NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 20, 2025

3:45 p.m.

REGULAR SESSION

SENATOR JEREMY COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT COONEY: 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 COONEY: 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 COONEY: The reading of the Journal.

THE SECRETARY: In Senate, Monday, Monday, May 19, 2025, the Senate met pursuant to adjournment. The Journal of Friday, May 16, 2025, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Gonzalez

moves to discharge, from the Committee on Codes, Assembly Bill Number 1550 and substitute it for the identical Senate Bill 6975, Third Reading Calendar 641.

Senator Jackson moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 7424 and substitute it for the identical Senate Bill 7646, Third Reading Calendar 952.

ACTING PRESIDENT COONEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

On behalf of Senator Persaud, I wish to call up Senate Print 518, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Calendar Number 109, Senate Print 518, by Senator Persaud, an act to amend the Executive Law.

SENATOR GIANARIS: Move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT COONEY: The bill is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT COONEY: The amendments are received.

SENATOR GIANARIS: I also have amendments on the following Third Reading Calendar bills:

By Senator Krueger, page 22, Calendar Number 634, Senate Print 2433;

Senator Skoufis, page 26, Calendar Number 697, Senate Print 6368;

Senator Scarcella-Spanton, page 50, Calendar Number 983, Senate Print 4917.

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

Senator Gianaris.

SENATOR GIANARIS: Move to adopt the Resolution Calendar, with the exception of Resolution 1067.

ACTING PRESIDENT COONEY: All those in favor of adopting the Resolution Calendar, with the exception of Resolution 1067, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

ACTING PRESIDENT COONEY: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Please call on Senator Hinchey for an introduction.

ACTING PRESIDENT COONEY: Senator Hinchey for an introduction.

SENATOR HINCHEY: Thank you, Mr. President.

At the heart of our democracy are

the promises of freedom and equality, ideals that have long made our country a beacon for the world and remind us that government should always be of, by and for the people.

But those ideals don't sustain themselves. They depend on every generation picking up the mantel, staying engaged, and advancing a democracy that's better, more inclusive, and more accountable.

Today I'm proud to welcome an inspiring group of students to our Senate chamber: Members of the Democracy Matters Club at Emma Willard School in Troy, including neighbors from my district in Hudson.

This chapter is part of a national student-led organization that's growing on high school and college campuses across the country. Students from Emma Willard meet weekly to discuss the issues shaping our communities and country. They run voter registration drives for their peers, write letters to elected officials on issues like the environment, voting rights and campaign finance reform, and advocate for more transparency and accountability in government.

The clubs have been active at

Emma Willard for the last eight years, and the sustained level of engagement from these students is nothing short of impressive.

Democracy Matters was founded in 2001 by former MBA player Adonal Foyle and his parents, Joan and Jay Mandle, constituents of mine in the Hudson Valley. They started Democracy Matters based on the simple and true belief that civic engagement isn't something you grow into later in life, it's for everyone, especially for young people who deserve a voice in shaping their future right now.

To the students here today -- Nadia Mitic, Fiona Kelly from Hudson, Eden Kopans, and Olivia Verrillo -- and our chaperones -- Katie Duglin, History and Social Services Department chair, and Joan Mandle, executive director of Democracy Matters -- thank you for your passion and your purpose.

We're so happy to have you here. I think I speak for everyone in this chamber when I say keep caring and pushing the future that you want to see.

Mr. President, if you would please extend to them all the privileges of this chamber

and welcome them to the Capitol.

Thank you very much.

ACTING PRESIDENT COONEY: Thank you, Senator Hinchey.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: Senator Gianaris.

SENATOR GIANARIS: Let's move on to Resolution 1067, by Senator Ramos, read that resolution's title, and recognize Senator Ramos, please.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Resolution 1067, by Senator Ramos, honoring the Lexington School for the Deaf upon the occasion of hosting its 28th Annual Basketball Classic vs. Assembly/Senate All-Stars on May 20, 2025.

ACTING PRESIDENT COONEY: Senator Ramos on the resolution.

SENATOR RAMOS: Thank you,

Mr. President.

Today is one of my favorite days of the year here in the Senate because we honor the oldest and largest school for the deaf in New York State. And of course tonight there's a big basketball game. So I want to begin by thanking my colleagues, my basketball-loving colleagues, for volunteering to get beat by the Blue Jays from the Lexington School for the Deaf tonight.

And of course a big shout-out to them, who are here in the gallery with us today. Folks, that's your big competition tonight, and I can tell you they mean business.

We're tipping off the 28th Annual Lexington Basketball Classic tonight. And let me tell you, my heart is dribbling right alongside our Blue Jays. I see hustle, I see heart, I see Queens grit. And I'm talking Knicks to Mets, baseline to baseline.

The Lexington School for the Deaf is a dynasty. Since 1864, Lexington's been building access, community and excellence way before it was trending. ASL and English: Lexington was running a bilingual offense before most schools

knew how to pass the ball. Early childhood programs? Lexington had that covered while inclusion was still warming the bench.

And when it comes to academics, athletics and the arts, that's a three-point play. And Lexington's got the follow-through.

To our Blue Jays tonight, you're not just here to play, you're here to show out. Deaf excellence isn't just alive, it's undefeated.

And with that being said, it's a privilege to establish this resolution in honor of the Lexington School for the Deaf. For over a century they've represented and established an environment of growth, learning and success. We are proud to acknowledge their legacy today and the school's impact on my district.

