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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 21, 2025

4:07 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

8 ACTING PRESIDENT BAILEY: In the
9 absence of clergy, let us bow our heads in a
10 moment of silent reflection or prayer for the
11 New York Knicks.

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

14 ACTING PRESIDENT BAILEY: Reading
15 of the Journal.

16 THE SECRETARY: In Senate, Tuesday,
17 May 20, 2025, the Senate met pursuant to
18 adjournment. The Journal of Monday, May 19,
19 2025, was read and approved. On motion, the
20 Senate adjourned.

21 ACTING PRESIDENT BAILEY: Without
22 objection, the Journal stands approved as read.

23 Presentation of petitions.

24 Messages from the Assembly.

25 The Secretary will read.

1 THE SECRETARY: Senator C. Ryan
2 moves to discharge, from the Committee on Health,
3 Assembly Bill Number 3404A and substitute it for
4 the identical Senate Bill 6223A, Third Reading
5 Calendar 1091.

6 ACTING PRESIDENT BAILEY: So
7 ordered.

8 Messages from the Governor.

9 Reports of standing committees.

10 Reports of select committees.

11 Communications and reports from
12 state officers.

13 Motions and resolutions.

14 Senator Gianaris.

15 SENATOR GIANARIS: Good afternoon,
16 Mr. President.

17 On behalf of Senator Sean Ryan, on
18 page 21 I offer the following amendments to
19 Calendar Number 188, Senate Print 641, and ask
20 that said bill retain its place on Third Reading
21 Calendar.

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

25 Senator Gianaris.

1 SENATOR GIANARIS: On behalf of
2 Senator Stavisky, I wish to call up Senate Print
3 607, recalled from the Assembly, which is now at
4 the desk.

5 ACTING PRESIDENT BAILEY: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 899, Senate Print 607, by Senator Stavisky, an
9 act to amend the Education Law.

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

12 ACTING PRESIDENT BAILEY: Call the
13 roll on reconsideration.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT BAILEY: The bill
17 is restored to its place on the Third Reading
18 Calendar.

19 SENATOR GIANARIS: I offer the
20 following amendments.

21 ACTING PRESIDENT BAILEY: The
22 amendments are received.

23 SENATOR GIANARIS: Please
24 acknowledge Senator Weber for an introduction.

25 ACTING PRESIDENT BAILEY: Senator

1 Weber for the purposes of an introduction.

2 SENATOR WEBER: Thank you,
3 Mr. President.

4 We have some special guests here up
5 in the gallery from my district in
6 Rockland County.

7 I want to recognize the Indian
8 Heritage Group and the Rockland Indian Cultural
9 Heritage and Arts Awareness Club, who as I said
10 are with us in the gallery today as we look ahead
11 to Indian Heritage Month this coming August.

12 I would also like to extend a
13 special welcome to Rockland County Legislator
14 Dr. Aney Paul -- Dr. Paul, how are you today? --
15 who has joined us here today as well.

16 Legislator Paul, who is of Indian
17 descent, is not only a dedicated public servant
18 and tireless advocate, but was also a nurse,
19 long-time nurse at Nyack Hospital, where my
20 mother had worked for a number of years as well.

21 Dr. Paul personifies the goodness of
22 the Rockland Indian-American community. Rockland
23 is home to a very large and thriving Indian
24 population, a community that I'm proud to
25 represent and proud to get to know each and every

1 day.

2 And earlier today, along with
3 Assemblyman Pat Carroll, we were able to tour the
4 Capitol with my guests here today and we had
5 lunch as well, and we had some great
6 conversations about some of the concerns and some
7 of the issues not only specific to the
8 Indian community, but in Rockland County as well.

9 So I want to thank Dr. Aney Paul and
10 the groups for being here. I see my friend
11 Noah George there as well, I see Jacob there, and
12 all the other members of the ICSR. Welcome here
13 today.

14 Mr. President, please welcome them
15 here to the gallery and please extend to them all
16 the courtesies of this house.

17 Thank you.

18 ACTING PRESIDENT BAILEY: Thank
19 you, Senator Weber.

20 To our guests from the
21 Indian-American community of Rockland, we welcome
22 you to the Senate. We extend to you all the
23 privileges and courtesies of this house.

24 Please remain standing and be
25 recognized.

1 (Standing ovation.)

2 ACTING PRESIDENT BAILEY: Senator
3 Gianaris.

4 SENATOR GIANARIS: Mr. President,
5 please recognize Senator Palumbo for a motion.

6 ACTING PRESIDENT BAILEY: Senator
7 Palumbo.

8 SENATOR PALUMBO: Thank you,
9 Mr. President.

10 On behalf of Senator Weber, on
11 page 53 I offer the following amendments to
12 Calendar Number 865, Print Number 6859, and I ask
13 that the bill retain its place on the Third
14 Reading Calendar.

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

18 Senator Gianaris.

19 SENATOR GIANARIS: Mr. President,
20 there's a report of the Finance Committee at the
21 desk. Can we please take that up.

22 ACTING PRESIDENT BAILEY: The
23 Secretary will read.

24 THE SECRETARY: Senator Krueger,
25 from the Committee on Finance, reports the

1 following nominations.

2 As commissioner of the Office for
3 People with Developmental Disabilities,
4 Willow Baer.

5 As members of the Justice Center
6 Advisory Council: Lucina Clarke, Deborah L.
7 Murray, Kanika N. Jefferies.

8 As a member of the Board of Visitors
9 of the Capital Region Development Disabilities
10 Services Office, Louise K. Thomas-Churchill.

11 As trustee of the City University of
12 New York, Lorraine Cortés-Vázquez.

13 As trustee of the Higher Education
14 Services Corporation, Francis Talty.

15 For promotion to Major General of
16 the Air National Guard, Brigadier General Gary R.
17 Charlton, II.

18 For promotion to Major General of
19 the National Guard, Brigadier General Sean M.
20 Flynn.

21 As a member of the Board of Visitors
22 of the New York State Home for Veterans and Their
23 Dependents at Batavia, Marlene L. Roll.

24 As a member of the Board of Visitors
25 of the New York State Home for Veterans and Their

1 Dependents at Oxford, Lora A. Rowe.

2 SENATOR GIANARIS: Move to accept
3 the report of the Finance Committee, and ask that
4 you recognize Senator Krueger.

5 ACTING PRESIDENT BAILEY: All those
6 in favor of accepting the report of the
7 Finance Committee, please signify by saying aye.

8 (Response of "Aye.")

9 ACTING PRESIDENT BAILEY: Opposed,
10 nay.

11 (No response.)

12 ACTING PRESIDENT BAILEY: The
13 report of the Finance Committee is accepted.

14 Senator Krueger on the nominations.

15 SENATOR KRUEGER: Thank you,
16 Mr. President. On the nominations.

17 I would just like to point out we
18 are confirming a list today that we just heard,
19 and almost all of them are people that we
20 actually don't pay, but they're willing to
21 volunteer in these positions on behalf of the
22 people of New York.

23 And I'm greatly appreciative that we
24 still have so many committed people in the State
25 of New York who are willing to give of their

1 time and their self to work to make sure our
2 agencies and advisory councils and visiting
3 programs work as best they can.

4 Of course we also have two military
5 representatives who were promoted today to be
6 Major General of the Air National Guard and
7 Major General of the National Guard. Those are
8 actually recommended by the federal government
9 and paid by the federal government, but we still
10 need to confirm them. And we are always
11 appreciative of the commitments that we get, in
12 coordination with our federal military agencies,
13 to ensure these positions are appropriately
14 filled.

15 But finally, I want to recognize the
16 Commissioner of the Office for People with
17 Developmental Disabilities, Willow Baer. She's
18 up here with us today, perhaps with the entire
19 agency. I'm not exactly sure.

20 (Laughter.)

21 SENATOR KRUEGER: Raise your hand
22 if you work with Willow.

23 Yup, she's got the whole agency with
24 her.

25 (Laughter.)

1 SENATOR KRUEGER: I will mention
2 quickly that I have never received so many
3 letters of support for a candidate in any hired
4 position in the State of New York.

5 So apparently you have a very large
6 fan club, which just means we are expecting an
7 enormous amount from you.

8 And based on your interview with
9 Finance and the Developmental Disabilities
10 Committee yesterday, I feel that all of us who
11 were in the room at the time and listened to the
12 back-and-forth feel very confident that you are
13 ready, willing and able to take on this enormous
14 challenge as the official commissioner.

15 I'm not going to go on because we
16 have another -- where did she go? Oh, hello --
17 we have another Senator who appropriately
18 represents the committee you overlap with and who
19 I think also might be your personal Senator,
20 Senator Pat Fahy. So I'd now like to cede the
21 rest of my time to Senator Pat Fahy.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BAILEY: Thank
24 you, Senator Krueger.

