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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 17, 2025

3:27 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT MAYER: Reverend
9 Father Dan Quinn, of Blessed Sacrament,
10 Mater Christi, and All Saints churches -- three
11 churches -- here in Albany, New York, will
12 provide today's invocation.

13 REVEREND QUINN: Thank you, my
14 brothers and sisters, members of the Senate, and
15 staff.

16 I'm typically not dressed in a kilt,
17 but it's St. Patrick's Day, so -- maybe I saw
18 some of you last Monday at the Hibernian Hall.

19 But the other day during
20 Parade Day -- and I should mention I am the
21 pastor of three parishes here in town, and three
22 schools -- soon to be two schools. But during
23 Parade Day the other day, our Bishop
24 Scharfenberger from the diocese here, he made a
25 point of mentioning the importance of caring for

1 the environment. And then he qualified that by
2 saying "The environment is the soil in which we
3 all grow." And that takes care -- that actually
4 is a bit more of an expansive definition.

5 I say this because the prayer that
6 I've selected for us today is written for us by
7 St. Patrick -- because it's St. Patrick's Day.
8 And so this is a prayer that he wrote back in the
9 400s when he was alive, and it mentions creation,
10 and it mentions the strength that God gives us
11 through it, and certainly particularly food.

12 But the food grows in the soil. We
13 also grow and are influenced by our environment,
14 whether it's our air or our dirt or our
15 neighborhoods or our digital environment or our
16 traditions or our history, our philosophies that
17 we espouse -- we're influenced by all of these.
18 Our growth is either influenced or stunted by the
19 nutrients and the toxins in these -- in these
20 environments.

21 So it's a very long prayer, but I'm
22 only going to use part of it, because we only
23 have a short time. And also I'm going to use the
24 part that isn't well known, because that gives
25 some variety. Everyone knows like the Christ

1 beside me, Christ above me, et cetera, et cetera.
2 So that's -- I'm going to skip that part, because
3 people know it.

4 And then I'll do a brief like
5 personal prayer, and then I'll -- and then at the
6 end I'm going to use the Serenity Prayer, which I
7 think many of you might know. That's a common
8 one people know. And we can do that together if
9 you want.

10 I know that's like one that people
11 associate with AA. It's part of an AA meeting,
12 of course. But I think it's -- I consider it
13 also important for like gardeners and stuff, for
14 people who have to provide the right environment
15 and then just let things happen. And then -- and
16 that's, I think, partly your job too. You
17 provide the right environment and then step back
18 and let things happen.

19 So the Prayer of St. Patrick. In
20 the name of the Father and the Son and the
21 Holy Spirit, amen.

22 "I arise today through a mighty
23 strength, the invocation of the Trinity, through
24 the belief in the Threeness, through the
25 confession of the Oneness of the Creator of

1 Creation.

2 "I arise today through the strength
3 of heaven: Light of sun, radiance of moon,
4 splendor of fire, speed of lightning, swiftness
5 of wind, depth of sea, stability of earth,
6 firmness of rock.

7 "I arise today through God's
8 strength to pilot me, God's might to uphold me,
9 God's wisdom to guide me, God's eye to look
10 before me, God's ear to hear me, God's word to
11 speak for me, God's hand to guard me.

12 "I summon today all these powers
13 between me and those evils against every cruel,
14 merciless power that may oppose my body and soul.

15 "I arise today through a mighty
16 strength -- the invocation of the Trinity through
17 belief in the Threeness, through confession of
18 the Oneness of the Creator of Creation."

19 Lord, give to those who are
20 responsible for our laws here in this chamber and
21 in the other -- and all who work in government,
22 either as elected or appointed or on staff --
23 wisdom, as St. Patrick prayed for, that they may
24 work their hardest to provide that the
25 environment in which all of us in New York grow

1 may have protection from evil, health, may be
2 protected so that our lives may be lived in peace
3 and security from conception to death.

4 God, grant us the serenity to accept
5 the things I cannot change, the courage to change
6 the things that I can, and the wisdom to know the
7 difference.

8 May Almighty God bless you all.

9 The Father and the Son and the
10 Holy Spirit, amen.

11 (Response of "Amen.")

12 ACTING PRESIDENT MAYER: Reading of
13 the Journal.

14 THE SECRETARY: In Senate, Friday,
15 March 14, 2025, the Senate met pursuant to
16 adjournment. The Journal of Thursday, March 13,
17 2025, was read and approved. On motion, the
18 Senate adjourned.

19 ACTING PRESIDENT MAYER: Without
20 objection, the Journal stands approved as read.

21 Presentation of petitions.

22 Messages from the Assembly.

23 Messages from the Governor.

24 Reports of standing committees.

25 Reports of select committees.

1 Communications and reports from
2 state officers.

3 Motions and resolutions.

4 Senator Gianaris.

5 SENATOR GIANARIS: Good afternoon,
6 Madam President.

7 Let's begin by taking up previously
8 adopted Resolution 448, by Senator Rivera, read
9 that resolution's title, and recognize
10 Senator Rivera.

11 ACTING PRESIDENT MAYER: The
12 Secretary will read.

13 THE SECRETARY: Resolution 448, by
14 Senator Rivera, memorializing Governor Kathy
15 Hochul to proclaim March 2025 as American
16 Red Cross Month in the State of New York.

17 ACTING PRESIDENT MAYER: Senator
18 Rivera on the resolution.

19 SENATOR RIVERA: Thank you so much,
20 Madam President. And a good St. Patrick's Day to
21 you. Happy St. Patrick's Day to all.

22 So we are here this afternoon to do
23 many things, certainly, but one of them that I
24 wanted to take a minute to do is to talk about an
25 organization that we see in every corner of the

1 state and certainly in many corners of our
2 nation, and that is the Red Cross.

3 I have -- I've learned much about
4 the Red Cross in the time that I've been in the
5 Senate. One of the things that I actually did
6 not know -- and I had the time to actually ride
7 with them for a bit -- is that basically most --
8 the majority of the people that do work out there
9 that actually keep people -- you know, that help
10 people right after some of the worst moments in
11 their lives, are actually volunteers.

12 The overwhelming majority of people
13 who are in the Red Cross are not employed by the
14 Red Cross, yet they give so much of their time to
15 make sure that they can be there, again, when
16 people are at their lowest to provide them hope,
17 to provide them help, and to give them a hand.

18 And we are joined here by
19 14 volunteers from across the state. There are
20 three in particular that I'd certainly want to
21 underline. But before I mention those
22 individuals, I just wanted to thank you not only
23 for being here, but certainly for the work that
24 you do each and every single day out there.

25 Because again, when folks are at

1 their lowest, seeing someone coming up in a red
2 jacket, seeing somebody come to them and offering
3 them help and assistance -- you are there for
4 people when they're at their lowest, and I've
5 seen it myself. Many folks in my district, when
6 they have by hit by floods or fires, they're --
7 you folks are right there. So thank you for
8 doing that every single day.

9 But there are three folks who are
10 here with us today who are outstanding and
11 distinguished humanitarians, and I wanted to
12 point them out.

13 And as I point you out, please stand
14 so that you can be recognized.

15 First, and I'm sure that I'm going
16 to mispronounce the name, and I apologize ahead
17 of time, Chuck Haupt. I'm not sure exactly how
18 to pronounce the name, but Mr. Haupt is from
19 Oswego.

20 He is -- he has been deployed to a
21 total of 44 disaster relief operations, both
22 local and national, including some of the biggest
23 disasters in our nation's history, from
24 Hurricanes Harvey; Maria, down in Puerto Rico --
25 muchas gracias {in Spanish}, thank you so much

1 for traveling down there for that -- and
2 Hurricane Ian, and also two recent wildfires that
3 devastated areas around Los Angeles.