And, last thing, if any of these Senators down here try to block your shot tonight, remind them that they may write the laws, but you write the highlight reel. So show them how East Elmhurst does, and make us proud.

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator Ramos.

Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Mr. President.

I want to thank Senator Ramos for this important resolution. I want to thank my colleagues. Most importantly, I want to thank the Lexington School for the Deaf for coming up year after year.

It's no secret that I'm an incredibly huge sports fan, and I've said it on this floor many times: Sports is the world's greatest social currency, and it brings people together that may not have ever been able to have a conversation.

But you show people that you are more than not being able to hear so well. You rise above that. You show that on that court you can do anything that you put your mind and your heart to.

So I'm looking forward to a spirited game. I'm looking forward to seeing you all stand up so I can see the scouting report to see who's really tall and who might throw me on the floor like one guy did a couple of years ago.

But I'm really excited about tonight's game, but I'm really more excited about

you never giving up on your educational path. And I'm really even more excited about the futures that you have, not just on the court but in the game of life. Congratulations in advance, because you're already winners.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Bailey.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

ACTING PRESIDENT COONEY: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: It's a fun time at the basketball game, for anyone that wants to

go watch.

Previously adopted Resolution 298, by Senator Fernandez, please read its title and recognize Senator Fernandez.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Resolution 298, by Senator Fernandez, memorializing Governor Kathy Hochul to proclaim April 13, 2025, as Borinqueneers Day in the State of New York.

ACTING PRESIDENT COONEY: Senator Fernandez on the resolution.

SENATOR FERNANDEZ: Thank you, Mr. President.

Today we recognize one of the most distinguished fighting forces in our nation's history: The 65th Infantry Regiment of the United States Army, known proudly as the Borinqueneers. Formed on this day 126 years ago, in 1899, the Hispanic segregated unit served in World War I, World War II, and most notably in the Korean War, where their skill, discipline and valor became legendary.

They fought in nine major campaigns and carried out what would become the last U.S.

Army bayonet assault in history. Their record in battle was so exceptional that five-star General Douglas MacArthur himself praised them, saying "They are writing a brilliant record of achievement in battle, and I am proud indeed to have them in this command."

Their courage was recognized not only with words but with distinction -- thousands of Purple Hearts, Bronze Stars, Silver Stars, and eventually the Congressional Gold Medal.

And in 2014, Congress designated April 13th as Borinqueneers Day, National Borinqueneers Day.

Today with this resolution we ask New York State to join that recognition, because Borinqueneers didn't just serve our country. From Buffalo to the Bronx, from Suffolk County to Rochester, these soldiers settled here, raised families here, and shaped our neighborhoods. This is a statewide legacy.

For me, this effort began with the story of one man, Jose A. Rivera-Carrion. A Private First Class in Company G whom I honored last year in our veterans ceremony, Mr. Rivera-Carrion played a key role in the

assault on Hill 88 during the Korean War, clearing the path for his company while under heavy fire. He earned the Silver Star for his gallantry.

When Ricardo Garcia -- my guest on the floor today -- shared his story with me, I knew we found the right person to induct into the Veterans hall of Fame. In many ways, this resolution started with him.

Mr. Rivera-Carrion still lives in the Bronx. He celebrated his birthday this past April -- on April 13th, actually, the same day we now seek to honor across the state.

With this resolution we affirm that the Borinqueneers are part of New York's proud history. We make their legacy permanent, and we send a clear message their service will always be remembered and celebrated by the people of this state.

I want to thank those that helped create a program today. A committee was assembled led by Ricardo Garcia, who is the veterans director at Hostos Community College, in conjunction with Jorge Mercado, the Borinqueneers historian and veterans advocate -- and

Congressional Gold Medal recipient -- and Casimiro D. Rodriguez, Sr., president of the Hispanic Heritage Council of Western New York.

Today we had a program sharing the beautiful history, the colorful history, and sometimes sad history of the Borinqueneers and what they've contributed to New York and the United States.

It was a wonderful history lesson, and I intend to continue this lesson every year as we continue to pass this resolution on our Senate floor.

So I thank the leadership for bringing this to the floor. This is the first time the Borinqueneers have been honored with a resolution here in our house. The Assembly also passed a resolution. And I am deeply honored to begin a new tradition for us as we continue honoring those who have fought and defended this country.

Thank you. I proudly vote aye.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Baskin on the resolution.

SENATOR BASKIN: Thank you,

Mr. President.

I rise today to acknowledge, support and thank our leader and Senator Fernandez for the resolution commemorating the New York State Borinqueneers Hall of Fame Day, honoring the 65th Infantry Regiment, the largest and longest-standing segregated Latino military unit in our nation's history.

The Borinqueneers served in World War I, World War II, and most notably in the Korean War, where they fought in some of the fiercest battles of our nation. On top of difficulties of going to battlefields every single day, Borinqueneers, like other minority groups, faced discrimination for the color of their skin and for the language that they spoke.

It took 60 years for this group to be formally honored. In 2014, President Barack Obama awarded the Borinqueneers the Congressional Gold Medal in recognition for their service and valor. In 2020, President Biden created the National Borinqueneers Day.

And in my district, just last month the Borinqueneers Memorial Way was acknowledged and highlighted and designated on Virginia Street

on the West Side of Buffalo.