25 Senator Fahy on the nominations.

1 SENATOR FAHY: Thank you. Thank
2 you, Mr. President. Thank you for allowing me to
3 speak.

4 I rise today in strong support of
5 Willow Baer's nomination. I rise as chair of the
6 Disabilities Committee. And yes, as
7 Senator Krueger just alluded to, I'm proud to
8 call her a constituent as well.

9 I just want to make note not only
10 has she received just tremendous support, it's
11 important to note that this is the largest -- she
12 oversees the largest I/DD system in the country.
13 And she has -- as an acting commissioner she has
14 led that agency with compassion, with lived
15 experience, and with a very serious vision.

16 Just to give a scope or a scale of
17 this, there are 130,000 people that are served by
18 OPWDD. Eighty thousand of those are served in
19 state-supported settings, and it's very important
20 that we continue to serve them.

21 I should also note 100 percent of
22 the OPWDD population relies on Medicaid. And at
23 a time when we are seeing looming and very
24 serious threats to the budget, particularly the
25 Medicaid budget, it is important that we have

1 somebody at the helm of that agency who
2 understands the needs, who understands the
3 importance and understands the individual rights
4 as we face rather uncertain times.

5 She's also brought lots of
6 creativity, pragmatism and recognizes the need to
7 do more with possibly less in terms of
8 integration, while making sure that each
9 individual is served with sincere compassion.

10 We also face a very serious shortage
11 with direct service professionals or DSPs, as we
12 often refer to them, while needing to expand
13 access to dental and preventative healthcare.
14 There's so much more.

15 But this is -- with filling this
16 post I think we are making a declaration of our
17 values. And I think Ms. Baer brings the ability
18 as well as the recognition of inclusion of all
19 and service to all.

20 And again, I am in strong support of
21 her nomination.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BAILEY: Thank
24 you, Senator Fahy.

25 The question is on the nominations.

1 Call the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to the
6 nominations, those Senators voting in the
7 negative are Senators Borrello,
8 Canzoneri-Fitzpatrick, Chan, Helming, Mattera,
9 Murray, O'Mara, Rhoads, Stec, Tedisco, Walczyk
10 and Weik.

11 Ayes, 47. Nays, 12.

12 ACTING PRESIDENT BAILEY: The
13 nominees are confirmed.

14 Congratulations.

15 (Standing ovation.)

16 ACTING PRESIDENT BAILEY: Senator
17 Gianaris.

18 SENATOR GIANARIS: Mr. President,
19 we're going to return to motions and resolutions.

20 Please take up previously adopted
21 Resolution 986, read that resolution's title, and
22 recognize Senator Fahy from her traditional seat
23 on that side of the chamber.

24 ACTING PRESIDENT BAILEY: The
25 Secretary will read.

1 THE SECRETARY: Resolution 986, by
2 Senator Fahy, memorializing Governor Kathy Hochul
3 to proclaim May 2025 as Cystic Fibrosis Awareness
4 Month in the State of New York.

5 ACTING PRESIDENT BAILEY: Senator
6 Fahy on the resolution.

7 SENATOR FAHY: Thank you,
8 Mr. President. I'm playing musical chairs.

9 I rise today in strong support of
10 this resolution for cystic fibrosis. And we do
11 have representatives in the gallery, I think to
12 my left here. And I'm also rising and supporting
13 this resolution on behalf of Senator Jake Ashby,
14 who also has had constituents here today.

15 This is -- May of 2025 is
16 Cystic Fibrosis Awareness Month. Cystic fibrosis
17 is a genetic disease that causes persistent lung
18 infections and limits the ability to breathe over
19 time. Forty-thousand children and adults in the
20 U.S., and over 1600 New Yorkers, deal with this,
21 and I've known many families myself. Often it
22 requires daily treatment regimens.

23 But we are making progress here, and
24 the life expectancy has changed dramatically.
25 But of course we do need more early detection

1 through infant blood screenings is essential.
2 And the mission of the Cystic Fibrosis Foundation
3 is to cure the disease and provide all with a
4 long and healthy life.

5 And again, we've made tremendous
6 advancements. We're proud that New York is home
7 to 21 world-class CF -- or cystic fibrosis --
8 treatment centers, which provide comprehensive
9 care and specialized treatment.

10 Again, I urge my colleagues to join
11 me in recognizing the far-reaching impact of
12 this. And I thank the foundation for helping to
13 ensure that awareness turns into action on those
14 that do suffer with this disease, and that we
15 continue to make progress. And again, I thank
16 Senator Ashby as well.

17 Thank you, Mr. President.

18 ACTING PRESIDENT BAILEY: Thank
19 you, Senator Fahy.

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

23 Please rise and be recognized.

24 (Standing ovation.)

25 ACTING PRESIDENT BAILEY: The

1 resolution was adopted on May 20th.

2 Senator Serrano.

3 SENATOR SERRANO: At the request of
4 the sponsors, the resolutions are open for
5 cosponsorship.

6 ACTING PRESIDENT BAILEY: The
7 resolutions are open for cosponsorship. Should
8 you choose not to be a cosponsor, please notify
9 the desk.

10 Senator Serrano.

11 SENATOR SERRANO: Please take up
12 the reading of the calendar.

13 ACTING PRESIDENT BAILEY: The
14 Secretary will read.

15 THE SECRETARY: Calendar Number
16 185, Senate Print 1409, by Senator S. Ryan, an
17 act to amend the Uniform Justice Court Act.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

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

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar 185, those Senators voting in the
4 negative are Senators Borrello,
5 Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo,
6 Helming, Murray, O'Mara, Ortt, Rhoads, Stec,
7 Tedisco, Walczyk, Weber and Weik.

8 Ayes, 44. Nays, 15.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 241, Senate Print 566, by Senator Skoufis, an act
13 to amend the Executive Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 241, voting in the negative are
25 Senators Ortt, Rhoads, Walczyk and Weik.

1 Ayes, 55. Nays, 4.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 259, Senate Print 1191, by Senator Addabbo, an
6 act to amend the Correction Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

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

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 259, voting in the negative are
18 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
19 Gallivan, Griffo, Oberacker, O'Mara, Ortt,
20 Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

21 Ayes, 45. Nays, 14.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 282, Senate Print 114, by Senator Cleare, an act

1 to amend the Banking Law.

2 SENATOR LANZA: Lay it aside.

3 ACTING PRESIDENT BAILEY: Lay it
4 aside.

5 THE SECRETARY: Calendar Number
6 363, Senate Print 3909, by Senator Parker, an act
7 to amend the Criminal Procedure Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

10 THE SECRETARY: Section 6. This
11 act shall take effect on the first of January.

12 ACTING PRESIDENT BAILEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 363, voting in the negative are
19 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
20 Chan, Gallivan, Griffio, Helming, Lanza, Mattera,
21 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
22 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

23 Ayes, 38. Nays, 21.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 364, Senate Print 4188A, by Senator Comrie, an
3 act to amend the Penal Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

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

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce
12 the results.

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 384, Senate Print 3974, by Senator Sepúlveda, an
18 act to amend the Correction Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

21 THE SECRETARY: Section 9. This
22 act shall take effect immediately.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 384, voting in the negative are
5 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
6 Gallivan, Griffo, Helming, Lanza, Mattera,
7 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
8 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

9 Ayes, 39. Nays, 20.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 525, Senate Print 643, by Senator Cleare, an act
14 to amend the State Finance Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

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

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Senator
23 Cleare to explain her vote.

24 SENATOR CLEARE: Thank you,
25 Mr. President.

1 The purpose of the Youth Justice
2 Innovation Fund is to unlock the potential of
3 Raise the Age, which passed seven years ago. The
4 Youth Justice Innovation Fund would direct
5 \$50 million to community-based organizations to
6 provide a continuum of services, from prevention,
7 early intervention, to alternatives to detention
8 placement and incarceration for youth ages 12
9 through 25.

10 The Innovation Fund builds on
11 successful statewide efforts like Project Rise,
12 which has brought over \$30 million to communities
13 to combat gun violence through public health
14 strategies, including credible messenger and
15 violence interruption programs.

16 Overall, youth crime has
17 consistently gone down since the Raise the Age
18 law was first implemented in 2018. Evidence from
19 across the state clearly shows how the law has
20 improved community safety and youth well-being.

21 Despite this significant progress,
22 New York State has failed to fully deliver on its
23 promise to fund community-based services and
24 programs that provide alternatives to
25 incarceration, and reentry programs for young

1 people. From 2019 to 2023, only a third of the
2 money appropriated for youth justice under Raise
3 the Age has been spent.

4 Ultimately, the Youth Justice
5 Innovation Fund will supercharge our efforts
6 under Raise the Age and direct money expressly
7 into our communities for prevention,
8 intervention, and enrichment.