4 We are also joined by
5 Ashley Flowers, from White Plains. Ms. Flowers
6 is a volunteer who herself suffers from sickle
7 cell disease, and she has had to have countless
8 blood transfusions. And while she can't donate
9 blood herself, she has become a blood donor
10 ambassador to help others.

11 And we certainly recognize you,
12 Ms. Flowers, for all of that. Thank you for
13 being with us.

14 And last but certainly not least, we
15 have Margie Davis, from Cohoes, who's a retired
16 New York Air National Guard nurse with a
17 distinguished 20-year military career. Thank you
18 for your service, Ms. Davis.

19 She has continued to volunteer her
20 time and expertise with the American Red Cross
21 services to the Armed Services Program.

22 So these three wonderful folks are
23 just some of the folks who do work, as I said,
24 every day across the state. Just so that you
25 have -- my colleagues have some sense, last year

1 the American Red Cross just in New York State
2 assisted 6500 households, over 6500 households
3 affected by 3100 local disasters. And we're
4 talking everything from floods to fires,
5 et cetera.

6 They hosted almost -- over
7 10,000 blood drives and collected more than
8 224,000 units of blood. They taught preparedness
9 education to almost 28,000 adults and children
10 and have donated, in the State of New York, over
11 518,000 hours of service. So we are incredibly
12 thankful for what you do every day.

13 And, Madam President, I just want to
14 make sure that we can salute their work, welcome
15 them here, and give them all the privileges of
16 the house. Thank you, Madam President.

17 ACTING PRESIDENT MAYER: Thank you,
18 Senator Rivera.

19 Senator Rolison on the resolution.

20 SENATOR ROLISON: Thank you,
21 Madam President. And thank you, Senator Rivera,
22 for this resolution.

23 I had the great fortune to be on the
24 board of directors of the then Dutchess County
25 chapter of the American Red Cross starting in

1 about 2003-2004, and got to know up close and
2 personal, you know, the mission that they had and
3 how they carried it out. And then in 2008 when I
4 retired from the Town of Poughkeepsie PD I
5 actually became a staff member, an employee of
6 that chapter in Poughkeepsie.

7 And there came a time when there was
8 a devastating house fire in the Town of Beekman
9 on the east end of Dutchess County. And luckily
10 no one was injured, but the house was destroyed.
11 And the folks that lived in that house were able
12 to rent a house in the Town of Poughkeepsie,
13 where members of our chapter went out to see how
14 they were doing, and I went as well.

15 And this was of course a very
16 emotional time. They'd lost everything. The
17 clothes that they had on their back that morning
18 at about 5:30 when they were able to evacuate the
19 house is all that they had.

20 And as they were recalling that
21 moment when they realized their house was on
22 fire -- and they had smoke alarms, which got them
23 out, thankfully -- they said that they were
24 standing on the front lawn, and the sun was
25 coming up and the fire was being extinguished --

1 and the house, obviously, was gone -- that people
2 showed up and they were wearing red jackets and
3 red vests. And the mother of that family was
4 tapped on the shoulder and turned around, and
5 there was a woman standing there and said, "We
6 are with the Red Cross, and we're here to help
7 you."

8 And at that point in time she said,
9 I know that we've lost everything, but here are
10 people who were here to help us, to help our
11 family. And that was something that she said was
12 able to get her through the days after and the
13 weeks after, recovering their lives. And it was
14 the American Red Cross that was there that
15 morning to help them.

16 And Madam President -- and again,
17 Senator Rivera -- thank you, and I proudly
18 support this commemoration to a tremendous
19 organization throughout this country but right
20 here in the State of New York.

21 ACTING PRESIDENT MAYER: Thank you.

22 Senator Bailey on the resolution.

23 SENATOR BAILEY: Thank you,
24 Madam President.

25 Senator Rivera, thank you for

1 introducing this resolution. You spoke about the
2 preparedness issues that the Red Cross assists
3 with.

4 They routinely help seniors install
5 smoke detectors and so many really things that
6 you think may be perfunctory but are really
7 important to the day-to-day lives of New Yorkers.

8 But I rise to speak about a
9 devastating fire that happened in my district at
10 2910 Wallace Avenue, a five-story, six-story
11 building -- excuse me, a six-story building,
12 completely gutted. Thank God nobody was injured
13 or killed.

14 But the lives of these individuals
15 have forever been changed. And while things are
16 not where they should be at all as it relates to
17 these young folks and these people in this
18 building, the Red Cross stepped up immediately.
19 Within an hour, within minutes, they came to the
20 site, they offered temporary housing and they
21 came to a school that we had set up as a
22 temporary holding site, and they responded and
23 acted. So -- and they helped to extend the
24 temporary housing for individuals.

25 I just wanted to give a word of

1 gratitude that it really is working in our
2 communities. I just want to say thank you to
3 them for the work that they did on that day, and
4 so many things that we don't know that they do.

5 I vote aye on the resolution.

6 Thank you, Senator Rivera.

7 ACTING PRESIDENT MAYER: Thank you,
8 Senator Bailey.

9 Senator Weik on the resolution.

10 SENATOR WEIK: Thank you.

11 And I just want to say I'm so
12 grateful to have this resolution today. The
13 American Red Cross does so much wonderful work
14 for our communities. I've been working with them
15 for a long time. They offer so many great
16 programs for children and for families and for
17 fire prevention.

18 In fact, the American Red Cross Home
19 Fire Campaign installs free smoke alarms in homes
20 that lack them and provides fire safety
21 education. And that has been so helpful in my
22 previous district, in my new district as we've
23 been working. So many communities benefit from
24 this. We advertise it all the time with our
25 social media to make sure that everyone

1 understands what a great organization this is,
2 how much they really are a part of our community.

3 In fact, every time you see a
4 disaster on the news, if you look carefully in
5 the background, you always see an American Red
6 Cross car in the background and volunteers
7 helping out. I know that -- I think our nearest
8 location is in Senator Hoylman's district in
9 downtown -- down in Lower Manhattan. And I know
10 congestion pricing was a big issue for them, so
11 hopefully they've been able to get an exemption
12 for that.

13 But this is an organization that
14 never stops giving and never stops committing to
15 our communities, and for that I'm so grateful for
16 this resolution today, and I thank them for their
17 work.

18 ACTING PRESIDENT MAYER: Thank you,
19 Senator Weik.

20 To our guests from the American
21 Red Cross, and particularly our volunteers, all
22 of you, we welcome you on behalf of the Senate.
23 We extend to you the privileges and courtesies of
24 the house.

25 Please rise and be recognized.

1 (Standing ovation.)

2 ACTING PRESIDENT MAYER: Senator
3 Gianaris.

4 SENATOR GIANARIS: Madam President,
5 there is a privileged resolution at the desk.
6 Please take it up, read its title, and recognize
7 Senator Sean Ryan on the resolution.

8 ACTING PRESIDENT MAYER: The
9 Secretary will read.

10 THE SECRETARY: Resolution 518, by
11 Senator Kavanagh, honoring St. Patrick and all
12 persons of Irish descent upon the occasion of the
13 2025 celebration of St. Patrick's Day on
14 March 17, 2025.

15 ACTING PRESIDENT MAYER: Senator
16 Sean Ryan on the resolution.

17 SENATOR SEAN RYAN: Thank you very
18 much, Madam President.

19 I rise today to celebrate
20 St. Patrick's Day and our proud Irish heritage
21 here in New York State.

22 With a name like Sean Ryan, you know
23 my heritage. And I'm proud to be an
24 Irish-American, but also a member of the American
25 Irish Legislators Society. Our president,

1 Senator Kavanagh, is down at the parade today and
2 he asked me to pinch hit for him.

3 After spending the last several days
4 celebrating St. Patrick's Day, my energy level is
5 a little flagging today for the pinch hitting.

