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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 26, 2024

3:29 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT MAYER: Archbishop
9 Elpidophoros, of the Greek Orthodox Archdiocese
10 of America in New York, New York, will deliver
11 today's invocation.

12 ARCHBISHOP ELPIDOPHOROS: May we
13 bow our heads in prayer.

14 In the name of God, the Creator and
15 Sustainer of the universe, and of all that is
16 contained therein: Amen.

17 We offer thanks and praise, O God,
18 for gathering us together today in the Senate of
19 the great State of New York, that we may appeal
20 to Your righteousness and goodness to bless all
21 the representatives of the people with Your mercy
22 and Your grace.

23 Grant unto them to fulfill their
24 duties, their responsibilities and obligations to
25 the people with honor, with integrity, and with

1 unalloyed allegiance to the Constitution.

2 Bless them to love liberty -- the
3 freedom that we commemorate today, recognizing
4 March 25th, the Day of Greek Independence, and
5 the freedom enshrined in these United States of
6 America.

7 Hold all these lawgivers fast in
8 Your loving care, that they may ever serve with
9 the dignity of their high office and thus render
10 glory, reverence and honor to You, the
11 fountainhead of all law and justice.

12 Amen.

13 (Response of "Amen.")

14 ACTING PRESIDENT MAYER: Reading of
15 the Journal.

16 THE SECRETARY: In Senate, Monday,
17 March 25, 2024, the Senate met pursuant to
18 adjournment. The Journal of Sunday, March 24,
19 2024, was read and approved. On motion, the
20 Senate adjourned.

21 ACTING PRESIDENT MAYER: Without
22 objection, the Journal stands approved as read.

23 Presentation of petitions.

24 Messages from the Assembly.

25 Messages from the Governor.

1 Reports of standing committees.
2 Reports of select committees.
3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 Senator Gianaris.

7 SENATOR GIANARIS: Good afternoon,
8 Madam President.

9 I move to adopt the
10 Resolution Calendar, with the exception of
11 Resolutions 2023, 2029, and 2055 and also 2056.

12 ACTING PRESIDENT MAYER: All those
13 in favor of adopting the Resolution Calendar,
14 with the exceptions of Resolutions 2023, 2029,
15 2055 and 2056, please signify by saying aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT MAYER: Opposed,
18 nay.

19 (No response.)

20 ACTING PRESIDENT MAYER: The
21 Resolution Calendar is adopted.

22 Senator Gianaris.

23 SENATOR GIANARIS: Can we now begin
24 by taking up Resolutions 2029 and 2055 together,
25 read their titles, and recognize me on the

1 resolutions, please.

2 ACTING PRESIDENT MAYER: The
3 Secretary will read.

4 THE SECRETARY: Resolution 2029, by
5 Senator Gianaris, memorializing Governor
6 Kathy Hochul to proclaim March 2024 as
7 Greek History Month in the State of New York, in
8 conjunction with the commemoration of the
9 203rd Anniversary of Greek Independence.

10 Resolution 2055, by
11 Senator Gianaris, recognizing the Federation of
12 Cypriot American Organizations in conjunction
13 with its commemoration of the 50th Anniversary of
14 the Turkish invasion and occupation of
15 Northern Cyprus.

16 ACTING PRESIDENT MAYER: Senator
17 Gianaris on the resolutions.

18 SENATOR GIANARIS: Thank you,
19 Madam President.

20 This is the time of year when
21 Senator Gounardes, Senator Skoufis and myself
22 come before you to remind our colleagues how much
23 they have to be thankful for that the Greeks
24 exist and have given you so much --

25 (Laughter.)

1 SENATOR GIANARIS: -- of how we
2 live. Whether it's mathematics, medicine,
3 science, democracy -- you name it, you know the
4 Greeks are behind it.

5 And so you're all very welcome --
6 (Laughter.)

7 SENATOR GIANARIS: -- for the
8 contributions our ancestors have made to
9 Western civilization.

10 But in all seriousness, this also
11 is -- as we celebrate 203 years of Greek
12 independence, it's also a solemn anniversary of a
13 less celebratory nature. This is 50 years since
14 the island nation of Cyprus was invaded and has
15 been divided illegally, according to the
16 United Nations. And New York happens to be home
17 to a very large population of the Greek Cypriot
18 diaspora who are refugees from their own homes.

19 I have traveled to Cyprus. I have
20 crossed the -- what is the last divided capital
21 in the world, of Nicosia, and seen the occupied
22 territory. I have visited the homes of friends
23 who are now New Yorkers who are -- those homes
24 are now occupied by settlers who have just taken
25 over their homes, and it was pointed out to me:

1 "Here's where I grew up, here was my bedroom,"
2 and there are now strangers to them living in
3 those homes.

4 It is a tragedy that doesn't get a
5 lot of attention because it's not a very large
6 population, to be honest. But it is one
7 nonetheless that has gone on for too long. And
8 as we sit here and experience the
9 50th anniversary of an invasion and occupation
10 that has been recognized the world over as
11 improper, it still persists.

12 And so as part of our celebration of
13 Greek independence today, we also thought it was
14 a good idea to commemorate the fact that not all
15 people of Greek descent are celebrating -- there
16 are people who are Cypriots who continue to
17 suffer, who continue to be refugees from their
18 own homes half a century later -- and recommit
19 ourselves to solving this problem on their
20 behalf.

21 So Madam President, these
22 resolutions together speak to both the good and
23 the bad of what is happening in the
24 Greek population today, in 2024. And so I
25 appreciate my colleagues' indulgence in letting

1 us speak about both of them as one today.

2 Thank you.

3 ACTING PRESIDENT MAYER: Thank you,
4 Senator Gianaris.

5 Senator Skoufis on the resolutions.

6 SENATOR SKOUFIS: Thank you very
7 much, Madam President.

8 I first want to thank the sponsor of
9 these resolutions, the Deputy Majority Leader.

10 And I also want to thank
11 Senator Gounardes, who I know will speak next,
12 for really taking the lead in organizing a lot of
13 today's activities, including bringing up, as he
14 has a number of times, His Eminence. It's always
15 a privilege to be in his presence.

16 And I hope my colleagues realize,
17 you know, this is not someone who is just, you
18 know, sort of in charge of the church here in
19 New York or even in the region. This is for the
20 entire country. And it's really a blessing to be
21 in his presence.

22 You know, today, it's not just --
23 you know, obviously there are three members of
24 the so-called Greek Caucus here in the Senate,
25 but today we're all honorary Greeks. And add

1 "opolis" to all of your last names -- Lanzopolis,
2 Thomasopolis.

3 (Laughter.)

4 SENATOR SKOUFIS: And, you know,
5 it's a wonderful day because we all appreciate
6 everything that Greece and ancient Greece has
7 afforded us. Senator Gianaris named a few of the
8 present-day things that we take for granted that
9 were established, invented in ancient Greece --
10 democracy, science, math, astronomy, medicine,
11 the list goes on and on.

12 And really the most important thing
13 that certainly I cherish and that the three of us
14 cherish is the people, the values that the people
15 bring. Whether you're in the diaspora here in
16 America or still in Greece, the heritage, the
17 values, the traditions, the goodness of the
18 Greek people.

19 And I certainly think of my own
20 family, which is emblematic of I think the larger
21 diaspora when I think of that goodness. And my
22 family's story is much like many families'
23 stories who eventually come here to the
24 United States, and especially here to New York,
25 where so many emigrated to.

1 My father came here as a teenager.
2 My grandfather was the first to come here. He
3 left his family for a short time to come here in
4 New York -- his first and only job in New York
5 for decades was as a server at the Nathan's
6 Coney Island hot dog stand -- and came here with
7 little more than the proverbial shirt on his back
8 when he emigrated from Greece, from a tiny
9 mountainous village in Western New York {sic} --
10 which, to this day, still no paved roads, only
11 recently got electricity, very much a rural,
12 rural area of Greece -- and to come to the
13 biggest city in the United States.

14 And soon thereafter the rest of my
15 family came, worked our way into the
16 middle class. And to this day my father, in
17 Bay Ridge, owns a small business, a Greek deli on
18 5th Avenue in Senator Gounardes's district.

19 My grandfather, sadly, passed away a
20 few years ago. My grandmother, my yiayia, passed
21 away a couple of months ago. And they're part of
22 the greatest generation, in my opinion, of
23 Greeks. We all have -- certainly in America we
24 refer to those who lived through World War II as
25 the Greatest Generation, but that extends beyond

1 our borders here in America.

2 And, you know, my grandmother in
3 particular lived through an extremely difficult
4 time during World War II. The Nazi forces, as
5 many of us know, occupied Greece, despite the
6 incredible resistance that they put up. And as
7 part of that occupation, many people don't know
8 that there was a great famine in Greece that was
9 subsequent to that invasion, and hundreds of
10 thousands of Greeks died of starvation within
11 literally just several weeks. My grandmother was
12 orphaned because the Nazis literally stole the
13 food from this agricultural farming community,
14 small village that they were from.

15 And so they lived an extremely
16 difficult early life, but came here to America
17 for a better life, one that they sought and one
18 that they got, and one that they were able to
19 pass along to myself and the rest of the family.

20 And so, you know, those values are
21 real. We live them. We appreciate them. And we
22 are the beneficiaries of all that Greece --
23 despite 203 years of independence and modern
24 Greece as we know it today, certainly we know
25 that thousands of years of that richness, that

1 fullness, that goodness lives with us in the year
2 2024.

3 So I'm proud to be a Greek American,
4 part of the diaspora, thankful for everyone that
5 came before me. And I express my gratitude again
6 to my two colleagues for bringing this
7 resolution.

8 Thank you, Madam President.

9 ACTING PRESIDENT MAYER: Thank you,
10 Senator Skoufis.

11 Senator Gounardes on the resolutions.

12 SENATOR GOUNARDES: Thank you,
13 Madam President.

14 And thank you, Senator Gianaris, for
15 bringing these resolutions forward.

16 We think and feel differently
17 because of what a little Greek town did during a
18 century or two 2400 years ago. That's how
19 esteemed classicist Edith Hamilton described the
20 impact that Greece and the Greek people have had
21 on the world for two and a half millennia.

22 I'll spare you all the litany of
23 ways in which Greeks have shaped our world today,
24 as Senator Gianaris alluded to, but Professor
25 Hamilton's statement is 100 percent correct.

1 That's why I'm incredibly proud, as a
2 fourth-generation Greek American, to stand here
3 today and recognize March as Greek Heritage
4 Month.

5 But it's not just what happened in
6 the days of Socrates and Pericles that inspires
7 us to celebrate Greek heritage. Indeed, it's the
8 vast span of history over the last 2500 years and
9 the collective impact that that history has had
10 on our world today that gives Greeks and
11 Philhellenes the world over a swell of pride and
12 jubilee.

13 The rich glory of the Byzantines
14 that lasted for a thousand years. The tenacious
15 resilience that survived through 400 years of
16 Ottoman occupation and oppression. The fierce
17 courageousness of the war for independence that
18 sparked revolutionary change across Europe. The
19 determined resistance that stymied Nazi occupiers
20 and bought enough time for Allied forces to shift
21 the balance of war along the Eastern Front of
22 World War II. And the soaring heights of success
23 that Greeks in the diaspora have achieved
24 throughout the world today. These are all
25 reasons why Greeks and people of Greek heritage

1 have such enormous pride in who they are.

