NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 15, 2024

3:34 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BAILEY: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 14, 2024, the Senate met pursuant to adjournment. The Journal of Monday, May 13, 2024, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Hinchey

moves to discharge, from the Committee on Agriculture, Assembly Bill Number 1234 and substitute it for the identical Senate Bill 1752, Third Reading Calendar 230.

Senator Breslin moves to discharge, from the Committee on Insurance, Assembly Bill Number 9407A and substitute it for the identical Senate Bill 9021A, Third Reading Calendar 801.

Senator Mayer moves to discharge, from the Committee on Education, Assembly Bill Number 9849 and substitute it for the identical Senate Bill 9054, Third Reading Calendar 828.

Senator Martins moves to discharge, from the Committee on Local Government, Assembly Bill Number 7041A and substitute it for the identical Senate Bill 6797A, Third Reading Calendar 892.

ACTING PRESIDENT BAILEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

I wish to call up the following bills which were recalled from the Assembly and are now at the desk: Senate Bills 1267 and 1610.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 92, Senate Print 1267, by Senator Breslin, an act to amend the Insurance Law and the Public Health Law.

Calendar Number 423, Senate Print 1610, by Senator Hoylman-Sigal, an act to amend the Real Property Law.

SENATOR GIANARIS: I move to reconsider the vote by which these bills were passed.

ACTING PRESIDENT BAILEY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT BAILEY: The bills are restored to their place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT BAILEY: The amendments are received.

SENATOR GIANARIS: I also offer amendments to the following Third Reading Calendar bills:

By Senator Hoylman-Sigal, page 45, Calendar 711, Senate Print 8484;

Senator Bailey, page 49, Calendar 789, Senate Print 8688;

Senator Stavisky, page 51, Calendar 877, Senate Print 2063;

Senator Hoylman-Sigal, page 59, Calendar 929, Senate Print 8724;

Senator Krueger, page 66, Calendar 1000, Senate Print 9067;

Senator Scarcella-Spanton, page 49, Calendar 787, Senate Print 7739;

And Senator Krueger, page 49, Calendar 781, Senate Print 8705.

ACTING PRESIDENT BAILEY: The amendments are received, and those bills will retain their place on the Third Reading Calendar.

Senator Gianaris.

SENATOR GIANARIS: On to resolutions.

Let's begin by taking up previously adopted Resolution 2122, by Senator Hinchey. Please read that resolution's title and recognize Senator Hinchey.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Resolution 2122, by Senator Hinchey, memorializing Governor Kathy Hochul to proclaim September 22-29, 2024, as Frontotemporal Degeneration Awareness Week in the State of New York.

ACTING PRESIDENT BAILEY: Senator Hinchey on the resolution.

SENATOR HINCHEY: Thank you, Mr. President.

Today I rise proudly as the sponsor of the resolution proclaiming the week of September 22-29, 2024, as Frontotemporal Degeneration, or FTD, Awareness Week in the State of New York.

FTD is an often misdiagnosed disease, one that causes extreme hardship, many challenges, and deep grief for families who are

impacted. I know that because it's the disease that my father passed from in 2017. And at that time very few people knew what FTD even was, they had never heard of FTD.

This is a disease -- it's a neurodegenerative brain disease, a type of dementia that often gets conflated with Alzheimer's or other types of dementias. However, we know that there are thousands of people impacted not just across our state but across the country and the world, many of whom don't even know that they may have FTD.

Partially because many of our medical professionals are not educated, they don't know that FTD is a disease they should even be looking for. It's one that impacts behavior and language. And so often if someone goes in to the doctor for a test, they may be tested by their memory. And when they beat the memory test, when they pass it with flying colors, they're told they don't have dementia, maybe they have a psychological disorder or a mental health issue or a behavioral issue -- when in fact it's FTD, frontotemporal degeneration.

I say this over and over again

because it's a disease that we need to normalize and we need to uplift so we can bring a broader collective consciousness to this disease so that more people, when they are suffering, can get an accurate diagnosis.

For many it takes four years before they actually know what they have. And that is an incredibly challenging situation for any family to be in, not only because there are many questions as to why a loved one may be behaving in the way that they are, but there's no ability for financial planning. There's no ability to find the resources that one needs.

And so this resolution proclaiming September 22-29th as FTD Awareness Week is a huge step forward in bringing awareness to folks across our state.

New York State was actually the first state in the country to have an awareness resolution for FTD. And because of our work in this chamber and many advocates, that is now starting to proliferate across the rest of the country.

That work is happening because of an incredible organization, the Association for

Frontotemporal Degeneration. We are here joined in this chamber today by many advocates and family members who are impacted, sadly, by FTD, but advocates who work for AFTD as well, including AFTD's CEO Susan Dickinson; Senior Director of Programs Sharon Denny; Director of Advocacy Meghan Buzby; and Advocacy Manager Matt Sharp, who have now dedicated their careers to really fighting against frontotemporal degeneration.

Many of you in this room may also have heard of this disease, it may sound familiar to you, because just a number of months ago Emma Heming Willis, Bruce Willis's wife, made the courageous step forward in coming forward and announcing that that is the disease that afflicted her husband.

Taking that step to announce your personal tragedy, your family's tragedy, is a really difficult one. It's one that you do not make lightly, and it's one that puts a spotlight on your family at one of the hardest moments of your life, when all you want to do is care for your loved one and give them the best treatment possible.

But it's because of Emma's bravery and her commitment to trying to find a cure so that no other family member has to go through what we went through, what many others have gone through and now, unfortunately, what they are going through -- it's her bravery and commitment that has shined a light on this disease, more than anyone could do except for someone in that position.

And I am so proud to be joined here today in this chamber by Emma Heming Willis, in just admiration for her courage and her advocacy. And I'm proud that today we are passing this resolution proclaiming FTD Awareness Week here in the State of New York.

Thank you very much, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Hinchey.

Senator Gianaris on the resolution.

SENATOR GIANARIS: Thank you, Mr. President.

I just wanted to add my voice and particularly to thank Senator Hinchey for using her personal experience with her father as an advocate for this important issue. I know it is

a very heartfelt issue that she's trying to get the rest of us to focus on, and I think we absolutely should.

I also want to thank the advocates who are up here today -- of course, Emma Heming Willis, who was making the rounds today pushing very hard for the legislation that Senator Hinchey has introduced around this issue, and of course Susan Dickinson and all the advocates and the families who have personal experience with FTD in their families.

It is not easy to share one's personal family experiences -- particularly those who are not in public life, as we are -- and to use that pain for a good outcome. And all of these families are doing that. So I just wanted to also add my support to what Senator Hinchey is doing here and encourage all my colleagues to learn about this issue and be as supportive as we can to those who are dealing with the consequences of it.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Gianaris.

To our guests, I welcome you on

behalf of the Senate. We extend to you all of the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: The resolution was previously adopted on April 9th.

Senator Gianaris.

SENATOR GIANARIS: Mr. President let's move on to previously adopted Resolution 2010, by Senator Stavisky, please read that resolution's title and recognize Senator Stavisky.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Resolution 2010, by Senator Stavisky, commending Dr. Hari Krishna Shukla upon the occasion of his designation as recipient of a Liberty Medal, the highest honor bestowed upon an individual by the New York State Senate.

ACTING PRESIDENT BAILEY: Senator Stavisky on the resolution.

SENATOR STAVISKY: Thank you, Mr. President.

And welcome to Dr. and Mrs. Shukla.

Dr. Shukla came to the United States initially on a Rotary International Scholar Program. And fortunately he stayed and went to medical school, residency. But during this early period in his life he developed an interest in pediatrics and became a -- not just a pediatrician, but taking care of newborn babies became his mission.

And over the years -- the World Health Organization has stated that one in 10 babies are born prematurely. And early on, every -- I think it was 40 seconds a baby died. And Dr. Shukla said that's not acceptable, we've got to figure out how we treat the premature babies. And he developed a mathematical formula to determine the best way to feed and to provide medication for these tiny, tiny babies.

And in fact last night I took -- I googled, just on a guess, "Shukla formula," and the formula came up. And it has saved thousands upon thousands of lives.