6 (Laughter.)

7 SENATOR SEAN RYAN: So we start in
8 Buffalo on Friday with the civic luncheon at the
9 Irish Center, which then morphs into a large
10 after-lunch celebration, where a lot of people
11 from throughout the city come over. And then on
12 Saturday we have an Old Neighborhood parade,
13 which goes into Saturday evening, which is
14 followed by a Sunday morning celebration of the
15 pre-large parade in downtown Buffalo.

16 So we've been battling the weather
17 all weekend, but we managed to have a lot of fun.
18 And I'm happy to bring the celebration back to
19 Albany.

20 So there's over 2 million Irish
21 descent -- let me do that again. There's
22 2 million New Yorkers of Irish descent.
23 Irish-Americans are the second-largest ethnic
24 group in New York State. And our hometown of
25 Buffalo Irish heritage traces back to first

1 people coming in the early 1800s through various
2 neighborhoods in the city.

3 But from Buffalo to Brooklyn and
4 Boston and everywhere in between, Irish
5 communities can be felt and their influence can
6 be felt all over the Northeast.

7 The first parade in America was in
8 the 1600s. St. Augustine, Florida, the Spanish
9 colony, had an Irish priest who held a feast
10 day and a parade for the Irish laborers who were
11 working then in Florida.

12 It's a great day of celebration, but
13 St. Patrick's Day has always got a tinge of
14 sadness in it, because Irish immigration to
15 America didn't really start until the 1840s, and
16 that's when a great famine hit Ireland and over a
17 million people starved to death.

18 And a million people were put on
19 boats to come to America, and they fled what in
20 Ireland they call the Great Hunger. And that was
21 followed by -- or part of colonialism -- economic
22 privation. And so from 1840 there was 8 million
23 people living in Ireland, and by 1960 there was
24 only 5 million people living in Ireland. So the
25 whole country was really destabilized by the

1 famine.

2 But that famine is what brought us
3 Irish-Americans, Irish-Canadians,
4 Irish-Australians, because the Irish Diaspora
5 spread around the world at that time.

6 So we're a nation of immigrants.
7 Irish immigrants came to New York, we helped
8 build New York. The Erie Canal, Manhattan
9 skyscrapers, our roads, our bridges, all
10 benefited from Irish labor. And at this very
11 Capitol that we stand in today, it was English,
12 Scottish and Irish stonemasons and stoneworkers
13 who put the Capitol together.

14 So today we appreciate our
15 Irish heritage, the impact that Irish-Americans
16 have had on New York State. But we also pause to
17 think about people around the world who are
18 living in famine and starvation.

19 I was in Ireland several times, but
20 most recently there was a time when there was a
21 famine going on and every church in Ireland was
22 making collections to send famine relief. And
23 they're always making collections to send famine
24 relief somewhere in Ireland, because the Great
25 Famine is still with the Irish people.

1 So we celebrate, we remember. It's
2 a cliché, but everyone's Irish today. And so on
3 behalf of my Irish colleagues in the Senate,
4 we're happy to allow everyone to claim
5 Irish descent today.

6 But also on behalf of every
7 Irish-American, I want to thank America for being
8 the beacon of liberty and freedom that welcomed
9 the teeming masses of Irish that were tired and
10 poor and were huddled masses, and were allowed to
11 be free in America.

12 Thank you, Madam President.

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

15 Senator Cooney on the resolution.

16 SENATOR COONEY: Thank you,
17 Madam President.

18 And Happy St. Patrick's Day to you.
19 I know I've had a chance to visit your district
20 in Yonkers, and the Majority Leader's district in
21 Yonkers; there's a large Irish-American
22 population.

23 Happy St. Patrick's Day to all of my
24 colleagues in the Senate. And so many
25 New Yorkers have such deep ties to their

1 Irish roots, including -- despite this
2 South Asian tan -- the Cooney family of
3 Rochester.

4 And we felt the excitement this past
5 weekend because for the first time in five years,
6 since the pandemic, we saw the streets of
7 Rochester filled with green. And I was so
8 pleased to walk alongside our county executive
9 and our mayor as we celebrated St. Patrick's Day
10 in Rochester.

11 But here's a fun fact to share with
12 our Senate colleagues. Many, many, many years
13 ago Rochester was actually the fourth-largest
14 city per capita with an Irish population. So of
15 course Boston and New York and Chicago, but then
16 came Rochester.

17 And that just says what my colleague
18 Senator Ryan said: We are a welcoming state, we
19 are welcoming community that has welcomed in
20 immigrants from all over our world. And we
21 remember that this St. Patrick's Day.

22 Thank you.

23 ACTING PRESIDENT MAYER: Thank you.

24 Senator Bailey on the resolution.

25 SENATOR BAILEY: Thank you,

1 Madam President.

2 I just wanted to briefly say, in
3 honor of my former seatmate Tim Kennedy, I will
4 read the entire history of --

5 (Laughter; applause.)

6 SENATOR BAILEY: -- of the diaspora
7 in America. Just kidding.

8 Happy St. Patrick's Day, everybody.

9 (Laughter; applause.)

10 ACTING PRESIDENT MAYER: Thank you,
11 Senator Bailey.

12 Senator Scarcella-Spanton on the
13 resolution.

14 SENATOR SCARCELLA-SPANTON: Thank
15 you, Madam Chair.

16 And I know this is probably
17 surprising to everybody, given my last name,
18 Scarcella, but I am 51 percent Irish. So that is
19 truly where my roots lie.

20 Growing up, I picture my grandmother
21 making corned beef and cabbage in her green robe,
22 in her green apron with her shamrock on the
23 front.

24 But the Sullivan side of my family
25 on Staten Island truly, truly celebrates this

1 day, and we always have. It reminds me of my
2 childhood. I'm happy this year my own children
3 were able to finally march in the Staten Island
4 St. Patrick's Day Parade, the first year it's
5 ever been inclusive. So we're very excited about
6 that.

7 I just wanted to wish everybody a
8 very, very happy St. Patrick's Day.

9 Thank you.

10 ACTING PRESIDENT MAYER: Thank you,
11 Senator.

12 The question is on the resolution.
13 All in favor signify by saying aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT MAYER: Opposed,
16 nay.

17 (No response.)

18 ACTING PRESIDENT MAYER: The
19 resolution is adopted.

20 Senator Gianaris.

21 SENATOR GIANARIS: The sponsors of
22 today's resolutions would like to open them for
23 cosponsorship.

24 ACTING PRESIDENT MAYER: The
25 resolutions are open for cosponsorship. Should

1 you choose not to be a cosponsor on these
2 resolutions, please notify the desk.

3 Senator Gianaris.

4 SENATOR GIANARIS: Madam President,
5 I have a motion.

6 On behalf of Senator Harckham, on
7 page 30 I offer the following amendments to
8 Calendar 520, Senate Print 5983, and ask that
9 said bill retain its place on the Third Reading
10 Calendar.

11 ACTING PRESIDENT MAYER: The
12 amendments are received, and the bill will retain
13 its place on the Third Reading Calendar.

14 Senator Gianaris.

15 SENATOR GIANARIS: Let's take up
16 the calendar now, please.

17 ACTING PRESIDENT MAYER: The
18 Secretary will read.

19 There is a substitution at the desk.
20 The Secretary will read.

21 THE SECRETARY: Senator Rivera
22 moves to discharge, from the Committee on Rules,
23 Assembly Bill Number 5572 and substitute it for
24 the identical Senate Bill 814, Third Reading
25 Calendar 88.

1 ACTING PRESIDENT MAYER: The
2 substitution is so ordered.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number 88,
5 Assembly Bill 5572, by Assemblymember Zinerman,
6 an act to amend the Public Health Law.

