in that regard as far as any expansion, or if it addresses at all the ability for a rent-regulated home to be passed down.

SENATOR KAVANAGH: Through you, Madam President. Again, the bill is before us here and there's no provision here that -- I mean, I could -- it's three pages, single-spaced, but I don't believe there's any provision that

would -- there's certainly no provision that directly changes the law. I'm not sure if there's some provision that my colleague thinks might be relevant to that, but I'm not aware of any.

SENATOR PALUMBO: I think I have it, Senator. I think I have it. Somebody had the wrong number on -- the wrong bill number, I think, on my note.

Would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator. And thank you for your patience.

The area that I wanted to talk about was combining units. Is that addressed in this bill?

SENATOR KAVANAGH: Through you, Madam President, that is also something that is dealt with in S2980 and not in this bill.

SENATOR PALUMBO: 2980, that's why

I was -- I apologize. That was my problem, I had 43.

Would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Got it. (Pause.)

So this is the retroactivity question, please, Senator. And so -- so this was just clarified for me. So if someone inherits a property as a landlord, do they ultimately inherit, for example, the lookback period from the prior owner if it were, say, to pass through a trust or to a subsequent landlord? I had it mixed up. It's not the tenant, it's the landlord itself.

SENATOR KAVANAGH: Through you, Madam President. That's a presumably somewhat complicated question of law, and there's no provision of this bill that I'm aware of that addresses that one way or the other.

SENATOR PALUMBO: Senator Kavanagh,

thank you very much.

On the bill, please.

ACTING PRESIDENT MAYER: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you, Madam President.

And I'm sure we're going to be talking about the next bill that lands in our lap. And I just have a few comments -- that's quite similar to this one. But I do have a few comments about the nature of this bill and its effect on generally the housing market.

So unfortunately, housing is very expensive in New York City for a number of reasons. And I think the overwhelming majority of those reasons come out of this building.

Rents are high because it's expensive to live. And landlords, who I think to an extent have been villainized, they need to be -- they need to survive as well. Because obviously they need to put money into their housing units to make them comfortable and nice and safe for the tenants. And the more that we keep piling on the landlord's ability to manage properties fairly -- I understand, if there's

fraud, I have absolutely no problem with that, they need to pay treble damages, lookback, all of that. That's absolutely appropriate, 100 percent.

But when you think about the fact that now you're going to have a lot of additional onerous burdens on our property owners -- the ability to refinance, you've got lookback periods, you do have what I believe was an expansion of fraud based on the discussion with my colleague in the previous debate.

So these sort of burdens, although it seems as though they're being placed on the landlord, the additional recordkeeping requirements -- and I get it. There does need to be reasonable regulation. But when we keep pushing further down the road, it causes a -- almost a compression factor, I would call it, where that burden that the landlords are shouldering makes housing suffer. And housing becomes less available because folks don't want to invest. And we have these people -- yes, they may be uber-millionaires, extremely wealthy people, but that's who can afford to build buildings in New York City and in many areas of

New York.

So we need to not overregulate. We need to not continue to push them out of this market, because they will go elsewhere. They need to survive.

And I understand we need to have some affordable housing. That's a crisis. Madam President, as you may recall, we passed through this body and four of the five eastern towns on Long Island passed a referendum for an the affordable housing community preservation fund, a community housing fund that would ultimately generate money to help folks stay on the East End of Long Island. So I do get it.

But unfortunately, I believe this bill is overly expansive. And in response to the Regina case, our Court of Appeals pretty clearly laid out the standard. And this direct response to try and now couch what we believe is legislative intent to maybe help the courts better decide on -- in tenants' favor, you have to do it within the constitutional guidelines. And this goes too far.

As such, I'll be voting no, and I urge my colleagues to do the same.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Palumbo.

Senator Helming, why do you rise?

SENATOR HELMING: Because it feels good to stretch.

(Laughter.)

ACTING PRESIDENT MAYER: Understood. Understood.

SENATOR HELMING: No, no, no. Madam President, on the bill. Thank you.

ACTING PRESIDENT MAYER: Senator Helming on the bill.

SENATOR HELMING: On the bill.

Before I start on the bill, I wanted to take a moment -- I heard one of my colleagues earlier note that it was Senator Breslin's birthday, so I wanted to extended happiest of birthdays. I'm sure Evan will carry that message to him.

(Applause.)

SENATOR HELMING: And on the bill, I really wanted to take a moment and compliment the bill's sponsor. I'm the ranking member of Housing. I've been on that committee I think

four years now. Sometimes it feels like 40 years long.

It's really -- it's a complex matter, it really and truly is. And it impacts all of us. I don't care if you're in New York City or you're out in my rural areas, it's impacting all of us and we all know we need to do something to address the housing crisis, the shortage that faces all of us.

And during our debates and our discussions in committee, I can get kind of long-winded, I dive down into the details. And I just want to thank Senator Kavanagh, because he is what I would call a true statesman. He is always willing to take the time to explain things, to answer questions, to get back to me with respect. And I truly appreciate that, Senator Kavanagh. I think we could all use a little more of that, right, in this environment. So thank you.

So after listening to the discussions in committee, listening to the debates here on the floor and the questions that were raised, it's my feeling -- and after talking to people who are impacted by this -- that this

legislation does exactly what Senator Palumbo says, it drives up costs. And it further burdens the owners of stabilized housing and all property owners.

The changes proposed in this legislation are going to increase the cost of recordkeeping and compliance. They're going to increase the cost of insurance to cover the risk of litigation. And I believe it truly has the potential to jeopardize financing opportunities for new housing. This legislation will make it that much more difficult to maintain the stabilized housing stock that we do have.

It's going to make it that much more difficult to attract new prospective investors. Just think about it for a moment. What prospective investor or owner would want to purchase a rent-regulated property when this body, through this legislation, improperly and unconstitutionally imposes retroactive application of rent methods?

I feel very strongly that rather than passing this legislation that will jeopardize the future investment of stabilized housing, and strips away the constitutional

rights of due process, we should be working with our property owners in every single part of this state to really bring more housing that's affordable to more people online. That should be our priority.

And frankly, Madam President, I heard the comment made earlier about that "We are in the Majority, we get to decide which legislation comes to the floor and gets passed." This wouldn't have been my priority to bring to the floor, and I'll be voting no.

ACTING PRESIDENT MAYER: Thank you, Senator Helming.

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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Madam President.

First of all, I'd be remiss if I did not return the compliment. It's been a pleasure to work with the ranker on this committee, Senator Helming. We do have very -- and the other members of the committee, from both sides of the aisle.

We do have very robust discussions in committee as many -- we've moved nearly 80 bills through the Housing Committee this year, and it's been a very good opportunity to discuss those and try to, you know, address the many needs of homeowners and renters and property owners throughout the state.

Just to say, again, if you review the conversation we've had today, there really is no instance where anyone has pointed out a specific provision of this bill that would create the kind of retroactivity that Regina Metro v. DHCR said was concerning.

It is the case that the HSTPA did change the parameters within which one needs to keep records, and also created six years as the sort of basic lookback, rather than four years.

But that law has been on the books for four years now, so that has been the law prospectively since then.

This bill is intended to clarify in certain ways the prospective application of that law, and we have no reason to think, having our counsel and having reviewed it ourselves, we have no reason to think that there's anything constitutionally problematic about this bill.

And in addition, it won't really add new recordkeeping requirements per the -- relative to the HSTPA, because again that law has been on the books for four years.

And with that, I vote aye.

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

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Madam President.

This is my first year on the Housing Committee, and I want to echo the sentiments of Senator Helming that Senator Kavanagh has an amazing depth of knowledge and is very cautious and informed.

But the overall issue I see is that we are truly doing what Senator Palumbo said. We are going to drive these folks out. And what really concerns me is that we're going to be left with just people that can afford to own their own private homes, their own private property, and then government housing.

And what does government housing look like? Well, it's NYCHA. And one thing I have heard from my colleagues in New York City is NYCHA is really bad. In fact, if I listen to them, I think it's run by Satan himself.

So if we're going to drive out the private, for-profit property owners that are actually doing good things to have good property, and leave it to government bureaucrats who really don't have any skin in the game, you're going to have more NYCHAs. You're going to have more public housing that quite frankly, from what I'm told, isn't meeting standards time and time again. Because I've seen many types of attempts by this body to try to rein in NYCHA somehow, and apparently it's failing.

So let's not drive out the folks that are actually providing good quality housing.

Just because somebody else owns it and rents it does not make them bad people.

So I vote no.

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

Announce the results -- oh, sorry.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you very much.

I want to thank everyone for this debate. I want to particularly Senator Kavanagh for his commitment to complex and detailed bills.

And I just want to point out, this is about people who are committing fraud and driving up rents higher than they're legally allowed to. So when we talk about good people running buildings, I would love to have every building run by a landlord who understands the law, follows the law, and doesn't fraudulently drive up rents.

This bill will help ensure that that doesn't happen. I believe that's in everyone's best interests, particularly those landlords who are following the law -- which is the majority of them. Because if they see that others don't have

to follow the law and get away with it, what's their motivation to color within the lines and to follow the law?

So I want to thank Senator Kavanagh. I certainly proudly support this bill. And I will tell you, many of these stories are actually going on in my district, where people learn that they are paying far more rent than they were legally supposed to, they don't learn it easily or quickly, they end up in court because they need to. They may be driven out of the homes they have because they can't afford the illegally increased rents. And this kind of legislation I believe is particularly important to protect the too-minimal stock of affordable rent regulated housing that we have in this state.

So I am very happy to vote yes, Madam President.

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

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Madam President.

What this bill does is impose an unfair retroactive application of document

retention on landlords beyond that which they would have to do. I think we would all agree that if someone asked us to go back and apply a different tax rate to our income taxes from 10 years ago, and we held -- and we had an obligation to hold on to our tax records, I think we all agree, for seven years and it went beyond that, that we wouldn't expect to have to demonstrate that we didn't have those documents for any reason, they were destroyed in the regular course of our own personal lives.

But to put an obligation on a landlord for a period beyond which they were required to hold on to records, and then to have a default presumption be that they did something wrong, I think is wrong.

Now, if we're talking about doing things prospectively, then that's fine. This body certainly has the ability to apply prospective laws. But to apply and change the law retroactively and to hold people to a different standard than they had otherwise, is wrong.

For that reason, I vote no.

ACTING PRESIDENT MAYER: Senator

Martins to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 746, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo, Helming, Mannion, Martinez, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Scarcella-Spanton, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 39. Nays, 24.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, at this time we're going to -- just to give my colleagues a sense of schedule, we're going to break for brief party conferences, from there go to a Rules Committee meeting, take up the supplemental calendar, which will hopefully be the final one for the session, and then proceed with the six bills that still remain on debate.

So at this time can we call an immediate meeting of the Democratic Conference in Room 332 and a Rules Committee meeting for 7:45,

and then recognize Senator Palumbo, please.

ACTING PRESIDENT MAYER: Senator Palumbo.

SENATOR PALUMBO: Thank you, Madam President. There will be an immediate Republican conference in Room 315 of the Capitol.

Thank you.

ACTING PRESIDENT MAYER: There will be an immediate meeting of each of the party conferences.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 7:18 p.m.)

(Whereupon, the Senate reconvened at 8:30 p.m.)

ACTING PRESIDENT PERSAUD: The Senate will return to order.

Senator Gianaris.

SENATOR GIANARIS: Madam President, we're going to start by taking up a resolution that we did not take up earlier today.

So we'll begin with previously adopted Resolution 1368, by Senator Hinchey, read its title, and recognize Senator Hinchey to briefly speak on this resolution.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Resolution 1368, by Senator Hinchey, mourning the death of Karl Berger, internationally renowned master musician, composer, and educator.

ACTING PRESIDENT PERSAUD: Senator Hinchey on the resolution.

SENATOR HINCHEY: Thank you, Madam President.

On Easter Sunday of this year, the world lost a true visionary. Karl Berger passed away at the age of 88 years old, an internationally renowned master musician, Karl pioneered creative music, a new combination of free jazz, world music, and modern classical.

He began playing classical piano at 10 years old and started focusing on jazz at just 14. With a double Ph.D. in philosophy and music, he founded the Creative Music Studio in 1971 in Woodstock, with his longtime partner Ingrid Sertso and jazz legend Ornette Coleman.

His teachings emphasized improvisation and his concept of an attentive collaborative music mind when playing. He often

said, "It's not what you play, but how you play."

He worked with internationally known musicians from jazz and other traditions, and worked with musicians at every skill level all across the world.

He was a master musician on piano and vibraphone, a five-time winner of the prestigious DownBeat International Critics Poll, and he recorded 26 albums under his own name, working with revered musicians in jazz on other albums, including Ornette Coleman, Don Cherry, Pharoah Sanders, Dave Holland and many others.

And he was a master arranger of music for pop, rock and contemporary, working with people like Jeff Buckley, Natalie Merchant, Better Than Ezra, The Cardigans, and a local hometown band, Coheed & Cambria.

Karl and Ingrid, with the Creative Music Studio, transformed music and traveled around the world. And his teachings and his lessons will live on in perpetuity.

On top of being an incredible musician and pioneer in this field, he was also an incredibly kind, generous man and friend to everyone who knew him.

We lost our community, we lost a true hero. And it is with great sadness but with honor and deep respect that we honor him on this floor today. I'm really proud to bring this resolution in honor of Karl Berger to the floor, and I thank my colleagues for indulging me in this moment.

I extend my sincere condolences to his wife Ingrid and his daughter Savia Berger, and know that we are with them in spirit. And Karl's spirit will live on in perpetuity for everyone who knew him, and through the future of Creative Music Studio.

Thank you very much, Madam President.

ACTING PRESIDENT PERSAUD: Thank you. The resolution was adopted on June 8th.

Senator Gianaris.

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

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

Senator Gianaris.

SENATOR GIANARIS: Now back to the controversial calendar, Madam President, beginning with Calendar 1153, by Senator Harckham.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1153, Senate Print 6893, by Senator Harckham, an act to amend the Environmental Conservation Law.

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

SENATOR STEC: I was hoping the sponsor would yield for a few questions, please.

ACTING PRESIDENT PERSAUD: Senator Harckham --

SENATOR HARCKHAM: Through you, Madam Chair, as long as the coffee holds out, I will answer questions.

ACTING PRESIDENT PERSAUD: The sponsor will yield.

SENATOR STEC: Thank you, Madam President. Thank you very much. Through you, Madam President.

Good evening, Senator Harckham. I

know the hour is late and -- or getting late; we've got a ways to go. I'll try to be as brief as possible.

Your -- the legislation at hand is concerning -- it's centered around the upcoming decommissioning of the Indian Point nuclear facility on the Hudson River, is that true?

SENATOR HARCKHAM: Through you, Madam Chair, yes, it is. This process started a few years ago as the reactor was shut off, and a company called Holtec has been doing the decommissioning, they've been coming to our quarterly Decommissioning Oversight Board meetings to update us on their progress.

And a couple of months ago they announced, in the course of their work plan, that they were going to begin releasing 1.5 million gallons of tritiated water from the spent fuel pools, which was something that caught the community off guard.

And what I think was more disturbing to the community was that this is standard practice in the nuclear industry -- as you know from your experience, Senator Stec -- and this had been going on, tens of millions of gallons of

tritiated water from the nuclear plant when it was active under the years of Entergy and Con Ed.

And so I have not seen a reaction like this since in terms of the outcry from the community to do something, both sides of the river, Republican and Democratic communities together.

And so, working with counsel, we began looking at alternatives. And as you know, the federal government preempts on health when it comes to nuclear discharges, but the Supreme Court has sided with the Ninth Circuit when you talk about economic impacts.

And so this legislation speaks to protecting the Hudson River Valley from significant economic harm -- real estate, homeowners, businesses, from the harm associated with this discharge.

We have been in negotiations with them about alternative schedules, about other things they can do, about some of the alternatives to dumping. But unfortunately none of those discussions have yielded a fruitful result. And so in order to protect the communities from economic hardship, we feel that

we need to pass this legislation.

SENATOR STEC: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: All right, thank you, Senator. I certainly appreciate that introduction to the project.

And you made reference to my past knowledge level on the subject. For those of you that may not know, I was in the Navy's nuclear power program and I was engineer-qualified. And I was on a ship out of Bremerton, Washington, in the Puget Sound, operated two nuclear reactors safely on that ship. And the last thing that I did on that ship before I went to shore duty was I was on the decommissioning crew. We decommissioned those two nuclear reactors, albeit much smaller, but of course they were designed for combat, on a combat vessel.

So my question would be, though,

Indian Point, so what years did Indian Point operate, and when did it shut down?

SENATOR HARCKHAM: Through you, Madam Chair, first we want to thank the Senator for his service to our country and for your expertise on this.

The plant was transferred and closed down -- what was it, two years ago or three years ago? 2021. So it was about two, about two and a half years ago is when Entergy sold the plant. Both the NRC and the PSC approved the license.

There were actually three reactors there, going back 50 years. One had been decommissioned many years ago; that was Reactor 1. And then there's still 2 and 3, and those are the ones that are being decommissioned.

SENATOR STEC: Will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: All right, thank you, Madam President.

So from 1962 to 2020, 58 years it operated. Certainly there was economic benefit. I'm sure everyone knew that nothing lasts forever and that at some point we would need to be decommissioning this like we do most any other industrial facility.

Do you know -- you mentioned in your opening remarks that the public was surprised, and understandably so. Not everyone is a nuclear engineer. The public was surprised that this plant discharged water into the Hudson while it was operating those 58 years.

Do you know about how much water was discharged into the Hudson from the plant on an annual basis for those almost six decades?

SENATOR HARCKHAM: Through you, Madam Chair, it was millions of gallons a year as the water was rotated through those fuel pools.

But the view in the community is that just because something was done for decades doesn't mean it's appropriate to continue doing that. And again, regardless of party affiliation, people in the Hudson Valley, the Hudson River is sacred to them. It's the birthplace of the modern environmental movement.

It's an economic engine for close to 800,000 jobs. And people have a connection to it.

We talked the other day about the naming of the bridge and the Dutch connection, the Native American connection.

And so this industrial-era policy of siting industry alongside our water bodies because it's convenient and expedient to dump waste just doesn't work for people anymore. And that's why we've been trying to negotiate for alternatives. And short of alternatives, that's why we have this legislation.

SENATOR STEC: Thank you, 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 STEC: Thank you, Madam President. I've seen some of the data on this. And just hopefully, if nothing else, to make your constituents a little more comfortable

with however this may play out, that from '62 to 2020, those 58 years, the plant discharged about 2 million gallons a year into the river, 2 million gallons. You mentioned that decommissioning is 1.5 million gallons to go. So, you know, they discharged an awful lot.

And of course then the question is what are you discharging. They discharged 1200 curies a year while they were operating. There's only 400 total curies left to get rid of. So 99 percent of whatever's going to be discharged in the Hudson has already been discharged. So a little bit of closing the barn doors after the cows are out.

But with that said, I mean, you know, you're the Environmental Conservation chair, I'm the ranker. We've had conversations along these lines before about what the bandwidth is of DEC. So my question would be, who at the state level is going to regulate, monitor, enforce that no discharge -- because that's another follow-up question I'll have. But who's going to monitor this and enforce it for the State of New York?

SENATOR HARCKHAM: Through you,

Madam Chair. In this legislation it is the Attorney General that would be dealing with the enforcement.

SENATOR STEC: Will he yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: So the Attorney General has staff on it that understands radiological waste and discharge, they have scientists and people that are going to monitor day to day the site to make sure that this doesn't happen?

I mean, I understand legally they're going to step in. But who's going to do the boots-on-the-ground work to make sure -- I mean, where I'm coming to is that this is a preempted area by the federal government. The Clean Water Act does not trump the nuclear regulatory agencies or the atomic laws that surround these things in the country.

And it will come as no surprise to

you that I think oftentimes the State of New York has stepped in to try to regulate something that should be regulated and is in fact regulated on a national level because it's difficult to have state to state rules.

But if EPA and the nuclear regulatory agencies aren't the ones to do the monitoring, then does DEC have the staff and the resources and the knowledge and the equipment to do this monitoring? Or who's going to do this monitoring?

SENATOR HARCKHAM: So it's interesting that you raise that question. One of the things that we did in the Decommissioning Oversight Board was we were greatly disappointed because the second the keys were handed over, the NRC took their resident inspectors and left. And that was another blow to the community. So the PSC hired a full-time inspector.

There is also New York State Department of Health monitoring that goes on.

So there are the boots on the ground to do this.

You know, the hope of this legislation, Madam President, is not that we have

to have snoopy snoops on the ground, you know, checking the tanks where the water is held. The purpose of the legislation is so this company understands that this is not a viable method for the community and that we need to come up with another alternative rather than this.

And there are solutions that other power plants have done during their decommissioning. They're not -- they're not always ideal. Three Mile Island, we all remember what happened there. They used evaporation. The problem with evaporation is then the tritium falls with the rain.

Some places have tried storage in tanks. The problem is you have to vent those tanks, so more tritium is released.

What happened in Vermont, which actually worked and looks promising is they mixed the water with clay and then it can be trucked -- there are a few nuclear waste sites, not for spent fuel rods but for light nuclear waste, and they use it there as a cap.

So there is a use for it, an end use for it, a location for it. And so there are alternatives.

And it's interesting, when you look at the political dynamics of people who are calling for no dumping, that when you can get Congressman Lawler and Congressman Bowman to agree on something, it must be a powerful driving issue, and that's what this is.

SENATOR STEC: Will the sponsor continue to yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: So the plant's operated for 58 years, put 2 million gallons a year into the river. You know, regulated all along. They've got a million and a half gallons to deal with now. It's about a 12-year process, I understand, to fully decommission this plant.

Obviously no one wants a blight on their community. I've seen what happens when correction facilities are left unused and sitting in the -- you know, the community doesn't want to see a blighted property. No one likes brownfields. I'm sure the public really doesn't

want to see a nuclear brownfield nearby.

Do you have concerns that either litigation or the alternatives will change the dynamic in a negative way that will drive either cost or, perhaps more concerningly, the duration of time to complete this process beyond 12 years where this could be -- I mean, it's possible something like this, if not done correctly here, could set us up for a decade of litigation where nothing happens there. I'm not sure that would be in the public's interest either.

So do you share any of those concerns? Or how would you address those concerns?

SENATOR HARCKHAM: Through you, Madam Chair. Excellent question.

For one thing, there is plenty of work on the outbuildings that can continue to be done. There are dozens of outbuildings on the campus that continue to be taken down. There's the ISFSI pad where the spent fuel casks go, and the security and the construction around that. So there are still years' worth of work that can be done while a decision is made here.

The other thing is this -- you

mentioned this has a 12-year window. They have two other active decommissioning projects that were eight years, and they halted them for four years to meet the 12-year timeline -- not because of work interruptions but because the stock market had gone down and the decommissioning trust fund had lost value and they didn't want to lock in those losses.

So there's a protection by having the 12-year versus the eight-year. And so we're still optimistic that we can get this going.

You also talk about the blight of a brownfield or a nuclear site. And this is not a knock on this company, this is a knock on the federal government and the nuclear industry, as the Village of Buchanan will now be a nuclear waste site and waste dump forever. All of the spent fuel rods will span a two-acre pad in a double-razor-wire fence that needs to be guarded 24/7. And that will be left in the Village of Buchanan.

So they can, to your point -- and it's a good point -- in a reasonable amount of time take down the reactors, take down the outbuildings, you have a beautiful property right

on the Hudson River not impeded by railroad tracks. It's one of the few in Westchester like that. And are you going to put a hotel marina there? You can't. Are you going to put condos there? You can't. Who's going to do that kind of development next to a nuclear waste site?

SENATOR STEC: Will the sponsor continue to yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: All right, thank you, Senator.

So you mentioned the Decommissioning Oversight Board. I understand that you're a member of that board. And the DOB has an independent technical nuclear expert, I believe his name is David Lochbaum --

SENATOR HARCKHAM: (Inaudible.)

SENATOR STEC: -- and he's quoted as comparing the maximum dose from the liquid releases at Indian Point to a small fraction of what a banana -- and this is an independent

expert, he's not the company. But he's the DOB's technical nuclear expert.

I was wondering if -- what options he has reviewed as far as removing this 1.5 million gallons through other alternatives.

SENATOR HARCKHAM: Through you, Madam President. Number one, you know, this is not -- again, it's not about the health and it's not about the levels. It's about the economic impact that the communities fear this will have.

Dave Lochbaum has recommended -- he's evaluated the four that I spoke about. You've got discharge, you've got evaporation, you've got solidification -- and the one I didn't mention, which is probably the least desirable, is trucking or training across the country. And there have been desert locations where it's forced down into the rock. But I don't think anybody -- you know, given what's happened in Rockland County with the CSX train, that we trust rail to be taking nuclear waste.

But Dave is actually -- for the next meeting he's working on another study and asking other independent experts to peer-review it. So we're waiting to see the result of those

recommendations.

There -- as I said at the outset, there are not a lot of great recommendations. However -- and you don't have to answer this, Senator. I'm not trying to put you on the spot, but --

SENATOR STEC: (Inaudible.)

SENATOR HARCKHAM: Thank you.

Through you, Madam Chair, hypothetically. The Senator represents a beautiful part of New York State -- the Adirondacks, Lake George area. You know, it's just the psychological impact of restaurants and homeowners and hotels and businesses.

You know, along the Hudson, our municipalities have invested tens of millions of dollars. Their revitalization is tied to the river. So you take a beautiful spot like the Finger Lakes or Lake George or any of those -- or Skaneateles -- and all of a sudden the community hears that 1.5 million gallons of tritiated water are going to be released, and it causes panic. And that's the fear that folks have.

SENATOR STEC: I'm not sure there was a real question there for me to answer. But

if the sponsor would --

SENATOR HARCKHAM: No, what -- through you, Madam Chair, there was no question. It was a hypothetical.

ACTING PRESIDENT PERSAUD: Yes. He was complimenting your area.

SENATOR STEC: I think he was. And I was going to take it that way.

(Laughter.)

SENATOR HARCKHAM: I'm complimenting your district.

SENATOR STEC: Or at least my district.

If the sponsor would continue to yield, please, Madam President.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: No, Chairman, I truly appreciate that.

And again, I talked about previous life -- my previous life experiences. And again, if nothing else, for your constituents watching

at home, I'm trying to, if nothing else, allay some of their concerns.

But my present line of work is similar to yours and everyone else's in this room, and that's about being reactive to the concerns of our constituents. So I certainly don't fault you or your constituents for having questions. 99.5 percent of whatever is going to be discharged into the Hudson has already been discharged into the Hudson.

Has the -- my question would be, did the independent technical expert recommend any options yet as far as removal? Has he made a recommendation?

SENATOR HARCKHAM: Through you, Madam Chair, his initial recommendation was the release into the river. As you can imagine, that was not met with much enthusiasm by the community.

So that's one of the reason why he's going back to sharpen his pencil and look at the alternatives. I believe our next meeting is next week. Hopefully we will have those calculations and presentations.

But, you know, part of the

problem -- you mentioned the banana scenario. And again, that was not greeted by the community well. It was viewed as flip. And so -- and I'm not saying you were saying that. What he was saying.

And so the issue is at the last meeting we had the NRC and the EPA. And I specifically asked them about the their standards, their health standards, and they were 30 and 40 years old respectively. It was the last time they reviewed them. And the initial standards were developed during World War Two on single young men who were soldiers as part of the Manhattan Project. That's how we got to our standards.

And the people in the community organized and got some independent physicians who would say there's no such thing as a safe level of tritium exposure. And again, it's not about health and safety. That's not what this bill is about. It's about the economic vitality.

But so, you know, where the community is is you have experts on one side saying one thing and then there are experts on the other side who say another thing. And then

the void of data, of recent analysis from the EPA and the NRC, that vacuum doesn't help.

And the other thing I asked them was what about cumulative impacts. You know, we in this room talk about legislation all the time with differing substances. We're exposed to hundreds of chemicals a day. And everyone always talks about the minimum exposure level, but we never talk about -- excuse me, please -- we never talk about the cumulative impacts on people, particularly vulnerable -- our children, women who are pregnant, the elderly.

So -- so those are some of the concerns that are real. Real or not, perception is reality, as you say in our business. So again, what we're trying to do is prevent economic harm to the Lower Hudson Valley. And hopefully through this legislation we can bring them back to the table and we can come up with some alternatives.

SENATOR STEC: If the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you. I certainly understand how the banana comparison played. I'll tell you, as a former technical expert myself, not always strongest with people skills. And so it's very easy for somebody like an engineer to walk into a room and make a comment like -- of course the point with bananas are -- is bananas are radioactive as far as a source.

When I was in the Navy, they taught us that the amount of radiation exposure that I could expect to get working in a nuclear reactor setting was less than I would get if I lived in Colorado, because of the elevation. Not because Denver, Colorado, is a particularly dangerous place, but because the elevation distance, the shielding that you got from less atmosphere increased your radiation exposure.

So again, you say "nuclear" to a lot of people, they think Hiroshima, Nagasaki, they think mushroom clouds. And you're not going to change that, and I wouldn't want to argue with that. So I -- like I said, as an elected

official, I understand that challenge.

A couple of final real quick questions, though. The -- what has the conversation with NRC and EPA -- I mean, they're the ones that really preempt all this discussion. What's the direction that they've had, the input they've had to the DOB as far as where they think this project is heading? Are they agreeing with the technical expert?

SENATOR HARCKHAM: Well, when it comes to -- when it comes to the health impacts, yes, the federal government does have preemption. And we have been also advised that not only by the NRC, but by the DEC and by the Attorney General's office. They have all opined that it comes to health impacts, the feds have jurisdiction.

However, the Atomic Energy Act has preemption language, and it says "Nothing in section shall be construed to effect the authority of any state" -- the authority of any state -- "or local agency to regulate activities for purposes other than protection against radiation hazard."

And so when Pacific Gas was in the

Ninth Circuit, the Ninth Circuit ruled in favor of a ban of discharges based on economic impacts, and the Supreme Court upheld that. And so that's the premise that we're going with this bill.