2 Yesterday we celebrated 203 years of
3 Greece's independence. On March 25, 1821,
4 revolutionary fighters gathered together with
5 Metropolitan Germanos in the monastery of
6 Agia Lavra in the village of Kalavryta -- which
7 is where I believe Senator Gianaris's family is
8 from -- and declared independence against Ottoman
9 occupation.

10 The war was hard-fought, resulting
11 in countless acts of devastation and atrocities,
12 as war so often brings, including the Massacre of
13 Chios, the island that my family is from, where
14 nearly 100,000 people were either killed or
15 expelled from the island.

16 And much like our own
17 Revolutionary War here in America, seven years
18 after declaring independence the people of
19 Greece -- the farmers, the sailors, the
20 merchants, the shepherds, the people who lived in
21 the towns and the villages and throughout the
22 countryside -- won their war and formed the
23 Hellenic Republic.

24 Today we are also recognizing the
25 diaspora of Greek Cypriots, as the people of

1 Cyprus prepare to solemnly commemorate 50 years
2 since their nation was illegally invaded by
3 Turkey, resulting in the forced expulsion of tens
4 of thousands of Cypriots from their homes, the
5 abandonment of towns and cities, and the
6 still-current division of the country as well as
7 the capital, making it the only divided national
8 capital in the world.

9 Many of the refugees who were forced
10 to flee Cyprus after their homes were taken from
11 them settled right here in New York, making our
12 state one of the largest Greek Cypriot
13 communities in the world.

14 In fact, for those of you that don't
15 know, one of our colleagues across the building,
16 Assemblymember Michael Tannousis's family was
17 among those refugees.

18 Today the relationship between our
19 country, Greek and Cyprus is as strong as it's
20 ever been. Anchored in the shared values of
21 democratic governance, these three nations are
22 joined together through mutual economic,
23 political and security issues. Souda Bay, in
24 Crete, is the home to the U.S. Navy's base of
25 operations in the entire Eastern Mediterranean.

1 And the passing of the Eastern Mediterranean
2 Security and Energy Partnership Act in the U.S.
3 Congress has positioned Greece and Cyprus to play
4 leading roles in securing energy independence for
5 the entire European continent.

6 The relationship between our
7 countries would not be possible but for the
8 persistent and engaged advocacy of the Greek and
9 Cypriot American communities that can be found in
10 each and every one of our districts.

11 It is with this spirit that I'm
12 particularly proud today that we're joined by the
13 Supreme President of the American Hellenic
14 Educational Progressive Association, better known
15 as AHEPA, the largest Greek American civic
16 organization in the country. I also believe that
17 Senator Breslin is an honorary member of AHEPA
18 from his own local chapter.

19 We're also joined by His Eminence
20 Archbishop Elpidophoros of America, the spiritual
21 leader of the Greek Orthodox Church in the
22 United States.

23 For the Greek-American community,
24 the church has often served as the focal
25 institution that serves not just our spiritual

1 needs but our ethnic and community needs as well.

2 For my colleagues who might not know
3 this history, the Greek Orthodox Church in
4 America has long played an active role in the
5 advancement of civil, political and human rights
6 in our country.

7 It was our own Archbishop Iakovos
8 who joined Dr. King in Selma, attended the
9 funeral of Reverend James Reeb, and marched
10 across the Edmund Pettus Bridge in the fight for
11 equality for Black Americans.

12 And during the protest for racial
13 justice after the murder of George Floyd, it was
14 our own Archbishop Elpidophoros who was out in
15 the streets, just as many of us were, marching to
16 support the Movement for Black Lives.

17 So, Madam President, it is for all
18 these reasons -- and with great pride -- that I
19 celebrate Greek Heritage Month in the State of
20 New York and proudly vote aye.

21 Zíto! Thank you.

22 ACTING PRESIDENT MAYER: Thank you,
23 Senator Gounardes.

24 The question is on the resolutions.
25 All in favor signify by saying aye.

1 (Response of "Aye.")

2 ACTING PRESIDENT MAYER: Opposed,
3 nay.

4 (No response.)

5 ACTING PRESIDENT MAYER: The
6 resolutions are adopted.

7 Senator Gianaris.

8 SENATOR GIANARIS: Madam President,
9 just to put a coda on those resos, while this
10 discussion was going on, Senator
11 Scarcella-Spanton texted me her DNA breakdown.
12 Turns out she's 14 percent Greek --

13 (Laughter.)

14 SENATOR GIANARIS: -- including
15 2 percent Cypriot.

16 So when we say we have a
17 three-member caucus, it's really 3.14, which of
18 course --

19 (Laughter.)

20 SENATOR GIANARIS: -- which of
21 course is pi, which is a Greek letter --

22 (Laughter.)

23 SENATOR GIANARIS: -- of great
24 importance.

25 Can we now move on to previously

1 adopted Resolution 1895, by Senator Helming, read
2 its title and recognize Senator Helming.

3 ACTING PRESIDENT MAYER: The
4 Secretary will read.

5 THE SECRETARY: Resolution 1895, by
6 Senator Helming, honoring Gary Baxter upon the
7 occasion of his retirement after 15 years of
8 distinguished public service to Ontario County,
9 New York.

10 ACTING PRESIDENT MAYER: Senator
11 Helming on the resolution.

12 SENATOR HELMING: Madam President,
13 it is my honor to welcome Gary Baxter; his wife,
14 Donna; daughter-in-law Stacey; grandsons Carson
15 and Hugh; and wonderful friends Owen and
16 Orion Johnston to the chamber.

17 Today we recognize Gary for 50 years
18 of public service. This service included roles
19 in the Geneva Police Department, the Ontario
20 County Sheriff's Office, and finally as a
21 dedicated Ontario County Treasurer.

22 Gary's passion for public service
23 and commitment to fiscal responsibility is
24 unmatched. During his tenure as county
25 treasurer, Gary served as president of the

1 New York State Treasurers and Finance Officers
2 Association. In that role he has rendered
3 faithful, conscientious and valuable service to
4 the citizens of this state.

5 In a true demonstration of
6 compassion and care for others, Gary helped many
7 families and residents under his jurisdiction
8 save their homes by personally contacting every
9 landowner whose property was at stake of reaching
10 the auction rolls.

11 I've known Gary for many, many
12 years. He has always had the best interests of
13 constituents in mind, and that's why in our
14 community he is affectionately known as "the
15 people's treasurer."

16 Gary's unwavering support and
17 dedication are a driving force behind
18 Ontario County's success. His guidance and
19 financial management helped the county to grow
20 and prosper during his tenure. In fact, during
21 Gary's service, Ontario County has bucked state
22 trends, gaining more residents, attracting
23 technology and innovators and new businesses.

24 But beyond the balance sheets, Gary
25 is a respected public servant. I thank him for

1 his many, many years of unwavering leadership and
2 service to the Hydrant Hose Fire Department, the
3 Ontario County Volunteer Firemen's Association,
4 the Geneva Boys and Girls Club, the Seneca
5 Waterways Boy Scout Council, and especially,
6 Gary, to our veteran community.

7 Gary, thank you for making our
8 community, our state, and our county a better
9 place for years to come. I hope you enjoy your
10 retirement. Congratulations.

11 Madam President, I am honored to
12 support this reso.

13 ACTING PRESIDENT MAYER: Thank you,
14 Senator Helming.

15 To our guests, Mr. Baxter and your
16 family and friends, we welcome you on behalf of
17 the Senate. We extend to you the privileges and
18 courtesies of this house.

19 Please rise and be recognized.

20 (Standing ovation.)

21 ACTING PRESIDENT MAYER: The
22 resolution was previously adopted on March 5th.

23 Senator Gianaris.

24 SENATOR GIANARIS: Next up,
25 Madam President, we will take up previously

1 adopted Resolution 1987, by Senator Parker and
2 Senator Brouk, read its title and recognize
3 Senator Brouk to speak on the resolution.

4 ACTING PRESIDENT MAYER: The
5 Secretary will read.

6 THE SECRETARY: Resolution 1987, by
7 Senator Parker, memorializing Governor Kathy
8 Hochul to proclaim March 2024 as Endometriosis
9 Awareness Month in the State of New York.

10 ACTING PRESIDENT MAYER: Senator
11 Brouk on the resolution.

12 SENATOR BROUK: Thank you,
13 Madam President, for the opportunity to talk
14 about this resolution for Endometriosis Awareness
15 Month.

16 Oftentimes I stand in front of my
17 colleagues and anyone watching and talk about
18 maternal health and some of the challenges that
19 both birthing people and people with uteruses
20 face, and oftentimes I'm spreading awareness
21 around some of those issues that many of us
22 aren't as familiar with.

23 Endometriosis is a progressive
24 systemic inflammatory disorder characterized by
25 the presence of endometrial-like tissue or

1 lesions outside the uterus. Though this
2 condition does very much impact reproductive
3 health and is a leading cause of infertility,
4 it's important to note that endometriosis is not
5 simply a uterine disease. It's a systemic
6 condition that impacts the entire body and can be
7 found in virtually every and any organ.

8 And like so many, as I mentioned,
9 women's health conditions, there's often a lack
10 of education and awareness. But the fact is that
11 it's estimated that one in 10 women and girls are
12 living with endometriosis. And those who receive
13 a diagnosis, nearly 80 percent of them are
14 misdiagnosed before they ever get the correct
15 diagnosis.

16 I want to recognize and thank a
17 constituent of mine, Aria Zyas, who brought this
18 to my attention. And I'll share a little bit
19 about her story to really illustrate what this
20 can mean for a young woman and a young girl.

21 She experienced pain so severe that
22 she fainted in the middle of a science exam in
23 high school. Although she presented with
24 textbook endometriosis symptoms, she was told she
25 was just having period cramps, take some with

1 Advil, sleep it off. It took nearly 10 years,
2 six doctors, a dozen emergency visits and two
3 hospitalizations before Aria received the correct
4 diagnosis.

5 And sadly, this is not a unique
6 experience. Hundreds of thousands of young women
7 and girls are facing similar discreditations of
8 their pain and misdiagnoses along the way.

9 As leaders, we truly have an
10 obligation to make our state and our communities
11 safer, healthier and more equitable, and that
12 starts by the simple measure of recognizing and
13 spreading awareness for some of the pain and
14 suffering that our young folks and women across
15 the state are dealing with.

16 For those reasons, I thank this body
17 for bringing this resolution, and I proudly vote
18 aye.

19 ACTING PRESIDENT MAYER: Thank you.

20 The resolution was previously
21 adopted on March 19th.

22 To our guests, we welcome you on
23 behalf of the Senate. Thank you for your
24 advocacy. Please rise and be recognized.

25 (Standing ovation.)

1 ACTING PRESIDENT MAYER: Senator
2 Gianaris.

3 SENATOR GIANARIS: Next up is
4 Resolution 2023, by Senator Sanders. Please read
5 that resolution's title and call on
6 Senator Cleare to speak on that resolution.

