

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 April 3, 2024

11 3:56 p.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR JEREMY A. COONEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT COONEY: The
Senate will come to order.

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

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

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

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

ACTING PRESIDENT COONEY: Reading
of the Journal.

THE SECRETARY: In Senate, Tuesday,
April 2, 2024, the Senate met pursuant to
adjournment. The Journal of Monday, April 1,
2024, was read and approved. On motion, the
Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Kennedy

1 moves to discharge, from the Committee on
2 Transportation, Assembly Bill Number 4066B and
3 substitute it for the identical Senate
4 Bill 5085C, Third Reading Calendar 459.

5 Senator Krueger moves to discharge,
6 from the Committee on Codes, Assembly Bill
7 Number 4714 and substitute it for the identical
8 Senate Bill 8744, Third Reading Calendar 736.

9 ACTING PRESIDENT COONEY: So
10 ordered.

11 Messages from the Governor.

12 Reports of standing committees.

13 Reports of select committees.

14 Communications and reports from
15 state officers.

16 Motions and resolutions.

17 Senator Gianaris.

18 SENATOR GIANARIS: Good afternoon,
19 Mr. President.

20 I move to adopt the
21 Resolution Calendar.

22 ACTING PRESIDENT COONEY: All those
23 in favor of adopting the Resolution Calendar
24 please signify by saying aye.

25 (Response of "Aye.")

1 ACTING PRESIDENT COONEY: Opposed,
2 nay.

3 (No response.)

4 ACTING PRESIDENT COONEY: The
5 Resolution Calendar is adopted.

6 Senator Gianaris.

7 SENATOR GIANARIS: Can we now take
8 up previously adopted Resolution 1974, by
9 Senator Borrello, read its title and recognize
10 Senator Borrello.

11 ACTING PRESIDENT COONEY: The
12 Secretary will read.

13 THE SECRETARY: Resolution 1974, by
14 Senator Borrello, mourning the untimely death and
15 paying tribute to the life and heroic service of
16 Sergeant Thomas A. Sanfratello, who died in the
17 line of duty on March 10, 2024.

18 SENATOR BORRELLO: Thank you,
19 Mr. President.

20 Yes, I stand to honor the life of
21 Sergeant Thomas Sanfratello, who died tragically
22 in the line of duty on March 10th of this year.
23 Sergeant Sanfratello was a decorated 32-year
24 veteran of the Genesee County Sheriff's Office in
25 my district. Beginning as a dispatcher in

1 February of 1992, he rose through the ranks,
2 becoming a deputy sheriff in 1996 and earning a
3 promotion to sergeant in 2007.

4 For more than three decades, he
5 dedicated himself to serving and protecting the
6 people of Genesee County. The excellence and
7 commitment he brought to his work was well known.
8 He was twice honored as deputy of the Year. He
9 was a devoted father to his three children --
10 Ian, Kyla, and Alexis -- and loved spending time
11 with his family.

12 He was also a town board member in
13 the Town of Alexander. So in his spare time he
14 still served the people of his town.

15 He was an avid sports fan. His
16 favorite teams were the New York Yankees and the
17 Buffalo Sabres.

18 In remembering Sergeant Sanfratello,
19 Sheriff William Sheron said, "Tommy never said
20 no. If you needed something, Tommy was there.
21 It didn't matter who you were or what time of the
22 day or night it was; if he could help you, he
23 would help you."

24 Sergeant Sanfratello's sacrifice
25 reminds us of the risk our law enforcement

1 officers take in order to keep us and our
2 communities safe.

3 Sergeant Sanfratello's life was
4 tragically cut short while he was on special
5 assignment at Batavia Downs. Two individuals in
6 the casino, a man and a woman, were creating a
7 disturbance and asked to leave. As Sergeant
8 Sanfratello tried to escort them out of the
9 facility, they became violent. The man, who had
10 a long criminal history, reportedly attacked
11 Sergeant Sanfratello, who then became
12 unresponsive and ultimately lost his life.

13 Just 54 years old, there is no
14 question that Sergeant Sanfratello was taken too
15 soon.

16 This tragic incident illustrates the
17 dangers that our law enforcement personnel face
18 so that we don't have to.

19 Just two weeks after Sergeant
20 Sanfratello, another brave law enforcement
21 officer lost his life in the line of duty. NYPD
22 Officer Jonathan Diller died in Queens on
23 March 25th, reportedly from a gunshot from a
24 career criminal he stopped for a traffic
25 violation.

1 And just a few days ago, an
2 investigator with the Chemung County Sheriff's
3 Office was gravely injured by two suspects he was
4 attempting to apprehend and remains hospitalized
5 in critical condition.

6 Assaults on our law enforcement
7 officers have increased dramatically. In
8 New York City alone, there has been a 20 percent
9 rise in assaults on cops. These are dangerous
10 days for New York State, and especially for our
11 law enforcement officials. Our members of law
12 enforcement and their families live with the
13 knowledge that when they say good-bye to head to
14 work, it may be the last time.

15 As we mourn the loss of
16 Sergeant Sanfratello and send our condolences to
17 his family, we can't help but profoundly be
18 grateful and in awe of his legacy and his
19 devotion and his courage.

20 May Sergeant Sanfratello rest in
21 peace, and may God bless and protect his brothers
22 and sisters in law enforcement.