SENATOR STEC: One final question, if the sponsor would yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR HARCKHAM: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

If this legislation is signed into law, what would you hope that would happen at Indian Point as far as this pool -- you know, the spent fuel pool water, 1.5 million gallons. What do you think is the better alternative?

SENATOR HARCKHAM: Through you, Madam President. You know, it's a good question.

You know, it's really up to the experts and for Holtec and the community to work out a solution. You know, what -- as I mentioned earlier, what they've done in Vermont is they've gone the solidification route. Maybe there's a compromise in terms of reducing the amount of

water released over a longer period of time.

I think one of the things that set the people off the most was they were going to do it in the middle of the summer during peak recreation season on the river. And not only were folks angry about that, then they came back and said they were going to do it three months earlier.

So, you know, is there a way that if that is -- if the data shows that's absolutely the safest way, then let's do it in the winter. Let's -- you know, they're -- they're -- but that's up to the community and Holtec and the experts to work out. I don't want to impose a solution from Albany. I'm just representing the community and trying to be a bastion against what they view will cause harm to the economy in the area.

SENATOR STEC: Thank you.

Madam President, on the bill briefly.

ACTING PRESIDENT PERSAUD: Senator Stec on the bill.

SENATOR STEC: Thank you.

Chairman, I'd like to thank you for

the legislation, for your thoughtfulness. Like I said, I mean, we are all in the same business right now. We're trying to be responsive to our constituents. My own stretch of the Hudson River a little bit upstream of yours. PCBs. GE, PCBs, dredging, all that, that's just downstream of my hometown, and that's a story. Very real concern, different concern, different history.

If nothing else, I hope to allay some of your concerns and your constituents' concerns as to the risk.

With that said, you know what, I'm not in the business of arguing with anyone about the health of the water that their kids are swimming in. Right? So I understand that, and I respect where you're coming from.

On an energy policy standpoint, I'm an "all of the above" person. Seventy percent of France's electric energy is nuclear. I think it's the direction that we're going to have to embrace eventually and we're going to have to get around some of our fears of past experience or the lack of knowledge.

I hope that this legislation works out. I hope it does not delay the

decommissioning of this. Because there's risks involved in that as well. I certainly wish you and the community well as you maneuver through this.

I'm going to support the legislation. But if nothing else, you know, I really think that the direction that you're heading is probably not an awful one. But I understand from a public -- from your perspective, it's difficult work, and I wish you well in doing that.

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 4. This act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam President.

I want to thank you, Senator Stec, first of all for a very thoughtful debate, for your service, and for our partnership and collaboration on the Environmental Conservation Committee this year. We didn't always agree on every issue, but the issues we did agree on I think we got a lot of great work done. I look forward to working with you again next year.

I want to thank a lot of colleagues on both sides of the aisle, both in this chamber, locally, the five county executives who came together. As Senator Stec mentioned, this is not an easy issue. We've been trying to negotiate with Holtec in good faith. We're trying to allay community fears. So it is a challenge. But people expect us to be their voice when it comes to these difficult issues. And that's why we've landed, as we discussed, on this legislation.

So, you know, I'm proud to have worked with Assemblymember Levenberg, who is my partner on this. This is the number-one issue for both of us here locally.

You know, I want to thank our

central staff, Mike Press and Sylvie Sherlach from my staff, among others, for assisting with this.

And this is going to be a process. You know, as you said, it's not a -- this is not going to be the cure-all. It's going to be a continual process. And that's why we set up the Decommissioning Oversight Board, so we can have this dialogue on an ongoing basis.

So I thank colleagues for their support, and I vote aye.

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

Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Madam President.

I rise to thank the sponsor for this bill. The 41st District represents a true Hudson Valley district. I represent Greene County, Columbia County, parts of Ulster and parts of Dutchess. Many of those communities line the Hudson River on both sides of the river.

The Hudson River is a beacon for our communities. It is an economic driver. It is a pristine, beautiful entity that runs right

through our state. And as someone who grew up living on the Hudson River, swimming in the Hudson River, I've seen also what a strong river does for the economic vitality of our communities -- watching the waterfronts be revitalized over the last few decades has been a game-changer for our communities.

And the threat of what could happen is not only scary but it's detrimental to the future of the Hudson Valley and those river towns.

I want to thank the activists and the organizers in my district and all of our districts across the Hudson Valley for sounding the alarm, for being persistent in this fight, and for making sure that we don't just continue something that has been known as the status quo, and that we find better solutions to move forward and protect our communities.

Again, I thank the sponsor for this legislation, and I proudly vote aye.

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

Senator Canzoneri-Fitzpatrick to explain her vote.

SENATOR CANZONERI-FITZPATRICK:

Thank you, Madam President.

I think it's so interesting that just a little while ago we were talking about the coastline of Long Island and the Long Beach area, and what we're producing and what we're doing to our shoreline there by doing offshore wind. And here we are talking about preserving the Hudson.

And my understanding -- and I certainly defer to Senator Harckham and Senator Stec, because they are well-versed in this area, but my understanding is that Indian Point was producing 2,000 megawatts of emission-free energy and electricity, and now we're trying to do something less than that off Long Island and will be doing some severe damage potentially to our coastline.

So I hope that we'll be thoughtful in the way that we are balancing our needs for energy and our protection of certain waterways, because I think they're all precious. And I think we should be mindful of that in the things that we do going forward.

I am supporting this legislation.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Canzoneri-Fitzpatrick to be recorded in the affirmative.

Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Madam President.

And I rise to commend my colleague Senator Harckham and my other colleague who's here, Assemblywoman Dana Levenberg, together with, as Senator Harckham said, a bipartisan group of legislators, county executives, Congress members and, more importantly, activists who have rallied behind this bill and the effort to cease Holtec's distribution and emissions into the Hudson River.

You know, I'm proud to be a person who grew up in Yonkers and continues to live in the City of Yonkers, a city that has been rebuilt economically because it is on the Hudson River. The entire downtown of Yonkers has come back to life as the Hudson has come back to life, and it has created not only housing and economic activity and arts and entertainment, but a sense of vitality that comes from being along a river that is a place people can walk, enjoy and live.

And so I'm so pleased that this bill is moving today and is moving in the Assembly and will send a very strong signal that there needs to be a prohibition on this discharge, and we need to find a solution that works so that the economic engine of our county and our communities can continue.

I proudly vote aye.

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

Senator Weber to explain his vote.

SENATOR WEBER: Thank you, Madam President.

I also rise to thank Senator Harckham for his excellent work on this legislation. You know, he's right. You know, this was a bipartisan effort. In the Hudson Valley, mostly all of the Republicans and democratic Senators and Assemblymen and -women and, you're right, county executives and various local officials all really supported this effort.

We all utilize these waterways, whether it's kayaking, whether it's swimming, you know, whether it's fishing. You know, we all love the Hudson River for all of the different

reasons that I mentioned.

So I'm happy that we all unified behind this issue because it's very important, and I hope this, you know, sets the example for other areas that -- you know, for the future.

And you're right, we still have some work to do in terms of really holding Holtec accountable, or at least monitoring what they're going to do with a lot of the stuff that they have left over there.

But, you know, I'm happy that we took this step forward, and I appreciate your efforts. Thank you.

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

Senator Rolison to explain his vote.

SENATOR ROLISON: Thank you, Madam President.

I want to thank my colleague Senator Harckham for shepherding this through this house, and our colleagues on the Assembly side.

And one of the things that this particular bill and the response to Holtec, it was almost immediate when we became aware, the

public became aware of the discharge. Regardless if that had happened in the past, which we know it did. And I think the bipartisan support and the bipartisan concern being so immediate, and then the action being taken by so many of us -- and again, Senator Harckham, thank you for leading that as the Environmental chair, and it also shows you the importance of that site, the birthplace of the movement of trying to save the Hudson River right in that area dating back to the Con Ed pump storage along Cornwall.

So, Madam President, for all of those reasons and others, I'm proud to vote aye.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Madam President, can we next move on to Calendar Number 1827, by Senator Myrie, for the next debate.

ACTING PRESIDENT PERSAUD: There is

a substitution at the desk.

The Secretary will read.

THE SECRETARY: Senator Myrie moves to discharge, from the Committee on Rules, Assembly Bill Number 1029C and substitute it for the identical Senate Bill 7551A, Third Reading Calendar 1827.

ACTING PRESIDENT PERSAUD: The substitution is so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1827, Assembly Bill Number 1029C, by Assemblymember Cruz, an act to amend the Criminal Procedure Law.

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

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

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 Palumbo be heard on the appeal.

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

SENATOR PALUMBO: Thank you, Madam President. Good evening.

I rise to appeal the ruling of the chair because this proposed amendment is germane to the bill-in-chief, the Clean Slate Bill, as it's known.

This proposed amendment is not a strike and replace, it's just a new category that would be added to this, so it automatically seals law enforcement disciplinary records three years after a disposition, where there are no pending civilian complaints, disciplinary actions or pending civil cases, once the records are eligible for sealing.

And this is certainly relevant. In fact, it's quite consistent, because as we've seen for quite some time now many iterations of this Clean Slate Bill that this is intended to

help people in disadvantaged communities, people with getting employment.

And I'm going to give some stats from 2020, NYPD's disciplinary case demographics: 52 percent of the NYPD officer discipline identified as nonwhite; 47 percent identified as white; 18 percent identified as female; 66 percent were at the rank of police officer; and 14 percent were at the rank of detective.

And for those of you who don't know, if you have a disciplinary action on your police record as a member of law enforcement, you can't take civil service tests, I don't believe you can even get promotions. So this is stifling individuals who may have had a disciplinary action against them in uniform and then who have reformed themselves.

So let's keep in mind that these individuals are moms and dads and husbands and wives and children and aunts and uncles. These are individuals who too need to advance through their positions and advance in their employment to provide for their families. And these are the individuals, of course, that go to work with a firearm and a bulletproof vest.

So for those reasons, Madam President, this amendment is certainly germane to the bill-in-chief, and I ask that you reconsider the ruling.

Thank you.

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.

THE SECRETARY: Ayes, 21.

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 10. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT PERSAUD: Senator Palumbo.

SENATOR PALUMBO: Thank you,

Madam President. You're not getting away that easy.

(Laughter.)

SENATOR PALUMBO: Will the sponsor yield for a few questions, please.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR MYRIE: Absolutely.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

We've had these discussions now for a few years, so I'll try and keep it as tight as we can, to just talk about this newest version that has come to the floor.

So generally speaking, there are some exceptions to the sealing, as we know. And could you just please describe us to us in this version what the exceptions are, the types of crimes that would not be sealed under this automatic sealing document or bill and proposed legislation, please.

SENATOR MYRIE: Through you, Madam President, the change -- and I'm just going

to go through the changes from the bill that was introduced earlier in January. You and I had an exchange on this floor during the budget, and so I won't go through the previous iterations. The most significant carve-out, for lack of a better phrase, is all Class A felonies, with the exception of certain drug felonies.

This builds on the exceptions for violent sex crimes. And to be clear, these are all individuals who have been convicted, who have served their time, and who would have had to remain charge-free for a certain period of time, depending on the crime.

SENATOR PALUMBO: Thank you.

Madam President, will the sponsor continue to yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And as far as those exceptions or when the clock would start on the now -- and just

to be clear, it's three years for a misdemeanor and now eight years for a felony, is that accurate?

SENATOR MYRIE: Through you, Madam President, that's correct.

SENATOR PALUMBO: Thank you.

Will the sponsor yield?

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

So in that regard, the clock to start the sealing time frame of either three or eight years, that starts upon release from supervision from parole? We'll start with parole, I guess. Is that how this works with this new bill?

SENATOR MYRIE: Through you, Madam President, the clock starts from release of incarceration -- excuse me one second.

Right, imposition of sentence, my apologies.

SENATOR PALUMBO: Will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you. And I jumped ahead of myself. So if you're on parole, it can't be sealed. Is that -- that's really a more accurate question.

SENATOR MYRIE: Through you, Madam President, that is correct.

SENATOR PALUMBO: Thank you.

Will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you.

So -- and I appreciate the fact that it was clarified that A felonies are now excluded. But virtually all A-1 felonies have lifetime parole anyway, isn't that accurate?

SENATOR MYRIE: Through you, Madam President, that is correct.

And I would note that this was the point that I made when we've had this exchange in the past, and certainly have made this point when speaking about this bill publicly. There are opponents of the bill who would bring up or go through the list of these Class A felonies, and my response would be in almost 98 percent of the time that individual would not be eligible for sealing.

But in order to clarify that and to allay some of those concerns, we made that more explicit in this iteration of the bill.

SENATOR PALUMBO: Thank you.

Will the sponsor continue to yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

So then to be clear, under this

version now, arson first degree, murder second degree, essentially the -- well, all A-1s will never be eligible for sealing. Is that accurate to say?

SENATOR MYRIE: Through you, Madam President, not eligible for automatic sealing under this statute.

SENATOR PALUMBO: Thank you.

Would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: With respect to other violent felonies, for example -- and we've had this exchange before -- robberies and burglaries, even burglary first degree, are those still eligible for automatic sealing under this version of the bill?

SENATOR MYRIE: Through you, Madam President, that is correct, after the criteria have been met.

And I would point to a point of clarification we've had on this floor. If you

run through all of these crimes, I think there is a right sense of indignation. There are some things that shock the conscience that we say there should be consequences for that.

And I want to make clear on the record that this does not in any way affect the sentencing for those crimes. And we have made a determination, as a Legislature, as a society, that if you commit that crime and if it is adjudicated and you are subsequently convicted, that the court decides what sentence is going to be.

And if we want to have a discussion about sentencing or sentencing reform, I'm more than happy to have that conversation, but this is not what this bill is about. This is after an individual has already served the sentence that the court has determined.

SENATOR PALUMBO: Thank you, Senator. Would you continue to yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

So -- and just to narrow it down, I'm not going to go through every one of these. You know, we've done this before. So I just want to make it clear and make it -- have our colleagues understand the crimes that are still eligible for the automatic sealing are crimes like -- and just to name a few of the homicides, like criminally negligent homicide, manslaughter second degree, manslaughter first degree. Those are still eligible for sealing under this new version that's before us today. Isn't that accurate?

SENATOR MYRIE: Through you, Madam President, it is.

And let me also take this opportunity for clarity for our colleagues, that the over 6.6 million convictions from 1980 up until 2019, 77 percent of those -- representing about 2.3 million people living in this state today -- 77 percent are misdemeanors, 23 percent are felonies.

And of those individuals with conviction records, the median amount of a

conviction is one: 53 percent of those individuals have only had one conviction.

And here is what I think what is most important for our colleagues and for the public to know, is that half of the individuals with a conviction record in this state -- that's close to 1 million people -- their most recent conviction, regardless of whether it was a misdemeanor or it was a felony, was 20 years ago. Half of them, twenty years ago.

Twenty-six percent of them, their most recent conviction was between 11 and 20 years ago. So you put that together -- and I was joking about my lack of math skills, but I was able to do a little scribbling before this debate.

Seventy-three percent of people with conviction records in this state have remained crime-free for at least 10 years, regardless of what that conviction was for.

SENATOR PALUMBO: Thank you.

And would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And in that regard, then -- and you and I have had this discussion. As you were giving me those statistics, I thought of a conversation you and I have had, we've discussed this often outside of this room. We currently -- we made some amendments to the Criminal Procedure Law to allow application to a court to ask the judge, typically the sentencing judge, if they're still around, to seal a misdemeanor and a felony -- so you get two bites at the apple -- by way of a motion and an application to the court.

Can you tell me why you felt that this was necessary? Because -- and just to streamline it, I still believe you can use -- take advantage of this an unlimited amount of times. Everything continues. No matter how many convictions you have, they will be automatically sealed if you fit the criteria.

Why didn't we just make it automatic that the current law, where an application can be

made, and give you two bites at the apple -- why didn't we just make that automatic?

SENATOR MYRIE: Through you, Madam President. And I would just underscore that Senator Palumbo and I have had not just discussions on this floor, but both in committee, when Senator Bailey, by way of his chairmanship of the Codes Committee, held a hearing on this bill close to three years ago. We've had this discussion. I think it's a philosophical difference.

The reason why we want this to be automatic is that the current application process has proven to be too onerous and burdensome -- 0.05 percent of individuals who are eligible have applied. That means that we have work to do. And we thought that an automatic regime would be more effective.

And on the notion of the unlimited amount of convictions, I would point my colleagues again to the statistics that say the majority of individuals with conviction records only have one. And if you average it out, it is three, but that is an average. Right? And so that means that there are individuals at the

higher end, but the -- but 53 percent of them, it's only one conviction.

And I would again point to the accountability measure in this bill that says it only takes one charge to restart the clock. If you have served your sentence and you know that in order to benefit from automatic sealing you have to remain crime-free, and only one restarts that clock, you have an incredibly high incentive to remain crime-free and to not get another conviction.

And that's why I have said, and I believe we probably disagree here, but this is a public safety bill. Because once people know that they can benefit from this, there is an incentive for them to remain conviction-free.

SENATOR PALUMBO: Thank you, Senator.

Would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you.

And, you know, we've probably bored a lot of people with the conversations that we have outside of this room, you know, going around and around with this. It's always been cordial, and I've always appreciated that very much.

Regarding those -- the clock stopping or resetting events, you said new charges in New York. How about an out-of-state charge or a new charge during that window, the three- or eight-year window in the federal court, will that stop the clock? Or is that something that is accepted under this particular iteration? Because it previously was not.

SENATOR MYRIE: Through you, Madam President. There is a change in this iteration. But I want to clarify what that change is.

The requirement that we follow out-of-state charges is something that is a difficult thing to do for our court administrators, for our law enforcement officials, particularly if they don't have access to the federal networks or the local networks that would provide them with the information for the charges.

However, we did include a provision in this bill that said should that capability become available, that we would have to monitor those out-of-state charges and, depending on what the charge was -- we accept particular charges around marijuana and reproductive health. But if that has happened within the last eight years, provided that we have the capability to monitor the charges, then it would restart the clock.

SENATOR PALUMBO: Will the sponsor continue to yield.

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

And by way of an example, if someone has a pending -- has a conviction, they've been released from custody, I believe is when the clock would start, say on a misdemeanor DWI, and they got a DWI in New Jersey, would that stop the clock on the three-year automatic sealing under this new Clean Slate Bill?

SENATOR MYRIE: Through you, Madam President, if it's a felony and if we can

get through that hurdle of implementation, having the capability to follow the charge.

SENATOR PALUMBO: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Just so I'm clear, Senator, if it's a misdemeanor DWI, though, it does not, correct? The New York charge would be automatically sealed anyway, despite the fact that a DWI is pending in New Jersey. Is that accurate?

SENATOR MYRIE: Through you, Madam President, that's correct.

SENATOR PALUMBO: Will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Moving on to

access to these records, I see that there's a list. Is the list of those that can get access to these records an exhaustive list, that if they're not named in here then you're not allowed to see them?

SENATOR MYRIE: Through you, Madam President, mostly.

There is a provision where we give DCJS an ability to examine whether or not there should be some employers included in that.

But just for the edification of our colleagues and for the public, if you are authorized or mandated to fingerprint, you would have access to records. Law enforcement, DAs, courts, their access to sealed records does not change at all.

We have also included, through feedback from stakeholders, a new caregiver provision that says if you are hiring someone to do work inside your home to take care of an elderly person or to take care of a child for more than 15 hours a week, you can conduct that background check. And again, this was meant to allay concerns about work with sensitive populations.

SENATOR PALUMBO: Will the sponsor continue to yield, please.

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: And, Senator, what would be the mechanism for someone, say, who is hiring a home health aide or somebody who is going to take care of a vulnerable person, how would they go about getting a background check on someone?

SENATOR MYRIE: Through you, Madam President. If it is through an agency, typically that is through the agency process, and they would have a mechanism to do that.

If it is not through an agency, that DCJS provision that I mentioned where they are tasked with promulgating regulations would allow for them to determine how they could get that background check.

SENATOR PALUMBO: Thank you.

Would the sponsor continue to yield, please.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: So if someone chooses not to hire someone that has a prior conviction, is there any sort of civil liability in that regard with respect to declining employment as a result of a prior conviction?

SENATOR MYRIE: Through you, Madam President. That -- in that hypothetical, that employer may be running afoul of Article 23 of our Executive Law that prohibits discrimination based on criminal records. But that's not something that's contained within this bill.

SENATOR PALUMBO: Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Thank you,

Senator.

And just as far as the overall process, I'm trying to get a handle on -- and really I'll just kind of cut to the chase, where I'm trying to get a feeling for someone who might have access -- for example, endangering the welfare of a child, misdemeanor, automatic sealing. If I don't have a daycare center or a licensed agency, but say I own a restaurant, a Chuck E. Cheese. So just because that individual doesn't have so-called regular access to children doesn't mean they won't have the ability to harm a child because of that employment.

So some of that information I think would be important. And this is where the rub has always been between us, that the issue of -- it's almost as if it's a gotcha. The fact that we're hiding these, intentionally sealing these from an employer and making a -- making it a cause of action for damages in the event you improperly access these records -- I just want to find that distinction on the process of sealing.

And I'm going to talk a little bit about the overall -- the manner in which someone could access it or if there are any exceptions to

access, if there are situations where down the road maybe some judicial review could be available or if there's an proper sealing of records, what the relief is. So that's kind of a global area where I'll go in like the next 10 minutes, if I can.

But generally speaking, what would -- what is the process of sealing that is required in here? Because I see that there are some mandatory requirements on law enforcement and district attorney's offices which I'll have a few questions on as well.

SENATOR MYRIE: Through you, Madam President. I don't want to ask you to yield, but I'm not sure of the exact question.

SENATOR PALUMBO: And if you would continue to yield, let me just clarify that.

ACTING PRESIDENT MAYER: Yes, the sponsor yields.

SENATOR PALUMBO: I'll tighten it up. I just wanted to kind of give you a general idea and then try and maybe, you know, move through it quickly.

But what is the process of sealing for law enforcement? What is the mandatory

process of sealing in this bill?

(Pause.)

SENATOR PALUMBO: Just to be clear, Senator Myrie, what would the -- really, what items are sealed? Like what -- that's kind of what I'm looking for. You know, it's fingerprints, photographs, things like that.

SENATOR MYRIE: Through you, Madam President. Any document or digital item associated with that file would have to be marked "sealed."

I would take this opportunity to note that in the first iteration of this bill, we didn't just have sealing, we had expungement. And expungement is the total destruction of the record. And after consultation with district attorneys and law enforcement officials, we moved to a sealing regime and not an expungement, so that we can still allow for law enforcement to have access to those records. It would just be marked "sealed" for most civil purposes.

SENATOR PALUMBO: Thank you.

Would the sponsor continue to yield, please.

ACTING PRESIDENT MAYER: Does the

sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Is there any mechanism in which someone who has a small business and is looking to hire, for example, a bookkeeper, is there any manner in which they can access sealed records of someone to see if they have, you know, larceny convictions and so forth?

SENATOR MYRIE: Through you, Madam President. If they do not meet the licensing mandate authorization requirement or if they are not explicitly mentioned in this bill, they would not.

And I think this is an important point. We have -- I think the discussion around this boils down to what we view redemption as and what we view opportunity as. And in the business context, it hasn't just been, you know, the Senator Myrie Show on Economic Opportunity, it has been Fortune 500 companies, it has been many Chambers of Commerce, it's been the largest financial institution in our nation, as well as a number of other businesses. Who, by the way,

aren't just hypothesizing about the ability to give opportunity, but who themselves have had experience hiring formerly incarcerated individuals, who were saying, We support this bill because in many instances these are some of the best workers we get.

SENATOR PALUMBO: Thank you, Senator.

Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: And I'm -- the time is moving quickly, so I'm going to move on to one little area, because we may have a few more questioners.

There is one section, I was just looking to find it, that provides for a liability release for businesses. And I just want to find it, if I could read the specific language.

(Pause.)

SENATOR MYRIE: Through you, Madam President. Senator Palumbo, page 7, I

think starting line 22.

SENATOR PALUMBO: Very good. It was a race to see who could find it first. Thank you.

SENATOR MYRIE: Pretty good counsel on our side.

(Laughter.)

SENATOR PALUMBO: It's a battle. I think ours might be better, but we're not going to start that right now.

Okay, in any civil action -- thank you for that -- "an official record of a conviction that has been sealed pursuant to this section may not be introduced as evidence of negligence against any person or entity that provided employment, contract labor or services, volunteer work, licensing, tenancy, a home purchase, a mortgage, an education, a loan, or insurance if such record was sealed and was not provided to the person or entity by or on behalf of a governmental entity in accordance with this section in response to such person's or entity's authorized and timely request for conviction history information." They may not have a duty.

And the bottom line where my

question is going is that we're essentially providing immunity -- I'm assuming this is for a negligent hiring case. So if you have someone who maybe has a history of violence, for example, you stab someone, even if you shoot someone, those are still sealable offenses. Assault in the first degree. Stabbing, shooting, they don't die. Even attempted murder is a B. So that's not an A felony. So attempted murder would get sealed under this statute after eight years if you meet the criteria.

And then you hire someone, and they assault a fellow employee or something happens. This is essentially granting a release to the employer. And now there were some discussions we've had in previous iterations about the, you know, Business Council and other businesses coming out saying, We love this. So I'm assuming there were conversations with them that I could see how they -- why they like it.

So my question is, why is this provision and this general immunity necessary in the event that, you know, what we've always been discussing, that this is a public safety bill. I think you even said it today. If this is a

public safety bill, then why do we need to provide immunity from liability to businesses that may have an untoward result as a result of hiring someone with a sealed conviction?

SENATOR MYRIE: Through you, Madam President. And I appreciate the question.

I would clarify that in the tragic event that an individual would commit a crime -- I'm assuming this would have to be connected with their employment, if we are in the negligence field, that it's not that the person would escape accountability. That person would, one, have the clock start all over again. Two, be subject to whatever penalty, after an adjudication of the facts, and they would suffer the consequences of that action.

We are trying to encourage businesses to not have a very unlikely event prevent them from giving individuals economic opportunity.

SENATOR PALUMBO: Thank you.

Will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: And thank you, Senator.

But in that regard, now, we are denying justice for someone who has now suffered a harm at the hand of someone and might appropriately be able to seek relief from their employer.

And my position has always been that's for the finder of fact to decide whether or not they were negligent in their hiring of this person. But to outright deny the admission of that certificate of conviction under, I guess, B4518 or whatever the section is of the CPLR, to let it come into evidence, I disagree with. And that's more of a comment than anything. So we can agree to disagree on that.

I only have one more area and -- hang on one second. (Pause.) I had a question just generally from an informational standpoint --

ACTING PRESIDENT MAYER: Excuse me, Senator Palumbo. Are you asking the sponsor to yield?

SENATOR PALUMBO: Would the sponsor continue to yield, please.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR PALUMBO: Thank you.

Just from an informational standpoint, can someone -- if these records are sealed, and similar to -- and the question I think is in the context of like an ACOD where it renders the case annullity is in the statute -- can they deny that they've been convicted?

SENATOR MYRIE: Through you, Madam President. So yes. However, it is contextual. So if the -- if they're in a new criminal case and that past conviction can be proffered as an element of that new alleged crime, then yes, they would have to admit to that and that would be looked into.

But for purposes of applying for employment or housing, they could -- they would not have to say that they were convicted.

SENATOR PALUMBO: And did you say

they would not have to, for housing?

SENATOR MYRIE: They would not have to.

SENATOR PALUMBO: Thank you. Senator Myrie, thank you.

On the bill, please, Madam President.

ACTING PRESIDENT MAYER: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you.

And I certainly appreciate -- as you folks heard, we have discussed this at length. And, you know, we've had -- we've agreed to disagree on some aspects for quite some time.

And this final version, unfortunately, Madam President, I can't support for a lot of those reasons that I discussed, and even a few more. And let me give a few examples, if I may.

The out-of-state conviction or pending case issue is still a bit of an issue. That was a concern, I think, from many district attorneys associations, law enforcement, and the general public.

But we still don't have a proper

mechanism to make sure that there is possibly, prior to sealing -- maybe you run a new background check, run a new fingerprint NYSIIS. You shouldn't have to just get this without showing some type of rehabilitation or making an effort of some kind. Because you can continue to get arrested and continue to get arrested and continue to get arrested unlimited amounts of time.

And that's why I've always said incrementally this might have been a good idea. We've seen criminal justice reforms that are not done incrementally that are done with a triple jump over the line -- I don't want to say the word bail reform, but I just did. We have four iterations of that bill that I still think is bad for society and unsafe. And that was -- reluctantly, there were changes made, and more needs to be done.

So we can't jump at these ideas because there are certain things -- and I've said this on the floor. Talk about discovery. As a practicing lawyer for many years, there were changes that were needed, without question. Even to bail, there were changes that I agree were

certainly needed. Just not the ones that we have in front of us.

So I'm very concerned. If you have a cleaning service for homes, it would be good to know -- you're not eligible under this particular bill, but it would be good to know that the person that's applying for the job has five burglaries, or maybe even an armed robbery, a home invasion robbery, that is sealable automatically under this.

And I think we should all -- we absolutely want people to be rehabilitated. I've said this many times as someone who's been involved with the criminal justice system as a prosecutor, my dad was a homicide detective. It is about compassion. We don't want people -- nobody feels good about prosecuting someone and sending them to jail or seeing another victim come into their office. That's not fun.

The point of our system is to get people back on the right track, and I agree. This, unfortunately, is too excessive. It's somewhat vague in some circumstances -- I think the ability for DCJS to have the opportunity to maybe make some decisions about if someone fits

the criteria. But we need to start expansively and then to move it in slowly until we find that right balance. And that's always been my concern.

And lastly, when it comes to a liability release, that's the sort of thing that I do not think is good for us in any circumstance. Because businesses can hire people with felony convictions today. They don't even need to make their application. You can do it all day.