7 ACTING PRESIDENT MAYER: The
8 Secretary will read.

9 THE SECRETARY: Resolution 2023, by
10 Senator Sanders, memorializing Governor
11 Kathy Hochul to proclaim October 17, 2024, as
12 Credit Union Day in the State of New York.

13 ACTING PRESIDENT MAYER: Senator
14 Cleare on the resolution.

15 SENATOR CLEARE: Thank you,
16 Madam President.

17 As a member of the New York State
18 Standing Committee on Banks, and on behalf of our
19 chair, Senator James Sanders, I rise to lift up
20 the work of credit unions in New York State.
21 Credit unions are not-for-profit member-driven
22 institutions that exist to serve everyday
23 New Yorkers, including some of us right here in
24 this chamber.

25 They have a long history of

1 empowering underserved and unbanked and
2 underbanked communities, as well as being willing
3 to extend credit in the form of loans and
4 mortgages to those with lower incomes.

5 Given the current market share of
6 100 million members in the United States -- over
7 7 million of which are here in New York State,
8 spread out over 300 individual credit unions
9 doing business in our state at the community
10 level -- it is clear that credit unions have made
11 their mark and are a valuable source of support
12 and resources for our communities.

13 I myself am a long-time
14 card-carrying member of a municipal credit union
15 and very proud of my affiliation with them.

16 I'm blessed to have this opportunity
17 to celebrate Credit Union Day in the State of
18 New York again, and I thank Senator James Sanders
19 and wish all of our New York credit unions and
20 their members the very best.

21 ACTING PRESIDENT MAYER: Thank you,
22 Senator Cleare.

23 Senator Borrello on the resolution.

24 SENATOR BORRELLO: Thank you,
25 Madam President.

1 I'd also like to thank
2 Chairman Sanders for presenting this resolution
3 on credit unions.

4 My first car loan was through our
5 local credit union. And thank God, because when
6 you're a young person, sometimes your credit's
7 not sparkling. And that's really what credit
8 unions are about; they're about making local
9 decisions to ensure that those folks who can have
10 the opportunity do get the opportunity.

11 As we see across rural areas of
12 New York State like those I represent, often
13 credit unions are opening new branches even in
14 areas where banks are closing them. So we
15 appreciate their service in our rural areas.

16 They're also about financial
17 literacy. They're in our schools, teaching our
18 children about responsible ways to handle money.
19 They're teaching adults who maybe for the first
20 time are experiencing issues, how they can better
21 manage their finances.

22 So the services they provide as
23 not-for-profits to our communities is
24 immeasurable, and I am very proud to support this
25 resolution. I vote aye.

1 Thank you.

2 ACTING PRESIDENT MAYER: Senator
3 Cleare, do you want to introduce your guests?

4 SENATOR CLEARE: I just wanted us
5 to recognize we have some credit union leaders up
6 here in the gallery that came to be with us
7 today. I didn't know they were there, I'm sorry,
8 when I first spoke.

9 But we welcome you, and we thank you
10 for coming to say hello to us.

11 ACTING PRESIDENT MAYER: To our
12 guests, we welcome you on behalf of the Senate.
13 We extend to you the privileges and courtesies of
14 the house.

15 Please rise and be recognized.

16 (Standing ovation.)

17 ACTING PRESIDENT MAYER: The
18 question is on the resolution. All in favor
19 signify by saying aye.

20 (Response of "Aye.")

21 ACTING PRESIDENT MAYER: Opposed,
22 nay.

23 (No response.)

24 ACTING PRESIDENT MAYER: The
25 resolution is adopted.

1 Senator Gianaris.

2 SENATOR GIANARIS: Next up,
3 Resolution 2056, by Senator Ramos. Please read
4 its title and recognize Senator Ramos.

5 ACTING PRESIDENT MAYER: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 2056, by Senator Ramos, commemorating the
9 113th Anniversary of the Triangle Shirtwaist
10 Factory Fire on March 25, 2024.

11 ACTING PRESIDENT PERSAUD: Senator
12 Ramos on the resolution.

13 SENATOR RAMOS: Thank you,
14 Madam President. Good to see you.

15 You've heard me tell this story
16 before. On March 25, 1911, a deadly fire spread
17 through the Triangle Shirtwaist Factory in
18 Lower Manhattan, where NYU is today. One hundred
19 forty-five workers, mostly young immigrant women,
20 burned to death in a padlocked factory.

21 We retell this story every year
22 because so much change was born of their poverty
23 and pain. Bosses really had the upper hand at
24 the time. In fact, the day before the Triangle
25 Shirtwaist Factory fire, the New York Court of

1 Appeals overturned the state's first workers'
2 compensation law in the United States.

3 Crystal Eastman was its principal
4 author, and she led the revolutionary step that
5 protected ill and injured workers and required
6 employers to share in the responsibility caused
7 by dangerous conditions in their workplace.

8 Despite the law being overturned,
9 the Triangle Shirtwaist Factory fire drastically
10 shifted public opinion. New York State amended
11 its Constitution in response and fully
12 implemented a workers' compensation safety net
13 two years later.

14 Now, in the arc of American labor
15 history, the New York State Legislature has
16 always set the tone. With the passing of this
17 resolution, I ask that we recommit ourselves to
18 continuing Eastman's work.

19 This year the Senate Labor Committee
20 has moved a significant package of workers'
21 compensation reforms. We're updating temporary
22 disability insurance, championing the injured
23 worker's right to a hearing and transforming the
24 process to make it easier for an injured worker
25 to get the treatment and the relief they need.

1 As we welcome the latest round of
2 migrants to our state, we run the risk of
3 facilitating a labor market that again treats
4 workers as disposable. So I hope we rise to meet
5 this moment and protect New York's working
6 families before another disaster strikes.

7 Thank you.

8 ACTING PRESIDENT PERSAUD: Thank
9 you, Senator.

10 Senator Mayer on the resolution.

11 SENATOR MAYER: Thank you,
12 Madam President.

13 And thank you to Senator Ramos for
14 bringing this important resolution to the floor.

15 And I urge my colleagues to read the
16 resolution, which has the names of the young,
17 largely women, mostly Jewish and Italian, who
18 died at that terrible fire. Some were 13, 14,
19 15, 18.

20 Today I had the honor of reading the
21 New York Times coverage the following day of the
22 fire. And it is really something worth
23 remembering how terrible it was. These women --
24 largely women -- were locked inside this factory
25 which caught fire. They had no way to get out.

1 They jumped out. And it led to this
2 transformative change in New York's labor laws,
3 for which we are so grateful.

4 But we cannot forget these women,
5 most of whom were like so many of the others in
6 our communities today -- young immigrants, many
7 of them did not speak English, many had just
8 arrived in this country, taking the only jobs
9 they could get, which was sewing in the factory.

10 So today, in their honor, and
11 remembering them as individuals who died and to
12 make something of their memory -- which is a
13 change in our labor laws and an outstanding,
14 long-lasting commitment to improving the lives of
15 working people, including our immigrant brothers
16 and sisters -- today I am thankful for the
17 opportunity to speak, to remember this fire, to
18 remember the individuals, and to recommit
19 ourselves to making change in our country.

20 That is our job here. Today we are
21 remembering that is our duty.

22 Thank you, Madam President.

23 ACTING PRESIDENT PERSAUD: Thank
24 you, Senator.

25 Senator Stavisky on the resolution.

1 SENATOR STAVISKY: Thank you,
2 Madam Chair.

3 Over the years we have done
4 resolutions describing the Triangle Shirtwaist
5 Factory. And in the past one of my Queens
6 colleagues on the other side of the aisle would
7 get up and talk about it in very personal terms
8 because he lost a relative -- I don't remember
9 who the relative was -- in that fire.

10 And in his honor, I thank him for
11 keeping the memory in the past over the years.
12 His name was Senator -- is Senator Maltese, and
13 he each year reminded us of our history.

14 So I thank my colleagues for
15 reintroducing it, and I proudly vote aye.

16 Thank you.

17 ACTING PRESIDENT PERSAUD: Thank
18 you.

19 The question is on the resolution.
20 All in favor signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT PERSAUD: Opposed,
23 nay.

24 (No response.)

25 ACTING PRESIDENT PERSAUD: The

1 resolution is adopted.

2 Senator Gianaris.

3 SENATOR GIANARIS: Let's take up
4 the calendar at this time, Madam President.

5 ACTING PRESIDENT PERSAUD: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 105, Senate Print 1634B, by Senator Kavanagh, an
9 act to amend the Real Property Actions and
10 Proceedings Law.

11 ACTING PRESIDENT MAYER: Read the
12 last section.

13 THE SECRETARY: Section 6. This
14 act shall take effect on the 90th day after it
15 shall have become a law.

16 ACTING PRESIDENT MAYER: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT MAYER: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar 105, those Senators voting in the
23 negative are Senators Borrello, Oberacker,
24 Palumbo and Stec. Also Senator Tedisco.

25 Ayes, 56. Nays, 5.

1 ACTING PRESIDENT MAYER: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 123, Senate Print 1748, by Senator Sanders, an
5 act to amend the Banking Law.

6 SENATOR GIANARIS: Lay it aside for
7 the day.

8 ACTING PRESIDENT MAYER: The bill
9 is laid aside for the day.

10 THE SECRETARY: Calendar Number
11 141, Senate Print 5414, by Senator Hoylman-Sigal,
12 Concurrent Resolution of the Senate and Assembly
13 proposing amendments to Article 6 of the
14 Constitution.

15 ACTING PRESIDENT MAYER: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT MAYER: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar 141, those Senators voting in the
22 negative are Senators Ashby, Borrello,
23 Canzoneri-Fitzpatrick, Griffo, Helming, Lanza,
24 Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads,
25 Stec, Tedisco, Weber and Weik.

1 Ayes, 45. Nays, 16.

2 ACTING PRESIDENT MAYER: The
3 concurrent resolution is adopted.

4 THE SECRETARY: Calendar Number
5 145, Senate Print 7883, by Senator Gianaris, an
6 act to amend the Legislative Law.

7 SENATOR LANZA: Lay it aside.

8 ACTING PRESIDENT MAYER: The bill
9 is laid aside.

10 THE SECRETARY: Calendar Number
11 267, Senate Print 2675, by Senator Fernandez, an
12 act to amend the Executive Law.

13 ACTING PRESIDENT MAYER: Read the
14 last section.

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

17 ACTING PRESIDENT MAYER: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MAYER: Senator
21 Fernandez to explain her vote.

22 SENATOR FERNANDEZ: Thank you,
23 Madam President.

24 This bill would designate
25 August 31st in New York Overdose Awareness Day.

1 Why August 31st? Because in Australia, in 2001,
2 that's when it first got established, and
3 August 31st was picked because it marks the end
4 of winter and the start of spring -- the start of
5 people's recovery journey, the start of a new
6 day, the start of their new life.

7 And for many that are lucky enough
8 to survive an overdose, the next day is the start
9 of your new life.

10 And this day for New York will serve
11 to not just be a day of remembrance -- because
12 every day when we lose somebody, and every day we
13 are losing someone to the preventable death of
14 overdose -- it's a call to action. And this bill
15 would acknowledge the profound grief that
16 families and loved ones who have been affected by
17 overdose have to feel every day.