23 Thank you, Mr. President.

24 ACTING PRESIDENT COONEY: Thank
25 you, Senator Borrello.

1 The resolution was adopted on
2 March 19th.

3 Senator Gianaris.

4 SENATOR GIANARIS: I think
5 Senator Borrello would like to open that
6 resolution for cosponsorship.

7 ACTING PRESIDENT COONEY: The
8 resolution is open for cosponsorship. Should you
9 choose not to be a cosponsor on the resolution,
10 please notify the desk.

11 Senator Gianaris.

12 SENATOR GIANARIS: Please take up
13 the calendar.

14 ACTING PRESIDENT COONEY: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 307, Senate Print 7342A, by Senator Parker, an
18 act to amend the Real Property Tax Law.

19 ACTING PRESIDENT COONEY: Read the
20 last section.

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

23 ACTING PRESIDENT COONEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT COONEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 307, those Senators voting in the
5 negative are Senators Borrello, Griffo, Helming,
6 Lanza, Mattera, Murray, Skoufis and Weik.

7 Ayes, 48. Nays, 8.

8 ACTING PRESIDENT COONEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 397, Senate Print 3249, by Senator Bailey, an act
12 to amend the Executive Law.

13 ACTING PRESIDENT COONEY: Read the
14 last section.

15 THE SECRETARY: Section 6. This
16 act shall take effect on the 30th day after it
17 shall have become a law.

18 ACTING PRESIDENT COONEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT COONEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 56.

24 ACTING PRESIDENT COONEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 459, Assembly Bill Number 4066B, by
3 Assemblymember Burgos, an act to amend the
4 Vehicle and Traffic Law.

5 SENATOR LANZA: Lay it aside.

6 ACTING PRESIDENT COONEY: Lay it
7 aside.

8 THE SECRETARY: Calendar Number
9 475, Senate Print 1737, by Senator Krueger, an
10 act to amend the Public Authorities Law.

11 ACTING PRESIDENT COONEY: Read the
12 last section.

13 THE SECRETARY: Section 5. This
14 act shall take effect on the 90th day after it
15 shall have become a law.

16 ACTING PRESIDENT COONEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT COONEY: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar 475, those Senators voting in the
23 negative are Senators Borrello,
24 Canzoneri-Fitzpatrick, Griffo, Martins, Murray,
25 O'Mara, Ortt, Rhoads and Weik.

1 Ayes, 48. Nays, 9.

2 ACTING PRESIDENT COONEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 497, Senate Print 6383, by Senator Parker, an act
6 to amend the Administrative Code of the City of
7 New York.

8 ACTING PRESIDENT COONEY: Read the
9 last section.

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

12 ACTING PRESIDENT COONEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT COONEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 58.

18 ACTING PRESIDENT COONEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 507, Senate Print 6335A, by Senator Mannion, an
22 act to amend the Civil Service Law.

23 ACTING PRESIDENT COONEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

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

3 ACTING PRESIDENT COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: Ayes, 58.

9 ACTING PRESIDENT COONEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 561, Senate Print 3472, by Senator Rivera, an act
13 to amend the Public Health Law.

14 ACTING PRESIDENT COONEY: Read the
15 last section.

16 THE SECRETARY: Section 5. This
17 act shall take effect on the 90th day after it
18 shall have become a law.

19 ACTING PRESIDENT COONEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT COONEY: Announce
23 the results.

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT COONEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 568, Senate Print 5357, by Senator Webb, an act
4 to amend the Alcoholic Beverage Control Law.

5 ACTING PRESIDENT COONEY: Read the
6 last section.

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

9 ACTING PRESIDENT COONEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT COONEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT COONEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 639, Senate Print 4886, by Senator Gianaris, an
19 act to amend the Environmental Conservation Law.

20 ACTING PRESIDENT COONEY: Read the
21 last section.

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

24 ACTING PRESIDENT COONEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT COONEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 639, those Senators voting in the
6 negative are Senators Ashby, Borrello, Gallivan,
7 Griffo, Helming, Oberacker, O'Mara, Ortt,
8 Palumbo, Rolison, Stec and Tedisco.

9 Ayes, 48. Nays, 12.

10 ACTING PRESIDENT COONEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 650, Senate Print 5302, by Senator Fernandez, an
14 act to amend the Penal Law.

15 ACTING PRESIDENT COONEY: Read the
16 last section.

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

19 ACTING PRESIDENT COONEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT COONEY: Announce
23 the results.

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT COONEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 662, Senate Print 4922, by Senator Sepúlveda, an
4 act to amend the Public Health Law.

5 SENATOR LANZA: Lay it aside.

6 ACTING PRESIDENT COONEY: Lay it
7 aside.

8 THE SECRETARY: Calendar Number
9 667, Senate Print 5396, by Senator Harckham, an
10 act to amend the Mental Hygiene Law.

11 ACTING PRESIDENT COONEY: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the 60th day after it
15 shall have become a law.

16 ACTING PRESIDENT COONEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT COONEY: Announce
20 the results.

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT COONEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 693, Senate Print Number 4674A, by

1 Senator Hoylman-Sigal, an act to amend the
2 Public Health Law.

3 ACTING PRESIDENT COONEY: 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 COONEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT COONEY: Senator
12 Hoylman-Sigal to explain his vote.