So this isn't an impediment so much on someone who's walking around with a stigma for the rest of their lives. And I know it's my opinion, but the person that is truly suffering because of a conviction from 20 years ago will make the effort under our current statute to go back to court, maybe even get Legal Aid assigned if they had to, but to make a simple motion -- which is a free filing fee -- in the criminal court in order to get that prior conviction sealed.

So -- and again, I have a lot of respect for the sponsor. We've been talking about this for years. And the statistics he

provided, I don't dispute them. And that's great news that there are people -- that the overwhelming majority of people have one or two convictions.

But that's the point, Madam President. That's why we made those changes. Because the people who are living their life in accordance with the rules of society -- everybody stubs their toe. Many people, more than once. But eight, nine, 10 times? Eventually, accountability has to set in.

And for those reasons I'll be voting no, and I urge my colleagues to do the same.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Murray -- oh, sorry. Senator Weber.

SENATOR WEBER: Madam President, would the sponsor yield for some questions?

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: Thank you. Thank you, Senator Myrie. Just a few questions that

I'd like to just, you know, have a conversation with you about.

Is there a limit to the number of convictions that can be sealed?

SENATOR MYRIE: Through you, Madam President, there is not.

But I would repeat the refrain that it only takes one charge to restart the clock. And so the likelihood that an individual who has already served their sentence, who has had to remain conviction- and charge-free for a certain amount of time, who has been denied economic, educational, housing opportunities -- the likelihood that that individual is going to put their ability to access these things at risk is incredibly, incredibly low.

SENATOR WEBER: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: So thank you for

that answer.

Would a landlord, for example -- you know, there's a lot of mixed-use properties where, you know, there could be a childcare center downstairs and residential units upstairs. Would a landlord have access to someone's records that are sealed?

SENATOR MYRIE: Through you, Madam President. If they are sealed, they will not have access to that.

SENATOR WEBER: Thank you.

Madam President, would the sponsor continue to yield?

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: Okay, thank you.

And, you know, some of the additional questions I've heard from district attorneys -- and I'm sure you've heard from similar ones in the past -- is, you know, a lot of crimes, especially felonies, are plea-bargained down to, say, misdemeanors.

Right? And it's becoming more and more common, especially in New York City with DA Braggs kind of -- his office has kind of gone in that direction.

Does that concern you, that there are people that are really violent that really plead down to, you know, less violent crimes just for the convenience of the court, that their records will be sealed and their -- you know, they'll be out or at least sealed in a quicker fashion?

SENATOR MYRIE: Through you, Madam President. I think my colleague on the other side is actually making a good point about the current state of affairs in our criminal legal system. Almost 98 percent of outcomes are driven not by a trial, but by plea.

And if we want to have a conversation about whether we should reduce the amount of pleas that drive the system and whether we should be having more trials or that we should be having more extensive adjudication, I am very willing to have that conversation.

And I would also note that this isn't just limited to one DA in one particular

borough, but that's for the entire state: 98 percent are adjudicated by guilty pleas. And that is the system that we have. That is the system that we have set up, where you're presumed innocent, and then you go through the process and you reach to a conviction.

The system does concern me because it is overwhelmingly done by pleas. But it does not concern me as it relates to this, because the process has already played out and you have served your sentence according to that process.

If the DA in a hypothetical is pleading down or offering to plead down a particular charge, I think your issue might be with the DA even offering that in the first place. There is a reason why they do that, and I think that that's a conversation that I'm happy to have at a later tame.

SENATOR WEBER: Thank you.

And through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The

sponsor yields.

SENATOR WEBER: Staying with district attorneys, you know, there's a lot of district attorney's offices, especially in the outer boroughs, outside of the big cities, that -- you know, they're small, right? And it will be very burdensome and very costly for them to go through the whole process of sealing.

Has there been any consideration in terms of funding to help out those offices deal with that?

SENATOR MYRIE: Through you, Madam President. In our conversations with the other house and with the Executive, the estimates are around 10 to 20 million on what it would cost.

I would also note that in our one-house we proposed to add money in for the implementation of this.

And I would also note, while we are speaking of DAs, that the Brooklyn district attorney, the Manhattan district attorney, the Queens district attorney, and the Bronx district attorney have all said on the record that they support the Clean Slate Act.

SENATOR WEBER: And through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: I didn't hear the full entire -- the list. But my question was really geared towards a lot of the smaller jurisdictions, the smaller district attorneys.

Have they also indicated their support for this?

SENATOR MYRIE: Through you, Madam President. The only district attorneys that have indicated their support publicly were the ones that I just listed.

But I take your point on the smaller offices and their need for resources, and we would be happy to provide and support that by way of appropriation, just as we have for some of the other changes to the criminal legal system over the past couple of years.

SENATOR WEBER: Right, thank you.

And through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: In terms of -- I heard some conversations with Senator Palumbo before regarding, you know, bookkeepers and, you know, the concern about employers not having access to records for people who have been, you know, convicted of a financial crime.

But getting past that, if a company does, say, a Google search -- you know, a lot of companies do not only background checks, whether they use these private services or ADP. If people do Google searches or other independent searches, and based on those searches decide not to hire somebody who has their record sealed, what happens in that situation?

SENATOR MYRIE: Through you, Madam President. They are potentially liable, not under the Clean Slate Act, but under a law that is already on the books in Article 23 of the

Executive Law that prohibits discrimination based on criminal history.

SENATOR WEBER: Okay. Thank you.

And through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: Thank you for that answer.

And I have a question regarding -- one second. There's some language in there regarding, you know, obviously law enforcement and other related agencies have access to certain sealed records -- for those sealed records. Was there ever any consideration to having other areas or other type of employers or potential employers having access to such records?

SENATOR MYRIE: Through you, Madam President, this has been I'd say at the center of this conversation, the notion that a business or a potential employer should have access to records regardless of whether that

touches on the nature of the employment and whether that might impact their decision making.

And I think the core of this bill is that you should not be serving this punishment in perpetuity based a conviction that you've already served your time for. And I know that we're not going to agree on this philosophically. But what we -- what I and many of the supporters of this bill believe, including our business community, is that you are not the worst thing that you've ever done.

And the numbers bear this out, that individuals even with the most severe records, the most severe offenses, are highly unlikely to reoffend and to commit those again. If there is anyone that has an appreciation for the consequences of their actions, it is an individual who has served their time and who has subsequently remained charge-free.

So, you know, I keep coming back to that because, you know, I think we're going to continue to have the questions about who should have access and when. And what we have done in this bill is say that if you work with particularly vulnerable populations, that you --

or if you're mandated or authorized to fingerprint, then you should have access. And I think we can understand that conceptually, why that is important.

We've gone even a step further. When the State Education Department reached out to us and made known their concerns about access to their records, we made extensive amendments on the licensing requirements, the professional misconduct requirements, other occupations within the Education Department that deal primarily with children.

So we are cognizant that this -- that the notion that vulnerable populations should continue to have access, that is something that is in this bill. And in addition, what I mentioned to Senator Palumbo, some latitude with the Division of Criminal Justice Services to make some determinations down the road.

SENATOR WEBER: And through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: Kind of where I was going with this, and kind of where I was kind of trying to merge the two things together in terms of when I was talking about, you know, the progression of crimes being, you know, downgraded by various district attorneys around the state, and also who has access, you know, what kind of business would have access to records.

You know, there's cases that I'd be concerned about, you know, if you have a private daycare center and you have people that drive private buses for those daycare centers, and you have people that -- maybe a husband assaults his wife or he abuses a kid. And what we've seen with various district attorneys downgrading a lot of these crimes, right, that being sealed and that person being able to drive that bus in that hypothetical private daycare center and not having the access to know what that person's violent background -- not what it was pled down to, but what that really -- that person's real violent, you know, background is.

SENATOR MYRIE: Through you,

Madam President. I'm assuming the question is just to respond to what the concerns were.

I'd say first, in the driving context, that all of those remain accessible. Anything that touches on the traffic or vehicle law, any violations of the Vehicle and Traffic Law will remain accessible. DMV must provide access to those records.

And I'd say, more broadly, that I think, Senator Weber, your concern is with the process by which DAs plead down and not with this bill. Because this bill does not touch on what -- how the adjudication happens or how that outcome is arrived at. This deals with after that has been determined and after the conviction and sentence has been served.

I would reiterate that I'm happy to have a conversation about how we can change that process, how we might be able to make it more fair. And, you know, I think you're saying there should be more accuracy in what the charges are or what the conviction and sentence is. I'm happy to have that conversation. This bill doesn't touch on that process at all.

SENATOR WEBER: Okay. Thank you.

And through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: Here's a question that probably my daughter would kill me if I didn't ask. But for like animal abuse crimes, are they eligible for sealing?

SENATOR MYRIE: Through you, Madam President, yes.

SENATOR WEBER: Okay, thank you.

And through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: Would an animal shelter or a veterinarian's office be able to access a sealed animal abuse conviction for a prospective employee or volunteer?

SENATOR MYRIE: Through you, Madam President, if the record is sealed and that shelter does not have authorization or a mandate to fingerprint, they would not have access.

SENATOR WEBER: And through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: Thank you.

You know, that's obviously concerning. You know, when you watch all of these police shows and crime shows, you know, obviously people that abuse animals are more -- you know, more apt to continue that crime in a more violent way against, you know, humans.

So, you know, was that ever considered or a question throughout the process about, you know, the -- how -- you know, people that are inclined to abuse animals or have something wrong and are going to probably commit further crimes throughout their lifetime?

SENATOR MYRIE: Through you, Madam President, I will not speculate about future crimes or someone's propensity to commit a crime. We actually have a lot built into our legal system, particularly in the evidence context, about using past convictions as a forecast into an individual's propensity to commit a future crime.

But I'll say that animal abuse is abhorrent. None of us support that. And no one should abuse an animal. We have a system set up in place such that if you are found guilty of abusing an animal, you will suffer the consequences.

And if we want to have a discussion about, you know, animal shelters or entities dealing directly with animals requiring background checks or being authorized to use background checks for their employees, we can do that. We can -- or you can introduce a bill, and we can go through the democratic process of determining whether or not that is an employer that should have that type of access.

But as it stands now, they do not, and so they would not have access to those sealed

records.

SENATOR WEBER: Okay, thank you.

Thank you, Sponsor.

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

SENATOR MURRAY: Thank you, Madam President. I'd like to go on the bill, please.

ACTING PRESIDENT MAYER: Senator Murray on the bill.

SENATOR MURRAY: Thank you.

So first I wanted to say that I appreciate my colleagues Senator Palumbo, Senator Weber, digging deep into the bill and getting into the details and the crux of all the different details, all the different crimes and things like this.

I think I'm going to take a little different approach, rather than going into the details of the bill. What I want to talk about is the message that we are sending to New Yorkers through this bill and other bills that have passed recently, particularly the message that we're sending to crime victims and the loved ones and the family members of crime victims.

So in a previous debate the Senator had mentioned something about the perception or the appearance of doing harm to families, and I believe he was quoted as saying "perception is reality." Well, the perception we are sending and have been sending over the past couple of years to crime victims, the reality that they see is that we just don't care. That the criminals matter so much more.

And let me be clear. We're not talking about accused, we're talking about convicted criminals, those that have either pled guilty or those that have been found guilty by a jury of their peers or by the judge. They were guilty, they committed the crime. And what crimes are we talking about? Manslaughter, vehicular homicide, vehicular assault, other assaults -- gang assaults, assaults on police officers, attempted murder in the second degree. I named those -- I'm not going to go down the whole list.

I named those because the one thing that all of those crimes have in common is each one had a victim. Somebody was either killed or somebody was hurt. They had a victim who

suffered, a completely innocent person who did nothing wrong and their life was changed forever by this. Or they're not here with us anymore, their life was taken. And they did nothing wrong.

The criminal chose to commit the crime. The criminal said, your life doesn't matter. The criminal said, I want your property. I want what you have, and you don't deserve it. I'm just going to take it, and I don't care what you think. I don't care what you feel. I don't care of the impact to you or your family. I don't care. I want it. I'm going to do it.

They made the decision to commit the crime. The victim didn't. The victims had no choice. But guess what the victims don't get? They don't get a second chance. They don't get a clean slate. They don't get to seal their memories away. They're going to relive it over and over again. You know how I know? Because I've spoken to them.

A little earlier this year I went to a vigil for the Long Island parents and other survivors of murder victims, where we sat in a room full of grieving people, family members,

loved ones, spouses, sisters, brothers, friends. And we sat and listened as they read off the families of over 600 murdered victims. Everyone in that room had the same thing in common. They were in pain, and they knew that pain will never go away. It won't be sealed, it won't be erased. They don't get a second chance. They will relive it over and over again.

You know, I've heard where some groups that have supported this bill -- and I had heard in previous -- not tonight, I didn't hear it tonight, but I've heard previously there was mention that some crime victims groups -- let me be clear. Those are crime victims groups, groups that offer services to crime victims, and they support it. There were no actual victims that supported it.

In fact, Jennifer Harrison is the executive director of Victims Rights New York. There was a Zoom or some sort of a meeting that was held online where you could go on and talk about Clean Slate, so she logged on. And when she tried -- identified herself and tried to ask a question, she was muted and not allowed to even ask the question. That was very interesting.

But when I was at that vigil and I talked to these family members, first I spoke briefly, gave my condolences, told them how sorry I was to them. But their questions to me is, What are you guys thinking up there? Why is it all about the criminals? What about us?

Why would they say that? Well, let me see. Cashless bail we've approved. Raise the Age. Raise the Age, where we raised the age of criminal responsibility because, you know, if they're under 18, they didn't know any better, they're just kids. You know, like the 14- and 15-year-olds in Mastic Beach this past summer that broke in and brutally beat and raped a woman. Ah, but they were just kids, right? So they went to Family Court. That woman will never, ever be the same.

Again, we talk about the victims and the perception. Go to Less is More, where it's harder now to violate someone who gets out on parole and can't even follow the directions of what they're supposed to do. Oh, you failed a drug test? Ah, don't worry about it, no big deal. Oh, you failed to report to your parole officer? Ah, we'll let you slide. Because

you -- you need a second chance. No problem.

And now we're talking about Clean Slate. Again, the message we are sending to these poor victims is appalling. And you can't -- you can't blame them. You hear stories -- when I was there, I heard stories -- and believe me, these are real. The family that split up because the woman was so petrified after a violent home invasion where they beat her and they separated the family and she didn't know if their kids were going to get killed, she didn't know if she was going to get raped. But she gets beaten. And she's so petrified, and she relives the trauma over and over, that she can never be intimate with her husband again. They end up divorcing, splitting up.

Do they get to start over? Do they get a clean slate? These are real stories. These really happened.

Or the children that see their parents in a carjacking or, again, a violent home invasion, and they grow up harming themselves, cutting themselves, harming, doing things to themselves because they're trying to deal with the trauma that they can't erase from their

minds. Do they get a second chance? Do they get a clean slate? No.

Earlier the sponsor was giving out some stats. Let me give you a couple of stats. One hundred percent of the murder victims will not get a second chance. One hundred percent of the loved ones and family members and sisters and brothers will not get to see or will not get over the crime that was committed to their loved one. One hundred percent. Now, that is a stat we should be thinking about.

So when you think about, when you're voting on this bill tonight, think about the message we're sending to the crime victims. Because, listen, with all this, the cashless bail, the Raise the Age, Less is More, we've got more and more crime victims these days. And the message we're sending to them is: Get over it. They deserve the second chance: Just deal with it.

For that reason, there's no chance I will be voting for this bill.

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

SENATOR BORRELLO: On the bill,

Madam President.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Madam President.

We've heard a lot of talk this evening, and I can tell you that I do believe in giving someone a second chance. And when I say that, I'm not just saying that. I have employed people who have been formerly incarcerated. So when I say I believe it, I don't just talk the talk, I walk the walk.

I have somebody in my employ right now who was formerly incarcerated. But I knew full well, going in, what that person's background was, what they did. But I'm a small business owner, and I have the right to have that judgment, with full knowledge.

So when you talk about right now who is currently employing formerly incarcerated people here in New York State, you know who it is? It's small business owners like me. It's not those big corporations. It's not the people that all of a sudden now jumped out of the woodwork to say "We support this." No, it's

people like me.

So we have to ask ourselves, why all of a sudden do we have this turnaround -- the Business Council, so forth. Well, I really believe it has a lot to do with this civil liability shield. Now, this applies to everyone -- small business, big business, individuals. I get that.

But if you're a small business owner and you hire someone that you have no knowledge of what they have done, and something goes wrong, chances are it's going wrong to you or your loved one, the family member that works in your business, or the people that you know.

What happens if it goes wrong, you know, at an Amazon warehouse, a guy who has a history of violence assaults a fellow worker in the Amazon warehouse? Well, you think Jeff Bezos gives a -- damn? No. But he wants that liability shield. He wants to be protected from having to pay the price.

But for me or my fellow small business owners, that really doesn't matter. Because the damage that will be done has more to do with anything but money. It has to do with

the impact it's going to have on the people that I know and love and work with every day.

You know, I hear a lot from my colleagues on the other side of the aisle about the Republican Party is the party of big business and corporations. Well, I would say that this is a big gift to those big corporations. In fact, I've been here for three years. I don't remember ever giving anyone kind of a civil liability shield, do you? When was the last time we gave anybody a civil liability shield from this Legislature? In fact, we probably passed a hundred bills that have a private right of action. This bill has a private right of action. We actually incubate civil liability lawsuits here in this chamber. That's really what we do.

And that's my concern. The folks that are in favor of this all of a sudden, they're not being altruistic. They're being opportunistic.

But at the end of the day, this is not good for business. And I know I'm hearing, yes, it is, there's a million people right now that have convictions. Because these big corporations, they could hire them right now. It

was mentioned earlier, there's literally nothing stopping any of those businesses from hiring a formerly incarcerated person. I do it, other small business owners do it.

They have policies against it, because it's going to cost them money if something goes wrong. Now it won't. But the emotional impact of something going wrong isn't going to be visited upon those folks sitting in a board room a thousand miles away. And that's the problem with this. If these folks were all in, they would have done this without a civil liability shield. If they were so altruistic, they would have done it without that protection. But they're not. And that's the problem with this bill, in my opinion.

So what are we going to get from taking this giant risk? Are we going to be tracking the statistics, the workforce participation rate? Is it going to go up? Are we going to see, all of a sudden, all these open positions filled because we have a million New Yorkers that can't work because of a prior criminal conviction? Maybe, maybe not. But I don't think there's anything in this bill that

actually asks us to track that information, to see if the risk we're taking actually pays off for New York.

Are we going to see lower rates of recidivism? Because right now they're going up, not down. Will we see lower rates of recidivism in New York State as a result of this bill? I suspect we won't. But then again, no one's going to actually look to see that if that actually happened. That's not required in this bill.

So there's a lot of flaws that have been pointed out. But at the end of the day, I do believe in a second chance. But with this bill and the unlimited number of times that people get, I don't believe in a 22nd chance. So I'll be voting no.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Martins, are you desiring to speak on the bill?

SENATOR MARTINS: (Inaudible.)

ACTING PRESIDENT MAYER: Well, I'm not inviting you.

(Laughter.)

ACTING PRESIDENT MAYER: I have your name on -- I was given your name --

SENATOR MARTINS: I viewed that there was an invitation there, so --

SENATOR MAYER: No.

(Laughter.)

ACTING PRESIDENT MAYER: I was not inviting you. I -- do you rise to speak on the bill?

SENATOR MARTINS: I'm glad to speak on the bill, Madam President. Thank you very much. On the bill.

ACTING PRESIDENT MAYER: Senator Martins on the bill.

SENATOR MARTINS: You know, I join with the concerns voiced by my colleagues to this point, that we have policies in this chamber that we've discussed certainly over the years -- we've heard them earlier in our session this year -- that appear to prioritize people who commit violent acts, people who have been convicted, whether by a plea or whether by a conviction after trial.

Although I do understand the difference between the two, Madam President, and I do think that if there is a plea and that plea results in that being sealed as a result of the

bill we're discussing here today, that there is a societal benefit for people to be able to hold others accountable if they continuously break the law and they continuously have an opportunity to hurt others.

We are in a position where we have the opportunity to prioritize the rights of victims as against those who are going to protect -- whether they're large corporations, through immunity, whether it's giving people a second chance. But we've heard from people in this chamber about how they have families, they have children, they're concerned about crime, they're concerned about how dangerous it is out there.

I share those concerns. I want people held accountable. I believe we are responsible for our actions. I believe adults do have the ability to commit bad acts and should be held accountable for those. I believe that if I commit a crime, I should be held accountable for it. And people should know, in hiring me in the future, that I committed that crime and be able to make those choices, because as an adult I have to take personal responsibility for those things

that I do, because that's what I teach my kids as well -- as children, as teenagers, and as adults, that we are responsible for our actions.

That used to be a common theme in society, that we took accountability for our actions. We didn't make excuses for bad behavior. It seems like that seems to be all too often the policies that we follow these days.

So when it comes to protecting victims or allowing somebody who is harmed the ability to sue, I will stand with the victim a hundred percent of the time.

So I'm concerned about this bill. I'm concerned about what it means in society. I'm concerned about businesses that will hire people, as Senator Borrello said, not because they're actually going to go out on a limb and give somebody a second chance -- it's because they have immunity from liability. But that immunity from liability comes at the expense of the victim, who no longer has someone against whom they can actually seek justice.

Where are they going, Madam President? Are they coming here to Albany? Are they going to hold the state accountable?

The answer's no, they get to hold no one accountable. And that's wrong, civilly or otherwise.

So I think we've spoken quite a bit on this topic. I've got to tell you that people I hear from back in my district, this is how they feel. I'm not getting calls from people from my district saying, yeah, you know what, Clean Slate's a great idea. You know what they're saying? We live, we're accountable, we want to be held accountable, we're going to hold other people accountable as well. That's what I'm hearing from people in my district, Madam President.

And for that reason, for that reason, for the people back home that we represent, for the people who count on us to make sure that we pass policies here that hold them to the same standard as everyone else, for our obligation to make sure we pass policies here that keep them safe, I'll be voting no.

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

Hearing and seeing none, debate is closed. The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Madam President.

My colleagues, I rise in support of S7551A, the Clean Slate Act. This bill represents a crucial step towards creating a fairer and more just society. It recognizes that a criminal record should not define an individual indefinitely and deny them the chance to rebuild their lives and contribute positively to their communities.

This legislation ensures that those who have paid their debt to society are not burdened with a lifelong sentence of limited opportunities and poverty. We recognize that rehabilitation is possible and that individuals should be judged by their present actions, not

forever haunted by their past mistakes.

The Clean Slate Act is not just about providing second chances but about fostering a society that values redemption and believes in the potential for change. By removing unnecessary barriers to employment, education and housing, we open the doors for individuals to rebuild their lives, support their families, and become productive members of society.

Moreover, this legislation plays a vital role in addressing systemic inequalities which cannot deny that our criminal justice system has proportionally affected communities of color and low-income families. The Clean Slate Act is an essential step towards achieving equity and promoting social and economic justice.

As legislators we have the moral duty to ensure that every person has an equal opportunity to succeed, and send a powerful message that we believe in redemption, fairness, and the transformative powers of second chances.

For a society that embraces compassion, justice, and the belief that everyone deserves a chance at a better future,

Madam President, I vote aye.

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

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Madam President.

You know, a lot of issues are controversial. This one certainly is. But I just have to go on record when I listen to some of my colleagues make completely false statements on the floor -- all of those lists of the victims and specific crimes who would never get a chance at Clean Slate. Clean Slate doesn't apply to any of the crimes that were being described. Those are not the people who will be eligible for Clean Slate.

And the sponsor made clear over and over again in his presentation exactly what this bill did. And I sat and listened to it all, and I'm wondering why some of my colleagues don't seem to have listened to any of it.

But for the record, there are things this bill does, things this bill doesn't do. And the fact is these are people who have committed crimes, paid their dues to society, and are

frankly much more of a risk to all of us in our communities if they don't have a fair chance to move forward for employment, for housing, for family, for their lives.

So it is in absolutely their best interests but, perhaps more importantly, our best interests that we move this law forward. And I have no question that I am voting for this bill.

Thank you, Madam President.

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

Senator Rivera to explain his vote.

SENATOR RIVERA: Madam President, Senator Myrie, today is a beautiful day.

I've been here 13 years, and I remember the first couple of years in my legislative career I was the ranking member in the Crime Victims, Crime and Corrections Committee. And during that time I saw so many of my colleagues on the other side of the aisle, most of whom have since retired, but who were here for decades. And the vision that they had of how our criminal legal system must be organized is punitive, punitive, punitive.

These were folks -- and I can say this for a fact because I saw the types of bills that they introduced, the things that they said, the things that they believed. And sadly, apparently some of my colleagues still believe this: They are these criminals, these people that are over there, different than the rest of us, and they must be put away, never to be heard from again.

I am so glad that we are in the Majority now. So glad. So glad. Because that means that things like this, that bills like this can actually happen and we can actually move in a different direction, in a place where the criminal legal system actually believes in redemption. In which we don't use fearmongering to attack something.

It's a beautiful day, Madam President. It's a beautiful day. And I am proud to vote in the affirmative.

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

Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Madam President.

To my brother, Senator Zellnor Myrie, thank you. As we say in church, weeping may endure for a night, but joy, joy comes in the morning.

You know, I've heard about "Wait," right? "For years now I have heard the word 'Wait!'" We've heard this before. Dr. King said: "It rings in the ear of every Negro with piercing familiarity. This 'Wait' has almost always meant Never.' We must come to see, with one of our distinguished jurists, that 'justice too long delayed is justice denied.'"

Wait. Why? Wait to be employed. Wait to eat. When you're hungry, you don't wait to eat.

Senator Myrie's mentioned the statistics that 73 percent of the people who have been convicted of a crime have not been convicted of a subsequent crime in over 10 years. Without this piece of legislation.

And there's a lot of conflation that goes on about victims and their rights. The Senate Democratic Conference stands for victims' rights under the leadership of Andrea Stewart-Cousins, let's be very clear about that.

But the sentence that an individual receives is part of that right, sort of the dues that -- part of the dues they pay to society. Then, depending on the nature of the offense, that either three- or eight-year wait that they still have to wait, Madam President, is part of the debt that they pay to society. How much more do you want people to pay when they can't pay?

People will say that they're not asking for that in their districts. They're asking for it in mine. Senator Bailey, I don't have a job. I got jammed up when I was 17, when I was 18, I was dumb and young. But I can't find any way to live, my kids don't have anything to eat, and I don't have a job. These are what my constituents are saying. In the 36th Senatorial District, Northeast Bronx and Mount Vernon, that's what they're asking me: I need your help.

Well, we're here. And I know that some of my colleagues on the other side of the aisle, I know that they truly do believe in redemption and second chances. I'm asking you, what does a formerly incarcerated individual look like? They might look like my man Eddie Gibbs, one of the best Assemblymembers that we have.

Let us not judge an individual by the worst thing that they have ever done. Maybe one day they can grow up and be an Assemblyman. Wouldn't that be nice.

You know, people can change. People can change. You know, it's not how many times you're knocked down, Madam President. It's how often do you get up. But if you're held to the floor for years and years, you can't rise.

This piece of legislation is asking for individuals to have a meaningful opportunity to be able to show that they want to change. We heard it. People want to change. They want to work.

You know, and the last thing I'll say on this point about what vehicles are already available, that we have these sealing statutes that we can use -- as Senator Myrie said, that 0.05 percent of people use. Everybody that says that, how many reentry fairs have you held? How many days of expungement and reentry type of events have you held with these sealing statutes that exist, how many have you held?

I would say slim to none. I would say little to none, excuse me. That's how many

you've held. This statute will create real meaningful change. The next person, the next person that may sit in this seat may have done something wrong in their life, but they won't pay for it forever.

Let us not judge people on the worst things they've ever done, but on our society's ability to forgive. I vote aye, Madam President.

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

Senator Rhoads to explain his vote.

SENATOR RHOADS: Thank you, Madam President.

I certainly understand the sentiment behind this bill. Nobody wants to be judged by their worst moment. I believe that. I understand that.

But I think what we're seeing in the chamber here is what we see kind of often here, is that I have the right as an individual to judge that. I have the right for myself to determine when I get to see or how I get to see an individual that I'm going to be doing business with, that I'm going to be inviting into my home, that I'm going to be working with on a regular

basis. And what we're doing is putting blinders on the eyes of everyone.

We talk about transparency in this chamber all the time, and we vote for transparency in this chamber all the time. But what we're doing essentially here is we're telling the public that our judgment is better than theirs. We're not saying that there's no opportunity for redemption. What we're saying is that it's in the eyes of the individual who's making the decision whether or not to engage on a regular basis with that person, whether to invite them into their home, whether to invite them into their business. It's their opportunity to make that decision.

If some person has demonstrated that they've made a mistake early in life and comes for a job, it's that employer's decision whether or not they want to believe that that person has redeemed themselves. It's not government's. If I want to invite somebody into my home to watch my house, to watch my niece and nephew, that should be my decision, not government's decision, whether I get to know that individual's background.

So we're not talking about not being in favor of redemption. We're not talking about not providing opportunities. We're talking about providing transparency so that people will make decisions with open eyes, recognizing that you're never going to be able to know someone's heart, but you should have the opportunity to at least know their background and make that evaluation for yourself without having to take the word of government for it.

And unfortunately, there are some -- I'm a big baseball fan. My favorite movie is The Natural. Robert Redford, one of the famous lines in the movie when he -- and I know I'm running up against the two minutes. One of the famous lines in his movie is that he says, when he's in a hospital bed, "There are some mistakes that you never stop paying for."

And unfortunately that's sometimes true. But not in the eyes of everyone. But it should be us that makes that decision. It shouldn't be government that makes that decision for us.

So I'll be voting in the negative on this bill.

ACTING PRESIDENT MAYER: Senator Rhoads to be recorded in the negative.

Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Madam President.