And Dr. Shukla not only worked as a doctor, but also as an active member of the community. He served on the Community Board 7 in Queens. I've known him and his wife and family

for many years. And in fact, we used to spend Christmas mornings together at Flushing Hospital distributing toys for children. And that I think demonstrates his commitment and his compassion and his rapport with children and adults as well.

So I'm delighted to welcome Dr. Shukla. And he is accompanied by his wife, Kirti Shukla, on the floor.

And in the gallery we have Dr. Dilip Nath, president and founder of the New American Voters Association, and his wife, Mrs. Dipa Nath.

So we welcome the Nath family, the Shukla family. And I am delighted -- if I can get the paperclip off -- to present Dr. Shukla with the Liberty Medal.

So again, before I present it to him, I ask that all of the courtesies be extended to the recipients.

ACTING PRESIDENT BAILEY: Thank you, Senator Stavisky.

Senator Liu on the resolution.

SENATOR LIU: Thank you, Mr. President.

I am very happy to join Senator Stavisky in honoring an individual from

our hometown of Flushing, somebody who came here with very little and, in his very long and illustrious career as a physician, pioneered something that, as Senator Stavisky said, saved thousands and thousands of newborns and brought joy to their families. And that is something that's to be celebrated.

And Toby already -- Senator Stavisky already said it all. Dr. Shukla is not only a renowned physician, but he is a member of the community. He for many years -- I don't know why he did this, but for many years he attended community board meetings until all hours of the night and then continued back to the hospital and his office, which is in downtown Flushing, to tend to the needs of his patients and their families.

And I also have spent not necessarily joyfully, but spent Christmas mornings with Dr. Shukla at the hospital delivering toys to babies. Because that's what Dr. Shukla is always about.

So Dr. Hari Krishna Shukla is a person that's fully deserving of the honor today, and even more so because Mrs. Kirti Shukla still

stands by him.

Thank you, Kirti. And thank you, Dr. Shukla.

ACTING PRESIDENT BAILEY: Thank you, Senator Liu.

Senator Comrie on the resolution.

SENATOR COMRIE: Thank you, Mr. President.

I rise today to congratulate Senator Stavisky on bringing forth this resolution and the Liberty Medal for Dr. Shukla.

I didn't know him directly other than his presence on the community board meetings. I didn't know about his great history with -- the ability to make sure that he came up with an invention that saved thousands of lives.

But I do know him from his presence on the community board and throughout the entire community, giving in service. And I also know the young man in the audience and his wonderful wife, Dilip Nath, who I've been working with since before I got elected to anything, who's been also a great community servant.

So I just wanted to rise and acknowledge -- thank you, Dr. Shukla, for your

efforts. Thank you, Senator Stavisky, for bringing this presentation forward. And good to see you in Albany, Dilip.

ACTING PRESIDENT BAILEY: Thank you, Senator Comrie.

Senator Persaud on the resolution.

SENATOR PERSAUD: Thank you, Mr. President.

I just wanted to thank Senator Stavisky for honoring Dr. Shukla this afternoon.

I met Dr. Shukla through NAVA many, many years ago, and he -- the things that he has done for the community, I think everybody should just look him up and see what he has done, because we want to commend you for everything that you have done and continue to do. And I thank you for your service to the community.

And to Dilip and Dipa, it's great to see you. Welcome to Albany. And Mrs. Shukla, great seeing you again.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Persaud.

To our guests, I welcome you on

behalf of the Senate. We extend to you all of the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: The resolution was previously adopted on March 26th.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, let's now move on to previously adopted Resolution 1640, by Senator Gallivan, read its title and recognize Senator Gallivan.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Resolution 1640, by Senator Gallivan, memorializing Governor Kathy Hochul to proclaim May 12-18, 2024, as Police Week in the State of New York.

ACTING PRESIDENT BAILEY: Senator Gallivan on the resolution.

SENATOR GALLIVAN: Thank you, Mr. President.

I'm proud to stand today in support of Police Week in New York State and across the country, and also to welcome representatives of the organizations that represent almost every

police officer in New York State.

This week is set aside nationally as a time to recognize those law enforcement officers who have lost their lives in the line of duty. It's a reminder of the dangers these dedicated public servants confront on a daily basis. Just last week many of us gathered at the Police Memorial in the Plaza as the names of 68 officers who gave their lives in service to their fellow New Yorkers were added to the black granite walls.

Across the country, an astonishing number of 556 police officers made the ultimate sacrifice last year. They did this while protecting their fellow citizens. It's more than double the lives lost the previous year.

As a nation, we should consider an attack on a police officer as an attack on all of us. It's an assault on the rule of law that makes a civilized society possible.

As someone who has served in the New York State Police and as sheriff of Erie County, I have great respect and admiration for police officers who work every day to keep our families and our communities safe. I also

have respect and gratitude for the 228 young men and women who just a few hours ago graduated from the New York State Police Academy and entered service as New York State Troopers.

We all know that a job in law enforcement is dangerous and difficult. We're fortunate that despite the risks and challenges, hundreds of thousands of dedicated officers are on the job every day across the country, across the state, across all of our communities, enforcing our laws and working to keep us and our families safe.

I thank those who serve, and I honor those who have fallen. And I ask all my colleagues to join me in calling on the Governor to proclaim this Police Week in the State of New York.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Gallivan.

Senator Mayer on the resolution.

SENATOR MAYER: Thank you, Mr. President.

And thank you, Senator Gallivan, for your leadership on this important issue.

And to our friends in the gallery who represent, as Senator Gallivan said, police departments from throughout the state, when you look back in 1962, when Congress passed the resolution authorizing the President to declare this week as Peace Officers Police Week, the language is so fitting for our time, even though so much time has passed.

And it says: "Whereas, the police officers of America have worked devotedly and selflessly on behalf of the people of this nation, regardless of the peril or hazard to themselves; and

"Whereas, these officers have safeguarded the lives and property of their fellow Americans; and" -- this is particularly noteworthy to me --

"Whereas, by the enforcement of our laws, these officers have given our country internal freedom from the fear of violence and civil disorder that is presently affecting other nations."

And it goes on to call on the President to declare this Police Week and honor those who died in the line of service.

In these intervening years, unfortunately, the fears of violence in other nations has come to take place in our own country. And we are incredibly dependent on these officers from police departments around the state to protect us here at home from violence -- from our neighbors, from those who are filled with hate, from those who don't abide by the rules of our country and the rules of law.

So I am honored to be part of this resolution to express our collective support and appreciation for these police departments, to recognize how difficult their jobs are, and particularly to acknowledge those who have passed in the line of duty.

I've been honored to stand at the Police Memorial each year when these individuals are named and their families remember them. We collectively remember them, we honor them, and I'm very, very appreciative of the ability to stand and support them today in a public and very open way. That we stand with them, we honor them, and we thank them for their service.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank

you, Senator Mayer.

Senator Comrie on the resolution.

SENATOR COMRIE: Thank you, Mr. President.

I rise to support this resolution from Senator Gallivan. I'm thankful that this is the first time I've had a chance to speak on this resolution.

But it's important that we do remember and respect our police officers that serve our state every day, that respond to emergency situations, that often have to go into places without knowledge or information about what's going on, have to figure it out and try to come back with a resolution.

It's one of the toughest jobs in the world. It needs to be respected and commemorated more effectively, especially in these times where so many people are confused about their roles, confused about what they should do, unfortunately being coerced into situations or responses that are not positive.

And the only people that can try to bridge that gap are police officers that are moving into a situation without full knowledge or

without full understanding of what they're walking into. But they're willing to take that walk that most of us would not be willing to do.

So I just wanted to take this opportunity to thank of the police officers that serve this state. We know that it's a difficult job. We know that they're under a lot of pressure. We know that sometimes they don't have the proper information in order to be able to do what they need to do, but they know that they need to try to ameliorate a situation or calm a situation or resolve a situation because they've desired to make sure that this state is a better state for all of us.

So thank you, Senator Gallivan, for bringing this resolution.

And I want to say thank you to all of the police officers in our state. And we have to encourage everyone to try to support the police whenever possible and try to make their jobs easier by being good citizens.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Comrie.

