

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 26, 2025

3:40 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT PERSAUD: Reading
14 of the Journal.

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

20 ACTING PRESIDENT PERSAUD: Without
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Madam President,
7 please recognize Senator Bailey for an important
8 introduction.

9 ACTING PRESIDENT PERSAUD: Senator
10 Bailey for an introduction.

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

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

18 (Laughter.)

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

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

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

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

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

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

16 (Laughter.)

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

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

1 partridge in a pear tree.

2 (Laughter.)

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

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

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

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

1 Google because it says Bill Walton scored
2 44 points. That is men's college basketball.
3 The proper answer is that Sheryl Swoopes scored
4 47 points, accounting for over half of her team's
5 points in a 1993 game when Texas Tech won the
6 championship. She has the most points in the
7 history of NCAA basketball in a championship
8 game.

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

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

16 (Sustained applause.)

17 ACTING PRESIDENT PERSAUD: Thank
18 you, Senator.

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

24 (Standing ovation.)

25 ACTING PRESIDENT PERSAUD: Senator

1 Gianaris.

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

7 ACTING PRESIDENT PERSAUD: The
8 Secretary will read.

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

13 ACTING PRESIDENT PERSAUD: Senator
14 Harckham on the resolution.

15 SENATOR HARCKHAM: Thank you very
16 much, Madam President.

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

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

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

5 Madam President, on this Saturday,
6 March 29th, we will once again be observing
7 national Vietnam Veterans Day. This will be the
8 13th anniversary of this recognition, which was
9 first proclaimed back in 2012.

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

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

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

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

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

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

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

25 And so today the best way we can

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

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

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

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

25 So, ladies and gentlemen, welcome

1 home to a grateful nation and a grateful state.

2 Thank you.

3 ("Thank you," applause from
4 galleries.)

5 SENATOR HARCKHAM: Thank you,
6 Madam President.

7 ACTING PRESIDENT PERSAUD: Thank
8 you, Senator.

9 Senator Scarcella-Spanton on the
10 resolution.

11 SENATOR SCARCELLA-SPANTON: Thank
12 you, Madam President.

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

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

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

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

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

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

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

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

8 (Applause from the gallery.)

9 ACTING PRESIDENT PERSAUD: Thank
10 you, Senator.

11 Senator Borrello on the resolution.

12 SENATOR BORRELLO: Thank you,
13 Madam President.

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

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

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

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

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

14 Thank you.

15 (Applause from the gallery.)

16 ACTING PRESIDENT PERSAUD: Thank
17 you, Senator.

18 Senator Mayer on the resolution.

19 SENATOR MAYER: Thank you,
20 Madam President.

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

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

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

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

25 Today we are honored to honor you,

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

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

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

18 Thank you, Madam President.

19 ACTING PRESIDENT PERSAUD: Thank
20 you Senator.

21 (Applause from the gallery.)

22 ACTING PRESIDENT PERSAUD: Senator
23 Ashby on the resolution.

24 SENATOR ASHBY: Thank you,
25 Madam President.

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

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

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

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

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

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

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

19 ACTING PRESIDENT PERSAUD: Thank
20 you, Senator.

21 (Applause from the balcony.)

22 ACTING PRESIDENT PERSAUD: Senator
23 Bailey on the resolution.

24 SENATOR BAILEY: Thank you,
25 Madam President.

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

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

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

25 But rest assured that in this

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

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

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

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

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

24 ACTING PRESIDENT PERSAUD: Thank
25 you, Senator.

1 (Applause from the gallery.)

2 ACTING PRESIDENT PERSAUD: Senator
3 Chan on the resolution.

4 SENATOR CHAN: Thank you,
5 Madam President.

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

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

13 From the halls of Montezuma, to the
14 shores of Tripoli. As a United States Marine
15 myself, I welcome you to the Senate floor. I
16 want to say thank you for the sacrifices that you
17 have made. When I went into the Marines in the
18 '80s, I learned my trade and I learned my traits
19 from people like yourselves. And those are the
20 skills that I carry even today, and that I'll
21 never forget.