I wasn't planning to speak on this bill, but I think it's important to put on the record that as someone who represents a rural upstate community, people in my district are asking for this bill. They are asking for Clean Slate. People are not wanting immunity from liability, they're wanting a chance at a better life. They're wanting a chance to be able to help the next generation in their family, to be able to find stable housing, to be able to find a job, to be able to help their parents or their kids.

People want to be able to live without stigma. They want to be able to succeed and have equal opportunities and to be the arbiters of their own fate. That is what we are allowing here today in this chamber and with this bill.

So much of what we heard is not actually relevant to the bill that we are talking

about. It is filled with fearmongering and rhetoric to try to undermine the points and the justice that we are providing with this bill for people who have been consistently kept down, not just their entire lives but often generations in their family. This is going to give people a path back to help them and their future family.

For that, I'm incredibly proud to vote aye on this bill and to be able to deliver this for the constituents in the 41st District.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Hinchey to be recorded in the affirmative.

Senator Cleare to explain her vote.

SENATOR CLEARE: Thank you, Madam President.

I want to commend my colleague Zellnor Myrie for this very important legislation.

What it's about is you have paid for your crime. You deserve to put that behind you and not be judged for the rest of your life for something that you've already paid for. To be incarcerated over and over again for the rest of your life when that door slams in your face, when

you don't get that job, when you are judged over and over again for the same thing that you already paid society back for -- that's not justice. That's not justice.

We know the individuals. We know their lives. Some of them didn't even have a fair chance to begin with. They made a mistake. They went to jail. They paid for their crime. And now they're out. They deserve to have a chance to move on with their lives and to get on with it and get all of that past them.

This bill is crucial and critical. I thank you for your persistence. I thank you for your hard work. This is going to change thousands of lives in my district. Thousands of lives. People who have been beat down over and over again. They deserve a chance. They deserve a second chance.

And our decisions should be based on who people are, not on what they did and paid for a long time ago. It's what you are today. So many people you look at, you don't know who they are, you don't know what they've done. They may not have gotten caught. And because these people have gotten caught and paid for what they did,

that is why we judge them over and over again. And that's not fair.

And that ends now, and I thank you. And I proudly vote aye, Madam President.

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

Senator Brouk to explain your vote.

SENATOR BROUK: Thank you, Madam President.

I want to share a story that I think highlights why we're voting on this today.

And I also want to thank and congratulate Senator Myrie for his work on this even before I was blessed to be in this Legislature.

I want to tell a story of Melinda, who's a grandmother living in Syracuse. In October of 1999, she was sentenced to three years probation. She completed her sentence, went on to become a mother, a grandmother, went to school, obtained a bachelor's degree, her master's, even -- which, by the way, is more education than I have. I don't even have a master's. Yet 25 years later, despite all that she had done to give back to her community, she's

still suffering the consequences of her actions over 25 years ago.

Let's put this in perspective. In 1999, I was 13 years old, getting ready for the year 2000 in my eighth-grade class. Think of all I've done since then. I had no idea I'd become a State Senator. And this is a woman who continues to suffer from the actions of nearly some of our lifetimes ago.

The question -- which is rhetorical -- that I'll ask is: How long do we need to punish people? How long do we punish people until we let them live full lives to support their families, to support their grandchildren, to support their communities? That's why Clean Slate is so important.

And to finalize this, I want to just say I'm so proud of so many things that we've done, this week especially, in this Legislature. It can be uncomfortable for some, but it's going to help so many New Yorkers. And we're not going to stop. And I'm very proud of that work.

I vote aye. Thank you.

ACTING PRESIDENT MAYER: Senator Brouk to be recorded in the affirmative.

Senator Myrie to close.

SENATOR MYRIE: Thank you, Madam President.

First let me just address some things that I heard from my colleagues who spoke on the bill. You know, the notion that this conference or this Legislature doesn't care about victims is directly contrary to the record.

Just a few weeks ago we passed the Fair Access to Victims' Services Act, where only four of my colleagues on the other side joined in on that effort. But this is something that we -- that would give more access to resources for victims, that would allow for them to get the compensation that they deserve, but that my colleagues who have spoken eloquently about victims decided was not good enough for them.

One colleague mentioned the recidivism rate. And we have empirical evidence that shows us that individuals who benefit from sealing of their records do have a lower recidivism rate, and it is in fact lower than the offense rate for the general public.

I've heard a lot about accountability and people taking responsibility.

And again, I would underscore that this bill does nothing to affect the current adjudication process. If you are convicted, you will serve your time, and you still have to remain crime-free to benefit from this.

And on the notion of immunity for jobs, I would point out that in the negligence context -- and many of the lawyers in this room are familiar with that -- there is a knowing requirement for negligence. And by definition, if the record is sealed, the employer does not know and thus should not be held liable in a negligence claim.

And I'll lastly say that on -- just to address some of the comments that were made, that individuals who are eligible for sealing under our current statutes, only 0.05 percent of those who are eligible have taken advantage of it. That is both a demonstration that they don't know about their eligibility but also about how onerous the process is.

I want to thank our leader, Senator Andrea Stewart-Cousins, for bringing this bill to the floor again, and thank her for her steadfast dedication to helping the millions of New Yorkers

with conviction records.

I want to thank my colleague in the other house, Assemblymember Catalina Cruz, who helped shepherd the effort in the Assembly, who passed Clean Slate today. And I'd also thank Speaker Heastie for allowing the bill to come to the floor.

I had served a year in this office when I met a young brother named Zaki, who is another great person in the lineage of people with names that start with Z.

(Laughter.)

SENATOR MYRIE: And I had a coffee with Zaki, and Zaki told me about his story: Had a conviction, really wanted to give back to his community -- because he was the most credible person. And he got a job and was doing what he loved, but once they found out that he had a conviction, he was let go. And all of the people that he was helping and that he could influence now did not have that individual simply because he had a conviction record.

And his story of course is not unique. One in seven New Yorkers have a conviction record. Which means that if you look

around this room, even in the seats, that there are people with conviction records that are in this Legislature. But you don't know that, because people don't advertise that. The same way that you don't advertise the worst thing that you've ever done to everybody.

But imagine for just a second, if at every interview, every job application, every time you wanted to get a house, find someplace to live, the person on the other side said "I just need you to tell me about that worst moment in your life." Every single time.

What are we doing? We have a higher unemployment rate in this state than the rest of the country. And we have millions of people ready to go to work, but we shut the door on them every opportunity we get. We marginalize them.

Okay, say I get out, I want to do better. You're released from supervision. Say, okay, I'm going to go apply for a job. You apply for 10 jobs, all 10 say no. You say, all right, well, maybe I'll go to school, get my education, maybe they will take me then. You go apply for financial aid, and they say "Oh, you have a conviction? Not eligible."

Okay, so you can't go to school, you can't get a job. Well, I've got to put a roof over my head. I don't know how to deal with this, I've been locked up for 20 years. I need to find a place to live. And you go and you apply for a place for live, and they say: Nope, your conviction means you will not get housing.

Ask yourself, what would you do if you were that individual? No house, no job, no education. There are no options.

ACTING PRESIDENT MAYER: Senator Myrie, your time is up.

SENATOR MYRIE: So I plead not just with my colleagues, but for every New Yorker who is listening: Clean Slate is a jobs bill, it's an education bill, it is a housing bill, it is the right thing to do.

And I am so proud to vote in affirmative. Thank you.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1827, those Senators voting in the negative are Senators Addabbo, Ashby, Borrello,

Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Mannion, Martinez, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Scarcella-Spanton, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 37. Nays, 25.

ACTING PRESIDENT MAYER: The bill is passed.

(Cheers; sustained applause.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Can we now move on to Calendar 1812, by Senator Cleare.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 1812, Senate Print 6169A, by Senator Cleare, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Senator Martins, why do you rise?

SENATOR MARTINS: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Martins on the bill.

SENATOR MARTINS: Madam President,

I happen to have in my district one of the I think crown jewels of our state. It's the Henry Viscardi School. Many of us have had the distinct privilege of going to the Henry Viscardi School.

The Henry Viscardi School, for those who don't know, is a school that teaches high school to children who are severely physically disabled. Severely physically disabled. Most of them in wheelchairs, multiple disabilities. And yet somehow the school manages to teach them in a high school setting, with many of them actually going on to college.

I remember the first day, Madam President, that I visited the school and I met with the president of the student body, a young man from Queens who told me that if he weren't at that school -- he was in a wheelchair -- that he would be back in his school and he would not be able to participate in any of the activities of the school. They would have him in a wheelchair and he'd be off in a corner somewhere, and he would not have an opportunity to participate in any of the activities.

At the Henry Viscardi School, he

actually participated in sports, basketball, had access to the curricula, and then obviously aspirations for higher education and beyond.

So the president of the Henry Viscardi School and the school reached out, concerned about this bill, and I wanted to share with my colleagues their concern. Because -- and I do believe this to be perhaps -- or perhaps definitely inadvertent, but I think it's important that we get the perspective of the community and the disability community when it comes to voting and their access to the voting booth and to the polling place. And that perhaps as well-intentioned as we may be in promoting legislation and advancing bills, that it's not always received the same way.

So coincidentally, Dr. Chris Rosa, who is the president and the CEO of the Viscardi Center, on April 24th happened to have had an op-ed printed in Newsday. I say coincidentally because that's the actual date of the A print on this bill, when it was amended and then resubmitted, and we're here today.

So they took the opportunity to send me a copy of the op-ed that Dr. Rosa had

prepared. And it starts with a preamble for Dr. Rosa himself: Dr. Chris Rosa is president and CEO of the Viscardi Center, a New York-based network of nonprofits that educate, employ and empower children and adults with disabilities. He also serves as president of the internationally renowned Henry Viscardi School.

Dr. Rosa is a staunch advocate for equity and economic justice for people with disabilities, being a wheelchair user since he was 12 years old. Dr. Rosa has limb-girdle muscular dystrophy.

He's a published disabilities studies scholar. He serves in national leadership on organizations that promote access and wellness for Americans with disabilities. He is well known for his expertise on disability as a key dimension of diversity, equity and inclusion -- what we commonly refer as, Madam President, DEI. Disability and intersectionality in American disability culture.

And I think it's important that we just take a moment to understand the sentiment that Dr. Rosa was trying to share that at the time, Madam President, on April 24th in an op-ed

in Newsday, but applicable to the discussion and the bill we have before us today.

"At The Viscardi Center's Albertson, Long Island campus, we aspire to be 'the most inclusive six acres on the planet!'

"Each day, Viscardi empowers kids and adults with disabilities to dismantle conventional assumptions about who gets to fully participate in our communities, through truly inclusive education, career readiness, independent living skill development, and civic engagement. Together, we achieve this by creating, sustaining, and advancing programs, facilities, and opportunities built upon the principle of universal design -- singular, inclusive models which offer the most access to the most people.

"That’s why I find it especially disconcerting when people with disabilities" -- PWDs -- "go to a polling place and are ushered to a separate section to vote. In New York, we can use equipment that accommodates voters with disabilities, which is terrific -- except PWDs are usually the only people using it! The unintended consequence is that the voting

experience for PWDs is 'separate but equal,' rather than truly inclusive.

"This can, and should, change.

"While voting equipment has evolved to allow voters with disabilities to use the same voting equipment as everyone else, unfortunately, this equipment is not made available to everyone.

"Many cities and states across America use this inclusive voting technology. New York has the opportunity to join other leading jurisdictions and stop perpetuating 'separate but equal' voting experiences for people with disabilities. We need our State Board of Elections to certify modern, universally designed voting technology that allows everyone to vote on the same kind of equipment.

"This technology has been proved safe and secure, relies on a paper ballot, creates efficiency in voting times resulting in shorter lines, and is user-friendly and meaningfully accessible to all voters. I've had the opportunity to try this technology, as have many people with disabilities across New York. But right now we can't use it in an actual election because, even though it's federally

certified, the New York Board of Elections hasn't yet approved it. It is my earnest hope that the Board of Elections will do the right thing and certify this equipment after it passes all of New York's laws and requirements.

"Madam President, there is something fundamental to our democracy at stake in New York, and not just for the disability community. Voting represents the very heart of our notion of citizenship, and how each member of our citizenry is able to vote reflects the extent to which they are regarded as full and equal citizens. Voting technology that creates truly inclusive voting experiences for all voters is simply the right thing to do; it creates a more democratic and equitable society, fosters more confidence in our elections, and engenders more faith in each other.

"There is no risk here. The technology is tested, proved and vetted. It's accurate, reliable and efficient. Let's move on from 'separate but equal' and let the State Board of Elections know you're on the side of equal, inclusive voting opportunities for all eligible voters."

Madam President, that was the op-ed that Dr. Chris Rosa wrote and was published in Newsday just less than two months ago. And again, at the time it was written, unbeknownst to me, this bill was pending. They reached out and asked if I would share this op-ed on the floor today, and I have.

I'm not going to elaborate on it; it's not for me to do that. Dr. Rosa I think has done that quite eloquently in his capacity not only as president of the Henry Viscardi School, but as a leader in the disability community, a recognized leader in the disability community.

I think it's incumbent upon us to think on his words, think on the opportunities we have to actually create a universal polling experience for everyone -- not only the able-bodied, but the disabled -- and be as inclusive as we can, in the spirit of what we do and can do as New Yorkers.

Madam President -- and again, I'll say it, I don't believe in any way, shape or form that this bill was introduced for the purposes of creating a different experience for different people. Certainly I don't believe it was

introduced for the purpose of making it more difficult for people with disabilities. I don't.

But I share this simply with the thought that perhaps in the spirit of what Dr. Rosa wrote in his op-ed on April 24th, we can get beyond simply allowing for different forms of voting and move towards a more universal way of voting.

And for that, I'll be voting no on this bill, understanding that I look forward to working with my colleagues to hopefully promote a way to vote in a way that is more inclusive of everyone, including people with disabilities.

Madam President, I thank you.

ACTING PRESIDENT MAYER: 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 5. This act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator

Cleare to explain her vote.

SENATOR CLEARE: Thank you, Madam President.

When it comes to voting, the most important variable is knowing that your individual vote was not only counted but was counted accurately, in accordance with your preferences.

That is why I introduced the Voting Integrity and Verification Act of New York, which, instead of trying to meticulously prescribe what technology may come, gives voters a time-tested right. And that right is to ensure that the easiest and simplest way to verify their vote was counted and counted accurately is by ensuring that every voter will have the option to mark a paper ballot -- by hand, or with a ballot marking device that does not also count votes.

In sum, individual voter-verifiable paper ballots that allow voters to cast their votes privately and independently are a safe way and secure way to secure our democracy.

Thank you, and I proudly vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1812, those Senators voting in the negative are Senators Borrello, Brouk, Canzoneri-Fitzpatrick, Cooney, Gallivan, Hinchey, Lanza, Martins, Mattera, Oberacker, Ortt, Rhoads, Stec, Tedisco, Weber and Weik.

Ayes, 46. Nays, 16.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Next up, Madam President, Calendar 1829, by Senator Thomas. Let's take that up, please.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 1829, Senate Print 7553, by Senator Thomas, an act to amend the General Business Law.

ACTING PRESIDENT MAYER: Senator Rhoads, why do you rise?

SENATOR RHOADS: I was hoping the sponsor would yield to a couple of questions.

ACTING PRESIDENT MAYER: Senator Thomas, do you yield?

SENATOR THOMAS: Through you, Madam President, yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR RHOADS: Senator Thomas, thank you for yielding to a couple of questions.

I want to thank you for sponsoring the bill. I certainly understand its intent. I did just have a couple of questions, just seeking some clarifications with regard to some of the language.

Obviously I know that the intent of the bill is to provide some level of transparency with respect to auto brokers and their dealings with their respective clients. Just for a question of clarification, what would the impact be with respect to an out-of-state auto broker who delivers a vehicle within New York State. Would there be any impact on that particular transaction?

SENATOR THOMAS: Through you, Madam President, that's a great question to ask.

I believe it depends on where the vehicle is coming from. For example, if it's an out-of-state auto broker getting a car from

New Jersey and delivering it to a customer in New York, they do not necessarily need to follow this bill that I'm putting forward.

But on the other hand, if it's a vehicle in New York that the out-of-state broker is finding for the customer in New York, at that point they need to register and go through the set of guidelines that this bill requires.

SENATOR RHOADS: And -- thank you, Senator Thomas.

And would the sponsor be kind enough to yield to another question.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR THOMAS: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RHOADS: And with respect to a vehicle from New York that was being delivered by an out-of-state broker, my understanding is that they would be able to partner with an in-state company in order to do that. Is that correct?

SENATOR THOMAS: Through you,

Madam President, yes, that is correct.

SENATOR RHOADS: Okay. And would the sponsor be kind enough to yield to another question.

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR THOMAS: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR RHOADS: Now, I do note that in the bill it does have some language that requires that the broker, when they enter into a contractual agreement with the purchaser of that vehicle, certify that the only person paying them in that transaction is the provider of the vehicle. Whether it's a manufacturer, whether it's another dealer, whoever provides it, they give assurance to the seller -- to the purchaser that that's the only person from whom they're accepting any kind of fee.

When my understanding is that in reality, similar to a real estate transaction, where it's a transactional brokerage and a real estate agent can actually represent the

buyer and the seller and take a fee from both, that actually does take place -- not with every company, but does take place with respect to some companies.

Under the language that currently exists in your bill, would that be prohibited?

SENATOR THOMAS: Through you, Madam President, you are correct.

You know, transactions do vary depending on the type of vehicle and the accessories and the situations that come up.

The intention here was not to limit their compensation. Obviously, no bill is perfect, and I am more than willing to correct that situation in a chapter amendment after the bill is passed.

SENATOR RHOADS: Thank you, Madam President.

Thank you, Mr. Sponsor. I'd be happy to -- Senator Thomas, I'd be happy to work with you when we come back in January.

SENATOR THOMAS: Thank you.

SENATOR RHOADS: Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you,

Senator Rhoads.

Are there any other Senators wishing to be heard?

Senator Weik, why do you rise?

SENATOR WEIK: I'm wondering if the sponsor would yield for a few questions.

ACTING PRESIDENT MAYER: Senator Thomas, do you yield?

SENATOR THOMAS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEIK: Through you, Madam President. It sounds like the sponsor -- it sounds kind of like you're interested in making an amendment to your bill, which I think would be a really good idea, since brokers really do act as if the -- in the same manner that realtors act, and yet we have so many stringent laws and applications for realtors to guide them as they go through their business.

And brokers really have started to grow, and I hear that it -- you know, from constituents and from the auto dealers that it is adding this unnecessary layer that adds cost and grievance to the purchaser as they buy their car.

So are you saying that you are willing to amend this bill to make sure that there are more regulations for these brokers that kind of resemble that of a realtor?

SENATOR THOMAS: Through you, Madam President, this bill was -- went through a number of negotiations and compromise to get to the place where it is today.

Again, you know, no bill is perfect. And my intention here is not to shut down an industry. It is to make sure that we balance consumer protection and to make sure industry survives. Right?

So we've taken input from both sides, and wherever there is an issue that can be resolved where balance and industry functionality will work, I'm more than willing to make those changes.

SENATOR WEIK: Well, that's encouraging.

Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR THOMAS: Yes,

Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEIK: So I have heard from some constituents, and they were complaining that extra fees were added. Are you offering any remedy to those individuals through this bill?

SENATOR THOMAS: Through you, Madam President. If I understand the question correctly, what the bill does is it tells the brokers to have a disclaimer or a contract out right when the call goes in so that they know, you know, what the fees are, et cetera. And at the end there's going to be a disclosure as to what the fees are and who's paying for it.

So there's a lot more disclosure here for the consumer.

SENATOR WEIK: I look forward to your amendment.

Madam President, just on the bill.

ACTING PRESIDENT MAYER: Senator Weik on the bill.

SENATOR WEIK: This bill does not address all the needs that buyers are looking for when they hire a broker. And the brokers are

adding extra fees and an extra layer of bureaucracy as individuals try to negotiate just to purchase a car.

And in these times when cars are already more expensive than their sticker price, I think this is not a good time to be encouraging brokers. And I really think that they should have the same regulations on them since they are acting the same as a realtor in the automotive world.

And for that reason, I vote in the negative.

ACTING PRESIDENT MAYER: 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 13. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 1829, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Chu, Cooney, Kavanagh, Skoufis, Walczyk, Weber and Weik.

Ayes, 53. Nays, 9.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Next up, Madam President, Calendar Number 747, by Senator Kavanagh.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 747, Senate Print 2980C, by Senator Kavanagh, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT MAYER: Senator Martins, why do you rise?

SENATOR MARTINS: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Martins on the bill.

SENATOR MARTINS: Madam President,

the Housing Stability and Tenant Protection Act, I think everyone knows, was passed in this house and signed into law in 2019.

Afterwards, there was a case that made it to the Court of Appeals. We referred to it earlier in our discussion on a previous bill, Senator Kavanagh and I, but it's Regina Metropolitan Company against New York State Division of Housing and Community Renewal. And in that Court of Appeals decision, they were asked to consider the applicability of the HSTPA applied retroactively.

And there were certain due process considerations with regard to the bill, and the court ultimately found that on due process grounds, based in the New York State -- and made reference to the federal Constitution, that you could not apply it retroactively. And it referred to a few other cases -- specifically, Thornton v. Baron and Grimm v. DHCR as being inapplicable for purposes of their evaluation in that case.

I'm going to read a provision or a section from Regina Metro from the Court of Appeals, where they write: "We are of course

mindful of the responsibility to defer to the Legislature in matters of policymaking. But it is the role of the judicial branch to interpret and safeguard constitutional rights and review challenged acts of our coequal branches of government -- not in order to make policy, but in order to ensure the protections of constitutional rights."

It goes on to say that "As to the HSTPA, today we fulfill this quintessential judicial function in holding that a limited suite of enforcement provisions may not be applied retroactively and opine in no way on the vast majority of that legislation or its prospective application."

It's interesting, because again we passed the HSTPA in 2019, this case was decided in 2020, and here we are with a bill that specifically references not only the Regina Metro case but also those cases that it cited therein.

So in the bill today, under Part B, it says that the -- it is public policy that the Legislature define clearly the scope of the fraud exception. See, Madam President, one of the allowances for a retroactive application of

penalties in the event of a violation of the HSTPA, according to the Court of Appeals in Regina Metro, is that you could go back if you could show that there was fraud.

In fact, in Matter of Grimm against New York State Division of Housing and Community Renewal, they held that an increase in rent alone is not sufficient to establish colorable claim of fraud, and the mere allegation of fraud alone, without more, will not be sufficient to require New York Department of Housing and Community Renewal to inquire further.

What is required is evidence of a landlord's fraudulent deregulation scheme to remove an apartment from the protections of rent stabilization. The rental history may be examined for the limited purpose of determining whether a fraudulent scheme to destabilize the apartment tainted the reliability of the rent on the base date.

So all of this is about the ability for tenants to be able to sue their landlords for retroactive rent if they feel that they were applied improperly. The court has held that there needs to be a showing of fraud, some level

of systemic fraud -- not just a claim of fraud, but something more.

And that brings us to the bill we have before us today. Because the bill we have before us today actually takes, I believe, the unusual step of providing an interpretation of the court's own ruling, and in many respects substituting this body for that of the Judiciary in interpreting cases and interpreting how our laws should be applied. Which is a quintessential function, as I mentioned earlier, of the Judiciary.

So it says here that the Legislature defines clearly a scope of fraud exception to the pre-HSTPA four-year rule for calculating rents, which remains unsettled and the subject of litigation where courts have diverged from the controlling authority of Thornton v. Baron and Grimm v. DHCR.

Remember, Mis -- excuse me, Madam President, I mentioned the Grimm standard was that you can't just claim fraud, you actually have to show some sort of systemic fraud in order for a claim to be able to go back beyond the lookback period.

It goes on to say that the controlling authority of Thornton v. Baron and Grimm v. DHCR to impose a common law fraud standard that is not found in these cases and is inconsistent -- inconsistent with the intent of the Legislature to discourage and penalize fraud against the rental regulatory system itself, as well as against individual tenants, and it is therefore public policy that the Legislature codify, without expanding or reducing the liability of landlords under pre-HSTPA law, the standard for applying that exception.

So now the Legislature is not only taking the judicial interpretation but adding its own to it, in an extraordinary way.

Now, in order to understand the bill, we actually have to take a step back and go back to the Court of Appeals decision, because this bill is all about going back to the Court of Appeals designation in Regina Metro and trying to circumvent it by adding language that -- hopefully, I guess, for the sponsor and those would support this bill -- the court will consider on some later date if they're asked to reconsider this issue.

As an aside, Madam President, you know, we talk about affordable housing, we talk about accessibility to affordability, we talk about the need to build more affordable housing, we talk about the people in this state who are looking for affordable housing, and the construct of the HSTPA is supposed to be precisely for that, allowing people access to it.

This doesn't do that. This actually takes a step to allow people to bring litigation and to recover against landlords in a way that many can say actually creates a disincentive for landlords to reinvest in their buildings, reinvest in creating housing, reinvest in modernizing housing, but instead opens up an avenue for litigation where there isn't one right now because the court foreclosed it and the Legislature, extraordinarily, is going ahead with creating, trying to create a vehicle for that itself. Which is extraordinary.

So in Regina Metro, because this bill is all about Regina Metro, the Court of Appeals precedent was that you could go beyond a four-year lookback only in cases of fraud, as I mentioned. For example, the plaintiffs in Raden,

one of the cases that was being heard in the Regina Metro Court of Appeals decision, who took occupancy of their apartments in 1995 at a market rent, commenced this action in 2010 seeking recovery of overcharges based on a reconstruction of the rent that they should have been charged had the apartment never been deregulated.

See, the argument, Madam President, is they didn't believe that the property or the building was actually properly deregulated, even though it had been deregulated pursuant to guidance that was offered by DHCR.

So the landlord comes in, goes to DHCR, asks them to deregulate the apartment, DHCR offers guidance to deregulate the apartment, the apartment is deregulated. And now, years later, after it's already being charged market rate, the tenant says no, we've got to go back. We've got to go back, and I want to recover all of the overpayment of rent that I paid -- from a landlord who did nothing more than follow the rules that were provided them by the state itself.

The court held that in stark contrast to Thornton, Grimm and another case,

Conason, in which tenants come forward with evidence of fraud, in these Roberts cases the owners removed apartments from stabilization consistent with agency guidance. Deregulation of the apartments during receipt of J-51 benefits was not based on a fraudulent misstatement of fact but on a misinterpretation of the law -- significantly, one that DHCR itself adopted and included in its regulations.

So this bill is targeted to allow lawsuits and litigation against landlords who followed the rules that they received from DHCR.

It goes on. So in Part B of this bill -- Madam President, I didn't check to see when we started this discussion, so I want to make sure I don't hit my 30 minutes. Could you please remind me of when those 30 minutes will be up?

ACTING PRESIDENT MAYER: Do not worry. I will certainly remind you.

SENATOR MARTINS: Thank you, I appreciate that.

ACTING PRESIDENT MAYER: You have used about 12 minutes so far.

SENATOR MARTINS: Well, thank you,

Madam President, I appreciate that. Because once I'm done, I do have a couple of questions for the sponsor, if he will yield.

But this bill, extraordinarily, Madam President, goes on to do something I find to be somewhat unprecedented. "The following conduct shall be presumed to have been the product of fraud." So it actually lists in here those things that will be considered fraud. Not for purposes of creating more affordable housing, not for purposes of allowing greater access to these units, but for purposes of advancing litigation that is out there that people have already in the system.

So the Legislature is going to create the predicate for the fraud that the Court of Appeals said they needed in the Regina Metro case in order to establish a case. Since it didn't exist, we're going to go ahead and include it in a bill and ask people on the floor today to vote for it so that litigants out there can sue their landlords -- regardless of whether or not the court believes that they could, because the court decided in 2020 in the Regina Metro case that they didn't have a case.

So we're going to give them the predicate by passing a bill on the floor today.

So it goes on to say that these are presumed to be the products of fraud: (1) the unlawful deregulation of any apartment, including such deregulation as results from claiming an unlawful increase such as would have brought the rent over the deregulation threshold that existed under prior law, unless the landlord can prove good faith reliance on a directive or ruling by an administrative agency or court.

So that's (1). So if the landlord sought to deregulate a unit based on instructions that they received from an agency -- in this case, DHCR, they may be covered and it may not be fraud.

But then there's a part (2). So it's "or (2)." Beginning October 1, 2011, failing to register, as rent stabilized, any apartment in a building receiving J-51 or 421-a benefits. Interesting. There is no caveat with this one. There is no reliance on agency instruction. It just says if you failed to register as rent-stabilized any apartment in a building receiving J-51 or 421-a benefits after

October 1, 2011.

Now, October 1, 2011, is interesting, because there was another case by the Court of Appeals where they determined -- I believe it's the Roberts case -- where they determined that -- and I got a nod from Senator Kavanagh, thank you -- where they determined that you had to go back and reregister, even if you had been deregulated, you have to go back and reregister. So a lot of these building owners went back and reregistered after October 1st of 2011.

But, Madam President, I guess the question is, what happens if somebody -- and there was no instruction from DHCR at that time. There was a court ruling, and then there was instruction that came later.

So I guess the question is, because the Legislature is taking the extraordinary measure of creating a vehicle for litigants to bring actions, and there is this presumption of fraud under (1) and (2) -- and (1) can be corrected if you show you were following instructions from an agency, but (2) can't.

If you were supposed to deregulate

or reregister after October 1, 2011, and you didn't did do it, say, until 2014, because you didn't receive any instructions, but you went ahead and did it, and now it's 2023 -- are we creating liability as a matter of law by passing this for those three years or four years where there was an inadvertent application or inadvertent lapse in asking for that application because there was no instruction?

That's what this bill does. And that's a concern. It should be a concern for all of us. Because asking our building owners to write blank checks based on nothing more than following the instructions of the agency that we here in the State of New York have put in the position to actually provide that instruction.