18 And it sends a clear message to
19 those suffering from substance use disorder and
20 people in recovery that they are loved and they
21 are valued and they are remembered.

22 Every community in our state has
23 been affected by the overdose crisis. Last year
24 in the United States over 100,000 deaths happened
25 because of an overdose. And in New York City,

1 3,000 deaths happened in 2022 -- or '23.

2 The rates right now are the highest
3 that it's ever been -- and the highest since
4 we've been recording 25 years ago. Overdoses
5 affect everyone, whether you're a parent, a
6 spouse, a friend, a sibling, a healthcare
7 professional or a first responder.

8 Overdose Awareness Day is more than
9 just a day. As I said, it's a call to action --
10 to invest in state resources to bolster access to
11 services and supports that we know save lives.
12 Making sure everybody is trained on how to use
13 life-saving naloxone. Expanding overdose
14 prevention centers and strengthening the state's
15 substance use disorder prevention programs like
16 harm reduction, treatment, recovery services, to
17 ensure that those that are seeking it can help
18 find a supportive, stigma-free environment in
19 their own community.

20 If you overdose and you die, you
21 cannot start your path to recovery. We have to
22 keep people alive. New Yorkers that are
23 suffering -- our neighbors, our friends and our
24 loved ones -- should be treated with compassion,
25 understanding and respect.

1 Declaring August 31st as
2 Overdose Awareness Day is the signal for people
3 of New York that we are united in the fight
4 against overdose deaths.

5 Thank you, and I proudly vote aye.

6 ACTING PRESIDENT MAYER: Thank you,
7 Senator Fernandez.

8 Senator Jessica Scarcella-Spanton on
9 the bill.

10 SENATOR SCARCELLA-SPANTON: Thank
11 you, Madam President.

12 And thank you, Senator Fernandez,
13 for your work in designating August 31st as
14 Overdose Awareness Day.

15 As we mark Overdose Awareness Day, I
16 would be remiss if I did not acknowledge the
17 ongoing challenge of overdose deaths in my
18 district. In recent years Staten Island has been
19 particularly hard hit by this crisis, with a
20 disproportionately high rate of overdose deaths
21 compared to other areas of our state.

22 These statistics are not just
23 numbers. They represent so many lives tragically
24 cut short, families grappling with unimaginable
25 grief, and a community deeply affected by the

1 pain that comes with addiction.

2 Personally, I have lost numerous
3 friends to this tragedy over the years, including
4 over 10 people that I grew up with.

5 To spare their privacy, I will just
6 read some of the names of the friends I've lost
7 over the last decade: Peter, Brandon, Anastasia,
8 Michael, Julie, Matt, Robert, Matthew, Tommy,
9 Steven, and of course my dear sweet friend
10 Joey Fellini.

11 I talk to their families all the
12 time. I always do this in their memory and in
13 their honor. It's a devastating loss. It's
14 horrible to see the families left behind.

15 And today New York State reaffirms
16 its commitment to overdose awareness and
17 prevention. This day will serve as a reminder of
18 those lives lost and the devastating impact of
19 substance abuse.

20 And I always think of what
21 Luke Nasta from Camelot -- which Senator
22 Fernandez has been doing a tremendous job; she
23 came to visit in our district. But he said every
24 generation has something that marks their
25 tragedy, and this is ours, our generation, this

1 overdose crisis that we're in. You would be
2 hard-pressed not to knock on a door on
3 Staten Island and find someone who knows someone
4 who has overdosed.

5 So thank you, and I proudly vote
6 aye.

7 ACTING PRESIDENT MAYER: Thank you,
8 Senator.

9 Senator Murray on the resolution.

10 SENATOR MURRAY: Thank you,
11 Madam President.

12 I rise to also thank
13 Senator Fernandez and all of the cosponsors that
14 have joined us and everyone that will hopefully
15 be voting yes on this bill today.

16 Because as we designate August 31st
17 as Overdose Awareness Day, it's unfortunate that
18 every single day is an awareness day of this
19 problem. We hear about it with the tragic
20 stories in the news that we lost another loved
21 one, that someone else has passed. We hear about
22 it with the fentanyl crisis and xylazine and all
23 of these other new drugs that are hitting the
24 streets, and the dealers that are pushing this
25 poison, taking our loved ones, our children.

1 We're hearing it. We're aware of
2 the problem. We hear about it. But by passing
3 this bill, by setting one day, hopefully -- see,
4 earlier this year we had a lot of people coming
5 up to Albany and rallying for action. They want
6 us to do something about it. And we are. We are
7 taking action, and this is a step.

8 But we need to do more. And
9 hopefully on this day, a little later this year,
10 August 31st, it won't just be an awareness day,
11 it will be a day that we celebrate all of the
12 action that we did take and the lives that we
13 will be saving by that action we take.

14 So thank you to everyone who is
15 continuing to push this and drive the awareness
16 of what still needs to be done.

17 And I gladly and proudly vote aye.
18 Thank you.

19 ACTING PRESIDENT MAYER: Senator
20 Rolison to explain his vote.

21 SENATOR ROLISON: Thank you,
22 Madam President.

23 And I want to thank my colleague
24 Senator Fernandez, who I'm very thankful to serve
25 with on the Alcoholism and Substance Use Disorder

1 Committee.

2 While I am certainly supportive of
3 this day, I support it very solemnly because of
4 the Doyle family in Poughkeepsie. Tim Doyle and
5 I grew up together, became firefighters together
6 in 1976. And I saw Tim raise a family, a
7 businessman in the City of Poughkeepsie. And he
8 lost his son Sean to this addiction.

9 Sean -- Seanny, they called him,
10 Seanny Doyle, was in recovery. It was exciting
11 to hear about that because his struggles
12 certainly were tough. And Sean ultimately lost
13 his life to an overdose death. And what I saw
14 from that tragedy, in losing such a devoted son
15 who was part of his father's business, was
16 change, both in Sean's brother Ryan and his
17 father Tim -- a change that has never gone away.

18 But in that tragedy of losing
19 Seanny, they created hope for others in the
20 Sean Doyle Foundation. And the commitment that
21 that family and others -- Sean had so many
22 friends who have helped with this foundation --
23 to help individuals in addiction -- because as we
24 know, you can win a battle, but you can still
25 lose that war.

1 That is very difficult to overcome.
2 And for far too many in this country and in this
3 state and in Poughkeepsie, they do not overcome
4 it.

5 So the action we're taking today --
6 and as my colleague Senator Murray said, every
7 day is awareness day. And every day is a
8 remembrance day for individuals who have lost a
9 loved one or a friend. And as Senator
10 Scarcella-Spanton said, listing the names of
11 everyone that we know that has lost their lives
12 to addiction.

13 So what we do in this chamber
14 matters. It matters in awareness. It also
15 matters in action. And I know that this chamber
16 has acted and will continue to act to do every
17 single thing that we can in this body to save
18 lives.

19 And I proudly vote aye.
20 ACTING PRESIDENT MAYER: Thank you,
21 Senator.

22 Senator Oberacker to explain his
23 vote.

24 SENATOR OBERACKER: Thank you,
25 Madam President.

1 And thank you to my colleague and
2 chair for Alcoholism and Substance Use Disorder.
3 As ranker on the committee, I can't think of a
4 more prouder committee to serve on.

5 And, you know, this morning when I
6 left to come to this body my wife said to me, she
7 goes -- and she says this every morning to me.
8 She says "Make something right."

9 Well, I can go home today, tonight,
10 and I can tell her that we made something right.

11 And I proudly, proudly vote aye.

12 Thank you, Senator.

13 ACTING PRESIDENT MAYER: Thank you.

14 Announce the results.

15 THE SECRETARY: Ayes, 61.

16 ACTING PRESIDENT MAYER: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 305, Senate Print 2773B, by Senator Krueger, an
20 act to amend the Administrative Code of the
21 City of New York.

22 SENATOR LANZA: Lay it aside.

23 ACTING PRESIDENT MAYER: The bill
24 is laid aside.

25 THE SECRETARY: Calendar Number

1 339, Senate Print 1552, by Senator Addabbo, an
2 act to amend the Environmental Conservation Law.

3 ACTING PRESIDENT MAYER: Read the
4 last section.

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

7 ACTING PRESIDENT MAYER: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT MAYER: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 339, those Senators voting in the
14 negative are Senators Brisport, Griffo, Lanza,
15 Ortt and Salazar.

16 Ayes, 56. Nays, 5.

17 ACTING PRESIDENT MAYER: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 396, Senate Print 2418, by Senator Comrie, an act
21 to amend the Executive Law.

22 ACTING PRESIDENT MAYER: Read the
23 last section.

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

1 ACTING PRESIDENT MAYER: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT MAYER: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 396, those Senators voting in the
8 negative are Senators Ashby, Borrello, Gallivan,
9 Griffo, Oberacker, O'Mara, Ortt, Palumbo, Stec
10 and Tedisco.

11 Ayes, 51. Nays, 10.

12 ACTING PRESIDENT MAYER: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 418, Senate Print 2143A, by Senator Persaud, an
16 act to amend the Social Services Law.

17 ACTING PRESIDENT MAYER: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the first of April.

21 ACTING PRESIDENT MAYER: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MAYER: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 418, those Senators voting in the
3 negative are Senators Borrello,
4 Canzoneri-Fitzpatrick, Gallivan, Griffio, Mattera,
5 Murray, Oberacker, O'Mara, Ortt, Palumbo, Stec,
6 Tedisco, Weber and Weik.

7 Ayes, 47. Nays, 14.

8 ACTING PRESIDENT MAYER: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 448, Senate Print 2867, by Senator Rivera, an act
12 to amend the Social Services Law.

13 ACTING PRESIDENT MAYER: Read the
14 last section.

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

17 ACTING PRESIDENT MAYER: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MAYER: Announce
21 the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT MAYER: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 455, Senate Print 1672, by Senator Addabbo, an
2 act to amend the Highway Law.

3 ACTING PRESIDENT MAYER: Read the
4 last section.

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

8 ACTING PRESIDENT MAYER: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT MAYER: Announce
12 the results.

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT MAYER: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 480, Senate Print 2747, by Senator Bailey, an act
18 to amend the Executive Law.

19 ACTING PRESIDENT MAYER: Read the
20 last section.

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

24 ACTING PRESIDENT MAYER: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT MAYER: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 480, those Senators voting in the
6 negative are Senators Oberacker, Ortt, Stec and
7 Weik.

8 Ayes, 57. Nays, 4.

9 ACTING PRESIDENT MAYER: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 535, Senate Print 3116A, by Senator Mannion, an
13 act to amend the Environmental Conservation Law.

14 ACTING PRESIDENT MAYER: Read the
15 last section.

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

19 ACTING PRESIDENT MAYER: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MAYER: Announce
23 the results.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT MAYER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 612, Senate Print 2573A, by Senator Gounardes, an
4 act to amend the Civil Practice Law and Rules.

5 ACTING PRESIDENT MAYER: Read the
6 last section.

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

9 ACTING PRESIDENT MAYER: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MAYER: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar 612, those Senators voting in the
16 negative are Senators Borrello,
17 Canzoneri-Fitzpatrick, Lanza, Rhoads, Tedisco and
18 Weik.