Senator Weber on the resolution.

SENATOR WEBER: Thank you, Mr. President.

I want to thank Senator Gallivan for bringing this very important resolution today.

You know, I grew up in the hamlet of Pearl River -- I think I've mentioned that before -- where most people are either related to a cop, are a cop or a fireman. So my story is no different. You know, I grew up as a son of a New York City police officer. My father served 20 years and retired in 1986 as a lieutenant, was president of the Rockland County Shields. My older brother, Carl, was 26 years as -- and retired as a lieutenant from PSA 8 in the Bronx, as a lieutenant. And my younger stepbrother is a sergeant now in the Bronx.

So, you know, we come from a long line of police officers. I respect and honor all the work that our officers do. The ones that are here today, welcome here today.

You know, and one of the reasons why I ran for office, as I think a lot of my colleagues on this side of the aisle ran, is because we saw the constant attack on the police officers. We saw the Defund the Police movement

and all these other silly slogans and outrageous comments made attacking our police officers.

So I ran for office to make sure that they had a voice in this body. I'm proud to be here and I'm proud to stand with the men and women in blue. I wore my blue suit and my blue shirt in honor of today.

Thank you for everyone being here, and thank you for all our police officers who protect us every day.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Weber.

Senator Rolison on the resolution.

SENATOR ROLISON: Thank you, Mr. President.

I want to thank Senator Gallivan for bringing forward this resolution.

And I also want to say to all my colleagues, I appreciate all of your comments in support of the men and women of law enforcement.

You know, I was thinking this morning when I went to meet with members of the State Police prior to the graduation, what it was like for me in 1979, when I graduated from the

Police Academy. Then thinking about my son Chris, who's currently on the job. And he graduated from the Police Academy in 2012.

There's an excitement to it. You are going into this profession because you want to serve others, and you do so with a desire to do good. And you do so not really worrying about your own well-being or safety, because you are there to stand between the good and the bad.

And people call you for a reason. You go to serve others, and you go as someone who doesn't know necessarily the background of that individual, whether they're a Republican, Democrat, whether they vote or not. You go to help because that's what you're trained to do.

And as I was looking at the members of the State Police today -- a proud organization that serves the state so honorably. And then leaving, I was greeted by a gal that I have known for many, many years whose son was graduating today from the State Police. And they live in my district, but yet I didn't know that he actually was in the Academy and was graduating. Known this man, this now-Trooper, since he was a little boy.

And how proud she was of her son, Tyler. And as they were all standing there -- family members, neighbors, relatives standing in line to get into the Egg to see this great wonderful occasion for the new members of the New York State Police -- it's joyous, but it's also cautionary, because these family members know that they are giving their loved one to the people.

And these individuals who protect us throughout this entire state and throughout this nation, they do so knowing that it's a dangerous job. But they do it anyway because that's what they want to do.

And as Senator Weber said, who comes from a long line of family members in the police service, that's what we're supposed to do as well, to support them and to make sure that they have the tools to do the job.

But most importantly -- and I'll end with this, Mr. President -- is that police officers need to protect one another first so they can protect the community. And on this particular week, as we attend so many police memorial services -- I'll be going to one

tomorrow in the Town of Poughkeepsie where I worked for 26 years -- I will remember that simple part of the job: Making sure that they have the tools to do the job and they can protect one another so they can protect us. And we will do our job here in Albany to make sure we support them.

Mr. President, I proudly vote aye.

ACTING PRESIDENT BAILEY: Thank you, Senator Rolison.

Senator May on the resolution.

SENATOR MAY: Thank you, Mr. President.

The greater Syracuse community is still raw and grieving over two uniformed officers who lost their lives in the line of duty just a couple of weeks ago.

And I had the honor to attend the funeral of Deputy Hoosock, which was held at the State Fairgrounds because it was the only place big enough to accommodate the crowd that wanted to attend. There were thousands upon thousands of uniformed officers who came from local police forces, State Police, sheriff's offices, from all over the state and outside the state.

And it was really a remarkable occasion. And for me, it gave me such a deep sense of the fellowship and solidarity and the mutual support that uniformed officers give each other no matter where they serve. And the widow of the slain officer talked about the incredible outpouring of support she had received.

So, you know, it's -- there's a lot of love that is in that fellowship. And I just wanted to say how powerful it was, how much it taught me about what it means, I think, to people to be in that fellowship. And I was grateful for the opportunity to just be able to attend that.

And I want to thank the sponsor of this resolution for bringing it forward.

And I vote aye.

ACTING PRESIDENT BAILEY: Thank you, Senator May.

Senator Weik on the resolution.

SENATOR WEIK: Thank you, Mr. President.

I want to thank Senator Gallivan for bringing this to the floor today.

Police Week has always meant so much to me. I always associate it -- it happens to

fall in the same week as my husband's birthday, and so I always associate the two. Very fitting, because he is a police officer. And I've been married to law enforcement for 30 years now. I don't just assimilate with it, it is me. It is everything -- it's the reason I ran for the Senate.

And so I hold this week very near and dear to my heart. It has great meaning. And I support all of our law enforcement. I thank you all for being here with us today.

As I was at the Trooper graduation today, lots of fond memories from when my son graduated a short time ago. But to see that I had about 20 constituents graduating from the class today made me so proud.

This is just a very special week. And it's a week that we should all take time to not only support our law enforcement but to make sure that we take the time to remember all of the officers who lost their life doing what they believed in. This year I lost Officer Diller from NYPD in my district, a true tragedy and something that, when I went to the funeral, my heart just broke seeing this young family having

to move on without him.

This is the story of all of the families who are suffering the loss of their officer, their police officer this week. I hope that everyone takes a moment to remember not just the families but the officers who put their lives on the line to defend and to protect us no matter what.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Weik.

Senator Harckham on the resolution.

SENATOR HARCKHAM: Thank you very much, Mr. President.

I want to thank Senator Gallivan for bringing this resolution.

I want to thank Senator Gallivan and Senator Rolison for your service in law enforcement. Thank you both.

An important resolution, important week that we are mindful of the service and the sacrifice of law enforcement, as many have mentioned, to keep us safe. And not only just to deal with crime, but to deal with members of the community at our weakest moment, at our lowest

moment, and the compassion that they display time and time again.

And I would be remiss if I didn't bring up that Putnam County that I represent is reeling. We've lost three police officers from Putnam County in the last couple of weeks -- two by natural cause in the Brewster Police Department, one by accident in Carmel, but was a Westchester County officer.

And to what members were saying about family, that the police service is a family, and the family grieves together. And we need to remember the families, because there are so many holidays where the officer is not home with the family, there are birthdays missed, there are late nights that people are called out. There are special family events that are missed for public service, to keep us safe, and those families sacrifice.

So I just want to be mindful of that. I'll speak to the past officers at a future meeting when those memorial resolutions are ready. But we just want to say we don't forget those officers. We don't forget their families.

And I thank Senator Gallivan again.

Proud to vote aye.

ACTING PRESIDENT BAILEY: Thank you, Senator Harckham.

Senator Mattera on the resolution.

SENATOR MATTERA: Thank you, Mr. President.

You know, I want to thank Senator Gallivan for this resolution to bring forward this National Police Week. It's just so, so important that we are there for all of our law enforcement. I am wearing -- I know everybody's saying they're wearing blue. I'm wearing my gray today for all the cadets that graduated here today.

And one of the cadets that -- was one of my interns that was here, A.J. Tarquinio. He was here interning, and he's from Smithtown. And he has that good part about him; I'm looking at this gentleman saying, Wow, he's always happy. You know, came from a great town, St. James, like a little Mayberry. And I'm looking at him today, and how proud I was of his uniform. And all those 228 cadets that are graduating today, and six of them are from my district. And I'm just

like, please, protect yourself. Please be safe.

What's been happening over the years is that we took the tools away from -- a lot of the tools away from our law enforcement. And we need to make sure we give those tools back to them so they can do their job.

Right now we have the City of New York that we even tell our children, try not to go into there right now because our law enforcement can't do their job. They're all having a hard time to do their job because of the laws that were put forward.