So it puts us in a bit of an awkward position where this Legislature is being asked to pass a law that actually doesn't provide housing, doesn't allow access to housing, allows for a lawsuit predicated on fraud -- we're going to create the predicate for it -- and doesn't allow for an out. Extraordinary. I believe truly extraordinary, and something that I think we should all be concerned about.

I don't see, Madam President, any other interpretation of this particular provision other than this. We have a case that was decided by the Court of Appeals. The case did not expand liability. And now we have a bill before us that fills in the gaps and then allows for a retroactive application and blanket liability for people who, because of the definitions in this bill, will be automatically liable without a showing, as was required in the Grimm case, of an actual intent to defraud.

So with that, I would ask if the sponsor would yield for a few questions.

ACTING PRESIDENT MAYER: Senator Kavanagh, do you yield?

SENATOR KAVANAGH: Yes, Madam President.

I do want to stipulate that when I nodded my head before, it's because my colleague Senator Skoufis asked me if I wanted to go out and get an Italian ice --

(Laughter.)

SENATOR KAVANAGH: -- and I nodded my head.

SENATOR MARTINS: Well,

Madam President -- and Senator Kavanagh, I apologize. I apologize.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: Thank you.

Senator Kavanagh, the case in and around 2010 that required rent-stabilized apartments that were deregulated to reregister, do you recall the name of that case?

SENATOR KAVANAGH: I think you're referring to the Roberts case.

SENATOR MARTINS: I am. And thank you.

Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: Senator, is there -- I'm speaking specifically to Part B of the bill before us. Is there a retroactive impact to this Part B?

SENATOR KAVANAGH: Through you, Madam President, Part B is intended to clarify in statute that the standard for determining fraud -- and that we had an opportunity to discuss this earlier, on a previous bill -- that the standard for determining fraud is not the common-law standard of fraud which requires, you know, very -- like reliance on the part of the person on a specific factual assertion and some other things, but is instead the standard as it was in the case that my colleague cited favorably, Grimm, and also that Regina Metro also relies on and cites favorably.

And in Grimm, basically the landlord had -- the base rent for the rent that was being challenged was a rent that the property owner had basically improperly and falsely claimed was the legal rent. And in Grimm the plaintiffs, the tenants won, and -- because Grimm found that when the landlord is intentionally choosing to misstate the rent, and that's the base rent of the case, that that's sufficient for the tenant to win the case.

That is different from the Roberts case, which is -- Roberts was a case

where the DHCR, the administrative agency in question, had found that the receipt of a tax break like the J-51 tax break was not -- did not require that a unit stay regulated. That was a reversal of many years of standing law, which had said if you're receiving J-51, you must be regulated.

And so when DHCR came out with a new ruling about that, many landlords relied on that, including a very large complex I represented at the time, Stuyvesant Town and Peter Cooper Village, and began deregulating units pursuant to DHCR's current rules.

Regina Metro goes out of its way to say that's not fraud if you're relying on DHCR's ruling. But if you're intentionally misstating the relevant facts, that that could be the basis for a fraud claim.

And again, what this Part B says, after noting that the goal here is to basically codify the standard as it was both before and after Regina Metro, and before or after the HSTPA, and as articulated in Grimm, it's basically saying it's not the common-law standard for fraud, which is different, and is footnoted

in one of these cases, but is instead to say that the -- you would have to have -- in order to be deemed to have committed fraud, you'll have committed a material breach of a duty arising under statutory, administrative or common law, to disclose truthfully to the tenant or the government agency or a judicial or administrative tribunal the rent or regulatory status or lease information for the purpose of claiming that something is regulated when it's in fact not.

So what we're saying is that the standard as articulated in Grimm is the standard, and it gives you a few examples of circumstances where it might be presumed that you're then failing to meet that standard. But that doesn't -- the second part of that paragraph that gives you those examples that are a product of fraud, it would still have to be the sort of fraud as it's defined in the first half of paragraph B.

SENATOR MARTINS: Thank you, Senator.

Madam President, how are we doing on time?

ACTING PRESIDENT MAYER: You have

about seven minutes left, Senator.

SENATOR MARTINS: Thank you, Madam President.

So if -- through you, Madam President -- the sponsor would continue to yield.

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR KAVANAGH: The sponsor does yield.

ACTING PRESIDENT MAYER: I'm sorry, I was looking at the clock.

The sponsor yields.

SENATOR MARTINS: Thank you, Madam President.

So, Senator Kavanagh, this Part B at least appears to me to be in direct relation to the judges -- or the Court of Appeals decision in Regina Metro. The whole purpose, as I read it, is to take a Court of Appeals decision and to address some concerns that the sponsor may have with regard to the court's decision, how it interpreted the need for fraud, and other things,

through the language that you have here in this bill.

Would that be fair?

SENATOR KAVANAGH: Through you, Madam President. No, actually. Not really.

It's more given that Regina Metro, you know -- as was true with the bill we discussed earlier, Regina Metro altered and declared invalid certain parts of Part F of the HSTPA, and that has caused courts to have to now interpret the HSTPA Part F as well as the Regina Metro decision itself. And there's been some confusion about whether the common-law standard for fraud still applies, as it did before the HSTPA and as it did before Regina Metro.

And so what we're trying to say here is the law as it was defined in Grimm -- which -- and Grimm was a case where the fact that someone had intentionally misstated a legal rent was sufficient to say that they could -- they could satisfy the provision that permits one to go back past a four-year lookback. Because the -- four years ago the base rent for considering the -- whether the current rent was legal had been

intentionally misstated by the landlord in that case.

Again, Grimm did not apply a common-law fraud standard where the person who is supposedly the victim of fraud or claims to be the victim of fraud has to demonstrate a reliance on the untruthfulness and some other factors. But there have been some courts that think Regina may have changed that standard, and they think that the HSTPA may have changed that standard.

And what we're saying is neither Regina -- we don't believe either Regina or HSTPA has changed its standard, and basically this -- and again, it specifically expresses an intent to maintain the same standard that was in effect before Regina Metro -- that's actually articulated at the top of Part B, which I won't read because my colleague might be running out of time here.

But again, Regina Metro was a case about not being allowed to retroactively change standards under this part if it would either reopen a case that had been closed or expose people to liability in certain circumstances that had been foreclosed by time or other factors.

So the courts would presumably police this if it in fact had that kind of retroactive change, but it is not -- there's no intent to retroactively change the law, it's just to clarify it in statute, a fraud provision that had grown up through cases like Grimm we now would like to put in statute so people can read it in black and white rather than doing common-law research to determine what the standard is.

SENATOR MARTINS: Thank you, Senator.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Martins on the bill.

SENATOR MARTINS: You know, the Regina Metro case specifically said -- the Court of Appeals specifically said they're not taking a position on the prospective application of the HSTPA. There's no question there. The prospective application of the HSTPA allows the law to be enforced in total, six-year lookback, prospective.

The only thing Regina Metro did was not allow a retroactive application of the law.

Because the court found, the court found that it wasn't just a misapplication of the law, it was a violation of the Constitution of the State of New York and of the federal Constitution's due process provisions.

Because you can't change the law halfway through, apply it retroactively and expect people to know what they had to follow at the time. Because I think basic fairness says that we wouldn't accept that in our own lives, we don't pass laws retroactively and hold people accountable for conduct that was not regulated at the time.

If this body decided today to tell motorists in New York that they can go through red lights and had to stop at green lights the and then issued tickets retroactively for people who went through green lights, everyone would understand that that's inherently unfair, a violation of due process.

Similarly, passing a law and asking for a bill to be passed on this floor without any, anything to do with affordable housing, access to housing, allowing people to be able to use and have access to affordable housing that we

have available in New York State -- no, this bill, what this bill does is only allows for lawsuits against landlords by redefining fraud.

And I know the sponsor said it's a clarification. A clarification or a retroactive application, I guess it depends on the eye of the beholder. I'm going to say it's a retroactive application that allows lawsuits against property owners without due process. And frankly, I find it to be unfair and unconstitutional and something that we should not consider and certainly shouldn't make a habit of in this house.

Madam President, I'll be voting nay.

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

SENATOR PALUMBO: Thank you, Madam President. Will the sponsor yield for just a couple of questions? And I have the rent bill in my hand this time.

ACTING PRESIDENT MAYER: Senator Kavanagh, do you yield?

The Senator yields.

SENATOR KAVANAGH: For as many questions as Senator Palumbo has.

SENATOR PALUMBO: Thank you, Senator.

So in Section 4, Part A, it mandates that the property owners seeking to gain an exemption from the rent control due to improvements to the property, that they must prove that it was a necessary renovation. Could you just explain to me what that -- what a necessary renovation is and what sort of proof that would be required to be established as a necessary renovation?

SENATOR KAVANAGH: Through you, Madam President. Is my colleague -- my colleague referred to Section 4, but I'm not sure that -- I want to make sure that we're talking about the same section. Section 4 is just a repeal of a single -- you're talking about Part A, Section 4? That's a repeal of a single, no longer relevant provision. It's just one sentence.

Maybe you mean Section 5?

SENATOR PALUMBO: Yes. Yes. I apologize. Section 5. Yes, Section 4 is the repealer. Next one. Got it right here.

SENATOR KAVANAGH: Okay. So through you, Madam President, this provision

deals with substantial rehabilitation. So it is -- it is -- again, this is -- obviously this bill is -- this small paragraph that's amended here is embedded in a very long statute.

In this context, "substantial rehabilitation" means a building-wide rehabilitation. Which would usually be undertaken when the building has very serious problems like -- that might be caused by a fire or, you know, serious structural problems with the building. And in those circumstances, it is possible to get -- if you undertake that work, you can get an exemption from the applicability of the rent laws.

SENATOR PALUMBO: Will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Through you, Madam President, yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you, Senator.

So in that regard, if it's a

dilapidated building and it didn't suffer some sort of damage like fire, flood -- but it's an old, really unkempt building, can that type of a building, if an owner decides to put money into it and renovate substantially, can they -- are they eligible for the exemption at that point?

SENATOR KAVANAGH: Through you, Madam President. Again, because substantial rehabilitation is -- it's embedded in a statute and a lot of regulations, there are definitions of substantial rehabilitation that would require really fundamental changes, replacements of building systems and other things, such that this really could only occur in a vacant structure.

So the -- but yes, I mean, I've -- I'm trying to -- it's been a long day, and I'm trying to remember where the question landed of my colleague. But I think he's saying in that circumstance would you be -- would that building be exempt from --

SENATOR PALUMBO: Correct.

SENATOR KAVANAGH: -- from rent stabilization, and the answer is yes.

SENATOR PALUMBO: Okay. One other section, Part B, near the end. So at

Section 2(a), and right above that it says --

ACTING PRESIDENT PERSAUD: Senator Palumbo, are you asking the sponsor to yield?

SENATOR PALUMBO: Yes, ma'am, Madam President --

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR PALUMBO: -- would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR PALUMBO: Thank you.

And I'll direct your attention to that part, if I may, where it specifically mentions Regina Metro. We won't cover -- my colleague covered that very thoroughly. It's public policy of the Legislature that we clearly define the scope of the fraud exception, that it was not in the opinion, I guess, of the drafter, of the sponsor, that you don't want to discourage and penalize fraud against the rent regulatory

system itself as well as against individual tenants.

And then in Section 2, this is the operative part: "2.(a) Nothing in this act, or the HSTPA, or prior law, shall be construed as restricting, impeding or diminishing the use of records of any age or type, going back to any date that may be relevant, for the purposes of determining the status of any apartment under the rent stabilization law."

And this is something that I mentioned when we had our discussions earlier tonight. But that documentary evidence or information can be used to determine if you were looking to, quote, unquote, I guess claw back a deregulated apartment and bring it back into the rent stabilization. Is that accurate?

SENATOR KAVANAGH: Through you, Madam President. This act would refer in this context to Part B. You know, just -- because each part -- as the bill notes at the beginning, the bill is divided into Part A, Part B, and Part C. And to the extent you're talking about an act, for example, the effective date at the bottom of Part B is "This act shall take effect

immediately." And "act" there refers to Part B.

So what we're saying is nothing in this act -- nothing in -- what that says is nothing in Part B or in the HSTPA or prior law shall be construed to do those things.

SENATOR PALUMBO: Thank you, Madam President. On the bill.

ACTING PRESIDENT PERSAUD: Senator Palumbo on the bill.

SENATOR PALUMBO: Thank you, Senator Kavanagh.

And this is -- I mean, you've been doing this a lot of years. You're an expert on this stuff. I'm not. Even when I have the same bill. You know, I get pretty good with it, when I have the right bill in front of me.

But really what concerns me is this. And this is similar to what we've been talking about earlier. Because now having been in the Legislature for 10 years, I've actually seen even this year a bill circulating allowing a retroactive almost do-over for -- in the appellate courts for a decision where the law, statutory law has changed recently that you might have the opportunity to get another bite at the

apple.

So when you couple that with what this particular bill does, as I'm thinking about this, I'm saying, could you imagine in the United States of America that you have a government that says, you know what, this person's going to have due process, they're going to have their day in court, happy day. They go to court, they go all the way up to the highest court in the state. The highest court in the state says: Actually, no, you have no case. Based upon all of the law, you haven't met United States Supreme Court standards -- which we were talking about earlier tonight, because that's the basis of a retroactive-application-type statute.

And then the government says, I don't like the way that worked out. You know what we're going to do? We're going to change the law. We're going to come back in a few weeks, we're going to change the law, and then we're going to have a provision in the law that allows you to go back and fix it.

Because we fixed it by statute because we as government know best. Not the

courts, not the existing law at the time of that decision. We're giving a giant do-over in an industry, as we've been talking about -- I won't belabor it -- that is absolutely crushing property owners. And again, they're not angels, many of them, and they know to pay when they don't do things properly.

But we also need to use a carrot, not only a stick, to cultivate this industry. Because you know what happens? They leave. Or they have dilapidated, disgusting buildings that they don't want to put hundreds of thousands if not millions of dollars into in order to have some return on their investment.

Because that's not how it works in business. You don't say, You know what I'm going to do, I'm going to take a bunch of my reserves, I'm going to pour it into this building, and I want to make less than 1 percent. That's what I want to do. I want to take all this money that I have in my hand, I want to put it someplace and not make any money on it. Because that's not reality.

So, Madam President and Senator Kavanagh, it's late in the evening and I

do appreciate your indulgence. I just can't support this bill. And most importantly, the retroactive aspect of it I believe is unconstitutional.

And for those purposes, I'll be voting no.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Weber, why do you rise?

SENATOR WEBER: Thank you, Madam President. Will the sponsor yield just for a couple of questions?

ACTING PRESIDENT MAYER: Senator Kavanagh, do you yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: Thank you, Madam President. As it stands now, the -- and hopefully you can supply some clarity, rent stabilized apartments must be the primary residence of the tenant.

SENATOR KAVANAGH: Through you, Madam President, there's nothing in -- I don't

think there's anything in this bill that requires that. But yeah, that is a provision of the rent stabilization law.

SENATOR WEBER: Right. So it seems like from the language, the way I interpret it or as it's been pointed out to me, that the new language gives the tenant the right to pass along the apartment to a successor, basically, or a relative or some sort of heir, even if they've not been using it as their primary residence?

SENATOR KAVANAGH: Through you, Madam President. You know, this language is complicated, and I think it would be helpful if we refer to the specific language, so -- just because it will be -- it will just be easier to be clear.

I believe my colleague is referring to Section 3 of Part A on page 4 of the bill, is that right?

SENATOR WEBER: Right. The area where -- through you, Madam President, will the sponsor yield?

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR KAVANAGH: Through you,

Madam President, yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: Right. I guess the area where it talks about permanently vacated and a definition and so forth.

SENATOR KAVANAGH: Yeah. Through you, Madam President, if I may explain, there are currently -- there have been for a very long time provisions in the rent laws, in the rent stabilization law that permit successors. And they must be family members, and they must be residents of the building -- I'm sorry, they must be a resident of the apartment along with the tenant of record for a defined period of time.

The defined period depends on whether they're a senior citizen or whether they're a disabled person or some other factor.

This provision, again -- in our effort to clarify the law and minimize the need for future litigation, it has come up in cases, when is the relevant period to measure whether the person has met that obligation to be living in the unit before the primary tenant vacates. And courts in the First and Second Departments

have concluded in litigation on two different -- they've picked two different rules for this.

So what this provision does is just add a single sentence to an existing structure. You already have to have been a resident, along with the primary resident, immediately prior to that person permanently vacating. And it just says permanently vacating means the point at which the resident actually -- the primary resident actually left the unit, the tenant of record actually left the unit.

So, for example, if Senator Skoufis and I were -- met the family definition and were living in an apartment and I had -- and we had a lease -- and I was the sole tenant of record and I left the apartment now, but my -- but the lease went through July, this bill says the point at which you're looking, whether the continuous -- you know, the joint occupancy provision has been met, would be this moment when I leave, as opposed to, say, you know, three or four months from now when the lease expires.

But again, you know, theoretically, you could go -- you could pick either of those as the option, because two different courts have

split on how to define this provision. We thought it was worth clarifying.

SENATOR WEBER: And through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: I want to give you maybe a scenario based on the new language.

You know, if someone rents a stabilized apartment and you live, say, in Rockland or Bedford or the Hamptons and use it only to see, you know -- meaning you reside in the Hamptons and you have the apartment in the city and you only use it temporarily, is that your interpretation that that could be used like that right now?

SENATOR KAVANAGH: Through you, Madam President. No, this really does not have to do with the question of whether you're meeting the -- as was noted before, there is a primary

residence requirement in the rent laws. And if you violate that, that could be a basis for eviction.

This bill is about when succession rights adhere to someone who is not the tenant. If you're the tenant of record, you don't need succession rights.

So again, if -- let's say a parent has a valid tenancy and they are a primary resident and they live there, and they are going to move out but their son or daughter is living in the unit with them, they have to live in the unit for a particular period of time before the parent leaves. And, you know, continuously up to that moment, and then they have the succession right.

This just defines -- it's a fairly narrow issue, but it just defines what the phrase "permanently vacated" means. I think some courts have interpreted it to have kind of a legal vacature where the lease was up even though the parent might have moved out six months ago, but they waited, you know, till the end of the lease. And other courts have said no, if -- the moment the parent moves out is the moment that it

qualifies as permanently vacated.

So this law just picks the latter as the rule because, again, the First and the Second Department, without guidance, have interpreted this provision differently.

SENATOR WEBER: And through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: So under the provisions now, if the successor or, say, the son in this case is now in the apartment, the mother can continue to pay the rent?

SENATOR KAVANAGH: Through you, Madam President, there's nothing in the rent laws to prevent somebody else from paying your rent if they choose to.

SENATOR WEBER: And through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WEBER: The concern I'm hearing from a lot of people who own these type of properties is that some of these new provisions could encourage people to hoard apartments which really need to go to people who are in need and -- you know, it's not supposed to be landlords necessarily subsidizing someone's vacation home, potentially. And under this new provision, they're concerned that that could be the case.

When you wrote these new provisions did you consider such consequences?

SENATOR KAVANAGH: Through you, Madam President. This provision mirrors the existing law, the status quo in one of the two departments that have had to interpret the rent laws. Because, again, the rent laws only apply in Nassau and New York City and Rockland and Westchester at the moment.

But this -- this is the status quo in about -- in a portion of that jurisdiction, and it is not the status quo because the court has interpreted it differently.

But I can't think of a way that this provision, one way or the other, would cause someone or encourage someone to hoard apartments.

This is just a provision about when somebody was actually physically living in the apartment for a significant period with the tenant and is a family -- and qualifies as a family member, can basically receive succession rights and continue to live there.

SENATOR WEBER: Thank you.

SENATOR KAVANAGH: Thank you.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Madam President.

I want to note that my previously hypothetical family member is voting no on this bill, Senator Skoufis, which doesn't seem right somehow.

(Laughter.)

SENATOR KAVANAGH: But I do want to just clarify; we had a lot of discussion today about renter activity.

The Regina Metro case is about the Court of Appeals policing the circumstances in which we cannot apply laws in this room retroactively. It is, as was mentioned in earlier debate, sometimes a complicated, nuanced analysis. But this bill, as well as the bill we discussed previously, repeatedly states that the goal is not to create new kinds of retroactive liability but to clarify the law so that courts don't have to continue to review Regina Metro and figure out exactly what they meant.

And again, this provision that we were discussing today, especially with

Senator Martins, specifically says that it is our goal to mirror the standard as it appeared in Grimm, which is the law that predated Regina Metro and was in place with the HSTPA.

But again, I think the discussion we've had today has been important, and I appreciate my colleagues shedding light on these matters. And I will be voting aye.

Thank you.

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

Senator Martins to explain his vote.

SENATOR MARTINS: Thank you, Madam President. I'll be brief.

Madam President, as I stated earlier, I'll be voting no, and I think I just voted no.

But there is no reason for this bill other than to allow for the retroactive application of lawsuits against landlords. None. If there was, we wouldn't need it, because Regina Metro actually says it has no application to a prospective approach. We're in 2023. There was a four-year lookback as of 2019 when the law was passed. We're well within the six years.

This is all about applying it retroactively.

It's wrong. We should not be doing that. We should be focusing our attention not on defunding landlords but encouraging them to reinvest and create greater housing and more affordability. I vote no.

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

Announce the results.

THE SECRETARY: In relation to Calendar 747, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Mannion, Martinez, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Scarcella-Spanton, Skoufis, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 37. Nays, 25.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: All right, Madam President. What we expect to be the final debate of the night, Calendar 1802, by Senator Skoufis. It's going to be a doozy.

(Laughter.)

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 1802, Assembly Bill Number 4282B, by Assemblymember Paulin, an act to amend the Town Law.

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

SENATOR LANZA: Madam President, I believe there's an amendment at the desk, the last amendment I believe will appear at the desk.

I waive the reading of that amendment and ask that you recognize Senator Weik.

ACTING PRESIDENT MAYER: 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 Weik be heard on the appeal.

ACTING PRESIDENT MAYER: The appeal has been made and recognized, and Senator Weik

may be heard.

SENATOR WEIK: Thank you, Madam President.

This amendment is germane to the bill-in-chief because the constitutional amendment requires local elections in New York City to be held on even years, and the underlying bill requires local elections around the state to be held on even years, with the exception of New York City.

According to the sponsor of the underlying bill, New York's current system of holding certain town and other local elections in odd-numbered years leads to voter confusion and contributes to low voter turnout in local elections.

For this reason, I'm confused why the sponsor is not pushing for the constitutional amendment to have New York City elections to be held on the even years. This -- the reason my bill -- the reason my bill ca -- ca -- cares out? Excuse me. It's late, and I can't see straight (laughing).

-- carves our local elections outside New York City is because I have heard

intense pushback from my locals on this bill. The locals I represent believe having local elections on odd years allows for candidates and voters to focus on local issues without being drowned out by state and national issues.

And having been a local elected official for many years, I know that it's so important -- and so many of us in this room started off by being a local elected official. And those issues that pertain to our towns and our counties and our villages are so very different than the national issues. They really do deserve the attention of our voters, and the voters should have the opportunity to separate those issues from national issues and really understand who they're voting for, what the issues are, and why they're voting.

So to combine all of these is really just an effort to shove everything in one and not allow voters to separate what the issues are and make an educated choice.

For these reasons, I would strongly urge the members of this chamber to support my amendment.

SENATOR GIANARIS: Madam President.

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Before we move on, allow me to move that session remain in session beyond the hour of midnight.

ACTING PRESIDENT MAYER: So ordered.

Thank you, Senator Weik.

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 MAYER: A show of hands has been requested and so ordered.

Announce the results.

THE SECRETARY: Ayes, 21.

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

Senator Canzoneri-Fitzpatrick, why do you rise?

SENATOR CANZONERI-FITZPATRICK:

Thank you, Madam President. I was wondering if the sponsor would yield for a few questions.

ACTING PRESIDENT MAYER: Senator Skoufis, do you yield?

SENATOR SKOUFIS: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR CANZONERI-FITZPATRICK: Thank you, Senator Skoufis. I guess we'll start what has been described as a doozy of a debate.

I would like to ask you why this legislation has been proposed.

SENATOR SKOUFIS: Through you, Madam President, I think it's a great place to start.

This is not a new bill. This isn't a bill that should take anyone by surprise. It hasn't come out of nowhere. In fact, this bill was introduced originally, or a version of this bill was introduced originally on April 17, 2013, by then-Senator Carlucci, and so it's been around for over a decade at this point, just over a decade.

And the reason why I sponsor the bill and why I've pushed the bill and why it's

here on the floor is because I believe that we have a responsibility, an obligation as policymakers to create an environment that fosters high voter turnout and participation.

SENATOR CANZONERI-FITZPATRICK: Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: Thank you.

Do you have any data or polling to support the fact that there is some difference in voter turnout between odd and even years?

SENATOR SKOUFIS: Through you, Madam President, there is almost endless empirical evidence that demonstrates moving local municipal elections from odd years to even years when there are other contests on the ballot without exception increases voter participation in those local elections.

Just a couple of examples. El Paso,

Texas, in 2017, prior to their shift to an even-year cycle, their mayoral election had a mere 8 percent voter turnout. In 2020, aligned with a presidential cycle and other races, their voter turnout was 45 percent in that same mayoral election, a 460 percent increase from 2017.

The only other state that requires local elections to be on even-year cycles is Nevada. They recently had their first cycle in which local races were on an even-year cycle, and one example from Nevada, in 2022, which was their first time doing this, the North Las Vegas municipal election saw voter turnout of 11,061 voters. In 2019, their previous cycle, they saw less than half of that, 4,661.

So there's not just an increase in voter participation, there's an enormous increase in voter participation.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The

sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So those facts that you just stated were from out of -- from other states.

Do we have any information about elections within New York State that indicate that there should be a better turnout on these even years versus odd?

SENATOR SKOUFIS: Through you, Madam President, there is some limited data. There are, by my count, four counties in New York that hold their county elections or choose to hold their county elections on even year cycles, including Putnam county and Broome County, among a couple of others.

And yes, certainly the turnout in those county races in those even-year cycles is dramatically higher than counties that hold their county elections on odd-year cycles.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, would the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So you mentioned two other jurisdictions. Is that -- can I assume from that that there are only two states that have a provision that require local elections in even years?

SENATOR SKOUFIS: Through you, Madam President. Currently there's one other state, Nevada. There are a host of other states that provide for an option.

SENATOR CANZONERI-FITZPATRICK: Okay. Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So absent from this legislation is any applicability to New York City. And based on what I saw, the most recent mayoral election in 2021 had the lowest voter turnout. And I'm wondering, has the sponsor considered making this bill applicable to

New York City and why you haven't?

SENATOR SKOUFIS: Through you, Madam President. The short answer is yes, in terms of whether it was considered.

But the reality is, as we just heard a little bit about prior, there is a constitutional requirement for cities to hold their local elections on odd-year cycles. I'm supportive of moving forward with the multiyear process of amending the constitution and shifting cities into an even-year cycle, as well as -- and I'm sure it will come up during the debate -- a number of constitutionally protected offices that are carved out from this particular bill.

But that is a multiyear process, and I look forward to supporting that kind of an amendment next year, as well as the following cycle, because as you know, two successive legislatures have to past a constitutional amendment.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: Yes, the sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So I think it's worth noting, since we're talking about constitutional amendments, that this body has proposed three election-related ballot measures in the year 2021 that all related to election issues, and all three of them failed.

And I'm wondering if you've considered whether the legislation coming out of this body has now been rejected three times by the voters, so is it possible we don't have a good sense of what the voters truly want when it relates to Election Law?

SENATOR SKOUFIS: Through you, Madam President. I understand what you're referencing. However, I -- quite frankly, I don't connect those same dots.

The referenda that were rejected last year are completely unrelated to this issue and dealt with issues such as I believe same-day voter registration, among others.

And I will note that voter turnout last year, the turnout that rejected those

amendments, was extremely low.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So in my county we have quite lengthy ballots, and it has typically your federal candidates all the way to the left, a lot of judges in the middle, and then state candidates all the way to the right, like State Senator and State Assembly. And the ballot is quite lengthy.

And I'm wondering if you've considered that issue in adding more to the ballot.

SENATOR SKOUFIS: Through you, Madam President. The answer is yes, that was considered. And there was some consultation between the State Board of Elections and myself on this particular issue.

It's my understanding that outside

of New York City, the typical ballot length, the physical ballot length outside of New York City is about 17 inches. The machines that can accept ballots can accept ballots up to 22 inches wide. And so there's actually, in most jurisdictions, five inches of space left for larger paper that can be utilized.

But I will also note, in the unlikely event that 22 inches is not even enough, there's nothing that prevents us from having multiple ballots. Of course, that is not ideal. We want to be able to fit everything on one ballot, as opposed to two.

But in New York City, it is commonplace for there to be multiple ballots. They've been doing that for many, many years. But I believe 22 inches will satisfy the very large majority of circumstances.

And I'll note that again in those four counties that are already on an even-year cycle, they are, I'm told, able to keep their races on one ballot.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So I hope you're right, because people like me that now need reading glasses, we don't want the print to get so small that we have a difficult time reading it, because we obviously want to encourage people to get all the way to the end of the ballot.

And I notice that the sponsor shares that opinion. And if I could -- indulge me a moment -- I'd like to read something from a bill that you previously sponsored, Senate Bill 5943, where you say: "In New York, the current ballot order is structured in a way that judicial candidates are listed prior to congressional and state candidates. Very few members of the public actually know who the judicial candidates are, and these candidates are often unopposed. When the Board of Elections list the candidates in this manner on the ballot and force candidates in competitive races to the end of the ballot, it

results in drop-offs, when voters decide on the president, for example, but leave blank all other races on the ballot."

So I was wondering if the sponsor could comment to me as to how you think this issue is addressed by making our ballot even longer.

SENATOR SKOUFIS: Through you, Madam President. That's a good question.

I am familiar with that bill. As you noted, I sponsor it. We've passed that bill in this chamber. We're hopeful that the Assembly passes it before breaking for the year.

But the fact is that yes, there is some drop-off as you move down the columns on a ballot. That is human nature. Some people only show up for those first couple of columns, whether it's president or governor or U.S. Senate or whatever it might be.