9 I proudly vote aye.

10 ACTING PRESIDENT BAILEY: Senator
11 Cleare to be recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar 525, voting in the negative are
15 Senators Ashby, Borrello, Chan, Mattera, Murray,
16 Palumbo, Rhoads, Walczyk and Weik.

17 Ayes, 50. Nays, 9.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 593, Senate Print 4957, by Senator Bailey, an act
22 to amend the Judiciary Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: In relation to
8 Calendar 593, voting in the negative are
9 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
10 Gallivan, Griffo, Helming, Lanza, Murray,
11 Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
12 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

13 Ayes, 40. Nays, 19.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 613, Senate Print 2453, by Senator Gianaris, an
18 act to amend the Criminal Procedure Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

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

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 613, voting in the negative are
5 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
6 Chan, Gallivan, Griffo, Helming, Lanza, Mattera,
7 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
8 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

9 Ayes, 38. Nays, 21.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 723, Senate Print 7048, by Senator Webb, an act
14 to amend the Public Health Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

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

19 ACTING PRESIDENT BAILEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BAILEY: Senator
23 Webb to explain her vote.

24 SENATOR WEBB: Thank you,
25 Mr. President.

1 I rise today in very strong support
2 of this legislation that takes a necessary and
3 urgent step towards protecting maternal and
4 infant health in New York State.

5 As we all know, perinatal care,
6 which is care before, during and shortly after
7 birth, is a critical part of ensuring safe and
8 healthy outcomes for both mothers and babies.
9 Across New York, especially in underserved areas
10 and in rural areas, we've seen a very troubling
11 trend -- hospitals quietly eliminating or
12 reducing perinatal services without community
13 notice, transparency, or proper oversight.

14 This bill would require any
15 addition, decertification, or major change in the
16 way perinatal services are delivered by a general
17 hospital to be reviewed and approved under
18 Article 28 of the Public Health Law.

19 This means that more individuals and
20 families will be aware of these essential
21 services and more involved with the
22 decision-making processes that impact their
23 quality of care and more accountability from our
24 medical providers.

25 Mr. President, as the chair of our

1 Senate Committee on Women's Issues, and as
2 someone who represents rural areas where access
3 to care is already a major challenge, I know
4 firsthand how devastating it can be when labor
5 and delivery units shut down. Pregnant people
6 are forced to travel farther and sometimes across
7 multiple counties, increasing the risk of
8 complications and negative outcomes.

9 This legislation is not about
10 red tape, it is about ensuring that decisions
11 that impact maternal and infant lives are made
12 thoughtfully, with full oversight and community
13 input. Together we can continue to strengthen
14 maternal care, protect families, and ensure that
15 no New Yorker is left without the care they need
16 at one of the most vulnerable and important
17 moments of their lives.

18 I proudly vote aye and encourage my
19 colleagues to do the same.

20 Thank you, Mr. President.

21 ACTING PRESIDENT BAILEY: Senator
22 Webb to be recorded in the affirmative.

23 Announce the results.

24 THE SECRETARY: Ayes, 59.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 739, Senate Print 896, by Senator Martinez, an
4 act to amend the Executive Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

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

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: Ayes, 59.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 765, Senate Print 187A, by Senator Hoylman-Sigal,
20 an act to amend the Environmental Conservation
21 Law.

22 SENATOR LANZA: Lay it aside.

23 ACTING PRESIDENT BAILEY: Lay it
24 aside.

25 THE SECRETARY: Calendar Number

1 767, Senate Print 2292A, by Senator Harckham, an
2 act to amend the Environmental Conservation Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

5 THE SECRETARY: Section 6. This
6 act shall take effect on the 180th day after it
7 shall have become a law.

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Senator
12 Canzoneri-Fitzpatrick to explain her vote.

13 SENATOR CANZONERI-FITZPATRICK:
14 Thank you, Mr. President.

15 I rise to thank the sponsor for this
16 legislation.

17 As the sponsor's memo states, in
18 less than three months at the end of 2023,
19 beginning of 2024, 12 dead whales washed ashore
20 in New York and New Jersey, and the postmortems
21 indicated that many of these deaths were caused
22 by boat strikes.

23 Earlier in 2023 there was a stretch
24 where three dead whales washed ashore on the
25 tristate beaches in a four-day period, including

1 one on Long Beach, in my community.

2 This bill is a great first step to
3 educate boaters about what goes on with whale
4 strikes and how to prevent them. And we need to
5 be diligent about other initiatives coming out of
6 the state, such as the push to fast-track
7 offshore wind projects, even those that are
8 opposed by local communities, so that they do not
9 have unintended consequences of disrupting these
10 sensitive yet vital ecosystems.

11 For that reason I'm proud to
12 cosponsor this legislation, and I'm proud to vote
13 aye.

14 Thank you, Madam President.

15 ACTING PRESIDENT BAILEY: Senator
16 Canzoneri-Fitzpatrick to be recorded in the
17 affirmative.

18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar 767, voting in the negative:
21 Senator Walczyk.

22 Ayes, 58. Nays, 1.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 884, Senate Print 1425, by Senator Liu, an act to
2 amend the Public Health Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

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

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 884, voting in the negative are
14 Senators Borrello, Chan, Gallivan, Griffo,
15 Oberacker, O'Mara, Palumbo, Rolison, Stec,
16 Walczyk and Weber.

17 Ayes, 48. Nays, 11.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 950, Senate Print 6641A, by Senator Gounardes, an
22 act to amend the General Municipal Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect July 1, 2025.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 978, Senate Print 2122A, by Senator Fahy, an act
12 to amend the Real Property Actions and
13 Proceedings Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Senator
22 Fahy to explain her vote.

23 SENATOR FAHY: Thank you. Thank
24 you, Mr. President.

25 I rise today to note this

1 legislation which expands the legal window for
2 action against zombie properties to include a
3 period after the foreclosure judgment, which
4 would allow localities to address this loophole
5 that now leads to more neglect of properties.
6 For years, they go without accountability, and it
7 can often lead to more years than a foreclosure
8 sale.

9 The Department of Financial
10 Services, or DFS, has not prosecuted zombie
11 property cases in recent years due to these
12 current legal constraints. This bill will
13 empower the department to reengage with those
14 properties to take an active role in enforcement,
15 along with municipalities.

16 Here in Albany and many
17 municipalities across the state, we have a burden
18 of enforcing these zombie property laws, and this
19 will provide much-needed support to local
20 governments. Right here in the City of Albany we
21 have over a thousand -- a thousand -- zombie
22 properties. It can lead to quite a corrosive
23 effect in neighborhoods and communities as well
24 as a whole host of safety standards, and the red
25 X's seem to just mark the vandalism and blight.

1 So in short, this legislation will
2 help communities across the state address this
3 blight with vacant properties, and introduce new
4 housing stock to vigorously address our current
5 housing crisis.

6 And with that, I thank you,
7 Mr. President.

8 SENATOR O'MARA: Senator Fahy to be
9 recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar 978, voting in the negative are
13 Senators Chan and Oberacker.

14 Ayes, 57. Nays, 2.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 988, Senate Print 3036, by Senator Hoylman-Sigal,
19 an act to amend the Civil Practice Law and Rules.

20 SENATOR LANZA: Lay it aside.

21 ACTING PRESIDENT BAILEY: Lay it
22 aside.

23 THE SECRETARY: Calendar Number
24 1006, Senate Print 7117, by Senator Salazar, an
25 act to amend the Executive Law.

1 ACTING PRESIDENT BAILEY: Read the
2 last section.

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

6 ACTING PRESIDENT BAILEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar 1006, voting in the negative are
13 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
14 Chan, Gallivan, Griffio, Helming, Lanza, Martinez,
15 Mattera, Murray, Oberacker, O'Mara, Ortt,
16 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
17 Weber and Weik.

18 Ayes, 37. Nays, 22.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1010, Senate Print 6576, by Senator Hinchey, an
23 act to amend the State Finance Law.

24 ACTING PRESIDENT BAILEY: Read the
25 last section.

1 THE SECRETARY: Section 3. This
2 act shall take effect one year after it shall
3 have become a law.

4 ACTING PRESIDENT BAILEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce
8 the results.

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1086, Senate Print 2261, by Senator Cooney, an
14 act to amend the Vehicle and Traffic Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

17 THE SECRETARY: Section 3. This
18 act shall take effect on the 180th day after it
19 shall have become a law.

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: Ayes, 59.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1091, Assembly Bill Number 3404A, by
5 Assemblymember Lavine, an act to amend the
6 Public Health Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

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

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 Senator Serrano, that completes the
20 reading of the noncontroversial calendar.

21 SENATOR SERRANO: Can we please go
22 to the reading of the controversial calendar.

23 ACTING PRESIDENT BAILEY: The
24 Secretary will ring the bell.

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 282, Senate Print 114, by Senator Cleare, an act
3 to amend the Banking Law.