13 SENATOR HOYLMAN-SIGAL: Thank you,
14 Mr. President.

15 I rise just to thank my colleagues
16 for voting for this bill, which we passed last
17 year unanimously.

18 It would direct the Department of
19 Health to establish a statewide Parkinson's
20 disease registry, requiring hospitals, medical
21 facilities and physicians to report cases of
22 Parkinson's to the Department of Health, allow
23 patients to opt out of having their information
24 collected, but also enable researchers to build
25 on a lot of work that's already been done across

1 the country in addressing this very difficult
2 neurological condition that affects 1 million
3 Americans -- including, of course, the celebrated
4 actor Michael J. Fox, whose foundation has helped
5 us advance this legislation.

6 Tonight, as a matter of fact, the
7 Michael J. Fox Foundation is attending a lighting
8 of our State Capitol to advocate passage for this
9 bill and to commemorate Parkinson's Disease
10 Awareness Month. The color tonight will be
11 orange.

12 I vote aye. Thank you.

13 ACTING PRESIDENT COONEY: Senator
14 Hoylman-Sigal to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT COONEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 697, Senate Print 7093, by Senator Chu, an act to
21 amend the Education Law.

22 ACTING PRESIDENT COONEY: Read the
23 last section.

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

1 ACTING PRESIDENT COONEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT COONEY: Senator
5 May to explain her vote.

6 SENATOR MAY: Thank you,
7 Mr. President.

8 I rise to thank Senator Chu as our
9 Libraries chair, and my colleagues for supporting
10 this bill.

11 In my district there are some
12 beautiful libraries that have cafes and
13 enchanted children's reading rooms and maker
14 spaces with all kinds of resources, and beautiful
15 outdoor seating. Those tend to be in the same
16 districts where they can levy a property tax and
17 raise millions of dollars a year to support the
18 libraries.

19 But then there are the neighborhoods
20 where families really depend on the libraries
21 for -- it may be the only place where kids can
22 get reading materials or multimedia materials.
23 It may be the only place where seniors can get
24 tax help or where people can get internet
25 connectivity or where people experiencing

1 homelessnes can use a bathroom or find a warm
2 chair to sit in.

3 And these are the ones that really
4 need the resources for capital repairs and
5 improvements. And so I think this is a really
6 smart way to allocate our funds.

7 And I just want to congratulate
8 Senator Chu on this, and I vote aye.

9 Thank you.

10 ACTING PRESIDENT COONEY: Senator
11 May to be recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: Ayes, 61.

14 ACTING PRESIDENT COONEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 736, Assembly Bill Number 4714, by
18 Assemblymember Lavine, an act to repeal
19 Section 2255.17 of the Penal Law.

20 ACTING PRESIDENT COONEY: Read the
21 last section.

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

24 ACTING PRESIDENT COONEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT COONEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 736, those Senators voting in the
6 negative are Senators Addabbo, Gallivan, Martinez
7 and Tedisco.

8 Ayes, 57. Nays, 4.

9 ACTING PRESIDENT COONEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 741, Senate Print 4557, by Senator Skoufis, an
13 act in relation to permitting certain
14 municipalities to receive reimbursement from the
15 state.

16 ACTING PRESIDENT COONEY: Read the
17 last section.

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

20 ACTING PRESIDENT COONEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT COONEY: Announce
24 the results.

25 THE SECRETARY: In relation to

1 Calendar 741, voting in the negative:

2 Senator Brisport.

3 Ayes, 60. Nays, 1.

4 ACTING PRESIDENT COONEY: The bill
5 is passed.

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

8 SENATOR GIANARIS: Thank you,
9 Mr. President.

10 On to the controversial calendar,
11 please.

12 ACTING PRESIDENT COONEY: The
13 Secretary will ring the bell.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 459, Assembly Bill Number 4066B, by
17 Assemblymember Burgos, an act to amend the
18 Vehicle and Traffic Law.

19 ACTING PRESIDENT COONEY: Senator
20 Borrello, why do you rise?

21 SENATOR BORRELLO: Thank you,
22 Mr. President. Would the sponsor yield for a
23 question?

24 ACTING PRESIDENT COONEY: Will the
25 sponsor yield?

1 SENATOR KENNEDY: Certainly,
2 Mr. President.

3 ACTING PRESIDENT COONEY: The
4 sponsor yields.

5 SENATOR BORRELLO: All right, thank
6 you. Through you, Mr. President.

7 Senator Kennedy, I know this bill
8 is -- the intent of this bill is to bring more
9 money, potentially, to technicians. In fact, you
10 were quoted in a rally saying "When that money
11 flows, we want to make sure that it gets to the
12 working people that are on the job doing the work
13 every single day."

14 But after reviewing this bill, can
15 you please point out to me where it specifically
16 guarantees that the money that we pay to the
17 dealers will actually translate into more pay for
18 the technicians?

19 SENATOR KENNEDY: Thank you.

20 Through you, Mr. President. First
21 of all, let me speak to the bill and I'm happy to
22 answer my colleague's questions.

23 This bill levels the playing field
24 for workers across New York State and ensures
25 that we are paying our workers a proper wage for

1 hours worked rather than nickel-and-diming them.

2 This is about the auto technicians,
3 the workers that are doing the repairs and work
4 that our vehicles need, whether they're under
5 warranty or whether they're not under warranty.

6 However, unfortunately, the system
7 that's set up as it is today pays those workers
8 and compensates the dealerships that are
9 performing the work in a two-tiered system --
10 reimbursed at a level that is under warranty for
11 a particular amount of hours, and reimbursed
12 under nonwarranty under a different set of hours.

