NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:40 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

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

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

ACTING PRESIDENT PERSAUD: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 25, 2025, the Senate met pursuant to adjournment. The Journal of March 24, 2025, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT PERSAUD: 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: Madam President, please recognize Senator Bailey for an important introduction.

ACTING PRESIDENT PERSAUD: Senator Bailey for an introduction.

SENATOR BAILEY: Thank you, Madam President, and good afternoon.

In this chamber we are certainly used to a certain element of, as they say, "Black Girl Magic" with our incredible leader Andrea Stewart-Cousins. But as Tag Team would say: Swoopes! There it is.

(Laughter.)

SENATOR BAILEY: We have an all-time basketball legend -- not just WNBA legend, an all-time basketball legend in Sheryl Swoopes.

Ms. Swoopes is up here because what she's doing is critically important. And it's not just about her Hall of Fame career, which

I'll get to in a second. It's about making sure that we're recognizing breast cancer awareness and early detection, working with RadNet.

And it's personal to Ms. Swoopes because she's lost family members, teammates and a host of other people who were close to her.

And so to whom much is given, much is required. And Sheryl Swoopes has not just decided to shoot the breeze about it, but be about it. She's going around and talking about -- especially in the African-American community -- the importance of making sure that you are getting checked.

But you know who couldn't check her? Anybody on the court.

(Laughter.)

SENATOR BAILEY: The first woman to sign a WNBA contract.

And as you know, Madam President, I am one of the resident sneakerheads here. She is the first woman to have a signature pair of sneakers, the Air Swoopes, 1995. That was before she won the Gold Medal in '96, one of three Gold Medals that she would win. Four WNBA titles, three MVPs, two scoring titles, and a

partridge in a pear tree.

(Laughter.)

SENATOR BAILEY: Three Defensive Player of the Year awards. And in the year 2000, a trifecta: MVP, scoring title, and Defensive Player of the Year.

In 2001, tore her ACL, didn't play. And then in 2002, she came back: MVP, Defensive Player of the Year. Doing it on both ends. Which speaks to what I said earlier, making sure that she's taking care of community.

She's a Hall of Famer. You got to make sure you put some respect in her name, as they say. Also recorded the first triple double in WNBA history. Part of a four-peat. Somebody down in Miami -- we don't talk about that guy in New York -- he copyrighted the word "three-peat." But four-peat are what the Houston Comets did at the beginning of the WNBA's infancy, infancy stage.

And I'm going to leave you with this. We have to make sure that we continue to lift up the names of women in sports. If you Google the phrase who scored the most points in an NCAA title game, the answer is incorrect on

Google because it says Bill Walton scored 44 points. That is men's college basketball. The proper answer is that Sheryl Swoopes scored 47 points, accounting for over half of her team's points in a 1993 game when Texas Tech won the championship. She has the most points in the history of NCAA basketball in a championship game.

So we have more to do in terms of making sure we lift up women's sports.

But, Madam President, if you could, if you could extend the privileges and courtesies of this house to a legend, a Hall of Famer, and one of the greatest of all time in Ms. Sheryl Swoopes.

(Sustained applause.)

ACTING PRESIDENT PERSAUD: Thank you, Senator.

To the legend, the Hall of Famer Sheryl Swoopes, we welcome you to our chamber. I don't think we can say anything else. Welcome, welcome, welcome. And let's please stand -- keep standing and be recognized. Thank you very much.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator

Gianaris.

SENATOR GIANARIS: Now, Madam President, let's move on to previously adopted Resolution 225, by Senator Harckham, read that resolution's title and recognize Senator Harckham.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Resolution 225, by Senator Harckham, memorializing Governor Kathy Hochul to proclaim March 29, 2025, as Vietnam Veterans Day in the State of New York.

ACTING PRESIDENT PERSAUD: Senator Harckham on the resolution.

SENATOR HARCKHAM: Thank you very much, Madam President.

First I want to thank the Majority Leader, Andrea Stewart-Cousins, for bringing this resolution to the floor.

I want to thank Senator Scarcella-Spanton, the chair of our Veterans Committee, for cosponsoring this resolution every year with me and for her tremendous work on behalf of veterans all over New York State.

I also want to thank and commend all the veteran members of the New York State Senate. We have many, and we thank you all for your service as well.

Madam President, on this Saturday, March 29th, we will once again be observing national Vietnam Veterans Day. This will be the 13th anniversary of this recognition, which was first proclaimed back in 2012.

Accordingly, I would like to welcome all the Vietnam veterans who are here today, including several from the 40th Senate District and from other Senate districts throughout the state.

For my contingent, please welcome Jim Martin, Lu Caldara, Art Hanley, Bob Anderson, Michael O'Connor, Joseph Manna, Janet Meyer, Anthony Ambrogio, Bob Fiorito, Bill Tuttle, Patrick Bennett, Jerry Whitmore, William Goodenough, Liam "Skipp" Baker, Marcus Arroyo, Harry Sherblom, Ronald McConnachie, Eugene Cascioli, Chester Edwards, Robert Joyce, and Roy Ettere.

Mr. President, more than 3 million Americans served our country and more than 58,000

sacrificed their lives during this war. The names of those 58,318 lives lost are forever engraved in that stunning black granite memorial in Washington, D.C.

But today we pay homage to the brave men and women who served in the Vietnam War, knowing full well that they served with tremendous courage and sacrifice. And we also recognize that when they returned home, they were not given the proper respect and recognition when they returned. And just the opposite -- they were met with scorn and disrespect.

But undeterred, many of our Vietnam veterans returned home and then spent years serving each other and serving our communities. And they vowed to ensure that succeeding generations of warriors would return home as heroes, a welcome that they did not receive. And they fought for healthcare, they fought for housing, and they fought for PTSD treatment.