19 Ayes, 55. Nays, 6.

20 ACTING PRESIDENT MAYER: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 646, Senate Print 2301, by Senator Mayer, an act
24 to amend the Penal Law.

25 ACTING PRESIDENT MAYER: Read the

1 last section.

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

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar 646, voting in the negative are
11 Senators Brisport and Salazar.

12 Ayes, 59. Nays, 2.

13 ACTING PRESIDENT MAYER: The bill
14 is passed.

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

17 SENATOR GIANARIS: Let's move on to
18 the controversial calendar, please.

19 ACTING PRESIDENT MAYER: The
20 Secretary will ring the bell.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number
23 145, Senate Print 7883, by Senator Gianaris, an
24 act to amend the Legislative Law.

25 (Pause.)

1 ACTING PRESIDENT MAYER: Sorry.

2 Sorry. Senator Palumbo, why do you rise?

3 SENATOR PALUMBO: Thank you,
4 Madam President. Would the sponsor yield for a
5 few questions, please.

6 ACTING PRESIDENT MAYER: Senator
7 Gianaris, do you yield?

8 SENATOR GIANARIS: Yes, I will.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR PALUMBO: Thank you,
12 Senator. Good afternoon.

13 I just have a few questions about
14 this bill. I know that we've -- I've actually
15 previously voted yes on this bill. But last year
16 there was a version of this that was retroactive.
17 The Governor vetoed it. Are there any changes
18 made to this bill?

19 SENATOR GIANARIS: Yes.

20 SENATOR PALUMBO: Would the sponsor
21 continue to yield.

22 ACTING PRESIDENT MAYER: Do you
23 continue to yield?

24 SENATOR GIANARIS: Yes.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR PALUMBO: What are they?

3 (Laughter.)

4 SENATOR GIANARIS: The bill is no
5 longer retroactive. It would be prospective
6 only.

7 SENATOR PALUMBO: Great, thank you.

8 Would the sponsor yield, please.

9 ACTING PRESIDENT MAYER: Do you
10 continue to yield?

11 SENATOR GIANARIS: Yes.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR PALUMBO: Thank you.

15 And again, the timing of this
16 bill -- I know last year when it was submitted it
17 was shortly after a few of our confirmation
18 hearings with respect to judges on the Court of
19 Appeals. And of course this bill would now
20 expand lobbying rules and disclosure rules to
21 groups that lobby on behalf of nominees.

22 And so I guess this was called -- is
23 the La Salle bill, in light of that confirmation
24 that was somewhat controversial, of course.

25 So in that regard, can you tell me

1 why this bill came after that particular
2 nomination and not regarding the prior nomination
3 of Judge Singas, which was, I would say, just as
4 controversial.

5 SENATOR GIANARIS: First of all,
6 the title of this bill does not reflect what you
7 have chosen the name is. So you can call it what
8 you will, but it's my bill and that is not the
9 name that's on it.

10 The answer is because it has been
11 documented publicly that there was substantial
12 amounts of money spent in favor of and opposed to
13 that nomination, which in my experience here of
14 many years was the first time that's happened as
15 it related to a nomination and exposed the
16 loophole in the lobbying laws.

17 SENATOR PALUMBO: Will the sponsor
18 yield.

19 ACTING PRESIDENT MAYER: Do you
20 continue to yield?

21 SENATOR GIANARIS: Yes.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR PALUMBO: Thank you,
25 Senator.

1 And -- well, in that regard there
2 was one group in particular lobbying against
3 Judge La Salle, the Center for Community
4 Alternatives and Peter Martin. Are you familiar
5 with that group and that individual?

6 SENATOR GIANARIS: I am.

7 SENATOR PALUMBO: Will the sponsor
8 yield.

9 ACTING PRESIDENT MAYER: Do you
10 continue to yield?

11 SENATOR GIANARIS: Yes.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR PALUMBO: Thank you,
15 Senator.

16 And that same group was quite vocal,
17 along with some others, with respect to the
18 Madeline Singas nomination. Isn't that also
19 accurate?

20 SENATOR GIANARIS: If memory
21 serves, I think that's right, yes.

22 SENATOR PALUMBO: If memory
23 serves -- I'm sorry?

24 SENATOR GIANARIS: I believe that's
25 accurate, yes. Yes.

1 SENATOR PALUMBO: Will the sponsor
2 yield.

3 ACTING PRESIDENT MAYER: Will you
4 continue to yield?

5 SENATOR GIANARIS: Yes.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR PALUMBO: And in fact the
9 Center for Community Alternatives is a
10 non-for-profit, to my knowledge. Do you know if
11 that's accurate as well?

12 SENATOR GIANARIS: I do not know.

13 ACTING PRESIDENT MAYER: Will the
14 sponsor yield.

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR GIANARIS: Yes.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR PALUMBO: Well, if I were
21 to tell you that I've been able to just get some
22 information regarding the Center for Community
23 Alternatives, that they are in fact a nonprofit,
24 do you recall that -- those individuals having
25 several conversations with members of the

1 Majority regarding both the Singas nomination as
2 well as the La Salle nomination?

3 SENATOR GIANARIS: Mr. President,
4 I'll indulge my colleague because I like talking
5 with him, and it's interesting. But the activity
6 on previous nominations has, as you pointed out
7 at the beginning of this conversation, nothing to
8 do with this bill, which is simply prospective.

9 And so we could talk about those two
10 nominations, we can go back in time and talk
11 about a nomination from 20 years ago, but they
12 would all have the same relevance to this
13 proposal.

14 SENATOR PALUMBO: Thank you,
15 Senator Gianaris.

16 On the bill, please.

17 ACTING PRESIDENT MAYER: Senator
18 Palumbo on the bill.

19 SENATOR PALUMBO: Thank you,
20 Madam President.

21 So instead of us going around and
22 around in a circle, I think I'll just kind of lay
23 it out for my colleagues. And the reason why --
24 even though I've previously been a yes on this
25 bill, this is a political bill that is cloaked in

1 transparency, for a number of reasons. I'll go
2 through it now.

3 So the Center for Community
4 Alternatives is a 501(c)(3). They're a
5 nonprofit. And pursuant to the IRS Code -- and
6 I'll read directly from the IRS website: In
7 general, no organization may qualify for
8 Section 501(c)(3) treatment if a substantial part
9 of its activities is attempting to influence
10 legislation, commonly known as lobbying. A
11 501(c)(3) organization may engage in some
12 lobbying, but too much lobbying activity risks
13 loss of tax-exempt status. And that includes
14 legislation, it includes action by Congress, any
15 state legislature, any local council or similar
16 governing body with respect to acts, bills,
17 resolutions or similar items, such as legislative
18 confirmation of appointive office or by the
19 public in referendum ballot initiative.

20 So when I started thinking about
21 this -- and this was on the committee just
22 recently, and I started looking through the bill
23 of course, which, Madam President, is always
24 somewhat of a dangerous thing when I do that.
25 But with that in mind, I saw that the Center for

1 Community Alternatives, with respect to the
2 Court of Appeals nomination for Chief Judge,
3 spoke with -- and I don't want to embarrass any
4 of my friends, but they know who they are, of
5 course -- one, two, three, four, five, six,
6 seven, eight, nine, 10, 11, 12, 13, 14 -- it
7 looks like every -- and I couldn't find someone
8 that was omitted. Every Majority member, no
9 Republicans; staff members for most of those
10 individuals. In the Assembly, staff for the
11 Speaker, staff for an overwhelming number of
12 individuals in the Assembly, for some reason.

13 And so this group is lobbying in
14 violation of their charter and in violation of
15 their 501(c)(3) status.

16 And when I think about the text of
17 this bill, that now it wants disclosure -- when a
18 bunch of -- when the Center for Community
19 Alternatives is lobbying hard against Judge
20 Singas, which they were, with other groups -- we
21 all recall, we were here. I was here, many of us
22 were standing in this room and saw that nobody
23 had a problem with it. But when a bunch of
24 Latinos organize and come strong against a
25 position, a progressive position of the Majority,

1 all of a sudden we need to have transparency.

2 All of a sudden we need to know who these people
3 are.

4 So the more I think about this, this
5 is pretty tricky, quite frankly, when you think
6 about what this bill is going to accomplish.
7 Because we have essentially the ability to find
8 out who's who and retaliate against those groups
9 or individuals.

10 And so when I think this through --
11 I mean, we had the opportunity to make history in
12 this body with the nomination of Judge Hector
13 La Salle. And sadly, we did make history and,
14 for the first time in the history of this state,
15 rejected a governor's pick for chief judge.

16 So although I had previously voted
17 for this, this is a political cudgel. This is a
18 weapon, is what this is. Because what do you
19 need -- why would we need to know who's actually
20 advocating for or on behalf of a nominee? What's
21 the difference? I mean, they're -- clearly, they
22 were lobbying --

23 SENATOR GIANARIS: Madam President.

24 ACTING PRESIDENT MAYER: Senator

25 Gianaris.

1 SENATOR GIANARIS: Will Senator
2 Palumbo answer a question?

3 ACTING PRESIDENT MAYER: Do you
4 yield for a question?

5 SENATOR PALUMBO: Certainly.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR GIANARIS: I'm curious what
9 Senator Palumbo would think would be the argument
10 for knowing who is spending money advocating for
11 or against the legislation that we vote on every
12 single day, and whether he thinks that's a good
13 idea.

14 SENATOR PALUMBO: Well, in that
15 regard -- and I'll comment on the bill and I'll
16 answer that question for you as well.

17 That obviously we want to know who
18 is lobbying, who is not lobbying. It's just the
19 timing of this particular bill, Madam President,
20 is awfully curious. Because this is not a new
21 idea that we have disclosure laws with respect to
22 lobbying activity. Confirmations were always at
23 one point -- until now, of course -- they were
24 excluded for reasons that are really unbeknownst
25 to me.

1 So I -- and that's the reason why,
2 Senator Gianaris -- through you,
3 Madam President -- that's the reason why I was
4 voting for this, because I think this is always a
5 good idea. But now, when I really thought this
6 through, this is more political than anything, in
7 my opinion.

8 So for those reasons and the others
9 that I've mentioned, Madam President, I will be
10 voting in the negative.

11 Thank you.

12 ACTING PRESIDENT MAYER: Are there
13 any other Senators wishing to be heard?

14 Seeing and hearing none, debate is
15 closed.

16 The Secretary will ring the bell.

17 Read the last section.

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

20 ACTING PRESIDENT MAYER: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MAYER: Senator
24 Gianaris to explain his vote.

25 SENATOR GIANARIS: Thank you,

1 Madam President.

2 I found the arguments by my
3 colleague very curious and disingenuous,
4 specifically because this bill doesn't apply to
5 anything that's already happened. If you wanted
6 to make the argument this could be used against
7 someone that did something, he could have made
8 that argument last time when he voted for the
9 bill.

10 But here we are, talking about a
11 simple situation where if you think it's a good
12 idea to disclose lobbying on legislation, why
13 would you want it hidden who's spending money for
14 nominees for or against? By the way, whatever
15 group he was talking about, they would have to
16 disclose just as well.