13 When one of us shows up to have our
14 car repaired, regardless of its condition, if
15 it's under warranty there is a certain set of
16 criteria that the dealer and ultimately the
17 technician follows and is reimbursed to that
18 level.

19 When we are paying out of our own
20 pocket, those numbers change when it is not under
21 warranty, and the service technicians are paid
22 based upon a set guideline that is put in place
23 for the various dealerships and the various
24 manufacturers, depending on the particular
25 manufacturer.

1 This legislation puts New York State
2 in line with 10 other states across the nation --
3 California, Wisconsin, Arkansas, Iowa,
4 Mississippi, South Carolina, Virginia, Tennessee,
5 Montana and Minnesota.

6 I'm proud of this legislation that
7 has very strong bipartisan support, and the
8 legislation makes sure that dealers are
9 compensated from the manufacturers based upon a
10 reasonable number that is in the guidelines. And
11 that, then, funding is determined to go to those
12 that are doing the work, those auto tech workers.

13 Now, there are those that are
14 covered through collective bargaining and there
15 are a certain set of guidelines there, and there
16 are those that are not under collective
17 bargaining. So both union and nonunion auto tech
18 workers would benefit from this.

19 The auto tech workers that are
20 unionized will collectively bargain. Those that
21 are not will allow the market to ultimately
22 provide for an increased compensation when
23 they're doing the work.

24 How do we know this? We know this
25 because this legislation has worked in other

1 states, as demonstrated by studies that have
2 shown a very strong positive economic impact
3 across the states that have done this and, most
4 importantly, to the workforce that's performing
5 the work.

6 SENATOR BORRELLO: Thank you.

7 Mr. President, will the sponsor
8 continue to yield?

9 ACTING PRESIDENT COONEY: Will the
10 sponsor yield?

11 SENATOR KENNEDY: I will.

12 ACTING PRESIDENT COONEY: The
13 sponsor yields.

14 SENATOR BORRELLO: Thank you for
15 that.

16 But again, I don't see anything in
17 the bill. Could you please point me to
18 specifically in the bill where it guarantees that
19 the extra money being paid to the dealers will
20 guarantee more money to the workers.

21 SENATOR KENNEDY: Will my colleague
22 answer a question, yield for a question?

23 SENATOR BORRELLO: I'm happy to,
24 yes.

25 SENATOR KENNEDY: Great.

1 ACTING PRESIDENT COONEY: You yield
2 (chuckling).

3 SENATOR KENNEDY: Senator Borrello,
4 if you were a auto tech worker and you were being
5 paid two-and-a-half hours for work and it took
6 you five hours to do the work, what would you
7 think about that?

8 SENATOR BORRELLO: Mr. President,
9 to answer the question.

10 So there's a shortage of
11 technicians. And if I was a technician -- and I
12 would think that that's a great skill for people
13 to have -- and I wasn't happy with how I was
14 being compensated, I would probably go down the
15 street and get a job at one of the many open
16 positions at another dealership.

17 SENATOR KENNEDY: Great. Would my
18 colleague continue to yield.

19 ACTING PRESIDENT COONEY: Will you
20 yield?

21 SENATOR BORRELLO: Sure.

22 ACTING PRESIDENT COONEY: Senator
23 Borrello yields.

24 SENATOR KENNEDY: So, Senator
25 Borrello -- through you, Mr. President -- if you

1 weren't getting compensated what you thought you
2 deserved, based upon the reimbursement from that
3 particular dealership, you would go find
4 employment somewhere else where you would get
5 compensated properly.

6 SENATOR BORRELLO: Yes. In fact,
7 you probably know I'm a business owner. And, you
8 know, we have to take good care of our employees.

9 And we have a good chef, a good line
10 cook -- you know, someone who works really hard
11 for you -- and they don't feel they're being
12 properly compensated, they come to you and they
13 say -- they lay out the case as to why they feel
14 they should be compensated better. And then the
15 decision as a business owner is, do I feel this
16 person is worth more money? And you make a
17 decision based on that.

18 So as a business owner, I can tell
19 you that the smart move is to take good care of
20 your good employees.

21 SENATOR KENNEDY: Through you,
22 Mr. President, will my colleague continue to
23 yield.

24 ACTING PRESIDENT COONEY: Senator
25 Borrello, will you would continue to yield?

1 SENATOR BORRELLO: Sure.

2 ACTING PRESIDENT COONEY: Senator
3 Borrello yields.

4 SENATOR KENNEDY: As a businessman,
5 if you were given a certain amount of money from
6 those you're doing business with, but it was
7 capped and you didn't have the resources to pay
8 your employees a higher rate of pay and they had
9 to leave to go find jobs elsewhere, and to fill
10 those -- to backfill the positions that were now
11 vacant, wouldn't you find it to be a problem?

12 SENATOR BORRELLO: You know,
13 honestly, the problem as a business owner in
14 New York State is pervasive everywhere, exactly
15 what you described. I have to pay a lot in
16 property taxes, employment taxes. I have to pay
17 six figures in insurance. I have an unemployment
18 bill now that is greater than it's ever been
19 thanks to the mismanagement of the COVID funds by
20 this body and by this Governor, so I now have to
21 pay more money than I ever have.