And thank God for our police officers that are there to serve and protect, that are there for us. Because guess what? If something happens, what do we do? We call 911, and they are there to respond, to protect us.

But again, we took those tools away from our law enforcement, and we need to give that back to them.

But I'm so proud to be here for National Police Week. And all of us were outside at the Memorial. We were there listening to those names. And just listen to the one name Officer Diller, that I actually was -- I attended

that wake. It was very, very difficult for all of us to go to a wake like that, to sit there and say, Wow, this could have been prevented, could have been prevented in a lot of ways. We all know that. I don't need to get into the details here on this floor.

But guess what? Everybody in this room needs to do their job so we can protect our law enforcement so they can do their job and give them back their tools.

So I thank you so much again, Senator Gallivan, for this resolution.

Mr. President, I vote aye.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Mattera.

Senator Persaud to close.

SENATOR PERSAUD: Thank you, Mr. President.

I would like to first thank Senator Gallivan for bringing this resolution here today.

I want to thank our police officers, and not to -- to show our appreciation for them and to remind them that despite what we may hear,

there are many of us in New York City who are supportive of our police officers, many of us who are fighting to ensure that they have the tools necessary to do their jobs on a daily basis.

Many of us who are part of the police family, and many of us who will stand up for them no matter what.

I am a sister of a law enforcement officer in another state. I always remind my brother that he has it easy in the state that he's in. He should come and try being a police officer in the City of New York, and he will know what real policing is. That's a brother-sister joke. So -- and he tells me, like, Really? I'm like, Yes. You don't know what a police officer's role is until you've tried being a police officer in New York City.

People talk about -- you know, tend to put negative things about police officers. I want to encourage people also -- in New York City there's a class called the Citizens Police Academy. Anyone who wants to know what a true police officer goes through and understand the training, just go and do that, participate in that 15-week classroom training, and you will

understand what a police officer goes through. So that when you're making comments about a police officer, you have some facts to back it up.

I just also want to say last Monday a former intern of mine graduated from the NYPD Academy. And he was very proud of it. He grew up in the Canarsie area, and all he wanted to do was join NYPD. And he did that, and graduated last Monday. So to Officer Girard, I wish you the very best.

And finally, I want to say thank you to the number of precincts that are part of my district, and I'm going to name them: NYPD 63rd Precinct; 67th Precinct; 69th Precinct; 73rd Precinct; 75th Precinct; PSA 1; PSA 2; and Transit 33. Thank you for your service.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT BAILEY: Thank you, Senator Persaud.

To our guests, we thank you for your bravery and for your service, and we welcome you on behalf of the Senate. We extend to you all of the privileges and the courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: The resolution was previously adopted on January 23rd.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, the sponsors of all the resolutions we took up today would like to open them for cosponsorship.

ACTING PRESIDENT BAILEY: These resolutions are open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: Please recognize Senator May for an introduction.

ACTING PRESIDENT BAILEY: Senator May for the purposes of an introduction.

SENATOR MAY: Thank you, Mr. President.

We are joined today by 43 members of the Association of Clerks and County Legislative Boards of New York State today. And I want to welcome them; in particular Aaron Martin, the clerk of the Broome County Legislature and

president of the association, and Jamie McNamara, clerk of the Onondaga County Legislature and past president of the association.

These clerks assist county legislative bodies in carrying out all of their duties. They provide services that span across every county department and incorporate a wide array of skills, including planning, programming, communication, delegation, coordination, scheduling, research and public outreach.

We in the State Legislature know how lost we would be without the Secretary of the Senate and Senate services staff who make it possible for us to do our jobs.

These dedicated public servants provide similarly crucial support to county legislatures.

Mr. President, I ask that you welcome these dedicated public servants to Albany. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator May.

To our guests, we welcome you on behalf of the Senate, and we extend to you all of the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: Mr. President, we're just going to pause for a moment while we wait for some members to enter the chamber for the next order of business.

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: As brief a pause as it was.

There is a report of the Finance Committee at the desk.

Please take that up.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senator Krueger, from the Committee on Finance, reports the following nominations:

As commissioner of the Office of Children and Family Services, DaMia Harris-Madden;

As commissioner of the Office of Temporary and Disability Assistance, Barbara C.

Guinn.

SENATOR GIANARIS: Move to accept the report of the Finance Committee, and then please recognize Senator Krueger.

ACTING PRESIDENT BAILEY: All those in favor of accepting the report of the Finance Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The report of the Finance Committee is accepted.

Senator Krueger on the nominations.

SENATOR KRUEGER: Thank you very much.

So we have two nominees today that the Governor has sent us, one to be the commissioner of the Office of Children and Family Services, Dr. DaMia Harris-Madden, and the other the commissioner of the Office of Temporary and Disability Assistance, Barbara Guinn.

They both moved through three committees -- or I guess two committees each, although we did it all jointly -- so the Children

and Families Committee, the Social Services Committee, and the Finance Committee. And I'm confident in saying about both of them that they gained the respect of all the members of all the committees in how they answered the questions.

Without going into detail about each of them and their resumes, I will tell you these are two of the toughest jobs in government. You're dealing with children and families where they are suffering from poverty, they may be facing eviction and homelessness, they may not have access to healthcare and childcare. There may be cases of abuse and neglect overlapping with mental health issues in a family, or substance abuse issues in that family. Children who have to be taken from their families and then ending up in foster care, which has its own series of problems.

And I just want to say how much I respect people who want to do this work day in, day out. Because it is very often thankless. And very often people are angry. They're angry at all of these things happening in our society, and sometimes people think maybe it's the fault of our government agencies because we failed.

And I admit, having done a lot of work in these fields for my life before I became a Senator, you often do feel like you're failing. And you're trying hard. But if good people don't want to work for the State of New York, if good people aren't willing to want to do this work every day and in fact set off every morning to say we're going to do the best we possibly can for the children and families of the State of New York, then that's when we are really in trouble.

So the fact that we have two excellent nominees being confirmed hopefully this afternoon gives me hope. And that's what I try to approach my job with every day, that we will fix the mistakes, that we will do our best, and we will continue to fight the fights even when sometimes at the end of the day we're not feeling so great about what happened that day.

So thank you both very much for your commitment and work.

And I hope my colleagues will join me in supporting their nominations this afternoon.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Krueger.

Senate Majority Leader Stewart-Cousins on the nominations.

SENATOR STEWART-COUSINS: Thank you so much, Mr. President.

And I rise to congratulate both of our great nominees and soon-to-be commissioners, and thank you both for being advocates and people who are absolutely dedicated to the betterment of not only all New Yorkers, but those that you will be specifically charged to take care of.

But I also wanted to take this moment as a Westchester resident, as somebody who knows Dr. DaMia Harris-Madden personally and has known her for years, to say how pleased I am that you have not only been tapped for this position, but you accepted this position.

You will hear from all of us in Westchester, so I will not hog the mike, how excited we are, how we hope that the big shoes that you leave to be filled in Westchester will be filled by someone who models what you brought since you became the head of the Westchester County Youth Bureau in 2018.

From everything I've heard, not only did you chart a path that could be followed, but you mentored your staff so that when this day came, they would be well prepared. And how did you do that? You did it by keeping focused on the youth of our county all over the county, you met them where they were. And the focus was to make sure that they would be residents of a county that nurtured them, that they knew they were respected and nurtured, and that they would be able to lead and be role models.

You started a Children's Congress. And from what I understand, all the resources that were going into Invest in Kids, which is a huge program, everyone felt that not only did you create a structure for Invest in Kids, so that the money got to the right places for the right reasons, but you built an infrastructure so that, again, every single organization, every single community-based organization knew what they were supposed to do and how they were supposed to do it, so that we truly, truly invested in kids.

When I saw you -- I guess it was probably about a year ago at yet another event that you put together, I think it was helping

familiarize our kids with the various sciences that would be available for them, and you were talking about your own daughter and what she was going to do -- and congratulations on her acceptance to Spelman -- but you were really worried about what you were going to do.

And I said to you then, I said, you are an extraordinarily talented person and you've never had to worry about what you were going to do because you always did what you were given to do so very, very well.