4 ACTING PRESIDENT BAILEY: Senator
5 Borrello, why do you rise?

6 SENATOR BORRELLO: Mr. President,
7 would the sponsor yield for a question.

8 ACTING PRESIDENT BAILEY: Senator
9 Cleare, do you yield?

10 SENATOR CLEARE: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

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

15 Thank you, Senator Cleare, for once
16 again engaging on this bill.

17 I want to start off -- since it's
18 been a while, we'll go back a bit. Can we
19 confirm, please, yes or no, does New York State
20 allow private contractors to operate prisons?

21 SENATOR CLEARE: Say that again, I
22 didn't hear you, Senator.

23 SENATOR BORRELLO: Can -- I'm
24 sorry, can --

25 SENATOR CLEARE: Through you,

1 Mr. President.

2 ACTING PRESIDENT BAILEY: Senator
3 Borrello, by all means, please clarify.

4 SENATOR BORRELLO: Thank you.

5 Does New York State allow private
6 contractors to operate prisons?

7 SENATOR CLEARE: No.

8 SENATOR BORRELLO: Okay. Through
9 you, Mr. President, will the sponsor continue to
10 yield.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR CLEARE: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR BORRELLO: So with that
17 being said, we're talking about a bill that would
18 impact only New York State-chartered banks, which
19 is a shrinking population, since most banks in
20 New York State are federally chartered.

21 So we're telling New York State
22 banks that they cannot invest in contractors who
23 operate prisons outside of New York State, is
24 that correct?

25 SENATOR CLEARE: Wherever they are,

1 no private prisons.

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

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR CLEARE: Through you,
7 Mr. President, I do.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR BORRELLO: So isn't this
11 bill, then, in effect punishing New York State-
12 chartered banks, who again are a continually
13 shrinking population of banks?

14 SENATOR CLEARE: The purpose of the
15 bill is to make sure that we are not investing in
16 private prisons.

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

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR CLEARE: Through you,
22 Mr. President, yes.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR BORRELLO: So I think this

1 is a slippery slope that we're telling banks what
2 they can and cannot invest in, particularly
3 because, as I said, state-chartered banks are
4 community banks, the banks that often make local
5 decisions on loans, things that are important.
6 So it's important for them to have the freedom to
7 invest; otherwise, they can just become a
8 federally chartered bank.

9 But with that being said, weren't
10 you successful in getting non-state-chartered
11 banks, federally chartered banks to disinvest in
12 private prisons?

13 SENATOR CLEARE: I have
14 participated in activism and advocacy that I feel
15 brought that on, yes.

16 SENATOR BORRELLO: Yes.

17 Mr. President, will the sponsor
18 continue to yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR CLEARE: Through you,
22 Mr. President, I do.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR BORRELLO: So I applaud you

1 for that. I may disagree with it, but I applaud
2 you for your advocacy.

3 Wouldn't it be more effective to
4 continue that than to just target and kind of
5 unfairly punish state-chartered banks?

6 SENATOR CLEARE: Like I said, the
7 purpose of this bill is to make sure that it
8 doesn't happen. Advocacy is always good,
9 activism, but this is another tool.

10 SENATOR BORRELLO: Mr. President,
11 could the sponsor continue to yield?

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR CLEARE: Through you,
15 Mr. President, yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR BORRELLO: Shouldn't these
19 state-chartered banks -- again, community
20 banks -- shouldn't they be able to decide for
21 themselves who they want to do business with?

22 SENATOR CLEARE: I don't think this
23 bill tells them not to do business, and I think
24 they've been able to do business with whomever
25 they wanted to up until now.

1 But I think it's very important that
2 we do not invest in private prisons.

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

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR CLEARE: I do.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR BORRELLO: But you said
11 that we're not telling them what to do, but we
12 are, actually. Aren't we telling them that they
13 cannot invest in a company that's business is to
14 run private prisons, obviously in states outside
15 of New York?

16 SENATOR CLEARE: (Conferring.)
17 New York State has already said that we should
18 not have private prisons. So it is only logical
19 that we should say to our chartered banks not to
20 invest in private prisons.

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

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR CLEARE: Through you,

1 Mr. President, yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR BORRELLO: So from what I
5 can see, contractor-operated prisons in other
6 states actually have lower -- or have lower rates
7 of recidivism, they typically are newer
8 facilities that have invested more heavily in the
9 facilities.

10 You know, we have aging
11 infrastructure here. I can tell you that, you
12 know, prisons and jails in New York State
13 certainly look like something, you know, from a
14 century ago, if not more.

15 With that track record, I'm not sure
16 why we wouldn't want a private contractor -- it
17 appears that they're at least having the ability
18 to provide better results and better facilities
19 for inmates.

20 SENATOR CLEARE: I have
21 experienced, through my own constituents,
22 unfortunately, who have served time in other --
23 in private prisons outside of New York State.
24 And I've not found it to be the case that they
25 are run more efficiently.

1 In fact, there are complaints and
2 actually proof of cells that do not lock. The
3 worker turnover rate is 43 percent. There's less
4 training for those officers. There are more
5 incidents of inmate-on-inmate violence as well as
6 inmate-on-staff violence and vice versa.

7 So I don't share that. Through you,
8 Mr. President.

9 SENATOR BORRELLO: Mr. President,
10 on the bill.

11 ACTING PRESIDENT BAILEY: Senator
12 Borrello on the bill.

13 SENATOR BORRELLO: Thank you,
14 Senator Cleare.

15 We can have a philosophical
16 difference. You know, I think I've been debating
17 this bill since my first year in the New York
18 State Senate, so for five -- this is probably my
19 sixth time debating this bill.

20 But this year's a little different
21 for me. In the past, as I've said, I think
22 advocacy works. It's worked effectively.
23 Senator Cleare's done a good job with that, as
24 others have.

25 In the past I've said -- and it

1 still stands true, in my opinion -- that, you
2 know, we are setting a dangerous precedent by
3 telling banks what they can or cannot invest in.
4 But this year, in light of the prison crisis here
5 in New York State, we are the last state to be
6 telling any other state how they should be
7 running their prisons. Are you kidding me.

8 Inmate-on-inmate violence is up
9 dramatically. Inmate-on-staff violence is up
10 dramatically. Morale is down. I mean, I can't
11 think of another state at the moment, unless we
12 go to some third-world banana republic, that has
13 done a worse job of running their prisons than
14 New York State has.

15 So this year my message is: Who the
16 hell are we to tell anybody else how to run their
17 prisons?

18 I'll be voting no. Thank you.

19 ACTING PRESIDENT BAILEY: Senator
20 Borrello to be recorded in the negative.

21 Are there any other Senators wishing
22 to be heard? Seeing and hearing none, debate is
23 closed.

24 The Secretary will ring the bell.

25 Read the last section.

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

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Senator
7 Cleare to explain her vote.

8 SENATOR CLEARE: Thank you,
9 Mr. President.

10 While this bill has come to the
11 floor on many occasions, today it's probably more
12 important than any other time in recent history.
13 That is because on the federal level, under the
14 current administration, the use of private
15 prisons for incarceration and detention is on the
16 rise.

17 In January, an executive order
18 rescinded the Biden directive that required the
19 Justice Department not to renew contracts with
20 private prison firms. Increased ICE activity
21 virtually guarantees the for-profit companies who
22 operate private prisons a pipeline of revenue.

23 However, in New York we are taking
24 the opposite course. This bill sets a very clear
25 moral and policy principle which follows upon the

1 fact that we already prohibit the operation of
2 private prisons in New York State, per
3 Section 121 of the Correction Law.

4 Senate Bill 114 extends this
5 principle further by prohibiting any
6 state-chartered banking institution from
7 providing financing or investing in the stocks,
8 securities or other obligations of an entity that
9 owns or operates a private correctional facility.

10 New York has been wise enough to ban
11 the very existence of private prisons in this
12 state, and thus it is completely logical to
13 prohibit banks chartered by the very same state
14 from investing in an activity that we have
15 declared is not only prohibited but morally
16 unpalatable.

17 As we stand here today, over
18 115,000 people in this country are in private
19 prisons, and the number being detained by ICE
20 only adds to this alarming figure.

21 In my public service career I have
22 helped numerous constituents who have family
23 members in private prisons, and the experience
24 was horrendous. It is often impossible to make
25 contact with your family member or loved one, to

1 set up visits or perform any kind of wellness
2 check. There's no accountability, no care or
3 compassion. Safety, health, labor and other
4 standards are lax.

5 Given the fact that private
6 prisons are a moral, ethical and policy scourge
7 filled with nonexistent safety standards for
8 incarcerated individuals and employees,
9 initiatives to keep people incarcerated longer,
10 and long histories of corruption, this bill makes
11 complete sense.