7 ACTING PRESIDENT MAYER: Read the
8 last section.

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

11 ACTING PRESIDENT MAYER: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT MAYER: Announce
15 the results.

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT MAYER: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 219, Senate Print 3406, by Senator Comrie, an act
21 to amend the Executive Law.

22 ACTING PRESIDENT MAYER: Read the
23 last section.

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

1 ACTING PRESIDENT MAYER: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT MAYER: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 219, those Senators voting in the
8 negative are Senators Ashby, Borrello, Chan,
9 Gallivan, Oberacker, O'Mara, Ortt, Stec, Tedisco
10 and Walczyk. Also Senator Griffo.

11 Ayes, 49. Nays, 11.

12 ACTING PRESIDENT MAYER: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 273, Senate Print 1468, by Senator Serrano, an
16 act to amend the Public Health Law.

17 ACTING PRESIDENT MAYER: Read the
18 last section.

19 THE SECRETARY: Section 7. This
20 act shall take effect on the first of January.

21 ACTING PRESIDENT MAYER: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MAYER: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 273, voting in the negative:
3 Senator Walczyk.

4 Ayes, 59. Nays, 1.

5 ACTING PRESIDENT MAYER: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 312, Senate Print 4434, by Senator Skoufis, an
9 act to amend the Education Law.

10 ACTING PRESIDENT MAYER: Read the
11 last section.

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

14 ACTING PRESIDENT MAYER: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MAYER: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 312, those Senators voting in the
21 negative are Senators Ashby, Borrello,
22 Canzoneri-Fitzpatrick, Chan, Griffio, Helming,
23 Lanza, Martins, Mattera, Murray, Oberacker,
24 O'Mara, Ortt, Rhoads, Rolison, Stec, Tedisco,
25 Walczyk, Weber and Weik.

1 Ayes, 40. Nays, 20.

2 ACTING PRESIDENT MAYER: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 355, Senate Print 3100, by Senator Rivera, an act
6 to amend the Social Services Law.

7 ACTING PRESIDENT MAYER: Read the
8 last section.

9 THE SECRETARY: Section 4. This
10 act shall take effect on the first of January.

11 ACTING PRESIDENT MAYER: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT MAYER: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 355, voting in the negative are
18 Senators Ortt and Walczyk.

19 Ayes, 58. Nays, 2.

20 ACTING PRESIDENT MAYER: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 411, Senate Print 2541, by Senator Myrie, an act
24 to amend the Election Law.

25 SENATOR LANZA: Lay it aside.

1 ACTING PRESIDENT MAYER: The bill
2 is laid aside.

3 THE SECRETARY: Calendar Number
4 438, Senate Print 4925, by Senator Ramos, an act
5 to amend the Labor Law.

6 SENATOR LANZA: Lay it aside.

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

9 THE SECRETARY: Calendar Number
10 450, Senate Print 4805, by Senator Chris Ryan, an
11 act to amend the Real Property Tax Law.

12 ACTING PRESIDENT MAYER: Read the
13 last section.

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

16 ACTING PRESIDENT MAYER: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT MAYER: Announce
20 the results.

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT MAYER: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 471, Senate Print 1574, by Senator Krueger, an

1 act to amend the Public Authorities Law.

2 SENATOR LANZA: Lay it aside.

3 ACTING PRESIDENT MAYER: The bill
4 is laid aside.

5 THE SECRETARY: Calendar Number
6 476, Senate Print 1188, by Senator Addabbo, an
7 act to amend the General Business Law.

8 ACTING PRESIDENT MAYER: Read the
9 last section.

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

13 ACTING PRESIDENT MAYER: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT MAYER: Announce
17 the results.

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT MAYER: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 489, Senate Print 1816, by Senator Fernandez, an
23 act to amend the Public Health Law.

24 ACTING PRESIDENT MAYER: Read the
25 last section.

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

3 ACTING PRESIDENT MAYER: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT MAYER: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar Number 489, voting in the negative are
10 Senators Oberacker and Weik.

11 Ayes, 58. Nays, 2.

12 ACTING PRESIDENT MAYER: The bill
13 is passed.

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

16 SENATOR GIANARIS: Please move on
17 to the controversial calendar.

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

20 The Secretary will read.

21 THE SECRETARY: Calendar Number
22 411, Senate Print 2541, by Senator Myrie, an act
23 to amend the Election Law.

24 ACTING PRESIDENT MAYER: Senator
25 Lanza, why do you rise?

1 SENATOR LANZA: Madam President, I
2 believe there's an amendment at the desk. I
3 waive the reading of that amendment and ask that
4 you recognize Senator Walczyk.

5 ACTING PRESIDENT MAYER: Thank you,
6 Senator Lanza.

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

10 SENATOR LANZA: Accordingly,
11 Madam President, I appeal the ruling of the chair
12 and ask that Senator Walczyk be heard on the
13 appeal.

14 ACTING PRESIDENT MAYER: The appeal
15 has been made and recognized, and Senator Walczyk
16 may be heard.

17 SENATOR WALCZYK: Thank you,
18 Madam Chair.

19 I offer the following amendments to
20 this bill as germane. This is an elections bill,
21 the bill-in-chief that is brought before us here
22 today. The sponsor's goal is to provide
23 accountability of ballots by unfunded mandate to
24 electronic ballot images being posted by Board of
25 Elections within a week of our elections.

1 This amendment ensures the Board of
2 Elections has access to federal resources so only
3 citizens of the United States who can be
4 registered -- and nobody from Belarus or Mexico
5 or Venezuela are illegally voting in New York's
6 elections.

7 People require two-factor
8 authentication just to sign into an application
9 on their phone. The least we could do in this
10 body is to ensure that noncitizens aren't voting
11 in our elections.

12 And by entering into the SAVE
13 program, which is the amendment that I offer here
14 today, our Board of Elections will work in a
15 bipartisan way with U.S. citizen and immigration
16 services agencies to do that authentication and
17 ensure that no legal citizen's vote is canceled
18 through noncitizen fraud.

19 Thank you, Madam President.

20 ACTING PRESIDENT MAYER: Thank you,
21 Senator Walczyk.

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

25 Those in favor of overruling the

1 chair, signify by saying aye.

2 (Response of "Aye.")

3 SENATOR LANZA: Show of hands.

4 ACTING PRESIDENT MAYER: A show of
5 hands has been requested and so ordered.

6 Announce the results.

7 THE SECRETARY: Ayes, 21.

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

11 Read the last section.

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

14 ACTING PRESIDENT MAYER: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MAYER: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 411, voting in the negative are
21 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
22 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
23 Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads,
24 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

25 Ayes, 39. Nays, 21.

1 ACTING PRESIDENT MAYER: The bill
2 is passed.

3 ACTING PRESIDENT MAYER: Calendar
4 Number 438, Senate Print 4925, by Senator Ramos,
5 an act to amend the Labor Law.

6 ACTING PRESIDENT MAYER: Senator
7 Walczyk, why do you rise?

8 SENATOR WALCZYK: Madam President,
9 I hope the sponsor of this legislation would
10 yield for some questions.

11 ACTING PRESIDENT MAYER: Senator
12 Ramos, do you yield for a question?

13 SENATOR RAMOS: Absolutely.

14 ACTING PRESIDENT MAYER: Yes, the
15 Senator yields.

16 SENATOR WALCZYK: Through you,
17 Madam President.

18 So this bill expands a requirement
19 of employers in New York for written workplace
20 violence prevention programs to include abusive
21 conduct and bullying. Is that correct?

22 SENATOR RAMOS: Through you,
23 Madam President. Only in the public sector.

24 SENATOR WALCZYK: And through you,
25 Madam President, would the sponsor continue to

1 yield?

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR RAMOS: I do.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR WALCZYK: I'm just going to
8 read a bit from a veto message from the Governor.
9 This is Veto Message 130.