Also in my district, Mr. President, 10 years ago we unveiled the Hispanic American Veterans Memorial Monument, which honors Western New York's Borinqueneers. This monument was spearheaded by the Hispanic Heritage Council of Western New York, whose president, Casimiro Rodriguez, is here today. Mr. Rodriguez is also a national honorary member of the Borinqueneers Congressional Gold Medal Committee.

And finally I want to recognize Mr. Juan Bautista Negron-Rivera. Mr. Rivera was a member of the Puerto Rican National Guard and in 1951 was called up to fight in the Korean War, serving in Company E in the 65th Infantry regiment. After the war, Mr. Rivera settled in my district of Buffalo, New York, where he continued his public service as a cofounder of the Pucho Olivencia Community Center, which is the center for the Puerto Rican community in Buffalo.

Mr. Rivera is 93 years old and unfortunately could not be here in person with us today, but I am humbled to have him serve and to have him as my constituent as well as many other

Buffalonian Borinqueneers.

Thank you, Senator Fernandez, again for your leadership and bringing forth this resolution.

And our eternal thanks, Mr. President, to all Borinqueneers across our nation. Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Serrano on the resolution.

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

And I would like to express my gratitude to all of my colleagues -- in particular, Senator Fernandez, for bringing forth this really important resolution here today.

The Borinqueneers -- well, as a proud Puerto Rican, it's important that we know about the Borinqueneers and about their tremendous legacy. So grateful for our guests who are here with us in the chamber today for their educating all of us on this very important part of our history.

My dad, who's a former member of the U.S. Army, from 1964 through 1967, spoke a great

deal to me about the Borinqueneers and how important they are and, indeed, the long history of the Puerto Rican community in our armed forces. The very large percentage of Puerto Ricans in all wars since 1899 and beyond have been overrepresented by the Puerto Rican community.

My dad, who was also a former member of Congress, in 2014 advocated for the Congressional Gold Medal for the Borinqueneers, a sign of, I believe, the need for deeper understanding and pride within our community.

So I think it's really important and extremely relevant that we stand here today and talk about a legacy that is often untold, the legacy of service and commitment to this country put forth by the Puerto Rican community, tremendous valor and commitment and bravery.

Very grateful again to all of my colleagues for this resolution.

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Sepúlveda on the resolution.

SENATOR SEPÚLVEDA: Thank you,

Mr. President, for allowing me to speak on this resolution.

I want to thank my colleague Senator Fernandez. I want to thank our leader and all the comments that have been made on this floor right now.

The Borinqueneers was a regiment created in 1899 and was composed primarily of Puerto Rican soldiers. It was one of the last segregated units that the military in this country has had. They were participating in the military conflicts for this country even though they were not citizens.

And in fact, it was a lot because of the acts of bravery that they exhibited during conflict that in 1917, through the Jones Act, that the United States decided to give Puerto Ricans citizenship upon birth. They earned that right.

The Borinqueneers are members of the 65th Infantry. It's a Puerto Rican regiment of the U.S. Army that has always and to this day continues to distinguish themselves and have in this country throughout all the conflicts since 1899.

Their acts, as I said, is one of the primary reasons why Puerto Ricans have citizenship. However, let's not forget that it's a limited citizenship. Because despite Congress controlling much of the legislation on the island, Puerto Ricans cannot vote for president, they have no direct vote, and they have no voting rights in Congress.

During the Korean War, the Borinqueneers really reached the pinnacle of praise because of their acts of valor, despite facing constant discrimination while they were serving this country. In 2014, as my colleague said, President Obama awarded the Borinqueneers the Congressional Gold Medal, which is one of the highest civilian honors this country has, and it was primarily because they recognize the incredible service that they've given to this country.

Unfortunately, I was -- well, not unfortunately, but I was educated through the public school systems here in New York, and we never learned about the history of Borinqueneers. Never learned anything about their valor. And as a proud Puerto Rican, I learned later on about

their courage and their service. And I was disappointed that I didn't learn that as a child, because it would have given me additional pride in being of Puerto Rican parents.

The Borinqueneers are a symbol of resilience and valor, and their contributions to the military of this country cannot be measured.

As I've indicated in many forums here, despite their valor, despite the service that they've given to this country in the military, when it comes to veteran benefits, Puerto Ricans that live on the island that are soldiers receive only 65 percent of the benefits that U.S. soldiers receive here on the mainland.

A Puerto Rican soldier, their life, their blood, sweat and tears -- the soldiers, the Borinqueneers, their life has the same value as any soldier in this country. And they should be treated the same, and they should receive all the benefits as veterans that all other veterans receive in this country.

And I hope, before I leave this world, there will be an opportunity for me to see that Puerto Rican soldiers, Borinqueneers, are being treated equally as other soldiers in this

country.

Thank you. Gracias.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Scarcella-Spanton on the resolution.

SENATOR SCARCELLA-SPANTON: Thank you, Mr. President.

And thank you, Senator Fernandez, for bringing this resolution to the floor and all the work that you did. It really is historic to have this happening today, so thank you for that.

As chair of Veterans, Homeland Security and Military Affairs Committee, I'm proud to be here alongside my colleagues to honor the 65th Infantry Regiment, proudly known as the Borinqueneers.

The story of the U.S. Army cannot be told without the significant contributions that they have given. The Borinqueneers were a Puerto Rican unit of the United States Army, men who wore the uniform with pride on behalf of a nation that, for far too long, failed to honor their return.

They fought not only for freedom

abroad, but also for dignity and equality at home. The Borinqueneers were awarded with more than 2700 Purple Hearts, over 600 Bronze Stars, 256 Silver Stars, nine Distinguished Service Crosses, and the Medal of Honor. They are also the only Hispanic unit from the Korean War to receive the Congressional Gold Medal, a recognition that was well deserved though long overdue.