And I am happy to say I never anticipated that the Governor would wisely find you for this position, but I am happy that what I told you that day is true and will continue to be true because you, Dr. Harris-Madden, are an exceptional person, an exceptional leader, and we are very, very, very lucky to have you.

I know, again, everybody is going to say something, but I believe that New York and New York's Children and Family Services will be a a better, better state-run organization and a better model of how we do this for the rest of the country with your leadership.

So congratulations.

ACTING PRESIDENT COONEY: Thank you, Majority Leader.

Senator Bailey on the nominations.

SENATOR BAILEY: Thank you, Mr. President.

As with everything, it's very difficult to follow our incredible Majority Leader. But I want to thank the Governor for these incredible nominees, soon-to-be Commissioner Guinn and soon-to-be Commissioner Dr. Harris-Madden. And I'm going to echo our leader's sentiments: Mount Vernon's loss was Westchester's gain, and Westchester's loss is the state's gain.

You can read her resume and you can look at the programmatic activity and you can see that in every single facet of somebody that you would want to be the commissioner of OCFS, Dr. Harris-Madden is qualified. But what you don't see, what doesn't leap off the page are the hours poured into the children and families that she's surrounded by. See, it's not just a job, it's not just a vocation, it's a calling for her.

And I think that the best people for these positions are people that could be doing a

thousand other things, making a lot more money -- sorry -- and quite frankly maybe having it a little easier. But when you're called to do something, you answer the bell.

And when I was able to work with you for the first couple of years in the City of Mount Vernon, I was amazed -- lights on in the Youth Bureau, reducing violence, reducing gun violence, creating relationships between communities, police and young people. Figuring out how to actually communicate with young people. Isn't that a novel concept? Talking to them instead of at them. That is something that our soon-to-be-commissioner knows how to do. She speaks the language of our youth.

This is not going to be a commissioner that's going to speak from on high. She's going to visit, like she's done in Mount Vernon, the least of those, as they say. She's going to visit the greatest of those, as they say. And she's going to figure out the best path to chart forward for this great state.

Mount Vernon to the Westchester -- to the city -- to the entire County of Westchester tells you a lot about different

groups of folks. She can relate to anybody, anywhere, at any time. And so I'm excited to have this level of leadership entering our state, as a parent, as someone who takes children and family very seriously, someone who takes fatherhood very seriously. Dr. Harris-Madden was instrumental in making sure that fatherhood initiatives were not forgotten in Mount Vernon and in Westchester County.

As someone who is an avid sports fan and believes that youth sports are the key to galvanizing the success, she was likely -- I think she was the first in Westchester County to make sure that the proper RFP was put out for the youth sports grants.

This is someone who understands our kids and our families, and New York State will be better with her as commissioner.

Congratulations.

ACTING PRESIDENT COONEY: Thank you, Senator Bailey.

Senator Persaud on the nominations.

SENATOR PERSAUD: Thank you, Mr. President.

To Dr. Harris-Madden,

congratulations. I look forward to working with you in your new role when confirmed.

But today I rise in support the nomination of Barbara Guinn as commissioner of the Office of Temporary and Disability Assistance, otherwise known as OTDA, or O-ta-da, whichever one you want to say.

Her resume demonstrates the reason why she was selected by the Governor to be the commissioner. She is committed to ensuring that those most in need across New York State are given what is needed. During the pandemic, the most difficult time in the State of New York, the most difficult time for any social service agency, Ms. Guinn stepped up and did what was necessary.

She ensured that the funds that were coming into New York were going in the right direction. She ensured that there were funds there that people were remaining housed. She ensured that there were funds there and getting to folks that ensured that they were being fed. She ensured everything that was needed in the social services arena was being done. And she is committed to continuing that.

My team and I have worked with her. You know, we've had the difficult conversations that we have to have. Many times there is this misconception that social services is about giving away things. But social services is about giving people a hand up, and she understands that.

And she has been willing to work with us when asked the tough questions: How will you do this? How will you give the people who are most in need across the State of New York a hand up so that they are no longer reliant on government?

She understands what is needed. She understands why we need to be working with those families so that people are not looking down on them. Again, too often when someone is receiving social services, they are looked down on. We're accused of giving away -- she understands that, and she understands, again, what we must do.

We look forward to working with her. I know my colleagues and I on the Social Services Committee, we interviewed her, we spoke with her, we asked the tough questions. In the committees' meeting yesterday, the questions were asked of

her again. And we understood that she was not just giving us the answer that we wanted to hear; she was giving us the answer that she knows we will hold her to.

She understands it's a tough job. And based on her track record, I am confident that she will do the best for the people across the State of New York who are in need of social services.

Mr. President, again, I am pleased to vote for Ms. Guinn as the commissioner of OTDA. Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator Persaud.

Senator Mayer on the nominations.

SENATOR MAYER: Thank you, Mr. President.

And I'm very pleased to stand before you in support of both of these nominations, and thank the Governor for sending us such stellar people to lead these incredibly important agencies.

But I have to add my voice as a Westchester resident for my friend Dr. Harris-Madden to be the commissioner of OCFS.

The secret is that the state has stolen a star of Westchester. Dr. Harris-Madden is uniformly respected and also sort of loved because her work comes from the heart. It is not about a job. It is not about a paycheck. It is about a passion for the youth and the young people of our community, and it shone through every community that Westchester has, from Mount Vernon and Yonkers and New Rochelle to Pound Ridge and the northern parts of our community, all of which are very different.

She has led with the kind of passion and determination to change the lives of the young people and to listen to them. And I've seen it time and time again.

One thing that I'm so appreciative of, for the first time in 30 years she created three new youth bureaus in the cities of our county that desperately needed them, including mine in Port Chester, one in Yonkers. This sort of was given up on over the years, and yet it's a meaningful thing for these young people to have the opportunity to get together and get a job and get mentorship and get some money over the summer.

This is the kind of creative, thoughtful, energetic leadership that we so need in this state from our agencies. And I just -- in my heart of hearts I know, as the leader said, I always knew that you were a superstar who would succeed. I'm so thrilled to see you in this position. I look forward to working with you.

You will have strong proponents here of things that they want for their communities, and you will deal with them responsibly and thoughtfully. And I have so much faith in your leadership.

So I proudly vote aye on both nominations.

ACTING PRESIDENT BAILEY: Senator Brisport on the nominations.

SENATOR BRISPORT: Thank you, Mr. President.

As the chair of the Committee on Children and Families, I rise to celebrate the nomination of Dr. Harris-Madden to commissioner of OCFS -- a person who has decades of experience serving children and families.

You know, not all of us in this body were lucky enough to work with Dr. Harris-Madden

in Yonkers or Mount Vernon or Westchester, but we are lucky now.

And we have someone here who has done incredible work on the Childcare Availability Task Force reports. We have an ally in reaching universal childcare. We have an individual and an incoming commissioner who understands the Frederick Douglass quote "It is easier to build strong children than to repair broken men."

We have an incoming commissioner who understands that strong families are the bedrock of our present society, and strong children are the bedrock of our future.

I have full confidence in Dr. Harris-Madden, and I look forward to confirming her nomination.

Thank you.

ACTING PRESIDENT BAILEY: The question is on the resolution.

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The nominees are confirmed.

Please rise and be recognized.

(Lengthy standing ovation.)

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: Congratulations to the -- not nominees, but the commissioners now.

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

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 230, Assembly Bill Number 1234, by Assemblymember Lupardo, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

THE SECRETARY: In relation to Calendar 230, those Senators voting in the negative are Senators Canzoneri-Fitzpatrick and Rhoads.

Ayes, 58. Nays, 2.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 299, Senate Print 8372, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 299, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming,

Martinez, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Weber and Weik.

Ayes, 41. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 361, Senate Print 8373A, by Senator Rivera, an act to amend the General Business Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation Calendar 361, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Oberacker, Stec and Weber.

Ayes, 52. Nays, 8.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 421, Senate Print 150, by Senator Gianaris, an act to amend the Public Officers Law.

SENATOR GIANARIS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 443, Senate Print 8344, by Senator Ramos, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 443, voting in the negative are Senators Borrello and O'Mara.

Ayes, 58. Nays, 2.