But the drop-off is quite marginal. We're not talking, you know, 10 percent drop-off from column to column, we're talking a pretty small number. That said, we want to certainly mitigate that as much as possible, even if it is a small number.

The fact is that, again, using some of the examples I mentioned before, even if there is a small drop-off once you get to those local races, if this is enacted -- at the end of the ballot, even considering that marginal, that small drop-off, the total turnout will be exponentially higher than what it currently is in odd-year cycles.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Senator Skoufis, do you yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR CANZONERI-FITZPATRICK: Well, certainly I hope you're right that there won't be drop-off, because the people in this chamber are likely going to be the people that are all the way at the end of that ballot.

What I'd like to do is review with you the fact that it -- reading this statute, it says that the Village Law is amended, but only for the guidelines for governments operating

principally as a town.

So can I interpret that to mean that this does not apply to the local village elections which, under New York State Village Law, are held either in March or August?

SENATOR SKOUFIS: Through you, Madam President, that is correct. The provision you're referencing refers to the half-dozen or so municipalities in New York that are coterminous town villages.

SENATOR CANZONERI-FITZPATRICK: Okay. Thank you.

Madam President, will the spokeswoman continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So I also noted that Section 3 states that County Law will -- that this will apply to county elected officials, but that it does not apply to the sheriff, the county clerk, the district attorney, Family Court judge, County Court judge,

Surrogate Court judge or any offices with a three-year term.

So in my read of this, it appears that -- for instance, in Nassau County, where I'm from, we have a county executive, which most counties have. We also have county legislators. And then of course we do have a DA, a county clerk, and those are also county-wide elections. So my read of this is that we would potentially have even-year elections for the county executive, county legislator, and then continue on an odd year for the district attorney and the county clerk.

Is my interpretation accurate?

SENATOR SKOUFIS: Through you, Madam President, yes. That is a constitutional requirement.

Or let me rephrase that. We had to carve out those provisions due to a provision in the State Constitution that requires, when there's a vacancy in those particular offices, there is a near immediate special election that triggers a full new term. And so if there's a vacancy in an odd year, the State Constitution requires that the special election happen in that

odd year for a new usually four-year term.

And so that's why we couldn't include those offices in this bill. I would have liked to have, but the Constitution prevented us from doing so.

That is -- and I referenced this before, that is also something that I would look to clean up with a constitutional amendment.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So in this situation, it's conceivable that a county will have elections almost every year, especially if they have two-year terms for their county exec or their county leg, that now you're creating a situation where counties are going to have -- every year have an election.

And that's a tremendous expense to these counties. We have rent, we have poll

watchers, there's -- because of the printing of ballots, that you must have a certain number of electronic ballots on hand.

So have you thought about the cost to the counties trying to run these elections that, as I said, potentially could be every year going forward?

SENATOR SKOUFIS: Through you, Madam President. Certainly I've contemplated that.

I'll just note that counties who administer these elections, they're already administering elections every year. You know, whether it's a county election or not, the county BOE is still administering the presidential-year elections and the gubernatorial-year elections. So they're already administering elections every November.

There will be some modest -- and I don't want to overstate the savings, but there will be some modest savings in those situations where you do have DAs and sheriffs and county clerks, in particular, and the county judicial offices. Which in most counties are aligned on the same odd-year cycle.

Those will continue happening until we hopefully enact a constitutional amendment that shifts them as well. But then in the subsequent odd-year cycle when they're not up, there should not be in many cases county-wide elections. And you will see some modest savings in those particular cycles. So once every four years.

But make no mistake, right now county BOEs administer elections every year.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So one of the things that I mentioned earlier when I was quoting from the other bill that you sponsor was the fact that the public actually -- very few members of the public actually know who judicial candidates are.

And in the situation that we've just

described where we're going to have the county exec and the county clerk on the even years and now a lot of the judges -- or almost all of them -- on the odd years, are we going to get turnout for those judges?

SENATOR SKOUFIS: Through you, Madam President. I assume you mean the judges that are carved out of this bill due to the constitutional constraints.

And look, you know, I would suggest that turnout is already so low in these odd-year elections, they probably can't go much lower. If they do drop at all -- because there is not a county executive race on the ballot, for example -- I do think it would be pretty marginal.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So

I know that you mentioned initially that this bill has been hanging around for a number of years.

Has there been a request from someone or NYCOM, an agency, an organization, that has requested this legislation? Because I have to tell you, in my district I'm getting a lot of pushback and a lot of objection.

SENATOR SKOUFIS: Through you, Madam President. Certainly there are a number of organizations that support this bill and that have been seeking reforms like this for some time. Common Cause, for example, which is a well-known good government group up here, and Citizen Union, which is based in New York City, are actually in the middle of a campaign to adopt a constitutional amendment to move cities to even years, as we were talking about before.

But most importantly, I've heard from many voters who, quite frankly, don't understand the patchwork of elections that we have right now.

As you know, out on Long Island, just as exists in the Hudson Valley and in most places, especially outside of cities, we're not

just talking about November general elections and state and federal Primary Day -- once every four years the presidential primary, which is about to come up next year -- but we also have school board and school budget elections. Many of us have village elections in the spring. Many of us have fire district and commissioner elections and water district and commissioner elections, and the list goes on and on and on.

And so I hear from voters constantly: Do something about this! We have voter fatigue. We can't keep up and keep track of all of the elections and races.

And so this is an attempt to start the consolidation process. And I agree probably with many of you in this room, including across the aisle, that there is more work to be done even after this is enacted. But this is the start of that attempt.

SENATOR CANZONERI-FITZPATRICK: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Does the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: So as you were just describing, there are so many different elections that could potentially be held. As my colleague Senator Weik mentioned just in her potential amendment to this bill, there is the potential, in my opinion, for voter confusion regarding which issues affect the state, which affect us nationwide, which affect us school-district-wide.

And aren't we, by lumping all of these elections into one year, potentially causing voter confusion about the issues that each of the candidates may be, you know, running on? And, you know, for voters to understand the different levels of government that they're faced with on a ballot that's now 22 inches long, are we potentially setting up some confusion for the voters?

SENATOR SKOUFIS: Through you, Madam President, I firmly do not believe so.

We're not talking about adding a half-dozen, eight, 10, 12 races to the ballot. At any given time we're talking about maybe a

supervisor and town board and some town local elections, or a county executive and county leg, which is literally two additional races.

I will note that in your home county, Nassau County, up until the 1970s Nassau County actually held their county elections on an even-year cycle. And at that time there were about 200,000 more Republicans than Democrats on the rolls, I'm told, in Nassau County. Yet despite that, in 1970 the Republican county executive, by the name of Ralph Caso, had an unexpectedly very close election. And it was only then that the Republican majority and county executive decided to actually shift to an odd-year cycle, in an attempt -- from their perspective, right or wrong -- to decrease voter turnout on the Democratic side which they believed was happening in these even years.

And it's my understanding from people that I've spoken to in Nassau County that there were never any complaints up until that change about voter confusion, about people not knowing, you know, who's running for county executive versus who's running for Congress. And

I understand it worked very well up until that change was made.

SENATOR CANZONERI-FITZPATRICK: Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: Well, it's funny -- because in 1970 I couldn't vote; I doubt that you were even born. But the funny thing is -- and you've opened the door to the possibility that there's a motivation to shifting these elections that may be in fact political and not necessarily for the voters.

Because in 1970 your statement indicates -- and as I said, I don't know, right or wrong, was it motivated because the Democrats maybe came out more on the even year and they said, Let's shift it? And that has been suggested by many of the people that are opposed to this legislation.

I'd like to ask you, though, how

this would affect -- and I'll give you a hypothetical, which is not really a hypothetical, it's actuality -- that our county executive in Nassau County was elected in November of 2021 for a term that began on January 1st of 2022. His term will expire on December 31st of 2025. And his election would be in November of 2025.

Can you tell me how this bill will affect his next election?

SENATOR SKOUFIS: Yes. Through you, Madam President. Very simply, when he or whomever else runs for county executive in 2025, he'll be running for a three-year term instead of a four-year term, which will then get him or whomever wins onto an even-year cycle thereafter.

SENATOR CANZONERI-FITZPATRICK: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR CANZONERI-FITZPATRICK: I have a trouble with that, considering we have

typical four-year terms. And we have a county charter that I believe states that our county executive is elected for a four-year term.

So I'm wondering, how does the sponsor wrestle with that potential override of the county charter in Nassau County?

SENATOR SKOUFIS: Through you, Madam President, that is considered in this amended version. And we, in conjunction with the State Board of Elections, or in consultation with the State Board of Elections, we included language that effectively preempts county charters.

SENATOR CANZONERI-FITZPATRICK: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Canzoneri-Fitzpatrick on the bill.

SENATOR CANZONERI-FITZPATRICK: I want to thank Senator Skoufis for engaging in this debate about this new bill.

I have some serious concerns. I believe that our voters are overwhelmed with multiple candidates running. And by shifting these -- consolidating these elections onto very lengthy ballots, potentially going to two pages,

is going to cause that voter drop-off that I referred to earlier.

I do -- as I did say, this body has proposed multiple constitutional amendments, three of which were related to Election Law, and the voters have rejected all three of them. So I do think that's an indication that the voters are not happy with the election reforms that are coming out of this body.

I do think that there is extreme -- excuse me, that there will be an additional expense to localities trying to hold elections on multiple years with, you know, rent and with printing of ballots and with paying for poll watchers -- I'm sorry, poll workers. I think that those expenses are going to be burdensome and another unfunded mandate to our local governments.

Most troubling, though, as I stated, is I do think that there is sort of the elephant in the room -- no pun intended with the side of the room that I sit on -- that the elephant in the room is that there's some political motivation to do this.

I don't think that that should ever

motivate us to change the electoral process, and I do think that we need to be considerate of the fact that our voters deserve transparency and multiple elections so that they can in fact separate the issues out.

So for that reason I will be voting no. Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you.

Senator Martins, why do you rise?

SENATOR MARTINS: Madam President, I was wondering if the sponsor would yield for a a few questions.

ACTING PRESIDENT MAYER: Senator Skoufis, do you yield?

SENATOR SKOUFIS: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MARTINS: Thank you, Madam President. Through you.

Senator Skoufis, can you tell me what counties you represent in the State of New York?

SENATOR SKOUFIS: Through you, Mr. President, I represent most of Orange County.

SENATOR MARTINS: Pardon?

SENATOR SKOUFIS: Most of Orange County.

SENATOR MARTINS: Thank you.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: And do you represent any towns? And if so, can you tell us which towns you represent?

SENATOR SKOUFIS: Through you, Mr. President, I represent many towns. I don't have the full list in front of me, but it's probably close to about 20 towns.

SENATOR MARTINS: Can you give us a -- Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: Can you give us a few, just so we get a sense of place?

SENATOR SKOUFIS: Sure. A few in Eastern Orange County include Woodbury, Cornwall, New Windsor, Blooming Grove, Monroe, Tuxedo. I can go on if you'd like.

SENATOR MARTINS: I appreciate that. Thank you.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So are there issues that are particular to each one of those counties for which there are elections specific to the -- excuse me, to the towns that are specific to those towns and that don't necessarily carry over into other towns?

SENATOR SKOUFIS: Through you, Mr. President, oftentimes, yes.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to

yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: And are there issues specific to Orange County for which the Orange County government and any potential candidates for Orange County government would also be particularly interested in?

SENATOR SKOUFIS: Through you, Mr. President, oftentimes, yes.

But I'll note that there are also issues oftentimes specific to state senate districts or congressional districts that span multiple towns and sometimes multiple counties.

SENATOR MARTINS: Of course. Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: And then of course, Senator Skoufis, there are issues that have to do with state issues and federal issues that are separate than the town and county issues as well. Correct?

SENATOR SKOUFIS: Through you, Mr. President, oftentimes, yes.

SENATOR MARTINS: So I -- Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So, you know, as I see this, there are going to continue to be odd-year elections for a time because the State Constitution requires that certain offices be held in odd years, isn't that correct?

SENATOR SKOUFIS: Yes.

SENATOR MARTINS: And so for how long will -- Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: Thank you, Mr. President.

So how long do you anticipate that we'll continue to have odd-year elections?

SENATOR SKOUFIS: Through you, Mr. President. Honestly, it depends on how quickly and how successfully we can enact a constitutional amendment to move those offices that I referenced before, as well as cities that I referenced before.

The earliest that that kind of amendment could be on the ballot I believe would be November 2025.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: And if this bill were to pass, when would this bill be effective?

SENATOR SKOUFIS: Through you, Mr. President, it would shorten terms, as we discussed before with our colleague. It would shorten terms starting for local offices in 2025.

So if you run for a two-year term in 2025, you would under this bill be running for a one-year term. If you run for a four-year term in 2025 you would under this bill be running for a three-year term.

SENATOR MARTINS: Thank you.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So in the likely event that a constitutional amendment doesn't pass, we will continue to have odd-year elections, notwithstanding if this bill were to pass and be signed into law. Isn't that correct?

SENATOR SKOUFIS: Through you,

Mr. President. Regardless of this bill, we're having local elections in 2025, as I just mentioned. The earliest a constitutional amendment could be enacted, as I mentioned before, is November of 2025.

And so the earliest that we would move off of, for some positions, an odd-year cycle would be some local races moving onto an even-year cycle starting in 2026.

We would hopefully enact, as I mentioned before, an amendment as soon as 2025. And so they're on pretty close to parallel tracks, if that's what you're getting at.

SENATOR MARTINS: It is.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So understanding the process to amend the State Constitution, that would require a statewide referendum, would it not, Senator Skoufis?

SENATOR SKOUFIS: Through you, Mr. President, of course.

SENATOR MARTINS: Mr. President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So why are we doing this today? Why are we putting this state -- our towns, our counties, our local communities -- through an effort that will only partially move elections to even years when there's still uncertainty out there as to whether or not the State Constitution is going to be amended in the way that you aspirationally hope it will?

Why are we doing this today and actually advancing something without having the certainty that the State Constitution is actually moving or changing?

SENATOR SKOUFIS: Through you, Mr. President. First of all, I would note I wish

this had gotten done a long time ago.

But more importantly, I reject the proposition that it's an all-or-nothing situation. While we pursue a constitutional amendment, as we're discussing, I would love to see, instead of 20 percent voter turnout in our town supervisor and county elections, I'd love to see 60, 70 percent turnout. Which I would anticipate if this bill is enacted.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: Senator Skoufis, do you have a bill before this house now that would call for that constitutional amendment?

SENATOR SKOUFIS: Through you, Mr. President, no. But I anticipate there will be one for next session.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to

yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So there isn't one before the house now for a constitutional amendment that actually is required to do what you hope to do, but you're advancing a bill today on the floor knowing that we will continue to have odd-year elections notwithstanding this bill.

Can you reconcile that for me?

SENATOR SKOUFIS: Through you, Mr. President, I'm happy to reconcile.

The reconciliation is simple. It is that it is immaterial whether we pass a constitutional amendment this year or next year, because we will have to do second passage in 2025.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: Yet, Senator Skoufis, you still haven't answered the question of what happens if that constitutional amendment doesn't pass, as prior attempts to change the Constitution haven't passed, as the residents of the State of New York have rejected several attempts to amend the Constitution that have been advanced by this body.

What purpose would there be to change the law now, before you change the Constitution, as there will continue to be odd-year elections going forward? And you don't even have a bill in.

SENATOR SKOUFIS: Is there a question?

SENATOR MARTINS: Yeah, it is.

What purpose is there to advancing this now when we don't have a constitutional amendment and you still don't have a bill in?

SENATOR SKOUFIS: Got it.

Through you, Mr. President, because

again -- and I think I did answer this question, even though it's the first time you're asking the question, in a previous answer. Again, I reject the premise of your suggestion that this is only successful if it's an all-or-nothing or an all, in your case, as you're getting at, proposition.

I feel that there absolutely is benefit to moving town and county races to an even-year cycle regardless of whether a constitutional amendment is successful. Why wouldn't you -- I guess I'll ask a question, if you want to yield and answer. Why wouldn't you want to see 50, 60, 70, maybe even upwards of 70 percent turnout in your county executive race? Why wouldn't you want to see 70 percent of your constituent voters choosing who's going to run your county?

SENATOR MARTINS: Mr. President, is Senator Skoufis asking me to yield?

ACTING PRESIDENT BAILEY: Senator Skoufis, would you like Senator Martins to yield for a question?

SENATOR SKOUFIS: Only if he wants to answer.

ACTING PRESIDENT BAILEY: Senator

Martins, would you yield in answer to the question?

SENATOR MARTINS: I'll be happy to yield. Please, go right ahead.

ACTING PRESIDENT BAILEY: Senator Martins will be happy to yield. Senator Martins yields.

SENATOR MARTINS: You can ask your question, Senator.

SENATOR SKOUFIS: I think I did.

Why wouldn't you want to see 70 percent, 60 percent of your constituent voters choosing your chief executive who runs the county?

SENATOR MARTINS: Well, Senator Skoufis, I happen to live in a county where every resident not only has the right but has the ability to vote. They choose to vote. If they're happy with the turnout, they'll decide to vote or won't decide to vote.

Now will you yield -- Mr. President, through you, will the Senator yield for another question?

ACTING PRESIDENT BAILEY: Senator Skoufis, do you yield?

SENATOR SKOUFIS: I'm happy to yield, though I didn't get an answer to mine. But please, go on.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: That is -- that is the answer, Mr. President.

But let me ask you this. You know, I have had a moment to go through even-year elections, our Senate elections here in this chamber, everyone's election here. And it's remarkable -- I don't know, Senator, have you had a chance to look at the voter turnout district by district statewide for our Senate elections in even years?

SENATOR SKOUFIS: Through you, Mr. President, I confess I haven't looked at a district-by-district, every district analysis of turnout for State Senate, no.

SENATOR MARTINS: Well, these are even years.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So it's an even year. So I'm going to ask you, Senator Skoufis, do you know what the voter turnout was for your election just a few months ago?

SENATOR SKOUFIS: Through you, Mr. President. In my district and in my area, typically in midterm even-year cycles we have roughly a 50 percent turnout. And in presidential even-year cycles we typically have around a 75 percent voter turnout.

SENATOR MARTINS: Mr. President, through you, if the Senator will continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: Senator, if you can tell us -- I appreciate the percentages, but numbers. What was the number back in November of turnout in your election?

SENATOR SKOUFIS: Through you, Mr. President, offhand, I don't have the exact number you're looking for.

But I suspect whatever point you're trying to make could probably be made with the pretty close estimates that I gave you just a moment ago.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: They were percentages. So numbers. If you'd give me your district number, I'll just tell you what the number was.

SENATOR SKOUFIS: Through you, Mr. President, 42nd District.

And I'll note whatever number you're about to share is no doubt exponentially higher than what the number would be if we were running in odd-year cycles. But please, go on.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MARTINS: So the turnout for the 42nd District was a hundred and -- just over 101,000. But there was a district here and a series of districts in this Senate just this past November, in an even year, that had mid-30s, mid-40s in terms of turnout.

And so the ability for people to turn out during elections I think is very important to this body.

Did you ever consider, Senator, what you could do in order to enhance or expand voter turnout, even in even years, for those districts that have remarkably low voter turnout? Did you ever consider that?

SENATOR SKOUFIS: Through you, Mr. President, of course. And I think this body has considered it basically every session in the

past five sessions. And reforms such as early voting are meant exactly to get at the goal that you're describing.

I'll note even in those districts that have lower turnout like you're describing, 40,000 people instead of 100,000 people, all things are relative.

I now would ask you -- I suspect you don't probably have this in front of you, and I don't blame you for it. But in those areas where there was 40,000 people -- where there were 40,000 people coming out last year, how many people came out in those areas in the mayoral election in New York City in those State Senate districts? I suspect it was far lower than 40,000.

SENATOR MARTINS: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Martins on the bill.

SENATOR MARTINS: Now, Mr. President, I'm left to wonder the motivation behind bringing a bill to the floor with the stated purpose of consolidating elections, understanding full well that it is going to take

years to get a constitutional amendment passed in order to actually effectively move -- not to introduce a bill for the constitutional amendment at all, but advancing a bill that simply moves town and county elections that are not prescribed by the Constitution.

So is this about consolidating elections in even years? Or is this about something else, Mr. President?

So I'm left to consider that it's probably about something else. Because if that constitutional amendment doesn't pass, we're still going to have odd-year elections. We're still going to have the same concerns that the sponsor has with regard to turnout in those odd-year elections, they're just going to be for different races. Perhaps races that the sponsor and people who have encouraged him to move this bill aren't interested in. Maybe they're just interested in other elections that actually are embraced by the bill as it's currently constituted.

So this, Mr. President, is not about consolidation. It's not about voter turnout. It's not about making things easier. It's all

about a certain result, and it's about politics.

And I think we all understand -- the sponsor even I think acknowledged that there are issues that are specific to our towns. There are issues that are specific to our counties. There are issues that are specific to our state and to the federal government.

Creating confusion at one time so that we have layers of elections, and asking our constituents to have to be overwhelmed with commercials for federal elections at the same time that they have a town supervisor running, is patently unfair.

There's a reason we have separated our elections in the suburbs. And it's something that is unique, ladies and gentlemen and my dear colleagues, to those of us who live in the suburbs and live in rural communities here in the state. Not to those who live in New York City, because you're excluded. It only applies to us, to our towns, to our counties, to our elections.

Now, I understand from other legislation that has appeared here on the floor over the past year -- and for years, from what I also understand -- that the sponsor may have

issues locally with his own local towns and counties. But not us. I'm perfectly okay with my county elections being in odd years. I'm perfectly okay with my town elections being in odd years. And you know what? So are my constituents. They're okay with that. They don't need Albany telling them what's good or isn't good for them.

I don't have people calling me, asking me to change the year to an even year because they somehow feel disenfranchised. To the contrary, I've got people calling me asking me, "What's this all about? Why would they be doing this? It seems awfully political to me. We want no part of it."

So, Mr. President, I'm concerned once again that here we are again, from Albany, deciding, You know what, these towns, we don't care what they want. Their constituents? Too bad. We're going to impose because we have somebody who decides that they want greater voter turnout in their mind without looking to where the actual voter apathy exists.

And you know what? It's not in Nassau County, regardless of what you say. It's

not in Suffolk County. And I'm sure it's not in Orange County or Rockland or Ulster or Dutchess. It's in other places. If we went and looked carefully, we'd see where the voter apathy is in this state. And if we really wanted to do something about it, we'd go out there and encourage people in those communities to get out to vote.

There's only one Senate district in the entire City of New York where there are over 100,000 people who came out to vote in this last November's election. One. One. And I'll tell you this. It wasn't anyone on that side of the aisle, it was a member of the State Senate that comes from the five boroughs who sits on this side of the aisle, and he had greater than 100,000 people come out to vote in his election -- and he wasn't even opposed.

(Laughter.)

SENATOR MARTINS: I'll leave it to your imaginations to think about who that person may or may not be.

But go home, take a look at those numbers. Take a look at the voter apathy. Take a look at where it exists. It's not in

Nassau County, it's not in Orange County. So leave our towns and counties alone.

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR MARTINS: Mr. President, I vote no.

SENATOR GIANARIS: If the Senator will yield just for a clarification, because I'm genuinely interested in this. Just one question of Senator Martins, if he would yield.

ACTING PRESIDENT BAILEY: Senator Martins, do you yield?

SENATOR MARTINS: I'd be happy to yield.

SENATOR GIANARIS: Did you not just earlier in the debate point out that Senator Skoufis's district had over 100,000 voters in this most recent election?

SENATOR MARTINS: He's not in New York City.

SENATOR GIANARIS: Oh, only New York City, I see.

SENATOR MARTINS: I'm sorry, Senator Gianaris.

SENATOR GIANARIS: I misunderstood

your question. Thank you, Senator Martins.

SENATOR MARTINS: So Mr. President, with that, I vote nay. Thank you, sir.

ACTING PRESIDENT BAILEY: Thank you, Senator Martins.

And thank you for your praise of an unnamed person maybe known as Andrew Lanza.

(Laughter.)

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

SENATOR RHOADS: Will the sponsor yield to some questions, Mr. President.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Of course.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Thank you, Senator Skoufis.

You know, we were speaking before about things that our moms had said. Mom had said nothing good happens after midnight, and here we are.

(Laughter.)

SENATOR RHOADS: So,

Senator Skoufis, I believe that you stated, at least in my readings with respect to your bill, that your bill had three main purposes.

The first purpose was to save money. Right? In fact, you said this bill will have, quote, a tremendous savings for the taxpayers. How?

SENATOR SKOUFIS: Through you, Mr. President, there was some conversation to this point a little bit earlier. Once, hopefully -- and I believe it will materialize -- once we enact a constitutional amendment and shift all these races to even years, there will be a tremendous savings.

In the interim, there will be some savings. As I described before, in those odd-year cycles where you're not having those countywide races that are carved out in this bill, you will see some modest savings in the meantime.

SENATOR RHOADS: And where will those savings come from?

ACTING PRESIDENT BAILEY: Senator Rhoads --

SENATOR RHOADS: Will the sponsor

yield to another question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: And where will those savings come from when we have additional expenses -- because you now have more people on the ballot, presumably have more people coming -- you have longer ballots that you now have to print because you have a greater number of candidates. You've mentioned the possibility of having to have two separate ballots in order for a voter to be able to cast a ballot because the ballot may be so long.

So where are those savings materialized, Senator?

SENATOR SKOUFIS: Through you, Mr. President. The savings, the immediate savings that materialize are again in those odd years. So once every four years when you're not going to have a county clerk, county DA, and county sheriff on the ballot and don't have to administer countywide elections or administer

elections in most communities in that county as a local BOE.

The -- I will just respond to one or two comments that you just made. There won't be longer lines. If we're moving local races into even-numbered years, let's say a presidential even year, the lines are going to be the lines for that presidential race. Adding a county executive race or adding a local town supervisor race is not going to increase turnout beyond what's already coming out to vote for president or, in all likelihood, to vote for governor. That turnout's going to that turnout.

But the point of this bill, and one of the other points that you haven't gotten to yet, of the three, is we want those local races to benefit from that existing higher turnout.

SENATOR RHOADS: Thank you, Senator.

Will the sponsor yield to another question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR RHOADS: The second point that you raised was avoiding voter confusion. Can you tell us how it would avoid voter confusion by having more races on the same ballot?

SENATOR SKOUFIS: Through you, Mr. President. I don't know that I've characterized one of the purposes of this bill as avoiding voter confusion.

But I suspect maybe what you're getting at, or what you're referencing I was getting at from whatever you're citing I said, is that one of the benefits of consolidating elections is what I described a little bit earlier tonight, which is you have voters who face this avalanche of elections in any given year. You have a November general election, you have a state and federal primary election, every four years you've got a presidential primary election. You've got your school board and budget elections. You've got in some cases your village elections in the spring. You've got your library board and budget elections, your fire district board and budget elections, your water

district board and budget elections.

And so yes, to the extent that voters are exhausted and would like to see some consolidation, that is absolutely a benefit of this bill.

SENATOR RHOADS: Will the sponsor yield for another question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: And so your solution, you believe, is to have federal, state, county, town, fire district, water district, library board, judges all on the same ballot. That's going to -- that's going to aid in less confusion for voters, according to you.

SENATOR SKOUFIS: Through you, Mr. President, that's not what I said.

And this bill does not include the large majority of the offices that you just rattled off.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: So now we're back to the earlier question. Where are the savings?

If there are still going to be fire district elections, if there's still going to be water commissioner elections, if there's still going to be school board elections, there are going to be library board elections, there's going to be elections for county clerks, there's going to be elections for district attorneys -- which are being handled separate and apart from the town and county elections -- where are the savings?

SENATOR SKOUFIS: Through you, Mr. President, I'll provide the same answer that I provided when you posed the question earlier.

In the immediate term, the savings are once every four years in those odd-year cycles when you don't have those countywide races up and on the ballot -- DA, sheriff, county clerk, and the countywide judicial offices. In

most places, those offices run at the same time on the same odd year. And so the odd-year cycle once every four years they're not running on, you will see some savings by not having to administer those countywide elections.

In the longer term, if and when -- I believe when -- we pass a constitutional amendment, we'll be able to even move those offices to an even-year cycle to the same offices we're moving in this bill, and you will see savings in not one but two of the odd-year cycles, both of the odd-year cycles every four years.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Now, you've mentioned limited circumstances where the district attorney's election and the county clerk's election are compatible. Do you have any idea how many of the counties where that's

actually the case?

SENATOR SKOUFIS: Through you, Mr. President. I believe the very -- I don't have a number in front of me, but the very large majority of counties you do see the two races, two offices that you just mentioned, the DA and the county clerk, yes, do run on the same cycle. That happens in the vast majority of counties in New York State.

The only time they would not be on the same cycle is when there is an abrupt vacancy that constitutionally -- which is why we carve them out -- shifts those offices to an even-year cycle. In most counties that has not happened.

I will note, through you, Mr. President, that the primary purpose of this bill -- because again, the immediate savings are more modest -- the primary purpose of this bill is to increase voter participation in town and county elections.

I prefer -- I think the vast majority of New Yorkers would prefer to see, instead of 20 percent of people choosing who runs our towns and counties, 50, 60, 70 percent of voters choosing our leaders who run our towns and

counties.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: the sponsor yields.

SENATOR RHOADS: You cited to a -- I believe it was a Nevada election, if I'm correct, in the questioning under -- from Patricia -- Senator Canzoneri-Fitzpatrick.

SENATOR SKOUFIS: Through you, Mr. President, yes, Nevada is currently the only state that requires local elections be an even-year cycle. So I did cite -- I think North Las Vegas was one of the examples that I shared before.

SENATOR RHOADS: Okay. In -- will the sponsor yield to another question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: You told us that there was additional voter turnout. But can you tell us, what was the drop-off from the first race on that ballot to the last race on that ballot?

