

1 NEW YORK STATE SENATE

2
3
4 THE STENOGRAPHIC RECORD

5
6
7
8
9 ALBANY, NEW YORK

10 June 9, 2025

11 2:34 p.m.

12
13
14 REGULAR SESSION

15
16
17
18 SENATOR JAMAAL T. BAILEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The
Senate will come to order.

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

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

ACTING PRESIDENT BAILEY: 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 BAILEY: Reading
of the Journal.

THE SECRETARY: In Senate, Sunday,
June 8, 2025, the Senate met pursuant to
adjournment. The Journal of Saturday, June 7,
2025, was read and approved. On motion, the
Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Skoufis

1 moves to discharge, from the Committee on
2 Consumer Protection, Assembly Bill Number 1096B
3 and substitute it for the identical Senate Bill
4 4433A, Third Reading Calendar 322.

5 Senator Lanza moves to discharge,
6 from the Committee on Environmental Conservation,
7 Assembly Bill Number 6195 and substitute it for
8 the identical Senate Bill 5616, Third Reading
9 Calendar 1054.

10 Senator Palumbo moves to discharge,
11 from the Committee on Local Government,
12 Assembly Bill Number 6593 and substitute it for
13 the identical Senate Bill 6159, Third Reading
14 Calendar 1154.

15 Senator Bailey moves to discharge,
16 from the Committee on Insurance, Assembly Bill
17 Number 979A and substitute it for the identical
18 Senate Bill 5048A, Third Reading Calendar 1448.

19 Senator Bailey moves to discharge,
20 from the Committee on Insurance, Assembly Bill
21 Number 6595 and substitute it for the identical
22 Senate Bill 7221, Third Reading Calendar 1451.

23 Senator Liu moves to discharge, from
24 the Committee on Rules, Assembly Bill Number 6783
25 and substitute it for the identical Senate Bill

1 Number 4484, Third Reading Calendar 1530.

2 Senator C. Ryan moves to discharge,
3 from the Committee on Rules, Assembly Bill
4 Number 7377 and substitute it for the identical
5 Senate Bill 4815, Third Reading Calendar 1531.

6 Senator Myrie moves to discharge,
7 from the Committee on Elections, Assembly Bill
8 Number 1241A and substitute it for the identical
9 Senate Bill 7281, Third Reading Calendar 1544.

10 Senator Martinez moves to discharge,
11 from the Committee on Rules, Assembly Bill
12 Number 7745 and substitute it for the identical
13 Senate Bill 7420, Third Reading Calendar 1546.

14 Senator Harckham moves to discharge,
15 from the Committee on Children and Families,
16 Assembly Bill Number 5927 and substitute it for
17 the identical Senate Bill 7533, Third Reading
18 Calendar 1547.

19 Senator Cleare moves to discharge,
20 from the Committee on Aging, Assembly Bill
21 Number 8113 and substitute it for the identical
22 Senate Bill 7737, Third Reading Calendar 1551.

23 Senator Harckham moves to discharge,
24 from the Committee on Rules, Assembly Bill
25 Number 8276 and substitute it for the identical

1 Senate Bill 7852, Third Reading Calendar 1557.

2 Senator Webb moves to discharge,
3 from the Committee on Rules, Assembly Bill
4 Number 8210 and substitute it for the identical
5 Senate Bill 7912, Third Reading Calendar 1560.

6 Senator C. Ryan moves to discharge,
7 from the Committee on Environmental Conservation,
8 Assembly Bill Number 8597 and substitute it for
9 the identical Senate Bill 7976, Third Reading
10 Calendar 1562.

11 Senator Harckham moves to discharge,
12 from the Committee on Rules, Assembly Bill
13 Number 8275 and substitute it for the identical
14 Senate Bill 8011, Third Reading Calendar 1563.

15 Senator Kavanagh moves to discharge,
16 from the Committee on Rules, Assembly Bill
17 Number 8571 and substitute it for the identical
18 Senate Bill 8177, Third Reading Calendar 1570.

19 Senator Persaud moves to discharge,
20 from the Committee on Social Services,
21 Assembly Bill Number 8433 and substitute it for
22 the identical Senate Bill Number 8179,
23 Third Reading Calendar 1571.

24 Senator Mayer moves to discharge,
25 from the Committee on Education, Assembly Bill

1 Number 7212 and substitute it for the identical
2 Senate Bill 8226, Third Reading Calendar 1576.

3 Senator Baskin moves to discharge,
4 from the Committee on Labor, Assembly Bill
5 Number 8153 and substitute it for the identical
6 Senate Bill 8230, Third Reading Calendar 1577.

7 Senator Ramos moves to discharge,
8 from the Committee on Labor, Assembly Bill
9 Number 7694 and substitute it for the identical
10 Senate Bill 8231, Third Reading Calendar 1578.

11 Senator Sepúlveda moves to
12 discharge, from the Committee on Cities 1,
13 Assembly Bill Number 8416 and substitute it for
14 the identical Senate Bill Number 8245, Third
15 Reading Calendar 1583.

16 Senator Stavisky moves to discharge,
17 from the Committee on Higher Education,
18 Assembly Bill Number 8478 and substitute it for
19 the identical Senate Bill 8251, Third Reading
20 Calendar 1584.

21 Senator Harckham moves to discharge,
22 from the Committee on Environmental Conservation,
23 Assembly Bill Number 8596 and substitute it for
24 the identical Senate Bill 8261, Third Reading
25 Calendar 1586.

1 Senator Martinez moves to discharge,
2 from the Committee on Rules, Assembly Bill
3 Number 8568 and substitute it for the identical
4 Senate Bill 8297, Third Reading Calendar 1590.

5 Senator Cooney moves to discharge,
6 from the Committee on Consumer Protection,
7 Assembly Bill Number 804C and substitute it for
8 the identical Senate Bill 1104A, Third Reading
9 Calendar 316.

10 ACTING PRESIDENT BAILEY: So
11 ordered.

12 Messages from the Governor.

13 Reports of standing committees.

14 Reports of select committees.

15 Communications and reports from
16 state officers.

17 Motions and resolutions.

18 Senator Gianaris.

19 SENATOR GIANARIS: Good afternoon,
20 Mr. President.

21 On behalf of Senator May, I move to
22 amend Senate Bill Number 4417A by striking out
23 the amendments made and restoring it to its
24 original previous print, 4417.

25 ACTING PRESIDENT BAILEY: So

1 ordered.

2 SENATOR GIANARIS: Amendments are
3 also offered to the following Third Reading
4 Calendar bills:

5 By Senator Kavanagh, page 48,
6 Calendar 1331, Senate Print 4274B;

7 Senator Hoylman-Sigal, page 46,
8 Calendar 1304, Senate Print 1325B;

9 Senator Jackson, page 53,
10 Calendar 1389, Senate Print 6698;

11 Senator Skoufis, page 15,
12 Calendar 630, Senate Print 409;

13 Senator Rivera, page 43,
14 Calendar 1267, Senate Print 6375;

15 Senator Skoufis, page 40,
16 Calendar 1229, Senate Print 14;

17 Senator Fernandez, page 42,
18 Calendar 1249, Senate Print 1819;

19 Senator Gianaris, page 56, Calendar
20 Number 1415, Senate Print 7494;

21 Senator Hoylman-Sigal, page 42,
22 Calendar 1251, Senate Print 3385;

23 Senator Cleare, page 52,
24 Calendar 1376, Senate Print 4691;

25 Senator Myrie, page 42, Calendar

1 1247, Senate Print 399;
2 Senator Cooney, page 23,
3 Calendar 907, Senate Print 7025;
4 Senator Gianaris, page 5,
5 Calendar 203, Senate Print 363;
6 Senator Skoufis, page 15,
7 Calendar 600, Senate Print 4576;
8 Senator Harckham, page 55,
9 Calendar 1410, Senate Print 4989;
10 Senator Brisport, page 39,
11 Calendar 1207, Senate Print 7491;
12 Senator Kavanagh, page 53, Calendar
13 1386, Senate Print 1239D;
14 Senator May, page 52, Calendar 1374,
15 Senate Print 3492;
16 Senator Hinchey, page 24,
17 Calendar 918, Senate Print 7202;
18 And Senator Skoufis, page 41,
19 Calendar 1239, Senate Print 7699A.
20 ACTING PRESIDENT BAILEY: The
21 amendments are received, and the bills will
22 retain their place on the Third Reading Calendar.
23 Senator Gianaris.
24 SENATOR GIANARIS: I wish to call
25 up the following bills, which were recalled from

1 the Assembly and are now at the desk:

2 Senate Bill Numbers 372, 3393, 1100,
3 3799B, 3335, 73, 2618, and 4358.

4 ACTING PRESIDENT BAILEY: The
5 Secretary will read.

6 THE SECRETARY: Calendar Number
7 1221, Senate Print 4358, by Senator Bailey, an
8 act to amend the Education Law.

9 Calendar Number 442, Senate Print
10 372, by Senator Gianaris, an act to amend the
11 Labor Law.

12 Calendar Number 356, Senate Print
13 3393, by Senator Gounardes, an act to amend the
14 Education Law.

15 Calendar Number 650, Senate Print
16 1100, by Senator May, an act to amend the
17 Education Law.

18 Calendar Number 350, Senate Print
19 3799B, by Senator Comrie, an act to amend the
20 Real Property Actions and Proceedings Law.

21 Calendar Number 305, Senate Print
22 3335, by Senator Cooney, an act to amend the
23 Vehicle and Traffic Law.

24 Calendar Number 392, Senate Print
25 73, by Senator Kavanagh, an act to amend the

1 Environmental Conservation Law.

2 And Calendar Number 333,
3 Senate Print 2618, by Senator Addabbo, an act to
4 amend the Racing, Parimutuel Wagering and
5 Breeding Law.

6 SENATOR GIANARIS: Move to
7 reconsider the vote by which those bills were
8 passed.

9 ACTING PRESIDENT BAILEY: Call the
10 roll on reconsideration.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 50.

13 ACTING PRESIDENT BAILEY: The bills
14 are restored to their place on the Third Reading
15 Calendar.

16 Senator Gianaris.

17 SENATOR GIANARIS: I offer the
18 following amendments.

19 ACTING PRESIDENT BAILEY: The
20 amendments are received.

21 SENATOR GIANARIS: At this time
22 we're going to call an immediate meeting of the
23 Rules Committee in Room 332 and stand at ease.

24 ACTING PRESIDENT BAILEY: There
25 will be an immediate meeting of the

1 Rules Committee in Room 332.

2 The Senate will stand at ease.

3 (Whereupon, the Senate stood at ease
4 at 2:41 p.m.)

5 (Whereupon, the Senate reconvened at
6 4:09 p.m.)

7 ACTING PRESIDENT BAILEY: The
8 Senate will return to order.

9 Senator Gianaris.

10 SENATOR GIANARIS: Mr. President,
11 let's begin by recognizing
12 Senator Scarcella-Spanton for an introduction.

13 ACTING PRESIDENT BAILEY: Can we
14 have some order in the chamber prior to the
15 introduction, please. Thank you.

16 Now that we're settled,
17 Senator Scarcella-Spanton for the purposes of an
18 introduction.

19 SENATOR SCARCELLA-SPANTON: Thank
20 you.

21 And I am so excited to welcome our
22 guests, TraNa Relief, who is here with us. They
23 actually have maybe 50 people with them. So they
24 do amazing work in the Brooklyn side of my
25 district and also the Staten Island side of my

1 district as well, with Ukrainian refugees.

2 So I am so excited to have them here
3 with us today, to honor them and let them know
4 here on the Senate floor that we genuinely
5 appreciate the work that you do each and every
6 day.

7 Thank you so much.

8 ACTING PRESIDENT BAILEY: To our
9 guests, we welcome you on behalf of the Senate.
10 We extend to you all of the privileges and
11 courtesies of this house.

12 Please remain standing and be
13 recognized.

14 (Standing ovation.)

15 ACTING PRESIDENT BAILEY: Senator
16 Gianaris.

17 SENATOR GIANARIS: Mr. President,
18 there's a report of the Finance Committee at the
19 desk. Let's take that up, please.

20 ACTING PRESIDENT BAILEY: The
21 Secretary will read.

22 THE SECRETARY: Senator Krueger,
23 from the Committee on Finance, reports the
24 following nominations:

25 As chair of the Cannabis Control

1 Board, Jessica C. Garcia;

2 And also as director of the
3 Authorities Budget Office, Joshua C. Norkin.

4 SENATOR GIANARIS: I move to accept
5 the report of the Finance Committee and ask that
6 you recognize Senator Krueger first to speak on
7 the nomination of Joshua Norkin.

8 ACTING PRESIDENT BAILEY: All those
9 in favor of accepting the report of the
10 Finance Committee please signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT BAILEY: Opposed,
13 nay.

14 (Response of "Nay.")

15 ACTING PRESIDENT BAILEY: The
16 report of the Finance Committee is accepted.

17 Senator Krueger on the nominations.

18 SENATOR KRUEGER: Thank you very
19 much.

20 I rise to support the nomination of
21 Josh C. Norkin to be the director of the
22 Authorities Budget Office. Some of us have known
23 Josh in his current or I guess previous position
24 for the Governor in the counsel's office and,
25 even before that, know him from his work at the

1 Legal Aid Society of New York.

2 We think the Authorities Budget
3 Office is a critically important office. After
4 all, Robert Moses came up with the idea of taking
5 all kinds of government functions off-budget and
6 making them independent authorities, and that
7 means we need to be extra careful in evaluating
8 and keeping track of what they're doing, and the
9 money that they're spending. And so we are
10 counting on Mr. Norkin to serve us well by doing
11 the work that needs to be done.

12 The director of the Authorities
13 Budget Office is technically independent of the
14 Governor, so they don't even have to agree on
15 everything. And they have the authority to work
16 with law enforcement and the Inspector General
17 and the Comptroller and the Attorney General.

18 And frankly, as I think many of us
19 know, if the people of the State of New York
20 don't have confidence that they can trust our
21 government agencies are doing what they're
22 supposed to be doing, it just doesn't work. So
23 we are counting on Mr. Norkin to play that role.

24 And I see that he's here with his
25 wife and two children today. So welcome, all of

1 you, for being here, and congratulations on your
2 new position.

3 Thank you.

4 ACTING PRESIDENT BAILEY: The
5 question is on the nomination of Joshua C. Norkin
6 to the Authorities Budget Office.

7 Call the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Announce
10 the results.

11 THE SECRETARY: In relation to the
12 nomination, voting in the negative are
13 Senators Borrello, Gallivan, Griffio, Lanza,
14 Martins, Mattera, Oberacker, Ortt, Palumbo,
15 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

16 Ayes, 40. Nays, 15.

17 ACTING PRESIDENT BAILEY: The
18 nominee is confirmed.

19 Congratulations, Mr. Norkin.

20 (Standing ovation.)

21 ACTING PRESIDENT BAILEY: Senator
22 Gianaris.

23 SENATOR GIANARIS: Now let's take
24 up the nomination of Jessica Garcia to the
25 Cannabis Control Board, please.

1 ACTING PRESIDENT BAILEY: Senator
2 Krueger on the nomination of Jessica Garcia.

3 SENATOR KRUEGER: Thank you.

4 Jessica Garcia cannot be with us
5 today, but she went through the interview process
6 to move into the position of chair of the board
7 of the Cannabis Control Board.

8 Now, Ms. Garcia has already served
9 on the Cannabis Control Board up until now, but
10 then there was an opening for chair, so the
11 Governor nominated her to be chair.

12 She also went through an interview
13 process, and I believe that the vast majority of
14 the members who were asking her questions were
15 confident in her abilities to take on this
16 responsibility as the chair of the board. She's
17 even followed up with some of us with answers to
18 additional questions that she couldn't answer
19 during the interview.

20 So I'm hoping that my colleagues
21 will join me in confirming Jessica Garcia to be
22 the chair of the New York State Cannabis Control
23 Board. Thank you.

24 ACTING PRESIDENT MAYER: Thank you,
25 Senator Krueger.

1 The question is on the nomination of
2 Jessica C. Garcia to the Cannabis Control Board.

3 Call the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Announce
6 the results.

7 THE SECRETARY: In relation to the
8 nomination, voting in the negative are
9 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
10 Gallivan, Griffo, Helming, Lanza, Martinez,
11 Martins, Mattera, Oberacker, Ortt, Palumbo,
12 Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber
13 and Weik.

14 Ayes, 38. Nays, 20.

15 ACTING PRESIDENT MAYER: The
16 nominee, Jessica C. Garcia, is confirmed to the
17 Cannabis Control Board.

18 Congratulations.

19 Senator Gianaris.

20 SENATOR GIANARIS: Madam President,
21 let's recognize Senator Cleare for an
22 introduction, please.

23 SENATOR O'MARA: Senator Cleare for
24 an introduction.

25 SENATOR CLEARE: Thank you,

1 Madam President.

2 I thought we were going to do this
3 in a different order, but I'm really proud today.
4 This is Black Music Month that we are
5 celebrating, and we have some guests here today
6 that I would like to introduce. They came up
7 here to play jazz for us, which is the Indigenous
8 American music.

9 And so I'm going to ask Dr. Mujib
10 Mannan, who is here on the floor, and his band
11 with the New York Jazz Society, up there in the
12 gallery, to please stand. They have been playing
13 and preserving this very important music form for
14 decades now, and keeping it alive.

15 And we know jazz is at the heart of
16 all the music that we enjoy today. And we thank
17 you for what you do and thank you for being here
18 with us and your performances earlier.

19 Thank you.

20 ACTING PRESIDENT MAYER: Thank you,
21 Senator Cleare.

22 To our guests who are here joining
23 us on behalf of Black History Month and Black
24 music, thank you for joining us. We heard the
25 music; it was fantastic.

1 Please stand and be recognized.

2 (Standing ovation.)

3 ACTING PRESIDENT MAYER: Senator
4 Gianaris.

5 SENATOR GIANARIS: Next up,
6 Madam President, is previously adopted
7 Resolution 933, by Senator Griffo. Please read
8 its title and recognize Senator Griffo.

9 ACTING PRESIDENT MAYER: The
10 Secretary will read.

11 THE SECRETARY: Resolution 933, by
12 Senator Griffo, commemorating the
13 125th Anniversary of the publication of
14 The Wonderful Wizard of Oz, and celebrating the
15 enduring legacy of its author, L. Frank Baum.

16 ACTING PRESIDENT MAYER: Senator
17 Griffo on the resolution.

18 SENATOR GRIFFO: Thank you,
19 Madam Chairman.

20 And I want to welcome our guests
21 here today. Over 125 years ago, The Wonderful
22 Wizard of Oz, written by the visionary author L.
23 Frank Baum, was first published. And today we
24 celebrate that.

25 In fact, over the last weekend,

1 there was a tremendous celebration in the Village
2 of Chittenango in Madison County, where thousands
3 of people came out to commemorate and to remember
4 this significant event in the history of our
5 country.

6 This is a literary classic. It's
7 spawned movies, Broadway musicals, all sorts of
8 creative works. Widely recognized as one of the
9 first American fantasy novels to achieve
10 immediate and lasting success upon its
11 publication.

12 It introduced us to Dorothy, who
13 joins us today in the chamber, as well as the
14 Scarecrow, the Tin Man, the Cowardly Lion,
15 Glinda the Good Witch, and the Wicked Witch of
16 the West -- characters that continue to inspire
17 generations through books, film, theater and
18 creative works.

19 In fact, many times here in the
20 Capitol we may think we're in Oz. And when I
21 look at and listen to the soundtrack and think of
22 these characters, they may apply or reflect upon
23 many who are assembled.

24 (Laughter.)

25 SENATOR GRIFFO: It's captivated

1 hearts and minds of readers of all ages:
2 Imaginative storytelling, vibrant characters, and
3 universal themes that have entertained
4 generations.

5 And while many of us are familiar
6 with the Land of Oz, what many may not know is
7 that L. Frank Baum was born in Chittenango in
8 Madison County, an area that I represent and that
9 Senator May has also had the opportunity to
10 represent in the past.

11 And the village proudly preserves
12 and celebrates Baum's enduring legacy each and
13 every year, and this past last weekend had an
14 outstanding festival. And it's one of the
15 longest-running Wizard of Oz-themed celebrations
16 across the globe.

17 So today we recognize the
18 significant anniversary of its beloved book's
19 publishing. And I'm pleased to introduce with us
20 today Marc Baum, who is the International
21 L. Frank Baum and All Things Oz Historical
22 Foundation head, as well as Monica Kinner, the
23 foundation vice president; Mark Sample, the
24 foundation secretary; and Allison Lehr, the
25 manager of All Things Oz Museum in Chittenango.