And I had the pleasure earlier to listen to my colleagues discuss it: Senator Serrano and his father had a lot to do with pushing that through, the Congressman, which is amazing.

And Senator Sepúlveda, also learning from you, hearing about the 65 percent that the soldiers in Puerto Rico are getting is unacceptable. It's something that we all need to look into and speak to our federal counterparts about.

But today many of the surviving Borinqueneers are in their 80s and 90s, and it is more important than ever to continue to honor their legacy and their work.

I again thank Senator Fernandez for

her leadership on this, and I proudly vote aye.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Chan on the resolution.

SENATOR CHAN: Wow. Thank you, Senator Fernandez, for bringing forth this resolution.

There was so much said about the 65th and the Borinqueneers. But, everybody, you guys forgot to mention Sunset Park in Brooklyn, with our large population of Puerto Ricans as well as Hispanic people.

So I feel compelled to stand up and, on behalf of South Brooklyn, Sunset Park, I welcome my Borinqueneers. I welcome the 65th. As a veteran, I extend my gratitude to you as well. Thank you very much.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Chan.

Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Mr. President.

Thank you, Senator Fernandez, for this really important resolution.

Cultural awareness is what's going to get us through. And in my household, it is an African-American and Puerto Rican household. And my daughters and my son, they've been learning about the Buffalo Soldiers and the Tuskegee Airmen, but it's really important that they also learn about the Borinqueneers. Because groups that are fighting wars for people that sometimes don't think of them as equal, I think that's even doubly heroic, Mr. President.

And so as the Latino, like, regiment, the 65th, that's legendary, right? The Borinqueneers sounds like a group of superheroes. The name sounds heroic -- and damn it, it is. Because in order for you to fight, like Senator Sepúlveda said, getting 65 percent of what -- of the blood, sweat and tears when you put a hundred in, going back to a country that doesn't -- that didn't regard you as equal and you still put that hundred percent in, that's superhero, to me.

So you've heard all the statistics and all the stats, and I'm grateful to all of my colleagues in government and all of my Latino brothers and sisters. But just as someone

who -- and I often refer to myself as "sorta Rican." My wife is Puerto Rican, I'm "sorta Rican."

(Laughter.)

SENATOR BAILEY: It's really important that the Puerto Rican culture, that the history and the legacy of the Puerto Rican culture that has been established in America is not just said only on this floor; it's said in our schools. Like Senator Sepúlveda said it perfectly. We didn't learn anything about the Latino heroes in the military in our school system.

So as we continue to advance, as we continue to move forward in this chamber and outside, we have to make sure that like the beautiful and the gorgeous mosaic that David Dinkins said, we have to learn about each and every shade that did something.

And today is a historic day, the first time that -- Senator Fernandez, thank you for doing this for the Borinqueneers. Hopefully it's the first of many days to come.

I proudly vote aye on this resolution, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Cleare on the resolution.

SENATOR CLEARE: Thank you, Mr. President.

And I rise today to thank my colleague Senator Fernandez for bringing forth this very important resolution. You know, and I echo the words of all of my colleagues.

But most importantly, it just goes to show how much we don't know, how much we're not teaching. All of our children need to learn the history of our country and all of those who contribute so greatly to it.

I want to thank the Borinqueneers for their service. It is because of them that we are all standing here today doing what we're doing. For protecting our democracy, for serving our country.

And I am proud to vote aye on this resolution. I happen to represent East Harlem, El Barrio, which is, you know, Puerto Rico No. 2.

(Laughter.)

SENATOR CLEARE: So on behalf of my district, I wanted to say thank you. Thank you

for your service.

And thank you, Senator Fernandez. Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator Cleare.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: The resolution was adopted on February 4th.

Senator Serrano.

SENATOR SERRANO: Thank you.

At the request of the sponsors, the resolutions are open for cosponsorship.

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

Senator Serrano.

SENATOR SERRANO: Let's please take up the reading of the calendar.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Calendar Number 127, Senate Print 1226, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

This bill, Mr. President, is a bill that we voted on last year, that we voted to basically make -- almost unanimously. Some of my colleagues are voting against it. But we voted unanimously for it for a very simple reason. I believe that we should have a standard process so that if there's a hospital across the state that is going to be closing part of itself or the entire hospital, the impact that it's going to have on the community that it is in should be

measured. And they should participate in that process.

It was something that was approved almost unanimously both here and in the Assembly. It is unfortunate that our Governor vetoed it. And when she did, she put a message in that veto saying, you know what, we do need to do more for community involvement so we're going to do that through administrative action.

And sadly, that has not happened yet. So until it does, this bill is still necessary. And it's why I'm voting aye on this bill and why I'm hoping that we can get it to her desk once again.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Senator Rivera to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 127, voting in the negative are Senators Gallivan, Griffo, Oberacker, Stec and Walczyk.

Ayes, 56. Nays, 5.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 177, Senate Print 660, by Senator Gianaris, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 177, voting in the negative are Senators Ashby, Borrello, Bynoe, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Martinez, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, C. Ryan, Scarcella-Spanton, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 36. Nays, 25.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 402, Senate Print 1194B, by Senator Addabbo, an

act to amend the Public Service Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 523, Senate Print 371, by Senator Skoufis, an act to amend the Public Health Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect 18 months after it shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce

the results.