10 "This bill, however, does not define
11 the specific conduct that is being prohibited,
12 which would likely lead to confusion for
13 employees, disparate application of the laws, and
14 potential legal challenges. My administration
15 will continue to work closely with the state's
16 public employee unions to address the concerns
17 presented by this bill. Therefore, I am
18 constrained to veto this bill."

19 From our Governor, Kathy Hochul.

20 Have any definitions been changed or
21 cleared up in the bill that you're bringing
22 forward since this was vetoed?

23 SENATOR RAMOS: Through you,
24 Madam President -- bless you.

25 ACTING PRESIDENT MAYER: Thank you.

1 SENATOR RAMOS: Through you,
2 Madam President. The law doesn't delve deeper in
3 even about sexual harassment. We have not
4 changed any iteration of the bill and are
5 proceeding as is.

6 SENATOR WALCZYK: Through you,
7 Madam President, would the sponsor continue to
8 yield.

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

11 SENATOR RAMOS: Yes.

12 ACTING PRESIDENT MAYER: The
13 sponsor yields.

14 SENATOR WALCZYK: Well, perhaps
15 this line of questioning will be helpful for the
16 Governor in future reviews of this as we get some
17 of the legislative intent out here.

18 Current law has assault and homicide
19 as abusive conduct. Would you consider spitting
20 at an employee of the State of New York or
21 throwing feces or, if an employee in the State of
22 New York had to be Narcaned because of the
23 abusive environment that they're in, would that
24 be considered abusive conduct on the job in the
25 State of New York?

1 SENATOR RAMOS: Through you,
2 Madam President. I don't know whether the
3 Governor watches Senator Walczyk's debate
4 questions routinely, but the behavior that the
5 Senator is describing is already covered in the
6 law.

7 What this bill is about is training
8 for the current workers and supervisors in the
9 public sector.

10 SENATOR WALCZYK: And through you,
11 Madam President, will the sponsor continue to
12 yield.

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

15 SENATOR RAMOS: Yes.

16 ACTING PRESIDENT MAYER: The Senator
17 yields.

18 SENATOR WALCZYK: My understanding
19 is this legislation isn't just training, but also
20 workplace policies and a prevention program. Is
21 that correct?

22 SENATOR RAMOS: Through you,
23 Madam President. Yes, it is.

24 SENATOR WALCZYK: Through you,
25 Madam President, would the sponsor continue to

1 yield.

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR RAMOS: Yes.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR WALCZYK: Which employers
8 does this apply to?

9 SENATOR RAMOS: Through you,
10 Madam President, the State of New York and its
11 agencies.

12 SENATOR WALCZYK: So -- through
13 you, Madam President, would the sponsor continue
14 to yield.

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

17 SENATOR RAMOS: Yes.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR WALCZYK: So corrections
21 officers, this would apply to them?

22 SENATOR RAMOS: Through you,
23 Madam President, yes. They are state employees.

24 SENATOR WALCZYK: Through you,
25 Madam President, would the sponsor continue to

1 yield?

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR RAMOS: Yes.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR WALCZYK: Should the
8 Department of Corrections and Community
9 Supervision have a written plan to prevent
10 violent criminals from abusing and bullying staff
11 within our correctional facilities in the State
12 of New York?

13 SENATOR RAMOS: Through you,
14 Madam President. That is not what this bill
15 does. This bill is about the employees receiving
16 training and their supervisors receiving
17 training.

18 SENATOR WALCZYK: Through you,
19 Madam President, would the sponsor continue to
20 yield.

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

23 SENATOR RAMOS: I do.

24 SENATOR WALCZYK: Reading from
25 line 18 on the first page of your bill -- it's

1 paragraph 4 -- "Written workplace violence
2 prevention program. Every employer with at least
3 20 permanent full-time employees shall develop
4 and implement a written workplace violence
5 prevention program for its workplace or
6 workplaces. That includes" -- and it goes on to
7 say the following is the section of law that you
8 have.

9 So are you saying this doesn't
10 actually require the change "abusive conduct and
11 bullying in the workplace" to be added to that
12 prevention program?

13 SENATOR RAMOS: Through you,
14 Madam President, line 18 of the bill is already
15 part of state law and is not the part that I'm
16 amending.

17 SENATOR WALCZYK: And through you,
18 Madam President, would the sponsor continue to
19 yield.

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

22 SENATOR RAMOS: Yes.

23 ACTING PRESIDENT MAYER: The
24 sponsor yields.

25 SENATOR WALCZYK: So abusive

1 conduct and bullying is being added to the --
2 that same section. So Section 4 says the
3 workplace violence prevention program, as I
4 understand it, and you're adding, in addition to
5 a list of things, a list of risk factors that
6 employers have to identify: High-risk areas,
7 installing external lighting, using drop saves,
8 posting signs, providing training -- this is all
9 part of the program.

10 And also establishing and
11 implementing reporting systems for incidents of
12 aggressive behavior, abusive conduct and
13 bullying.

14 So my understanding, at least from
15 the legislation the way that you've drafted it,
16 is that abusive conduct and bullying would have
17 to be a part of that workplace violence
18 prevention program. Am I reading it wrong?

19 SENATOR RAMOS: Through you,
20 Madam President. Yes, the Senator is. Because
21 what I'm amending is part of Section 3 and not
22 Section 4.

23 SENATOR WALCZYK: And through you,
24 Madam President, would the sponsor continue to
25 yield.

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR RAMOS: Yes.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR WALCZYK: So would this --
7 this would apply to just the Department of
8 Corrections in order to do what, then?

9 SENATOR RAMOS: Through you,
10 Madam President. It doesn't only apply to the
11 Department of Corrections. It applies to every
12 single state agency, and the State of New York as
13 a whole, as an employer.

14 So the change is to Section 3, which
15 outlines risk evaluation and determination and
16 compels every employer covered by the law to
17 evaluate its workplace or workplaces to determine
18 the presence of factors or situations in which
19 the employees might be at certain risks of
20 occupational assaults and homicides.

21 SENATOR WALCZYK: And through you,
22 Madam President, would the sponsor continue to
23 yield.

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

1 SENATOR RAMOS: Yes.

2 ACTING PRESIDENT MAYER: The Senator
3 yields.

4 SENATOR WALCZYK: And what you just
5 listed off was the current statute, but you're
6 adding abusive conduct and bullying to that same
7 program, is that correct?

8 SENATOR RAMOS: Yes.

9 SENATOR WALCZYK: And in the --
10 through you, Madam President, will the sponsor
11 continue to yield.

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

14 SENATOR RAMOS: Yes.

15 ACTING PRESIDENT MAYER: The
16 Senator yields.

17 SENATOR WALCZYK: And currently in
18 statute, in this same section, is also required
19 to have a written workplace violence prevention
20 program. Is that correct?

21 SENATOR RAMOS: Through you,
22 Madam President, that has already been part of
23 the law.

24 SENATOR WALCZYK: And through you,
25 Madam President, if the sponsor would continue to

1 yield.

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR RAMOS: Yes.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR WALCZYK: So abusive
8 conduct and bullying in the workplace are added
9 under the current statute, which requires a
10 written workplace violence prevention program, is
11 that correct?

12 SENATOR RAMOS: Yes,
13 Madam President, that is correct.

14 SENATOR WALCZYK: Thank you.

15 And through you, Madam President,
16 would the sponsor continue to yield.

17 ACTING PRESIDENT MAYER: Do you
18 continue to yield?

19 SENATOR RAMOS: Yes.

20 ACTING PRESIDENT MAYER: The
21 Senator yields.

22 SENATOR WALCZYK: Would this apply
23 to the New York National Guard?

24 SENATOR RAMOS: Hmm. (Pause.)

25 Through you, Madam President, my understanding is

1 if they're activated by the state, then yes.