1 I want to thank each and every one
2 of them for joining us today on this special
3 occasion and recognition. I want to thank the
4 organization and the Chittenango community and
5 all those who work so hard to ensure that the
6 memory of L. Frank Baum and the wonderful world
7 that he created lives on for generations.

8 It's an honor to speak on this
9 resolution to celebrate this literary classic
10 which has had such a profound effect on
11 generations and is an important part of the
12 American culture enshrined in the Smithsonian.

13 So thank you all for being here, and
14 congratulations on the celebration of 125 years
15 of this publication and a celebration of
16 New York's own L. Frank Baum.

17 Thank you, Madam President.

18 ACTING PRESIDENT MAYER: Thank you,
19 Senator Griffo.

20 Senator May on the resolution.

21 SENATOR MAY: Thank you,
22 Madam President.

23 I also want to add my voice to the
24 celebration of 125 years of an amazing novel and
25 to our guests who are here who have worked so

1 hard to keep the memory of Frank Baum and the
2 whole World of Oz alive.

3 I do want to mention that L. Frank
4 Baum's mother-in-law, Matilda Joslyn Gage, lived
5 in Fayetteville, New York, and she was a
6 prominent suffragist and abolitionist. She was
7 very closely involved with the Haudenosaunee
8 Nation, to the point where she became an honorary
9 member of the Onondaga Nation.

10 She, many believe, was a model for
11 his heroine Dorothy, who is one of the most
12 courageous, resourceful and independent girls
13 that you find in fiction to this day. I know she
14 was an inspiration for me and my daughter and for
15 girls all around the world. And I want to
16 celebrate all of them and that whole concept of
17 lifting up girls who can be independent, wise and
18 resourceful like that.

19 So thank you for keeping her memory
20 alive and Frank Baum's memory alive, and I vote
21 aye.

22 ACTING PRESIDENT MAYER: Thank you,
23 Senator May.

24 To our guests who are here to
25 celebrate 125 years and an incredible history and

1 a great story of the Wizard of Oz, please stand
2 and be recognized. We give you all the
3 privileges and courtesies of the house.

4 (Standing ovation.)

5 ACTING PRESIDENT MAYER: Senator
6 Gianaris.

7 SENATOR GIANARIS: Madam President,
8 I think I speak for all my colleagues when I
9 would like to ask Dorothy to click her heels
10 three times and send us all home, if possible.

11 (Reaction from members.)

12 SENATOR GIANARIS: Next up,
13 previously adopted Resolution 554, by
14 Senator Bailey. Please read that resolution's
15 title and recognize Senator Webb first to speak
16 on that resolution.

17 ACTING PRESIDENT MAYER: The
18 Secretary will read.

19 THE SECRETARY: Resolution 554, by
20 Senator Bailey, memorializing Governor Kathy
21 Hochul to proclaim June 2025 as Black Music Month
22 in the State of New York.

23 ACTING PRESIDENT MAYER: Senator
24 Webb on the resolution.

25 SENATOR WEBB: Thank you,

1 Madam President.

2 I rise proudly today in recognition
3 of Black Music Month here in the State of
4 New York.

5 I want to thank our Senate Majority
6 Leader, Andrea Stewart-Cousins, for her support
7 of this important commemoration.

8 Throughout our nation's history,
9 Black music has been the heartbeat of American
10 culture. From the soul-stirring power of
11 spirituals sung in the face of slavery, to the
12 jazz clubs of Harlem, the gospel choirs of the
13 South, the hip-hop beats of the Bronx, and the
14 rhythm and blues that echoes across the world,
15 black music has told the story of struggle,
16 resilience, joy and triumph.

17 And here in New York we have a
18 special honor because we are the creative
19 epicenter for Black music. We are deeply
20 connected to that story. We are the home of the
21 Harlem renaissance, the birthplace of hip-hop,
22 the stage of Ella Fitzgerald, Count Basie, Nas,
23 MC Lyte and so many others whose artistry shapes
24 not just music but history. Artists like Sly
25 Stone, who we just learned today transitioned.

1 All of these artists continue,
2 through their talent, to make our lives enriched
3 and better.

4 And as we reflect on this legacy, we
5 also lift up icons like Kurtis Blow, who's here
6 with us in our chamber today, a pioneer who
7 helped turn hip-hop into a cultural force with
8 global reach.

9 Kurtis Blow, as the first rapper
10 signed to a major label, helped to bring rap into
11 the mainstream and opened doors for future
12 generations. His contributions have helped to
13 shape the voice of urban America and continue to
14 inspire artists today, including the work that he
15 still does to this day as the founder of Hip Hip
16 Alliance and the Hip Hop Church in Harlem.

17 And who in this chamber has not
18 heard -- or can complete this sentence: "These
19 are the breaks." And you all know the rest of
20 the lyrics.

21 We also recognize the powerful role
22 of Black media in uplifting music and culture,
23 especially institutions like WBLS, which has long
24 served as a trusted voice and cultural touchstone
25 for our communities. And I want to acknowledge

1 Dr. Bob Lee and G. Keith Alexander, the voices of
2 New York, two legends of the airwaves, for using
3 their platforms to support emerging artists,
4 amplify Black voices, and preserve the legacy of
5 Black music in New York and beyond.

6 Madam President, Black music has
7 been more than entertainment. It is protest. It
8 is educational. It's healing. It's identity.
9 It's inspiration.

10 It brings people together across
11 race, class and background. It's a universal
12 language. It gives voice to the voiceless. And
13 it reminds us that Black culture is American
14 culture and it is embedded in our collective
15 society.

16 And as we honor Black Music Month
17 this June, I urge us not to only celebrate the
18 rich musical legacy of the past, but to uplift
19 and invest in the next generation of Black
20 artists whose voices will define our future.

21 Let us continue to make space for
22 creativity, protect cultural institutions, and
23 remember that Black art, Black stories and Black
24 music must always have a place in our public
25 square.

1 I want to thank our planning
2 committee that made today possible: Senator
3 Cleare, Senator Comrie and Senator Bailey,
4 Senators Persaud, Baskin, Bynoe, Brouk and
5 Persaud. And of course our colleagues in the
6 Assembly, Assemblymembers Jackson and Walker and
7 our entire New York State Black Legislative
8 Task Force.

9 Madam President, I proudly vote aye.
10 And I want to ensure that we extend all full
11 courtesies of the floor to our special guests.
12 And I encourage my colleagues to join us in
13 celebrating and commemorating Black Music Month.

14 Thank you, Madam President.

15 ACTING PRESIDENT MAYER: Thank you,
16 Senator Webb.

17 Senator Cleare on the resolution.

18 SENATOR CLEARE: Thank you,
19 Madam President.

20 I rise to speak in support of the
21 Black Music Month resolution. I thank
22 Senator Bailey. I thank Senator Webb and all of
23 the committee members. And I give my special
24 thanks to the leader for allowing us to celebrate
25 this very important moment.

1 I represent Harlem. I consider it
2 the epicenter of Black history, culture, thought,
3 art, scholarship and music. A significant part
4 of the history of Black music is rooted in my
5 district, the quintessential venues of the
6 Harlem Renaissance such as the Alhambra Ballroom,
7 Cotton Club, Count Basie's Lounge, Lenox Lounge,
8 the Renaissance Ballroom, the Savoy, Monette's
9 Supper Club, Bill's Place, Minton's Playhouse,
10 the Apollo Theater. These are all venues that
11 just allowed Black music to thrive and grow.

12 Moreover, many of the finest
13 musicians lived in, played in, worked in or
14 frequented Harlem, including Louie Armstrong and
15 Duke Ellington, Earl "Fatha" Hines, Cab Calloway,
16 Thelonious Monk, Dizzy Gillespie, Count Basie,
17 Jelly Roll Morton, Charlie Parker -- the list
18 goes on. Fats Waller, Ella Fitzgerald,
19 Bessie Smith, Paul Robeson, Ethel Waters, and so
20 many more. Lena Horne. Billie Holiday.
21 Josephine Baker.

22 But through the generations, the
23 torch of creativity has been passed and we are
24 blessed to have one of our very own here today,
25 as was mentioned here before, the one and only

1 Kurtis Blow, one of the most important and
2 influential pioneers in rap history. We're
3 honored to have him. He told the story of a
4 generation.

5 In addition, I'm proud to honor two
6 icons in Black radio, because without Black radio
7 it would have been very difficult for many Black
8 artists to reach America. Black media,
9 entertainment and journalism is blessed to have
10 their voices, and they are the voices of our
11 generations: Dr. Bob Lee and G. Keith Alexander.

12 And I've just got to pause for a
13 moment. You know, as I think about it, you know,
14 Dr. Bob Lee, it was more than music. He had the
15 On-Time Program. You wanted to listen to WBLS in
16 the morning, but you just didn't want to listen,
17 you wanted to be at your school on time because
18 Dr. Bob Lee might be there, and you could get on
19 the radio. So we thank you for doing that for
20 us.

21 And then I shouted out our bands
22 that played in the Well earlier, including the
23 Tony Jefferson Quartet, who were here and had to
24 leave. They were here compliments of the
25 National Jazz Museum in Harlem.

1 But for hundreds of years,
2 Black music has been the drumbeat and the
3 lifeblood of existence, resistance, freedom,
4 storytelling, creativity and history. It has
5 been the backdrop of our struggles, our
6 victories, our joy, our tears, our praise and our
7 worship, our love, our frustrations, and of
8 course our movements. It is the heartbeat of us
9 all. Long may it live.

10 Happy Black Music Month. Thank you,
11 and I proudly vote aye.

12 ACTING PRESIDENT MAYER: Thank you,
13 Senator Cleare.

14 Senator Baskin on the resolution.

15 SENATOR BASKIN: Thank you,
16 Madam President.

17 I rise today in support of the
18 resolution recognizing Black Music Month as a
19 celebration here in our state's great Capitol.
20 The incredible influence that Black music has
21 had, it still endures to this day. One month
22 hardly seems enough to honor its roots and its
23 legacy.

24 I'd like to honor my colleague
25 Senator Lea Webb, who worked so very hard leading

1 our committee, organizing and inviting our
2 esteemed guests to be here today. I'd also like
3 to acknowledge our leader, who welcomed our
4 inaugural celebration in the Well today. Good
5 job, colleagues.

6 It's befitting that we stand here
7 today, moments after the media, as my colleague
8 said, just announced that the musical icon Sly
9 Stone has gone on to be with the Lord. We
10 welcome these talented artists who sit here in
11 our chambers today for their history, and we
12 thank them for coming to Albany.

13 And we have to lift up and
14 acknowledge the fact that this month reflects a
15 time that traces back to a dark history. Our
16 African ancestors brought here in chains against
17 their will also carried with them cultural
18 influences that no oppressor could ever steal.
19 Spirituals, expressive native dances, songs,
20 music with lyrics reflecting their bondage and
21 their servitude.

22 Centuries later, that rich heritage
23 continues to influence and evolve in genres like
24 jazz, rhythm and blues, gospel, all rooted in
25 Black music. That influence remains strong in

1 other genres such as new jack swing, neo soul,
2 beatboxing, all of it born out of the bellowing
3 beat of the African drum.

4 Who can name this lyric: "I am the
5 worst thing since Elvis Presley/To do Black music
6 so selfishly/And use it to get myself wealthy."
7 The hip-hop heads in the chambers today know that
8 that's a lyric from Eminem, who was a white
9 rapper. But through this lyric he paid great
10 homage to Black music.

11 It is true, Eminem's remarks about
12 Black music have made a lot of people indeed
13 wealthy. And his reference to Elvis recalls the
14 tragic end of Big Mama Thornton, an example of
15 systemic hijacking of Black music artists and
16 their creative properties that have been robbed
17 over generations.

18 Thornton was a Black woman who was
19 known for her recording artist's work. She wrote
20 and recorded two of the biggest rock and roll
21 hits of the 1950s and '60s. Big Mama Thornton,
22 she recorded "Hound Dog," which was one of
23 Elvis Presley's biggest hits. She wrote
24 Janis Joplin's biggest hit of the 1960s, "Ball
25 and Chain."

1 Now, had this Black woman been given
2 the courtesy of rightfully earned writer's
3 credits and royalties, perhaps she would have
4 been spared the indignity of dying penniless and
5 being buried in a shared pauper's grave.

6 These injustices cannot be ignored
7 as we celebrate Black Music Month,
8 Madam President. We have to acknowledge the
9 totality of the Black music heritage. Just as we
10 brought an immense joy, as a people, through our
11 music to this country, the industry has produced
12 countless tragedies that cannot be ignored. So
13 many Black artists have been robbed of their
14 musical rights.

15 But then came Berry Gordy, a
16 visionary and a pioneer, who founded Motown
17 Records after he borrowed \$800 to launch his
18 business enterprises from his family. He
19 believed in hiring the best people, both Black
20 and white. While he became immensely wealthy, he
21 didn't forget his roots, fighting racism through
22 music and charitable acts.

23 Today it is the power of people like
24 Mr. Gordy -- people like Sly Stone, people like
25 Big Mama Thornton, who we remember and lift up.

1 In closing, Madam President, I want
2 to lift up Buffalo, New York, the district that I
3 represent, and the contributions that my great
4 city has given to Black music: Musician and
5 producer Rick James, who rose from the east side
6 of Buffalo, overcoming hardships that plagued so
7 many. His music, a mix of rhythm, rock and
8 attitude, still resonates with us today.

9 I want to lift up Buffalo's Colored
10 Musicians Club, which is also now a jazz museum.
11 It was founded 91 years ago. This club
12 continuously is being operated as an all-Black
13 music venue here in the United States. And back
14 when it first started, its members were from
15 Buffalo Local 533, the American Federation of
16 musicians, which was an all-Black musicians
17 union. And they had to be separated because of
18 the segregation laws at the time.

19 And finally, I want to lift up
20 Sheila Brown, who is the CEO of Vision Multimedia
21 and owner of WUFO radio station in Buffalo,
22 New York. WUFO is a pillar in the Black
23 community. And Sheila showcased her music
24 talents, current events and all of her hard work
25 starting out as a salesperson at an entry level

1 in 1986. She moved up to sales manager and she
2 is now the owner of Buffalo's oldest Black radio
3 station, becoming the first African-American
4 female radio owner in our city.

5 I'm so grateful again to my
6 colleagues and everybody who worked on our
7 committee, Madam President, to make today so
8 special. Thank you to all of our special guests
9 who have contributed so much to the history of
10 Black music in the great State of New York, and
11 may God continue to bless your gifts and
12 artistry.

13 Thank you, Madam President.

14 ACTING PRESIDENT MAYER: Thank you,
15 Senator Baskin.

16 Senator Comrie on the resolution.

17 SENATOR COMRIE: Thank you,
18 Madam President. I rise to proudly support the
19 Black Music Month resolution.

20 I'm just very proud today. I'm
21 proud of our colleagues that brought the level of
22 this to a new level to create an opportunity to
23 honor people. You know, when I first started,
24 one of the things that I hate doing -- hate
25 hearing when I first started is that we've done

1 this before. Or, you know, we did this before.
2 Or you don't have to do something that we've done
3 already.

4 And so I've always made it a point
5 to never say that to new colleagues, to new
6 people that are coming up, to people that are
7 trying to do things.

8 So I'm very proud of our colleagues
9 Senator Webb, Senator Baskin, and all of the
10 folks that made today a really special day, where
11 we had the first opportunity to honor some real
12 icons. Kurtis Blow and Dr. Bob Lee and G. Keith
13 Alexander are people that have influenced so many
14 of us over time through their music, through
15 their creativity, but also through their grace
16 and style and class, and their dignity. They've
17 really truly changed the landscape in many
18 different ways.

19 I've had many opportunities to be
20 with Dr. Bob Lee, whether it's through his
21 Make the Grade Foundation annual events that he
22 has, through the many times that he's in the
23 community lifting up kids or doing special pieces
24 on opportunities to encourage people to come out
25 to vote or to do different things, to be aware.

1 Back when we had the issues with the
2 pandemic, he was all over the place trying to
3 get people to understand what they had to do.

4 Dr. Bob Lee has always been on the
5 ground with a positive message that has been able
6 to influence people and change things.

7 They gave me a lot to say about
8 today, but I'm not going to say all of it, other
9 than, you know, Queens originated all music. I
10 just want you all to know that.

11 (Laughter.)

12 SENATOR COMRIE: People have it
13 confused about where music was originated from,
14 and they claim hip-hop was originated here and
15 this was originated there. I've got
16 Senator Bailey going to respond now for --

17 (Laughter.)

18 SENATOR COMRIE: Today's just a
19 happy day. I'm just saying I want to say I'm
20 very proud of my colleagues, but it's a long day,
21 so I'm not going to say everything, other than to
22 say I want to bow to my icons.

23 Thank you, gentlemen, for being here
24 today. Thank you all for starting a wonderful
25 tradition.

1 Thank you, Madam President.

2 ACTING PRESIDENT MAYER: Thank you,
3 Senator Comrie.

4 Senator Sanders on the resolution.

5 SENATOR SANDERS: Thank you,
6 Madam President.

7 So my colleague before me spoke so
8 well about the origin of the music, so I won't
9 speak to that. I will merely point out that I
10 come from Southeast Queens, which is part of
11 Q-York City, and I am here to speak of the
12 American classical music.

13 American classical music, which we
14 also know as jazz, is -- was a creation in
15 America, something that we can all take pride in,
16 one of the few musics that were created here, not
17 brought from other -- well, brought-ish from
18 other places.

19 You've heard of five minutes of
20 funk, let me give you two minutes of facts. When
21 we speak of rap music, the word "rap music"
22 really is the -- we're trying to figure out where
23 it comes from. Most people are saying that it
24 came from H. Rap Brown, who was known for his
25 amazing ability to project, to speak.

1 But if you really want to understand
2 rap music and other musics, you're going to have
3 to look at the jazz poets. You're going to have
4 to look at Gil Scott-Heron. You're going to have
5 to look at Kurtis Blow. You're going to have to
6 look all of these very worthy people.

7 But when we speak of those things,
8 we heard this music in many different places on
9 the streets. But when you started hearing it on
10 the air, you heard from our first internet. We
11 had internet way before it was created, way
12 before. We just didn't call it the internet. We
13 called it WBLS.

14 We understood, we all tuned in. It
15 was easier to understand it and to tune in than
16 it is to do it with this new internet.

17 And there we heard some of the
18 greatest voices out. We heard of G. Keith
19 Alexander -- I mean, people who could project --
20 who's in the audience right now. We heard of
21 Dr. Bob Lee. And of course the captain of that
22 show was Frankie "Hollywood" Crocker, the chief
23 rocker. And -- well, that's a history in itself.

24 But let me close by saying that this
25 is an -- we knew that this day would come. And I

1 want to thank Senators Webb, Baskin and all of
2 those who put such a great thing together.
3 You've done the music well.

4 But most of this -- much of this
5 music came from other places. And today is a
6 bittersweet day, because we have lost Sly Stone.
7 We have -- what a foundational part of music.
8 And I guess the best thing that I could do is to
9 thank you all and -- but to thank Sly Stone and
10 say thank you for letting me be myself again.

11 (Appreciative reaction from floor.)

12 SENATOR SANDERS: Thank you.

13 ACTING PRESIDENT MAYER: Thank you,
14 Senator Sanders.

15 Senator Bailey to close.

16 SENATOR BAILEY: Thank you,
17 Madam President.

18 On a celebratory day, my brothers
19 from Queens have decided to commit the ultimate
20 treason --

21 (Laughter.)

22 SENATOR BAILEY: -- in speaking
23 about the origins of hip-hop. So they speak.
24 But we know what the origins of hip-hop were.
25 They were 1520 Sedgwick Avenue, right in the

1 heart of Senator Serrano's district, where the
2 one and only hip-hop museum is going to be built.

3 There will not be a hip-hop museum
4 in Queens. There will not be a hip-hop museum
5 anywhere else. There will be a hip-hop museum in
6 the birthplace of hip-hop, which is the
7 boogie-down Bronx. Because if it wasn't for the
8 Bronx, this rap thing probably never would be
9 going on. "So tell me where you from, uptown
10 baby, uptown baby."

11 (Laughter.)

12 SENATOR BAILEY: But it's bigger
13 than rap. It's bigger than rap. And I just want
14 to make sure that -- on a serious note, I'm going
15 to talk about sampling music. And my brother
16 Leroy spoke about it earlier, how he did the
17 Black music reso first and then I did it
18 afterwards. And then, to quote Jay-Z, you know,
19 we made it a hot line, but Lea, you made it a
20 hot song. Senator Webb, you have taken a
21 resolution and made it into a day of
22 commemoration so that our legends can properly be
23 recognized.