They have been an inspiration to all of us, and their good deeds and their good efforts continue to inspire us each and every day.

And so today the best way we can

honor our Vietnam veterans -- and all veterans statewide -- is to acknowledge that our service to them must be never-ending.

And why should we care? Suicide rates higher than the national average; 22 per day for veterans. Drug-related mortalities higher than the regular population. Higher rates of homelessness than other parts of the population. PTSD: 30 percent of men and women who served in Vietnam are suffering from PTSD.

So we in government have an obligation to do all that we can to assist these folks who were there for us. So this requires more than a thank you at parades and holidays -- which they appreciate, but we need to do more. And so our prevailing concerns and policies must be to care for the well-being of our veterans -- and needs to be absolute, always.

So today we enter into the record of our proceedings here today a resolution of the State of New York which is to show its Vietnam veterans the respect and the appreciation that they deserve but did not always get when they returned home.

So, ladies and gentlemen, welcome

home to a grateful nation and a grateful state.

Thank you.

("Thank you," applause from galleries.)

SENATOR HARCKHAM: Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Scarcella-Spanton on the resolution.

SENATOR SCARCELLA-SPANTON: Thank you, Madam President.

And thank you, Senator Harckham, for introducing this legislation.

We welcome you today to the New York State Senate chambers. And we're also appreciative that you came here to join us.

As we approach March 29, 2025, National Vietnam Veterans Day, we honor all those who bravely served in the Vietnam War and who made the unimaginable sacrifices, as did their families and caregivers, on behalf of our country.

On this date 52 years ago, the final U.S. combat troops departed Vietnam. But no

matter what the day of the year it is, every servicemember of the Vietnam generation should know that their sacrifices mattered and their service made a difference.

And I can tell how much their service has made a difference. I had such a -- the pleasure of talking to all of you earlier at the wonderful lunch that Senator Harckham puts together. But our vet centers that so many veterans today utilize across New York State and across the country are because of our Vietnam vets. This saves countless lives every day.

We do see an uptick of veteran suicides, 22 a day, which is devastating. But they were the ones who made sure that veterans coming home received proper treatment for mental health conditions, proper treatment for healthcare. We see that they've combated issues with the terrible effects of Agent Orange that they waited, they told me earlier today, 50 years to get recognized. Whereas today's veterans from Iraq and Afghanistan, they started a burn pit registry to make sure that the same atrocities that happened to our Vietnam vets do not happen to them.

I cannot thank each and every one of you enough for your service to our nation, but also for your service to our veterans today. Thank you. As the chair of the Veterans Committee, as a military spouse, you are deeply appreciated. Welcome home. Welcome to New York. Thank you for your service.

(Applause from the gallery.)

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Borrello on the resolution.

SENATOR BORRELLO: Thank you, Madam President.

I rise to honor our Vietnam veterans, one of whom is my father, Tony Borrello, and his now deceased brother Frank Borrello. They fought this war like so many others, a new type of war that was fought where the enemy often didn't wear a uniform, you didn't know who the enemy was. And they served proudly.

The Vietnam War was a war that was fought by the working class, the poor, people of color -- the people who didn't have the means or the money or the political connections to get out

of serving. And they served proudly and bravely. And then they came home to an ungrateful nation who did not honor their service.

It's forever a shame on us and a dark point in our history here in the United States that you did not get the welcome home you deserved.

So on behalf of myself and everyone else, welcome home. Thank you for a great job serving our country. You deserve much better. And we have endeavored since then to make sure that no veteran is ever treated as you were treated.

Thank you.

(Applause from the gallery.)

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Mayer on the resolution.

SENATOR MAYER: Thank you, Madam President.

Thank you, Senator Harckham, for sponsoring this resolution. Thank you to so many of our friends from home in Westchester and the Hudson Valley, and other veterans that are here today.

This is such an important day, again, to honor the troops who served in Vietnam. More than 3 million Americans served their country at that time, and the names of those lost are forever engraved in the black granite Vietnam Memorial in Washington, which is an incredibly somber remembrance of loss, commitment and sacrifice.

But that was an incredibly turbulent time in America. Many of us remember it well. And too often you as, at that time, young men and women in your teens and early 20s, carried the burden of national divisions and policy struggles on your shoulders both when you were away and when you came home.

Veterans were the sons and daughters, children and now fathers and grandfathers who answered the call to serve their country. In President Obama's proclamation commemorating the 50th anniversary of the war, he rightfully called upon us to renew our sacred commitment to those who answered our country's call in Vietnam and those who awaited their safe return.

Today we are honored to honor you,

to insist that we never have a homecoming like you have, to change the trajectory of our conversation to realize that you deserved better, we owe you better, and now we owe you everything that you need in order to age and be well as you continue to be our heroes who served us in a time of war.

I want to particularly acknowledge Chet Edwards from my district, the chair of my Veterans Advisory Committee, who also with his wife Mary runs the Honor Flight out of Westchester bringing veterans to Washington, D.C., for a day, for an incredible day they will remember for their lives. Thank you for being here, Chet. Thank you for your work.

Thank you to all of you. And today is a day we honor you.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you Senator.

(Applause from the gallery.)

ACTING PRESIDENT PERSAUD: Senator Ashby on the resolution.

SENATOR ASHBY: Thank you, Madam President.

I want to thank Senator Harckham for bringing this resolution to the floor, and of course Chairwoman Scarcella-Spanton for her great work each and every day, and of course to our Vietnam veterans, for those who are joining us here today and for those who join us during each proceeding, the Sergeant-at-Arms who are Vietnam veterans in this chamber and the one down the hall, including Wayne Jackson.

Earlier today we met outside the Judicial Building, where we have our own New York State Vietnam Veterans Memorial, and acknowledged the names on that wall, including every New Yorker who fought and died in Vietnam. And among them, Lieutenant Colonel Ronald Storz, from Ozone Park, and Sergeant Frederick Burns from Merrick, New York. Both died in captivity. And it's important that we remember them, remember their sacrifice, and we remember the homecoming that our Vietnam veterans received.

