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

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate will come to order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Creation.

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

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

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

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

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

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

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

May Almighty God bless you all.

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

(Response of "Amen.")

ACTING PRESIDENT MAYER: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

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, Madam President.

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

ACTING PRESIDENT MAYER: The Secretary will read.

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

ACTING PRESIDENT MAYER: Senator Rivera on the resolution.

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

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

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

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

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

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

Because again, when folks are at

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT MAYER: Thank you, Senator Rivera.

Senator Rolison on the resolution.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT MAYER: Thank you.

Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Madam President.

Senator Rivera, thank you for

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

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

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

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

I just wanted to give a word of

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

I vote aye on the resolution.

Thank you, Senator Rivera.

ACTING PRESIDENT MAYER: Thank you, Senator Bailey.

Senator Weik on the resolution.

SENATOR WEIK: Thank you.

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

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

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

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

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

ACTING PRESIDENT MAYER: Thank you, Senator Weik.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

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

ACTING PRESIDENT MAYER: Senator Sean Ryan on the resolution.

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

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

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

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

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

(Laughter.)

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

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

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

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

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

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

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

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

famine.

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

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

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Ryan.

Senator Cooney on the resolution.

SENATOR COONEY: Thank you, Madam President.

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

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

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

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

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

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

Thank you.

ACTING PRESIDENT MAYER: Thank you.

Senator Bailey on the resolution.

SENATOR BAILEY: Thank you,

Madam President.

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

(Laughter; applause.)

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

Happy St. Patrick's Day, everybody.

(Laughter; applause.)

ACTING PRESIDENT MAYER: Thank you, Senator Bailey.

Senator Scarcella-Spanton on the resolution.

SENATOR SCARCELLA-SPANTON: Thank you, Madam Chair.

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

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

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

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

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

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator.

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

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

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

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

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

Senator Gianaris.

SENATOR GIANARIS: Madam President, I have a motion.

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

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

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The Secretary will read.

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

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

ACTING PRESIDENT MAYER: The substitution is so ordered.

The Secretary will read.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 49. Nays, 11.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 59. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 40. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 58. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

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

act to amend the Public Authorities Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 58. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR GIANARIS: Please move on to the controversial calendar.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

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

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

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

ACTING PRESIDENT MAYER: Thank you, Senator Lanza.

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

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

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

SENATOR WALCZYK: Thank you, Madam Chair.

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

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

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

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

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Walczyk.

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

Those in favor of overruling the

chair, signify by saying aye.

(Response of "Aye.")

SENATOR LANZA: Show of hands.

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

Announce the results.

THE SECRETARY: Ayes, 21.

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

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 39. Nays, 21.

ACTING PRESIDENT MAYER: The bill is passed.

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

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

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

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

SENATOR RAMOS: Absolutely.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

SENATOR WALCZYK: Through you, Madam President.

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

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

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

yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: I do.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

From our Governor, Kathy Hochul.

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

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

ACTING PRESIDENT MAYER: Thank you.

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

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

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

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

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Which employers does this apply to?

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: I do.

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

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

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

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR WALCZYK: So abusive

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

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

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

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

SENATOR RAMOS: Yes.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

SENATOR WALCZYK: Thank you.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

SENATOR RAMOS: Hmm. (Pause.) Through you, Madam President, my understanding is

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: Yes, the Senator yields.

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

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: I do.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Should the

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

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

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

SENATOR RAMOS: Through you,

Madam President, that is not what this bill does.

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Why not?

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

SENATOR WALCZYK: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator

Walczyk on the bill.

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

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

I'll be voting no, Madam President.

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

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

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you,

Madam President.

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

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

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

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

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

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

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

Announce the results.

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

Ayes, 53. Nays, 7.

ACTING PRESIDENT MAYER: The bill is passed.

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

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

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

I was hoping the sponsor would yield for some questions.

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

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

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

ACTING PRESIDENT MAYER: Senator Walczyk.

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

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: Of course.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

SENATOR KRUEGER: Yes. All good goals.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

SENATOR WALCZYK: Madam President, would the sponsor --

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

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

And certainly I'm happy to answer more questions.

SENATOR WALCZYK: Apologies. Thank you for finishing there.

If the sponsor would continue to yield.

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

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

ACTING PRESIDENT MAYER: Do you

continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Municipalities as well?

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

Would all those be eligible for this equipment?

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

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

SENATOR KRUEGER: No, individuals are not eligible.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

SENATOR KRUEGER: Just commercial landscaping businesses.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

SENATOR KRUEGER: Yes, we do see snowblowers.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR WALCZYK: Have you ever used an electric snowblower?

SENATOR KRUEGER: I have not.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

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

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

SENATOR KRUEGER: Yes, I do.

ACTING PRESIDENT MAYER: The Senator will yield.

SENATOR WALCZYK: Thank you.

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

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

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

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

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

SENATOR KRUEGER: Yes, I will.

SENATOR WALCZYK: You learn

something new every day.

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

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

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

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

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

engineer qualified to answer that question.

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

products.

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

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR KRUEGER: I do.

ACTING PRESIDENT MAYER: The Senator yields.

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

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

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

SENATOR WALCZYK: Thank you,

Madam President.

SENATOR KRUEGER: Before I sit down --

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

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

ACTING PRESIDENT MAYER: Senator Krueger, do you yield?

SENATOR KRUEGER: I would.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR MURRAY: Thank you.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT MAYER: Senator Murray on the bill.

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

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

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Murray.

Senator Tedisco, why do you rise?

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

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

SENATOR KRUEGER: Of course.

ACTING PRESIDENT MAYER: Go ahead, Senator.

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

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

SENATOR KRUEGER: Yes. Yes.

SENATOR TEDISCO: Thank you.

SENATOR KRUEGER: You're welcome.

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

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

Read the last section.

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

ACTING PRESIDENT MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

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

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

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

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

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

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

So I have vote aye. Thank you.

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

Announce the results.

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

Ayes, 51. Nays, 9.

ACTING PRESIDENT MAYER: The bill is passed.

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

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

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

SENATOR GIANARIS: I move to

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

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

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