24 And so to all of the committee
25 members, we thank you. But a special shout-out

1 to you, Lea, for doing that. Because it's really
2 important that we recognize who we have in the
3 chamber.

4 I don't know if you know exactly
5 what Kurtis Blow has done for hip-hop. It wasn't
6 large-scale. He was the first rapper to get
7 signed to a major record deal, but he was the
8 first rapper to go gold, the first rapper to have
9 a music video. Right? And all of these things
10 were the precursors to us being able to see
11 hip-hop going global, to a multi-billion-dollar
12 industry, that started with someone like Kurtis
13 Blow talking about these are the breaks. Or
14 basketball is his favorite sport, he likes the
15 way they dribble up and down the court. Just
16 like he's like the king of the microphone, so is
17 Dr. J and Moses Malone. You don't want no more.

18 (Laughter.)

19 SENATOR BAILEY: But it's so
20 important to have an artist like Kurtis Blow, a
21 trailblazer, and someone who is living in my
22 district. It's my community, it's my district,
23 and we get to have hip-hop royalty.

24 And speaking of hip-hop royalty,
25 like my colleagues have spoken about --

1 Senator Cleare I think put a finer point on it:
2 Black music media. I don't know about you, but
3 Sunday Classics with Hal Jackson on 107.5, when
4 my parents were cleaning the house and I better
5 have it cleaned along with them.

6 But when I was listening to G. Keith
7 Alexander and Dr. Bob Lee, making sure I was
8 making the grade and paying attention about
9 what's happening in school, to be on (announcer
10 voice) WBLS-S-S. Like this was the time we were
11 taping off the radio, because we didn't the money
12 to buy the CDs or the tapes and the songs. So
13 RIAA, don't get mad at me, but we were taping the
14 songs off the radio because that's what it was.
15 We got the -- and we sat by that radio waiting
16 for our song to come on.

17 When we talk about sampling, we see
18 there's no hip-hop if there's not Kurtis Blow. I
19 represent the Bronx and money-earnin'
20 Mount Vernon, where the great Heavy D, a hip-hop
21 renaissance man, has ruled. But Pete Rock and
22 C.L. Smooth made "They Reminisce Over You," but
23 it was sampled from a jazz song called "Today" by
24 Tom Scott. We've heard of "Gangsta's Paradise"
25 by Coolio, may he rest in peace, but it came from

1 "Pastime Paradise" by Stevie Wonder. We've heard
2 of "Summertime" by the Fresh Prince himself,
3 Will Smith, but that came from "Summer Madness"
4 by Kool and the Gang.

5 I can go on and on. But hip-hop and
6 Black music, we all borrow from each other so
7 that there's always going to be elements of Black
8 music, because it continues to create itself. It
9 will never die. The revolution may not be
10 televised, like Gil Scott-Heron said, but it was
11 played on the radio, Madam President.

12 Black music has been the rapid
13 response system in our communities. It allowed
14 us to express ourselves, to remember where we
15 were at what time we heard that certain song, and
16 just feel what music does.

17 You know, the BET Awards are
18 tonight. There wouldn't be a BET if there wasn't
19 a Kurtis Blow. There wouldn't be a BET if there
20 wasn't a G. Keith or a Dr. Bob. That wouldn't
21 exist.

22 So I want people to understand
23 exactly how far we've come, but how far we'll go.
24 And we'll continue to make sure that in the name
25 of Rick James and Queen Latifah, we have

1 {falsetto} "Unity," Madam President.

2 I vote aye.

3 ACTING PRESIDENT MAYER: Thank you,
4 Senator Bailey.

5 To our incredibly distinguished
6 guests who are here in support of Black History
7 Month, for all you have contributed to many of us
8 who listened to you along the way, thank you for
9 all you have done. Thank you to this group that
10 put this together.

11 Please stand and be recognized. You
12 are welcome to the privileges and courtesies of
13 the house.

14 (Extended standing ovation.)

15 ACTING PRESIDENT MAYER: Senator
16 Gianaris.

17 SENATOR GIANARIS: Madam President,
18 there will be an immediate meeting of the
19 Finance Committee in Room 332 -- nope, 124.
20 Sorry.

21 ACTING PRESIDENT MAYER: There will
22 be an immediate meeting of the Finance Committee
23 in Room 144.

24 SENATOR GIANARIS: 124.

25 ACTING PRESIDENT MAYER: 124, thank

1 you.

2 SENATOR GIANARIS: At the request
3 of the sponsors, today's resolutions are open for
4 cosponsorship.

5 ACTING PRESIDENT MAYER: At the
6 request of the sponsors, the resolutions are open
7 for cosponsorship. Should you choose not to be a
8 cosponsor, please notify the desk.

9 SENATOR GIANARIS: I believe
10 there's a report of the Rules Committee at the
11 desk. Let's take that up, please.

12 ACTING PRESIDENT MAYER: The
13 Secretary will read.

14 THE SECRETARY: Senator
15 Stewart-Cousins, from the Committee on Rules,
16 reports the following bills:

17 Senate Print 106, by Senator Comrie,
18 an act to amend the Vehicle and Traffic Law;

19 Senate Print 253, by
20 Senator Martinez, an act to amend the
21 Social Services Law;

22 Senate Print 273, by
23 Senator Martinez, an act to amend the
24 Local Finance Law;

25 Senate Print 597, by

1 Senator Hinchey, an act to amend the
2 Public Service Law;

3 Senate Print 634B, by Senator Liu,
4 an act to amend the Insurance Law;

5 Senate Print 1148, by
6 Senator Gounardes, an act to amend the
7 Public Authorities Law;

8 Senate Print 1180B, by
9 Senator Gianaris, an act to amend the
10 Environmental Conservation Law --

11 ACTING PRESIDENT MAYER: One
12 minute.

13 Could we have some quiet in the
14 chamber. Thank you.

15 THE SECRETARY: -- Senate Print
16 1757, by Senator Persaud, an act to amend the
17 Social Services Law;

18 Senate Print 1807A, by
19 Senator Fernandez, an act to amend the
20 Public Health Law;

21 Senate Print 1833A, by Senator May,
22 an act to amend the Environmental Conservation
23 Law;

24 Senate Print 1838, by
25 Senator Skoufis, an act to amend the

1 General Municipal Law;
2 Senate Print 1889, by Senator Ashby,
3 an act to amend the State Law;
4 Senate Print 1982, by
5 Senator Harckham, an act to amend the
6 General Municipal Law;
7 Senate Print 2048, by Senator Webb,
8 an act to amend the Transportation Law;
9 Senate Print 3194, by
10 Senator Skoufis, an act to amend the
11 Real Property Tax Law;
12 Senate Print 3207A, by
13 Senator Kavanagh, an act to amend the
14 Public Health Law;
15 Senate Print 3231, by
16 Senator Bailey, Concurrent Resolution of the
17 Senate and Assembly proposing an amendment to
18 Section 1 of Article 2 of the Constitution;
19 Senate Print 3256A, by
20 Senator Cooney, an act to amend the Parks,
21 Recreation and Historic Preservation Law;
22 Senate Print 3262, by
23 Senator Cooney, an act to amend the Banking Law;
24 Senate Print 3620, by Senator Ortt,
25 an act to amend the Town Law;

1 Senate Print 3637, by Senator Ortt,
2 an act to amend the County Law;

3 Senate Print 3740A, by
4 Senator Fernandez, an act to amend the
5 Mental Hygiene Law;

6 Senate Print 3851, by
7 Senator Hinchey, an act to amend the
8 Public Health Law;

9 Senate Print 4070B, by Senator May,
10 an act to amend the Labor Law;

11 Senate Print 4457B, by
12 Senator Murray, an act authorizing the Town of
13 Brookhaven to alienate certain parklands for use
14 as a recharge basin;

15 Senate Print 4535, by
16 Senator Skoufis, an act to amend the
17 Executive Law;

18 Senate Print 4544B, by
19 Senator Hoylman-Sigal, an act to amend the
20 Education Law;

21 Senate Print 4889, by
22 Senator Scarcella-Spanton, an act to amend the
23 Veterans' Services Law;

24 Senate Print 4903, by
25 Senator Harckham, an act to amend the

1 Public Health Law;

2 Senate Print 4947, by
3 Senator Harckham, an act to amend the
4 Transportation Law;

5 Senate Print 4955A, by
6 Senator Harckham, an act to amend the
7 Public Health Law;

8 Senate Print 5168, by
9 Senator Rolison, an act to amend the
10 Real Property Tax Law;

11 Senate Print 5233, by Senator Weber,
12 an act to amend the Real Property Tax Law;

13 Senate Print 5269, by
14 Senator Bailey, an act to amend the
15 State Finance Law;

16 Senate Print 5382, by
17 Senator Harckham, an act to amend the
18 Mental Hygiene Law;

19 Senate Print 5516A, by
20 Senator Hinchey, an act to amend the
21 Railroad Law;

22 Senate Print 5713, by
23 Senator Skoufis, an act to amend the
24 Railroad Law;

25 Senate Print 6035, by

1 Senator Parker, an act to amend the Elder Law;
2 Senate Print 6233, by
3 Senator Martinez, an act to amend the Tax Law;
4 Senate Print 6693A, by
5 Senator Jackson, an act to amend the
6 Education Law;
7 Senate Print 6832, by Senator Webb,
8 an act to amend the Military Law;
9 Senate Print 6851, by Senator Webb,
10 an act to amend the Public Health Law;
11 Senate Print 6872, by
12 Senator Hinchey, an act to amend the Tax Law;
13 Senate Print 6959, by
14 Senator Hinchey, an act to amend the
15 Social Services Law;
16 Senate Print 6998, by
17 Senator Tedisco, an act to amend the Tax Law;
18 Senate Print 7111A, by
19 Senator Harckham, an act to amend the
20 Election Law;
21 Senate Print 7139, by
22 Senator Tedisco, an act authorizing the
23 Commissioner of General Services to transfer and
24 convey certain lands in the Town of Wilton to the
25 Veterans and Community Housing Coalition;

1 Senate Print 7148, by
2 Senator Jackson, an act to amend the
3 Retirement and Social Security Law;

4 Senate Print 7222, by
5 Senator Bailey, an act to amend the
6 Insurance Law;

7 Senate Print 7541, by Senator Bynoe,
8 an act to amend the Real Property Law;

9 Senate Print 7688, by
10 Senator Palumbo, an act in relation to
11 authorizing certain police officers in the Town
12 of Southold, County of Suffolk, to receive
13 certain service credit under Section 384-d of the
14 Retirement and Social Security Law;

15 Senate Print 7690, by
16 Senator Gianaris, an act to amend the
17 Public Health Law;

18 Senate Print 7724, by
19 Senator Murray, an act in relation to authorizing
20 the assessor of the Town of Brookhaven to accept
21 an application for a real property tax exemption;

22 Senate Print 7728, by
23 Senator Skoufis, an act to amend the
24 Public Health Law;

25 Senate Print 7796A, by

1 Senator O'Mara, an act to amend the
2 Public Officers Law;

3 Senate Print 7966, by
4 Senator Canzoneri-Fitzpatrick, an act to amend
5 the Tax Law;

6 Senate Print 7980, by
7 Senator Gounardes, an act to amend the
8 Real Property Tax Law;

9 Senate Print 8021A, by
10 Senator Hinchey, an act to amend the
11 Executive Law;

12 Senate Print 8151, by
13 Senator Martinez, an act to amend the
14 Real Property Tax Law;

15 Senate Print 8197, by
16 Senator Brisport, an act to amend the
17 Family Court Act;

18 Senate Print 8201A, by
19 Senator Martins, an act to amend Chapter 280 of
20 the Laws of 2016;

21 Senate Print 8237, by
22 Senator Parker, an act to amend the
23 Public Authorities Law;

24 Senate Print 8238, by
25 Senator Addabbo, an act to amend the Racing,

1 Pari-Mutuel Wagering and Breeding Law;

2 Senate Print 8255, by

3 Senator Serrano, an act to amend the

4 State Finance Law;

5 Senate Print 8270, by Senator Webb,

6 an act to amend the Domestic Relations Law;

7 Senate Print 8277, by Senator Chan,

8 an act to amend the Executive Law;

9 Senate Print 8342, by

10 Senator Comrie, an act to amend Part P of

11 Chapter 39 of the Laws of 2019;

12 Senate Print 8343, by

13 Senator Bailey, an act to amend the

14 Insurance Law;

15 Senate Print 8345, by

16 Senator Hinchey, an act to amend Chapter 465 of

17 the Laws of 2016;

18 Senate Print 8346, by

19 Senator Canzoneri-Fitzpatrick, an act to amend

20 Chapter 846 of the Laws of 1970;

21 Senate Print 8357, by

22 Senator Sanders, an act to amend the

23 State Finance Law;

24 Senate Print 8361, by

25 Senator Jackson, an act to amend the

1 Administrative Code of the City of New York;

2 Senate Print 8362, by Senator Fahy,
3 an act to amend Chapter 554 of the Laws of 2013;

4 Senate Print 8369, by
5 Senator Stavisky, an act to amend the
6 Education Law;

7 Senate Print 8370, by Senator Fahy,
8 an act to amend the Education Law;

9 Senate Print 8371, by
10 Senator Brisport, an act to amend the
11 Education Law;

12 Senate Print 8373, by
13 Senator Hoylman-Sigal, an act to amend the
14 Surrogate's Court Procedure Act;

15 Senate Print 8383, by
16 Senator Stavisky, an act to provide for the
17 adjustment of stipends of certain incumbents in
18 the State University of New York;

19 Senate Print 138, by
20 Senator Hoylman-Sigal, an act to amend the
21 Public Health Law;

22 Senate Print 426, by Senator Liu, an
23 act to amend the Legislative Law;

24 Senate Print 652A, by
25 Senator Gianaris, an act to amend the

1 Alcoholic Beverage Control Law;
2 Senate Print 915, by Senator S.
3 Ryan, an act to amend the Highway Law;
4 Senate Print 1472, by Senator S.
5 Ryan, an act to amend the Penal Law;
6 Senate Print 1511, by Senator Liu,
7 an act to amend the Vehicle and Traffic Law;
8 Senate Print 1891, by
9 Senator Jackson, an act to amend the Vehicle and
10 Traffic Law;
11 Senate Print 1986, by
12 Senator Harckham, an act to amend the
13 Education Law;
14 Senate Print 2709, by Senator May,
15 an act to amend the Labor Law;
16 Senate Print 3155, by
17 Senator Cooney, an act to amend the
18 Insurance Law;
19 Senate Print 3820B, by
20 Senator Rivera, an act to amend the
21 Insurance Law;
22 Senate Print 4052, by
23 Senator Skoufis, an act to amend the Labor Law;
24 Senate Print 4230, by
25 Senator Comrie, an act to amend the Vehicle and

1 Traffic Law;

2 Senate Print 4497, by
3 Senator Hinchey, an act to amend the
4 Insurance Law;

5 Senate Print 4534, by
6 Senator Skoufis, an act to amend the
7 Executive Law;

8 Senate Print 4658A, by Senator S.
9 Ryan, an act to amend the General Municipal Law;

10 Senate Print 4803, by Senator C.
11 Ryan, an act to amend the Volunteer Firefighters'
12 Benefit Law;

13 Senate Print 5324A, by
14 Senator Bailey, an act to amend the
15 Insurance Law;

16 Senate Print 6150, by
17 Senator Parker, an act to amend the Banking Law;

18 Senate Print 6155A, by
19 Senator Bailey, an act to amend the
20 Education Law;

21 Senate Print 6166, by Senator S.
22 Ryan, an act to amend the Real Property Tax Law;

23 Senate Print 6231, by Senator Webb,
24 an act to amend the General Business Law;

25 Senate Print 6334, by Senator Fahy,

1 an act to amend the Education Law;

2 Senate Print 6363, by

3 Senator Bailey, an act to amend the

4 Real Property Law;

5 Senate Print 6640, by

6 Senator Gounardes, an act to amend the

7 Retirement and Social Security Law;

8 Senate Print 6736A, by Senator Fahy,

9 an act to amend the Social Services Law;

10 Senate Print 7007, by Senator Bynoe,

11 an act to amend the General Business Law;

12 Senate Print 7032, by

13 Senator Sepúlveda, an act to amend the

14 Vehicle and Traffic Law;

15 Senate Print 7191, by

16 Senator Scarcella-Spanton, an act to amend the

17 Vehicle and Traffic Law;

18 Senate Print 7422A, by

19 Senator Stewart-Cousins, an act to amend the

20 Vehicle and Traffic Law;

21 Senate Print 7485, by Senator Mayer,

22 an act to amend the Labor Law;

23 Senate Print 7545, by Senator Brouk,

24 an act to amend the Public Health Law;

25 Senate Print 7642, by

1 Senator Comrie, an act to amend the
2 Public Health Law;

3 Senate Print 7680A, by
4 Senator Serrano, an act to amend the Parks,
5 Recreation and Historic Preservation Law;

6 Senate Print 7717, by
7 Senator Cooney, an act to amend the
8 General Business Law;

9 Senate Print 7731, by Senator Webb,
10 an act to amend the Insurance Law;

11 Senate Print 7800, by
12 Senator Harckham, an act to amend the
13 Public Officers Law;

14 Senate Print 7801, by
15 Senator Harckham, an act to amend the
16 Public Officers Law;

17 Senate Print 7882, by
18 Senator Hoylman-Sigal, an act to amend the
19 General Business Law;

20 Senate Print 7889, by
21 Senator Palumbo, an act relating to permitting
22 the Setauket Fire District and Stony Brook Fire
23 District to enter into contracts with the State
24 University of New York at Stony Brook;

25 Senate Print 7984, by

1 Senator Fernandez, an act to amend the
2 Social Services Law;

3 Senate Print 8059, by
4 Senator Bailey, an act to amend the Vehicle and
5 Traffic Law;

6 Senate Print 8082, by Senator Brouk,
7 an act to amend the Mental Hygiene Law;

8 Senate Print 8150, by Senator Bynoe,
9 an act to amend the Veterans' Services Law;

10 Senate Print 8207, by
11 Senator Jackson, an act to amend the
12 Retirement and Social Security Law;

13 Senate Print 8256, by
14 Senator Sutton, an act to amend the
15 Administrative Code of the City of New York;

16 Senate Print 8257, by
17 Senator Sutton, an act directing the
18 Department of Health to establish an alternative
19 payment methodology for Federally Qualified
20 Health Centers;

21 Senate Print 8271, by
22 Senator Stewart-Cousins, an act in relation to
23 authorizing the City of Yonkers to alienate and
24 discontinue the use of certain parklands;

25 Senate Print 8312, by

1 Senator Hinchey, an act to amend the
2 Criminal Procedure Law;

3 Senate Print 8320, by
4 Senator Hoylman-Sigal, an act to amend the
5 Court of Claims Act;

6 Senate Print 8334, by
7 Senator Gounardes, an act to amend the
8 Insurance Law;

9 Senate Print 8338, by Senator Mayer,
10 an act to amend the Executive Law;

11 Senate Print 8384, by
12 Senator Jackson, an act to amend the
13 Executive Law.

14 All bills reported direct to third
15 reading.

16 SENATOR GIANARIS: Move to accept
17 the report of the Rules Committee.

18 ACTING PRESIDENT BAILEY: All those
19 in favor of accepting the report of the
20 Rules Committee please signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT BAILEY: Opposed,
23 nay.

24 (Response of "Nay.")

25 ACTING PRESIDENT BAILEY: The

1 report of the Rules Committee is accepted.

2 Senator Gianaris.

3 SENATOR GIANARIS: Let's take up
4 the calendar at this time, Mr. President.

5 ACTING PRESIDENT BAILEY: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 182, Senate Print 1985A, by Senator Harckham, an
9 act to amend the Criminal Procedure Law.

10 SENATOR LANZA: Lay it aside.

11 ACTING PRESIDENT BAILEY: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 204, Senate Print 488A, by Senator Fernandez, an
15 act to amend the General Business Law.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

18 THE SECRETARY: Section 4. This
19 act shall take effect on the 180th day after it
20 shall have become a law.

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 204, voting in the negative are
3 Senators Ashby, Canzoneri-Fitzpatrick, Chan,
4 Mattera, Ortt, Palumbo, Stec, Tedisco, Walczyk
5 and Weik.

6 Ayes, 51. Nays, 10.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 246, Senate Print 2271, by Senator Krueger, an
11 act to amend the Executive Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

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

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar 246, voting in the negative are
23 Senators Ashby, Canzoneri-Fitzpatrick, Chan,
24 Lanza, Martins, Mattera, Oberacker, Ortt,
25 Palumbo, Rhoads, Stec, Tedisco, Walczyk and Weik.

