NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 3, 2024

3:56 p.m.

REGULAR SESSION

SENATOR JEREMY A. COONEY, Acting President

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

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

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

ACTING PRESIDENT COONEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

I move to adopt the Resolution Calendar.

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

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

ACTING PRESIDENT COONEY: The Resolution Calendar is adopted.

Senator Gianaris.

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

ACTING PRESIDENT COONEY: The Secretary will read.

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

SENATOR BORRELLO: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Borrello.

The resolution was adopted on March 19th.

Senator Gianaris.

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

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

Senator Gianaris.

SENATOR GIANARIS: Please take up the calendar.

ACTING PRESIDENT COONEY: The Secretary will read.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

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

Ayes, 48. Nays, 8.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT COONEY: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: Lay it aside.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

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

Ayes, 48. Nays, 9.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 2. This

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill

is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

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

Ayes, 48. Nays, 12.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill

is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: Lay it aside.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT COONEY: The bill is passed.

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

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

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

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

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

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

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

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

I vote aye. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

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

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

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

homelessness can use a bathroom or find a warm chair to sit in.

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

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

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

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

Ayes, 57. Nays, 4.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to

Calendar 741, voting in the negative:
Senator Brisport.

Ayes, 60. Nays, 1.

ACTING PRESIDENT COONEY: The bill is passed.

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

SENATOR GIANARIS: Thank you, Mr. President.

On to the controversial calendar, please.

ACTING PRESIDENT COONEY: The Secretary will ring the bell.

The Secretary will read.

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KENNEDY: Certainly, Mr. President.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

SENATOR KENNEDY: Thank you.

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

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

hours worked rather than nickel-and-diming them.

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

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

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

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

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

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

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

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

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

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

SENATOR BORRELLO: Thank you.

Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KENNEDY: I will.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: Thank you for that.

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

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

SENATOR BORRELLO: I'm happy to, yes.

SENATOR KENNEDY: Great.

ACTING PRESIDENT COONEY: You yield (chuckling).

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

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

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

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

ACTING PRESIDENT COONEY: Will you yield?

SENATOR BORRELLO: Sure.

ACTING PRESIDENT COONEY: Senator Borrello yields.

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

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

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

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

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

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

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

SENATOR BORRELLO: Sure.

ACTING PRESIDENT COONEY: Senator Borrello yields.

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

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Senator Kennedy on the bill.

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KENNEDY: Of course.

ACTING PRESIDENT COONEY: The

sponsor yields.

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

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor continue to yield?

SENATOR KENNEDY: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

Why did you remove that 150 percent?

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

(Laughter.)

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

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

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KENNEDY: Yes.

ACTING PRESIDENT COONEY: The Senator yields.

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

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

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

SENATOR KENNEDY: Thank you.

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

GM posted $171.8 billion of revenue and $10.1 billion net revenue.

Ford posted $176 billion in revenue and $4.3 billion in net revenue.

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

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

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

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

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

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

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR KENNEDY: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

passed on to consumers.

So what part of the bill is protecting consumers?

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

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

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

SENATOR BORRELLO: Mr. President,

will the sponsor continue to yield?

ACTING PRESIDENT COONEY: Does the sponsor yield?

SENATOR KENNEDY: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

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

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

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

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

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

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

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

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT COONEY: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Senator Kennedy.

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

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

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

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

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

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

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

So what happens when we pass this

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

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

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

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

People already cross the border a

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

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

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

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

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

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

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

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

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

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

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

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

difficult to do business here in New York State.

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

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Borrello.

Senator Martins, why do you rise?

SENATOR MARTINS: On the bill.

ACTING PRESIDENT COONEY: Senator Martins on the bill.

SENATOR MARTINS: Thank you.

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

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

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

ACTING PRESIDENT COONEY: Thank you, Senator Martins.

Are there any other Senators wishing to be heard?

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

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

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

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

reimbursed by the manufacturers.

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

Thank you, Mr. President.

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

Any other Senators wishing to be heard?

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

Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

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

Ayes, 59. Nays, 2.

ACTING PRESIDENT COONEY: The bill is passed.

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

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

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

ACTING PRESIDENT COONEY: Thank you, Senator Lanza.

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

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

heard on that appeal.

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

SENATOR HELMING: Thank you, Mr. President.

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

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

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

My proposed amendment, the bill

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

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

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

ACTING PRESIDENT COONEY: Thank you, Senator Helming.

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

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

(Response of "Aye.")

SENATOR LANZA: Show of hands.

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

Announce the results.

THE SECRETARY: Ayes, 20.

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

Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

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

Ayes, 43. Nays, 18.

ACTING PRESIDENT COONEY: The bill is passed.

Senator Gianaris, that completes the

reading of today's calendar.

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

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

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

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

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