12 New York banks should not be allowed
13 to profit from institutions that the state itself
14 deems impermissible to even exist, plain and
15 simple.

16 I proudly vote aye.

17 ACTING PRESIDENT BAILEY: Senator
18 Cleare to be recorded in the affirmative.

19 Senator Krueger to explain her vote.

20 SENATOR KRUEGER: Thank you very
21 much, Mr. President.

22 So I was listening to the debate and
23 doing a little research on my smartphone -- thank
24 goodness for these things -- and it turns out the
25 federal government absolutely has the right to

1 tell chartered banks at the state and federal
2 level what they can and cannot invest in.

3 So it is not unprecedented for
4 New York State to decide that certain kinds of
5 business activity are not approvable at the state
6 level.

7 And in fact, what disturbed me
8 perhaps was that how many conservative states
9 have done equivalent laws saying that you can't
10 invest in companies that refuse to do firearms
11 and private prisons, so the opposite side of this
12 argument.

13 So it may be a little new for
14 New York State to pass a bill like this saying
15 there are certain activities we recognize as not
16 being in the best interests of people. And
17 there's more than enough research showing very
18 disturbing outcomes at many private prisons
19 throughout this country, which is why I'm very
20 proud New York State doesn't let them in our
21 state.

22 But it's not unprecedented and
23 apparently it's not even unusual for banks to be
24 regulated by some level of government as to the
25 kinds of investments they can and cannot make.

1 And so I'm very glad you brought the
2 bill to the floor, made me educate myself, and
3 I'm very happy to vote for this bill.

4 Thank you, Mr. President.

5 ACTING PRESIDENT BAILEY: Senator
6 Krueger to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: In relation to
9 Calendar 282, voting in the negative are
10 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
11 Chan, Gallivan, Griffio, Helming, Lanza, Mattera,
12 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
13 Rolison, C. Ryan, Stec, Tedisco, Walczyk, Weber
14 and Weik.

15 Ayes, 37. Nays, 22.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 765, Senate Print 187A, by Senator Hoylman-Sigal,
20 an act to amend the Environmental Conservation
21 Law.

22 ACTING PRESIDENT BAILEY: Senator
23 Walczyk, why do you rise?

24 SENATOR WALCZYK: Mr. President,
25 would the sponsor yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR HOYLMAN-SIGAL: Yes.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR WALCZYK: Through you,
7 Mr. President. Is your goal to protect human
8 health and the environment from PFAS?

9 SENATOR HOYLMAN-SIGAL: Through
10 you, Mr. President. This bill, which is very
11 similar to one we passed last session -- and that
12 passed 60 to 1, with support on both sides of the
13 aisle -- would ban PFAS, which is another word
14 for per- and polyfluoroalkyl chemicals, which we
15 know cause a variety of adverse health effects,
16 including reproductive problems, cancer, kidney
17 damage, and behavioral and cognitive effects.

18 We know that the World Health
19 Organization has listed PFAS as a carcinogen, as
20 has the NCI. And our own EPA has said that there
21 is no safe amount of PFAS for a human.

22 So the goal is to ban intentionally
23 added PFAS from a variety of consumer products
24 and restrict PFAS that is unintentionally present
25 in these products above the level of detection.

1 The short answer to my colleague's
2 question: Yes, to protect human health.

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

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR HOYLMAN-SIGAL: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR WALCZYK: The bill that
12 you're presenting today has provided a number of
13 exceptions for industrial applications,
14 industrial water treatment, industrial
15 manufacturing processes, et cetera. Why not an
16 all-out ban of all PFAS in the State of New York?

17 SENATOR HOYLMAN-SIGAL: Through
18 you, Mr. President. Well, we are certainly
19 taking every step that we think is reasonable at
20 this time, having the information that we know.

21 So I hope my colleague agrees that
22 this is a prudent measure in the sense that for
23 what we are proposing to ban, we have scientific
24 evidence to back it up.

25 SENATOR WALCZYK: And through you,

1 Mr. President, would the sponsor continue to
2 yield.

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR HOYLMAN-SIGAL: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR WALCZYK: But there are
9 exceptions in this bill, correct?

10 SENATOR HOYLMAN-SIGAL: Through
11 you, Mr. President, yes.

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

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR HOYLMAN-SIGAL: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR WALCZYK: Have you had
21 input from producers and users of products that
22 would be affected by the ban in the State of
23 New York?

24 SENATOR HOYLMAN-SIGAL: Through
25 you, Mr. President, yes.

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

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR HOYLMAN-SIGAL: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR WALCZYK: If PFAS is
10 detectable at very low levels in water, and
11 manufacturers use that water in their production
12 processes, how will this bill's second-phase ban
13 on PFAS to some level be determined feasible by
14 DEC?

15 SENATOR HOYLMAN-SIGAL: Through
16 you, Mr. President. The idea is similar to what
17 we have instituted in the ban on PFAS for
18 apparel, and I'm assuming also fast food
19 packaging and firefighting foam.

20 The DEC and the Department of Health
21 will regulate after we pass this legislation and
22 make, you know, their decision based on
23 information that's tailored to the product from
24 which we are trying to ban PFAS.

25 SENATOR WALCZYK: Through you,

1 Mr. President will the sponsor continue to yield?

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR HOYLMAN-SIGAL: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR WALCZYK: If manufacturers
8 are using water in the State of New York in the
9 production of their products, PFAS has been found
10 in water sources everywhere. Will they be
11 expected to remove the PFAS from the water before
12 they produce products here in the State of
13 New York?

14 SENATOR HOYLMAN-SIGAL: Through
15 you, Mr. President. What we are trying to do is
16 to upstream this problem and actually focus on
17 the source. And in this case these are products
18 that contain a contaminant.

19 Look, I don't have to tell my
20 colleagues across the aisle about the travails of
21 the good people in the Town of Hoosick Falls,
22 where a water contamination due to a century-old
23 plant that produced a Teflon-like material has
24 resulted in scores of illnesses and other
25 ailments for that local community.

1 I'm very proud that New York State
2 has recently stepped in and instituted a new
3 water treatment facility, but at the cost of
4 millions of dollars and after, you know, over a
5 decade of lawsuits, lawsuits that, you know,
6 still linger.

7 And it's not just Hoosick Falls,
8 it's Newburgh and other towns that have
9 contaminated water supplies. In fact, the EPA
10 recently said that New York State has
11 significantly more dangerous drinking water than
12 any other state in the entire country.

13 Between 2019 and 2023, more than
14 50 percent of residents of our state drank from
15 public water systems that committed health-based
16 violations during that period, according to the
17 EPA.

18 So we're trying to address the
19 problem at the head of the river, not downstream.
20 And we think by removing PFAS -- by mandating the
21 removal of PFAS from a variety of consumer
22 products will incentivize manufacturers,
23 companies and other corporate actors to take this
24 step now rather than wait for the contamination
25 later.

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

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR HOYLMAN-SIGAL: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR WALCZYK: The question was
10 specifically on manufacturers, whether they'll
11 have to remove PFAS from water if they're using
12 water in the State of New York in the
13 manufacturing process.

14 SENATOR HOYLMAN-SIGAL: Through
15 you, Mr. President. If it's certainly feasible,
16 yes.

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

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR HOYLMAN-SIGAL: Yes.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR WALCZYK: How did you

1 select January 1, 2027, for an enactment date for
2 this legislation?

3 SENATOR HOYLMAN-SIGAL: Through
4 you, Mr. President, we thought that was a
5 reasonable timeline in order to gain compliance
6 for this law.

7 And mind you, New York has already
8 taken steps -- again, I mentioned firefighting
9 foam and fast food pizza boxes and apparel.

10 And New York's not alone. There are
11 other states -- in fact, states like Minnesota,
12 Connecticut, Rhode Island, Maine, Washington,
13 Colorado, Vermont, that have taken similar steps
14 as this bill would propose.

15 SENATOR WALCZYK: Through you,
16 Mr. President, would the sponsor continue to
17 yield.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR HOYLMAN-SIGAL: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: Solar panels are
24 coated with applications which contain PFAS.
25 Would the coating for solar panels be banned

1 under this new legislation?

2 SENATOR HOYLMAN-SIGAL: Through
3 you, Mr. President. No, that's a specialty
4 industrial coating which does not fall under our
5 legislation. In fact, it's one of the
6 exceptions.

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR HOYLMAN-SIGAL: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR WALCZYK: What about
16 architectural paint, interior/exterior paint that
17 people use on their homes, would that be banned
18 under this legislation?

19 SENATOR HOYLMAN-SIGAL: Through
20 you, Mr. President. Architectural paint, yes.

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

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR HOYLMAN-SIGAL: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR WALCZYK: And when we say
5 architectural paint, by definition we're talking
6 about that would be paint that somebody buys off
7 of the shelf at a big box store and uses to paint
8 the outside or the inside of their home, is that
9 correct?