1 Ayes, 47. Nays, 14.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 316, Assembly Bill Number 804C, by
6 Assemblymember Magnarelli, an act to amend the
7 General Business Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

10 THE SECRETARY: Section 4. This
11 act shall take effect on the 180th day after it
12 shall have become a law.

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce
17 the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 322, Assembly Bill Number 1096B, by
23 Assemblymember Magnarelli, an act to amend the
24 General Business Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 322, voting in the negative:
12 Senator Walczyk.

13 Ayes, 60. Nays, 1.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 500, Senate Print 626, by Senator Stavisky, an
18 act to amend the Penal Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

21 THE SECRETARY: Section 2. 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 500, voting in the negative are
5 Senators Ashby, Borrello, Oberacker, Ortt, Stec,
6 Tedisco, Walczyk and Weik.

7 Ayes, 53. Nays, 8.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 510, Senate Print 194A, by Senator Martinez, an
12 act to amend the General Business Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

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

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 Number 510, voting in the negative are
25 Senators Oberacker, Ortt, Rhoads, Stec, Tedisco,

1 Walczyk and Weik.

2 Ayes, 54. Nays, 7.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 511, Senate Print 397, by Senator Myrie, an act
7 to amend the General Business Law.

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT BAILEY: Lay it
10 aside.

11 THE SECRETARY: Calendar Number
12 592, Senate Print 4840, by Senator Fahy, an act
13 to amend the Lien Law.

14 SENATOR GIANARIS: Lay it aside for
15 the day.

16 ACTING PRESIDENT BAILEY: The bill
17 will be laid aside for the day.

18 THE SECRETARY: Calendar Number
19 627, Senate Print 6600B, by Senator Jackson, an
20 act to amend the Multiple Dwelling Law.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 627, voting in the negative are
7 Senators Ashby, Canzoneri-Fitzpatrick, Chan,
8 Lanza, Martins, Mattera, Oberacker, Ortt,
9 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk
10 and Weik.

11 Ayes, 46. Nays, 15.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 632, Senate Print 5277, by Senator Bailey, an act
16 to amend the Cannabis Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

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

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 632, voting in the negative are
3 Senators Ashby, Canzoneri-Fitzpatrick, Chan,
4 Lanza, Martinez, Martins, Mattera, Ortt, Palumbo,
5 Rhoads, Tedisco, Walczyk and Weik.

6 Ayes, 48. Nays, 13.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 634, Senate Print 2433A, by Senator Krueger, an
11 act to amend the Real Property Law.

12 SENATOR LANZA: Lay it aside.

13 ACTING PRESIDENT BAILEY: Lay it
14 aside.

15 THE SECRETARY: Calendar Number
16 645, Senate Print 4906A, by Senator Fahy, an act
17 to amend the Executive Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the 120th day after it
22 shall have become a law.

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: Ayes, 61.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 773, Senate Print 1353B, by Senator Cleare, an
8 act to amend the General Business Law.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

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

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 773, voting in the negative are
21 Senators Canzoneri-Fitzpatrick, Lanza, Mattera,
22 Oberacker, Ortt, Stec, Walczyk and Weik.

23 Ayes, 53. Nays, 8.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 779, Senate Print 290A, by Senator Rhoads, an act
3 to amend the Highway 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: In relation to
14 Calendar 779, voting in the negative:
15 Senator Brisport.

16 Ayes, 60. Nays, 1.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 882, Senate Print 7630, by Senator Skoufis, an
21 act to amend the Tax Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

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

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 882, voting in the negative are
8 Senators Harckham, Hinchey, Lanza, Martinez,
9 Palumbo, C. Ryan, Scarcella-Spanton and Weik.
10 Also Senator Canzoneri-Fitzpatrick.

11 Ayes, 52. Nays, 9.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 899, Senate Print 607A, by Senator Stavisky, an
16 act to amend the Education Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

19 THE SECRETARY: Section 15. This
20 act shall take effect 18 months after it shall
21 have become a law.

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: Ayes, 61.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1037, Senate Print 550A, by Senator Brisport, an
7 act to amend the Social Services Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

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

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 1037, voting in the negative are
19 Senators Bynoe and Martinez.

20 Ayes, 59. Nays, 2.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1039, Senate Print 1026A, by Senator Kavanagh, an
25 act to amend the Executive Law.

1 ACTING PRESIDENT BAILEY: Read the
2 last section.

3 THE SECRETARY: Section 2. This
4 act shall take effect on the 90th 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 1039, voting in the negative are
13 Senators Ashby, Lanza, Oberacker, Ortt, Palumbo,
14 Stec, Tedisco, Walczyk and Weik.

15 Ayes, 52. Nays, 9.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1052, Senate Print 2646, by Senator Stec, an act
20 to amend the Executive Law.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1054, Assembly Bill Number 6195, by
10 Assemblymember Fall, an act to amend Chapter 306
11 of the Laws of 2011.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

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

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1067, Senate Print 2110D, by Senator Oberacker,

1 an act to amend the Highway Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

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

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: Ayes, 61.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1153, Senate Print 6009, by Senator Baskin, an
16 act to amend the General Municipal Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

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

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1154, Assembly Bill Number 6593, by
6 Assemblymember Schiavoni, an act to amend
7 Chapter 264 of the Laws of 1961.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

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

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 1154, voting in the negative:
19 Senator Skoufis.

20 Ayes, 60. Nays, 1.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1219, Senate Print 2058, by Senator Webb, an act
25 to amend the Education Law.

1 ACTING PRESIDENT BAILEY: Read the
2 last section.

3 THE SECRETARY: Section 3. This
4 act shall take effect April 1, 2026.

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 1219, voting in the negative are
12 Senators Ashby, Canzoneri-Fitzpatrick, Chan,
13 Lanza, Martinez, Oberacker, Ortt, Rhoads, Stec,
14 Tedisco, Walczyk and Weik.

15 Ayes, 49. Nays, 12.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1246, Senate Print 362, by Senator Gianaris, an
20 act to amend the General Business Law.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 1246, voting in the negative are
7 Senators Ashby, Canzoneri-Fitzpatrick, Chan,
8 Harckham, Hinchey, Lanza, Mattera, Oberacker,
9 Ortt, Palumbo, Rhoads, Rolison, C. Ryan, Stec,
10 Tedisco, Walczyk and Weik.

11 Ayes, 44. Nays, 17.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 ACTING PRESIDENT BAILEY: Calendar
15 Number 1239 is high and will be laid aside for
16 the day.

17 THE SECRETARY: Calendar Number
18 1254, Senate Print 6121, by Senator Mayer, an act
19 to amend the Executive Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

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

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 1254, voting in the negative are
6 Senators Ashby, Oberacker, Ortt and Walczyk.

7 Ayes, 57. Nays, 4.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1269, Senate Print 3610A, by Senator Helming, an
12 act to amend the Mental Hygiene Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

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

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: Ayes, 61.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1311, Senate Print 4542, by Senator Fahy, an act
3 in relation to authorizing Justin Finkle to take
4 the competitive civil service examination for the
5 position of police officer.

6 ACTING PRESIDENT BAILEY: There is
7 a home-rule message at the desk.

8 Read the last section.

9 THE SECRETARY: Section 3. 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, 61.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1354, Senate Print 4836, by Senator Fahy, an act
21 to amend the Judiciary Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

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

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Announce
5 the results.

6 THE SECRETARY: Ayes, 61.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1411, Senate Print 5597, by Senator May, an act
11 to amend the General Business Law.

12 SENATOR LANZA: Lay it aside.

13 ACTING PRESIDENT BAILEY: Lay it
14 aside.

15 THE SECRETARY: Calendar Number
16 1416, Senate Print 7727, by Senator Skoufis, an
17 act to amend the General Business Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

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

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 1416, voting in the negative are
5 Senators Lanza, Martins and Walczyk.

6 Ayes, 58. Nays, 3.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1421, Senate Print 7455, by Senator
11 Hoylman-Sigal, Concurrent Resolution --

12 SENATOR SERRANO: Excuse me. Lay
13 it aside for the day.

14 ACTING PRESIDENT BAILEY: The bill
15 will be laid aside for the day.

16 THE SECRETARY: Calendar Number
17 1423, Senate Print 8175, by Senator Sepúlveda, an
18 act to amend the Surrogate's Court Procedure Act.

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 1423, voting in the negative:
5 Senator Walczyk.

6 Ayes, 60. Nays, 1.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1445, Senate Print 7649, by Senator C. Ryan, an
11 act to amend the Tax Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

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

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar 1445, voting in the negative are
23 Senators Canzoneri-Fitzpatrick, Harckham,
24 Hinchey, Lanza, Martinez, Scarcella-Spanton,
25 Skoufis and Weik.

1 Ayes, 53. Nays, 8.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Excuse me. Also
5 Senator Palumbo as well.

6 Ayes, 52. Nays, 9.

7 ACTING PRESIDENT BAILEY: The bill
8 still passes.

9 THE SECRETARY: Calendar Number
10 1448, Assembly Bill Number 979A, by
11 Assemblymember Lunsford, an act to amend the
12 Insurance Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

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

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1451, Assembly Bill Number 6595, by
2 Assemblymember Weprin, an act to amend the
3 Insurance 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: In relation to
14 Calendar 1451, voting in the negative:
15 Senator Walczyk.

16 Ayes, 60. Nays, 1.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1456, Senate Print 56B, by Senator Fernandez, an
21 act to amend the Public Health Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

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

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Senator
5 Fernandez to explain her vote.

6 SENATOR FERNANDEZ: Thank you,
7 Mr. President.

8 This legislation codifies the
9 Drug Checking Services Program in New York State,
10 something we've been doing for a number of years.

11 In October 2023 the Department of
12 Health announced a drug checking program to
13 protect individuals from laced drugs, to better
14 understand the local drug supply, and improve
15 outcomes for people with a substance use
16 disorder.

17 Since its inception the program has
18 allowed for realtime testing on nearly
19 2500 samples at 13 different sites. Unlike test
20 strips, which allow you to test for one substance
21 at a time, the machine that's used in these
22 programs can test for a number of adulterants
23 such as fentanyl and its analogs, xylazine,
24 medetomidine, caffeine, acetaminophen, as well as
25 more fillers such as mannitol.

1 The data from these samples have not
2 only provided lifesaving information to the
3 individuals using these services but have
4 provided DOH and their providers with current
5 drug trends to inform care, advocacy, research
6 and policy.

7 This program, along with other
8 public health responses to the overdose epidemic,
9 is responsible for the small but steady decrease
10 in overdoses within the state. We can build on
11 this progress by codifying the drug checking
12 program already being facilitated across the
13 state.

14 This bill ensures that drug checking
15 programs are protected in our state at a time
16 when we are seeing constant attacks on behavioral
17 health services from the federal government. It
18 not only provides legal protections for the
19 individuals operating and using drug checking
20 services, but it also empowers the Department of
21 Health to monitor and to respond to trends in the
22 unregulated drug supply to get and stay ahead of
23 the overdose crisis.

24 Now is not the time to claim victory
25 and walk back our efforts. We must continue to

1 push forward to help those most vulnerable
2 New Yorkers, especially those in the Black and
3 brown communities who have borne the brunt of
4 this epidemic. Let's continue these dips and
5 make sure we're keeping programs that work alive.

6 I urge my colleagues to support this
7 legislation. I vote aye.

8 ACTING PRESIDENT BAILEY: Senator
9 Fernandez to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar 1456, voting in the negative are
13 Senators Ashby, Bynoe, Canzoneri-Fitzpatrick,
14 Chan, Lanza, Martinez, Martins, Mattera, Ortt,
15 Palumbo, Rhoads, Rolison, C. Ryan, Skoufis, Stec,
16 Sutton, Tedisco, Walczyk and Weik.

17 Ayes, 42. Nays, 19.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1486, Senate Print 4641A, by Senator S. Ryan, an
22 act to amend the Labor Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect on the 30th 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 1486, voting in the negative are
10 Senators Ashby, Canzoneri-Fitzpatrick, Chan,
11 Lanza, Martins, Mattera, Oberacker, Ortt,
12 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk
13 and Weik.

14 Ayes, 46. Nays, 15.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1512, Senate Print 7974, by Senator Gonzalez, an
19 act to amend the General Business Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

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

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 1512, voting in the negative are
6 Senators Ashby, Canzoneri-Fitzpatrick, Mattera,
7 Oberacker, Ortt, Palumbo, Rhoads, Rolison, Stec,
8 Tedisco, Walczyk and Weik.

9 Ayes, 49. Nays, 12.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1513, Senate Print Number 7451, by
14 Senator Hoylman-Sigal, an act to amend the
15 Domestic Relations Law.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

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

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: In relation to

1 Calendar 1513, voting in the negative are
2 Senators Canzoneri-Fitzpatrick, Lanza, Martins,
3 Ortt, Rhoads, Stec, Tedisco and Walczyk.

4 Ayes, 53. Nays, 8.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1518, Senate Print 84, by Senator Liu, an act to
9 amend Chapter 802 of the Laws of 1947.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

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

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 1518, voting in the negative are
21 Senators Ashby, Chan, Lanza, Mattera, Oberacker,
22 O'Mara, Ortt, Rhoads, Rolison, Skoufis, Stec,
23 Tedisco, Walczyk and Weik.

24 Ayes, 47. Nays, 14.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1519, Senate Print Number 455A, by
4 Senator Hoylman-Sigal, an act to amend the
5 Public Officers Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

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

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: In relation to
16 Calendar 1519, voting in the negative are
17 Senators Martins and Walczyk.

18 Ayes, 59. Nays, 2.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1521, Senate Print 649, by Senator S. Ryan, an
23 act to amend Subpart H of Part C of Chapter 20 of
24 the Laws of 2015.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

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: In relation to
10 Calendar 1521, voting in the negative:
11 Senator Walczyk.

12 Ayes, 60. Nays, 1.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1523, Senate Print 1613A, by Senator Fahy, an act
17 directing the Empire State Development
18 Corporation, in conjunction with the Office of
19 General Services, to create plans for the
20 development of mixed-use commercial and
21 residential property.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

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

1 ACTING PRESIDENT BAILEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BAILEY: Senator
5 Fahy to explain her vote.

6 SENATOR FAHY: Thank you,
7 Mr. President.

8 I rise to vote aye in support of
9 this legislation. I'm really pleased. This has
10 been a years-long effort to allow for mixed-use
11 development on a 7-acre portion where we plan to
12 build the Wadsworth Labs as well as to create a
13 master plan for the entire campus, which is well
14 over 200 acres and highly underutilized. In
15 fact, it's called -- often referred to as the
16 "uptown parking lot district."

17 We think this will go hand-in-hand
18 with the transformational \$400 million that we've
19 secured to revitalize the downtown campus; I'm
20 very grateful to the Governor on that part.

21 However, we are investing
22 1.7 billion in state-of-the-art Wadsworth public
23 health labs, and it is being done in isolation of
24 the rest of Harriman Campus and only addressing
25 one part of it.

1 We face a massive housing shortage.
2 We think more can be done with a portion of the
3 land designated for Wadsworth, those -- the
4 7 acres I referred to, as well as a comprehensive
5 plan which we hope would also address some of the
6 needs of New York Creates and other growth
7 industries here in the Capital Region.

8 This vision has been -- a bigger
9 vision for Harriman has been supported by
10 75 elected officials, community leaders, labor,
11 neighborhood associations and more. And again,
12 want this to go hand-in-hand with the efforts in
13 downtown.

14 We are trying to correct mistakes
15 from five decades ago that have fueled a
16 disconnected, sprawling campus that is still very
17 much stuck in the 1960s. We think that a much
18 bigger vision is needed there and that we can do
19 both, as well as build these state-of-the-art
20 Wadsworth labs that we've been advocating for for
21 about 10 years.

22 And with that, Mr. President, I'm
23 grateful to see this legislation move, and I vote
24 in the affirmative. Thank you.

25 ACTING PRESIDENT BAILEY: Senator

1 Fahy to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar 1523, voting in the negative are
5 Senators Oberacker, Rolison and Weik.

6 Ayes, 58. Nays, 3.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1530, Assembly Bill Number 6783, by
11 Assemblymember Weprin, an act in relation to
12 ordering a study and report on a proposed
13 extension of the Long Island Motor Parkway.

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: Ayes, 61.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1531, Assembly Bill Number 7377, by
3 Assemblymember Stirpe, an act to amend the
4 Canal Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

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

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1535, Senate Print 5387, by Senator Harckham, an
19 act directing the Commissioner of Transportation
20 to waive an annual security deposit fee.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1537, Senate Print 5755, by Senator Cleare, an
10 act to amend the Public Health Law.

11 ACTING PRESIDENT BAILEY: Read the
12 last section.

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

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Senator
19 Cleare to explain her vote.

20 SENATOR CLEARE: Thank you,
21 Mr. President.

22 Recreational cannabis may be legal
23 in New York State, and the MRTA got it right when
24 it prohibited those under 21 from the purchase,
25 possession or use of recreational cannabis.

1 However, you cannot take a step in
2 any direction in my district without encountering
3 a smoke shop or a glaring advertisement of
4 cannabis of any kind.

5 This oversaturation and easy
6 accessibility is harmful and exploitative because
7 it's sending a message to those under 21 that
8 using cannabis is okay. And with all the candy,
9 cookie, cake and other snack and beverage
10 options, it is quite appealing to them.

11 According to the Centers for Disease
12 Control and Prevention, CDC, the brain is not
13 fully developed until the age of 25. And
14 marijuana use during the teenage and young adult
15 years could impact its development in an adverse
16 manner.

17 There are facts and education that
18 every young person should have. And it's not a
19 matter of just saying no, but being able to make
20 an intelligent and reasoned decision. Creating
21 an awareness program will help equip our young
22 people with sound information and an opportunity
23 to ask important questions.

24 I proudly vote aye and ask my
25 colleagues to do the same.

1 ACTING PRESIDENT BAILEY: Senator
2 Cleare to be recorded in the affirmative.
3 Announce the results.
4 THE SECRETARY: Ayes, 61.
5 ACTING PRESIDENT BAILEY: The bill
6 is passed.
7 THE SECRETARY: Calendar Number
8 1539, Senate Print 6307, by Senator Sanders, an
9 act to amend the Environmental Conservation Law.
10 ACTING PRESIDENT BAILEY: Read the
11 last section.
12 THE SECRETARY: Section 4. This
13 act shall take effect immediately.
14 ACTING PRESIDENT BAILEY: Call the
15 roll.
16 (The Secretary called the roll.)
17 ACTING PRESIDENT BAILEY: Announce
18 the results.
19 THE SECRETARY: Ayes, 61.
20 ACTING PRESIDENT BAILEY: The bill
21 is passed.
22 THE SECRETARY: Calendar Number
23 1541, Senate Print 6484A, by Senator C. Ryan, an
24 act to amend the Economic Development Law.
25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1544, Assembly Bill Number 1241A, by
15 Assemblymember Simon, an act to repeal
16 Section 17-140 of the Election Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

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

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 1544, voting in the negative are
3 Senators Canzoneri-Fitzpatrick, Chan, Lanza,
4 Mattera, Oberacker, Ortt, Palumbo, Rhoads,
5 Rolison, Stec, Tedisco and Weik.

6 Ayes, 49. Nays, 12.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1546, Assembly Bill Number 7745, by
11 Assemblymember Stern, an act to amend the
12 Tax Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

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

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar 1546, voting in the negative are
24 Senators Canzoneri-Fitzpatrick, Harckham,
25 Hinchey, Lanza, C. Ryan, Scarcella-Spanton and

1 Skoufis.

2 Ayes, 54. Nays, 7.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1547, Assembly Bill Number 5927, by
7 Assemblymember P. Carroll, an act to amend the
8 Chapter 329 of the Laws of 2009.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

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

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce
17 the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1548, Senate Print 7542A, by Senator Ortt, an act
23 to amend Chapter 530 of the Laws of 2024.

24 ACTING PRESIDENT BAILEY: Read the
25 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: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar 1548, voting in the negative are
10 Senators Canzoneri-Fitzpatrick, Harckham, Lanza,
11 Martinez, C. Ryan, Scarcella-Spanton and Skoufis.
12 Ayes, 54. Nays, 7.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1551, Assembly Bill Number 8113, by
17 Assemblymember Seawright, an act to amend
18 Chapter 462 of the Laws of 2015.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

21 THE SECRETARY: Section 2. 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: Ayes, 61.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 There is a substitution at the desk.

7 The Secretary will read.

8 THE SECRETARY: Senator Rolison
9 moves to discharge, from the Committee on
10 Investigations and Government Operations,
11 Assembly Bill Number 8074A and substitute it for
12 the identical Senate Bill 7742A, Third Reading
13 Calendar 1552.