And it would have been easy for many of them at that time to acquiesce a little bit, to give up on our government, on those who didn't welcome them home. But they didn't do that. They fought back with their spirit each and every

day to ensure that that didn't happen to veterans like myself in future generations, setting a better example, inspiring us and our families to know better next time.

And the veterans that are here today with us, they're no stranger to this chamber. They're no stranger to their own communities and what they do each and every day to help make our state a better place.

And the Vietnam veterans that are here joining us from the Capital Region include Edward Paige, Francis Ludwig, Bill Frank, Bud Malone, Gene Luparco, George Sykala, Bill Kosek, Jerry Flynn, and James R. Smith.

I want to thank you all very much for your continued sacrifice and for making sure that we know a better way. I proudly support this resolution.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

(Applause from the balcony.)

ACTING PRESIDENT PERSAUD: Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Madam President.

I just wanted to add my voice to the chorus of those who appreciate, respect, honor and treasure and realize that we would not be able to celebrate these freedoms without the service that you provided.

Thank you, Senator Harckham, for introducing this resolution. And thank you to all of our veterans in this chamber like Senator Ashby, Senator Sanders, Senator Ortt. If I'm missing anybody else, charge it to my head and not my heart. Senator Stec, Senator Walczyk. I forgot, Senator Walczyk was just out on -- just out on leave. Thank you for all of your service. And Senator Chan as well. Wow. Just thank you for what you do and what you've done for this country.

You know, the occupation of Vietnam is something that was before my literal time, and it's something that I've only read about and heard about. And it's been spoken about, but you lived it. And the further away we get from the Vietnam conflict, unfortunately the further people become desensitized to what atrocities took place over there for you.

But rest assured that in this

chamber we do not and will not forget, because you have passed the stories down and you have passed the importance of the work that you've done and the fights that you have undertaken for us.

And so I just want to say thank you one more time. I don't think we can ever say thank you enough. Because you can do what very few of us could ever dream of doing or would think of doing. You protected people -- and I've said it on this floor many times, and I'll say it again, because it bears worth repeating. You protect people that you've never met, will never meet, weren't born, weren't contemplated. And thank you for it.

May you continue to bask in the glory that you deserve and that you need and that we must continue to do.

Thank you, Senator Harckham; to our chair, Senator Scarcella-Spanton; and to all of us in here to appreciate and respect veterans.

I proudly vote aye on the resolution, Madam President. Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

(Applause from the gallery.)

ACTING PRESIDENT PERSAUD: Senator Chan on the resolution.

SENATOR CHAN: Thank you, Madam President.

Thank you, Senator Harckham, for bringing this resolution to the floor.

My name is Senator Steve Chan. And it's not often -- I want you to know it's not often that we are in the presence of such greatness, so I want to thank you for coming down.

From the halls of Montezuma, to the shores of Tripoli. As a United States Marine myself, I welcome you to the Senate floor. I want to say thank you for the sacrifices that you have made. When I went into the Marines in the '80s, I learned my trade and I learned my traits from people like yourselves. And those are the skills that I carry even today, and that I'll never forget.

America remains free because of people like you and the sacrifices that you have made. And to the ones that never made it home, to the ones that are still missing, as long as

Old Glory still flies, they're still with us.

Thank you very much.

(Applause from the gallery.)

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Stec on the resolution.

SENATOR STEC: Thank you, Madam President.

I also would like to thank the chair and my colleagues for their voices on this resolution recognizing our Vietnam veterans.

To my fellow veterans, both in the gallery and in the chamber here, thank you for your service.

Vietnam veterans are of particular importance to me. My father was a Marine Corps Vietnam veteran, 1962 to '65. He tells me -- he told me the stories as a kid, riding over on the LST from Okinawa to Vietnam, where he was in a Fire Direction Control and Artillery Unit. He used to tell me stories about shooting barrages of artillery at elephant convoys moving equipment and people.

You know, he left the Marine Corps in 1965, married my mother. I'm glad things

worked out for him in Vietnam, or I wouldn't be here amongst all of you.

But, you know, I'm proud of his service but, more importantly, he's proud of his service. You all should be very proud of your service. I'm deeply thankful for your service and sacrifice.

And again, you're very welcome to our chamber. And thank you for your patriotism and your love of our country.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

(Applause.)

ACTING PRESIDENT PERSAUD: Senator Fahy on the resolution.

SENATOR FAHY: Thank you.

I also rise and commend Senator Harckham for offering this resolution. And I also am grateful and proud to serve with so many of those in this chamber and up in our gallery who have served in the military and served this country so valiantly over the years, especially the 207,000 Vietnam War veterans from this state.

We owe them a unique debt, because they are the only members who have served in wars, foreign wars, who were not welcomed back to this country. And I feel that we must repay that debt and try to heal that scar. So I think it is a lasting recognition that you deserve here.

I commend the -- our Albany County Executive as well as our Congressman, who host an Honor a Vet ceremony every month, and often it is a Vietnam veteran. They're beautiful services and it helps us repay that debt to those veterans who served so valiantly.

Also commend the Governor for this fiftieth -- recognizing the 50th anniversary of the withdrawal coming up on March 29th.

And also hope that we will stand united and stand together to oppose the federal cuts that are being unleashed upon us, whether it is the 80,000 jobs cut at the VA or the proposed gutting of the PACT Act. We need to stand together. We need not to forget those who have served.

And we stand on your shoulders, and again, we are a nation in your debt.

Thank you.

(Applause from the gallery.)

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Lanza on the resolution.

SENATOR LANZA: Thank you, Madam President.

I rise to support this resolution, and I thank the sponsor.