ACTING PRESIDENT BAILEY: The bill

is passed.

THE SECRETARY: Calendar Number 477, Senate Print 2237B, by Senator Rivera, an act to amend the Social Services Law.

ACTING PRESIDENT BAILEY: Read the last section.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: The bill will be laid aside.

THE SECRETARY: Calendar Number 495, Senate Print 4967, by Senator Jackson, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 495, those Senators voting in the negative are Senators Ashby, Borrello,

Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Weber and Weik.

Ayes, 39. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 589, Senate Print 8136A, by Senator Sanders, an act in relation to establishing the New York State Cryptocurrency and Blockchain Study Task Force.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

687, Senate Print 8627, by Senator Mannion, an act to amend the Mental Hygiene Law and the State Finance Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 753, Senate Print 881, by Senator Liu, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 783, Senate Print 7532, by Senator Sanders, an act to amend the Banking Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 783, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Weber and Weik.

Ayes, 40. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 801, Assembly Bill Number 9407A, by Assemblymember Weprin, an act to amend the Insurance Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 808, Senate Print 8903, by Senator Martinez, an act to amend the Real Property Tax Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 828, Assembly Bill Number 9849, by Assemblymember Benedetto, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President.

I vote aye on this really important

bill. And this bill that we're taking up today is the culmination of many months of good faith engagement by every key education stakeholder in the state.

I'm proud to say it reflects an agreement about our teachers and school communities about how to move forward with teacher and principal evaluations in a way that prioritizes growth and our students' well-being and success.

I want to thank the many stakeholders who negotiated with one another in good faith to reach a consensus on what has been a very contentious issue for many years: Commissioner Betty Rosa and her team in the State Education Department; NYSUT, the teacher's union; the school administrators; the school superintendents; the Conference of the Big Five; the PTA; the school boards; and the school business officials.

Over the next eight years this legislation will require every district to collectively bargain a new framework for teacher and principal evaluations. Districts will be able to design an evaluation process that makes

sense for the needs of their students and their individual communities. The evaluations must be holistic, including observations, and prioritize helping teachers and administrators grow in their roles. Teachers who receive lower ratings will also receive a personalized professional development plan to help them improve.

And finally, evaluations will be decoupled from decisions about tenure. While districts may consider evaluations in deciding which teachers to permanently appoint, teachers will no longer have to achieve a specific rating during their probationary period, giving districts greater flexibility and letting parents know that teaching to the test will not be the determination of their teacher's future.

Under this legislation, parents will have a right to know their child's teacher and building principal's most recent composite evaluation score, providing transparency and accountability.

This bill represents a thoughtful approach to evaluating our teachers and principals and to giving our parents the authority they need. I am proud to vote aye and

thank them all for reaching a consensus in an extremely difficult issue.

Thank you, Mr. President.

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

Senator Martinez to explain her vote.

SENATOR MARTINEZ: Good afternoon.

Thank you, Mr. President.

And thank you to Senator Mayer for bringing this bill forward.

As a former educator and school administrator and one who observed teachers on a regular basis, this is so needed. This bill, which proposes an amendment to the Education Law, establishes a new framework of reviews for not only our teachers but our principals, and addresses the deficiencies of a process that fell short of its intended purposes.

For teachers, much of their evaluations has been influenced by circumstances well beyond the control that they have within their classrooms, sometimes clouded by the disposition of a child that extends far beyond a classroom as well, whether there's something

going on personally in that child's life at home. But teachers should not be held accountable for something they cannot control, and to tie a test to a teacher's performance is just not fair.

I was a teacher as well, and I know that when those students were in my classroom sometimes they did not have breakfast that day. How do we expect a child to do well on a test when they can't even have breakfast that day?

So this is a much-needed change to the educational law, and I am proud to vote aye.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 892, Assembly Bill Number 7041A, by Assemblymember Sillitti, an act in relation to authorizing the Saddle Rock Minyan to file an application for retroactive real property tax exemption.

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 892, voting in the negative:

Senator O'Mara.

Ayes, 59. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 968, Senate Print 4876A, by Senator Stec, an act to amend the Public Authorities Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 976, Senate Print 1818A, by Senator Stavisky, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 977, Senate Print 2049, by Senator Felder, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect on the first of April.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 982, Senate Print 5914B, by Senator Chu, an act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 988, Senate Print 62, by Senator Harckham, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 990, Senate Print 985, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 477, Senate Print 2237B, by Senator Rivera, an act to amend the Social Services Law.

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

SENATOR MURRAY: Thank you, Mr. President. Will the sponsor yield for a few questions?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: I do indeed.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR MURRAY: Thank you.

Now, this bill proposes to authorize the Commissioner of Health to modify the 1332 State Innovation Program to authorize coverage of undocumented immigrants under the age of 65. Do you have an estimate of how many individuals would be covered under this proposal?

I know the sponsor's memo estimated about 400,000, but that number wasn't updated from last year. Do you have a more recent number, or an idea?

(Pause.)

SENATOR RIVERA: Through you, Mr. President. It is -- an undocumented population is hard to count in exact numbers, obviously, but we have pretty -- the numbers that you have are about what we're talking about. Between 370 and 400 grand is what we think.

SENATOR MURRAY: Would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The

sponsor yields.

SENATOR MURRAY: Thank you.

And Senator, last year we had basically the same discussion, and you indicated that this would not cost the state anything. Is that correct? How would it be paid for?

SENATOR RIVERA: Through you, Mr. President. To clarify, to actually take a couple of steps back, what this bill would do is it would expand the 1332 waiver language that currently exists. It would say that the state should seek from the federal government money that then we would use to expand the Essential Plan to undocumented folks.

And it is important to linger on this, Mr. President, because currently -- just so that we understand each other, in 2023 the most recent numbers tell us that individuals who were undocumented but because, as I've said on this floor many times, they're still people, so they will get sick and they will wind up, if they have no insurance or no other way to get medical coverage, they will wind up in emergency rooms. And they do wind up in emergency rooms.

So although not every single person

that is -- that does not have insurance and winds up in an emergency room is an undocumented person, a whole bunch of them are.

And just last year, in 2023, the numbers say that in state share alone, if we're going to talk just about that, we're talking about $428 million of state expenditure.

So if we are to use federal money to extend the Essential Plan, therefore providing basic health coverage to undocumented folks -- the same individuals who would potentially maybe wind up in an emergency room -- we would save ourselves all of those dollars. So we're looking at a savings, potentially, of up to $428 million.

SENATOR MURRAY: Would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Indeed.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MURRAY: And, Senator, this proposal, if I remember correctly, was in the Senate one-house budget proposal with a price tag of about 175 million. Was that about right?

SENATOR RIVERA: Through you, Mr. President. It was included in the one-house, but I believe that the savings that we were looking at in the one-house proposal was about $428 million.

SENATOR MURRAY: Would the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MURRAY: But to clarify, in the one-house budget, there was 175 million allocated in the one-house budget.

(Pause.)

SENATOR RIVERA: That is correct, Mr. President. Through you, Mr. President, that is correct because that refers to an implementation date.

So we calculated -- even though the overall cost, including federal share, would be about 800 million total annually, based on the date that it would potentially be implemented, we had proposed 175 million to be appropriated in

that -- in the proposals that we put into the one-house.

SENATOR MURRAY: Thank you, Senator Rivera.

Mr. President, on the bill, please.

ACTING PRESIDENT BAILEY: Senator Murray on the bill.

SENATOR MURRAY: Thank you.

So as we -- I said earlier we had this discussion last year, kind of back and forth. I understand where you're coming from. But I want to point out a couple of things here.

First, that Washington State -- and I brought this up last year as well -- Washington State had secured a 1332 waiver permitting undocumented immigrants to get the healthcare coverage. However, federal law says they couldn't use federal money to do it. So it ended up that they ended up spending about 55 million of state tax dollars on that proposal.

I just want to remind everyone of one very, very important aspect here. You know, we're throwing around numbers saying it's not going to cost us, it's going to save us, it's going to do this, it's going to do that.

First and foremost, we have to remember this. Whether we're talking about federal tax dollars through the 1332 waiver program or whether we're talking about state tax dollars, at the end of the day it is the taxpayers' money we are spending here.