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

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

2 Thank you very much.

3 (Applause from the gallery.)

4 ACTING PRESIDENT PERSAUD: Thank
5 you, Senator.

6 Senator Stec on the resolution.

7 SENATOR STEC: Thank you,
8 Madam President.

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

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

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

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

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

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

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

11 Thank you, Madam President.

12 ACTING PRESIDENT PERSAUD: Thank
13 you, Senator.

14 (Applause.)

15 ACTING PRESIDENT PERSAUD: Senator
16 Fahy on the resolution.

17 SENATOR FAHY: Thank you.

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

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

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

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

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

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

25 Thank you.

1 (Applause from the gallery.)

2 ACTING PRESIDENT PERSAUD: Thank
3 you, Senator.

4 Senator Lanza on the resolution.

5 SENATOR LANZA: Thank you,
6 Madam President.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Thank you, Madam President.

11 (Applause from the gallery.)

12 ACTING PRESIDENT PERSAUD: Thank
13 you, Senator.

14 Senator Tedisco on the resolution.

15 SENATOR TEDISCO: Thank you,
16 Madam President.

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

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

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

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

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

1 freedom and liberty.

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

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

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

17 ACTING PRESIDENT PERSAUD: Thank
18 you, Senator.

19 (Applause from the gallery.)

20 ACTING PRESIDENT PERSAUD: Senator
21 Krueger on the resolution.

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

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

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

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

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

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

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

1 answers for this country.

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

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

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

16 (Appause from the gallery.)

17 ACTING PRESIDENT PERSAUD: Thank
18 you, Senator.

19 The resolution was adopted on
20 January 22nd.

21 Senator Gianaris.

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

1 extend them the courtesies of the house.

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

6 Please rise and be recognized.

7 (Extended standing ovation.)

8 ACTING PRESIDENT PERSAUD: Senator
9 Gianaris.

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

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

17 Senator Gianaris.

18 SENATOR GIANARIS: Please recognize
19 Senator Comrie for an introduction.

20 ACTING PRESIDENT PERSAUD: Senator
21 Comrie for an introduction.

22 SENATOR COMRIE: Thank you,
23 Madam President.

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

1 was leaving at 4:30.

2 But every year for the last couple
3 of years we've had students here from my
4 Community School District 29. Dr. Crystal Bonds,
5 the superintendent, has been bringing young
6 people up here who are student leaders, students
7 from P.S. 238, 136, 134; P.S. 289; P.S. 15, 147,
8 59; P.S. 37; P.S. 251; P.S. 156, 147, 192;
9 CAMS 355; P.S. 176; I.S. 270, 208; P.S. 38, 131,
10 132, 134, 238.

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

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

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

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

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

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

17 Thank you, Madam President.

18 ACTING PRESIDENT PERSAUD: Thank
19 you, Senator.

20 Senator Gianaris.

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

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

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

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

6 Senator Gianaris.

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

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

15 Senator Gianaris.

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

18 ACTING PRESIDENT PERSAUD: The
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 324, Senate Print 659, by Senator Gianaris, an
22 act to amend the Environmental Conservation Law.

23 ACTING PRESIDENT PERSAUD: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT PERSAUD: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PERSAUD: Announce
6 the results.

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

12 Ayes, 48. Nays, 13.

13 ACTING PRESIDENT PERSAUD: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 348, Senate Print 2597, by Senator Mayer, an act
17 to amend the Family Court Act.

18 ACTING PRESIDENT PERSAUD: Read the
19 last section.

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

22 ACTING PRESIDENT PERSAUD: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT PERSAUD: Announce

1 the results.

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

6 Ayes, 52. Nays, 9.

7 ACTING PRESIDENT PERSAUD: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 417, Senate Print 3147, by Senator Cooney, an act
11 to amend the Insurance Law.

12 ACTING PRESIDENT PERSAUD: Read the
13 last section.

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

17 ACTING PRESIDENT PERSAUD: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT PERSAUD: Announce
21 the results.

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

25 Ayes, 60. Nays, 1.

1 ACTING PRESIDENT PERSAUD: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 435, Senate Print 681, by Senator Martinez, an
5 act to amend the Labor Law.