22 So no doubt about it, it's tough to
23 do business in New York State.

24 SENATOR KENNEDY: Thank you,
25 Mr. President. Through you.

1 My colleague answered the question
2 that was asked to me. In other words, the market
3 sets the rate. If an individual --

4 ACTING PRESIDENT COONEY: Senator
5 Kennedy, are you on the bill?

6 SENATOR KENNEDY: I'm answering the
7 question, but sure, on the bill.

8 ACTING PRESIDENT COONEY: Senator
9 Kennedy on the bill.

10 SENATOR KENNEDY: If the individual
11 auto tech worker is getting compensated -- let's
12 see here -- for, say, a water pump replacement
13 under warranty, 2.6 hours that it is determined a
14 manufacturer must pay a dealer for that work, but
15 that a retail customer would pay for 7 hours,
16 ultimately the customer's paying more than that
17 manufacturer. Manufacturers which, by the way --
18 record profits. Billions upon billions of
19 dollars in record profits over the last decade.

20 What we are saying with this bill is
21 that there shouldn't be a two-tiered system.
22 There shouldn't be a system under warranty versus
23 nonwarranty when the dealers and ultimately those
24 doing the work are being reimbursed for that
25 hourly wage to do the work.

1 And so ultimately, again, it's about
2 the auto repair techs, which across this nation
3 have seen a decrease in those that are actually
4 coming up in the ranks. There's, according to
5 the National Auto Dealers Association,
6 approximately 76,000 service techs that leave the
7 industry every year, with only 39,000 new service
8 workers graduating every year from tech colleges
9 and training programs.

10 So what we're seeing now is, upon
11 the horizon, a bottoming out of these auto techs,
12 in large part, it could be argued -- and in large
13 part the auto techs and those doing the work are
14 arguing -- they're not being compensated to the
15 level that they deserve, based upon the work that
16 they're providing.

17 What this bill does is it allows for
18 that to be rectified here in New York State like
19 they've done in 10 other states.

20 SENATOR BORRELLO: Mr. President,
21 will the sponsor yield?

22 ACTING PRESIDENT COONEY: Will the
23 sponsor yield?

24 SENATOR KENNEDY: Of course.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR BORRELLO: So I appreciate
3 the compliment that I answered your questions.
4 But I still haven't heard an answer to my
5 question.

6 Where in the bill does it guarantee
7 that this money that will be paid to the dealers
8 will translate into more money for techs?

9 SENATOR KENNEDY: Through you,
10 Mr. President, I've answered that question in
11 another way. The market will set the rate.

12 Those that are collectively
13 bargained will see that wage negotiated. Those
14 that aren't will allow the market to set the rate
15 or they will find a job elsewhere if they're not
16 being compensated to the level that they deserve
17 at the appropriate dealership. The market will
18 set the rate.

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

21 ACTING PRESIDENT COONEY: Will the
22 sponsor continue to yield?

23 SENATOR KENNEDY: Yes.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR BORRELLO: So I can assume
2 that when we're talking about the market, we're
3 not talking about this piece of legislation,
4 which does not actually guarantee that the
5 additional money being paid to dealers will
6 actually end up in the pockets of our
7 technicians.

8 So with that being said, originally
9 a previous version of this bill had something
10 that other states have done. It's actually
11 capped the amount. Right now auto manufacturers
12 have time guides. They make the cars, they study
13 very extensively how long the repairs take, and
14 then they set a time guide.

15 Other states have set a limit of
16 150 percent of that manufacturer time study.
17 Illinois is one of those examples. You had that
18 in the bill originally, but you removed that.
19 Which means that any time guide could be used.
20 If the George Borrello Time Guide came out, the
21 dealers could decide to use my time guide.

22 Why did you remove that 150 percent?

23 SENATOR KENNEDY: Through you,
24 Mr. President, if the George Borrello Time Guide
25 came out, we would be very afraid.

1 (Laughter.)

2 SENATOR KENNEDY: Mr. President,
3 the Legislature often does not get involved in
4 issues involving collective bargaining. Passing
5 this bill will allow the workers to ultimately
6 bargain for themselves for what's rightfully
7 theirs if the dealer does not pass those wages
8 down.

9 And again, the market setting the
10 rate will ultimately prove itself here, as it has
11 in other states. And let me tell you, I have
12 here from the State of Illinois Economic Policy
13 Institute, Labor and Employment Relations, a
14 study on the impacts of this precise legislation
15 that we're passing here today in New York.

16 And when their law went into effect
17 in 2022, this Economic Policy Institute released
18 this study on how it affected the state. And it
19 has been a very, very positive impact on the
20 State of Illinois.

21 What it says is that worker wages
22 were boosted between 3 and 7 percent, resulting
23 in \$143 million annually for skilled mechanics.
24 A reduction in employee turnover at auto dealers
25 in that state by nearly 10 percent -- in a time

1 of labor shortages. Increased hours worked by
2 auto dealers by 6 percent compared to other
3 private industry workers.

4 The state's economy grew by
5 \$302 million, a \$2-plus multiplier for every
6 dollar in wage gains. And it generated tens of
7 millions of dollars more in state tax revenues
8 and local tax revenues per year.

9 Not only that, we know that this
10 bill promotes safety and reliability by ensuring
11 that the workers performing the work are taking
12 the time necessary to do it in a fashion that is
13 deserved to the consumer.

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

16 ACTING PRESIDENT COONEY: Will the
17 sponsor yield?

18 SENATOR KENNEDY: Yes.

19 ACTING PRESIDENT COONEY: The
20 Senator yields.

21 SENATOR BORRELLO: You mentioned
22 the State of Illinois, which actually, as I just
23 mentioned, capped that time study at 150 percent.
24 So obviously they had some kind of guardrails
25 that we don't have here in this bill.