Now, this problem we're trying to address is mostly a federal immigration problem that needs to be fixed. With that said, though, we continually hit the taxpayers over and over again, as I said, whether it be federal -- on the federal side or in this case it will be on the state side as well.

And for that reason, I will be voting no. Thank you.

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

SENATOR RHOADS: Thank you, Mr. President. Will the sponsor yield to a few questions.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Do it.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

Senator, do you have an estimate of what the cost would be to the state without federal financial participation? In other words, we're extending this first and then hoping to be reimbursed by the state -- by the federal government.

SENATOR RIVERA: Through you, Mr. President. I have to remind my colleagues, they seem to forget, we are already spending this money. The $800 million that we're speaking about, we're already spending it.

Unless the suggestion of any of my colleagues -- and I don't think that it is. But if the suggestion of any of my colleagues is that if an undocumented person comes into an emergency room and has no health coverage then they should be left on the street to die, then we're going to spend this money.

So this is what I want to make sure that everybody that has voted no on this bill before, and will probably do so again today -- remember, we are already spending this money. We're already spending the state share. So as

opposed to that, we would ask the federal government to give us -- yes, it is taxpayer dollars at the federal level, but it is then to extend the Essential Plan, which would at least allow these individuals to not just rely on emergency care, but potentially, Mr. President, even perhaps get primary care so that they don't have to go to the emergency room because they have this pain in their stomach for the last couple of months.

So ultimately what we're saying is that we're already spending this money, over $800 million. And instead of doing that and then putting it into our budget, we would say to the feds -- which they already said they would do it if we asked for it -- give us this money so we can extend the Essential Plan to these folks and provide them essential care.

SENATOR RHOADS: Will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Through you, Mr. President. That wasn't my question, unless the suggestion is that the $800 million that we're currently spending would be entirely on undocumented immigrants.

SENATOR RIVERA: Through you, Mr. President. So the answer is no, the Emergency Medicaid money that we spend on a yearly basis is not totally for undocumented folks. But a very big chunk of it is.

SENATOR RHOADS: Through you, Mr. President, will the sponsor yield to another question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: So what is the actual anticipated cost through this program if the federal government does not grant the waiver?

SENATOR RIVERA: Through you, Mr. President. What we are spending now, which would be to the tune of 428 million state dollars. Which is what we spent in 2023.

SENATOR RHOADS: Thank you. Will the sponsor continue to yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: Now, federal administrations change. You've indicated that you have gotten, I guess, preauthorization for a waiver. Because to my knowledge we haven't applied for the waiver as of yet, nor has the waiver been granted to the state. Right?

Is there any concern that if there is a change in administration, this agreement that we seem to have with the federal government might somehow change?

SENATOR RIVERA: Through you, Mr. President. To be clear, we do not have an agreement.

However, last year when we were having the conversation about this issue during the budget, we sent -- the Legislature -- I sent a letter to -- well, the administration, the Governor's office sent a letter to the federal

administration, as did I. And there was a response that came both to them and to the letter that I sent, stating very clearly that should -- that this is an authority that they would grant if we asked for it.

And by the way, I should -- I should say something to correct something that one of my colleagues said earlier. Washington did get this waiver. And Washington's waiver allowed the state to expand eligibility for qualified health plans, including dental coverage, to all state residents regardless of immigration status, and over 100,000 individuals within the state are currently excluded from coverage because of their immigration status, so that accounts for about 23 percent of the state's uninsured population. So that program is estimated to generate over $11 million in savings to Washington State.

So unlike what my colleague said earlier, they did get this waiver and they will have the savings.

So again, in this case -- through you, Mr. President -- this is -- the savings that would come to us would be because we wouldn't be spending state dollars for it, we'd be getting

federal money for it.

SENATOR RHOADS: I think I followed that. Will the sponsor yield to another question, Mr. President.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yeah.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: However, the money that Washington State received -- the authorization that Washington State received specifically excluded the undocumented population. So Washington State, as I understand it, received no dollars for the same undocumented population that we're seeking to cover here, approximately 400,000 individuals. Is that not correct?

SENATOR RIVERA: Through you, Mr. President, that is not correct. They were granted pass-through authority.

And by the way, just to be clear, obviously the number that you're referring to as far as between 370,000 and 400,000 individuals, that would be the population that we -- that

refers to New York State. I'm pretty sure that the Washington State population of undocumented folks is way, way below that.

SENATOR RHOADS: I'm sure it is.

Will the sponsor yield to an additional question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR RHOADS: But I am correct in that we're estimating that it's between 370,000 and 400,000 people. We actually have no idea how many undocumented immigrants are actually here.

SENATOR RIVERA: Through you, Mr. President. We do have an idea.

It is true that we do not have a count of every single person -- much like, I should add, Mr. President, we do not have absolute certainty of every single citizen that lives in the United States of America. Because even people who are citizens or who have legal status and are not undocumented don't all get

counted during the Census. So it's not a -- we don't literally go into each house and county every single -- we try to do that, but we don't actually get everybody.

So yes, these are estimates, these are educated estimates from folks who are far smarter than me.

SENATOR RHOADS: Thank you, Senator.

On the bill.

ACTING PRESIDENT BAILEY: Senator Rhoads on the bill.

SENATOR RHOADS: Thank you, Mr. President. I appreciate it.

There are -- we're not the only state that has attempted to take this step. We've spoken about Washington. Washington State actually secured a 1332 waiver permitting undocumented immigrants to enroll directly through the ACA Marketplace, but the waiver does not and cannot under federal law allow undocumented residents to receive federal Marketplace subsidies.

As a result, the State of Washington is providing up to $250 per month in premium

assistance for those with incomes up to 250 percent of the federal poverty level.

You look at Colorado Connect, the state-run marketplace, another state that attempted to do this, separate from the state's ACA marketplace. In 2023, federal funding only permitted 10,000 undocumented to enroll in a plan. In 2024, subsidized enrollment reached the 11,000-person cap in just the first two days of enrollment. Those that enrolled after that date still receive coverage but had to pay full price for a plan.

We're talking about attempting to insure upwards of 370,000 to 400,000 individuals.

Illinois extended state-funded coverage to low-income individuals age 65 and over regardless of their immigration status through its Health Benefits for Immigrant Seniors program in December of 2020. Coverage was extended to low-income immigrants age 42 to 64 regardless of immigration status through their HBIA program in 2022. But as of March 2024, this year, Illinois has paused enrollment for both the HBIS and HBIA programs due to funding constraints because the federal government did not follow

through with the dollars.

And so the concern here is that we are making the same mistake that a number of these states have already made, which is that we're relying on promises -- and in this case I'm not sure that we even have a promise; we have correspondence that's gone back-and-forth without a formal application ever having been made or a formal response ever having been received -- we are taking this leap of faith to provide coverage to 400,000 undocumented immigrants without any realistic hope that we will receive full funding from the federal government.

At some point in time we have to be respectful of taxpayer dollars. At some point in time we have to realize that we have a million New Yorkers who are paying taxes every single day who do not have health coverage while they will be paying to provide health coverage to 400,000 illegal immigrants who do not have status in this country.

That is why, Mr. President, I will again -- as I did last year, but this time with further evidence of the fallacy of this program -- I will be voting in the negative.

Thank you.

ACTING PRESIDENT BAILEY: Are there any other Senators wishing to be heard?

Senator Rivera. On the bill, or to explain your vote, Senator Rivera?

SENATOR RIVERA: I think I need more than two minutes.

ACTING PRESIDENT BAILEY: Senator Rivera on the bill.

SENATOR RIVERA: Yeah. Okay. So I want -- there's a couple of things I want to make sure that I clarify.

So first of all, let's remember -- and this is something that I want to make sure that you do not forget -- we are already spending this money. We are already spending this money.

What we're proposing here is, yes, certainly a potential -- I mean, we don't know -- I don't know if I'm going to wake up tomorrow. So certainly there's no guarantees in life.