6 SENATOR LANZA: Lay it aside.

7 ACTING PRESIDENT PERSAUD: Lay it
8 aside.

9 THE SECRETARY: Calendar Number
10 440, Senate Print 5254, by Senator C. Ryan, an
11 act to amend the Labor Law.

12 ACTING PRESIDENT PERSAUD: Read the
13 last section.

14 THE SECRETARY: Section 2 --

15 SENATOR LANZA: Lay it aside.

16 ACTING PRESIDENT PERSAUD: Lay it
17 aside.

18 THE SECRETARY: Calendar Number
19 473, Senate Print 2438, by Senator Gianaris, an
20 act to amend the Public Health Law.

21 ACTING PRESIDENT PERSAUD: Read the
22 last section.

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

1 ACTING PRESIDENT PERSAUD: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT PERSAUD: Announce
5 the results.

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

9 Ayes, 60. Nays, 1.

10 ACTING PRESIDENT PERSAUD: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 491, Senate Print 2400, by Senator Persaud, an
14 act to amend the Public Health Law.

15 ACTING PRESIDENT PERSAUD: Read the
16 last section.

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

20 ACTING PRESIDENT PERSAUD: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT PERSAUD: Senator
24 Murray to explain his vote.

25 SENATOR MURRAY: Thank you,

1 Madam President.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 I didn't know what was going on. I

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

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

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

20 I vote aye.

21 ACTING PRESIDENT PERSAUD: Thank
22 you, Senator.

23 Senator Murray to be recorded in the
24 affirmative.

25 Announce the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 496, Senate Print 1728, by Senator Brouk, an act
6 to amend the Mental Hygiene Law.

7 ACTING PRESIDENT PERSAUD: Read the
8 last section.

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

11 ACTING PRESIDENT PERSAUD: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT PERSAUD: Announce
15 the results.

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT PERSAUD: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 509, Senate Print 3575, by Senator Cleare, an act
21 to amend the Public Health Law.

22 ACTING PRESIDENT PERSAUD: Read the
23 last section.

24 THE SECRETARY: Section 2. This
25 act shall take effect on the 180th day after it

1 shall have become a law.

2 ACTING PRESIDENT PERSAUD: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT PERSAUD: Announce
6 the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT PERSAUD: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 559, Senate Print 3336, by Senator Cooney, an act
12 to amend the General Municipal Law.

13 ACTING PRESIDENT PERSAUD: Read the
14 last section.

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

17 ACTING PRESIDENT PERSAUD: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT PERSAUD: Senator
21 Cooney to explain his vote.

22 SENATOR COONEY: Thank you,
23 Madam President.

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

1 award food service contracts on factors other
2 than price.

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

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

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

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

1 Madam President, I vote aye.

2 ACTING PRESIDENT PERSAUD: Senator

3 Cooney to be recorded in the affirmative.

4 Senator May to explain her vote.

5 SENATOR MAY: Thank you,

6 Madam President.

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

17 So I am pleased to vote aye.

18 Thank you.

19 ACTING PRESIDENT PERSAUD: Senator

20 May to be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT PERSAUD: The bill

24 is passed.

25 THE SECRETARY: Calendar Number

1 561, Senate Print 6020, by Senator Baskin, an act
2 to amend the Executive Law.

3 ACTING PRESIDENT PERSAUD: Read the
4 last section.

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

7 ACTING PRESIDENT PERSAUD: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT PERSAUD: Senator
11 Baskin to explain her vote.

12 SENATOR BASKIN: Thank you,
13 Madam President.

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

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

1 technical mistakes by the applicants.