14 ACTING PRESIDENT BAILEY: The
15 substitution is so ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number
18 1552, Assembly Bill Number 8074A, by
19 Assemblymember Jacobson, an act to amend the
20 Tax Law.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 1552, voting in the negative are
7 Senators Canzoneri-Fitzpatrick, Harckham, Lanza,
8 Martinez, C. Ryan, Scarcella-Spanton, Skoufis and
9 Weik.

10 Ayes, 53. Nays, 8.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 There is a substitution at the desk.

14 The Secretary will read.

15 THE SECRETARY: Senator Webb moves
16 to discharge, from the Committee on
17 Investigations and Government Operations,
18 Assembly Bill Number 8155 and substitute it for
19 the identical Senate Bill 7804, Third Reading
20 Calendar 1553.

21 ACTING PRESIDENT BAILEY: The
22 substitution is so ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number
25 1553, Assembly Bill Number 8155, by

1 Assemblymember Kelles, an act to amend the
2 Tax 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 1553, voting in the negative are
14 Senators Canzoneri-Fitzpatrick, Harckham, Lanza,
15 Martinez, C. Ryan, Scarcella-Spanton, Skoufis,
16 Tedisco and Weik.

17 Ayes, 52. Nays, 9.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1557, Assembly Bill Number 8276, by
22 Assemblymember Levenberg, an act to amend
23 Chapter 606 of the Laws of 2006.

24 ACTING PRESIDENT BAILEY: Read the
25 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 Ashby to explain his vote.

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

10 I want to thank the sponsor for
11 bringing this bill to the floor.

12 And I think if we're all in
13 agreement that we can declare this as
14 presumptuous, then I would hope that we could
15 recognize our responsibility in providing
16 pre-cancer screenings for all volunteer
17 firefighters. Hope to see that into law soon.

18 Thank you.

19 ACTING PRESIDENT BAILEY: Senator
20 Ashby to be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1560, Assembly Bill Number 8210, by
2 Assemblymember Kelles, an act to amend
3 Chapter 443 of the Laws of 2007.

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: In relation to
14 Calendar 1560, voting in the negative are
15 Senators Canzoneri-Fitzpatrick, Harckham, Lanza,
16 Martinez, C. Ryan, Scarcella-Spanton, Skoufis,
17 Tedisco and Weik.

18 Ayes, 52. Nays, 9.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1562, Assembly Bill Number 8597, by
23 Assemblymember Stirpe, an act to amend
24 Chapter 230 of the Laws of 2023.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

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: In relation to
10 Calendar 1562, voting in the negative:
11 Senators Martinez and May.

12 Ayes, 59. Nays, 2.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1563, Assembly Bill Number 8275, by
17 Assemblymember Jones, an act to amend Chapter 668
18 of the Laws of 1997.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

21 THE SECRETARY: Section 2. 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: Ayes, 61.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1570, Assembly Bill Number 8571, by
8 Assemblymember Rosenthal, an act to amend
9 Chapter 514 of the Laws of 1983.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

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

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1571, Assembly Bill Number 8433, by
24 Assemblymember Davila, an act to amend
25 Chapter 436 of the Laws of 1997.

1 ACTING PRESIDENT BAILEY: Read the
2 last section.

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

5 ACTING PRESIDENT BAILEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BAILEY: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 1571, voting in the negative:
12 Senator Walczyk.

13 Ayes, 60. Nays, 1.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1576, Assembly Bill Number 7212, by
18 Assemblymember Otis, an act to amend Chapter 618
19 of the Laws of 1998.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

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

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1577, Assembly Bill Number 8153, by
9 Assemblymember P. Carroll, an act to amend
10 Chapter 674 of the Laws of 1993.

11 ACTING PRESIDENT BAILEY: Read the
12 last section.

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

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1578, Assembly Bill Number 7694, by
25 Assemblymember Conrad, an act to amend

1 Chapter 413 of the Laws of 2003.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

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

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: Ayes, 61.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1583, Assembly Bill Number 8416, by
16 Assemblymember Burke, an act to amend the
17 Local Finance Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

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

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: Ayes, 61.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1584, Assembly Bill Number 8478, by
7 Assemblymember Valdez, an act to amend Chapter 20
8 of the Laws of 1998.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

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

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce
17 the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1586, Assembly Bill Number 8596, by
23 Assemblymember Glick, an act to amend Chapter 550
24 of the Laws of 2013.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

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, 61.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1587, Senate Print 8273, by
14 Senator Stewart-Cousins, an act to amend
15 Chapter 118 of the Laws of 1969.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect July 1, 2025.

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, 61.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1590, Assembly Bill Number 8568, by
5 Assemblymember Lavine, an act to amend the
6 Real Property Tax 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 1590, voting in the negative:
18 Senator Skoufis.

19 Ayes, 60. Nays, 1.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

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

24 SENATOR GIANARIS: Mr. President, I
25 believe we have a one-bill supplemental active

1 list. Can we take that up, please.

2 ACTING PRESIDENT BAILEY: The
3 Secretary will read the supplemental active list.

4 THE SECRETARY: Calendar Number
5 1666, Senate Print 8357, by Senator Sanders, an
6 act to amend the State Finance Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

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

11 ACTING PRESIDENT BAILEY: Announce
12 the results.

13 THE SECRETARY: In relation to
14 Calendar 1666, voting in the negative:
15 Senator Walczyk.

16 Ayes, 60. Nays, 1.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 Senator Gianaris, that completes the
20 reading of today's supplemental active list.

21 SENATOR GIANARIS: Go to the
22 supplemental calendar, please.

23 ACTING PRESIDENT BAILEY: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 1674, Assembly Bill Number 136, by
2 Assemblymember Paulin, an act to amend the
3 Public Health Law.

4 SENATOR LANZA: Lay it aside.

5 ACTING PRESIDENT BAILEY: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 1675, Senate Print 426, by Senator Liu, an act to
9 amend the Legislative Law.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

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

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 1575, voting in the negative:
21 Senator Lanza.

22 Ayes, 60. Nays, 1.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1676, Assembly Bill Number 7040B, by
2 Assemblymember Stirpe, an act to amend the
3 Alcoholic Beverage Control Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

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

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1677, Senate Print 915, by Senator S. Ryan, an
19 act to amend the Highway Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 1677, voting in the negative are
7 Senators Borrello, Chan, Lanza, Mattera,
8 Oberacker, Ortt, Rhoads, Skoufis, Stec, Tedisco,
9 Walczyk, Weber and Weik.

10 Ayes, 48. Nays, 13.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1678, Senate Print 1472, by Senator S. Ryan, an
15 act to amend the Penal Law.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

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

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: In relation to

1 Calendar 1678, voting in the negative are
2 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
3 Chan, Helming, Lanza, Mattera, Oberacker, Ortt,
4 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
5 Weber and Weik.

6 Ayes, 44. Nays, 17.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1680, Senate Print 1891, by Senator Jackson, an
11 act to amend the Vehicle and Traffic Law.

12 ACTING PRESIDENT BAILEY: Calendar
13 Number 1679 is high and will be laid aside for
14 the day.

15 THE SECRETARY: Calendar Number
16 1680, Senate Print 1891, by Senator Jackson, an
17 act to amend the Vehicle and Traffic Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

20 THE SECRETARY: Section 15. This
21 act shall take effect one year after it shall
22 have become a law.

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 1680, voting in the negative are
5 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
6 Chan, Helming, Martinez, Martins, Mattera,
7 Oberacker, Rhoads, Stec, Tedisco, Weber and Weik.
8 Ayes, 47. Nays, 14.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1681, Senate Print 1986, by Senator Harckham, an
13 act to amend the Education Law.

14 SENATOR LANZA: Lay it aside.

15 ACTING PRESIDENT BAILEY: Lay it
16 aside.

17 THE SECRETARY: Calendar Number
18 1682, Assembly Bill Number 4938, by
19 Assemblymember Levenberg, an act to amend the
20 Labor Law.

21 ACTING PRESIDENT BAILEY: Read the
22 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: In relation to
6 Calendar 1682, voting in the negative:
7 Senator Walczyk.

8 Ayes, 60. Nays, 1.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1683, Senate Print 3155, by Senator Cooney, an
13 act to amend the Insurance Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

16 THE SECRETARY: Section 3. 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 Cooney to explain his vote.

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

25 It's a privilege to speak in support

1 of my legislation which would provide greater
2 coverage and access for in vitro fertilization
3 here in New York State. With all the craziness
4 and uncertainty happening at the federal level,
5 we know it's important more than ever for
6 New Yorkers to take the lead when it comes to
7 reproductive healthcare options, and this bill
8 would do just that.

9 Back in 2019 this Legislature passed
10 a landmark piece of legislation to require
11 coverage for three cycles of IVF in cases of
12 infertility. But unfortunately, what we have
13 seen since that legislation first passed is that
14 a number of healthcare practices and insurance
15 companies have been requiring the use of all of
16 those embryos in a cycle before covering the
17 next -- a situation that is not always viable,
18 and it delays the process for many parents-to-be.

19 When a couple is trying to have a
20 child, the last thing they want to do is to wait
21 longer and to risk more potential issues of a
22 healthy birth down the line. I'm proud to
23 sponsor and support this legislation to make sure
24 that we make these changes in insurance practices
25 and to create more opportunities for those

1 New Yorkers looking to start a family.

2 I vote aye, Mr. President.

3 ACTING PRESIDENT BAILEY: Senator
4 Cooney to be recorded in the affirmative.

5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar 1683, voting in the negative are
8 Senators Borrello, Stec, Tedisco and Walczyk.

9 Ayes, 57. Nays, 4.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1684, Senate Print 3820B, by Senator Rivera, an
14 act to amend the Insurance Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

17 THE SECRETARY: Section 4. 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: Announce
23 the results.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1685, Senate Print 4052, by Senator Skoufis, an
4 act to amend the Labor Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

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

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 61.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1686, Senate Print 4230, by Senator Comrie, an
19 act to amend the Vehicle and Traffic Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the first of November.

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1687, Senate Print 4497, by Senator Hinchey, an
9 act to amend the Insurance Law.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

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

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Senator
18 Hinchey to explain her vote.

19 SENATOR HINCHEY: Thank you,
20 Mr. President.

21 I rise incredibly excited to vote in
22 favor of this bill. Healthcare technology has
23 come a long way in just the last few years, and
24 we now have the ability to give people the option
25 on when they want to start a family and how.

1 And for many women, the prime time
2 to start that family biologically is also the
3 prime career years of their life. And for some
4 people they're able to either defer starting a
5 family because they either haven't found the
6 right partner or they want to focus on work or
7 whatever other reason, if they have insurance to
8 cover egg freezing.

9 Most people who have that option are
10 people who either work in big tech companies or
11 big companies that provide that option, or if
12 they're incredibly wealthy and have the means to
13 do it. But most other people do not have the
14 ability for regular commercial insurance to cover
15 this type of fertility preservation.

16 And so today, in passing this bill,
17 which requires commercial insurance to cover the
18 cost of egg freezing and storage, we are the
19 first house in the country to actually pass this
20 kind of coverage. And as my colleague stated, as
21 we are watching at the federal government a lot
22 of uncertainty around what the future of
23 reproductive healthcare looks like, this bill is
24 a really big step in ensuring that women will
25 have the ability to start a family when and how

1 they choose.

2 Thank you, Mr. President. And for
3 that, I vote aye.

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

6 Senator Cooney to explain his vote.

7 SENATOR COONEY: Thank you,
8 Mr. President.

9 I just want to rise and thank the
10 bill sponsor, Senator Hinchey, for her leadership
11 on this historic legislation.

12 I think we all have to take a
13 different look at IVF legislation. This is
14 really becoming an equity issue: Who can have a
15 family, who cannot have a family. Who can afford
16 to have a family, who cannot afford to have a
17 family.

18 This type of legislation the Senate
19 Majority is moving forward today allows that
20 conversation to be had by New Yorkers regardless
21 of their income level. If they want to have a
22 family, they should have the right to do so in
23 our great state, and we're doing that today.

24 I vote aye, Mr. President.

25 ACTING PRESIDENT BAILEY: Senator

1 Cooney to be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar 1687, voting in the negative are
5 Senators Borrello, Canzoneri-Fitzpatrick, Chan,
6 Helming, O'Mara, Ortt, Stec, Tedisco, Walczyk and
7 Weik.

8 Ayes, 51. Nays, 10.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1688, Senate Print 4534, by Senator Skoufis, an
13 act to amend the Executive Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

16 THE SECRETARY: Section 5. 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 1688, voting in the negative are
25 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,

1 Chan, Helming, Martins, Mattera, Oberacker,
2 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
3 Tedisco, Walczyk, Weber and Weik.

4 Ayes, 43. Nays, 18.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1689, Senate Print 4658A, by Senator S. Ryan, an
9 act to amend the General Municipal Law.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

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

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT MAYER: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 1689, voting in the negative are
21 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
22 Helming, Martinez, Martins, Oberacker, Rhoads,
23 Rolison, Tedisco, Walczyk and Weik.

24 Ayes, 49. Nays, 12.

25 ACTING PRESIDENT MAYER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1690, Senate Print 4803, by Senator C. Ryan, an
4 act to amend the Volunteer Firefighters' Benefit
5 Law.

6 ACTING PRESIDENT MAYER: Read the
7 last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the 120th day after it
10 shall have become a law.

11 ACTING PRESIDENT MAYER: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT MAYER: Announce
15 the results.

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT MAYER: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1691, Assembly Bill Number 1433A, by
21 Assemblymember Hunter, an act to amend the
22 Insurance Law.

23 ACTING PRESIDENT MAYER: Read the
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect on the 180th day after it
2 shall have become a law.

3 ACTING PRESIDENT MAYER: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT MAYER: Announce
7 the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT MAYER: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1692, Senate Print 6150, by Senator Parker, an
13 act to amend the Banking Law.

14 ACTING PRESIDENT MAYER: Read the
15 last section.

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

19 ACTING PRESIDENT MAYER: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MAYER: Announce
23 the results.

24 THE SECRETARY: Ayes, 61.

25 ACTING PRESIDENT MAYER: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1693, Senate Print 6155A, by Senator Bailey, an
4 act to amend the Education Law.

5 ACTING PRESIDENT MAYER: Read the
6 last section.

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

9 ACTING PRESIDENT MAYER: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MAYER: Senator
13 Bailey to explain his vote.

14 SENATOR BAILEY: Thank you,
15 Madam President.

16 So a few years back we created
17 something I thought was excellent. We created
18 something called the Excelsior Scholarship, which
19 allowed talented and bright students to be able
20 to pursue an education, a higher education, even
21 if they didn't make a lot of money and if their
22 parents weren't as well off.

23 And this has an income level, right?
24 But what happens if you have a hardworking parent
25 or parents and they decide to go get a little bit

1 more overtime to make sure that they're helping
2 their family out, that they're taking care of
3 things in the community and in their home?

4 Well, that happened in my community,
5 and one of my daughter's teachers, she went
6 through this scenario and she explained it to me,
7 she had gone and taught summer school and made a
8 couple of hundred dollars more, but it
9 disqualified her son from the Excelsior
10 Scholarship.

11 This is not something that should be
12 happening. We're not talking about a raise, a
13 20 percent raise or a 30 percent raise, which I'm
14 sure anybody would be happy to get, but we're
15 talking about a couple of hundred dollars from
16 teaching in the summer. That should not be a
17 disqualifying factor for a young person to be
18 able to obtain their education.

19 So I'm glad we're starting this out
20 today, because this allows for a modest increase
21 in your income. Again, these aren't major
22 raises. Modest increase so that, most
23 importantly, so you're not afraid to take a
24 little bit of extra work and your family will not
25 suffer if that happens.

1 I am proud to sponsor this
2 legislation. I proudly vote aye,
3 Madam President.

4 ACTING PRESIDENT MAYER: Senator
5 Bailey to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: In relation to
8 Calendar 1693, voting in the negative are
9 Senators Canzoneri-Fitzpatrick, Lanza, Martins,
10 Ortt, Rhoads, Walczyk and Weik.

11 Ayes, 54. Nays, 7.

12 ACTING PRESIDENT MAYER: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1694, Senate Print 6166, by Senator S. Ryan, an
16 act to amend the Real Property Tax Law.

17 ACTING PRESIDENT MAYER: Read the
18 last section.

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

21 ACTING PRESIDENT MAYER: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MAYER: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 1694, Senators voting in the negative:
3 Senator Weik.

4 Ayes, 60. Nays, 1. Oh, also
5 Senator Mayer.

6 Ayes, 59. Nays, 2.

7 ACTING PRESIDENT MAYER: The bill
8 is passed.

9 Calendar Number 1695 is high and
10 will be laid aside for the day.

11 THE SECRETARY: Calendar Number
12 1696, Senate Print 6334, by Senator Fahy, an act
13 to amend the Education Law.

14 ACTING PRESIDENT MAYER: Read the
15 last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect 18 months after it shall
18 have become a law.

19 ACTING PRESIDENT MAYER: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT MAYER: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar 696, voting in the negative are

1 Senators Canzoneri-Fitzpatrick, Martins and
2 Walczyk.

3 Ayes, 58. Nays, 3.

4 ACTING PRESIDENT MAYER: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1697, Assembly Bill Number 2739, by
8 Assemblymember Cruz, an act to amend the
9 Real Property Law.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

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

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 1697, voting in the negative:
21 Senator Rhoads.

22 Ayes, 60. Nays, 1.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1698, Senate Print 6640, by Senator Gounardes, an
2 act to amend the Retirement and Social Security
3 Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

6 THE SECRETARY: Section 3. 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, 61.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1699, Senate Print 6736A, by Senator Fahy, an act
18 to amend the Social Services Law.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

21 THE SECRETARY: Section 2. This
22 act shall take effect on the first of April.

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: Ayes, 61.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1700, Senate Print 7007, by Senator Bynoe, an act
8 to amend the General Business Law.

9 ACTING PRESIDENT BAILEY: Read the
10 last section.

11 THE SECRETARY: Section 4. This
12 act shall take effect on the 90th day after it
13 shall have become a law.

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 1700, voting in the negative are
21 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
22 Chan, Gallivan, Helming, Lanza, Oberacker,
23 O'Mara, Ortt, Rhoads, Rolison, Stec, Walczyk and
24 Weik.

25 Ayes, 46. Nays, 15.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1701, Senate Print 7032, by Senator Sepúlveda, an
5 act to amend the Vehicle and Traffic Law.

6 SENATOR LANZA: Lay it aside.

7 ACTING PRESIDENT BAILEY: Lay it
8 aside.

9 THE SECRETARY: Calendar Number
10 1702, Senate Print Number 7191, by
11 Senator Scarcella-Spanton, an act to amend the
12 Vehicle and Traffic Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect on the 120th day after it
17 shall have become a law.

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: Ayes, 61.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1703, Senate Print 7422A, by
3 Senator Stewart-Cousins, an act to amend the
4 Vehicle and Traffic Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

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

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar 1703, voting in the negative are
16 Senators Helming, Martinez, Martins, Walczyk and
17 Weik.

18 Ayes, 56. Nays, 5.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1704, Assembly Bill Number 8465, by
23 Assemblymember Otis, an act to amend the
24 Labor Law.

25 ACTING PRESIDENT BAILEY: Read the

1 last section.

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

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: In relation to
10 Calendar 1704, voting in the negative are
11 Senators Gallivan, Hinchey, Oberacker, Rhoads,
12 Stec and Walczyk.

13 Ayes, 55. Nays, 6.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1705, Assembly Bill Number 2168, by
18 Assemblymember Paulin, an act to amend the
19 Public Health Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Announce
4 the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1706, Senate Print 7642, by Senator Comrie, an
10 act to amend the Public Health Law.

11 ACTING PRESIDENT BAILEY: Read the
12 last section.

13 THE SECRETARY: Section 3. This
14 act shall take effect on the first of January.

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce
19 the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1707, Senate Print 7680A, by Senator Serrano, an
25 act to amend the Parks, Recreation and Historic

1 Preservation Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

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

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: Ayes, 61.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1708, Senate Print 7717, by Senator Cooney, an
16 act to amend the General Business Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

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

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 SENATOR LANZA: Lay it aside.

25 ACTING PRESIDENT BAILEY: Lay it

1 aside.

2 THE SECRETARY: Calendar Number
3 1709, Senate Print 7731, by Senator Webb, an act
4 to amend the Insurance Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

7 THE SECRETARY: Section 4. This
8 act shall take effect on the 120th 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: Senator
14 Webb to explain her vote.

15 SENATOR WEBB: Thank you,
16 Mr. President. I rise to explain my vote on this
17 important legislation.

18 What this does is that it amends the
19 Insurance Law to ensure that a new mother and
20 their infant are not separated in the event that
21 a newborn infant has a medical issue regarding
22 transport to a hospital that is able to provide
23 specialized care.