10 SENATOR HOYLMAN-SIGAL: Through
11 you, Mr. President, yes.

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

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR HOYLMAN-SIGAL: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR WALCZYK: So this
21 legislation, the way that it's written, that
22 essentially bans most of the architectural paint
23 that New Yorkers are currently purchasing in the
24 State of New York, right?

25 SENATOR HOYLMAN-SIGAL: Through

1 you, Mr. President, we think not. We think it's
2 about 8 percent, as I understand it to be, of
3 paint products on the shelves at your local
4 Sherwin-Williams store.

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

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR HOYLMAN-SIGAL: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR WALCZYK: The industry has
14 certainly given me a percentage number much
15 higher than that. I'm not sure where 8 percent
16 came from.

17 But the industry is pretty concerned
18 about this being an all-out ban for almost all of
19 the paint products for architectural paint that
20 they currently purchase.

21 You did mention Maine and Minnesota,
22 a number of other states that have done similar
23 legislation, which I think there's a great merit
24 to a lot of the issue that you're tackling here.

25 Those bans actually haven't included

1 architectural paint. They didn't include paint
2 because they followed good science showing that
3 paint isn't contributing to the health or the
4 environment the way that PFAS is in a number of
5 other applications.

6 Why was paint included in your
7 legislation where it was left out in the other
8 states?

9 SENATOR HOYLMAN-SIGAL: Through
10 you, Mr. President. We think those other states
11 actually -- although the ban isn't specifically
12 mentioned in terms of paint, we think based on
13 the -- our understanding of those statutes in
14 different states that they are included in some
15 of those states.

16 And your question again, I'm so
17 sorry, why -- I apologize.

18 ACTING PRESIDENT BAILEY: Senator
19 Walczyk, please clarify the question.

20 SENATOR WALCZYK: Yeah. Through
21 you, Mr. President. My question was, why did you
22 choose to ban architectural paint where other
23 states have not?

24 SENATOR HOYLMAN-SIGAL: Through
25 you, Mr. President. We -- again, I take issue

1 with the fact that my colleague says that other
2 states have not banned architectural paint that
3 contains PFAS. Our reading of some of those
4 statutes suggests they have, in fact.

5 Secondly, the industrial production
6 of these paints can lead to contamination of
7 water supply.

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

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR HOYLMAN-SIGAL: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR WALCZYK: Well, one of the
17 exceptions that you're providing in this
18 legislation is specifically the industrial
19 water-treatment exception. So that would suggest
20 to me that you're not concerned about PFAS when
21 it comes to those coatings and industrial uses,
22 when it comes to water treatment facilities in
23 the State of New York.

24 Am I reading that wrong?

25 SENATOR HOYLMAN-SIGAL: Through

1 you, Mr. President, yes, I think you are reading
2 into our intentions wrong. We are concerned
3 about paint.

4 I'm not certain what your specific
5 question is.

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

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield? Senator Hoylman-Sigal, do you
11 yield?

12 SENATOR HOYLMAN-SIGAL: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR WALCZYK: So on page 2, the
16 first three lines here go through the definition
17 of architectural paint, which you define, and
18 we've already talked about interior/exterior.
19 But it then goes on to say that architectural
20 paint shall not include industrial original
21 equipment for specialty coatings. Is that
22 correct?

23 SENATOR HOYLMAN-SIGAL: Through
24 you, Mr. President, yes.

25 And the reason we are including it,

1 we think there are feasible alternatives. And
2 that's why we included it.

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

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR HOYLMAN-SIGAL: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR WALCZYK: And underneath
12 that definition, industrial products
13 specifically -- so these are under the "cleaning
14 product" definition, specifically if you look at
15 line 13, that's where you say industrial water
16 treatment. So this, for industrial water
17 treatment, would not be included.

18 That's a carveout for industrial
19 water treatment, is that correct?

20 SENATOR HOYLMAN-SIGAL: Through
21 you, Mr. President, yes.

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

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR HOYLMAN-SIGAL: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR WALCZYK: New Yorkers
6 actually buy \$870 million worth of paint. Are
7 you concerned about the economic impact or sales
8 tax impact in the State of New York if
9 New Yorkers get a new regulation? Some of the
10 paint -- you say 8 percent, the industry says
11 over half of the paint that's on the shelves
12 right now contains some of the chemical
13 compositions that this legislation would ban.

14 Are you concerned that those
15 residents of the State of New York will be going
16 to New Jersey or Pennsylvania or Canada to
17 purchase their paint? Are you concerned about
18 the economic impact?

19 SENATOR HOYLMAN-SIGAL: Through
20 you, Mr. President. Well, the timeline that my
21 colleague mentioned, until 2027, is an off-ramp
22 for these retail establishments to sell the paint
23 that this bill proposes to impose the ban on
24 PFAS.

25 But I would just say, generally

1 speaking, I'm more concerned about human health
2 than I am about paint sales.

3 SENATOR WALCZYK: Through you,
4 Mr. President, will the sponsor continue to
5 yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR HOYLMAN-SIGAL: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR WALCZYK: On that topic, so
12 PFAS has been used in a number of products in
13 paint and coatings. Fluoropolymers are used for
14 thermal, chemical, photochemical, hydrolytic,
15 oxidative and biostability principles within
16 paint products. They are considered, by the
17 federal government, low toxicity.

18 Also non-bioavailable, so the human
19 health concern is that those PFAS products and
20 the way that the chemicals are structured within
21 the paint products that the industry is currently
22 producing -- non-bioavailable, non-water soluble,
23 and nonmobile -- would suggest that those don't
24 impact human health as approved to date. That's
25 how I understand it.

1 Is that how you understand it as
2 well?

3 SENATOR HOYLMAN-SIGAL: Through
4 you. No.

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

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR HOYLMAN-SIGAL: Yes. Yes,
11 thank you.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: So paints have
15 been built to last and proven not to contaminate
16 water or to endanger human health for the reasons
17 that I've just outlined. And that's why I was
18 curious why paint was included.

19 I do agree with a number of the
20 provisions within this, but as I started with a
21 question right at the top, if you're concerned
22 about the environmental impact or the human
23 health impact, I just don't know how that
24 translates into paint products that New Yorkers
25 would currently buy off the shelf.

1 I wouldn't want to alarm people to
2 think that there is a current product that will
3 remain even if this legislation passes and is
4 signed into law, a current product that is
5 dangerous to them that will still be sold in the
6 State of New York.

7 SENATOR HOYLMAN-SIGAL: Through
8 you, Mr. President. Well, I think there's
9 widespread acknowledgment that products that
10 contain these contaminants are dangerous.

11 I think that we as a legislative
12 body need to take steps to remove those products,
13 as far as we can, with the exceptions that we've
14 listed.

15 And third, I would say that
16 consumers have to make these decisions for
17 themselves and their families.

18 But we've provided a timeline for
19 compliance, but we acknowledge through this bill
20 and through the other bans on fast food
21 packaging, firefighting foam, and apparel, that
22 PFAS and PFOS are dangerous to human health, as
23 the World Health Organization and the National
24 Cancer Institute have stated.

25 And so we are trying to be prudent

1 here -- not trying to be alarmist, but trying to
2 be prudent.

3 SENATOR WALCZYK: Through you,
4 Mr. President, will the sponsor continue to
5 yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR HOYLMAN-SIGAL: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR WALCZYK: So over time
12 we've changed, and I think with some good cause
13 in the past, paint products in the State of
14 New York. Current law requires paint to be
15 low volatile organic compound -- in order to meet
16 air quality standards, actually. And new paints
17 have reduced emissions by using fluoropolymer
18 binder structure.

19 Doesn't this take a step backwards
20 if we're putting older technology in paint and
21 increasing emissions that paint products may have
22 in the State of New York?

23 SENATOR HOYLMAN-SIGAL: Through
24 you, Mr. President. Specifically about
25 fluoropolymers such as Teflon, they are a family

1 of high-performance plastics and the production
2 of them is dangerous, as has been shown recently
3 in a medical journal called The Lancet that
4 connected these type of chemicals to male
5 infertility, among other things.

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

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR HOYLMAN-SIGAL: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: So the U.S.
15 Department of Energy has stated the unique
16 characteristics of fluoropolymers can enhance
17 product durability, sustainability and safety.
18 Products that are lighter, longer-lasting, will
19 generally have lower life-cycle costs, embodied
20 energy, transportation-related emissions, and
21 safety risks.

22 So if we're taking a reduction by
23 going to -- reduction in quality by going to a
24 more organic paint, say, why reduce the quality
25 in the paint and expect New Yorkers to paint

1 their homes more frequently, the insides of their
2 homes more frequently, to have paint that's more
3 likely to chip, bubble, need to be repainted more
4 frequently? Isn't that a concern?