17 And so I also am thinking more and
18 more, the way Senator Palumbo was thinking. I'm
19 like, I wonder why, what's going on? Senator
20 Palumbo, as we all know, sued this body during
21 the course of that legislation. I don't know who
22 funded that suit. Perhaps -- perhaps someone
23 funded that suit and he doesn't want it known
24 who's spending money advocating against what we
25 were doing here in the Senate.

1 I don't know. That's as crazy an
2 aspersion as the ones you were just casting,
3 Senator Palumbo.

4 So the bottom line is this is a bill
5 that applies from the day it's enacted forward.
6 There might be groups on the left supporting or
7 opposing a nominee; they would have to disclose.
8 There might be groups on the right doing the same
9 thing, and they would have to disclose the same
10 way everybody who lobbies on legislation has to
11 disclose their activities.

12 It's a simple idea. If Senator
13 Palumbo wants to vote no and tell the people of
14 New York he'd rather lobbying on nominations be
15 conducted in secret, that's certainly his right
16 as a member of this body.

17 But I, for one, will be voting yes.

18 ACTING PRESIDENT MAYER: Senator
19 Gianaris to be recorded in the affirmative.

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar 145, those Senators voting in the
23 negative are Senators Ashby, Borrello,
24 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
25 Mattera, Murray, Oberacker, O'Mara, Ortt,

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

2 Ayes, 44. Nays, 17.

3 ACTING PRESIDENT MAYER: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 305, Senate Print 2773B, by Senator Krueger, an
7 act to amend the Administrative Code of the
8 City of New York.

9 ACTING PRESIDENT MAYER: Senator
10 Lanza, why do you rise?

11 SENATOR LANZA: Madam President, I
12 believe there's an amendment at the desk. I
13 waive the reading of that amendment and ask to be
14 heard on that amendment.

15 ACTING PRESIDENT MAYER: Thank you,
16 Senator Lanza.

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

20 SENATOR LANZA: Accordingly,
21 Madam President, I appeal the ruling of the chair
22 and ask to be heard on the appeal.

23 ACTING PRESIDENT MAYER: The appeal
24 has been made and recognized, and Senator Lanza,
25 you may be heard.

1 SENATOR LANZA: Thank you,
2 Madam President.

3 Madam President, I appeal the ruling
4 of the chair. The proposed amendment is germane
5 to the bill at hand because the bill at hand
6 deals with preventing certain motor vehicles from
7 being ridden in New York City and, beyond that,
8 even being sold in New York City.

9 And of course the amendment,
10 Madam President, deals with the repeal of
11 congestion pricing, which is another law, policy
12 here in the State of New York, specifically in
13 the City of New York, which charges a tax or a
14 fee to vehicles that enter a certain area of
15 New York City -- specifically, the so-called
16 business district, that portion of Manhattan
17 south of 60th Street.

18 What is congestion pricing,
19 Madam President, and why is it germane to this
20 legislation? Congestion pricing says that if you
21 are a resident of New York City or a resident
22 anywhere and you decide, especially if you're in
23 New York City, a Staten Islander or a
24 Brooklynite, someone from Queens, from the Bronx,
25 even from the northern portion of Manhattan -- if

1 you have the gall to decide to get in your
2 vehicle and drive within your own city for
3 whatever reason, to live your life, you are going
4 to be charged a tax. If you are in a car, you're
5 going to be charged \$15. If you're a local
6 business in a small truck, it goes up to \$25,
7 \$26. If it's a larger truck, it will be \$35.

8 Madam President, I can't think of a
9 worse policy, especially at this time when people
10 are really suffering in the State of New York
11 trying to make ends meet, trying to put food on
12 the table. Just about everything that people
13 need to do in the State of New York, the City of
14 New York, is more expensive than it was even a
15 couple of years ago. And now, Madam President,
16 with congestion pricing about to come into
17 effect, there will be one more or many more
18 things that will cost more in the State of
19 New York.

20 I've talked to businesses on
21 Staten Island, I've met with the Staten Island
22 Chamber of Commerce, and what they tell me is
23 this is going to be a death blow to many local
24 businesses -- who will then have to pass the
25 costs on to New Yorkers, whether in New York City

1 or outside of New York.

2 And yet again, Madam President,
3 thanks to congestion pricing, things are just
4 going to cost more.

5 How much of a tax is this going to
6 be, congestion pricing, Madam President, you
7 might ask. Well, according to the MTA, it's a
8 \$1 billion tax. That's their estimate. A
9 billion-dollar tax that's going to be shouldered
10 by and the people of New York are going to be
11 burdened by.

12 Which is curious -- I think that's
13 the word of the moment -- it's curious because if
14 the goal -- now, the goals keep changing,
15 Madam President, if you listen to the MTA and
16 those who support it -- Governor Hochul, for
17 instance. If the goal is to reduce congestion,
18 well, how are you going to get a billion dollars
19 out of this? Well, that must mean, according to
20 my math, that still millions of vehicles are
21 going to drive into the business district. You
22 can't have it any other way. You're either going
23 to make a billion dollars or the cars aren't
24 going to drive there.

25 So it's not doing much there, but

1 then, according to the MTA, whichever vehicles or
2 how many vehicles you prevent from coming into
3 the business district -- you know, that very
4 elite section of New York City who can't be
5 bothered with the rest of those of us who don't
6 live there, from the outer boroughs especially,
7 there's going to be, according to the MTA, more
8 traffic and congestion in Staten Island and in
9 Brooklyn and in the Bronx and in Queens. The MTA
10 tells us that.

11 So really, at the end of the day,
12 what is congestion pricing, Madam President?
13 It's a bailout of the mismanaged MTA, which has
14 failed this city and this state miserably and
15 continues to fail it more and more as the months
16 and years go by.

17 We see crime that they only recently
18 told us was only a perception of crime -- stop
19 fearmongering, Senator Lanza, the subways are
20 fine. And we just see that the statistics have
21 come out, and violent assaults -- those are
22 assaults where someone is seriously injured --
23 are up more than 53 percent. Hundreds of New
24 Yorkers are being violently assaulted on our
25 subways. They're filthier than ever. There are

1 more breakdowns than ever.

2 (Tinkly cellphone music; laughter.)

3 SENATOR LANZA: I thought it might
4 be my colleague Senator Gianaris, but it's not.

5 So the MTA is failing at every turn.
6 They don't provide -- they don't live up to their
7 mission of providing safe, efficient
8 transportation for the people of the City of
9 New York and the rest of the state. And so they
10 need a bailout, Madam President. And that's what
11 this is.

12 And they're so desperate, they're so
13 desperate that just recently, because they are
14 afraid -- they listen to what happens here on the
15 floor, evidently. They listen to comments that
16 are made by members of the Senate and the
17 Assembly. And they see that support might be
18 softening for congestion pricing. I hope that's
19 the case. We're where we always were here on the
20 Republican side; we oppose it, we voted against
21 it.

22 So they just started -- my colleague
23 from Staten Island can attest -- to running
24 digital ads on buses. There is a digital ad that
25 the MTA is paying for that is running on

1 Staten Island buses right now. You have to hear
2 this to believe it. They are asking
3 Staten Islanders to support congestion pricing
4 because -- get this -- according to them and
5 their inference, congestion pricing is going to
6 kill Staten Islanders.

7 You heard me. I'm not misspeaking.
8 That's what the ad in essence says. I don't know
9 who came up with this over there in the MTA.
10 Maybe the Bud Light marketing department is
11 hiring.

12 (Laughter.)

13 SENATOR LANZA: They're saying
14 that -- and this is the elitist, arrogant, really
15 disgusting leadership we have at the MTA --
16 they're saying in this ad that congestion pricing
17 now is about something else. It's this wonderful
18 idea that's going to reduce traffic in this one
19 area of Manhattan, and as a result ambulances are
20 not going to be blocked in traffic, and so lives
21 are going to be saved.

22 And yet they say, the MTA, traffic
23 will increase in Staten Island, Queens, the Bronx
24 and Brooklyn. Which means that more
25 ambulances are going to be stuck in traffic in

1 the outer boroughs. That's what it's come to.

2 Why do we have congestion pricing,
3 you might ask, Madam President. It's not because
4 of something that someone may or may not have
5 said 14 years ago taken out of context. We have
6 it because -- Han Solo, I'll get to you -- we
7 have it, Madam President, because the Assembly
8 Democrat Majority voted it in place. We have it,
9 congestion pricing, Madam President, because the
10 Senate Democrat Conference voted it in place.

11 I have a list of all the members of
12 the Democrat Senate who voted for it and now seem
13 to be opposing it. Some have even made comments
14 on this floor as recently as last week expressing
15 their opposition. I have that list.

16 One of my Senate colleagues recently
17 said that congestion pricing is a slap in the
18 face of his constituents. And he voted for it.
19 I agree with my colleague: It is a slap in the
20 face of his constituents and every New Yorker.

21 Now I'm not going to necessarily
22 personalize this issue and read the names on this
23 list. I have a better idea, Madam President. I
24 have a feeling in a few moments you are going to
25 remind the house that the vote before us is on

1 the rules and procedures of this house. I want
2 to remind my colleagues that there is another
3 rule and procedure, and it's very simple.

4 It says that if the majority of the
5 members in this house at this time vote in favor
6 of this amendment coming to the floor, we'll have
7 a vote on it. And if a majority of the members
8 in this house at this moment vote in favor of
9 that amendment, the Senate will have voted to
10 repeal congestion pricing.

11 The amendment is very simple. It's
12 about the simplest straightforward amendment I've
13 ever seen in my years here. It simply says
14 "Repeal congestion pricing." We can do it.
15 Senator Gianaris reminds me all the time about
16 the supermajority. You don't need the Governor.
17 She seems to be the last elected official in
18 New York State anyway who seems to support
19 congestion pricing. You don't need her.

20 This house votes, I promise you
21 every Republican vote. From the sound of what I
22 hear from districts across the aisle and from
23 some of my colleagues across the aisle, it sounds
24 like there are a majority on your side of the
25 aisle as well. You pass it here, Assembly

1 Democrats seem not to support congestion pricing,
2 you get it passed over there, you override the
3 veto. And guess what? Relief for New York.
4 Something people back home really want.

5 And we can do it. We can do it,
6 Madam President. All we need to do is, together,
7 rule this amendment germane, and we will have
8 begun the process of repealing congestion
9 pricing.

10 So to my colleagues, don't just tell
11 your constituents you don't like congestion
12 pricing. Don't just tell and look into every
13 camera that comes your way that you think it's a
14 slap in the face. Stop telling the voters you're
15 against it if you don't mean it. And if you mean
16 it, vote. Join me and my colleagues and let's
17 vote together, bipartisan, let's vote this
18 amendment germane, let's get it on the floor and
19 let's have a vote on the repeal of congestion
20 pricing.

21 For these reasons, Madam President,
22 I strongly urge you to reconsider your ruling.

23 ACTING PRESIDENT MAYER: Thank you,
24 Senator Lanza.

25 I want to remind the house that the

1 vote is on the procedures of the house and the
2 ruling of the chair.