1 But regardless, right now the
2 estimates of what the annual cost will be -- on
3 the low end, about \$250 million. But according
4 to the UAW, \$900 million a year in additional
5 cost if this is passed.

6 So how do you think that might
7 impact the cost of buying a car in New York
8 State?

9 SENATOR KENNEDY: Thank you.

10 Through you, Mr. President. First
11 of all, let me state a few things. The
12 automakers that are a part and central to this
13 conversation posted record revenues over the last
14 10 years, including last year.

15 GM posted \$171.8 billion of revenue
16 and \$10.1 billion net revenue.

17 Ford posted \$176 billion in revenue
18 and \$4.3 billion in net revenue.

19 Stellantis posted \$203 billion of
20 net revenue with profits of \$26.1 billion.

21 Our workers deserve to get paid a
22 fair wage for the hours that they are working
23 when consumers bring their car in for repairs.

24 That also being said, when we talk
25 about guardrails, we were very meticulous in

1 including in this legislation the word
2 "reasonable" when we made the amendments to the
3 original legislation: "Reasonable compensation
4 shall be the reasonable labor time allowances
5 defined by the retail labor time guide reasonably
6 utilized by a franchise motor vehicle dealer for
7 nonwarranty customer-paid labor operations."

8 Those words, Mr. President, will
9 ensure that this legislation takes effect in a
10 way where both the consumer is protected, the
11 workers are getting paid fairly, and those that
12 are making record profits are paying their fair
13 share.

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

16 ACTING PRESIDENT COONEY: Will the
17 sponsor yield?

18 SENATOR KENNEDY: Yes.

19 ACTING PRESIDENT COONEY: The
20 sponsor yields.

21 SENATOR BORRELLO: At the very end
22 you said that this bill will guarantee consumer
23 protection. But I've seen nothing in this bill
24 that actually protects consumers. And in fact,
25 in speaking with manufacturers, this will be

1 passed on to consumers.

2 So what part of the bill is
3 protecting consumers?

4 SENATOR KENNEDY: Through you,
5 Mr. President. If the manufacturers that have
6 seen billions of dollars in record profits make a
7 decision to pass this cost on to consumers, I
8 believe that is absolutely wrongheaded and
9 un-American.

10 What should happen is that instead
11 of passing these costs on, the automakers ought
12 to pay their fair share to ensure that our
13 economy isn't struggling, that people can get to
14 work, that these repairs can get done in a timely
15 fashion so teachers can get to school and doctors
16 can get to hospitals and parents can get to work,
17 and we're not waiting weeks or even months for
18 car repair delays.

19 Again, Mr. President, this is
20 legislation that has proven to work in other
21 states. New York State is stepping up and doing
22 our part to make sure we're taking care of the
23 workforce performing the work admirably each and
24 every day.

25 SENATOR BORRELLO: Mr. President,

1 will the sponsor continue to yield?

2 ACTING PRESIDENT COONEY: Does the
3 sponsor yield?

4 SENATOR KENNEDY: Yes.

5 ACTING PRESIDENT COONEY: The
6 sponsor yields.

7 SENATOR BORRELLO: So what you're
8 saying is there's really nothing in this bill
9 that prohibits manufacturers from passing that
10 along to the consumers, and we have higher prices
11 and perhaps less incentives for dealerships and
12 perhaps higher cost of an extended warranty,
13 which has now become almost necessary to buy.

14 So there's nothing in this bill that
15 would stop manufacturers from passing those costs
16 along to the consumer.

17 SENATOR KENNEDY: Through you,
18 Mr. President. Once again, this bill is about
19 making sure workers are getting equal pay for an
20 equal amount of work. That auto manufacturers
21 ought to do the right thing and make sure that
22 their workforce is getting paid appropriately.

23 We know that this government of the
24 United States bailed out the auto manufacturers
25 when they needed it the most about 15 years ago,

1 16 years ago, and has since seen the fruits of
2 that bailout result in billions of dollars of
3 record profit.

4 We also know that these same said
5 auto manufacturers went through a very difficult
6 time in the last year to two years over labor
7 issues, ultimately a strike. But it resulted in
8 fair compensation for the workforce across this
9 great country.

10 What we are saying here and now in
11 the State of New York is those auto tech workers
12 that are doing the work each and every day ought
13 to also be paid a fair wage for the work that
14 they're doing.

15 SENATOR BORRELLO: Mr. President,
16 on the bill.

17 ACTING PRESIDENT COONEY: Senator
18 Borrello on the bill.

19 SENATOR BORRELLO: Thank you,
20 Senator Kennedy.

21 I too would like to ensure that
22 people are paid a fair wage for the time that
23 they put in.

24 Senator Kennedy brought up the
25 market, the market will determine. No, no, the

1 market will not determine. This bill will
2 determine what is paid.

3 There are time studies that are done
4 by the manufacturers. These time studies are
5 very exhaustive and a dealer, let's say it's a
6 Ford dealer, has technicians that are trained by
7 the manufacturer on how to do those repairs.
8 They pay based on that time study and the fact
9 that they have trained those technicians.

10 There are other time studies out
11 there that are really designed for those smaller
12 mom-and-pop mechanic shops where they're working
13 on all makes, all models, usually higher mileage,
14 out-of-warranty vehicles.