THE SECRETARY: In relation to Calendar 523, voting in the negative are Senators Borrello, Gallivan, O'Mara, Ortt and Walczyk.

Ayes, 56. Nays, 5.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 641, Assembly Bill Number 1550, by Assemblymember Solages, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 641, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Chan, Griffo, Helming, Mattera, Murray, Oberacker,

O'Mara, Ortt, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 44. Nays, 17.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 649, Senate Print 1099, by Senator May, an act to amend the Education Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

I am proud to sponsor the two bills on the agenda today that fight back against ideological efforts to control the collections of school and public libraries.

Last year we saw a 92 percent increase in the number of titles targeted for

censorship, with special focus on trying to remove books that feature the voices and experiences of people who find themselves most marginalized in our society: LGBTQ folks and ethnic and religious minorities.

Librarians know how important these books are to helping lift up, validate, sometimes literally rescue a person who faces bullying, ostracism or fear because of their identity.

In another branch of literature, two books that have most frequently been targeted for censorship are 1984 and A Handmaid's Tale, both of which should be required reading today as we try to understand our country's descent into authoritarianism.

The freedom to read is fundamental, and I proudly vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 649, voting in the negative are Senators Borrello, Chan, Gallivan, Griffo, Lanza, Mattera, Murray, Oberacker, O'Mara, Ortt, Rhoads, Stec, Walczyk and Weik. Also Senator Tedisco.

Ayes, 46. Nays, 15.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 650, Senate Print 1100, by Senator May, an act to amend the Education Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 650, voting in the negative are Senators --

ACTING PRESIDENT COONEY: Hold for one moment.

Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you.

I want to thank Senator May for both the previous bill and this bill. To be honest, I

can't think of anything scarier in this country that preventing people from having access to books, and libraries from being able to provide every book that anyone would ever request of them.

It's been terrifying to watch some of the things happening in other states in this country, and in other countries throughout history where they took books away, they burned books. They imagined that's how you could keep people under control.

So thank you, Senator May. And thank you for all my colleagues who vote for these bills. And I sincerely do not understand a no vote on either of these bills.

Thank you.

ACTING PRESIDENT COONEY: Senator Krueger to be recorded in the affirmative.

Senator Walczyk to explain his vote.

SENATOR WALCZYK: Thank you, Mr. President.

The New York State Board of Regents has absolutely no business in telling our local public libraries what books they should and should not have on the shelves.

I vote no. Thank you.

ACTING PRESIDENT COONEY: Senator Walczyk to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 650, voting in the negative are Senators Ashby, Borrello, Chan, Gallivan, Helming, Lanza, Mattera, Murray, O'Mara, Ortt, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 45. Nays, 16.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 738, Senate Print 274A, by Senator Martinez, an act to amend the Veterans' Services Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to

Calendar Number 738, voting in the negative: Senator Walczyk.

Ayes, 60. Nays, 1.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 743, Senate Print 355A, by Senator Rivera, an act to amend the Elder Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of April.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 750, Senate Print 1618, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 750, voting in the negative are Senators Ashby, Borrello, Gallivan, Helming, Lanza, Oberacker, O'Mara, Ortt, Palumbo, Stec, Walczyk and Weik. Also Senator Griffo.

Ayes, 48. Nays, 13.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 755, Senate Print 3203, by Senator Fernandez, an act to amend the Public Health Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Fernandez to explain her vote.

SENATOR FERNANDEZ: Thank you, Mr. President.

This bill changes one assumption in law. But it could change everything about how quickly New Yorkers get access to affordable medication.

Right now, when a brand name drug company pays a generic company to delay their product, the law assumes that the deal is neutral. We're supposed to believe that that's business as usual, even when it keeps prices high and patients waiting.

This bill flips that presumption. If there's any money exchanged and delay agreed to, the law will now presume that that agreement is anticompetitive. Because that's what the evidence shows, that these deals cost consumers billions and that they block generics from entering the market for months and sometimes years.

This bill doesn't ban all settlements. It protects fair ones. But it

makes it clear that if you're being paid to pause, the burden on you is to prove that it's good for the public.

It's a targeted fix, and a long overdue one. I urge my colleagues to vote yes. Thank you.

ACTING PRESIDENT COONEY: Senator Fernandez to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 755, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 41. Nays, 20.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 758, Senate Print 3590, by Senator Harckham, an act to amend the Executive Law.

ACTING PRESIDENT COONEY: Read the last section.

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

shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Harckham to explain his vote.

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

First, at the outset, I want to thank Senator Shelley Mayer. This bill that we're about to discuss is a collaboration of two bills on related subject matter. And I again thank Senator Mayer for her collaboration and her insights on this bill.

Mr. President, we debate climate change and what New York State will do about it in this chamber almost every week. And we can do a little about it, we can do a lot about it. But however much we decide to do, we need to address resiliency, because climate change is here with us right now -- whether we're dealing with excessive heat and what it does to our infrastructure or what it does to health, we're talking about air quality, we're talking about relentless storms that punish our transportation

network, our culverts and other infrastructure.

For instance, two local examples. In my district we're spending $25 million to lift what's called the Annsville Circle. It's the road right outside Camp Smith, which is the largest National Guard base in the Lower Hudson Valley, across the street from the Hudson River that floods at high tide every night because of climate-change-induced sea level rise.