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

5 (Response of "Aye.")

6 SENATOR LANZA: Show of hands.

7 ACTING PRESIDENT MAYER: A show of
8 hands has been requested and so ordered.

9 THE SECRETARY: Ayes, 20.

10 ACTING PRESIDENT MAYER: The ruling
11 of the chair stands, and the bill-in-chief is
12 before the house.

13 Senator Borrello, why do you rise?

14 SENATOR BORRELLO: Madam President,
15 would the sponsor yield for some questions.

16 ACTING PRESIDENT MAYER: Senator
17 Krueger, will you yield for a question,
18 questions?

19 SENATOR KRUEGER: On congestion
20 pricing or the actual bill?

21 SENATOR BORRELLO: The actual bill.

22 SENATOR KRUEGER: The actual bill?
23 I'd be happy to, Madam President.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR BORRELLO: Thank you.
2 Through you, Madam President.

3 Could you start off by saying what
4 problem this bill looks to solve?

5 SENATOR KRUEGER: Ah. Thank you.
6 So I happen to represent Manhattan -- a piece of
7 Manhattan Island referenced by Senator Lanza
8 where we don't apparently like anyone.

9 (Laughter.)

10 SENATOR KRUEGER: But we really
11 don't like young people driving across bridges
12 onto Manhattan Island to race ATVs and other
13 off-highway motorcycles that are not legally
14 allowed on our streets. And yet they're there
15 all the time, sometimes 50 to 75 of them at a
16 time. The police can't even stop them when they
17 know they're doing racing and rallying up and
18 down our avenues, not following motor vehicle
19 laws, not stopping for lights, not stopping for
20 pedestrians, and sometimes involved with robbing
21 people as they speed along.

22 It's not legal to ride these
23 vehicles in New York City. That's already
24 established in our motor vehicle law. But it's
25 allowed to sell them in New York City. Well,

1 that makes no sense.

2 I'm not telling you that all of them
3 are going to disappear tomorrow if we don't let
4 them be sold in New York City. I guess you could
5 travel upstate, buy them and bring them back with
6 you. But I think it will make it harder for
7 everyone to seemingly be able to get them and
8 drive them illegally on our streets.

9 That is the problem we are trying to
10 solve with this bill.

11 SENATOR BORRELLO: Thank you.

12 Madam President, will the sponsor
13 continue to yield?

14 ACTING PRESIDENT MAYER: Do you
15 continue to yield?

16 SENATOR KRUEGER: Yes.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR BORRELLO: So are you going
20 to outlaw the possession of an ATV for someone in
21 the Borough of Manhattan or anywhere in New York
22 City? Does this bill outlaw possession of an ATV
23 or something -- or an off-road vehicle?

24 SENATOR KRUEGER: It prohibits the
25 sale, Madam President. I don't believe it

1 actually prohibits having it in your possession.

2 But you can't drive it in New York City.

3 So I guess you could have it in a
4 garage and maybe drive it in and out of the city
5 if you want to go upstate and use it. But you
6 wouldn't be able to buy it in the city and you
7 wouldn't be able to use it in the city.

8 SENATOR BORRELLO: Madam President,
9 will the sponsor continue to yield?

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR BORRELLO: So does this
16 bill increase any penalties for the illegal
17 operation of these vehicles in New York City?

18 SENATOR KRUEGER: No. There are
19 already penalties for illegal operation in the
20 City of New York. It creates a penalty for
21 people to sell them in the City of New York.

22 SENATOR BORRELLO: Madam President,
23 will the sponsor continue to yield?

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT MAYER: The
3 Senator yields.

4 SENATOR BORRELLO: So I realize
5 that there are probably a few retailers that are
6 selling them and this would disallow retailers
7 from selling them. But what about a private
8 transaction between two people? You know,
9 somebody finds something on Facebook Marketplace
10 or eBay, would that be outlawed with this bill?

11 SENATOR KRUEGER: It says the bill
12 provides that any corporation, partnership, firm,
13 sole proprietorship or other entity or person who
14 violates this section of law will be liable for a
15 civil penalty.

16 So I guess a person would be an
17 individual selling said item in the City of
18 New York, yes.

19 SENATOR BORRELLO: Madam President,
20 will the sponsor continue to yield?

21 ACTING PRESIDENT MAYER: Do you
22 continue to yield?

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR BORRELLO: So a private
2 transaction between two people, they could
3 potentially face this penalty even though it
4 wasn't a retail sale, is that correct?

5 SENATOR KRUEGER: I think that's a
6 fair analysis, yes.

7 SENATOR BORRELLO: Okay.

8 SENATOR KRUEGER: Yes,
9 Madam President.

10 SENATOR BORRELLO: All right.

11 Madam President, will the sponsor
12 continue to yield?

13 ACTING PRESIDENT MAYER: Do you
14 continue to yield?

15 SENATOR KRUEGER: Oh, of course,
16 I'm sorry.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR BORRELLO: So I was
20 recently in New York City, and I had someone on
21 an e-bike almost run me right over, and gave me
22 the F word on the way by.

23 So what about those e-bikes? That
24 seems to be a bigger problem than ATVs. Would
25 they be -- would those sales of e-bikes, which

1 also spontaneously burst into flames, would those
2 be restricted by this?

3 SENATOR KRUEGER: This bill does
4 not apply to e-bikes. But I have several others
5 that I could pull out to put on the agenda very
6 soon. And I believe Senator Hoylman-Sigal also
7 has, and there are several of us who have a
8 number of bills to try to limit the sale of the
9 kinds of e-bikes that actually are not being
10 handled correctly. And of course also the
11 lithium batteries that are blowing up and killing
12 people in my city.

13 SENATOR BORRELLO: Correct.

14 Madam President, on the bill.

15 ACTING PRESIDENT MAYER: Senator
16 Borrello on the bill.

17 SENATOR BORRELLO: Thank you,
18 Senator Krueger, for the questions, the debates.

19 So there is a movie from 1986 called
20 Maximum Overdrive. It's based on a Stephen King
21 novel. Anybody that's seen that movie will agree
22 with me when I say there's two hours of my life
23 that I'll never get back. But it serves as a
24 good example, because what the movie is about is
25 machines coming to life and killing people.

1 That's what the movie's about.

2 It's relevant to this bill because
3 this bill is basically saying we are going to
4 stop the sale of those machines because we
5 believe the machines themselves are evil. But
6 it's not the machines. It's the people operating
7 the machines.

8 This is the problem with my
9 colleagues on the other side of the aisle. We
10 are not holding criminals accountable for actions
11 like this. Instead, we're going to say, We're
12 not going to allow you to sell this. You can
13 still possess it, you can still drive it. And
14 you're still not going to have accountability for
15 the people that are creating these in some cases
16 deadly acts with ATVs off-roads, so on and
17 so forth.

18 This is the problem, folks. It's
19 not about the machine. It's about the people.
20 And until we actually want to enforce laws and
21 have real penalties for people that are operating
22 these things illegally, this isn't going to get
23 better. They'll find something else. They'll
24 find some way else.

25 We've got thousands of illegal pot

1 shops all over New York City too, but that's not
2 legal. What are we doing? We're padlocking
3 doors, we're assessing some fines, maybe we're
4 going to, you know, confiscate some. But it's
5 not solving the problem. Thousands of them still
6 operating in New York City. We have to hold
7 criminals accountable. That's the only way
8 you're going to fix this problem. Instead of
9 restricting the legal, law-abiding citizens from
10 actually owning it, selling it, trading it,
11 whatever they do -- which is what this bill does.

12 So even though I understand the
13 problem -- and I wish that it wasn't a problem --
14 this bill doesn't solve it. It only stops people
15 from legally engaging in a sale of an item that
16 they probably, you know, make a profit on. Which
17 is also something my colleagues tend not to like,
18 is people making a profit.

19 So with that being said, I'll be a
20 no on this bill. And I would encourage a real
21 bill that actually increases criminal penalties
22 for people that do these things.

23 Thank you, Madam President.

24 ACTING PRESIDENT MAYER: Thank you.

25 Are there any other Senators wishing

1 to be heard?

2 Senator Rolison, why do you rise?

3 SENATOR ROLISON: Through you,
4 Madam President, would the sponsor yield for a
5 couple of questions?

6 ACTING PRESIDENT MAYER: Senator
7 Krueger, do you yield?

8 SENATOR KRUEGER: Yes, absolutely.

9 ACTING PRESIDENT MAYER: The
10 Senator yields.

11 SENATOR ROLISON: Thanks, Senator.
12 It's just going to be one question. Through you,
13 Madam President.

14 So with the enforcement powers that
15 are granted, it says, to various agencies within
16 the confines of New York City, one being the
17 New York City Police Department that would be
18 tasked with investigating the sale and the point
19 of sale of these off-road and ATVs, if there
20 isn't a bill of sale that accompanies these
21 individuals, how would they be able to deem
22 legally where the point of sale came from and be
23 able to hold that person accountable?

24 SENATOR KRUEGER: Through you,
25 Madam President. My understanding is that under

1 the current system, they are definitely selling
2 them through stores with bills of sale. Hence,
3 you can show where the vehicle was purchased and
4 you can hold the entity selling with a bill of
5 sale, hold them responsible under this new law to
6 not sell in New York City.

7 I suppose under a private transfer,
8 as the previous questioner raised, Person A
9 decides to sell to Person B, there might not be a
10 bill of sale. And I would agree that would
11 probably be harder to track for holding someone
12 responsible and penalizing them.

13 But I actually think the vast, vast
14 majority of these are actually being sold at
15 stores that sell other kinds of vehicles.

16 Again, the point is it's illegal for
17 these to be driven in New York City on any of our
18 streets, roads or public spaces. Hence why we
19 don't want them sold in New York City by stores.

20 SENATOR ROLISON: Thank you,
21 Senator Krueger.

22 Madam President, on the bill.

23 ACTING PRESIDENT MAYER: Senator
24 Rolison on the bill.

25 SENATOR ROLISON: So as mayor of

1 the City of Poughkeepsie for seven years, we have
2 the same issue that New York City has, except
3 New York City's issues are in the thousands of
4 unregistered ATVs and off-road vehicles that are
5 taking over city streets and causing mayhem and
6 injuring people, as you said, Senator.

7 And what we did in the city is
8 enacted an ordinance that would give the police
9 department the ability to seize those off-road
10 vehicles in an encounter or a traffic stop or if
11 they were abandoned on a street, and they would
12 be impounded. And then the way it was structured
13 was that within, say, 30 or 60 days the legal
14 owner of that vehicle would be able to come to
15 the impound yard and get it back with a bill of
16 sale.

17 And I can tell you that maybe on one
18 occasion somebody had a bill of sale. And those
19 vehicles would sit there, and then there could be
20 a period of time that they could be sold and/or
21 destroyed. And I think New York City does
22 something very similar to that too.

23 But when I got involved in this
24 topic, and certainly looking at what other cities
25 did, we actually had a meeting, a virtual meeting

1 with the Governor's Traffic Safety Council,
2 looked at best practices that other cities within
3 the State of New York were doing to try to stop
4 this urban phenomenon. It's very difficult to do
5 that.