The reason why we celebrate this law here in New York making this day Vietnam Veterans Day is because of a Staten Islander whom I'm very proud of. He's a a dear friend. Served in the Vietnam War. His name is Lester Modelowitz.

He came to me when I was a relatively new member of this body and proposed the idea that we make this the law of the State of New York. I couldn't believe it wasn't already. I said "Of course, we'll do it." I wrote the legislation. We had it written in the Assembly. We met with some resistance, Madam President. Hard to believe. Even by other veterans from other wars who said, Why do we need this? We have Veterans Day, we have Memorial Day. Isn't that enough? And of course we said, No, it's not enough.

Some in the media opposed the idea and thought it was just a political stunt. Well, it wasn't. And the reason why we did it -- and it passed I believe unanimously at the time, with bipartisan support -- is because, as you've heard, something different happened to those veterans who fought in the Vietnam War on behalf of America and our freedom.

Thanks to warped politicians, elitist folks in Hollywood, riots and flag burnings on college campuses, they came back after fighting for us to have to fight again to return to society. It was a shameful chapter in America. It was wrong then. It's terrible that it happened, and I apologize that you had to go through that. And so we thought in some small way we can right that wrong.

Why the law? First, we've got to educate. We've got to teach. We've got to teach this generation of young people -- who really know nothing about that chapter in American history -- that it happened. And because it happened, it can happen again. We see flag burnings and riots on college campuses right now. Different subject, but same hatred of America.

So we did it to educate, to make sure it doesn't happen again.

I'm a Catholic. I believe in contrition. I believe in some small way this law says we're sorry. America is sorry. New York is sorry. You deserve it, and we say that with this law.

I think the other reason is because you deserve it. You deserve to be recognized every single year on a special day where we take pause. And I wish more people across New York would take pause on this day and say thank you. One day a year is not too much to ask to say thank you on behalf of the sacrifices that you made for us.

So I'm proud to have written in legislation to make this the law. New York was the leader in recognizing you in this way. When we left Vietnam, President Nixon had a Day of Honor. It was one day. And ever since, it was forgotten. Ever since, it had been forgotten.

We did it here in New York. I received calls from around the country, other legislators saying, Hey, we want to get on board and we want to do it. And state after state

after state followed suit. And finally, in 2016, President Trump made it a national day of recognition. And it has been so ever since.

So as my colleagues have said, we will never forget. We are eternally grateful. We are -- on behalf of ourselves, our state, our children, our grandchildren, we respect you, we admire you, we honor you, we love you. And we say welcome home.

Thank you, Madam President.

(Applause from the gallery.)

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Tedisco on the resolution.

SENATOR TEDISCO: Thank you, Madam President.

When the Vietnam War took place, I was on a college campus on that time. A tremendous amount of dissension. Was it a good war, or was it a bad war? Well, my colleagues, there are no such things as good wars. There are better outcomes for protecting freedom and liberty. But for America, the only reason why we should ever ask the men and women who so patriotically served, like the Vietnam veterans

we're honoring today, is because we are protecting the thing that's most cherished to us: Freedom and liberty.

But what there is -- and we hadn't acknowledged that, because when the war was taking place, picketing, rioting, things of that nature. When they came home, they didn't get the respect they deserved. A lot think it was a bad war then, it was a bad war when they came home. They're talking about it being a bad war now.

What was good about it is the men and women of battles for freedom and liberty who were Americans who came home with honorable discharges, were all good patriots, were all good Americans. Not only good, they were outstanding.

And you could talk about something not being the best to have and to take place. Maybe we shouldn't have gotten involved in that. Maybe there are other battles and conflicts we shouldn't have gotten involved with. But these are the men, and they are the men and women in all battles to protect freedom and liberty, who didn't cut and run. They said my nation, the leaders, right or wrong, according to the Constitution, want me to stand up and defend

freedom and liberty.

Right or wrong, they're the ones who stood up and went out there, in what people define as a bad war.

I say to you today, you are the utmost of best Americans, of best patriots, of best defenders of freedom and liberty. And we thank you and we praise you and we appreciate you. And you've set a standard and example that when your country calls, right or wrong, you've got to be there for us to defend this nation and defend freedom and liberty around the world. And you set the standard and example for that. And you deserve every appreciation for that.

God bless you, and God bless the United States of America. Thank you so much.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

(Applause from the gallery.)

ACTING PRESIDENT PERSAUD: Senator Krueger on the resolution.

SENATOR KRUEGER: Thank you very much, ladies and gentlemen.

My grandfathers both served in World War I. They were new Americans. But they knew

that when their new country told them, We need you, that they were going to go.

And I remember my one grandfather, who was sent to Germany in World War I, and he was missing in action. And so the family received a telegraph saying, We believe your son is dead. I still have that telegraph.

And then I have a later one saying: We were wrong, we found him. Pretty amazing.

And he talked about his experiences, and he talked about -- and both grandfathers talked about the belief that this country is the country worth fighting for, for the freedoms.

And I know -- and every generation since, we've had some representatives in the military -- that when I stand here on the floor of the Senate and I talk to my colleagues and sometimes I debate my colleagues, and we don't always agree -- and sometimes we passionately don't agree. But I always try to remember that we ask young men and women to go fight wars for us, to protect our right to stand on the floors of this Legislature and the U.S. Congress and state legislatures all over the country, to fight out the issues of what are the right and wrong

answers for this country.

And we're never all going to agree. But the greatness of this country and the reason we are America is because we've had men and women like you who have been willing, when asked, to go and serve this country and fight for and protect our right to fight about democracy.

So I want to thank you for your service, and I just want to remind everyone in this room how important every generation's contribution has been, whatever the situation was, to get us here to 2025.

So thank you for your service. And thank you for participating with us today. Appreciate it.

(Applause from the gallery.)