So New York State needs to be prepared for resilience. This creates the Office of Resilience and the Chief Resiliency Officer to coordinate New York's resiliency efforts. So there will be a resiliency coordinator in every state agency, and this position -- again, whether we're dealing with flooding, excess heat, smoke, storm preparation, transportation -- this will be the office that will coordinate those activities.

So thank you for your indulgence, Mr. President.

I will be voting aye, and I thank Senator Mayer for her work on this bill as well.

ACTING PRESIDENT COONEY: Senator Harckham to be recorded in the affirmative.

Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President.

And thank you, Senator Harckham, for the nice words.

The fact is that when flooding occurs in our communities, we are all facing a state that is not well enough prepared.

And in 2021, after having experienced Sandy in my district and in many of our districts, then Ida, Isaias, it was clear to me that the state did not have an Office of Resiliency, as Senator Harckham said, and flood preparedness that was really looking at best practices, forcing the agencies to talk to each other as opposed to talking in silos, and preparing an executive-level response to flooding.

So I carried the bill for many years, and then Senator Harckham's excellent bill is a combination of mine and some other suggestions of his.

But creating an Office of Resiliency is so overdue. In my district alone, three people died during Superstorm Ida. People died throughout the state in Superstorm Sandy. Our

municipalities were very weak in speaking to each other in terms of coordinating their response. And frankly, we have learned the hard way that we need to do better for preparing for floods and other climate disasters.

So I'm very pleased that Senator Harckham's bill has made it this far. I'm hopeful it's going to get over the finish line and get signed by the Governor. This is long overdue and will actually put us on par with states that are more prepared than we are.

I proudly vote aye.

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

Senator Rolison to explain his vote.

SENATOR ROLISON: Thank you, Mr. President.

I want to thank Senator Harckham and Senator Mayer for this bill.

After getting elected in 2023, we had the storms in our districts in August of 2023, and many communities are still recovering from that.

And one of the things I think that became so evident is smaller communities have a

much more difficult time of reacting to the event, the cleanup from the event, and then the repairs from the event. And many communities, especially the smaller ones, that can be impacted -- whether you're big or small, our climate issues are affecting communities of all size and shape. And to be able to afford to do it and to find your way through navigating state and federal funding can be very difficult. And some communities just don't do it.

So to do more on the front end helps the back end, because it is not going to stop. We're going to continue to have these events. And we need to be better prepared as a state so we can help communities respond to it and prevent further damage.

Thank you. I proudly vote aye, Mr. President.

ACTING PRESIDENT COONEY: Senator Rolison to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 758, voting in the negative are Senators Griffo, Ortt and Senator Walczyk.

Ayes, 58. Nays, 3.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 762, Senate Print 4950, by Senator Harckham, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT COONEY: 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 COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 894, Senate Print 5812, by Senator Sepúlveda, an act to amend the Public Health Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: Lay it aside.

THE SECRETARY: Calendar Number

915, Senate Print 1192, by Senator Addabbo, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 952, Assembly Bill Number 7424, by Assemblymember Pheffer Amato, an act to amend the Executive Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 1012, Senate Print 610, by Senator Stavisky, an act to amend the Education Law.

ACTING PRESIDENT COONEY: 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 COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 1027, Senate Print 6017, by Senator Baskin, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Baskin to explain her vote.

SENATOR BASKIN: Thank you, Mr. President.

I rise today to support this bill, as it will provide grants and loans for entities that want to open up a new grocery store and expand an existing grocery store operation in underserved communities.

We know across our state there are neighborhoods where there are no grocery stores at all. No grocery stores where you can buy fresh groceries for your family. And some families don't have a car to drive to the grocery supermarket.

We know having a grocery store or, even better, having multiple grocery stores in a community just simply improves the health of our

neighborhood.

In my district alone, we have Dash's Market in North Buffalo, Camillo's Market in Sloan, two family-owned-and-operated grocery stores that serve the needs of their neighbors. On the East Side of Buffalo we have small family grocery stores. We have Mandella Market, Rooted in Love grocery market, and Salud Market. These grocery stores and every grocery store like them deserve opportunities to grow and expand their ventures.

Now, this bill passed both houses in the Legislature last year, but unfortunately was vetoed by the Governor, who referenced other existing programs that addressed fresh food retail in underserved neighborhoods.

This bill is not the same as those programs, as it will include the construction of grocery store as an eligible project for the Senate's economic development program.

The Governor also stated in her veto message that while she is in support of the spirit of the bill, signing this bill into law would become a substantial cost that is not accounted for in the state's fiscal plan.

Well, I ask, then, what is the cost of not signing this bill into law? Just last week, Mr. President, my colleagues and I in this chamber, we remembered the massacre in Buffalo at Tops Market on May 14th. The murderer did his research looking for a location that was high propensity for Black people. He found there was just one supermarket, an only place where Black people shopped for groceries on the East Side of Buffalo, in a community where the population was 75 percent Black.

We need not only address food deserts with this bill, but we leave our vulnerable communities to be targeted, whether it's by racist murderers, scam artists, or anyone else trying to take advantage of decades of disinvestment.

And bringing grocery store development into the state's economic development plan will help turn around decades of disinvestment.

I want to thank my colleagues for support of this bill in the past. Today I urge them to vote in the affirmative again. And I encourage our colleagues in the Assembly to pass

this bill again.

And I look forward to reaching out to the Governor and working with her, making sure that this bill does get signed in 2025.

Thank you, Mr. President. I vote in the affirmative.

ACTING PRESIDENT COONEY: Senator Baskin to be recorded in the affirmative.