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

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

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

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

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

4 ACTING PRESIDENT PERSAUD: Thank
5 you, Senator.

6 Senator Baskin to be recorded in the
7 affirmative.

8 Announce the results.

9 THE SECRETARY: Ayes, 61.

10 ACTING PRESIDENT PERSAUD: The bill
11 is passed.

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

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

16 ACTING PRESIDENT PERSAUD: The
17 Secretary will ring the bell.

18 SENATOR GIANARIS: Let's begin with
19 Calendar 440.

20 ACTING PRESIDENT PERSAUD: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 440, Senate Print 5254, by Senator Chris Ryan, an
24 act to amend the Labor Law.

25 ACTING PRESIDENT PERSAUD: Senator

1 Lanza, why do you rise?

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

6 ACTING PRESIDENT PERSAUD: Thank
7 you, Senator Lanza.

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

11 SENATOR LANZA: Accordingly,
12 Madam President, I appeal the ruling of the chair
13 and ask that you recognize Senator Stec to be
14 heard on that appeal.

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

18 Senator Stec.

19 SENATOR STEC: Thank you,
20 Madam President.

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

1 facilities by repealing the HALT Act.

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

13 In 2024 there were 2,069 assaults on
14 staff, and at the same time there were 2,979
15 assaults on inmates -- almost 900 more assaults
16 on inmates than there were on staff. And again,
17 169 percent increase since before HALT.

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

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

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

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

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

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

3 Thank you.

4 ACTING PRESIDENT PERSAUD: Thank
5 you, Senator.

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

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

11 (Response of "Aye.")

12 SENATOR LANZA: Show of hands.

13 ACTING PRESIDENT PERSAUD: A show
14 of hands has been requested and so ordered.

15 Announce the results.

16 THE SECRETARY: Ayes, 21.

17 ACTING PRESIDENT PERSAUD: The
18 ruling of the chair stands, and the bill-in-chief
19 is before the house.

20 Read the last section.

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

23 ACTING PRESIDENT PERSAUD: Call the
24 roll.

25 (The Secretary called the roll.)

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

3 SENATOR CHRIS RYAN: Thank you,
4 Madam President.

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

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

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

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

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

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

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

18 Announce the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT PERSAUD: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 435, Senate Print 681, by Senator Martinez, an
24 act to amend the Labor Law.