5 SENATOR HOYLMAN-SIGAL: I just
6 learned -- through you, Mr. President -- that
7 there's an organization called the American
8 Coating Association, and they apparently have
9 themselves, a trade association group, shown that
10 paints without PFAS and with alternatives are
11 actually as durable and have very similar
12 qualities as the ones with fluoropolymers.

13 So I don't think we're sending any
14 consumers into the desert when it comes to
15 painting their homes.

16 SENATOR WALCZYK: Thank you,
17 Mr. President. On the bill.

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

20 SENATOR WALCZYK: Elimination of
21 PFAS in many different applications, I think to
22 the sponsor's greater point here, is important,
23 and we've made a lot of headway. This bill does
24 do some good in phasing out PFAS in certain
25 products that could endanger the health of

1 New Yorkers as well as our environment.

2 However, this bill is really
3 ignoring some good science, especially when we're
4 talking about polymers, paints, coatings that
5 have proven not to be a danger to human health or
6 to the environment -- and I think could actually
7 have the reverse effect, especially when we're
8 talking about the environment.

9 This may set New York back on
10 emissions standards, will obviously frustrate
11 consumers come January 1, 2027, as was pointed
12 out, and I think ignores some good science.

13 I think in the marketplace of ideas,
14 looking at the other states that have had PFAS
15 bans, and even our neighbor to the north, Canada,
16 there is a reason why -- you know, they had
17 looked at paints, but they also looked at the
18 science and decided, all right, these chemical
19 compounds actually aren't a biodanger, they're
20 non-water soluble, they're not going to be a
21 problem like some other PFAS are.

22 And it's because of these provisions
23 that I'll be voting no.

24 Thank you, Mr. President.

25 ACTING PRESIDENT BAILEY: Are there

1 any other Senators wishing to be heard?

2 Senator Oberacker, to explain or are
3 you asking the sponsor to yield?

4 SENATOR OBERACKER: Explain.

5 ACTING PRESIDENT BAILEY: So we're
6 going to go through and just want to make sure.

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

9 Read the last section.

10 Senator Serrano.

11 SENATOR SERRANO: Mr. President,
12 upon consent, we've agreed to restore this bill
13 to the noncontroversial calendar.

14 ACTING PRESIDENT BAILEY: The bill
15 will be restored to the noncontroversial
16 calendar.

17 Read the last section.

18 THE SECRETARY: Section 5. This
19 act shall take effect January 1, 2027.

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Senator
24 Oberacker to explain his vote.

25 SENATOR OBERACKER: Thank you,

1 Mr. President.

2 You know, right now I'm having
3 amnesia and déjà vu at the same time. I think I
4 have forgotten this before. I was the lone vote
5 no the last time this bill came to the floor, and
6 I voted no more so on the issue that chemicals
7 lately -- since I've been here in the Senate,
8 Mr. President, five years -- chemicals here are
9 starting to take on this ominous -- this ominous
10 figure, this ominous position that all chemicals
11 are bad, and they're not.

12 I do think there are some areas this
13 bill addresses that do make sense, but I would
14 propose to you, Mr. President, that the carveout
15 that we've seen and that my colleague brought up
16 about the solar panels, the scientist in me would
17 say if we had a 40- or 50-acre solar array with
18 these panels that are treated, that are being I
19 would say attacked by ultraviolet rays that tend
20 to break down chemicals, and then we have these
21 rains that we've seen, these microburst storms
22 that we're seeing that would bring the rainwater
23 in and so on.

24 So where are all these chemicals
25 that leach off of this, where are they going?

1 Are they more detrimental to the health and
2 welfare of our New Yorkers?

3 Because I can tell you
4 unequivocally, Mr. President, that if we were to
5 sample that, I believe that we would see that the
6 chemicals that we're talking about would
7 definitely be at levels of concern.

8 So I find it interesting that we're
9 worried about it in clothing. You know,
10 Mr. President, as an outdoorsman who loves to go
11 out in the outdoors, but when it's raining I love
12 to have the rain shed off of my Gore-Tex suit.

13 So with that in mind, Mr. President,
14 I will be voting no. And I would hope that we
15 would allow our companies to have a little bit
16 more time to institute these changes as we move
17 forward in regards to chemicals.

18 Thank you, Mr. President.

19 ACTING PRESIDENT BAILEY: Senator
20 Oberacker to be recorded in the negative.

21 Senator Krueger to explain her vote.

22 SENATOR KRUEGER: Thank you,
23 Mr. President.

24 I enjoyed the debate. That's one of
25 the things I love about being a Senator, you get

1 to listen to all these debates from intelligent
2 people and you get to read some research while
3 they're doing it.

4 So I think it was fascinating that
5 the discussion seemed to focus on paint, because
6 it turns out there's a really good reason not to
7 let PFAS "forever" chemicals in paint. And you
8 know why we know this? Ever hear about lead in
9 paint and the problems that we're now living with
10 decades later, as children eat the crumbling
11 paint off the walls and develop brain damage, as
12 that paint just sort of turns into dust that is
13 inhaled by people living in homes with lead-based
14 paint?

15 The odor when you paint something
16 has the chemicals in it. We all know what an
17 apartment or a house smells like when you're
18 painting it.

19 Those exact problems and the
20 research that we know from decades on lead is
21 exactly why PFAS in paint should be a priority
22 for this Legislature to say: Let's stop, guys.

23 And I heard the concerns about how
24 much paint has PFAS in it. And to be honest, I
25 don't know that either side knew. But I did do

1 research, and pretty much every major paint
2 corporation that we're familiar with the names
3 and we are buying paint from now, offer non-PFAS
4 paint as well as PFAS paint.

5 So I don't actually think
6 New Yorkers will have to leave the state to buy
7 paint. I don't even think they'll have to leave
8 their local store where they're buying paint now.
9 They just should ask for no PFAS in my paint,
10 please, or by January '27 I guess not be able to
11 buy PFAS paint.

12 But every major brand I could look
13 up has options. So I think the bill overall is
14 the right thing to do. I think clearly getting
15 PFAS out of paint that we're using in our homes
16 is a critical thing to do. And with all due
17 respect, maybe we should also outlaw it on solar
18 panels. I don't know, I think it's worth doing
19 more research. Of course solar panels are on the
20 outside of our homes, not on the inside of our
21 homes, so less likely the baby's going to be
22 peeling the solar panel and nibbling on it than
23 on the wall.

24 But maybe we should do even more
25 research and find alternatives for solar panels

1 as well.

2 I very happily vote yes,
3 Mr. President. Thank you.

4 ACTING PRESIDENT BAILEY: Senator
5 Krueger to be recorded in the affirmative.

6 Senator Walczyk to explain his vote.

7 SENATOR WALCZYK: Through you,
8 Mr. President. The Federal Trade Commission
9 allows labeling of products with fluoropolymer
10 binders to be labeled PFAS-free, which is why a
11 quick Google search allowed you to see that there
12 are a number of paint products out there that are
13 labeled PFAS-free.

14 However, the binders that are banned
15 in this legislation will allow even those PFAS --
16 those PFAS-free labeled products would come off
17 the shelves for New Yorkers.

18 I continually vote no. Thank you.

19 ACTING PRESIDENT BAILEY: Senator
20 Walczyk to be recorded in the negative.

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar 765, voting in the negative are
24 Senators Chan, Griffo, Helming, Lanza, Oberacker,
25 O'Mara, Ortt, Rhoads, Stec, Tedisco, Walczyk and

1 Weik.

2 Ayes, 47. Nays, 12.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 988, Senate Print 3036, by Senator Hoylman-Sigal,
7 an act to amend the Civil Practice Law and Rules.

8 ACTING PRESIDENT BAILEY: Senator
9 Palumbo, why do you rise?

10 SENATOR PALUMBO: Thank you,
11 Mr. President. Would the sponsor yield for a few
12 questions, please.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR HOYLMAN-SIGAL: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR PALUMBO: Thank you,
19 Senator. And through you, Mr. President.

20 Just a few questions regarding what
21 this bill does. And there are really two aspects
22 to it. And the title indicates that it makes
23 some changes to the Civil Practice Law and Rules
24 regarding making technical corrections to ensure
25 gender-neutrality for the admission to practice

1 law.

2 And when I look at this, Chairman, I
3 just have a -- just to clarify that it
4 essentially just takes the "chairman" language,
5 changing it to "chairperson," the references to
6 "his" it changes to "they," "their" and "the
7 applicant." So it's gender-neutrality with
8 respect to the language in that particular bill.
9 Is that accurate?

10 SENATOR HOYLMAN-SIGAL: Through
11 you, Mr. President, yes.

12 SENATOR PALUMBO: Thank you.

13 Will the sponsor continue to yield?

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR HOYLMAN-SIGAL: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR PALUMBO: And thank you for
20 that clarification.