Senator May to explain her vote.

SENATOR MAY: Thank you, Mr. President.

And I want to thank Senator Baskin for this important bill.

Sadly, the gunman who targeted your neighborhood initially thought he was going to come to Syracuse and do the same thing, because we share a -- this kind of landscape in our cities where there has been disinvestment and redlining and all -- the whole history that has created racial segregation and, among everything else, food insecurity of a -- of one of the most profound kinds.

So I am rising in support of a wonderful organization in Syracuse called FAHNN, or Food Access Neighborhood Health -- Healthy

Neighborhoods -- I can't remember. But it's just a small grassroots organization that decided that they need a grocery store on South Salinas Street in the valley, where there used to be one but there hasn't been in decades. And where at least 30 percent of the population have no cars, there isn't very regular public transportation, and they really don't have access to healthy food at all.

So this group has been trying. I went -- initially I thought it was really unrealistic to think about getting a grocery store there. But they have been so persistent. And I think with this bill we may be able to finally say to them, Yes, the state can help you realize your dream and make your community healthier and stronger.

And I am very excited to move forward with this. So thank you for this bill.

I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 1027, voting in the negative:

Senator Walczyk.

Ayes, 60. Nays, 1.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 1038, Senate Print 856, by Senator Salazar, an act to amend the Correction Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Salazar to explain her vote.

SENATOR SALAZAR: Thank you, Mr. President.

In passing this bill today we're taking a step to expand and to diversify the State Commission of Correction, known as the SCOC.

Within just the last six months, corrections staff in our state prisons have been indicted for the murders of two incarcerated men,

Robert Brooks and Messiah Nantwi. This violence continues in New York's prisons due to systemic failures and deeply inadequate oversight.

If our prisons had proper oversight and accountability, it is possible that Mr. Nantwi and Mr. Brooks would still be alive today and we could finally address the rampant brutality in our prison system.

Their preventable deaths are a stain on the State of New York. As lawmakers we have an obligation to stop this violence from continuing.

The SCOC is statutorily supposed to provide oversight of our state prisons. Its responsibilities include inspecting all 42 state correctional facilities, conducting investigations, and even shutting down facilities when it is necessary.

This bill would increase the number of commissioners on the SCOC to nine commissioners, giving the agency the more robust capacity that it once had. The status quo of just three commissioners and a skeleton crew lacks the capacity to fulfill the SCOC's obligations.

This bill would also require a range of expertise to be represented among the commissioners, including in criminal defense and public health.

Shock and outrage in response to the violence and death in New York's prisons is not enough. This is a crisis that demands meaningful action.

Thank you to our Majority Leader and my colleagues for supporting this effort as one of many that we must take to transform our state's prison system.

I vote aye.

ACTING PRESIDENT COONEY: Senator Salazar to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 1038, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 40. Nays, 21.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 1045, Senate Print 5142, by Senator Myrie, an act to amend the Tax Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 1066, Senate Print 682, by Senator Martinez, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 1093, Senate Print 6980, by Senator Persaud, an act to create a temporary state commission to study and make recommendations concerning the incidence of asthma in the Borough of Brooklyn in New York City.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is passed.

Senator Gianaris, that completes the

reading of today's calendar.

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

ACTING PRESIDENT COONEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 894, Senate Print 5812, by Senator Sepúlveda, an act to amend the Public Health Law.

ACTING PRESIDENT COONEY: Senator Borrello, why do you rise?

SENATOR BORRELLO: Good afternoon, Mr. President. Would the sponsor yield for some questions.

SENATOR SEPÚLVEDA: Through you, Mr. President, I absolutely will.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: Okay. Through you, Mr. President.

This bill -- to my understanding, this bill would allow certain providers who provide pediatric care to opt out of certain healthcare plans, is that correct?

SENATOR SEPÚLVEDA: Well, not just

pediatric -- through you, Mr. President, not just pediatric care, but any -- well, yes, pediatric care provided to children that are in Healthcare Plus.

SENATOR BORRELLO: Through you, Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR SEPÚLVEDA: Through you, Mr. President, I do.

ACTING PRESIDENT COONEY: The sponsor yields.

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

So my understanding is this would allow providers that are under the Child Health Plus program to basically opt out, and that could impact the ability for those children to have consistent care. How is this bill in the best interests of the child that's receiving care versus the provider?

SENATOR SEPÚLVEDA: Through you, Mr. President. The genesis of the bill came from parents whose children are in the program. And

they called us -- they called my office four years ago, and they continue to call. A problem they have is their child has a primary care physician who is participating in the program; however, they have other physicians that they want to take their children to.

And because Child Health Plus, the commercial entities require the providers of health to the children to sign up for all the commercial products that the parents sometimes don't want to go to the providers within that plan. They want to stay with their doctors, they want to see different doctors.

And so the bill is designed to give the parents the option to go to any provider that they want and they don't -- they're not left out of Child Care Plus, they don't have to remove themselves from the plan. But it gives them more options to go elsewhere if they're more comfortable with other physicians.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR SEPÚLVEDA: Through you,

Mr. President, yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: Well, that sounds like a laudable goal. But my understanding of this bill is it allows providers to decide whether or not they're going to participate, which would actually create some problems with continuity of care.

How does this bill protect a parent's ability to make sure they get to see the provider that they want?

SENATOR SEPÚLVEDA: Through you, Mr. President. I respectfully disagree with your characterization that it will stop the quality of care.