2 SENATOR WALCZYK: Through you,
3 Madam President, would the sponsor continue to
4 yield.

5 ACTING PRESIDENT MAYER: Do you
6 continue to yield?

7 SENATOR RAMOS: Yes.

8 ACTING PRESIDENT MAYER: Yes, the
9 Senator yields.

10 SENATOR WALCZYK: So we currently
11 have an obligation to have a workplace violence
12 prevention program that tries to prevent assault
13 and homicide; you're adding to the law also
14 bullying and abusive conduct, correct?

15 SENATOR RAMOS: Yes. Through you,
16 Madam President, yes.

17 SENATOR WALCZYK: And through you,
18 Madam President, would the sponsor continue to
19 yield.

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

22 SENATOR RAMOS: I do.

23 ACTING PRESIDENT MAYER: The
24 Senator yields.

25 SENATOR WALCZYK: Should the

1 Department of Corrections have a written plan to
2 prevent abusing and bullying staff?

3 SENATOR RAMOS: Through you,
4 Madam President, I see where the Senator is
5 going. I'm the chair of the Labor Committee, and
6 I happen to be the sponsor of the bill to end a
7 mandated third shift for correction workers.
8 That is not what this bill is about.

9 And yes, every worker, without
10 exception, should be safe at work.

11 SENATOR WALCZYK: Through you,
12 Madam President, would the sponsor continue to
13 yield.

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

16 SENATOR RAMOS: Yes.

17 ACTING PRESIDENT MAYER: The
18 Senator yields.

19 SENATOR WALCZYK: In a workplace
20 violence prevention program, applying it to
21 somewhere like corrections facilities in the
22 State of New York, should the Department of
23 Corrections be able to separate violent inmates
24 from staff if they continue to reoffend?

25 SENATOR RAMOS: Through you,

1 Madam President, that is not what this bill does.

2 What this bill does is mandate state
3 agencies and the State of New York to have a plan
4 and train their employees and supervisors.

5 SENATOR WALCZYK: And through you,
6 Madam President, would the sponsor continue to
7 yield.

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

10 SENATOR RAMOS: Why not?

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR WALCZYK: As part of the
14 written workplace violence prevention program
15 that we're discussing here, should the Department
16 of Corrections be able to separate violent
17 inmates who continue to reoffend from staff and
18 especially in a special housing unit within our
19 correctional facilities?

20 SENATOR RAMOS: Through you,
21 Madam President. That is not germane to this
22 bill. This bill is entirely about employees and
23 their supervisors.

24 SENATOR WALCZYK: Through you,
25 Madam President, would the sponsor continue to

1 yield.

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR RAMOS: Yes.

5 ACTING PRESIDENT MAYER: The
6 Senator yields.

7 SENATOR WALCZYK: Shifting off of
8 corrections officers and just at large to the
9 state employees that this applies to, if a
10 coworker said to me, for example, because of my
11 party registration that I want everyone to die,
12 would that constitute bullying?

13 SENATOR RAMOS: Through you,
14 Madam President, absolutely. That would even be
15 abusive conduct.

16 And I'll add, as long as -- through
17 you, Madam President -- you know, there have been
18 many instances where supervisors in state
19 agencies have been bullying employees. And
20 unfortunately this past December a state employee
21 died by suicide because he felt he was being
22 bullied by one of his supervisors.

23 SENATOR WALCZYK: Madam President,
24 on the bill.

25 ACTING PRESIDENT MAYER: Senator

1 Walczyk on the bill.

2 SENATOR WALCZYK: A few weeks ago a
3 colleague from the other side of the aisle who
4 we've heard their voice recently said that "I
5 guess the Republicans just want everyone to die."

6 Which apparently the New York State
7 Senate needs a training program on workplace
8 violence, abusiveness and bullying. I'll spare
9 you the name of that Senator. You could look up
10 the transcript.

11 I'll be voting no, Madam President.

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

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

16 Read the last section.

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

20 ACTING PRESIDENT MAYER: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MAYER: Senator
24 Ramos to explain her vote.

25 SENATOR RAMOS: Thank you,

1 Madam President.

2 You know, the point had been made
3 that there are many times when our colleagues
4 across the aisle vote for -- vote against the
5 remedy or root cause of the issue and then the
6 times that we propose the cure or the medicine
7 for the issue, they vote against that as well.

8 And so that is what was meant by
9 them then not wanting to help anyone. And I
10 think for a long time many of us, especially
11 those of us who are people of color, have felt
12 that way about the party. And you need only to
13 look at what is happening even at our federal
14 level or how divided our country has been over so
15 many issues, for many Republicans to probably
16 understand what is happening and why that is.

17 That being said, what this bill is
18 about is making sure that the supervisors,
19 commissioners, our state agencies and our state
20 employers have training available in order to
21 ensure that no worker is being bullied on the
22 job.

23 I want to extend my sympathies to
24 correction officers who don't have an easy job,
25 especially in a state where the previous governor

1 closed so many of our mental health facilities --
2 which would be the appropriate place for many of
3 the people who are currently incarcerated to be
4 properly handled by professionals and not by the
5 correction officers who might not have received
6 the appropriate training to do that.

7 And as usual, this I'm sure was an
8 attempt to have a gotcha moment, and I'm happy
9 the Senator got his clip.

10 ACTING PRESIDENT MAYER: Senator
11 Ramos to be recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar 438, those Senators voting in the
15 negative are Senators Chan, Helming, Murray,
16 Oberacker, Walczyk and Weik. Excuse me. Also
17 Senator Borrello.

18 Ayes, 53. Nays, 7.

19 ACTING PRESIDENT MAYER: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 471, Senate Print 1574, by Senator Krueger, an
23 act to amend the Public Authorities Law.

24 ACTING PRESIDENT MAYER: Senator
25 Walczyk, why do you rise?

1 SENATOR WALCZYK: I'm back,
2 Madam President. Happy St. Patrick's Day.

3 I was hoping the sponsor would yield
4 for some questions.

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

7 SENATOR KRUEGER: Well, I do, in
8 honor of St. Patrick's Day.

9 And you know, we have a hundred
10 memos in support and not one memo opposed, so I'm
11 delighted that Senator Walczyk has decided to
12 question me.

13 ACTING PRESIDENT MAYER: Senator
14 Walczyk.

15 SENATOR WALCZYK: It could be your
16 lucky day. We might even talk about four-leaf
17 clovers, if the sponsor would yield.

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

20 SENATOR KRUEGER: Of course.

21 ACTING PRESIDENT MAYER: The
22 Senator yields.

23 SENATOR WALCZYK: This bill's goal
24 is to reduce gas emissions, improve air quality,
25 reduce noise in landscaping equipment by creating

1 a rebate program for certain landscaping
2 equipment. Is that correct?

3 SENATOR KRUEGER: Yes. All good
4 goals.

5 SENATOR WALCZYK: And through you,
6 Madam President, would the sponsor continue to
7 yield.

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

10 SENATOR KRUEGER: I do.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR WALCZYK: Is there money in
14 the budget for this?

15 SENATOR KRUEGER: Through you,
16 Madam President, NYSERDA has funds through the
17 RGGI program that they have flexibility about how
18 they use. This bill gives them the flexibility
19 to use some of their funds for this purpose and
20 set whatever limits they wish, a maximum cap on
21 the amount per year or a cap on the rebate for
22 different kinds of equipment.

23 SENATOR WALCZYK: Through you,
24 Madam President, would the sponsor continue to
25 yield.

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR KRUEGER: I do.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR WALCZYK: I missed the part
7 of this bill where it prescribes that RGGI
8 funding would be used. Would you point that out
9 to me?