6 I would say -- and again, you know,
7 to my colleagues from New York City, you know
8 more about this than I do when it comes to where
9 they're being sold. But I would daresay that the
10 majority of these ATVs and off-road vehicles are
11 either being sold or passed around. That they're
12 probably not being purchased through the normal
13 way of a retail establishment. I don't know how
14 many of those actually exist in the five
15 boroughs.

16 And so to me -- to my colleague
17 Senator Borrello, I'm glad that you said this, is
18 that I actually have a bill that increases the
19 penalties for reckless driving with off-road
20 vehicles. And that's Senate Bill S7717A, which
21 would increase the penalties of those absolute
22 marauders who are putting the public safety at
23 risk of other riders, people driving in
24 motor vehicles, people walking on the street.
25 We've seen the tragedies that have happened

1 throughout the State of New York.

2 And I would just -- I would end with
3 this. Until we hold accountable these
4 knuckleheads that are on these bikes and ATVs all
5 over this state, it's an epidemic. And it is
6 maddening, the fact that we can't do something
7 about it because these individuals, even if you
8 take their machine, they're going to get on
9 another one. You have to increase the penalties
10 for reckless driving. It makes all the sense in
11 the world.

12 And for that reason,
13 Madam President, I'm going to vote no on this
14 bill.

15 ACTING PRESIDENT MAYER: Senator
16 Tedisco, why do you rise?

17 SENATOR TEDISCO: Would the sponsor
18 yield for a question or two?

19 ACTING PRESIDENT MAYER: Senator
20 Krueger, do you yield?

21 SENATOR KRUEGER: I do.

22 ACTING PRESIDENT MAYER: The
23 Senator yields.

24 SENATOR TEDISCO: Yes, in light of
25 Senator Rolison and what he was discussing about

1 the sale and where these vehicles come from --
2 because in my district they're a problem also.
3 Probably a problem in everybody's district. What
4 kind of research was done to find out how many
5 small businesses actually sell these two products
6 in the area you're talking about?

7 SENATOR KRUEGER: Through you,
8 Madam President, we looked up on the internet for
9 stores in the City of New York that were selling
10 these and advertising them, and we found that it
11 was quite ubiquitous, that you could find these
12 fairly easily.

13 Did I do an exhaustive search? No.
14 Although hearing from my colleagues that the same
15 problems are in other parts of the state, I am
16 certainly open to supporting my own bill and
17 getting us started in New York City, but
18 supporting my colleagues if they want to do
19 something parallel in their districts. Or even
20 as Senator Rhoads {sic} suggested, increase the
21 penalties for the people caught riding them.

22 And also, just an answer that yes,
23 the New York City Police Department does collect
24 these up, take them, impound them. And if people
25 can't come and prove that they are the rightful

1 owners and that they didn't drive them in our
2 city, they usually get destroyed. But they're
3 reproducing a lot faster than we can destroy
4 them.

5 So I think if my colleagues are
6 suggesting we should go further, I'm not opposed
7 at all.

8 SENATOR TEDISCO: Would the good
9 Senator yield for another question.

10 ACTING PRESIDENT MAYER: Senator
11 Krueger, do you yield?

12 SENATOR KRUEGER: I do.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR TEDISCO: So we don't know
16 the businesses exactly. We know there's
17 businesses that sell them. So apparently you
18 don't know, either -- or I'll ask you this. How
19 many have been sold, let's say over the last
20 year, by certified small businesses of these two
21 products? How many have been sold?

22 SENATOR KRUEGER: It's an excellent
23 question. They are supposed to be registered,
24 but it turns out that with these vehicles and
25 also disproportionately with mopeds, at least in

1 the City of New York, nobody is actually
2 registering them.

3 So you can't get a good count.
4 Although I think it would be hard for me to count
5 up how many stores are selling legal vehicles
6 also, because I just don't know that there's a
7 giant directory of every store selling every
8 item.

9 I don't know why that impacts the
10 value of this legislation, Madam President.

11 SENATOR TEDISCO: Will the Senator
12 yield for another question.

13 ACTING PRESIDENT MAYER: Do you
14 continue to yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR TEDISCO: So I imagine,
19 like the vehicle I buy, my car, I pay a sales tax
20 on my vehicle in New York State. I would imagine
21 that those legalized businesses that are
22 certified to sell these, right now have licenses,
23 have to receive a sales tax -- or charge a
24 sales tax along with the sale of these.

25 First of all, is there a sales tax

1 on these? When a certified small business sells
2 one of these and they pay, do they have to pay a
3 sales tax on these?

4 SENATOR KRUEGER: Currently I'm
5 sure there is if they're a legal business.
6 Because, again, they're not illegal to sell in
7 New York City. That's the change that I hope to
8 make.

9 And so yes, I hope that the stores
10 are in fact paying their sales tax to the State
11 of New York. But I don't believe when we collect
12 sales tax we ask them to name every item
13 specifically that they're selling, but rather the
14 value of what they are selling, and hence the tax
15 they owe us I believe on a quarterly basis.

16 SENATOR TEDISCO: Would the Senator
17 yield for another question.

18 ACTING PRESIDENT MAYER: Do you
19 yield for another question?

20 SENATOR KRUEGER: I do.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR TEDISCO: So Senator Lanza
24 was talking about you need a billion dollars in
25 the city, congestion pricing. The mayor says

1 we're going bankrupt, it has something to do with
2 asylum and illegal people being there. But you
3 want to shut down small businesses who sell these
4 products who charge sales tax we give to the city
5 to give them revenue.

6 Is there any other businesses you
7 want to shut down products from that will take
8 revenue so maybe it's \$2 billion they need to
9 earn to pay for some of the products and the
10 subways and the other things in New York City?

11 In other words, you don't know the
12 revenue that's being lost by your community
13 because you've taken away these products to be
14 sold in the area. Which really is not the
15 product itself getting up and getting in the way
16 of people, it's what Senator Rolison said -- he
17 made a great point -- it's the people who utilize
18 them improperly.

19 So apparently you -- I'll ask the
20 question. You really have no idea of how much
21 sales tax is being lost if this bill goes through
22 and they no longer sell them, or how many
23 businesses rely on these, are on the limits, very
24 close, they need these products to sell, or they
25 will not be in existence anymore and the jobs

1 won't be there. You don't know how much revenue
2 the city is going to lose, I believe. Or do you?

3 SENATOR KRUEGER: Well, I know that
4 it can't possibly be anywhere near the \$1 billion
5 number that was discussed.

6 I do think that people who are
7 selling illegal products in the City of New York
8 probably shouldn't be allowed to continue even if
9 they pay sales tax.

10 I distinctly remember Al Capone
11 finally got caught for his criminal activities
12 because he forgot to pay his taxes. I still
13 think we should have gone after Al Capone whether
14 or not he paid his taxes, and would have been
15 perfectly happy to give up that tax money to not
16 have him and his criminal endeavors continue.

17 So we are trying to protect the
18 people of the City of New York from these
19 dangerous vehicles on our streets. And yes, the
20 people who are violating the law who are
21 knowingly driving them, driving them in violation
22 of motor vehicle law, driving them without having
23 registered them, and possibly buying them from
24 people who are not good businesspeople paying
25 their sales tax -- I don't know. I certainly

1 don't know on this topic or any other topic
2 whether there is X percentage of people not
3 paying their sales tax. We certainly want them
4 all to pay it.

5 But no, I am not at all concerned
6 that this would do damage to legitimate
7 businesses.

8 I also know that the City of
9 New York is spending a significant amount of
10 money trying to chase these people down and take
11 the vehicles away, and that's a real cost to our
12 budget. I know that they are disproportionately
13 being used by the police -- excuse me. From the
14 police, I know that they are being
15 disproportionately used in robberies and as
16 escape vehicles from robberies. So I think it's
17 a plus to get them off the street.

18 And I believe that all in all, even
19 if there's some sales tax that would be lost
20 because you can't sell these, that all in all it
21 is a societal good and an economic good to get
22 these illegal vehicles off of our streets.

23 SENATOR TEDISCO: Thank you to the
24 Senator.

25 And thank you to Madam President for

1 allowing me to ask those questions.

2 ACTING PRESIDENT MAYER: Thank you.

3 Now, are there any other Senators
4 wishing to be heard?

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

7 Read the last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on the first of January.

10 ACTING PRESIDENT MAYER: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT MAYER: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar 305, those Senators voting in the
17 negative are Senators Ashby, Borrello,
18 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
19 Lanza, Mattera, Murray, Oberacker, O'Mara, Ortt,
20 Palumbo, Rhoads, Rolison, Scarcella-Spanton,
21 Stec, Tedisco and Weik.

22 Ayes, 42. Nays, 19.

23 ACTING PRESIDENT MAYER: The bill
24 is passed.

25 Senator Gianaris, that completes the

1 reading of the controversial calendar.

2 SENATOR GIANARIS: Thank you,
3 Madam President.

4 Please recognize Senator Ashby for a
5 quick introduction.

6 ACTING PRESIDENT MAYER: Senator
7 Ashby for an introduction.

8 SENATOR ASHBY: Thank you,
9 Madam President, for allowing me to introduce the
10 Catholic Central Girls Basketball Team from
11 Latham, New York, and congratulate them on their
12 recent Class A state championship.

13 It was a 64-62 victory over
14 Walter Panas after free throws from freshman
15 point guard El'Dior Dobere and a steal from
16 Gabrielle DiBacco.

17 The winning team includes players
18 Amia Rodriguez, El'Dior Dobere, Tanavia Turpin,
19 Meghan Paul, Kristen Foglia, Meaghan Finn,
20 Gabriella DiBacco, Akarri Gaddy, Ava Oeffler,
21 Brooklyn Moore, Kelise Campbell, Emma Sagendorf,
22 and Coach Audra DiBacco.

23 Please offer them all the privileges
24 and courtesies of the house.

25 ACTING PRESIDENT MAYER: Thank you,

1 Senator Ashby.

2 To our guests from Catholic Central,
3 the girls winning team, please rise and be
4 recognized. Let us give you the privileges and
5 courtesies of the house.

6 (Standing ovation.)

7 SENATOR ASHBY: Thank you for
8 sticking around.

9 (Laughter.)

10 ACTING PRESIDENT MAYER: Thank you,
11 girls, for sticking around and hearing the work
12 of the Senate.

13 Senator Gianaris.

14 SENATOR GIANARIS: Madam President,
15 if I can briefly return to motions and
16 resolutions, I neglected earlier to open up the
17 resolutions we took up today for cosponsorship.

18 ACTING PRESIDENT MAYER: The
19 resolutions are open for cosponsorship. Should
20 you choose not to be a cosponsor on the
21 resolutions, please notify the desk.

22 Senator Gianaris.

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

25 ACTING PRESIDENT MAYER: There is

1 no further business at the desk.

2 SENATOR GIANARIS: Move to adjourn
3 until tomorrow, Wednesday, March 27th, at
4 3:00 p.m.

5 ACTING PRESIDENT MAYER: On motion,
6 the Senate stands adjourned until Wednesday,
7 March 27th, at 3:00 p.m.

8 (Whereupon, at 5:10 p.m., the Senate
9 adjourned.)

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