ACTING PRESIDENT PERSAUD: Thank you, Senator.

The resolution was adopted on January 22nd.

Senator Gianaris.

SENATOR GIANARIS: Madam President, I'd like to also welcome our guests on that resolution, our great veterans who served in Vietnam, to the chamber. Can you please also

extend them the courtesies of the house.

ACTING PRESIDENT PERSAUD: To our guests, the heroes of Vietnam, we welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house.

Please rise and be recognized.

(Extended standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Gianaris.

SENATOR GIANARIS: Madam President, Senator Harckham would like to open that resolution for cosponsorship.

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

Senator Gianaris.

SENATOR GIANARIS: Please recognize Senator Comrie for an introduction.

ACTING PRESIDENT PERSAUD: Senator Comrie for an introduction.

SENATOR COMRIE: Thank you, Madam President.

I rise to welcome and greet folks that have already had to leave because their bus

was leaving at 4:30.

But every year for the last couple of years we've had students here from my Community School District 29. Dr. Crystal Bonds, the superintendent, has been bringing young people up here who are student leaders, students from P.S. 238, 136, 134; P.S. 289; P.S. 15, 147, 59; P.S. 37; P.S. 251; P.S. 156, 147, 192; CAMS 355; P.S. 176; I.S. 270, 208; P.S. 38, 131, 132, 134, 238.

They were able to come in the chambers and see our beautiful chambers. I did come and take some photos with them. They were able to go to the Assembly. They were able to move around between the LOB and our beautiful Capitol to see what was going on.

Our District 29 mission is to promote achievements and empower and educate our scholars and school community. The program that they have where they're creating student leaders is a great program.

And I had a chance to talk with the young people about the cellphone ban that we're talking about. I had a chance to talk to the young people about the mask ban, and they got to

know that we're engaging with them about issues that matter to them. And they were giving me some great information on how they feel about those issues.

You know, it's important that we try to do whatever we can to as legislators to reach back and show our young people what we're doing. I was honored that they were able to come to Albany.

I want to thank my colleague Assemblywoman Alicia Hyndman and her staff for coordinating today's visit. And I want to thank all of our colleagues. I want to thank the photographers and the Sergeants-at-Arms for making this day possible for them in the chamber as well.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Gianaris.

SENATOR GIANARIS: Madam President, I have two motions to handle.

On behalf of Senator Scarcella-Spanton, on page 14, I offer the following amendments to Calendar Number 265,

Senate Print 2068, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: And on behalf of Senator Stavisky, on page 29 I offer the following amendments to Calendar Number 456, Senate Print 4559A, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: Please take up the reading of the calendar.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 324, Senate Print 659, by Senator Gianaris, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar Number 324, voting in the negative are Senators Ashby, Borrello, Chan, Gallivan, Griffo, Helming, Oberacker, O'Mara, Ortt, Stec, Tedisco, Walczyk and Weik.

Ayes, 48. Nays, 13.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 348, Senate Print 2597, by Senator Mayer, an act to amend the Family Court Act.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce

the results.

THE SECRETARY: In relation to Calendar 348, voting in the negative are Senators Borrello, Chan, Helming, Lanza, Murray, O'Mara, Ortt, Tedisco and Walczyk.

Ayes, 52. Nays, 9.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 417, Senate Print 3147, by Senator Cooney, an act to amend the Insurance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 417, voting in the negative: Senator Walczyk.

Ayes, 60. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 435, Senate Print 681, by Senator Martinez, an act to amend the Labor Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 440, Senate Print 5254, by Senator C. Ryan, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2 --

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 473, Senate Print 2438, by Senator Gianaris, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 473, voting in the negative: Senator Walczyk.

Ayes, 60. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 491, Senate Print 2400, by Senator Persaud, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Murray to explain his vote.

SENATOR MURRAY: Thank you,

Madam President.

I want to thank you for allowing me to speak, and also thank you for all of your hard work in working together with me on this bill.

I also want to say a special thank you to a member of your staff, Michelle Alvarez, who also put so much work and put her heart and soul into this.

And, you know, a lot of times we pass bills that together put task forces or working groups or something, and it just -- it doesn't seem like a big deal. Quite frankly, this one could save lives. If you'll indulge me, I'll explain a little bit.

In 2010, I first came to the State Assembly. I had just gotten elected, and I happened to be in much better shape then and actually played softball on a regular basis. I got hurt, had to have surgery.

When I had that surgery, it just so happened right after the surgery we were -- that was the year that the budget wasn't just late, it was extremely late, and we were passing extenders. And it just so happened it was right around Memorial Day weekend. And we were

wondering and debating whether or not to keep the parks open. And that debate went forever.

Well, after the surgery I couldn't walk, so I was in a wheelchair. What they tell you to do after surgery is get up and move. I didn't know this. I didn't know a lot of things about what's about to happen. I ended up afterwards -- we went home that weekend for all the parades and everything, and I'm riding around and all of a sudden I had severe pain in my leg, and chest pain and a little trouble breathing.

Like I said, I didn't know what was going on. Thank God my chief of staff then, Kevin Malloy, did. We got done and we were coming back up to Albany, and me being stubborn, I could wait, I can well wait to see the doctor, I'll wait to see the doctor.

Well, we got back to Albany, we called the doctor. And I wanted to go see the one who did the surgery so we were aligning everything. We called his office, and he said, You can either come in right now, or you have to wait a few days. Well, by then the pain was getting really bad. I was starting to get a little scared. I said "Right now works for me."

So we took off, and we saw him. He did some tests and then sent me to get an ultrasound. They did that, and they immediately sent me to the emergency room. By now I'm getting a little worried. I got really worried when all the staff around the emergency room is running around like their hair's on fire. And I'm just sitting here not knowing what's going on -- until they mentioned a pulmonary embolism. I didn't know what that was either.