SENATOR SKOUFIS: Through you, Mr. President. So just as a reminder, in 2019 in North Las Vegas municipal elections there were 4,611 voters who came out. And then in their first even year cycle in 2022, that number more than doubled, to 11,061.

And I don't have the exact percentage of drop-off from start to end on the 2022 ballot, but I know that it is a marginal drop-off. And whatever small drop-off there was, certainly the final number was far larger than 4,661. There would have had to have been a 60 percent-plus drop-off to get to what the turnout was in the previous odd cycle. And in no universe do you ever see anything approaching a 60 percent drop-off on a ballot from start to finish. It is usually a single-digit percentage point.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT BAILEY: Would the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: I would submit to the sponsor that you will see a significantly greater drop-off the longer that ballot gets. Would you not agree?

SENATOR SKOUFIS: Through you, Mr. President. Yes, I think that it's fair to say with every column that's added there is some additional marginal drop-off. We're talking in some cases tenths of a percentage point, not a 60 percent drop-off, which would get us back to, in this example, what the turnout was in the odd-year cycle.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Again, what you're

quoting is specifically with respect to the Las Vegas study, the North Las Vegas study, which admittedly you have no idea what the number is.

SENATOR SKOUFIS: Through you, Mr. President. I'll again remind my colleagues, the other example that I cited, which was in El Paso, Texas, they went from an 8 percent turnout to a 45 percent turnout, a 460 percent increase.

I suspect my colleague does not imagine there would be a 460 percent drop-off from start to end of any ballot.

SENATOR RHOADS: Will the sponsor -- well, was that a question?

SENATOR SKOUFIS: No, that wasn't a question. That was a suggestion.

ACTING PRESIDENT BAILEY: I believe it was of a rhetorical nature.

Senator Rhoads, are you asking Senator Skoufis to yield?

SENATOR RHOADS: Yes, I am.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes, I'll yield.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR RHOADS: But you don't know what the statistic actually is, correct?

SENATOR SKOUFIS: Through you, Mr. President, I don't have the exact number, no.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: If elections for the town and the county will now be held in the same years as congressional, State Senate and State Assembly elections, how will campaigns for county executive or town supervisors or for other offices be able to get TV time?

SENATOR SKOUFIS: Through you, Mr. President, the same way they get them in their current elections.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: If they're competing with presidential campaigns, with gubernatorial campaigns, with other campaigns for statewide offices, with campaigns for State Senate and State Assembly, when do you think there's going to be time for a county executive or another local office to buy TV time?

SENATOR SKOUFIS: Through you, Mr. President -- through you, Mr. President, I don't quite understand the question. I think you're suggesting that there is no -- there are no TV advertisement slots available if we move these races into even-year cycles. I don't believe that's even remotely correct.

I will note that one of the beautiful things about local races is that local candidates are out knocking on doors more than, say, a gubernatorial candidate, for example. And that remains -- and I think whether it's an odd-year cycle or an even-year cycle, that will remain the preferred and in some cases the exclusive, because not too many county

legislators are on TV running for reelection, the exclusive way that they're going out and reaching voters.

SENATOR RHOADS: Will the sponsor yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield for a question?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Have you had a county executive on television in your county, in Orange?

SENATOR SKOUFIS: Through you, Mr. President, yes. We're a county of about 400,000. We're one of the larger counties.

SENATOR RHOADS: Sure.

Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: If elections for sheriff, for county clerk and for district

attorney will continue to be on the odd-year elections, will that not decrease voter turnout in those elections?

SENATOR SKOUFIS: Through you, Mr. President, this exact question was raised before, but I'm happy to repeat the answer.

And that is that voter turnout in these odd-year cycles is already so abysmally low it can't really drop any further in reality. To the extent that there is any drop because you're moving a county executive race to an even-year cycle, the drop I believe would be marginal.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: While you believe that the voter drop-off may be marginal in terms of turnout, do you not agree that if you have a single race, it's entirely possible that you're going to get significantly fewer voters coming out to vote for one candidate?

SENATOR SKOUFIS: Through you, Mr. President. While we make this shift to moving all races onto an even-year cycle, there will be very, very few instances in which there is only one race on the ballot. Because as I mentioned before, most of these countywide positions that are carved out of this bill -- county clerk, DA, sheriff, some judicial positions -- they are aligned on the same cycle.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: You had indicated that it's -- several times that it was your intention -- and actually, I'll withdraw that question and ask a different one.

Who asked you to sponsor this bill?

SENATOR SKOUFIS: Through you, Mr. President. There was no one person who prompted me to sponsor this bill.

SENATOR RHOADS: Will the sponsor

continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield.

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: What motivated you to sponsor the bill?

SENATOR SKOUFIS: Through you, Mr. President, this was -- I'm going to sound like a broken record. A lot of these questions are on repeat. This was the very first question that was asked.

The motivation here is that I believe, as policymakers, one of our responsibilities is to create an environment, to foster an environment that promotes greater voter participation.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Are you concerned about increasing voter participation in cities as well?

SENATOR SKOUFIS: Through you, Mr. President, yes.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Was there anything that prevented you from introducing your constitutional amendment that you say you're going to introduce next year right now?

SENATOR SKOUFIS: Through you, Mr. President. We all are at liberty to introduce bills whenever we want, as legislators. So to answer your question, there's nothing that prevented me from introducing or anyone in this chamber from introducing a constitutional amendment.

But what I can tell you is that you should anticipate a constitutional amendment

being introduced and hopefully taken up next year. And again, it is immaterial whether it's taken up this year or next year, because it will have to pass again in 2025.

SENATOR RHOADS: Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: I would submit to you respectfully, Senator Skoufis, that it is not immaterial, because you are changing the elections in towns and counties without addressing the same problem that you're suggesting that we have in cities with respect to drop-off.

And I would like to know why you aren't doing them at the same time and why you're treating towns and counties differently than cities.

SENATOR SKOUFIS: Through you, Mr. President, we're not doing it at the same time because we can't do it at the same time.

This is a piece of legislation that can be enacted in one session. A constitutional amendment has to be passed, as you know, through two successive legislatures and then passed via referendum statewide.

And so we are on track to do that. Whether we pass it this year, the constitutional amendment, whether we pass it this year or next year, that track is the same regardless.

SENATOR RHOADS: Will the sponsor yield to another question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: If you're going to the same place anyway, why didn't you just do them at the same time? Why didn't you introduce your constitutional amendment this year?

SENATOR SKOUFIS: Through you, Mr. President. I would characterize this as a largely academic debate. I've told you what you ought to expect this session, this two-year session, next year. There will be a

constitutional amendment next year.

SENATOR RHOADS: On the bill.

ACTING PRESIDENT BAILEY: Senator Rhoads on the bill.

SENATOR RHOADS: Thank you, Mr. President. Thank you, Senator Skoufis. And I appreciate you accommodating these questions.

Senator Skoufis pointed to three things. Saving money? This doesn't do it. Voter confusion? In my opinion, this creates even more confusion among voters because now you will have longer ballots, it will be more difficult for local candidates to get their messages out.

And this will do nothing, in my opinion, to improve overall turnout because you will actually have greater drop-off at the ends of ballots, so you will probably have an equivalent number of voters eventually voting in those local elections.

I will tell you what my theory is, however. There is absolutely no reason why, if this was the purpose of this bill, that we couldn't have a constitutional amendment now that addresses this problem that we're saying that we

have in towns and counties, and at the same time addressing it in cities.

I will tell you that the drop-off in 2020 in the presidential election, to 2021 in the mayoral election, was 61 percent turnout in the presidential and 23 percent in the mayoral. Greater than 50 percent drop-off in turnout, yet we are not addressing that problem. Instead, we are telling local towns and telling local counties from Albany how they should be running their elections.

Why? When voters have been rejecting ballot initiatives that have been put out by this Legislature on a regular basis, I suspect that may be the reason why. Instead, this Legislature is imposing it on our localities without asking. We could have introduced a constitutional amendment to address this issue, but the problem is the constitutional amendment would have had to have gone to the voters.

And let's see what the difference is. This bill does not apply to the City of New York, which is majority Democratic. It doesn't apply to the City of Buffalo, which has a Democratic mayor. It doesn't apply to the City

of Rochester, it doesn't apply to the City of Albany, the City of Yonkers -- all of which have Democratic mayors and Democratic boards. What this does apply to is towns and counties where you have Republican county executives, Republican town supervisors. I suspect that's what the difference is actually about.

Even Orange County. A Republican county executive, right? It applies to them. But none of what you're doing applies to the cities, which have the same if not worse issues with respect to voter turnout. I believe that's what the issue -- I believe that's what the issue is.

So now you have other issues that will happen --

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

SENATOR SKOUFIS: Will you yield for a question?

SENATOR RHOADS: Yes, absolutely.

ACTING PRESIDENT BAILEY: Senator Rhoads, do you yield?

Senator Rhoads yields.

SENATOR SKOUFIS: Senator Rhoads,

who is the county executive in Westchester, and what's his party affiliation? And will this bill apply to him?

SENATOR RHOADS: The bill will certainly apply to him. It will apply just the same.

SENATOR SKOUFIS: His name is George Latimer. He's a Democrat.

Who's -- what party --

ACTING PRESIDENT BAILEY: Senator Skoufis, are you asking --

SENATOR SKOUFIS: Will you yield? I'm not used to going this way. Will you yield?

(Laughter.)

ACTING PRESIDENT BAILEY: Senator Rhoads, will you yield?

SENATOR RHOADS: I will yield.

ACTING PRESIDENT BAILEY: Senator Rhoads yields.

SENATOR SKOUFIS: What party affiliation is the county executive in Albany County?

SENATOR RHOADS: A Democrat.

SENATOR SKOUFIS: He's a Democrat.

I couldn't help but notice that you

are portraying this bill as somehow only applying to Republican jurisdictions. This applies to all towns and counties regardless of whether there's a Democrat or Republican leading that town or county.

And I also take exception with your suggestion -- and quite frankly I think this is misdirection, and purposeful. You're going, Well, it doesn't apply to Buffalo, it doesn't apply to New York City. It can't apply to Buffalo or New York City. We are constitutionally prohibited from capturing any city with this bill.

And so I really just needed to interrupt, and I appreciate you yielding, because I am not going to accept purposeful misdirection.

ACTING PRESIDENT BAILEY: Gentlemen, the hour is late. Let us continue on a peaceful path towards the end of session.

Senator Rhoads, continue, please.

SENATOR RHOADS: Senator Skoufis, to answer your question, you had the ability to file a constitutional amendment which would have addressed the issue both in cities as well as the issues both in towns and counties. You chose not

to do that. You chose to take a path which would avoid submitting this to the voters so that their voices could be heard on what goes on in their own localities. You chose to do that. That's the point that I'm attempting to make.

And I will suggest to you, yes, there is a very specific reason with respect to Nassau and Suffolk counties why I think this bill was actually introduced, a very specific reason. And I think it has everything to do with respect to party, with all due respect.

The bottom line is this bill is taking away the ability for local individuals, for our residents to have a voice in their local governments and how they are structured and how they are run. If the Senator wanted to submit a constitutional amendment, he could have; we don't.

And so now, again, Albany will be dictating to towns and counties how they should be living their lives, how they should be choosing their elected officials, and the end result will be that our voices will be drowned out, that local county executives, local town supervisors, local town board members, local

county legislators will have their message drowned out in presidential, gubernatorial and statewide races where they will struggle to be able to be heard.

So for that reason, I will be voting no, and I would encourage my colleagues to do so as well.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Rhoads.

Prior to the next speaker, again, let -- you know, the hour is late. We will -- passions are great. But again, let us -- let's be able to continue on a peaceful path. I can see no better end to the session.

Senator Walczyk, why do you rise?

SENATOR WALCZYK: Through you, Mr. President, I rise because I ran into one of my esteemed colleagues from the Bronx, and he thought that I could contribute to this debate.

I would like to start by going on the bill.

ACTING PRESIDENT BAILEY: Senator Walczyk on the bill.

SENATOR WALCZYK: Thank you.

This is from the New York State Association of Clerks of County Legislative Boards. It says, "Dear Majority Leader Stewart-Cousins and Speaker Heastie:

"On behalf of the officers and executive committee of the New York State Association of Clerks of County Legislative Boards, I'm writing to express our concerns with the provisions contained in Senate Bill" -- well, this one.

"These bills would require that certain local elections held outside of New York City be in an even-numbered year.

"While the bills' sponsors state justification for increasing voter participation and reducing voter confusion in local elections by requiring certain elections to be held in even years is laudable, we believe this proposal falls short of those goals, as constitutional offices such as sheriff, county clerk, district attorney and elected members of the judiciary may still be held in uneven years," as was pointed out in the debate today.

"Additionally, city and village elections are often held in uneven years or at

different times of the year altogether. currently there is no state mandate about which years elections for county boards must be held, and each county sets elections for those offices in line with the needs of their community.

"In some cases those elections are held in uneven years, which serves to allow the elections for those offices to receive greater attention by voters and not be lost in the more prominent elections for statewide or federal offices.

"Moreover, a one-size-fits-all approach for all counties would usurp other provisions that some counties and voters have enacted. Some examples of those provisions include three-year term of office; staggered terms of office; term limits on county legislators.

"In conclusion, on behalf of the officers and executive committee of the New York State Association of Clerks of County Legislative Boards, I urge you to not act on this Senate bill prior to the end of the legislation session, which is quickly approaching. Instead, we respectfully request that you engage in

discussions with the New York State Association of Counties to come up with an alternative proposal about how we can work together to improve voter turnout passing new mandates on county government which ignore the will of voters and their local representatives.

"As always, we and the New York State Association of Counties stand ready to discuss this matter further.

"Respectfully, Aaron Michael Martin," who is president of the New York State Association of Clerks of County Legislative Boards. And if his name sounds familiar to you, he used to be a legislative director here in the New York State Senate.

Mr. President, would the sponsor yield for some questions.

ACTING PRESIDENT BAILEY: Before, Senator Skoufis, you yield, I would like to note for the record that Senator Walczyk has asked us to recognize his sartorial splendor, that it is St. Lawrence tartan. Is that not correct, Senator Walczyk?

(Laughter.)

SENATOR WALCZYK: Mr. President,

I'll be proud to speak about my jacket very briefly.

(Laughter.)

SENATOR WALCZYK: This is more than just a snappy end-of-session coat to me. This is the St. Lawrence tartan. There are two tartans that have been designed in the United States of American that are official Scottish tartans, woven in Scotland. And I bought a bolt of this and had it made by a local suit maker from my district who has bespoke and hand-cut this suit.

It is representative of my district, of the northern portion, which I call the front yard of America. The St. Lawrence tartan has three primary colors that you can see, the blue representing the mighty St. Lawrence River, where 20 percent of the world's freshwater passes; the red representing the sunset over the Thousand Islands; and the green representing the hardy cedar trees that line the St. Lawrence River Valley.

And with that brief pause in the --

(Applause.)

SENATOR WALCZYK: Well, thank you.

ACTING PRESIDENT BAILEY: Thank

you, Senator Walczyk.

Senator Skoufis, do you yield for a question?

SENATOR SKOUFIS: I would love to, after that.

(Laughter.)

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Well, now that we're all in good spirits, through you, Mr. President, is this going to undermine local governments?

SENATOR SKOUFIS: Through you, Mr. President, no.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

The sponsor yields.

SENATOR WALCZYK: What do you imagine the messaging for campaigns of local governments will -- will change if they're lined up in federal election years?

SENATOR SKOUFIS: Through you,

Mr. President, I imagine the messaging will not change much.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Do you think if we're lining up local locations on only federal election cycles, candidates that are running for local office will more frequently be asked about their support for certain congressional or United States Senate candidates or presidential candidates than they would if they were running in an off-year and even-year election?

SENATOR SKOUFIS: Through you, Mr. President, I don't imagine so.

SENATOR WALCZYK: Okay. Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: We took up a bill -- and it's difficult at the end of session to remember on which day, but you proposed it, and it had to do with consolidation of local governments providing for more tools at the state level to consolidate municipalities.

And I think in doing so you were looking to gain efficiency in local governments, maybe offer them the opportunity to consolidate, to have some more efficiency. But I would say that they also lose autonomy for some voters if you, say, merge two towns or merge a town and a village. Some autonomy is lost there.

What happens when you merge local elections and federal elections?

SENATOR SKOUFIS: Through you, Mr. President, we're not merging federal and local elections, we're just aligning them to the same schedule.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Would the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Maybe it's a nuance over a merger versus an alignment. I'll use alignment, then. That's -- that's fine by me.

What autonomy is lost for a local government when local elections are aligned with federal elections?

SENATOR SKOUFIS: Through you, Mr. President, there is no autonomy that's lost. In fact, I'll reference the Town of Wilna, which I'm sure you're familiar with -- it's in your Senate district, Senator Walczyk.

SENATOR WALCZYK: (Inaudible.)

SENATOR SKOUFIS: It's I suppose right next to Fort Drum. In 2020 you had a local race on an even-year cycle. You had a town justice position that was up that year. And if my colleague will yield, perhaps he can answer what he thinks the impact on local autonomy was for that town judge race by being held on an

even-year cycle. I would suggest it's probably nothing.

ACTING PRESIDENT BAILEY: Senator Walczyk, would you yield for a question? Would you yield -- would you like to answer the question that Senator Skoufis has posited?

SENATOR WALCZYK: Yeah, I will yield.

I haven't really done a deep dive into the 2020 town justice for Wilna race. Maybe if my colleague could enlighten us. Could you compare that to a town justice race? If my colleague would yield back.

ACTING PRESIDENT BAILEY: Senator Skoufis, would you yield?

SENATOR SKOUFIS: I will yield.

I would suggest that the only material difference between that particular town justice election and other local elections in the Town of Wilna and any other county or town election is that in 2020, 60 percent of the voters in the Town of Wilna cast a ballot for town justice.

In 2021, the next year, there were a number of local races in the Town of Wilna that

saw 21 percent voter turnout, three times as many as your constituents in the Town of Wilna voted for town judge because it was held in an even year.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor will yield.

SENATOR WALCZYK: So the question was about autonomy. Do you know anything about the town justice that ran in 2020 in the presidential year and how many times they were asked who they were supporting for president?

SENATOR SKOUFIS: Through you, Mr. President, no. But I suspect you can probably get an answer because you know him or her, and I don't.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Do you know anything about the town justice race in 2021 and how many times they were -- that justice was asked at the door or when they were out in public asking people to vote for them, who they voted for in the 2020 presidential election or who they might consider in the 2024 presidential election?

SENATOR SKOUFIS: Through you, Mr. President. First of all, there was to my knowledge no town judge election in 2021. There was a town tax collector and a highway superintendent election in 2021.

And as far as I know, there is no data that I can refer to in terms of how many times a candidate is asked for their presidential preference.

SENATOR WALCZYK: Well, I appreciate -- through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I appreciate, by your own admission, that it's an apples-to-oranges comparison anyways. They obviously didn't have the elections before the Senate district even covered the Town of Wilna or I represented it. Didn't have those numbers right in front of me, but I'm glad that you pointed out that you're comparing a tax collector race to a town justice race. I appreciate that.

So you carried this bill since 2021, is that correct?

SENATOR SKOUFIS: That sounds correct.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: And did I hear

earlier in the debate that you inherited this from another member?

SENATOR SKOUFIS: Through you, Mr. President, this was previously carried by Senator Carlucci, yes.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So in the last legislative session this was Senate Bill 6197D by the end of the legislative session. A D print meaning that you amended that bill four times in the last legislative session, do I understand that correctly?

SENATOR SKOUFIS: Through you, Mr. President, that is what that means, yes.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: And in this legislative session, this is a B print, which means you've amended the bill an additional two times within this legislative session, do I understand that correctly?

SENATOR SKOUFIS: Through you, Mr. President, that is what that means, yes.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: That seems like a lot of work. Why so much effort?

SENATOR SKOUFIS: Through you, Mr. President, it was a lot of work. I thank you for acknowledging that. And we put in so much effort because we believe this is an important

reform.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I sit as the ranker on the Elections Committee, but I don't remember this bill ever being spoken about in the Elections Committee. Did it go through the Elections Committee when you sponsored it during the last session?

SENATOR SKOUFIS: Through you, Mr. President, last year the bill didn't advance through committee, that's correct.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR WALCZYK: And did the -- did that advance -- did I just miss that agenda that day? It didn't advance this year through the Elections Committee either, did it?

SENATOR SKOUFIS: Through you, Mr. President. My colleague knows full well how this chamber operates. And towards the end of session bills can be discharged from committees to Rules, which is I believe what happened here.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Do you know if the bill passed through the Assembly Elections Committee? Did they talk about it in the committee in the other house, or was it also discharged directly to the floor over there?

SENATOR SKOUFIS: Through you, Mr. President. The bill was not discharged to

the floor in the Assembly. I believe the bill was discharged to Rules or another committee in the Assembly.

And again, this is a process that my colleague is familiar with. He has a number of local government bills that were discharged out of Local Government and not passed through Local Government just this session.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I appreciate you talking about my bill. When I put one of those local bills in, what I do is I also put in a request-out slip so that that committee knows that I would like it to move through that committee.

Did you put a request-out slip with the Elections Committee on this bill this session?

SENATOR SKOUFIS: Through you, Mr. President, that's not required. I didn't put in a slip. But I certainly put in a request.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: In three years of work on this bill which will impact local elections, what support or counsel did you receive from local governments?

SENATOR SKOUFIS: Through you, Mr. President. One of the reasons why we got to a D print last year is because we were in significant consultation with NYCOM and the Association of Counties. And while it's true they are not exactly in love with this bill, they provided significant input that was incorporated into versions of this bill.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to

yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So not receiving support from the Association of Counties or the Conference of Mayors.

Did you receive support from the Town Highway Superintendents?

SENATOR SKOUFIS: Through you, Mr. President, I'm not aware of any position they've taken.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

The sponsor yields.

SENATOR WALCZYK: What about the Association of Towns?

SENATOR SKOUFIS: Through you, Mr. President, I do not believe they've issued a

memo of support, if that's what you're getting at.

Some groups that have issued support include most of the good government groups, because this is a good government bill. Common Cause, Citizen Union in New York City -- which, again, is engaged in a constitutional amendment campaign to shift city elections to even years.

Most of the good government groups that engage in our work here in Albany not just support, strongly support this measure. And it's because it's the single reform, by far and away the one single reform that could dramatically -- not a little, not some, dramatically increase turnout in these currently odd-year elections.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: What about the county executives?

SENATOR SKOUFIS: Through you, Mr. President, the county executives -- is there an association of county executives? I'm not even sure what you're referring to.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Do you have any support from any county executives that you could voice to the chamber?

SENATOR SKOUFIS: Through you, Mr. President. We reached out to a host of elected officials last year as part of outreach. We incorporated a lot of feedback based on input from elected officials from the associations I mentioned before.

And so this suggestion that we're doing this in a vacuum, which I think is what you're suggesting, is off base.

SENATOR WALCZYK: Through you,

Mr. President, would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Did you receive support or feedback from the Elections Commissioners Association?

SENATOR SKOUFIS: Through you, Mr. President, we did have significant consultation with many election commissioners at the county as well as the state level, State BOE, and much of their feedback was incorporated into this final version.

I'm curious to note that in this long list of associations and elected officials that you're rattling off, you've left out the most important group, voters.

Voters are the ones who are going to benefit from this bill. Voters are going to be the ones who are casting ballots that will determine who runs their counties and towns -- not at 20 percent levels or 30 percent levels,

but in some cases 60, 70 percent turnout levels.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: What about feedback from the Association of Clerks of Legislative Boards?

SENATOR SKOUFIS: Through you, Mr. President, I think that's the letter you read into the record before we engaged in some debate. And they raised very generic issues that we've addressed in this debate that I've been aware of since almost day one since I introduced the bill. There's nothing new in that correspondence that would have informed this bill language.

Again, much technical feedback in particular was provided by many of the associations that you listed before.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to

yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I'm so encouraged to hear that voters are really the top concern and that was the group that I was leaving out. It was just a little bit further down on my list, but certainly not by priority at all.

How many public hearings did you have on this bill that you're proposing to change our -- the years that our local governments are going to have their elections on?

SENATOR SKOUFIS: Through you, Mr. President, I think we've probably taken up and passed upwards of a thousand bills this session. And as you know, as well as all of us know, the vast majority of those bills that are taken up and passed do not have public hearings.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: The vast majority of the bills that we take up in this chamber -- and not to paint them with a broad brush, because I think you have to go through each one; that's why we do that -- but don't often have a sponsor that stands up and that accuses the questioner of not caring about voters.

I asked how many public hearings, how many times did you reach out to the voters that you really wanted to be on this list -- how many times did you reach out to the voters and have public hearings to seek their feedback before you proposed a bill in the New York State Senate that would change what year our local elections are had on?

SENATOR SKOUFIS: Through you, Mr. President, I certainly appreciate the attempts at the straw man arguments, but let's be clear. We've all participated in public hearings here in Albany. The folks who would show up to a public hearing in this kind of case are those

associations that you listed off before whose feedback we sought and incorporated in the bill.

Your suggestion that, you know, Joe and Jane off the street of, you know, the town of Wilna are going to show up to a public hearing is just completely off base.

SENATOR WALCZYK: Through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So this bill didn't go through either Elections Committee and wasn't vetted in either session that it's -- any of the three legislative sessions that it's been carried in, either by your predecessor or by you, by the members that sit on the Elections Committee in either the Senate or in the Assembly. But it is moving to the floor now.

But I just want to understand that not only has it not gone through the Elections Committee, which are the

representatives that are, you know, we're kind of charged with looking over bills in that area of law and having a discussion across the table about some of the nuances here. So the D print that you've got last session and the B print that you've got this session was kind of independent of that process.

And I'm understanding that there were also no public hearings to reach out to --

ACTING PRESIDENT BAILEY: Senator Walczyk, are you on the bill or asking questions?

SENATOR WALCZYK: I've got a question, Mr. President.

There were also no public hearings. Was there any kind of task force put together to seek feedback from voters in the State of New York?

SENATOR SKOUFIS: Through you, Mr. President. You're -- you've said this a number of times, with all respect, that this bill hasn't been vetted, it hasn't been looked at by the Election Committee members. And you know as well as I do that that is just simply not true.

Again, this bill has been around for over 10 years. There've been a lot of eyes on

this bill. There's been plenty of time for anyone who wants to vet it to vet it.

And in fact I know that you've looked at this prior to today, because several months ago you sent me a rather unusual letter requesting that I strike the enacting clause to this bill.

And so, again, the implication that this is the first time you, as the ranking member of Elections, is taking a look at this bill, is considering this bill, you know, we worked around your mindfulness -- you've known about this bill, you've looked at this bill, you've studied this bill for several months at a minimum.

SENATOR WALCZYK: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I at no point meant to represent like tonight was the first time I was ever looking at this legislation. I

knew that this was a bad idea for long time.

But I do want to pivot off of that and close with a few questions, because I think your -- your intent here, turnout is the goal, right? Your intent here is to increase turnout in the State of New York. Is that right? In elections, whether they be local or federal, you want to see more people turning out and participating in democracy. Do I understand that correctly?

SENATOR SKOUFIS: Yes.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Would you say that voters should, as a personal recommendation, should turn out every time that there's an election even if it seems like it's just down to a tax collector or a local justice or -- all the way up to the president of the United States, and

even if it's a very difficult choice for them to make? Wouldn't that be even more important for them to turn out?

SENATOR SKOUFIS: Through you, Mr. President, I'm not sure exactly what your question is.

SENATOR WALCZYK: Through you, Mr. President, to clarify.

ACTING PRESIDENT BAILEY: Senator Walczyk to clarify.

SENATOR WALCZYK: Would you encourage voters to turn out to the polls even if they're facing a difficult decision?

SENATOR SKOUFIS: Through you, Mr. President, I suppose I would always encourage voters to turn out to the polls.

SENATOR WALCZYK: And through you, Mr. President, would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Even if it's a

difficult decision like a pay raise for Andrew Cuomo?

SENATOR SKOUFIS: Through you, Mr. President, voters did not vote on Andrew Cuomo's pay raise. That wasn't on any ballot.

SENATOR WALCZYK: Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Walczyk on the bill.

SENATOR WALCZYK: The sponsor says that the goal is to increase turnout. This bill puts local elections outside of New York City on a federal election cycle. His goal is not just to increase turnout, as he says. His goal is to game elections towards Democrat voter turnout.

I'm actually not that surprised. And I have known about this bill for a while, and it's why I asked the sponsor to strike the enacting clause, because I believe that this is a pretty shameless political scheme designed by people who are considering one party over another, not considering elections and government by the people, of the people, for the people.

Their goal is to get one party to

win overwhelmingly -- and in this case, with this bill, overwhelmingly in local elections where they currently struggle. The goal is self-serving, but also it's dangerous. And more dangerous than just tipping the scales for one political party, because I think that this bill tugs at the layers of our representative democracy, of our local representation in favor of federalism.

You know, I served in local government and I've remained good friends with someone who would probably surprise a lot of you folks across the aisle, a big fan of Bernie Sanders. And if we ever ran higher up the ticket, we probably would be opponents. But when it came to running on local government issues, we agreed on things like whether the local pool should get fixed and, you know, where some money for infrastructure could go. Because in local governments those issues supercede federal politics.

One-party greed seems to know no end in this state, and that's why I'm concerned. They're angry that people continue to vote for Republicans locally, and some of those electeds

run for seats in the State Senate and in the State Assembly. I think we have to worry about training voters to hit the easy button by this way, by saying: Focus only on the federal issues and then just line it down the rest of the ballot, and that's your job as an informed citizen.

I think about it the other way around. And while encouraging voters to turn out is a very laudable goal, and I think one that can be approached in a lot of ways not like this, considering that the citizen is the highest office in the land, it's more important for the citizen to absolutely understand the layers of government and have that as full weight when they're going into the local election year in an off-year.

This country is run by people who show up -- and not just show up once every two years, not just show up once every four years. It's run by citizens who take interest in their government, who want to learn their local government issues, their state government issues, their federal government issues, and they show up to the polling places informed.