15 It's obvious, it's logical that they
16 would take more time to do a repair because they
17 don't work on that car all the time. They
18 haven't been trained by the manufacturer, in most
19 cases, on how to do that repair. Those are the
20 time studies out there that allocate more time.

21 But we do want to make sure, because
22 there is a shortage of technicians, that they are
23 being fairly compensated, those technicians are
24 being fairly compensated.

25 So what happens when we pass this

1 bill? Well, the cost of a warranty repair now,
2 on average, is going to go up in New York State
3 about \$1200 per car. That has to come from
4 somewhere.

5 I know Senator Kennedy thinks it
6 would be un-American that that to be passed along
7 to the consumers, but that's probably what's
8 going to happen.

9 Now, you might say, You know what,
10 okay, people are going to make decisions based on
11 that. Well, I happen to represent a district
12 that borders the State of Pennsylvania. Car
13 dealers in Pennsylvania have big billboards in my
14 county, in my district, saying "Come to
15 Pennsylvania, it's worth the trip." If this
16 passes, it will be even more worth the trip.

17 Because I've spoken with these car
18 manufacturers. They are going to have to pass
19 this along in higher extended warranty costs.
20 They're going to have to pass this along in less
21 incentives to dealers. So that extra
22 thousand dollars cash back that comes from the
23 manufacturer, not from the dealer, may not be
24 available in New York State.

25 People already cross the border a

1 lot into Pennsylvania to buy automobiles. This
2 may create a situation where that's going to be
3 an even bigger incentive to cross the border to
4 buy a car.

5 I know we want to protect our
6 workers, we want to pay them more. Let me be
7 very clear. There is nothing in this bill that
8 guarantees that the money that would be paid from
9 the manufacturers to the car dealers will
10 translate into more money for workers. It's not
11 in there.

12 Now, yes, if they're paid more
13 money, I would imagine that the -- particularly
14 those that are unionized, the organized labor
15 down -- mostly in the downstate area will
16 certainly go back and certainly ask for more
17 money. But I've negotiated contracts. As a
18 business owner, I've bought and sold businesses.
19 As a county executive, I negotiated labor
20 contracts, multi-million-dollar contracts.
21 Whenever you open up a negotiation, everything's
22 open for negotiation.

23 So maybe we pay a little bit more
24 money. But you know what, there's a shortage of
25 technicians, we can't give you as many vacation

1 days. Maybe we pay a little more money, but you
2 know what? We want you to go into a
3 high-deductible health insurance plan now. Maybe
4 we pay you a little bit more money, but you know
5 what, maybe we're not going to contribute as much
6 to your 401(k) or your pension.

7 It's a negotiation. You're asking
8 more money to be paid to the dealers, and they in
9 turn will renegotiate with their unions or with
10 their employees. And that is what negotiation
11 is. It's opening up opportunity.

12 I would hope that this would
13 translate into more money for the workers, the
14 techs. But the bottom line is if the market's
15 going to decide, the market is already deciding.
16 People -- there's a shortage of people with the
17 skills and the training and, quite frankly, the
18 desire to work as auto technicians. Okay? I
19 come from a family of skilled workers. My
20 father, my grandfather were plumbers. Try and
21 get a plumber today. It's a tough, tough thing.
22 Shortage of plumbers. Shortage of all skilled
23 workers. The market will determine.

24 This bill is not letting the market
25 determine. This bill is saying, Here are the

1 parameters by which New York now will become less
2 business-friendly, more expensive -- more
3 expensive to buy a car.

4 We talk about affordability. We in
5 this chamber -- not me -- we in this chamber want
6 to see everyone switch to electric cars, which
7 are far more expensive, far more expensive to
8 repair. So if we all switch to electric cars and
9 we have an additional cost burden on the
10 manufacturers, it's going to make it even less
11 affordable for people who have that basic need of
12 transportation.

13 So while I am hopeful that if this
14 bill passes that perhaps there may be some
15 guardrails put in place, like in the State of
16 Illinois, where they've limited that time study
17 to 150 percent of the manufacturers' time study.
18 But that's not in this bill either. There's a
19 lot of things that aren't in this bill that lead
20 to a lot of uncertainty.

21 As a business owner, I can tell you,
22 you can deal with a lot of things and you can
23 take a calculated risk, but uncertain risk is a
24 problem. So we are in fact sending a message, I
25 think, that we continue to be a place that's more

1 difficult to do business here in New York State.

2 So I'm hopeful that perhaps some
3 common sense could come into this, we find a way
4 to compromise. But until I see that, I'm going
5 to be a no on this bill.

6 Thank you, Mr. President.

7 ACTING PRESIDENT COONEY: Thank
8 you, Senator Borrello.

9 Senator Martins, why do you rise?

10 SENATOR MARTINS: On the bill.

11 ACTING PRESIDENT COONEY: Senator
12 Martins on the bill.

13 SENATOR MARTINS: Thank you.

14 Mr. President, I represent a
15 district that has many car dealerships in it, and
16 they provide many good-paying jobs. But the one
17 drawback is when we talk about market conditions
18 is that each one of those dealerships has a name
19 on the side of it. They're tied to a car
20 manufacturer. And so when that car manufacturer
21 tells them that they're going to pay them at a
22 certain rate for different types of work -- the
23 same work, whether it's warranty or out of
24 warranty -- there are concerns that I have with
25 regard to how that gets passed on.