Had I known these things, maybe I could have done things differently. But at this point I ended up with a blood clot. It was what they call a deep vein thrombosis. That's a blood clot that is most common in the leg and in a main vein or artery.

I ended up throwing a blood clot, and it got caught in my lung. They later told me had it not got caught, I would not be here today. So I'm thankful for that.

But the point of this long, extended story is I ended up four days in the hospital there recovering. But the point is, some don't. Some don't recover.

I didn't know what was going on. I

didn't know what to do. I didn't know how to care for myself. Some of the symptoms of this are shortness of breath. I had chest pain, I had coughing, wheezing, dizziness, rapid heart rate, leg pain and swelling. I had all of those; I didn't know what it meant. And it could have cost me my life.

And I get back to the importance of this bill. By us working together and putting together this working group, we can gather information, we can share this information, we can get it out to people to educate. And that's what it's all about, educating so that people know how to avoid things like this.

So I'm sincerely grateful to you, Senator Persaud, also to Michelle Alvarez. Thank you for taking this seriously, working on this, and helping to put this together. It will no doubt save lives.

I vote aye.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Murray to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 496, Senate Print 1728, by Senator Brouk, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 509, Senate Print 3575, by Senator Cleare, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 559, Senate Print 3336, by Senator Cooney, an act to amend the General Municipal Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Cooney to explain his vote.

SENATOR COONEY: Thank you, Madam President.

I rise today to support a bill that will allow school districts the flexibility to

award food service contracts on factors other than price.

In fact, New York is the only remaining state in the country that requires school districts to procure food solely based on the lowest price. Let me just say that again. We're the only state in the country that awards food contracts for our public schools by choosing the lowest price available.

We know that healthy school lunches improve academic performance from our students by resulting in better outcomes like test performance, graduation rates, behavior and attendance. However, New York does not allow for the prioritization of things like nutrition and the freshness of foods to be taken into consideration when awarding these contracts.

Our students deserve better than this. And we must prioritize the health and well-being of them while they're in school. And this bill is an important step in that right direction.

I want to thank the Majority Leader for bringing this bill to the floor and my colleagues for their support.

Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: Senator Cooney to be recorded in the affirmative.

Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

I want to thank Senator Cooney for this bill, which among other things makes it easier for school districts to participate in the Farm-to-School Program. At a time when the federal government is unaccountably cutting a billion dollars from farm-to-school meal programs, this will help our farmers in New York State and it will help our kids in New York State get the kinds of fresh food that New Yorkers should be able to get in school.

So I am pleased to vote aye.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

561, Senate Print 6020, by Senator Baskin, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Baskin to explain her vote.

SENATOR BASKIN: Thank you, Madam President.

I rise today as the bill sponsor and the proud chair of the Procurement and Contracts Committee to stress the importance of this bill for the backbone of our state's economy, our small businesses.

This bill seeks to reduce barriers and increase access for our small businesses to benefit from contracting with the great State of New York. There is a lot of paperwork to become certified as an MWBE contractor -- often lengthy, often complicated, which has led to instances that have inadvertently caused errors or

technical mistakes by the applicants.

And many of our businesses don't have the capacity to respond in time to fix any errors or respond to any questions. They are running their businesses, competing for contracts. And they might think, What's the point of filling out this application if it's going to take so long or take me away from my business?

I believe, Madam President, this bill will give reason for businesses to stick with pursuing certification by allowing more time for an MWBE business owner to talk with Empire State Development about how they can improve their application and address any questions that the agency may raise.

I would be remiss to not acknowledge my colleague, who we have dubbed "the father of MWBE reform," my colleague Senator James Sanders, who has paved the way for improving and modernizing New York State's MWBE program.

I look forward for working with the MWBE Task Force Committee on how to continue the powerful work that he has laid out as a trailblazer on this issue.

Madam President, I vote in the affirmative on this bill and I ask my colleagues to do the same. Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Baskin to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

SENATOR GIANARIS: Please go to the reading of the controversial calendar.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

SENATOR GIANARIS: Let's begin with Calendar 440.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 440, Senate Print 5254, by Senator Chris Ryan, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: 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 Stec.

ACTING PRESIDENT PERSAUD: 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 you recognize Senator Stec to be heard on that appeal.

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

Senator Stec.

SENATOR STEC: Thank you, Madam President.

I rise to appeal the ruling of the chair. The proposed amendment is germane to the bill-in-chief because the bill-in-chief relates to workplace violence and this amendment seeks to reduce workplace violence within our correctional

facilities by repealing the HALT Act.

While we address workplace violence here, it is essential that we address the workplace violence that's happening in our prisons. Since 2021, the year before HALT went into effect, we have continually seen dramatic increases of assaults in prisons. The Department of Corrections' own data has a 70 percent increase of assaults on staff statewide from 2021 to 2024, and a whopping 169 percent increase of assaults on other incarcerated individuals statewide.

In 2024 there were 2,069 assaults on staff, and at the same time there were 2,979 assaults on inmates -- almost 900 more assaults on inmates than there were on staff. And again, 169 percent increase since before HALT.

Our prisons have never been less safe than they are right now. And this is a direct result of HALT. Again, all you have to do is look at the data and you can see the hockey stick and the turn that can only be attributed to the implementation of HALT.

Because of this legislation, inmates know there will be no consequences for violence

behavior. They know that attacking a CO or smuggling in dangerous drugs like fentanyl will not lead to significant discipline. This legislation has severely curtailed the ability to remove and segregate dangerous violent criminals from the general population. This has led an already dangerous population to continue to harm those who risk their lives every day to keep inmates and our communities safe.

The hazardous conditions created by the HALT Act have turned our state prisons into an unimaginably dangerous place to work. As a result, we are facing an unprecedented staffing crisis, compounding the safety issues created by the SAFE Act. These conditions have made it nearly impossible to recruit and retain staff, leading to understaffed shifts and impairing the ability of corrections officers to prevent and address violence.