10 SENATOR KRUEGER: So, I'm sorry, so
11 it's an example of the type of funds that NYSERDA
12 has available that are allowed to be used for
13 these purposes. They have --

14 SENATOR WALCZYK: Madam President,
15 would the sponsor --

16 ACTING PRESIDENT MAYER: Excuse me.
17 Senator Krueger didn't finish.

18 SENATOR KRUEGER: I'm sorry, of
19 course I allow -- they have other funding streams
20 available as well where they have flexibility,
21 but that seemed like an obvious match.

22 And certainly I'm happy to answer
23 more questions.

24 SENATOR WALCZYK: Apologies. Thank
25 you for finishing there.

1 If the sponsor would continue to
2 yield.

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

5 SENATOR KRUEGER: Yes.

6 ACTING PRESIDENT MAYER: The
7 Senator yields.

8 SENATOR WALCZYK: So some of those
9 other lines would be, for example, systems
10 benefit charges, a charge on everyone's bill
11 across the State of New York.

12 NYSERDA, if not prescribed and
13 doesn't have access to another pot of funding,
14 that would come directly from the ratepayer, is
15 that correct?

16 SENATOR KRUEGER: Through you,
17 Madam President. I don't think that NYSERDA
18 would ever need to go down this path, given the
19 expectations of how much would be applied for as
20 tax incentives each year. So I'm not really
21 concerned about that storyline.

22 SENATOR WALCZYK: Through you,
23 Madam President, would the sponsor continue to
24 yield?

25 ACTING PRESIDENT MAYER: Do you

1 continue to yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT MAYER: The
4 Senator yields.

5 SENATOR WALCZYK: Who is eligible
6 for the rebates in this electronic landscaping
7 equipment program?

8 SENATOR KRUEGER: Landscaping
9 companies and other companies using, you know,
10 industrial-sized equipment. Not private
11 individuals for their homes.

12 SENATOR WALCZYK: Through you,
13 Madam President, would the sponsor continue to
14 yield?

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

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR WALCZYK: Municipalities as
21 well?

22 SENATOR KRUEGER: Do municipalities
23 have tax incentives that they can take? It's a
24 good question. I would have to follow up for you
25 on that.

1 SENATOR WALCZYK: Through you,
2 Madam President, would the sponsor continue to
3 yield.

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR WALCZYK: So lines 16 and
10 17 on the first page of your bill say
11 "landscaping business or state agency, state
12 authority, local authority, town, county,
13 village, school district, private school,
14 university, not-for-profit corporation or any
15 other nonprofit organization."

16 Would all those be eligible for this
17 equipment?

18 SENATOR KRUEGER: I stand
19 corrected, they would be eligible. And in fact
20 of those hundred memos in support I got, they
21 included some of exactly those municipalities and
22 local communities. So yes.

23 SENATOR WALCZYK: And through you,
24 Madam President, would the sponsor continue to
25 yield.

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR KRUEGER: I do.

4 ACTING PRESIDENT MAYER: The
5 Senator yields.

6 SENATOR WALCZYK: Noteworthy
7 missing from that list was individual
8 New Yorkers. Are they somewhere else in the
9 bill, or are individuals eligible?

10 SENATOR KRUEGER: No,
11 individuals are not eligible.

12 SENATOR WALCZYK: And through you,
13 Madam President, would the sponsor continue to
14 yield.

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

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT MAYER: The
19 Senator yields.

20 SENATOR WALCZYK: What about
21 independent businesses that aren't specifically
22 landscaping companies? Could they be a part of
23 this program?

24 SENATOR KRUEGER: Just commercial
25 landscaping businesses.

1 SENATOR WALCZYK: Through you,
2 Madam President, would the sponsor continue to
3 yield.

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield?

6 SENATOR KRUEGER: Yes.

7 ACTING PRESIDENT MAYER: The
8 Senator yields.

9 SENATOR WALCZYK: So there's a list
10 of equipment under the definition here that would
11 qualify and shall be included in this program.
12 That includes walking and riding lawnmowers,
13 hedge trimmers, leaf blowers, mulchers, chippers,
14 chain saws, cultivators. Am I also seeing
15 snowblowers?

16 SENATOR KRUEGER: Yes, we do see
17 snowblowers.

18 SENATOR WALCZYK: Through you,
19 Madam President, would the sponsor continue to
20 yield.

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

23 SENATOR KRUEGER: Yes.

24 ACTING PRESIDENT MAYER: The
25 Senator yields.

1 SENATOR WALCZYK: Have you ever
2 used an electric snowblower?

3 SENATOR KRUEGER: I have not.

4 SENATOR WALCZYK: Through you,
5 Madam President, would the sponsor continue to
6 yield.

7 ACTING PRESIDENT MAYER: Do you
8 continue to yield?

9 SENATOR KRUEGER: Yes.

10 ACTING PRESIDENT MAYER: The
11 Senator yields.

12 SENATOR WALCZYK: I also see snow
13 shovels listed in your bill. What is a snow --
14 an electric snow shovel?

15 SENATOR KRUEGER: Madam President,
16 through you. I think an electric snowblower is
17 an electric version of a gas snowblower. If I'm
18 wrong and there aren't snowblowers, nobody's
19 going to be buying them.

20 SENATOR WALCZYK: Through you,
21 Madam President, the question -- let me say
22 again, because I listed off all of those things.
23 Yeah, very specifically --

24 ACTING PRESIDENT MAYER: Are you
25 asking if the Senator will yield?

1 SENATOR WALCZYK: Oh, I'm asking
2 the sponsor to yield. Yeah, apologies.

3 SENATOR KRUEGER: Yes, I do.

4 ACTING PRESIDENT MAYER: The
5 Senator will yield.

6 SENATOR WALCZYK: Thank you.

7 Line 9 of page 2 lists -- and it
8 goes from pole saws, augers, cultivators,
9 tillers, some farm equipment, snowblowers and
10 snow shovels. I'm wondering specifically, what
11 is an electronic snow shovel? I'm only familiar
12 with the old technology of a snow shovel.

13 SENATOR KRUEGER: So I'm looking on
14 Google because my staff handily typed in
15 "electric snow shovels," and they exist.

16 Do I know whether you would like one
17 or I would like one? I don't know. But they are
18 for sale, so hence they exist.

19 So they might be used. Depending, I
20 guess, on how much snow you have.

21 SENATOR WALCZYK: Through you,
22 Madam President, would the sponsor continue to
23 yield.

24 SENATOR KRUEGER: Yes, I will.

25 SENATOR WALCZYK: You learn

1 something new every day.

2 Are batteries better for the
3 environment than plug-in electronic devices? So
4 if you have a battery-powered device, would it be
5 better to have that battery or would it be better
6 to have a corded electronic device? For the
7 environment.

8 SENATOR KRUEGER: Through you,
9 Madam President. I'm not an engineer, so I don't
10 know that answer.

11 I believe under this bill if it's an
12 electric versus a gas piece of equipment, it
13 would be eligible. So conceivably, some of these
14 would be battery. Some of them could be plugged
15 in. So -- but whether one is better than the
16 other, I don't know.

17 What I do know is both of them are
18 better than gas-powered equipment. And in fact
19 the Pediatric Association, in their memo, pointed
20 out that gas-powered lawn equipment contributes
21 ground-level ozone and fine particulate
22 pollution, where even short-term exposure to
23 these pollutants can cause or contribute to
24 asthma, heart attacks, cardiovascular diseases
25 and premature death.

1 It's estimated that in 2020 alone,
2 gas-powered lawn equipment in New York produced
3 almost 1.4 million tons of climate pollution,
4 equivalent to the emissions for more than 300,000
5 cars annually.