1 Because they're not subject to
2 market conditions. They have a dealership that
3 represents a specific car manufacturer. And so I
4 have concerns about the disparity between the car
5 manufacturer being able to dictate to a
6 dealership different rates for the same amount of
7 work.

8 So under those circumstances,
9 Mr. President, I'll be voting aye.

10 ACTING PRESIDENT COONEY: Thank
11 you, Senator Martins.

12 Are there any other Senators wishing
13 to be heard?

14 Seeing and hearing none --
15 Senator Helming, why do you rise?

16 SENATOR HELMING: Thank you,
17 Mr. President. To explain my vote.

18 I support our automotive repair
19 technicians and our local car dealers, and that's
20 why I will be voting in the affirmative on this
21 bill.

22 However, it is my hope that the bill
23 sponsor will consider amending the bill language
24 to ensure that technicians are truly paid fairly
25 and that our local dealerships are appropriately

1 reimbursed by the manufacturers.

2 There was a lot of discussion during
3 the debate about fair compensation, fair pay for
4 people. But there is a reason why the bill
5 sponsor avoided pointing to the language in the
6 bill that ensures repair techs are fairly
7 compensated. And that is simply because that
8 language doesn't exist, something that I hope all
9 repair technicians will take note of.

10 Thank you, Mr. President.

11 ACTING PRESIDENT COONEY: Senator
12 Helming to be recorded in the negative {sic}.

13 Any other Senators wishing to be
14 heard?

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

17 Read the last section.

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

20 ACTING PRESIDENT COONEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT COONEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT COONEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 459, those Senators voting in the
5 negative are Senators Borrello and Breslin.

6 Ayes, 59. Nays, 2.

7 ACTING PRESIDENT COONEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 662, Senate Print 4922, by Senator Sepúlveda, an
11 act to amend the Public Health Law.

12 ACTING PRESIDENT COONEY: Senator
13 Lanza, why do you rise?

14 SENATOR LANZA: Mr. President, I
15 believe there's an amendment at the desk. I
16 waive the reading of that amendment and ask that
17 you recognize Senator Helming.

18 ACTING PRESIDENT COONEY: Thank
19 you, Senator Lanza.

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

23 SENATOR LANZA: Accordingly,
24 Mr. President, I appeal the ruling of the chair
25 and ask that you recognize Senator Helming to be

1 heard on that appeal.

2 ACTING PRESIDENT COONEY: The
3 appeal has been made and recognized, and
4 Senator Helming may be heard.

5 SENATOR HELMING: Thank you,
6 Mr. President.

7 I rise to appeal the ruling of the
8 chair. This amendment is clearly germane to the
9 bill before us, because both pertain to health
10 insurance coverage for the kids of our state.

11 During the COVID-19 pandemic,
12 New Yorkers receiving Medicaid were granted
13 continuous eligibility. This allowed Medicaid
14 recipients to continue to receive benefits
15 without confirming eligibility. This, in turn,
16 ensured that vulnerable individuals and families
17 remained covered during the pandemic.

18 However, in July of 2023 New York
19 began a process of Medicaid redetermination
20 following the federal guidance to renew benefits
21 and disenroll those ineligible for Medicaid. As
22 a result, more than 1.1 million New Yorkers, many
23 of them children, have been determined ineligible
24 for Medicaid and will be losing coverage.

25 My proposed amendment, the bill

1 that's before everyone in this chamber, would
2 ensure continuity of coverage for our state's
3 children by doing two simple things: First,
4 implementing a six-month grace period for
5 children determined ineligible for coverage.
6 Second, this amendment would fully delay
7 disenrollment for children until the end of the
8 July 2024 redetermination unwinding period.

9 These measures will give parents a
10 critical buffer and provide a time that they can
11 find new coverage. We must take the necessary
12 steps to ensure that children in our state do not
13 experience lapses in coverage and continue to
14 have access to the healthcare that they need.

15 For these reasons, Mr. President, I
16 strongly urge you to reconsider your ruling.

17 ACTING PRESIDENT COONEY: Thank
18 you, Senator Helming.

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

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

24 (Response of "Aye.")

25 SENATOR LANZA: Show of hands.

1 ACTING PRESIDENT COONEY: A show of
2 hands has been requested and so ordered.

3 Announce the results.

4 THE SECRETARY: Ayes, 20.

5 ACTING PRESIDENT COONEY: The
6 ruling of the chair stands, and the bill-in-chief
7 is before the house.

8 Read the last section.

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

11 ACTING PRESIDENT COONEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT COONEY: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 662, those Senators voting in the
18 negative are Senators Ashby, Borrello,
19 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
20 Lanza, Martins, Mattera, Murray, O'Mara, Ortt,
21 Palumbo, Rhoads, Rolison, Stec, Tedisco and Weik.

22 Ayes, 43. Nays, 18.

23 ACTING PRESIDENT COONEY: The bill
24 is passed.

25 Senator Gianaris, that completes the

1 reading of today's calendar.

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

4 ACTING PRESIDENT COONEY: There is
5 no further business at the desk.

6 SENATOR GIANARIS: Move to adjourn
7 until tomorrow, Thursday, April 4th, 11:00 a.m.

8 ACTING PRESIDENT COONEY: On
9 motion, the Senate stands adjourned until
10 Thursday, April 4th, at 11:00 a.m.

11 (Whereupon, at 4:44 p.m., the Senate
12 adjourned.)

13

14

15

16

17

18

19

20

21

22

23

24

25