Policies like the HALT Act put the interests of criminals above those who risk their lives and safety to keep those criminals safe and healthy. Correction officer safety is inmate safety. Let's restore common sense to our prison policies and repeal the HALT Act.

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

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

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 PERSAUD: A show of hands has been requested and so ordered.

Announce the results.

THE SECRETARY: Ayes, 21.

ACTING PRESIDENT PERSAUD: 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Ryan to explain his vote. Ryan, C.

SENATOR CHRIS RYAN: Thank you, Madam President.

So I want to say I'm proud to carry this legislation today aimed at safeguarding our employees who participate in workplace violence investigations so that they do not have their wages reduced and/or withheld, as well as enhancing labor protections for our public employees.

What this bill upholds is a fundamental principle that no worker should face financial penalties for standing up for workplace safety. As someone who has spent years advocating for workers' rights, I know that a safe workplace is a fair workplace. And this bill ensures that workers who participate in violence prevention efforts aren't punished for doing the right thing.

I believe, as representatives, it's our duty to foster a safe and just working environment. You know, I want to say so many of our partners in labor that we worked with on this bill -- you know, New York State AFL-CIO,

CSEA, PEF, NYSUT, AFSCME, CWA, to mention a few -- but also proud to also include in the discussion some of our uniformed police agencies. Stand Proud, the New York State Law Enforcement Officers Union, Council 82. As everybody knows, there are lieutenants that work in our New York State correctional facilities, our CSEA members who work in county correctional facilities, and also the Police Benevolent Association of New York, our New York State Troopers.

So obviously, you know, we like to -- I like to include everybody in all of those conversations.

So I will be voting in the aye, and I certainly urge any colleagues to do the same.

ACTING PRESIDENT PERSAUD: Senator Chris Ryan to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 435, Senate Print 681, by Senator Martinez, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: Senator

Walczyk, why do you rise?

SENATOR WALCZYK: Madam President, would the sponsor yield for some questions.

ACTING PRESIDENT PERSAUD: Senator, do you yield for some questions?

SENATOR MARTINEZ: I do.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: Thank you.

Through you, Madam President. So this bill amends Section 201A of the Labor Law. It will continue to allow government hospitals and medical colleges to be subject to mandatory biometric -- i.e., iris and retina -- scanners, but prohibits other employers from mandating the use of those biometric scanners in their businesses. Is that right?

SENATOR MARTINEZ: Through you, Madam President, yes.

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

ACTING PRESIDENT PERSAUD: Senator, do you yield?

SENATOR MARTINEZ: I do.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: So if a business currently uses biometric scanning in their regular course of business and this law goes into effect, they will then be prohibited from using biometric scanners in the future?

SENATOR MARTINEZ: Through you, Madam President, no.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR MARTINEZ: I do.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: So the change that you're proposing here just allows employees to opt out of using those iris or those retina scanners? The business can't mandate that their employees use that, am I understanding that correctly?

SENATOR MARTINEZ: Through you, Madam President. May you repeat that again?

SENATOR WALCZYK: Yeah. Madam President, I'll rephrase.

So businesses currently using biometric scanning devices, the legislation that you're bringing here today, this would prohibit them from mandating all employees? Employees would have the opportunity to opt out of going through the iris or retina scanners, am I understanding that correctly?

SENATOR MARTINEZ: Through you, Madam President. The employer can continue using the technology. The employee has the right to determine whether or not to use the technology.

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

ACTING PRESIDENT PERSAUD: Senator, do you yield?

SENATOR MARTINEZ: I do.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: But government hospitals and medical colleges as employers can continue to mandate all of their employees to use that same technology, correct?

SENATOR MARTINEZ: Through you, Madam President, yes.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR MARTINEZ: I do.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: So I'm curious about some of the employers that would have employees that have the ability to opt out of biometric scanning. Would airport staff, for example, be able to opt out of biometric scanners if those are used in airport security?

SENATOR MARTINEZ: Through you, Madam President, it would depend if they are state employees of state agencies.

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

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: Does the Senator yield?

The Senator yields.

SENATOR WALCZYK: So if it's a private airport or private security at an airport, they couldn't mandate that their employees use biometric scanners?

SENATOR MARTINEZ: Through you, Madam President, yes.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: What about a private data storage center?

SENATOR MARTINEZ: A private -- sorry?

SENATOR WALCZYK: Data storage centers.

SENATOR MARTINEZ: Storage centers?

SENATOR WALCZYK: Yeah, so -- through you, Madam President, I'll ask the question another way if I can.

SENATOR MARTINEZ: Sure.

ACTING PRESIDENT PERSAUD: Go ahead.

SENATOR WALCZYK: So data storage centers, highly secure, because they have so much data that they're trying to protect. These are pretty tight facilities sometimes using biometric scanners in their security envelope, and they require it of employees. Would they be prohibited from mandating that for employees if this legislation goes into effect?

SENATOR MARTINEZ: I'm sorry, my apologies. It's data. I did not hear your word.

They would be a -- they would -- this would also fall under them if they are a private entity, yes.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: We're proposing a

large chip manufacturer, a chip fab, come to the State of New York. Would they be prohibited from mandating employees to go through a biometric scanner? Would the employees of that chip fab be able to opt out?

SENATOR MARTINEZ: Through you, Madam President. This legislation does not prohibit the technology from being used. What this also can allow employees to do is find other ways to protect their employees and protect their data so things are not breached.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: But if they're currently using biometric data -- iris scanners, retina scanners in their security, but they -- and this legislation allows employees to decide whether they want to use that or not, how does that fit into their security?

SENATOR MARTINEZ: Through you, Madam President. What this law would do, it would allow, again, the business to have the technology, to be able to use the technology.