24 Despite the importance of a birthing
25 parent being near their newborn during this time,

1 insurance coverage for the transfer of the
2 hospitalization of the hospitalized birthing
3 parent is not guaranteed. Physicians who provide
4 maternity care must receive approval from an
5 insurance company for the transfer to be covered.

6 And waiting for approval and
7 potentially being denied coverage for the
8 transfer creates time-consuming barriers that
9 impedes care and also creates additional stress.

10 This legislation ensures a birthing
11 parent is able to fully participate in the
12 healthcare of their new child and that a birthing
13 parent and their newborn do not miss out on
14 important opportunities for bonding and
15 skin-to-skin contact just because of lack of
16 insurance coverage for the hospital transfer of a
17 birthing parent.

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

20 Thank you, Madam President.

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

23 Senator Martins to explain his vote.

24 SENATOR MARTINS: Thank you,
25 Madam President.

1 You know, I want to first thank the
2 sponsor for this bill. It is so important that a
3 mother have the opportunity to spend time with
4 her child. And certainly, you know, economics
5 should not come into play when it comes to
6 deciding how to transport a baby with her mother.
7 That's really -- or his or her mother.

8 That's what this is all about. It's
9 important from a public policy standpoint that we
10 keep mothers with their child every chance we can
11 get, and it's a small cost to pay. I'll be
12 voting aye.

13 ACTING PRESIDENT PERSAUD: Senator
14 Martins to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT PERSAUD: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1710, Senate Print 7800, by Senator Harckham, an
21 act to amend the Public Officers Law.

22 ACTING PRESIDENT PERSAUD: Read the
23 last section.

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

1 ACTING PRESIDENT PERSAUD: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT PERSAUD: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 1710, voting in the negative:
8 Senator Weik.

9 Ayes, 60. Nays, 1.

10 ACTING PRESIDENT PERSAUD: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1711, Senate Print 7801, by Senator Harckham, an
14 act to amend the Public Officers Law.

15 ACTING PRESIDENT PERSAUD: Read the
16 last section.

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

19 ACTING PRESIDENT PERSAUD: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT PERSAUD: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar 1711, voting in the negative:

1 Senator Weik.

2 Ayes, 60. Nays, 1.

3 ACTING PRESIDENT PERSAUD: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1712, Senate Print Number 7882, by
7 Senator Hoylman-Sigal, an act to amend the
8 General Business Law.

9 ACTING PRESIDENT PERSAUD: Read the
10 last section.

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

14 ACTING PRESIDENT PERSAUD: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PERSAUD: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 1712, voting in the negative are
21 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
22 Chan, Gallivan, Griffo, Helming, Lanza, Martins,
23 Mattera, Oberacker, O'Mara, Ortt, Palumbo,
24 Rhoads, Rolison, C. Ryan, Stec, Tedisco, Walczyk,
25 Weber and Weik.

1 Ayes, 39. Nays, 22.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1713, Assembly Bill Number 8279, by
6 Assemblymember Kassay, an act relating to
7 permitting the Setauket Fire District and
8 Stony Brook Fire District to enter into contracts
9 with the State University of New York at
10 Stony Brook.

11 ACTING PRESIDENT PERSAUD: Read the
12 last section.

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

15 ACTING PRESIDENT PERSAUD: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT PERSAUD: Announce
19 the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1714, Senate Print 7984, by Senator Fernandez, an
25 act to amend the Social Services Law.

1 ACTING PRESIDENT PERSAUD: Read the
2 last section.

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

5 ACTING PRESIDENT PERSAUD: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT PERSAUD: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 1714, voting in the negative are
12 Senators Martins and Walczyk.

13 Ayes, 59. Nays, 2.

14 ACTING PRESIDENT PERSAUD: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1715, Senate Print 8059, by Senator Bailey, an
18 act to amend the Vehicle and Traffic Law.

19 ACTING PRESIDENT PERSAUD: Read the
20 last section.

21 THE SECRETARY: Section 3. This
22 act shall take effect one year after it shall
23 have become a law.

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Senator
3 Bailey to explain his vote.

4 SENATOR BAILEY: Thank you,
5 Madam President.

6 So around the state there were a few
7 sheriff's offices in a few localities that were
8 doing something really ingenious in advance of
9 what we've called the Blue Envelope Program.
10 This is what happens when there are individuals
11 who are neurodivergent, that may have autism
12 spectrum syndrome or a host of other things
13 happening. And they can place their license and
14 registration inside a blue envelope and, in the
15 event of a traffic stop, they hand that blue
16 envelope over to the officer that's making the
17 stop.

18 When an officer makes the stop and
19 they see that blue envelope, they realize that
20 the individual that's driving, you know, is a
21 part of that community that I mentioned earlier.
22 So it lessens the tension, it decreases the
23 possibility for possible infractions and
24 unfortunate incidents.

25 And this is supported not just by

1 the sheriffs, but it's also supported by the
2 troopers. And I want to thank the troopers for
3 supporting this piece of legislation. And I
4 think this is one of these moments that we can
5 point at where we're saying we want everybody to
6 have equal opportunities. Just because you may
7 have a disability or you may be what they call
8 neurodivergent does not mean you cannot do
9 everything else that anybody else can do.

10 So this allows you to be able to
11 drive and get places by yourself without fear of
12 having a traffic stop go awry. And so it
13 protects the safety of the driver as well as the
14 officer. I'm glad to support it and hope my
15 colleagues do the same.

16 I'll be voting aye, Madam President.

17 ACTING PRESIDENT PERSAUD: Senator
18 Bailey to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes, 61.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1716, Senate Print 8082, by Senator Brouk, an act
25 to amend the Mental Hygiene Law.

1 ACTING PRESIDENT PERSAUD: Read the
2 last section.

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

5 ACTING PRESIDENT PERSAUD: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT PERSAUD: Announce
9 the results.

10 THE SECRETARY: Ayes, 61.

11 ACTING PRESIDENT PERSAUD: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1717, Senate Print 8150, by Senator Bynoe, an act
15 to amend the Veterans' Services Law.

16 ACTING PRESIDENT PERSAUD: Read the
17 last section.

18 THE SECRETARY: Section 10. This
19 act shall take effect on the 180th day after it
20 shall have become a law.

21 ACTING PRESIDENT PERSAUD: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT PERSAUD: Announce
25 the results.

1 THE SECRETARY: Ayes, 61.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1718, Senate Print 8207, by Senator Jackson, an
6 act to amend the Retirement and Social Security
7 Law.

8 ACTING PRESIDENT PERSAUD: Read the
9 last section.

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

12 ACTING PRESIDENT PERSAUD: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT PERSAUD: Announce
16 the results.

17 THE SECRETARY: Ayes, 61.

18 ACTING PRESIDENT PERSAUD: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1719, Senate Print 8256, by Senator Sutton, an
22 act to amend the Administrative Code of the City
23 of New York.

24 ACTING PRESIDENT PERSAUD: Read the
25 last section.

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

3 ACTING PRESIDENT PERSAUD: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Announce
7 the results.

8 THE SECRETARY: Ayes, 61.

9 ACTING PRESIDENT PERSAUD: The bill
10 is passed.

11 Senator Gianaris.

12 SENATOR GIANARIS: Madam President,
13 apparently that was Senator Sutton's first bill
14 to pass the Senate.

15 ACTING PRESIDENT PERSAUD:
16 Congratulations, Senator Sutton.

17 (Standing ovation.)

18 SENATOR GIANARIS: Now we'll take
19 up the second Senator Sutton bill to pass the
20 Senate.

21 ACTING PRESIDENT PERSAUD: Okay.

22 THE SECRETARY: Calendar Number
23 1720, Senate Print 8257, by Senator Sutton, an
24 act directing the Department of Health to
25 establish an alternative payment methodology for

1 Federally Qualified Health Centers.

2 ACTING PRESIDENT PERSAUD: Read the
3 last section.

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

6 ACTING PRESIDENT PERSAUD: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT PERSAUD: Announce
10 the results.

11 THE SECRETARY: Ayes, 61.

12 ACTING PRESIDENT PERSAUD: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1721, Senate Print Number 8271, by
16 Senator Stewart-Cousins, an act to amend in
17 relation to authorizing the City of Yonkers to
18 alienate and discontinue the use of certain
19 parklands.

20 ACTING PRESIDENT PERSAUD: There's
21 a home-rule message at the desk.

22 Read the last section.

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

25 ACTING PRESIDENT PERSAUD: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT PERSAUD: Announce
4 the results.

5 THE SECRETARY: Ayes, 61.

6 ACTING PRESIDENT PERSAUD: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1722, Assembly Bill Number 7563, by
10 Assemblymember McDonald, an act to amend the
11 Criminal Procedure Law.

12 ACTING PRESIDENT PERSAUD: Read the
13 last section.

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

16 ACTING PRESIDENT PERSAUD: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT PERSAUD: Announce
20 the results.

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT PERSAUD: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1723, Senate Print Number 8320, by

1 Senator Hoylman-Sigal, an act to amend the
2 Court of Claims Act.

3 ACTING PRESIDENT PERSAUD: Read the
4 last section.

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

7 ACTING PRESIDENT PERSAUD: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT PERSAUD: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 1723, voting in the negative are
14 Senators Canzoneri-Fitzpatrick, Rhoads, Walczyk
15 and Weik.

16 Ayes, 57. Nays, 4.

17 ACTING PRESIDENT PERSAUD: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1724, Senate Print 8334, by Senator Gounardes, an
21 act to amend the Insurance Law.

22 ACTING PRESIDENT PERSAUD: Read the
23 last section.

24 THE SECRETARY: Section 5. This
25 act shall take effect on the first of January.

1 ACTING PRESIDENT PERSAUD: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT PERSAUD: Senator
5 Gounardes to explain his vote.

6 SENATOR GOUNARDES: Thank you,
7 Madam President.

8 Rarely do I think a bill has been
9 more timely before us for consideration in this
10 chamber. What this bill would do is it would
11 allow and give authority to the Insurance
12 Commissioner, in consultation with the Health
13 Commissioner, to require in-state insurers to
14 cover the cost of the COVID vaccine.

15 Now, this was an idea that was
16 brought to me by my wife, actually, a couple of
17 weeks ago, on the heels of the news that the HHS
18 Secretary, Robert Kennedy, Jr., was recommending
19 that COVID coverage no longer be mandated by the
20 CDC for pregnant mothers and young children.

21 Now, this of course caused a huge
22 uproar in the medical community because we know
23 that COVID can be an incredibly high-risk illness
24 for women who are pregnant and young children in
25 particular. And there was significant concern

1 that if the CDC's Advisory Committee on
2 Immunization Practices followed the Secretary's
3 request and delisted COVID as a covered
4 vaccine -- which would have required the vaccine
5 to be covered under the Affordable Care Act -- it
6 would mean that millions of people who wanted to
7 get the vaccine would not be able to have it
8 covered by their insurance.

9 Now, thankfully, two weeks ago the
10 CDC declined to follow Secretary Kennedy's
11 directive. But just an hour and a half ago, we
12 saw the news break just this evening that
13 Secretary Kennedy has removed all of the members
14 of the CDC's Advisory Committee on Immunization
15 Practices, thereby paving the way to put in his
16 own appointees, who we believe will now say that
17 the COVID vaccine should not be covered by
18 insurance companies for those who choose to
19 receive it, particularly pregnant women and young
20 children.

21 We are actually now in a position
22 where we can protect ourselves here in New York
23 State by giving this authority to DFS and the
24 Health Commissioner to, on their own, just like
25 they have the authority for other vaccine series,

1 require that vaccines are covered by insurance
2 companies in the State of New York.

3 I'm thankful, I know we're all
4 thankful to our families for letting us come up
5 here. I'm particularly thankful to my wife for
6 giving me this idea. And it's one of personal
7 salience for my family because we are expecting
8 our third and obviously are very concerned that
9 if coverage is no longer mandated or covered, it
10 could have a significant impact not just for our
11 family but for countless others across the state.

12 And so for those reasons I vote aye.
13 Thank you.

14 ACTING PRESIDENT PERSAUD: Senator
15 Gounardes to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 1724, voting in the negative are
19 Senators Borrello, Canzoneri-Fitzpatrick,
20 Mattera, Oberacker, O'Mara, Ortt, Rhoads, Walczyk
21 and Weik.

22 Ayes, 52. Nays, 9.

23 ACTING PRESIDENT PERSAUD: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1725, Senate Print 8338, by Senator Mayer, an act
2 to amend the Executive Law.

3 ACTING PRESIDENT PERSAUD: Read the
4 last section.

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

7 ACTING PRESIDENT PERSAUD: Call the
8 roll.

9 (The Secretary called the roll.)

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

12 SENATOR MAYER: Thank you,
13 Madam President.

14 I rise to proudly vote aye on this
15 bill to codify disparate impact analysis for
16 workplace discrimination cases under New York's
17 Human Rights Law.

18 New York has a proud and long
19 tradition of robust and expansive
20 antidiscrimination protection, especially in the
21 workplace. However, it's threatened by the
22 analysis and the efforts of the Trump
23 administration to get rid of this very
24 traditional disparate impact analysis in
25 analyzing whether a violation of law has

1 occurred.

2 In April 2025 the Trump
3 administration issued an executive order
4 dubiously finding disparate impact analysis to be
5 unconstitutional, and declaring that it's now the
6 policy of the federal government to eliminate the
7 use of disparate impact analysis to the fullest
8 extent possible. Despite this shaky legal
9 ground, the Trump administration has quickly
10 moved to end civil rights cases based on this
11 disparate impact analysis.

12 This bill is necessary to ensure
13 that New York's Human Rights Law accepts and
14 embodies disparate impact analysis for employment
15 discrimination cases, ensuring plaintiffs can
16 continue to bring disparate impact cases under
17 the Human Rights Law and affirming New York's
18 longstanding commitment to fighting
19 discrimination in employment and in our society
20 at large.

21 I vote aye.

22 ACTING PRESIDENT PERSAUD: Senator
23 Mayer to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar 1725, voting in the negative are
2 Senators Canzoneri-Fitzpatrick, Lanza and
3 Walczyk.

4 Ayes, 58. Nays, 3.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1726, Senate Print 8384, by Senator Jackson, an
9 act to amend the Executive Law.

10 ACTING PRESIDENT PERSAUD: Read the
11 last section.

12 THE SECRETARY: Section 26. This
13 act shall take effect immediately.

14 ACTING PRESIDENT PERSAUD: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PERSAUD: Announce
18 the results.

19 THE SECRETARY: Ayes, 61.

20 ACTING PRESIDENT PERSAUD: The bill
21 is passed.

22 Senator Gianaris, that completes the
23 reading of the supplemental calendar.

24 SENATOR GIANARIS: Thank you,
25 Madam President.

1 We're going to move on now to the
2 controversial calendar.

3 We're going to begin with
4 Calendar Number 1674, by Senator Hoylman-Sigal.

5 ACTING PRESIDENT PERSAUD: The
6 Secretary will ring the bell.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number
9 1674, Assembly Bill Number 136, by
10 Assemblymember Paulin, an act to amend the
11 Public Health Law.

12 ACTING PRESIDENT PERSAUD: Senator
13 Borrello, why do you rise?

14 SENATOR BORRELLO: Thank you,
15 Madam President. Would the sponsor yield for a
16 question.

17 ACTING PRESIDENT PERSAUD: Will the
18 sponsor yield?

19 SENATOR HOYLMAN-SIGAL: Yes.

20 ACTING PRESIDENT PERSAUD: The
21 sponsor yields.

22 SENATOR BORRELLO: Through you,
23 Madam President. New York State has once again
24 proposed a law that goes beyond any other law
25 when it comes to this particular -- assisted

1 suicide.

2 So my first question is, why would
3 New York propose a law for something so serious
4 that doesn't require a waiting period before
5 folks that are choosing to end their life,
6 potentially, can receive those deadly drugs?

7 SENATOR HOYLMAN-SIGAL: Thank you,
8 Madam President, and to my colleague.

9 Well, first let's frame this issue,
10 if you don't mind, Senator, that medical aid in
11 dying, which is what we call it, MAID, will allow
12 adults who have been given a terminal prognosis
13 of six months or fewer to live, to request
14 self-administered life-ending medication after
15 approval.

16 They have to make these decisions
17 voluntarily, be capable of making an informed
18 decision, and have the six-month diagnosis due to
19 an incurable and irreversible illness.

20 So I like to think about it as it's
21 not so much about ending a person's life but
22 shortening their deaths, because they have been
23 granted, given, that terminal prognosis.

24 And your question specifically is
25 about waiting periods and why we don't include

1 one in New York. And let me tell you that I
2 think, in effect, we do have a waiting period.
3 It's built in, because it takes a number of days
4 and weeks to actually go through the processes as
5 outlined in the bill.

6 It's a lengthy process. You have to
7 find a consulting physician. You have to make
8 the oral and written request. And then you have
9 to find a pharmacy to dispense the medication.
10 That can take several weeks in and of itself.

11 And then I'll also add that there
12 isn't currently waiting periods for ending
13 life-sustaining treatment that already exist,
14 such as dialysis.

15 And I'll also add that the process
16 is so lengthy that a number of states have
17 disbanded it or are considering disbanding it.
18 There are court challenges to waiting periods.
19 And in California, where medical aid in dying
20 exists, fully one-third of terminally ill
21 patients die before completing the paperwork.

22 So states that have had waiting
23 periods are already looking to waive them in
24 certain instances or roll them back completely,
25 California and Oregon being two good examples.

1 So the waiting period we think is
2 built in.

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

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR HOYLMAN-SIGAL: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR BORRELLO: So you're saying
11 that someone can receive a prescription, go to
12 the pharmacy and get those deadly drugs the same
13 day, with no waiting period, is that correct?

14 SENATOR HOYLMAN-SIGAL: Through
15 you, Mr. President. The question being it's not
16 a one, two, three-step process by any means. You
17 have to, as I've said earlier, find a consulting
18 physician for your attending physician, and then
19 go from there through the processes, which can
20 take weeks.

21 SENATOR BORRELLO: Mr. President,
22 will 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 BORRELLO: Yes, I
4 understand that there's a process. But at the
5 end, someone makes a decision. The decision is I
6 would like that prescription. That's the day, in
7 my opinion, that they've decided that they are
8 willing to potentially take their own life.

9 So there's no waiting period from
10 when they make that decision and get that
11 prescription until they are able to get those
12 deadly drugs into their hands. Is that correct?

13 SENATOR HOYLMAN-SIGAL: That's
14 correct.

15 But if I could add. So through you,
16 Mr. President, it's long established in our state
17 laws that no healthcare decisions, including
18 withholding and withdrawing life-sustaining
19 treatments, require a waiting period. The
20 procedures in place for medical aid in dying --
21 written requests, two physician evaluations,
22 witness requirements -- have that time already
23 built in.

24 There just isn't any justification,
25 when we wrote this bill, for forcing a suffering

1 patient to suffer any longer. And that's what
2 this is fundamentally about, is not about
3 hastening death but ending suffering.

4 SENATOR BORRELLO: Mr. President,
5 will the sponsor continue to 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 BORRELLO: Look, I
12 understand the empathy for someone who is -- you
13 know, has a terminal disease. But at the end of
14 the day this is an irreversible decision,
15 irreversible, if you decided to end your life.

16 So in New York State, if you buy a
17 car you have three days to take it back. If you
18 book a flight, you have 24 hours to cancel it.
19 So we can give people time to change their mind
20 about a flight they've booked, but not about
21 whether or not they're going to kill themselves,
22 is that correct?

23 SENATOR HOYLMAN-SIGAL: Through
24 you, Mr. President. Well, our bill currently
25 states that physicians do have the obligation to

1 tell the patient that they can in fact change
2 their mind.

3 SENATOR BORRELLO: Will the sponsor
4 continue to yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR HOYLMAN-SIGAL: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR BORRELLO: Is there any
11 requirement that that physician have any history
12 with that patient? In other words, could they
13 just have never done anything but prescribe this
14 deadly medication to them? Do they have to have
15 had history with that patient, with their care,
16 for this disease or any -- or just their care in
17 general?

18 SENATOR HOYLMAN-SIGAL: Through
19 you, Mr. President, just to go back to your --
20 the Section 2899-g: "Right to rescind request;
21 requirement to offer opportunity to rescind. A
22 patient may at any time rescind the request for
23 medication under this article without regard to
24 the patient's decision-making capacity."

25 Just wanted to make sure that you

1 knew that that's there.

2 And your question -- I'm sorry.

3 SENATOR BORRELLO: So does a doctor
4 have to have any history with that patient that
5 they will be prescribing these deadly drugs for?
6 Can a person walk in and see that consultant
7 physician, the second opinion, whatever you --
8 and have absolutely no medical history with that
9 particular patient?