The quality of care is determined by the parent. And if the parent believes that another physician that's not within the plan can do a better job with their child, they should give them the option.

This is a -- the providers that -- the plans that require those that are in Health Care Plus, Child Care Plus to use their program, what they're doing, it's essentially a

bait and switch. It's either you come here to our program, you use all of our commercial products, or you cannot participate in this program. That, to me, is a problem.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT COONEY: Will the sponsor yield?

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

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: So I guess maybe we have a misunderstanding on how this is going to work.

If you're saying -- you're saying that the insurer is ensuring that they are participating in all the programs, but this bill would allow them to decide not to participate in those programs. So this is not about the insured, it's about the provider.

How is this going to guarantee -- I just don't -- I genuinely don't understand how this would guarantee that they're going to have that continuity of care. It seems like it would

be the opposite, because a provider could just choose like, I'm going to go with this particular program that gives the greatest reimbursement, and therefore no longer have a choice for a particular insured's plan that now is no longer -- that provider is no longer working with that plan.

So I'm not sure how it achieves that goal.

SENATOR SEPÚLVEDA: Through you, Mr. President. I don't see your position on how it's going to create a conflict or an issue for continuity of care. Because you're giving the parents the option.

And I remind my colleague that the motivation behind this bill were parents who were complaining to us about not having the option of taking their children to another provide -- to another -- use of their healthcare insurance so that they can go to another provider that's not necessarily working with this plan.

SENATOR BORRELLO: Through you, Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the

sponsor yield?

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

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: So you're saying that this bill would allow a provider to not participate in a plan, but somehow that's going to make sure that the provider participates in the plan. I'm not sure how it -- how that works.

SENATOR SEPÚLVEDA: Through you, Mr. President. I think your focus is on the commercial insurance providers rather than the parents.

The parents -- the provider of care can use Child Health Plus for a particular service. What the plan, the commercial plans that allow Child Health Plus are saying, that if you're going to use Child Health Plus you also have to use all of the other commercial products that we have within our plans.

And that is essentially restricting parents from using another provider, another healthcare company -- another provider that uses another healthcare company to enroll their

children with that new provider.

This is not -- this is not provider-centric. This is parent-centric.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT COONEY: Will the sponsor yield? Will the sponsor yield?

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

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: Through you, Mr. President. So this was not brought to you by the providers who wish to determine, I guess, the best reimbursement. This is a -- we'll call it a grassroots effort. There's no providers involved in the development of this bill?

SENATOR SEPÚLVEDA: Through you, Mr. President, absolutely not a single -- I've never spoken to a single provider about this bill.

It was essentially, as I indicated previously, time and again, these were parents that reached out to my office because they had an issue that they had to limit their providers on

those that accept Child Health Plus.

SENATOR BORRELLO: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR SEPÚLVEDA: Through you, Mr. President, I do.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR BORRELLO: So if you didn't consult with any providers, how do we know that this is going to solve the problem of what these parents are experiencing? I mean, this is really about providers and which plans they're going to participate in.

But isn't there potentially an unintended consequence here?

SENATOR SEPÚLVEDA: Through you, Mr. President. Again, my focus has always been on providing -- on giving parents the option to go and take their children and get healthcare wherever they want. My focus is not on the commercial healthcare companies and their profits.

So the parents want this. They want

the option to take their children to any provider that they want regardless of what the commercial health plans are accepting. And that is the focus of this bill.

SENATOR BORRELLO: Mr. President, on the bill.

ACTING PRESIDENT COONEY: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Senator Sepúlveda. I appreciate the engagement here.

So one of my former colleagues said that Albany is often the land of unintended consequences. And I wonder if that's not the case here, because my reading of this bill is that it allows providers to decide who they're going to -- which programs they're going to be able to participate in.

And they could really say, Well, Plan A over here provides more reimbursement than plan B, so I'm going to choose Plan B, and I guess that's, you know, somewhat of a decision they can make.

But when we're saying -- we're talking about Child Health Plus program, which is

really a state-sponsored program. Right? The state is sponsoring this. The state is providing this coverage. We should want them to be able to have that maximum impact. Because children, particularly children who have chronic health issues like asthma, diabetes and other things, they need to have that continuity of care.

And this would basically allow the providers to kind of jump around a bit. And that, to me, would impact the continuity of care for children, particularly children with chronic health issues.

And I believe the sponsor when he say that this is an effort brought to him by parents. But without consultation with providers and insurance companies on this, I'm afraid the unintended consequence could be the opposite.

So I'll be a no on this bill.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Borrello.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is now closed.

Senator Gianaris.

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

ACTING PRESIDENT COONEY: The bill is restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 894, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 41. Nays, 20.

ACTING PRESIDENT COONEY: The bill is passed.

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

SENATOR GIANARIS: Thank you, Mr. President.

If we could return to motions for a moment, on behalf of Senator Fahy, I wish to call up Senate Print 4722, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Calendar Number 664, Senate Print 4722, by Senator Fahy, an act to amend the Arts and Cultural Affairs Law.

SENATOR GIANARIS: Move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT COONEY: The bill is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT COONEY: The amendments are received.

SENATOR GIANARIS: On behalf of Senator Cleare, on page 53 I offer the following amendments to Calendar 1106, Senate Print 3742, and I ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, May 21st, at 3:00 p.m.

ACTING PRESIDENT COONEY: On motion, the Senate stands adjourned until Wednesday, May 21st, at 3:00 p.m.

(Whereupon, at 4:53 p.m., the Senate adjourned.)