It just -- they cannot allow that to be -- so if an employee says I do not want to go through the retina scanning, it cannot be used against them as retaliation and it cannot be used against them for employment.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: What about a privately run nuclear power facility, if they're using biometric scanners, mandating those for their employees -- obviously a highly secure facility -- would those employees, if this goes into effect, be able to opt out of going through biometric scanning devices?

SENATOR MARTINEZ: Through you,

Madam President, it's the same answer I just gave before.

So if the -- again, the company can keep the technology. If the employee does not want to go through the scanning, they do not have to go.

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

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: What about banks or financial institutions? Are they part of the carveout included in government hospitals and medical colleges, or would banks and financial institutions also be prohibited from mandating employees to use biometric scanners?

SENATOR MARTINEZ: Through you, Madam President, if the banks are private, it will apply to them.

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

yield?

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: What about health insurance headquarters that control a lot of health information, private information of people, that use biometric scanners for their employees? If those employees want to opt out of going through the scanners, if this legislation goes into effect, would those employees be able to opt out?

SENATOR MARTINEZ: Through you, Madam President. The employers, you're asking? Or the employees?

SENATOR WALCZYK: The employees.

SENATOR MARTINEZ: So the employees can opt out, yes.

But I just also want to clarify that, Senator, you keep saying biometrics. This is -- there's a slew of biometrics. This is just iris and retina scanning.

SENATOR WALCZYK: Through you,

Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the Senator yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: What about private security companies? Would employees of private security companies like Allied Universal, for example, that does the state office buildings and the security here in the Capitol, would those employees, if there were iris and retina scanners for a private security company like that, would those employees be able to opt out if this legislation goes into effect?

SENATOR MARTINEZ: Madam President, yes. It's the same -- same concept.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: The

Senator yields.

SENATOR WALCZYK: The same question for private pharmaceutical research facilities that are pretty secure. Same question.

SENATOR MARTINEZ: Through you, Madam President, same answer.

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: So we've carved out medical colleges. What about private research colleges? If they're doing private research, some of that can be pretty secure, proprietary. Would those private research colleges have a carveout under this legislation, or could employees of those private research colleges also opt out of iris and retina scanners if they'd like?

SENATOR MARTINEZ: Again -- through you, Madam President -- yes.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: What about -- we have a number of New York National Guard facilities around the State of New York with contractors that do work on those facilities. If they have biometric -- or retina and iris scanning devices as part of those military contracts or those state contracts on New York National Guard bases, would those contractors be able to opt out as well?

SENATOR MARTINEZ: Through you, Madam President. If they are public entities and public employees, they do not have to -- they don't -- they're not under this legislation.

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

ACTING PRESIDENT PERSAUD: Does the

Senator yield?

SENATOR MARTINEZ: Yes.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: Yes, so these wouldn't be public employees, they would be government-contracted employees working for a private company coming on a guard base to build something or to clean something.

SENATOR MARTINEZ: So through you, Madam President, it would apply to them if they are working in the private sector, even though they are state employees.

But if they're working in a private institution, they would fall under this.

SENATOR WALCZYK: Thank you.

Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Walczyk on the bill.

SENATOR WALCZYK: So obviously I'm secure -- I'm a little bit concerned about the security that a number of these institutions use. I think in the drafting of this legislation there was -- so this amends Section 201A of the Labor Law. In Section 203D of the Labor Law

there's actually a prohibition of private companies in the State of New York from sharing any information that is personally identifiable. And I think that's what the sponsor might have been getting at here.

So if you work for an employer that has your Social Security number, your address, your phone number, even your email, we've specifically outlined those in legislation in 203D of the Labor Law under Article 7, in order to protect employees from that private information getting out there. And I think that might be what the sponsor is getting at here.

But I have some great concerns because if this bill -- this bill bans the use of biometric data for a host of employers who really need those tools to keep both their business safe, their data safe, and their employees safe.

I mean, you're talking about data centers that might use this, airports that might use this. A lot of highly secure areas that obviously we outlined throughout the debate.

And for those concerns and those reasons, I'll be voting no and urge my colleagues to consider these things as they cast their vote.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there Senators wishing to be heard?

Seeing and hearing none, the 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 PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Martinez to explain her vote.

SENATOR MARTINEZ: Thank you, Madam President.

Though we do have things in place to prohibit such things from happening, we need to remember that these type of breaches still happen. And if we may recall, this bill was passed by pretty much both sides last year. But welcome back, Senator Walczyk.

But we need to understand that passwords can be reset after a breach, but

biometric data security is permanent. So once it's stolen, it cannot be changed.

So for example, if hackers gain access to biometric security systems, they can use stolen fingerprints or facial scans for identity fraud, potentially affecting the victims, and for life.

So the recent concerns about this is the data privacy, storage, and compliance with regulations. So for me, this is a really important bill. It was presented to me by a constituent in my district that lost her employment because she refused to go through iris and retina scanning.

This should not prohibit anyone from employment. For that reason, I vote in the affirmative.

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

Senator Weik to explain her vote.

SENATOR WEIK: Thank you, Madam President.

This is just another regulation on business. This is an extra additional cost that companies who have these measures already set up

to protect their business, they're now going to have to create another way to allow those employees to have another safe way to access their job.

This is just a bad regulation that imposes extra additional costs on business, and for that I'm voting in the negative.

ACTING PRESIDENT PERSAUD: Senator Weik to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 435, those Senators voting in the negative are Senators Fahy, Helming, Oberacker, O'Mara, Rhoads, Skoufis, Walczyk, Weber and Weik.

Ayes, 52. Nays, 9.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Thursday, March 27th, at

11:00 a.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Thursday, March 27th, at 11:00 a.m.

(Whereupon, at 4:50 p.m., the Senate adjourned.)