25 ACTING PRESIDENT PERSAUD: Senator

1 Walczyk, why do you rise?

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

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

6 SENATOR MARTINEZ: I do.

7 ACTING PRESIDENT PERSAUD: The
8 Senator yields.

9 SENATOR WALCZYK: Thank you.

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

18 SENATOR MARTINEZ: Through you,
19 Madam President, yes.

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

23 ACTING PRESIDENT PERSAUD: Senator,
24 do you yield?

25 SENATOR MARTINEZ: I do.

1 ACTING PRESIDENT PERSAUD: The
2 Senator yields.

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

8 SENATOR MARTINEZ: Through you,
9 Madam President, no.

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

13 ACTING PRESIDENT PERSAUD: Does the
14 Senator yield?

15 SENATOR MARTINEZ: I do.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

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

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

1 SENATOR WALCZYK: Yeah.

2 Madam President, I'll rephrase.

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

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

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

17 ACTING PRESIDENT PERSAUD: Senator,
18 do you yield?

19 SENATOR MARTINEZ: I do.

20 ACTING PRESIDENT PERSAUD: The
21 Senator yields.

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

1 SENATOR MARTINEZ: Through you,
2 Madam President, yes.

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

6 ACTING PRESIDENT PERSAUD: Does the
7 Senator yield?

8 SENATOR MARTINEZ: I do.

9 ACTING PRESIDENT PERSAUD: The
10 Senator yields.

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

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

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

23 SENATOR MARTINEZ: Yes.

24 ACTING PRESIDENT PERSAUD: Does the
25 Senator yield?

1 The Senator yields.

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

6 SENATOR MARTINEZ: Through you,
7 Madam President, yes.

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

11 ACTING PRESIDENT PERSAUD: Does the
12 Senator yield?

13 SENATOR MARTINEZ: Yes.

14 ACTING PRESIDENT PERSAUD: The
15 Senator yields.

16 SENATOR WALCZYK: What about a
17 private data storage center?

18 SENATOR MARTINEZ: A private --
19 sorry?

20 SENATOR WALCZYK: Data storage
21 centers.

22 SENATOR MARTINEZ: Storage centers?

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

1 SENATOR MARTINEZ: Sure.

2 ACTING PRESIDENT PERSAUD: Go
3 ahead.

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

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

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

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

20 ACTING PRESIDENT PERSAUD: Does the
21 Senator yield?

22 SENATOR MARTINEZ: Yes.

23 ACTING PRESIDENT PERSAUD: The
24 Senator yields.

25 SENATOR WALCZYK: We're proposing a

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

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

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

15 ACTING PRESIDENT PERSAUD: Does the
16 Senator yield?

17 SENATOR MARTINEZ: Yes.

18 ACTING PRESIDENT PERSAUD: The
19 Senator yields.

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

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

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

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

13 ACTING PRESIDENT PERSAUD: Does the
14 Senator yield?

15 SENATOR MARTINEZ: Yes.

16 ACTING PRESIDENT PERSAUD: The
17 Senator yields.

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

25 SENATOR MARTINEZ: Through you,

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

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

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

10 ACTING PRESIDENT PERSAUD: Does the
11 Senator yield?

12 SENATOR MARTINEZ: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 sponsor yields.

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

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

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

1 yield?

2 ACTING PRESIDENT PERSAUD: Does the
3 Senator yield?

4 SENATOR MARTINEZ: Yes.

5 ACTING PRESIDENT PERSAUD: The
6 Senator yields.

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

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

18 SENATOR WALCZYK: The employees.

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

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

25 SENATOR WALCZYK: Through you,

1 Madam President, will the sponsor continue to
2 yield.

3 ACTING PRESIDENT PERSAUD: Does the
4 Senator yield?

5 SENATOR MARTINEZ: Yes.

6 ACTING PRESIDENT PERSAUD: The
7 Senator yields.

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

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

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

22 ACTING PRESIDENT PERSAUD: Does the
23 sponsor yield?

24 SENATOR MARTINEZ: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 Senator yields.

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

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

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

10 ACTING PRESIDENT PERSAUD: Will the
11 sponsor yield?

12 SENATOR MARTINEZ: Yes.

13 ACTING PRESIDENT PERSAUD: The
14 Senator yields.

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

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

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

4 ACTING PRESIDENT PERSAUD: Does the
5 sponsor yield?

6 SENATOR MARTINEZ: Yes.

7 ACTING PRESIDENT PERSAUD: The
8 Senator yields.

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

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

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

25 ACTING PRESIDENT PERSAUD: Does the

1 Senator yield?

2 SENATOR MARTINEZ: Yes.

3 ACTING PRESIDENT PERSAUD: The
4 Senator yields.

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

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

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

16 SENATOR WALCZYK: Thank you.

17 Madam President, on the bill.

18 ACTING PRESIDENT PERSAUD: Senator
19 Walczyk on the bill.

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

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

6 So if you work for an employer that
7 has your Social Security number, your address,
8 your phone number, even your email, we've
9 specifically outlined those in legislation in
10 203D of the Labor Law under Article 7, in order
11 to protect employees from that private
12 information getting out there. And I think that
13 might be what the sponsor is getting at here.

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

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

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

1 Thank you, Madam President.

2 ACTING PRESIDENT PERSAUD: Thank
3 you, Senator.

4 Are there Senators wishing to be
5 heard?

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

8 Read the last section.

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

11 ACTING PRESIDENT PERSAUD: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT PERSAUD: Senator
15 Martinez to explain her vote.

16 SENATOR MARTINEZ: Thank you,
17 Madam President.

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

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

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

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

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

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

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

20 Senator Weik to explain her vote.

21 SENATOR WEIK: Thank you,
22 Madam President.

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

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

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

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

10 Announce the results.

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

15 Ayes, 52. Nays, 9.

16 ACTING PRESIDENT PERSAUD: The bill
17 is passed.

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

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

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

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

1 11:00 a.m.

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

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

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25