10 SENATOR HOYLMAN-SIGAL: Through
11 you, Mr. President. Well, one assumes that the
12 attending physician does in fact have a
13 relationship with the patient to the extent that
14 he or she are able to make the determination that
15 the patient is of sound mind, has met the
16 eligibility requirements for age, has a terminal
17 illness of six months or fewer.

18 And so through that examination --
19 and we obviously entrust physicians to make those
20 determinations every single day. One would hope
21 and expect that a physician will fulfill their
22 responsibilities in that regard.

23 This is premised on physicians
24 acting in accordance with the standards of
25 professional medical ethics.

1 SENATOR BORRELLO: Mr. President,
2 will the sponsor continue to 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 BORRELLO: You talk about
9 someone having a diagnosis of a terminal illness
10 and being given the prediction of six months or
11 less to live. Do you know what percentage of
12 those doctor predictions are correct?

13 SENATOR HOYLMAN-SIGAL: Well, we
14 have Oregon as a predictor --

15 SENATOR BORRELLO: That's not my
16 question. When a doctor says you have six months
17 to live, how frequently is that six-month
18 prediction correct?

19 ACTING PRESIDENT BAILEY: Senator
20 Borrello, in the future if we could direct all
21 comments through the chair.

22 SENATOR BORRELLO: Sorry.

23 ACTING PRESIDENT BAILEY: I
24 understand this is a passionate subject, but if
25 we could please direct all debate through the

1 chair, I'd appreciate it.

2 SENATOR BORRELLO: Yes.

3 ACTING PRESIDENT BAILEY: Thank
4 you, Senator Borrello.

5 SENATOR HOYLMAN-SIGAL: Through
6 you, Mr. President. The studies show -- and we
7 obviously don't have any data in New York. But
8 the studies that have been collected in the
9 11 states, now 11 -- it was 10. Earlier this
10 week it's now 11, plus the District of
11 Columbia -- show that in fact those estimations
12 by physicians on length of term of life to live
13 after an illness are actually over-predictors.

14 In other words, physicians predict,
15 according to the statistics, 85 percent longer
16 than a patient in fact has to live. So the
17 reality shows it's just the opposite.

18 SENATOR BORRELLO: Mr. President,
19 will the sponsor continue to 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 BORRELLO: Well, my

1 question was on accuracy, and the answer is
2 20 percent. That means that when doctors give
3 someone with a terminal illness a prediction of
4 how long that they have left to live, they're
5 only right 20 percent of the time. Does that
6 sound like a good percentage to you?

7 SENATOR HOYLMAN-SIGAL: Through
8 you, Mr. President. I'm looking at a study by
9 the University of Chicago, where researchers of
10 terminally ill patients showed that 83 percent of
11 life expectancies were either overestimates or
12 accurate.

13 Another study reported that
14 85 percent of inaccurate prognoses for patients
15 in palliative care were also overestimates.

16 SENATOR BORRELLO: Mr. President,
17 will the sponsor continue to 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 BORRELLO: So we can both
24 agree that they're not accurate. That's
25 basically what you're saying. I might be saying

1 differently. But at the end of the day those
2 predictors, which are the determination as to
3 whether or not someone can receive these deadly
4 drugs, are horribly inaccurate, correct?

5 SENATOR HOYLMAN-SIGAL: Through
6 you, Mr. President. I mean, look, I think a
7 physician predicting the length of life for a
8 patient is obviously an extremely difficult task.

9 I think we should be reassured,
10 though, that physicians are not in the main
11 suggesting that patients have less time to live
12 than they in fact do. It's the opposite. So I
13 would rely on these statistics in that regard.

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

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR HOYLMAN-SIGAL: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR BORRELLO: Let's move on.

22 So we're talking about deadly
23 medicine that is being handed over to someone and
24 then they are just going to leave the pharmacy or
25 whatever. What is this bill's prescription, if

1 you will, for the chain of custody for that
2 deadly medicine? What happens?

3 SENATOR HOYLMAN-SIGAL: Through
4 you, Mr. President. The disposal of the medicine
5 is specified in the bill, and I will reference
6 you where that is.

7 But while we're looking for it, I
8 will say that our shelves and our cabinets in our
9 apartments and homes have a lot of
10 dangerous-to-deadly medication. Certainly a
11 bottle of aspirin can be fatal if the dose is
12 such that it can cause harm. There are a
13 multitude of household products probably in your
14 garage, Senator, that also could cause death.

15 But we are mindful of this concern.
16 So Section 2899-o discusses safe disposal of
17 unused medicine. (Reading.) A person who has
18 custody or control of any unused medication
19 prescribed under this article after the death of
20 the qualified individual shall personally deliver
21 the unused medication for disposal to the nearest
22 qualified facility that properly disposes of
23 controlled substances, or shall dispose of it by
24 lawful means in accordance with regulations made
25 by the commissioner.

1 So there will be future regulations
2 to specify further the chain of custody, as you
3 put it, Senator.

4 SENATOR BORRELLO: Mr. President,
5 will the sponsor continue to 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 BORRELLO: Well, that all
12 sounds nice. But what in this bill is actually
13 requiring someone, under any kind of penalty, to
14 actually ensure that those deadly drugs, if
15 they're not used, especially, get taken care of
16 properly? We're not talking about disposing of
17 old motor oil here. We're talking about medicine
18 that can kill people.

19 There is no actual I guess
20 responsibility, whether it be a state agency,
21 doctor, you know, healthcare professional of any
22 kind, to ensure and monitor that that drug is
23 being handled properly. So where -- what in this
24 bill would prevent that from being essentially
25 misplaced, mishandled or misused?

1 SENATOR HOYLMAN-SIGAL: Through
2 you, Mr. President. Again, please refer to
3 Section 2899-o. But -- it's there, Senator.

4 But let me also add that in -- you
5 know, in the 30 years that -- it's 27 years, I
6 believe, specifically -- that medical aid in
7 dying has been legal in the United States, there
8 hasn't been a single case, not a single case of
9 medication falling into the wrong hands.

10 That tells you something about the
11 chain-of-custody concerns, the practices that
12 have been well established as New York considers
13 becoming State Number 12. We've worked it out,
14 thanks to our sister states who have taken the
15 path before us.

16 SENATOR BORRELLO: Mr. President,
17 will the sponsor continue to 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 BORRELLO: That all sounds
24 nice. But at the beginning of this debate I
25 pointed out the fact that once again New York has

1 crafted a law that goes far beyond any other law.
2 This law will be more progressive or whatever you
3 want to call it. You yourself said we have to
4 remove the barriers. We can't even have a
5 waiting period. People have to be able to
6 immediately get that medication and take it if
7 they want it.

8 So I discount what you've said
9 about, you know, because it hasn't somewhere
10 else, it hasn't happened here.

11 Why wouldn't we -- this is the
12 question. Why wouldn't we have this being done
13 by medical professionals in a controlled
14 environment like a hospital or a hospice center?
15 Why would we allow these deadly drugs to be taken
16 home and with no oversight whatsoever by any
17 medical professional?

18 SENATOR HOYLMAN-SIGAL: Through
19 you, Mr. President. Well, thank you for
20 mentioning hospice, because that is a good
21 example to raise in terms of the medication and
22 the chain of custody.

23 There are thousands of people with
24 terminal illnesses currently on home hospice
25 care, in the comfort of their homes with their

1 family members and other loved ones. And there
2 are a huge number of opiate medications in
3 connection with that hospice treatment.

4 So we're looking at the same
5 protocols that handle -- that apply to the
6 handling and return of those medications. We are
7 applying those same protocols to the unused
8 medical-aid-in-dying medications.

9 So we've already done it with
10 hospice. Other states have done it with medical
11 aid in dying. So we aren't reinventing the
12 wheel. We're following a standard practice that
13 has made this process quite secure, based on
14 evidence and practice.

15 And specifically -- thank you,
16 Senator -- why not do this in a hospital?

17 SENATOR BORRELLO: Yes.

18 SENATOR HOYLMAN-SIGAL: Well, that
19 certainly could be the option of patient if he or
20 she chose.

21 But we do think, and through
22 experience, that the home setting is the setting
23 that most patients prefer. And when somebody is
24 choosing to end their life peacefully because
25 they have been given a terminal diagnosis, I

1 think we all want what's best for them in their
2 personal capacity of decision-making.

3 And I think it would be a bridge too
4 far to impose those types of rules and
5 regulations on a suffering patient. We don't
6 impose them on patients in hospice care. We
7 shouldn't impose them on patients seeking medical
8 aid in dying.

9 SENATOR BORRELLO: Mr. President,
10 will the sponsor continue to 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 BORRELLO: When you talk
17 about hospice, end-of-life care, the goal is to
18 make people comfortable. It's not to prematurely
19 end their life. There's a big difference between
20 hospice care and someone who's going to end their
21 life voluntarily -- on their own, potentially.

22 So why would we not require that
23 these drugs be in a controlled environment with
24 professionals that can actually ensure that this
25 is done properly? Why wouldn't that simple

1 requirement be made?

2 SENATOR HOYLMAN-SIGAL: To have
3 a -- I'm sorry --

4 SENATOR BORRELLO: To have this in
5 a controlled environment with healthcare
6 professionals, whether it be in a hospital, a
7 hospice care or home care with a medical
8 professional there to ensure that these drugs are
9 properly handled.

10 Why wouldn't we make that simple
11 amendment that would improve the safety of this
12 bill?

13 SENATOR HOYLMAN-SIGAL: Through
14 you, Mr. President. I mean, once again, to my
15 colleague, the experience and data show that
16 medical aid in dying at home is safe. And I
17 don't think we should stray from that and make
18 patients less comfortable.

19 If a patient wants to pursue medical
20 aid in dying in a controlled environment such as
21 a hospital, that's their choice.

22 Fundamentally, this is about choice
23 and personal autonomy, and we don't impose these
24 requirements for other conditions. And I don't
25 think we should do it here. So we're trying

1 to -- we're trying to apply this evenly across
2 different patient experiences, if you will.

3 SENATOR BORRELLO: Mr. President,
4 time check? Am I --

5 ACTING PRESIDENT BAILEY: You read
6 my mind, Senator Borrello. I was going to give
7 you a courtesy reminder. You have -- 23 minutes
8 have elapsed, so you have approximately seven
9 minutes remaining.

10 SENATOR BORRELLO: All right great.
11 One last question, then, if the sponsor wouldn't
12 mind, 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 HOYLMAN-SIGAL: Seven
19 minutes.

20 SENATOR BORRELLO: (Laughing.)
21 I'll be brief.

22 So let's assume, now, this person
23 with a terminal illness expires at home and
24 family, law enforcement show up. We have no
25 chain of custody for these drugs. How do we know

1 that that person actually died using those deadly
2 drugs or whether they just expired because of
3 their illness -- and then having to find those
4 deadly drugs. How are we going to guarantee that
5 this person actually died by using those deadly
6 drugs?

7 SENATOR HOYLMAN-SIGAL: Through
8 you, Mr. President. Well, obviously if, you
9 know, the -- their -- if someone shows up at
10 someone's doorstep, there would have to be some
11 understanding as to what happened.

12 But I'll tell you that there are
13 extensive reporting requirements in this bill for
14 this exact scenario.

15 SENATOR BORRELLO: Mr. President,
16 on the bill.

17 ACTING PRESIDENT BAILEY: Senator
18 Borrello on the bill.

19 SENATOR BORRELLO: Thank you,
20 Senator Hoylman-Sigal. I appreciate the
21 engagement here.

22 You know, we've proposed a lot of
23 irresponsible laws in the five-plus years that
24 I've been here. And, you know, we kind of want
25 to give people the impression that New York is

1 the most progressive because we have to do
2 everything a little bit further than every other
3 state. But now we're talking about giving people
4 the right to commit suicide with the state's
5 sanction. And we're still going to prove that
6 we're the most progressive.

7 This bill is horribly irresponsible.
8 It gives people the ability to walk in with a
9 prescription, walk out with life-ending drugs
10 with no accountability whatsoever, walk home.

11 We all have known people with
12 terminal illnesses. It's very difficult on the
13 family as well. You have kids that are going to
14 lose their parent. They become depressed,
15 emotional. And now in that house, without any
16 supervision, any oversight, are deadly
17 life-ending drugs. And the State of New York has
18 no idea where they are or how they were used.
19 That's what this bill will do.

20 Now, you can tell me what hasn't
21 happened anywhere else. You don't know that,
22 because in the states that have actually done
23 assisted suicide bills, suicide rates are up.
24 They're up. How do we not know that these people
25 haven't committed suicide using these deadly

1 drugs? We really don't.

2 We're talking about families in
3 crisis. And I know that that's difficult. We
4 should be helping those families by saying we're
5 going to put you in an environment that is
6 controlled, where there are professionals that
7 know how to properly administer these drugs and
8 ensure that it's being done properly.

9 The doctors that are going to
10 prescribe these drugs don't necessarily have to
11 have a relationship with that patient. There are
12 stories from other places, like in Canada, where
13 a girl with severe autism wanted to end her life,
14 and she doctor-shopped until she found doctors
15 that would prescribe those deadly medications.
16 And her father worked very hard to make sure that
17 that didn't happen.

18 But most importantly, think about
19 this scenario. We all know that there are people
20 out there that are just waiting around for
21 someone to die so they can inherit some money.
22 We all know those people. Right? All of a
23 sudden, grandma's got a terminal illness, dad's
24 got a terminal illness -- Dad, you've got those
25 pills, come on. Maybe they won't say it exactly

1 that way, but they will encourage those family
2 members to end their life prematurely so that
3 they can stop the flow of money that's going to
4 their care.

5 That, to me, is horrible. And this
6 legislation will allow people to accelerate the
7 death of loved ones for financial gain.

8 That's the problem with this bill,
9 folks. We need real oversight. I'm opposed to
10 it anyway, quite frankly. We should not be in
11 the business of state-authorized suicide, period.
12 But if you want to make this bill a little bit
13 better, let's make sure that there's some
14 accountability, some oversight, that the things I
15 just described aren't going to happen.

16 And just because they may not have
17 happened elsewhere doesn't mean they won't happen
18 here, because this bill goes further than any
19 other assisted suicide bill in this nation. It's
20 irresponsible. We should not pass this. And the
21 Governor should not sign it.

22 I'll be voting no. Thank you,
23 Mr. President.

24 ACTING PRESIDENT BAILEY: Thank
25 you, Senator Borrello.

1 Senator Weber, why do you rise?

2 SENATOR WEBER: Thank you,
3 Mr. President. On the bill first.

4 ACTING PRESIDENT BAILEY: Senator
5 Weber on the bill.

6 SENATOR WEBER: So probably like a
7 lot of my colleagues, I've gotten probably
8 thousands of phone calls and emails from
9 concerned residents regarding this assisted
10 suicide bill. And probably the majority of the
11 phone calls I got were from the disability
12 community. They're concerned. There's no
13 explicit ban on someone with developmental
14 disabilities being prescribed this. And it says
15 it can be -- it says it cannot be your sole
16 diagnosis.

17 The disability community has also
18 had the experience of the other states that have
19 had it in place for a while, and they don't feel
20 at ease. In fact, the fear, the impact of it on
21 people living with disabilities continues to
22 grow. And we also hear from many elderly people
23 who are concerned about this as well.

24 So I want to explore some questions
25 with the sponsor on some of those related topics.

1 So, Mr. President, would the sponsor yield for
2 some questions?

3 ACTING PRESIDENT BAILEY: Senator
4 Hoylman-Sigal, would you yield for some
5 questions?

6 SENATOR HOYLMAN-SIGAL: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR WEBER: Thank you, Senator.
10 Somewhere in the bill memo it talks
11 about that this works in all other states. But
12 if that's the case, why are national disability
13 groups so strongly opposed to this bill?

14 SENATOR HOYLMAN-SIGAL: Through
15 you, Mr. President. Well, I will say to my
16 colleague I would suggest reviewing Section 4,
17 line 9 of the bill itself. Please look at the
18 bill versus the memo. "No person shall qualify
19 for medical aid in dying under this article
20 solely because of age or disability." I don't
21 think we could be more explicit in protecting
22 the -- in addressing the concerns of the
23 disability community.

24 I think -- through you,
25 Mr. President -- that there's misinformation

1 about this issue. And it's understandable,
2 because it's a tough issue. But we shouldn't
3 stray away from tough issues because there's
4 misinformation. We should try to clear the air
5 and understand why so many patients are actually
6 seeking this while respecting the concerns of
7 those in the disability community and elsewhere,
8 perhaps because of a lack of full understanding
9 of what the bill does.

10 But we put that language in this
11 bill specifically, Mr. President, to address
12 those concerns.

13 SENATOR WEBER: Mr. President, will
14 the sponsor continue to 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 WEBER: Thank you.

21 Well, as you mentioned, we have
22 decades of experience in other states, and yet
23 disability advocates throughout the nation remain
24 very concerned with not only this bill but
25 similar bills.

1 So there's been a recent study that
2 I read that -- and according to disability
3 advocates -- 82 percent of physicians view people
4 with disabilities as having a worse quality of
5 life. Do you agree with that?

6 SENATOR HOYLMAN-SIGAL: Through
7 you, Mr. President. Well, I'm not a physician,
8 so I can't really agree with a physician
9 standpoint.

10 I will say that our statistics show
11 the vast majority of people with disabilities
12 support end-of-life choices -- according to a
13 Susquehanna poll, 79 percent nationally in 2023.

14 SENATOR WEBER: Through you,
15 Mr. President, will the sponsor continue to
16 yield?

17 SENATOR HOYLMAN-SIGAL: Yes.

18 SENATOR WEBER: Thank you.

19 Well, I'd love to see that study,
20 because what I've read and what I've seen and
21 researched is quite the opposite.

22 But do you think that the bias could
23 impact a physician's decision to counsel a
24 developmentally disabled person into this option,
25 this assisted-suicide option that you're

1 proposing here today?

2 SENATOR HOYLMAN-SIGAL: Do I think
3 that what? I'm sorry, say again?

4 SENATOR WEBER: Would a physician
5 who may have a bias, as I had mentioned earlier
6 about having a developmentally disabled person
7 having a worse quality of life, do you fear that
8 that physician's decision to counsel a person
9 would counsel that person into this option of
10 assisted suicide?

11 SENATOR HOYLMAN-SIGAL: Through
12 you, Mr. President, no. Because we're very clear
13 about what is required. Having a disability does
14 not qualify you in any way, shape or form by
15 itself for medical aid in dying.

16 And again, I refer you to the clause
17 that we inserted that no person shall qualify for
18 medical aid in dying solely because of age or
19 disability. Simply being disabled doesn't
20 qualify you. Medical aid in dying is one of a
21 number of end-of-life options for people with an
22 incurable and irreversible terminal illness and a
23 prognosis of six months left to live. And those
24 options are already included in forms of
25 palliative care such as hospice.

1 So I think there is a bright line,
2 and we expect our physicians to follow it.

3 SENATOR WEBER: Thank you.

4 Mr. President, will the sponsor
5 continue to 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 WEBER: I have another
12 question I'd like to explore with you. How will
13 patients in long-term-care facilities, group
14 homes or state-run institutions be protected from
15 conflicts of interest or subtle administrative
16 pressure?

17 SENATOR HOYLMAN-SIGAL: Through
18 you, Mr. President. Well, there are a number of
19 safeguards in the bill, and I could certainly
20 share those with you.

21 Of course the patient has to make an
22 oral request and then a written request, signed,
23 attested to by two disinterested witnesses --
24 can't be a family member, can't have a stake in
25 the estate, can't work for that assisted living

1 facility. So these are neutral witnesses.

2 The patients have to be required to
3 be counseled about alternatives by the attending
4 physician. That includes hospice. That's why
5 we've seen rates of hospice, Mr. President, rise
6 in states that have medical aid in dying. The
7 patient can withdraw the request at any time.
8 The medication has to be self-administered -- not
9 by anyone else or by a physician, by the
10 individual.

11 As I mentioned earlier, there are
12 publicly available annual reports on utilization.
13 There's essentially a medical-aid-in-dying plan
14 which the physician will complete with the
15 consulting physician.

16 So I think those safeguards protect
17 the patient in the facility that you would
18 suggest.

19 In addition to stating that health
20 insurance benefits, according to the bill, remain
21 unaffected, and life insurance payments can't be
22 denied because of medical aid in dying.

23 So I -- and then we have the
24 experience of the other states that have had
25 this. And there are no examples of the concerns

1 that you raise, with all due respect.

2 SENATOR WEBB: Will the sponsor
3 continue to yield, Mr. President?

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR HOYLMAN-SIGAL: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR WEBER: I'd like to explore
10 a few other topics.