And so yes, I asked the sponsor to strike the enacting clause, because that's a system that I enjoy. It's an American fundamental republic system that I'm frustrated at some of the changes.

And listen, you want to win more seats, I can understand that. It seems greedy when you've got a supermajority. But if you'd like to win more seats, this is what I would suggest to my colleagues across the aisle. Knock on more doors, go to more public events, shake more hands, answer more interviews, pick up the phone in your office and respond to your constituents, pass better policies out of these chambers that people actually want you to, and work harder for the people that you represent.

That's how you win more seats. You want people to turn out? Stop passing laws that undermine citizens' very important calling to each layer of government in the State of New York. These are the fundamental principles of our republic.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Walczyk.

Are there any other Senators wishing to be heard?

Senator Borrello.

SENATOR BORRELLO: Mr. President, it's been a few minutes.

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

SENATOR BORRELLO: May I speak on the bill.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you.

You know, oftentimes in Albany we have solutions in search of a problem. And that's what this really is. But usually there is at least some kind of a special interest group. I mean, we've got advocates in these halls all the time, but I have yet to hear one coming out with a chant that "We are here for even years. We are here for even years."

Nobody, and I mean nobody, wants to have these elections moved to even years. You know who doesn't want them to move to even years? The people that execute these elections for us. The first person I heard from about this bill was

the Democrat election commissioner in my county that I live in, who said "Don't do this. This is going to be a problem."

You know who else doesn't want this? The people that are supposed to run for those town and village elections. It's hard enough to get people to run for those jobs, those thankless jobs, those phone calls that you get in the middle of the night because "my neighbor's dog crapped on my lawn." That's the job. Those are the people that don't want you to do this, because they don't want to get overshadowed by presidential politics and state politics.

So who wants this bill? I mean, other than Senator Skoufis, I'm not sure.

(Laughter.)

SENATOR BORRELLO: But the problem is, we shouldn't do this. We shouldn't do this.

The first time that I got elected was for the county legislature. I ran in a town that was more Democrats than Republicans, and I beat an incumbent Democrat because I was working harder than he was to get to do the job.

Same thing when I ran for county executive. I ran in a 50/50 county, and I won

with 64 percent of the vote.

And I can point to many Democrats in my district that are in local elections that are Democrats that are winning in Republican districts, because those are the people closest to the people. Those are the elected officials that are closest to the people they represent. And they deserve the opportunity to be heard, not to be drowned out and overshadowed by the politics, the toxic politics of state and federal elections.

So I am yet to hear who actually wanted this. I heard lots of great reasons why, but who really wants this? And if this is a government that's supposed to be for the people, then we should be doing what the people want, not what we think they need. That's the last thing that they need.

So I'll be voting no. Thank you.

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

Senator Stec, I might remind you that there are 14 minutes left of the time.

SENATOR STEC: Will the sponsor yield for a question.

ACTING PRESIDENT BAILEY: Will the sponsor yield for a question?

SENATOR SKOUFIS: Of course.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR STEC: Good evening. I know the hour is late.

What does your bill do for county legislatures that are three-year terms?

SENATOR SKOUFIS: Did you say three-year terms?

SENATOR STEC: Mm-hmm.

SENATOR SKOUFIS: Through you, Mr. President. If the -- if there is an office currently with a three-year term, they are carved out of this bill because, for obvious mathematical reasons, there's no way to get them onto an even-year cycle permanently.

SENATOR STEC: So if the sponsor would continue to yield for a follow-up to that one question.

ACTING PRESIDENT BAILEY: Will the sponsor yield for a question?

SENATOR SKOUFIS: Yes.

ACTING PRESIDENT BAILEY: the

sponsor yields.

SENATOR STEC: You mentioned at the beginning of this debate a while ago that you had a lot of carve-outs for constitutional reasons. Would your intent be or would your desire be to somehow rectify that so that these three-year offices get synchronized to a federalized election schedule?

SENATOR SKOUFIS: Through you, Mr. President. I really don't, honestly, have intentions vis-a-vis that exact issue.

SENATOR STEC: All right. Thank you very much, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Stec.

SENATOR SKOUFIS: Thank you.

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

(Laughter.)

ACTING PRESIDENT BAILEY: Seeing and hearing none, debate is closed.

Ring the bell.

(Applause.)

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Rhoads to explain his vote.

SENATOR RHOADS: Thank you, Mr. President.

Thank you for the lively debate, Senator Skoufis. I did just want to -- since you brought up a Ralph Caso election, I did just want to correct the record.

Actually, Eugene Nickerson was the county executive in '61, '64 and '67, who was a Democrat. At the time, the county executive ran every three years. In 1973, after Caso's election in 1970, they elected, effective 1977, to change it to a four-year term so you wouldn't stagger the odd-even as you did every three years. So I just wanted to correct you on that.

I just -- you know, I just wish -- and I know that things come to the floor and members on the other side vote for their party.

We tend to do the same thing too. And I know that we're about to announce the final vote. This is a truly bad idea. As Senator Borrello said, this is something that no one locally wants.

And I know for most of the members in this room that are from the city, it doesn't impact you. But for myself -- and one of the reasons that I was so passionate about the argument is that I find it offensive that we're dictating what it is that we are doing in our home county here from Albany without listening to the voices of residents that don't want this.

And that's reflected by the questions that were asked by Senator Walczyk to the sponsor. No one wants this. So why are we doing this?

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

Senator Skoufis to explain his vote.

SENATOR SKOUFIS: Thank you, Mr. President.

Briefly, I first want to thank a number of people, starting with Majority Leader Andrea Stewart-Cousins and, in the Assembly --

which passed this bill a little bit earlier -- the Speaker and the sponsor, Amy Paulin.

I want to thank the Elections chair, Zellnor Myrie, for his early support; staff, including Marty Ascher; the State BOE; and many others who contributed to the language in this bill to make sure we got this right.

There are many times that any of us here in this chamber wish we could wave a magic wand to fix problems, to improve situations. And of course no one has a magic wand. But this is as pretty close as it gets. We're changing a numeral, the last numeral of an election year, and with that one change we are doubling to tripling voter turnout in local town and county elections.

I have heard my colleagues. I appreciate the dialogue and the debate. And, you know, this specter of politics as a motivation kept coming up, although I'm curious why that wasn't incorporated into any of the questions.

If it was, the response would have been simple: How and why? How is higher voter turnout somehow politically motivated? What is anyone afraid of with higher voter turnout? Why

is that better for Democrats, more people voting? I think that's a question we all have to ask ourselves. We should all be in pursuit of and in support of higher voter turnout.

The evidence is crystal-clear. Every single place that has incorporated this reform in the country has seen dramatically higher turnout. And when posed the question who wants this, I think if you asked almost any voter in this state, Do you think 70 percent of people should be choosing their county executive or 20 percent of people, 99 out of a hundred would probably say the former, not the latter.

This is about making sure that our county governments and our town governments as best as possible reflect the communities that those officeholders are serving. And I daresay it is near impossible to have a proper reflection when only 20 percent of voters are participating in those races.

And so I thank my colleagues who are in support of this bill. I look forward to its implementation. I look forward, yes, to the constitutional amendment that was invoked a number of times in this debate. And most

importantly, I look forward to far greater participation in our local elections.

I vote yes.

Thank you, Madam President.

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

Announce the results.

SENATOR MARTINS: Madam President?

ACTING PRESIDENT PERSAUD: Senator Skoufis was to close. It was announced that Senator Skoufis was closing.

SENATOR GIANARIS: Madam President, let's let Senator Martins explain his vote.

ACTING PRESIDENT PERSAUD: Okay. Senator Martins.

SENATOR MARTINS: Thank you. And thank you, Senator Gianaris.

You know, we talk about numbers, percentages -- I've heard more percentages in the last two hours than perhaps in the last six months that we've been in session. Percentages for everything -- 50 percent increase in that, 70 percent increase in this. Twenty percent more over X, Y and Z.

Here's what I know. I know that you

don't have a town election with a federal election. I know that when people need to decide where to invest their money and whether or not to elect people locally, you shouldn't intrude with federal elections, presidential elections, congressional elections at the same time.

As I said earlier, I know that nobody in my district has come to me and asked me to consolidate, unify, merge, align any of these elections. And yet I also know that there's a strong political component around doing this. That's a fact. The sponsor knows it. Everybody in the room knows it. We all know what's going on here. There's no secret here. We can sit here and talk about percentages and good government groups and talk about Common Cause, but that's not what this is about. And the sad part is everybody in this room knows exactly what this is about. And we all know how this vote's going to turn out.

The reason we don't have a state referendum on whether or not to move forward is because they decided to bring this bill to the floor not through the committee, but to bring it directly to the floor. And you know what?

Conveniently, we haven't had the opportunity to introduce the very bill that would allow for the constitutional amendment.

ACTING PRESIDENT BAILEY: Senator Martins --

SENATOR MARTINS: I vote no.

ACTING PRESIDENT BAILEY: Senator Martins, right on time, votes no.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1802, those Senators voting in the negative are Senators Ashby, Borrello, Breslin, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Mayer, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 39. Nays, 23.

ACTING PRESIDENT BAILEY: The bill is passed.

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

(Member reaction.)

SENATOR GIANARIS: Mr. President, please recognize Senator Lanza for a motion.

ACTING PRESIDENT BAILEY: Senator

Lanza.

SENATOR LANZA: Mr. President, Senator Stec moves for a substitution. Please call up Senate Print Number 5836, which is now at the desk.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 605, Senate Print 5836, by Senator Stec, an act to amend the Town Law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

SENATOR LANZA: I now move to reconsider the vote by which the bill was passed and to restore it to the order of third reading.

ACTING PRESIDENT BAILEY: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is restored to its place on the Third Reading Calendar.

SENATOR LANZA: Mr. President, I now move to discharge, from the Committee on

Local Government, Assembly Print 5801 and substitute it for the identical bill.

ACTING PRESIDENT BAILEY: So ordered.

SENATOR LANZA: Mr. President, the Senate bill on first passage was voted unanimously. I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT BAILEY: So ordered.

Senator Gianaris.

SENATOR GIANARIS: Let us take up the report of the Rules Committee, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

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

Senate Print 7573, by Senator Kavanagh, an act to amend the Education Law;

Senate Print 4709A, by Senator Kavanagh, an act to amend the Real Property Tax Law;

Senate Print 4712B, by
Senator Weber, an act to amend the Town Law;
Senate Print 4901, by
Senator Rolison, an act to amend the Village Law;
Senate Print 4981B, by
Senator Brouk, an act to amend the
Public Health Law;
Senate Print 5120B, by
Senator Parker, an act to amend the
Public Service Law;
Senate Print 5239, by
Senator Skoufis, an act to amend the
Retirement and Social Security Law;
Senate Print 5742, by
Senator Palumbo, an act permitting the
Village Board of the Village of Southampton to
provide health insurance coverage for enrolled
members of the Southampton Village Ocean Rescue;
Senate Print 5827, by
Senator Cleare, an act to amend the
Public Authorities Law;
Senate Print 6126A, by
Senator Murray, an act authorizing the Town of
Brookhaven to alienate certain parklands for use
as a wet retention pond;

Senate Print 6177B, by Senator Martins, an act in relation to authorizing the County of Nassau assessor to accept an application for a real property tax exemption;

Senate Print 6262A, by Senator Weik, an act to amend Chapter 493 of the Laws of 1987;

Senate Print 7399, by Senator Felder, an act to amend the Education Law;

Senate Print 7456, by Senator Kavanagh, an act to amend the Public Housing Law;

Senate Print 7492B, by Senator Stavisky, an act to amend the Education Law;

Senate Print 7513, by Senator Martinez, an act to amend the State Finance Law;

Senate Print 7519, by Senator Jackson, an act to amend the Retirement and Social Security Law;

Senate Print 7542, by Senator O'Mara, an act authorizing the Commissioner of General Services to transfer and

convey certain unappropriated state land to the Town of Romulus;

Senate Print 7566B, by Senator Kennedy, an act relating to settlement of certain land claims;

Senate Print 7574, by Senator Addabbo, an act to amend the Education Law;

Senate Print 7444, by Senator Brisport, an act to amend the Family Court Act;

Senate Print 7571, by Senator Scarcella-Spanton, an act in relation to authorizing the Silver Lake Foundation Inc. to receive retroactive real property tax exempt status.

All bills reported direct to third reading.

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

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed,

nay.

(No response.)

ACTING PRESIDENT BAILEY: The Rules Committee report is accepted.

Senator Gianaris.

SENATOR GIANARIS: Let's go to messages from the Assembly, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senator Rolison moves to discharge, from the Committee on Rules, Assembly Bill Number 5223C and substitute it for the identical Senate Bill 5362C, Third Reading Calendar 693.

Senator Rolison moves to discharge, from the Committee on Local Government, Assembly Bill Number 5355 and substitute it for the identical Senate Bill 4901, Third Reading Calendar 1843.

Senator Brouk moves to discharge, from the Committee on Rules, Assembly Bill Number 1297B and substitute it for the identical Senate Bill 4981B, Third Reading Calendar 1844.

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

Number 1721B and substitute it for the identical Senate Bill 5120B, Third Reading Calendar 1845.

Senator Skoufis moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 5716 and substitute it for the identical Senate Bill Number 5239, Third Reading Calendar 1846.

Senator Palumbo moves to discharge, from the Committee on Rules, Assembly Bill Number 5927 and substitute it for the identical Senate Bill 5742, Third Reading Calendar 1847.

Senator Cleare moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 4586 and substitute it for the identical Senate Bill 5827, Third Reading Calendar 1848.

Senator Weik moves to discharge, from the Committee on Rules, Assembly Bill Number 6384A and substitute it for the identical Senate Bill 6262A, Third Reading Calendar 1851.

Senator Kavanagh moves to discharge, from the Committee on Rules, Assembly Bill Number 7273 and substitute it for the identical Senate Bill 7456, Third Reading Calendar 1853.

Senator Martinez moves to discharge,

from the Committee on Rules, Assembly Bill Number 6903 and substitute it for the identical Senate Bill 7513, Third Reading Calendar 1855.

Senator Jackson moves to discharge, from the Committee on Rules, Assembly Bill Number 5710 and substitute it for the identical Senate Bill 7519, Third Reading Calendar 1856.

Senator Brisport moves to discharge, from the Committee on Children and Families, Assembly Bill Number 6544 and substitute it for the identical Senate Bill 7444, Third Reading Calendar 1860.

Senator Stavisky moves to discharge, from the Committee on Rules, Assembly Bill Number 6697B and substitute it for the identical Senate Bill 7492B, Third Reading Calendar 1854.

ACTING PRESIDENT BAILEY: Substitutions so ordered.

The Secretary will read.

Excuse me. Senator -- Senator Gianaris, excuse me.

SENATOR GIANARIS: Let's take up the supplemental calendar, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 693, Assembly Bill Number 5223C, by Assemblymember Beephan, an act to amend the Highway Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1840, Senate Print 7573, by Senator Kavanagh, an act to amend the Education Law.

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

THE SECRETARY: Calendar Number 1841, Senate Print 4709A, by Senator Kavanagh, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1841, those Senators voting in the negative are Senators Ashby, Borrello, Brisport, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 40. Nays, 22.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1842, Senate Print 4712B, by Senator Weber, an act to amend the Town Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1842, those Senators voting in the negative are Senators Canzoneri-Fitzpatrick, Cooney, Harckham, Hinchey, Kennedy, Lanza, Mannion, Martinez, Mattera, Mayer, Murray, O'Mara, Ortt, Scarcella-Spanton, Skoufis, Tedisco and Webb.

Ayes, 45. Nays, 17.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1843, Assembly Bill Number 5355, by Assemblymember Maher, an act to amend the Village Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1844, Assembly Bill Number 1297B, by Assemblymember Bichotte Hermelyn, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1845, Assembly Bill Number 1721B, by Assemblymember Cunningham, an act to amend the

Public Service Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1845, voting in the negative: Senator Walczyk.

Ayes, 61. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1846, Assembly Bill Number 5716, by Assemblymember Pheffer Amato, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately January 1, 2024.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1847, Assembly Bill Number 5927, by Assemblymember Thiele, an act permitting the Village Board of the Village of Southampton to provide health insurance coverage for enrolled members of the Southampton Village Ocean Rescue.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to

Calendar Number 1847, voting in the negative: Senator Skoufis.

Ayes, 61. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1848, Assembly Bill Number 4586, by Assemblymember Paulin, an act to amend the Public Authorities Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1849, Senate Print 6126A, by Senator Murray, an act authorizing the Town of Brookhaven to

alienate certain parklands for use as a wet retention pond.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1850, Senate Print 6177B, by Senator Martins, an act in relation to authorizing the County of Nassau assessor to accept an application for a real property tax exemption.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1850, those Senators voting in the negative are Senators O'Mara and Skoufis.

Ayes, 60. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1851, Assembly Bill Number 6384A, by Assemblymember Gandolfo, an act to amend Chapter 493 of the Laws of 1987.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 1852, Senate Print 7399, by Senator Felder, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1852, voting in the negative are Senators Cleare, Krueger and Ramos.

Ayes, 59. Nays, 3.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1853, Assembly Bill Number 7273, by Assemblymember Rosenthal, an act to amend the Public Housing Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1854, Assembly Bill Number 6697B, by Assemblymember Fahy, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 1855, Assembly Bill Number 6903, by Assemblymember Stern, an act to amend the State Finance Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1856, Assembly Bill Number 5710, by Assemblymember Pheffer Amato, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1857, Senate Print 7542, by Senator O'Mara, an act authorizing the Commissioner of General Services to transfer and convey certain unappropriated state land to the Town of Romulus.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1858, Senate Print 7566B, by Senator Kennedy, an act relating to settlement of certain land claims.

ACTING PRESIDENT BAILEY: Senator Gianaris.

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

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

SENATOR GIANARIS: Move to accept the message of necessity.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The message is accepted, and the bill is before the house.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

First of all, I want to thank our Majority Leader, Andrea Stewart-Cousins, for bringing this bill to the floor.

This bill authorizes the Governor to execute an agreement settling the Mohawk land claim in Franklin and St. Lawrence counties, which has been pending since 1982. It's in the best interests of the state as well as the impacted counties to settle this long-standing claim.

In 2014, the state, through the Governor, St. Lawrence County and St. Regis Mohawk Tribe entered into a memorandum of understanding to set out a framework for settling the case. Later, Franklin County and the other Mohawk plaintiffs joined the settlement talks. In 2022, a mediator was appointed by the federal

magistrate, and the parties are now close to a comprehensive settlement. Most recently, the state and Franklin County reached agreement on a key provision of the settlement which is reflected in County Resolution 188.

The bill requires that the final settlement signed by the Governor be considerably consistent with the 2014 MOU and Resolution 188. This recognizes that the 2014 MOU was not a comprehensive settlement involving all parties and that the final settlement may differ in some ways while remaining considerably consistent with the framework agreed to in the MOU.

I want to acknowledge Assemblyman Billy Jones, who's carrying the bill in the Assembly and who's worked on finding a resolution to this issue for more than a decade.

I also want to recognize Senator Stec for his leadership on this issue and his commitment to a fair settlement for all parties involved.

Finally, I commend the Governor for finally resolving a 40-plus-year dispute that has eluded so many previous administrations.

And with that, Mr. President, I vote

aye.

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

Senator Stec to explain his vote.

SENATOR STEC: Thank you, Mr. President.

I want to echo my colleague's sentiments and thank Senator Kennedy for his efforts here. As a matter of fact, about a year ago Senator Kennedy and I both were at the St. Regis Mohawk Akwesasne together, meeting with their leadership about this and many other issues.

But as he mentioned, this is a 41-year-old-case that's been kicking around involving two countries, two counties, several towns, and of course the Akwesasne, the St. Regis Mohawks. This is bringing it together. I was the last one to the table here two and a half years ago when I was elected and picked this up as part of my Senate district.

And I can tell you that it's been heavy on the minds particularly of my constituents and the leaders in Franklin County. Franklin County, Senator Skoufis, is the county

that I was asking about the county leg. They have three-year county terms, which I thought was bizarre. I'd never heard of that before. But it is Franklin County, to tie the two bills together.

But again, I want to thank Senator Kennedy for helping get this over the finish line. And again, I know that the people involved are thrilled to see this four-decade chapter nearing an end and a fair settlement to all.

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

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

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1859, Senate Print 7574, by Senator Addabbo, an act to amend the Education Law.

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

THE SECRETARY: Calendar Number

1860, Assembly Bill Number 6544, by Assemblymember Hevesi, an act to amend the Family Court Act.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 1860, voting in the negative: Senator Griffo.

Ayes, 61. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 1861, Senate Print Number 7571, by Senator Scarcella-Spanton, an act in relation to authorizing the Silver Lake Foundation Inc. to receive retroactive real property tax exempt status.

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

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

SENATOR GIANARIS: Mr. President, I believe there's a report of the Finance Committee at the desk. Can we take that up now and call on Senator Krueger.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the following nominations.

As Inspector General of the Metropolitan Transportation Authority, Daniel Cort.

As members of the State Board of Parole: Ana M. Enright, Erin McCabe, Donna Henken, Brandon P. Stradford.

As Commissioner of the Tax Appeals Tribunal, Kevin A. Cahill.

As Commissioner of the Department of Health, James V. McDonald.

As commissioners of the State Liquor Authority: Lily M. Fan and Edgar De Leon.

As members of the Workers' Compensation Board: Gloribelle J. Perez and Clarissa M. Rodriguez.

As Major General of the Air National Guard, Robert G. Kilgore.

As Major General of the National Guard, Joseph Biehler.

As a member of the New York Convention Center Operating Corporation, Richard N. Gottfried.

As members of the Roosevelt Island Operating Corporation: Ben Fhala, Michal L. Melamed, and Lydia W. Tang.

As a member of the Central New York Regional Transportation Authority, Tina Fitzgerald.

As members of the Metropolitan Transportation Authority: John-Ross Rizzo and Neal J. Zuckerman.

As members of the Niagara Frontier Transportation Authority: Mark E. Blue, Margo Dawn Downey, Adam W. Perry and Dennis Virtuouso.

As a commissioner of the Port Authority of New York and New Jersey,

Winston C. Fisher.

As a member of the Rochester-Genesee Regional Transportation Authority, Heather Bird.

As a member of the Correction Medical Review Board, Zhongxue Hua.

As members of the Allegany State Park, Recreation and Historic Preservation Commission: Hugh J. Dunne, Jr., and Sandra A. Lewis.

As a member of the Finger Lakes State Park, Recreation and Historic Preservation Commission, Dia M. Carabajal.

As a member of the Genesee State Park, Recreation and Historic Preservation Commission, Joel Frater.

As a member of the Niagara Frontier State Park, Recreation and Historic Preservation Commission, Jeffery Paterson.

As a member of the Palisades Interstate Park Commission, Jennifer Cunningham.

As members of the Taconic State Park, Recreation and Historic Preservation Commission: Jared T. Rodriguez and Emily V. Saland.

As a member of the Board of Visitors

of the Hudson Valley Developmental Disabilities Services Office, Charles Scheinberg.

As trustees of the Power Authority of the State of New York: Michael Cusick, Cecily L. Morris, Lewis M. Warren, Jr., and Laurie Wheelock.

As a member of the Dormitory Authority, Robert J. Rodriguez.

As trustees of the Board of Trustees of the City University of New York: Barbaralee Diamonstein-Speilvogel, Sandra Wilkin Frowley and William C. Thompson, Jr.

As members of the Board of Trustees of the New York State Higher Education Services Corporation: David Harris, Becky Z. Maxson and Manuel Rivera.

As a trustee of the Board of Trustees of the State University of New York, Cary F. Staller.

As a member of the Board of Visitors of the Buffalo Psychiatric Center, Christina M. Smith.

As a member of the Board of Visitors of the Greater Binghamton Health Center, Debra L. Lombardo.

As a member of the Board of Visitors of the Kirby Forensic Psychiatric Center, Michael Atherley.

As a member of the Board of Visitors of the Sagamore Children's Psychiatric Center, Alissa Barosin.

As a member of the Board of Visitors of the South Beach Psychiatric Center, Zvi S. Spiler.

As a member of the New York State Gaming Commission, Sylvia B. Hamer.

As a member of the New York State Thruway Authority, Norman H. Jones.

As a member of the Board of Visitors for the New York State Home for Veterans and Their Dependents at Batavia, Wallace J. Kornow.

As a member of the Board of Visitors for the New York State Home for Veterans and Their Dependents at Montrose, Freemont Reif.

As members of the Board of Visitors for the New York State Home for Veterans and Their Dependents at Oxford: Randall Lambrecht, John E. Fuller and Louisa Mary Platt.

ACTING PRESIDENT BAILEY: Senator Krueger.

SENATOR KRUEGER: Thank you. I was waiting for the whole list to get read.

That list that you just heard was the nominees that the Governor submitted to us. They all went through both the committee of relevant origin for the responsibilities, and through the Finance Committee. And they had the votes to be brought to the floor.

Given the fact that it's 2:20 in the morning, I am urging that we simply take them up as a group and vote on them as a group on the floor.

And if anyone here wants to go to the Journal Clerk afterwards and individually file their no vote on any individual member that was named on this extraordinarily long list, that is your right and that will be the historic record of your vote.

So now I'm going to hand it back to I guess Mike Gianaris for the vote. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Krueger.

The question is on the nominations. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The nominees are confirmed.

The Secretary will read.

Excuse me. Senator Gianaris.

It is 2:20 in the morning.

(Laughter.)

SENATOR GIANARIS: Mr. President, there are several privileged resolutions at the desk. Can we please take those up at this time.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 1391, by Senator Stewart-Cousins, amending Senate Resolution 2861 of 2022 establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2022-2023 state fiscal year for grants in aid to certain agricultural organizations.

ACTING PRESIDENT BAILEY: The question is on the resolution.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Excuse me. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1392, by Senator Stewart-Cousins, amending Senate Resolution 5911 of 2018 establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2018-19 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution

1393, by Senator Stewart-Cousins, amending Senate Resolution 2141 of 2019 establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2019-20 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1394, by Senator Stewart-Cousins, amending Senate Resolution 2860 of 2022 establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2022-23 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed?

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1395, by Senator Stewart-Cousins, amending Senate Resolution 2865 of 2022 establishing a plan setting forth an itemized list of grantees for the New York State Economic Development Assistance Program.

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

(Emphatic response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed?

(Emphatic response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is still adopted.

(Laughter.)

THE SECRETARY: Senate Resolution 1396, by Senator Stewart-Cousins, establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2023-2024 state fiscal year.

ACTING PRESIDENT BAILEY: The question is on the resolution. All those in

favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1397, by Senator Stewart-Cousins, establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2023-24 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1398, by Senator Stewart-Cousins, amending Senate Resolution 2866 of 2022 establishing a plan setting forth an itemized list of grantees

for a certain appropriation for the 2022-2023 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay?

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1399, by Senator Stewart-Cousins, amending Senate Resolution 2859 of 2022 establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2022-2023 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The

resolution is adopted.

THE SECRETARY: Senate Resolution 1400, by Senator Stewart-Cousins, amending Senate Resolution 2867 of 2022 establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2022-2023 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Those opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1401, by Senator Stewart-Cousins, establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2023-2024 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, say nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1402, by Senator Stewart-Cousins, amending Senate Resolution 2868 of 2022 establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2022-23 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1403, by Senator Stewart-Cousins, amending Senate Resolution 2863 of 2022 establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2022-2023

state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1404, by Senator Stewart-Cousins, establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2023-24 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution

1405, by Senator Stewart-Cousins, amending Senate Resolution 2858 of 2022 establishing a plan setting forth an itemized list of grantees for certain appropriations for the 2022-23 state fiscal year.

ACTING PRESIDENT BAILEY: the question is on the resolution. Those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed?

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1406, by Senator Stewart-Cousins, establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2023-24 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1407, by Senator Stewart-Cousins, amending Senate Resolution 2869 of 2022 establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2022-23 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1408, by Senator Stewart-Cousins, establishing a plan setting forth an itemized list of grantees for a certain appropriation for the 2023-24 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1409, by Senator Stewart-Cousins, amending Senate Resolution 6134 of 2014 establishing a plan setting forth an itemized list of grantees for certain appropriations in the 2014-2015 state fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

THE SECRETARY: Senate Resolution 1411, by Senator Stewart-Cousins, amending Senate Resolution 2864 of 2022 establishing a plan setting forth an itemized list of grantees

for a certain appropriation for the 2022-23 fiscal year.

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

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, there were some bills on previous calendars that we just need to do some cleanup with. So can we go back to Calendar 823, from the active list, and take that up, please.

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

The Secretary will read.

THE SECRETARY: Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill Number 3463A and substitute it for the identical Senate Bill 6349A, Third Reading Calendar 823.

ACTING PRESIDENT BAILEY: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 823, Assembly Bill Number 3463A, by Assemblymember Santabarbara, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT BAILEY: The bill is passed.

SENATOR GIANARIS: Calendar 1225, please.

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

The Secretary will read.

THE SECRETARY: Senator Bailey

moves to discharge, from the Committee on Rules, Assembly Bill Number 4009A and substitute it for the identical Senate Bill 5965A, Third Reading Calendar 1225.

ACTING PRESIDENT BAILEY: Substitution so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1225, Assembly Bill Number 4009A, by Assemblymember Gibbs, an act to amend the Correction Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 1225, 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, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 41. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, the remaining bills will be laid aside for the day.

ACTING PRESIDENT BAILEY: The remaining bills will be aside for the day.

SENATOR GIANARIS: I don't want anyone to get excited by what they're about to hear; we're not done.

But is there any further business at the desk?

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

SENATOR GIANARIS: Move to adjourn until Saturday, June 10th, at 2:35.

ACTING PRESIDENT BAILEY: Motion to adjourn until Saturday, June 10th, at 2:35 a.m.

(Whereupon, the Senate adjourned at 2:30 a.m.)