21 So the other mechanics of the bill
22 don't have anything to do with gender-neutrality,
23 so to speak, it has to do with the application
24 for admission to the bar. And specifically, the
25 meat of it is a few lines.

1 It says (reading): The
2 questionnaire shall not include any questions
3 requiring the disclosure of the applicant's
4 history of interaction with law enforcement or
5 the criminal justice system, if such interaction,
6 one, is no longer pending and did not result in a
7 conviction; two, resulted in a juvenile
8 proceeding or youthful offender adjudication; or,
9 three, resulted in a conviction which is now
10 sealed. And I'm assuming that's at the time of
11 the application.

12 So through you, Mr. President, my
13 question is that would also include -- let me
14 rephrase that. That would actually be more
15 expansive than the current application process,
16 which requires you to offer any interaction with
17 law enforcement.

18 Is that also accurate?

19 SENATOR HOYLMAN-SIGAL: Through
20 you, Mr. President, yes.

21 SENATOR PALUMBO: Will the sponsor
22 continue to yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR HOYLMAN-SIGAL: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR PALUMBO: Thank you.

4 And I see here the language in
5 question, or at issue, is that they ask you --
6 and for the nonlawyers here, if I could just go
7 on the bill just for one second, after --

8 ACTING PRESIDENT BAILEY: Senator
9 Palumbo on the bill.

10 SENATOR PALUMBO: Thank you.

11 After you graduate law school and
12 after you pass the bar examination, you then have
13 a character and fitness interview, which is
14 essentially -- we used to call it the ethics
15 interview -- where you are also interviewed by an
16 admitted lawyer, usually someone who is a member
17 of the Bar Association, who would then determine
18 your, quote, character and fitness.

19 And one of those questions on that
20 application is: Have you ever, either as an
21 adult or a juvenile, been cited, ticketed,
22 arrested, taken into custody, charged with,
23 indicted, convicted or tried for or pleaded
24 guilty to the commission of any felony or
25 misdemeanor or the violation of any law or been

1 the subject of any juvenile delinquency or
2 youthful offender proceeding? Traffic violations
3 that occurred more than 10 years before the
4 filing of this application need not be reported,
5 except alcohol or drug-related traffic
6 violations, which must be reported in all cases,
7 irrespective of when they occurred. Do not
8 report parking violations.

9 That's the language at issue that
10 would now be stricken as a result of this
11 legislation.

12 So would the sponsor continue to
13 yield, Mr. President.

14 SENATOR HOYLMAN-SIGAL: Yes.

15 ACTING PRESIDENT BAILEY: Senator
16 Hoylman, do you yield? Senator Hoylman-Sigal
17 yields.

18 SENATOR PALUMBO: Thank you.

19 And Senator, with regard to that,
20 any -- any conviction or any sealed conviction --
21 I'll really just address the third part because I
22 really don't have too much issue with the first
23 two, juvenile adjudications or cases that did not
24 result in any sort of action by the criminal
25 justice system -- an acquittal or something.

1 Regarding that, so if someone, for
2 example, under New York law was convicted of a
3 grand larceny eight or nine years earlier and
4 through Clean Slate that particular conviction is
5 now sealed, would they not have to disclose that
6 with -- in light of this new legislation if they
7 were applying for admission to the bar?

8 SENATOR HOYLMAN-SIGAL: Through
9 you, Mr. President. Yes. Our colleague is
10 correct.

11 And we are following the
12 recommendations of both the New York State Bar
13 and the City Bar. We think that this bill brings
14 the Civil Practice Law and Rules specifically in
15 connection with admission to practice law, in
16 line with the New York State Human Rights law and
17 the law that we proudly passed in the last five
18 year called Clean Slate.

19 So this is parallel to those reforms
20 and reports that have supported that effort.

21 SENATOR PALUMBO: Thank you.

22 Would the sponsor continue to yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR HOYLMAN-SIGAL: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR PALUMBO: Thank you.

4 And currently admitted lawyers --
5 like I believe the two of us are -- if we're
6 convicted of a felony, we lose our license
7 automatically, isn't that accurate? You can't
8 even reapply for admission for at least seven
9 years. That's the current state of the law for
10 conviction while admitted to practice. Is that
11 accurate?

12 SENATOR HOYLMAN-SIGAL: Yes.
13 Through you, Mr. President.

14 SENATOR PALUMBO: Thank you.

15 On the bill, please.

16 Thank you for your comments,
17 Chairman.

18 ACTING PRESIDENT BAILEY: Senator
19 Palumbo on the bill.

20 SENATOR PALUMBO: So,
21 Mr. President, this is a bridge way too far.
22 When you think about character and fitness for
23 admission to the bar, that doesn't necessarily
24 prohibit you from being admitted, but it's
25 important. If you're convicted, if you are a

1 serial thief, you steal for years and years from
2 your employer, from the elderly, you commit
3 mortgage fraud, that's important when it comes to
4 character and fitness as a lawyer.

5 Why, do you ask? People don't like
6 lawyers, right, they think we're all a little bit
7 slippery at some point just because that's the
8 perception. But lawyers have one of the most
9 important responsibilities in society when it
10 comes to overseeing -- not only representing
11 people, but overseeing other people's money.

12 When I was in a busy practice we had
13 millions of dollars on any given day in our
14 escrow accounts of other people's money that was
15 not ours, that we were supposed to watch. And if
16 you see, being a member on the Judiciary
17 Committee, being a ranking member in both houses,
18 I get a lot of information regarding lawyers
19 being admonished, being censured, suspended and
20 being disbarred. You have them getting -- if
21 you're convicted of a felony, you're gone. Your
22 license is gone. You can try again in seven
23 years -- which it usually takes much longer than
24 that to get readmitted to the bar.

25 But more importantly, in the event

1 you are -- you have misdemeanors or there are
2 other suspensions and so forth, and other aspects
3 of the Ethics Code or disciplinary proceedings
4 when you're convicted of a crime. But if you
5 touch your escrow, on almost every occasion
6 people -- I've represented lawyers -- DWIs, other
7 different -- the charge is a felony, you get it
8 reduced, they keep their license. You mess with
9 escrow, you're gone. They punch your ticket.
10 You lose it.

11 And they should, because that is a
12 very, very important thing that is very unique to
13 the practice of law.

14 So if you do not have this sort of
15 screening -- and as I said, the first two, you've
16 rehabilitated yourself -- this is a wrinkle.
17 This is a problem I had with -- not to get too
18 far afield, this was the problem with
19 Clean Slate. You don't need to be proven that
20 you're rehabilitated. You don't need to make an
21 application like the law was just before we
22 enacted Clean Slate. You would have to go back
23 to court and say, Look, mea culpa, look at me
24 now, I'm a productive member of society, please
25 seal this conviction.

1 It's automatic. And that's a
2 concern. You can have bad people who should have
3 no business practicing law and being entrusted
4 with other people's money and their lives because
5 of this legislation.

6 I get it, it's well intended. But
7 this is actually dangerous to our members of
8 society. And as a result, I'll be voting no and
9 I encourage my colleagues to do the same.

10 Thank you.

11 ACTING PRESIDENT BAILEY: Thank
12 you, Senator Palumbo.

13 Are there any other Senators wishing
14 to be heard?

15 Seeing and hearing none, debate is
16 closed.

17 Senator Serrano.

18 SENATOR SERRANO: Mr. President,
19 upon consent, we've agreed to restore this bill
20 to the noncontroversial calendar.

21 ACTING PRESIDENT BAILEY: Upon
22 consent, this bill is restored to the
23 noncontroversial calendar.

24 Read the last section.

25 THE SECRETARY: Section 6. This

1 act shall take effect on the 60th day after it
2 shall have become a law.

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar 988, voting in the negative are
10 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
11 Chan, Gallivan, Griffio, Helming, Lanza, Martinez,
12 Mattera, Murray, Oberacker, Ortt, O'Mara,
13 Palumbo, Rhoads, Rolison, C. Ryan, Skoufis, Stec,
14 Tedisco, Walczyk, Weber and Weik.

15 Ayes, 35. Nays, 24.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 Senator Serrano, that completes the
19 reading of today's controversial calendar.

20 SENATOR SERRANO: Thank you.

21 Is there any further business at the
22 desk?

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

25 SENATOR SERRANO: I move to adjourn

1 until tomorrow, Thursday, May 22nd, at 11:00 a.m.

2 ACTING PRESIDENT BAILEY: On

3 motion, the Senate stands adjourned until

4 Thursday, May 22nd, at 11:00 a.m.

5 In New York you know what time it

6 is: Go New York, Go New York, Go!

7 (Whereupon, at 5:32 p.m., the Senate

8 adjourned.)

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