6 SENATOR WALCZYK: Through you,
7 Madam President, would the sponsor continue to
8 yield.

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

11 SENATOR KRUEGER: I do.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR WALCZYK: I know it may be
15 an unfair either/or, but when you consider the
16 mining of rare-earth metals across the world, the
17 manufacturing process, and then we've even taken
18 up some legislation recently in this body for
19 disposal or recycling of different battery
20 products, would you consider the carbon footprint
21 of a battery-operated device to be higher than
22 one that is plugged in with an electric cord and
23 doesn't have a battery?

24 SENATOR KRUEGER: Again,
25 Madam President, I'm not sure that I am an

1 engineer qualified to answer that question.

2 Again, both of those options are
3 better from an environmental and health safety
4 perspective than gas-powered machinery.

5 SENATOR WALCZYK: Through you,
6 Madam President, if the sponsor would continue to
7 yield.

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

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR WALCZYK: But this
14 legislation here -- if both are better, this
15 legislation here actually specifically dictates
16 that corded electronic equipment, reel mowers or
17 tractors used to pull other lawn-care devices are
18 not eligible.

19 So why wouldn't we include corded
20 devices in this legislation if the purpose and
21 goal is for air quality, to reduce noise
22 pollution, and reduce emissions?

23 SENATOR KRUEGER: It turns out that
24 the kind of equipment that institutional users --
25 not private users -- buy are actually not corded

1 products.

2 So that this bill, as it evolved and
3 became only eligible for nonpersonal use, really
4 ended up with corded options not being available.
5 So I guess the answer is this is for other forms
6 of electric products, not corded electric
7 products, if that helps.

8 SENATOR WALCZYK: Through you,
9 Madam President, if the sponsor would continue to
10 yield.

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

13 SENATOR KRUEGER: I do.

14 ACTING PRESIDENT MAYER: The
15 Senator yields.

16 SENATOR WALCZYK: Yes, so just that
17 point of clarification.

18 So the plug-in electronic
19 products are not eligible, am I reading that
20 correct, and this would just be for
21 battery-operated?

22 SENATOR KRUEGER: Yes. Because
23 there really aren't corded products that would
24 work at this volume.

25 SENATOR WALCZYK: Thank you,

1 Madam President.

2 SENATOR KRUEGER: Before I sit
3 down --

4 ACTING PRESIDENT MAYER: Yes,
5 Senator Murray, why do you rise?

6 SENATOR MURRAY: Madam President,
7 would the sponsor yield for one question?

8 ACTING PRESIDENT MAYER:
9 Senator Krueger, do you yield?

10 SENATOR KRUEGER: I would.

11 ACTING PRESIDENT MAYER: The
12 Senator yields.

13 SENATOR MURRAY: Thank you.

14 Senator, when you were reading off
15 that statement with the statistics about the
16 effect it has on the environment, did it also
17 break down the difference between commercial and
18 individual? For example, lawnmower usage among
19 individuals who are not eligible for this rebate?

20 SENATOR KRUEGER: I'm looking for
21 you, because I don't believe either document
22 broke it down that way.

23 But there are many references to the
24 data. Respiratory Health Association, U.S.
25 Environmental Protection Association, Environment

1 America, Public Interest Research Group, USEPA --
2 characterization of emissions from gas-driven
3 lawn equipment, et cetera.

4 So it's conceivable I could find you
5 that data. Influence of background -- oh, I'm
6 sorry, the one thing that didn't get raised is
7 that the noise level from electric equipment is
8 dramatically less than gas-powered. And so the
9 American Pediatric Association and others have
10 also highlighted the decreased damage to hearing
11 from using electric products instead of gas
12 products.

13 And I'm looking at the memo from the
14 American Academy of Pediatrics to see whether
15 they break down -- and they have lots of data
16 here that I'm happy to share with you, but I
17 don't think they break it down by individual and
18 nonindividual.

19 Although I certainly would encourage
20 individual homeowners also to make the decision
21 to use electric versus gas, because it is
22 healthier and it's much less noisy. I know when
23 I did a press event in Westchester County, people
24 came out to say, We love this because we can't
25 stand the noise in our communities.

1 I myself have no neighbors that use
2 lawn equipment at all, since it's Manhattan.

3 SENATOR MURRAY: Thank you,
4 Madam President. On the bill.

5 ACTING PRESIDENT MAYER: Senator
6 Murray on the bill.

7 SENATOR MURRAY: My point to that
8 was that we have literally tens of millions,
9 myself included, who take care of their own lawn,
10 individuals.

11 And if it is so important that we
12 cut down on the emissions that are generated by
13 these gas mowers, if it is so important even, as
14 you mentioned, that we cut down on the noise
15 pollution, why are we not including individuals
16 with this incentive-type program? That was my
17 point.

18 Thank you, Madam President.

19 ACTING PRESIDENT MAYER: Thank you,
20 Senator Murray.

21 Senator Tedisco, why do you rise?

22 SENATOR TEDISCO: For a question.
23 Would the Senator yield for just a clarification.

24 ACTING PRESIDENT MAYER: Senator,
25 do you yield for a clarification?

1 SENATOR KRUEGER: Of course.

2 ACTING PRESIDENT MAYER: Go ahead,
3 Senator.

4 SENATOR TEDISCO: Just a quick
5 clarification. I'm not talking about individual
6 homeowners or things like that.

7 But in terms of owning a business
8 and being commercial, we have one person who does
9 a lot of neighborhoods, landscaping, mowing.
10 He's the only person that owns the business. You
11 don't have to have a certain number of employees
12 to get this rebate, if you're the one employee,
13 you own your business, they would qualify for
14 that? A singular employee.

15 SENATOR KRUEGER: Yes. Yes.

16 SENATOR TEDISCO: Thank you.

17 SENATOR KRUEGER: You're welcome.

18 ACTING PRESIDENT MAYER: Are there
19 any other Senators wishing to be heard?

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

22 Read the last section.

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

25 ACTING PRESIDENT MAYER: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER: Senator
4 May to explain her vote.

5 SENATOR MAY: Thank you,
6 Madam President.

7 I want to thank the sponsor of this
8 bill. Years ago I was caring for a loved one who
9 was undergoing treatment for cancer, and during
10 the treatment we moved in with my mother, who
11 lived in a suburban town, because we thought it
12 would be nice and quiet and a place where he
13 could sleep during the day.

14 And it turned out that every single
15 hour of every day there was a lawnmower or an
16 edge trimmer or a leaf blower operating within a
17 hundred feet of our house, it seemed like. And
18 it was almost impossible for him to sleep.

19 So we ended up moving back into our
20 urban apartment, where the car noise and the bus
21 noise was far less than the noise of the
22 landscaping equipment all around us.

23 We talk about the emissions from
24 these, but the noise that they produce is truly
25 disturbing for people who are trying to get a

1 child to sleep or are trying to recover from an
2 illness.

3 And so I'm grateful that we are
4 trying to incentivize this kind of much quieter
5 technology so that we can have healthier
6 environments for people to just take care of
7 themselves.

8 So I have vote aye. Thank you.

9 ACTING PRESIDENT MAYER: Senator
10 May to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar 471, those Senators voting in the
14 negative are Senators Gallivan, Griffo, Lanza,
15 Murray, O'Mara, Ortt, Stec, Walczyk and Weik.

16 Ayes, 51. Nays, 9.

17 ACTING PRESIDENT MAYER: The bill
18 is passed.

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

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

23 ACTING PRESIDENT MAYER: There is
24 no further business at the desk.

25 SENATOR GIANARIS: I move to

1 adjourn until tomorrow, Tuesday, March 18th, at
2 3:00 p.m.

3 ACTING PRESIDENT MAYER: On motion,
4 the Senate stands adjourned until Tuesday,
5 March 18th, at 3:00 p.m.

6 (Whereupon, at 4:31 p.m., the Senate
7 adjourned.)

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