So it is true that we don't have like a rock-hard like completely, absolutely 1,000 percent security that we're going to get this money. However, we have -- the fact that -- the way that this works, by the way, it refers to

the waiver actually provides us with money that accrues over time. And the issue here is that we need permission, we need special permission to be able to use this money that accrues. And I've been told by some of the folks here that in a five-year period we're looking at maybe a $7 billion surplus. So this is money that we would have available to us, but to be able to use it in creative ways we have to get permission, which is where the waiver comes from. So that's number one.

Number two, there is authority that is built into the bill that would give the Department of Health and the Commissioner of Health the ability to determine -- to limit how many folks it would actually be available to. So it doesn't -- so yes, there are, we think, between 370,000 and 400,000 dollars -- I'm sorry, 370,000 and 400,000 individuals who are undocumented who potentially could benefit from this.

But there is no -- there is nothing to say that every single one of those folks would be covered. The Department of Health could make determinations as the program proceeds that if

they make -- that they say that there's something that we might need to be careful and we only need to extend it to, say, 100,000 people, than that's what they will do. They have the authority to do so. So nothing says that they can't.

Furthermore, we have to remember that ultimately what we're talking about here is it is factual, yes, that there are many people who are documented who don't have coverage. I would encourage you, sir, that if you are truly, truly concerned about this, that you join me in making sure that we pass the New York Health Act, which would guarantee coverage to every single person, which would guarantee healthcare, period, to every single New Yorker and finally bring this state and hopefully the rest of the country eventually out of this darkness that we live in, in which we live in the grips of insurance companies, which is what happens -- you know, I won't go off on a tangent on that one.

As it refers to this in particular, we're talking about individuals, hundreds of thousands of them, who are undocumented, who are winding up in emergency rooms because they're human, because they get sick, because they don't

have insurance coverage so they can't go to a dentist, they can't go to a primary care doctor. If they did, if they had the money out of their pocket -- but they don't. They hold on to it until the very end. And when they're bleeding out of some hole in their body, they wind up in the emergency room, and we are already paying for it.

So as opposed to that, Mr. President, as opposed to having hundreds of millions of state dollars go to that, the feds -- the federal government told us -- and again, not a thousand percent certainty, but they told us as much: You can actually ask us for authority to use money that you already have left over to actually provide -- to extend the Essential Plan to these individuals.

And I believe that we should do that. Even if we can save $10 million, even if the savings are that, that would be $10 million less in the enormous budget that we have in the State of New York.

But I'm saying that I believe we can save hundreds of millions of dollars. Why don't we try it? So I'm saying not only to my

colleagues, but certainly to our Governor, Governor Hochul -- I've said it many times -- you have it in your hands to actually seek this out. So let's pass this bill, let's pass it with my colleagues in the Assembly, let's get it signed, and let's go see how much we can get. Maybe we can get only a couple of million dollars. I bet you, though, that we can get far more than that point.

And regardless, we will then put less pressure on the state government's budget and still provide the essential care. Because right now they're just getting emergency care, Mr. President. It's not anything like an insurance plan. It's just the bare minimum to be able to pay for it.

So how about we extend the Essential Plan to these individuals? I believe we should do it. And that's why I'll be voting in the affirmative. Thank you.

ACTING PRESIDENT BAILEY: Are there any other Senators wishing to be heard?

Senator Krueger, why do you rise?

SENATOR KRUEGER: Would the sponsor please yield for a couple of questions.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: I will.

SENATOR KRUEGER: Thank you.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR KRUEGER: So as I understand it, you're explaining to us we have this money from the federal government, we can't use it unless we pass this law. If we pass this law, we still need them to give us a waiver. But if they say yes -- and since we have letters saying they would, that we would then be able to use this money instead of other funds the state is spending on more expensive emergency care for people without documentation now.

Am I understanding you correctly?

SENATOR RIVERA: Through you, Mr. President. And very much conceding that you are a far smarter fiscal person than me, the answer is yes.

SENATOR KRUEGER: Thank you.

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

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR KRUEGER: As I understand it, if they didn't give us the waiver and we couldn't draw down that money, there's nothing in this bill that obligates the State Department of Health to put all these people on state-paid-for insurance plans, am I correct?

SENATOR RIVERA: Through you, Mr. President, that is also correct.

SENATOR KRUEGER: Thank you.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR KRUEGER: Are there -- it was said on this floor that there are a million New Yorkers without health insurance, I'm assuming exclusive of undocumented. Is that correct? I was quite surprised to hear that

number.

SENATOR RIVERA: Through you, Mr. President, that is roughly a correct number, yes.

SENATOR KRUEGER: That we still have a million New Yorkers who don't have health insurance policies but have legal status.

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

SENATOR KRUEGER: Okay, thank you. So we have more work to do.

Through you, Mr. President, if the sponsor would continue to yield for another question.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR RIVERA: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR KRUEGER: Do my constituents who are legally here, living here, face risk from people who don't get access to medical care and have to go in on an emergency basis after they've already been sick for a long time?

SENATOR RIVERA: Through you, Mr. President. The answer is absolutely yes.

The reality is that there's -- that we're not just talking about certainly the cases that I think about most immediately are, say, a condition where someone, God forbid, breaks a limb or has some sort of heart attack or what have you.

But there are plenty of conditions that could actually make everybody else's life worse, plenty of conditions that are -- where somebody might be contagious and situations that they don't have the ability to do anything but just wait until they can no longer withstand the pain or the discomfort and then go to the emergency room.

So yes, having people among us in our society who are sick and don't have access to any type of care not only makes their life worse, it certainly makes the rest of our lives worse.

SENATOR KRUEGER: Through you, Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Krueger on the bill.

SENATOR KRUEGER: So we are sitting

on federal money we can't use for anything else and they would likely take back at some point if we don't use.

We could use it, with their permission, to take care of people's health concerns, which is a win for us because then we won't be drawing down state money to take care of them. But it won't require us to overspend, because that's not what this bill does. It will increase the public's health to have fewer sick people, to have fewer people who have to go to emergency care, the most expensive kind of care, because we didn't provide them any kind of preventive care or care that prevents other illnesses from happening.

I see this as a total win for all of our constituents and the State Budget and the improvement in state public health with frankly no risk. I can't imagine why somebody would vote against this. I will certainly vote for it.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Are there any other Senators wishing to be heard?

Senator Borrello, why do you rise?

SENATOR BORRELLO: On the bill,

Mr. President.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: You know, New York State unfortunately is bad at a lot of things, but probably something that we are the worst at is learning from other people's mistakes.

And what we hear here is that Washington, Illinois, other states did this, and Illinois just said we had to pause the enrollment.

At what point do we say there's an issue here? The issue is we continue to draw people from around the world to come to New York State because we continue to make it better and better for them to come here at the expense of the taxpayers.

Now, the argument was brought up that these people aren't going to go to the emergency room if they have healthcare coverage. Speak to any hospital, whether it's in New York City or in my district, and they will tell you that the biggest problem that they have is people on Medicaid using the emergency room as if it's

their primary care physician. It blocks up, it clogs up our emergency rooms, it costs a lot of money. Because there is no constraint, they can just walk in for the sniffles or a hangnail and be treated. Because it's Medicaid. Because they have no obligation to pay for it.

At some point we have to say we're going to roll up the welcome mat. At some point we have to say New York is not going to be the landing spot for anyone in the world that wants to come to the United States and live off the taxpayers. That's what this bill will do, and that's why we have to vote no.

Thank you.

ACTING PRESIDENT BAILEY: Are there any other Senators wishing to be heard?

Seeing and hearing none, the debate is closed.

The Secretary will ring the bell.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, we've agreed to restore this to the noncontroversial calendar.

ACTING PRESIDENT BAILEY: Upon consent, we've agreed to restore it to the

noncontroversial calendar.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date and in the same manner as Section 3 of Part H of Chapter 57.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 477, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Weber and Weik.

Ayes, 40. Nays, 21.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR GIANARIS: Thank you.

Returning to motions for a moment, on behalf of Senator Addabbo, on page 56 I offer

the following amendments to Calendar Number 886, Senate 8553B, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Thursday, May 16th, at 11:00 a.m.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Thursday, May 16th, at 11:00 a.m.

(Whereupon, at 5:18 p.m., the Senate adjourned.)