11 As I mentioned earlier, we get a lot
12 of phone calls from elderly people, and the
13 subject of coercion always comes up. And, you
14 know, who decides if there's any coercion of a
15 patient?

16 SENATOR HOYLMAN-SIGAL: Well --
17 through you, Mr. President -- who decides would
18 be law enforcement and prosecutors if there were
19 concerns about coercion.

20 We have very strong laws in that
21 regard. Anyone attempting to coerce a patient
22 would face a criminal prosecution, Class A
23 misdemeanor to Class D felony. We have those
24 statutes specifically in existence already.

25 And again, back to experience.

1 Since 1997, when medical aid in dying was first
2 authorized in Oregon, not a single case -- not
3 one -- of coercion has been uncovered. That's
4 pretty significant.

5 We also know that family members --
6 you know, typically -- I know there's the, you
7 know, stereotype of an evil son-in-law. But
8 family members typically are pressuring patients
9 to prolong their lives, to not take advantage of
10 medical aid in dying. And that's borne out by
11 the statistics in Oregon: 90 percent of those
12 who took the medication did so citing the bodily
13 autonomy they were losing to their illness.

14 So I feel like coercion is a
15 concern, but our criminal statutes have addressed
16 that. And experience shows that it does not bear
17 out in reality.

18 SENATOR WEBER: Mr. President, will
19 the sponsor continue to 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 WEBER: How do we know

1 that, though? How do you we know that people
2 haven't been coerced? Are doctors qualified to
3 recognize forms of coercion?

4 You know, you talk about law
5 enforcement and, yeah, they would be brought in
6 at a particular time of the process. But are
7 physicians qualified to recognize when there's
8 coercion, when there's family members, I think as
9 Senator Borrello mentioned a little while ago,
10 maybe relatives who have a financial interest of,
11 you know, Nanny not being around or a sick child
12 being around any longer. How do you know if a
13 physician is qualified to recognize signs of
14 coercion? They would be the ones that would be
15 the front line.

16 SENATOR HOYLMAN-SIGAL: Through
17 you, Mr. President. Look, I understand the
18 concern. Again, I think it's a bit of a
19 stereotype, a rather dark view of human nature
20 which is not borne out by the facts.

21 But I understand what we're trying
22 to do, and I share your concern, which is to
23 prepare for the unintended consequence. And I
24 understand where you're coming from, Senator.

25 But there have been no examples of

1 it in history since 1997, number one.

2 Number two, recall that the
3 physician has to attest to the voluntary nature
4 of the oral and written request. And then the
5 witnesses have to be completely disinterested
6 parties having no relationship, marital or
7 familial or -- even a domestic partner is
8 forbidden from attesting to the request for
9 medical-aid-in-dying medication.

10 And finally, the -- they can't have
11 an interest in the estate, even if they're not
12 related. Nor can they have an interest in the
13 facility, perhaps, where medical aid in dying may
14 be administered. And the physician and the
15 consulting physician both have to represent those
16 facts and sign under penalty of perjury.

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

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR HOYLMAN-SIGAL: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WEBER: I think some of the
25 fear is that, you know, we're going to be

1 creating hundreds if not thousands of
2 Dr. Kevorkians, right, those who are going to get
3 into the business of really practicing and really
4 promoting end-of-life treatment. And that's a
5 concern.

6 But I want to move on to another
7 question. Are there any verification or
8 notarization requirements that the two witnesses'
9 signatures are legitimate, so that we can ensure
10 that a patient or someone else has not forged the
11 witness signatures?

12 SENATOR HOYLMAN-SIGAL: Through
13 you, Mr. President. Well, the witnesses have to
14 sign and attest to the voluntary nature of the
15 request under penalty of perjury, really the
16 strongest backup for an attestation we have in
17 the law.

18 SENATOR WEBER: Mr. President, will
19 the sponsor continue to 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 WEBER: The only problem

1 with that is if something's forged and the
2 person's ended their life, the damage has been
3 already been done.

4 So, I mean, are you comfortable
5 and/or what other safeguards would you consider
6 that should be really improved upon or at least
7 strengthened so that something like that doesn't
8 happen? Because it may come too late that it's
9 found out about.

10 SENATOR HOYLMAN-SIGAL: Through
11 you, Mr. President. I -- again, through practice
12 we've seen that this works. And I appreciate the
13 hypotheticals because we should always be
14 thinking about the hypotheticals, particularly in
15 lawmaking. But we have no examples of what my
16 colleague suggests in this specific regard.

17 And remember, the kind of baseline
18 here is the terminal diagnosis of six months or
19 fewer to live. And I suppose the -- I suppose
20 someone could be after -- you know, someone may
21 have a nefarious motive. But six months? You
22 know, you're going to get your greedy paws on
23 that estate now or in six months? I mean, I --
24 in addition to the fact of all the safeguards.

25 That's why I think it has not

1 happened, is that it's -- the safeguards are in
2 place and the terminal diagnosis had been
3 granted. The person is dying. It's not as if
4 that isn't based in reality. The person has a
5 terminal diagnosis. They are dying.

6 SENATOR WEBER: Thank you, Senator.
7 Thank you for those answers to the questions.

8 Mr. President, on the bill.

9 ACTING PRESIDENT BAILEY: Senator
10 Weber on the bill.

11 SENATOR WEBER: And as I said,
12 Senator, thank you. But I'm still not satisfied
13 and I'm still very concerned with the dangerous
14 road that we're going down, potentially, today.

15 And again, I rise not in anger but
16 in sorrow, sorrow for where we are headed if we
17 allow the proposed assisted-suicide bill to
18 become law in this state -- a state that is
19 bleeding residents literally and figuratively.

20 Supporters of this bill claim that
21 it's about compassion. But compassion without
22 transparency is not mercy, it's neglect and
23 coercion cloaked in kindness.

24 Under this bill a terminally ill
25 patient could take their own life with prescribed

1 lethal medication. But unless that patient
2 chooses to notify their family beforehand, their
3 loved ones may never know how or even why that
4 life was ended. Was it a suicide pill, an
5 accidental overdose, or something more sinister?

6 This legislation offers no clear
7 path for family involvement, no mandate for
8 disclosure, no mandated wait period, and no
9 guaranteed autopsy. And for many families,
10 especially those whose faith prohibit autopsies
11 after death, that is not just a bureaucratic
12 oversight, it's a religious violation.

13 My questions are not just
14 hypothetical. We've seen the consequences of
15 institutional decisions made without regard for
16 our citizens. During the COVID-19 pandemic, how
17 many of our elderly died alone, isolated in
18 hospitals, unable to hold the hand of a loved
19 one, even to make a final phone call? Have we
20 forgotten that already?

21 Did the state not only preside over
22 the lonely, silent deaths of thousands of seniors
23 and those with chronic illnesses? And now, with
24 this bill, we may be repeating the same mistake,
25 not from the fear of spreading COVID, but in the

1 name of freedom without sufficient safeguards,
2 without witnesses, and too often without love.

3 We are told this is a choice. But
4 what kind of choice is it when the system makes
5 it even easier or even encourages people to die
6 rather than to live with dignity? Who is this
7 assisted-suicide bill really helping? And who is
8 it quietly abandoning?

9 I'll tell you: It's abandoning the
10 vulnerable, our seniors, those living with
11 disabilities, and those in their darkest moments.
12 Hundreds if not thousands of my constituents have
13 called and emailed and contacted my office,
14 commented on social media posts, and they are all
15 opposed to this dangerous and reckless
16 legislation.

17 This may be well-intentioned, but
18 the road to hell was paved with good intentions.
19 I'll be voting no, and I encourage my colleagues
20 from across the aisle to do the same.

21 Thank you, Mr. President.

22 ACTING PRESIDENT BAILEY: Thank
23 you, Senator Weber.

24 Senator Ashby, why do you rise?

25 SENATOR ASHBY: Thank you,

1 Mr. President. Will the sponsor yield?

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield for some questions?

4 SENATOR HOYLMAN-SIGAL: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR ASHBY: Thank you,
8 Senator Hoylman.

9 Through you, Mr. President. Is
10 there a requirement for the attending physician
11 to have been with this patient for any period of
12 time?

13 SENATOR HOYLMAN-SIGAL: Through
14 you, Mr. President. There's no specific time
15 period that the physician has to spend with the
16 patient in the statute.

17 But I will say that the patient --
18 the physician has to make these important
19 determinations, including that the patient is of
20 sound mind, that he or she is over 18, that they
21 have a terminal illness, and that the patient is
22 voluntarily requesting, both orally and in
23 writing, the medication. In addition to
24 recruiting a consulting physician to back up the
25 original physician's assessment.

1 So that is, I think, the essence of
2 the doctor-patient relationship in this regard.
3 And I think that's why we have the New York State
4 Medical Society in support of this bill. Which
5 goes to the fact that physicians here in New York
6 feel comfortable, in the main, in making that
7 assessment.

8 SENATOR ASHBY: Will the sponsor
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 ASHBY: Through you,
16 Mr. President. I'm glad that you brought up the
17 consulting physician. So how much time does the
18 consulting physician need to spend with the
19 patient in person?

20 SENATOR HOYLMAN-SIGAL: Well, he or
21 she has to make all those determinations and,
22 along with the attending physician, determine
23 whether a mental health examination is required.
24 Either physician can make that determination.

25 So you would want to understand the

1 patient -- we know that physicians do that for a
2 whole host of other conditions they're treating,
3 but they most certainly have to do it here. And
4 both of them would have to do it. And I think,
5 again, built in that is a relationship that the
6 physician, abiding by our standards of medical
7 practice, would have to take very seriously.

8 SENATOR ASHBY: Will the sponsor
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 ASHBY: So again,
16 Senator Hoylman, how much time in person would
17 the attending physician or the consulting
18 physician need to spend with the patient?

19 SENATOR HOYLMAN-SIGAL: Through
20 you, Mr. President. Like a lot of medical
21 decisions, that's up to the physician to make
22 that determination. We don't prescribe that in
23 the statute.

24 I don't think you'd find in any part
25 of our voluminous statutes any requirement that a

1 physician has to spend a certain amount of time
2 with a specific patient regarding a specific
3 condition. We leave it to the medical
4 professionals.

5 SENATOR ASHBY: Will the sponsor
6 yield?

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR HOYLMAN-SIGAL: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR ASHBY: Through you,
13 Mr. President. So what you're saying is that
14 they, by law, don't have to spend any time in
15 person with this patient who's seeking to
16 potentially end their life, is that correct?

17 SENATOR HOYLMAN-SIGAL: Through
18 you, Mr. President, no, that's exactly the
19 opposite of what I'm saying.

20 I'm saying that they have to make a
21 certain number of determinations about the
22 patient. Let's start with the age. Let's
23 started with the fact that they have to examine
24 the patient's medical history and determine
25 whether they have an illness that's terminal and

1 irreversible --

2 SENATOR ASHBY: Will the sponsor
3 recognize that --

4 ACTING PRESIDENT BAILEY: Wait a
5 minute. Senator Ashby, Senator Hoylman-Sigal has
6 the floor. I understand this is an issue that
7 gets everybody -- but when the Senator has the
8 floor, he's speaking.

9 If you are asking him to yield, you
10 can wait until he's finished speaking and then
11 you can ask him to yield to another question. Is
12 that fair?

13 SENATOR ASHBY: It's only fair if
14 he's going to answer the question.

15 ACTING PRESIDENT BAILEY: Senator
16 Ashby, your definition of him answering the
17 question is not germane here. He is answering,
18 and he has the floor.

19 Again, can he finish his question
20 and then you ask him to yield again?

21 SENATOR HOYLMAN-SIGAL: Let me cut
22 to the chase.

23 ACTING PRESIDENT BAILEY: Senator
24 Hoylman-Sigal, continue.

25 SENATOR HOYLMAN-SIGAL: Thank you,

1 Mr. President.

2 Let me cut to the chase. The
3 physician has go to through a number of
4 checklists. That's going to take time in and of
5 itself.

6 SENATOR ASHBY: Will the sponsor
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 ASHBY: Through you,
14 Mr. President. Through that series of
15 checklists, is the physician required --
16 attending or consulting -- to spend time with
17 that patient in person?

18 SENATOR HOYLMAN-SIGAL: Through
19 you, Mr. President. We do not specify that in
20 the bill. But by virtue of what they are
21 required to assess and what their determination
22 must be in order for medical aid in dying to be
23 administered, yes, they would most certainly have
24 to spend time with the patient.

25 Unless they're a quack. And I'm

1 not -- we're not dealing with quack physicians in
2 this regard. But we have sanctions in criminal
3 statutes for that, you know, unlikely potential.
4 But one that I agree should always be considered,
5 which is why we've built in those safeguards.

6 SENATOR ASHBY: Will the sponsor
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 ASHBY: So I'm glad that
14 there's safeguards and provisions for quacks.

15 But what safeguards and measures are
16 there, Senator, if we're not requiring them to
17 see the patient in person?

18 SENATOR HOYLMAN-SIGAL: Through
19 you, Mr. President, we make no specific
20 requirements, nor do we in any physician-patient
21 relationship require physicians to do -- to make
22 a personal appearance or otherwise.

23 But we do make requirements that
24 they assess the patient extensively. And in my
25 mind, as it has been in the 11 other states, it's

1 worked effectively and safely, and I expect the
2 same here in New York.

3 SENATOR ASHBY: Will the sponsor
4 yield?

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR HOYLMAN-SIGAL: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR ASHBY: Through you,
11 Mr. President. So if there is an extensive
12 evaluation going on, albeit not in person, is
13 mental health a requirement for that? A mental
14 health evaluation, is that required?

15 SENATOR HOYLMAN-SIGAL: Through
16 you, Mr. President. The mental health
17 requirement is such that if the physician thinks
18 that the patient is not making the decision
19 themselves or that they're incapable of making
20 such a decision, then they are required to refer
21 the patient to a mental health examiner for a
22 screening. That is either -- or both -- the
23 attending physician and the consulting physician.

24 SENATOR ASHBY: Will the sponsor
25 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 ASHBY: Through you,
7 Mr. President, if someone is potentially choosing
8 to end their life and is in this awful position,
9 why wouldn't they be referred to mental health
10 regardless?

11 SENATOR HOYLMAN-SIGAL: Through
12 you, Mr. President. Well, because I may disagree
13 with my colleague. I don't think requesting
14 end-of-life medication when an individual is
15 suffering, in pain, and dying, suggests a mental
16 health condition.

17 If anything, I think it's quite
18 rational to seek medical aid in dying when one is
19 suffering unbearably. That's the experience that
20 has been shared with my colleagues and so many of
21 the advocates.

22 In addition, we don't require a
23 mental health screening for other decisions that
24 may hasten death such as hospice care or a "Do
25 Not Resuscitate" order, for example. Those are

1 also rational decisions that we, as a society of
2 laws, respect the personal autonomy of an
3 individual to make his or her own decisions about
4 their body.

5 SENATOR ASHBY: Will the sponsor
6 yield?

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR HOYLMAN-SIGAL: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR ASHBY: In those scenarios
13 they have to have capacity. And in order to have
14 capacity, there's an evaluation that's done.

15 How is a physician who's not
16 spending any time with this person or this
17 patient in person, and no evaluation required,
18 able to determine if this person has capacity?

19 SENATOR HOYLMAN-SIGAL: Through
20 you, Mr. President. Well, physicians make that
21 determination all the time. You know, maybe
22 every day. Maybe every patient they see.

23 Speak to a physician. They've told
24 me that that is one of their routine checks that
25 they make. And we entrust them to make that.

1 But don't just trust them, trust the
2 New York State Psychiatric Association, who have
3 strongly supported this legislation because of
4 the safeguards that we've put in place in
5 connection with mental health.

6 SENATOR ASHBY: Will the sponsor
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 ASHBY: Are you aware of
14 the proliferation of medical aid in dying in
15 Canada?

16 SENATOR HOYLMAN-SIGAL: Through
17 you, Mr. President. I am aware. It's not
18 medical aid in dying, though. It's euthanasia.
19 And it is abhorrent and appalling.

20 And I am proud that here in the
21 United States, and maybe in New York, we have
22 chosen a distinctly different path for patients
23 who are terminally ill.

24 There's no requirement in Canada for
25 that. So it is a -- and it's not

1 self-administered. It's a completely different
2 scenario, but one that I'm glad you raise.
3 Because our bill is the diametric opposite of
4 what the courts and statutes are following in
5 Canada.

6 SENATOR ASHBY: Will the sponsor
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 ASHBY: Through you,
14 Mr. President. It devolved into that, but when
15 it began in Canada, it was shaped similarly.

16 Are you nervous at all about the
17 protections that are currently in this bill
18 eroding over time through the judiciary and
19 expanding?

20 SENATOR HOYLMAN-SIGAL: Through
21 you, Mr. President. Let me -- thank you for the
22 question. Let me tell you how Canada's
23 physician-assisted death is different from
24 medical aid in dying.

25 In Canada there's no requirement for

1 a terminal illness. There's no requirement that
2 there be a six-month or less prognosis. There's
3 no requirement, as I mentioned earlier, for
4 self-administration of the drugs.

5 Canada's law is derived from a
6 completely different Bill of Rights, the Charter
7 of Rights and Freedoms. And, you know, here in
8 the United States we have both the U.S.
9 Supreme Court and New York's highest court, the
10 Court of Appeals, that have explicitly stated
11 there is no right to die.

12 The Court of Appeals said that in
13 fact it was up to the Legislature. The
14 Legislature may conclude that, and specify the
15 conditions under which it will permit aid in
16 dying. That was in the case Myers v.
17 Schneiderman, dating back 20 years ago.

18 But so in addition to that are court
19 decisions which are diametrically opposite to the
20 Supreme Court of Canada. We have the experience,
21 the 27-year experience, beginning with Oregon.
22 No medical-aid-in-dying statute has expanded. We
23 talk about a slippery slope -- the slope has not
24 slipped.

25 We -- and we are -- we, you and I,

1 Senator, and our colleagues, are the guardians of
2 the slippery slope. We will be the ones, not our
3 courts, as happened in Canada, we would be the
4 ones to expand this law. But we should not, and
5 I'm telling you other states have not either.

6 SENATOR ASHBY: Will the sponsor
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 ASHBY: Through you,
14 Mr. President. Then I guess this bill is exactly
15 as it was written for -- how long ago? Thirty,
16 35 years? Has it not changed or expanded at all?

17 SENATOR HOYLMAN-SIGAL: Through
18 you, Mr. President. Virtually, no.

19 There are discussions in states, as
20 I've mentioned earlier, about waiting periods.
21 That is the only permutation that I'm aware of
22 among the 11 states.

23 There's a constitutional challenge
24 in New Jersey about the waiting period, and other
25 states are looking to waive the waiting period or

1 statutorily address it.

2 But again, because there's no
3 constitutional right, it's up to legislators to
4 safeguard the outlines of the bill.

5 SENATOR ASHBY: Will the sponsor
6 yield?

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR HOYLMAN-SIGAL: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR ASHBY: I believe just in
13 the last few years the method of delivery has
14 changed, has it not?

15 SENATOR HOYLMAN-SIGAL: Through
16 you, Mr. President. I'm not aware of that and
17 would welcome to be enlightened.

18 SENATOR ASHBY: Will the sponsor
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 ASHBY: So it's my

1 understanding that originally it had to be
2 ingested orally, right? And now it's expanded
3 potentially into other methods of delivery --
4 tube feed, for example. Is that correct?

5 SENATOR HOYLMAN-SIGAL: What was
6 the last part? I'm sorry.

7 SENATOR ASHBY: Tube feed. Through
8 a tube feed.

9 SENATOR HOYLMAN-SIGAL: I'm sorry --
10 oh. Well, there perhaps -- through you,
11 Mr. President, there perhaps could be different
12 ways to administer the medication. But it
13 doesn't change the fact -- and that's probably
14 due to technology over the last 27 years. But it
15 hasn't changed the basic precept that the
16 medication has to be self-administered.

17 SENATOR ASHBY: Will the sponsor
18 yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR HOYLMAN-SIGAL: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR ASHBY: Tube feed has been
25 around for a while, Senator. And again, this is

1 an example of it changing just in the last five
2 years. So when you had mentioned that, you know,
3 we're the guardians of the slippery slope and
4 that -- how the bill is not going to change, just
5 in the last four to five years we're seeing
6 delivery methods change on this and expand.

7 How does that not concern you that
8 it will change afterwards?

9 SENATOR HOYLMAN-SIGAL: Through
10 you, Mr. President. I was -- couldn't
11 understand. You were saying "tube feeding"?

12 SENATOR ASHBY: Yeah.

13 SENATOR HOYLMAN-SIGAL: Okay, tube
14 feeding. Okay, got it.

15 Well, again, that doesn't change --
16 the administration of the drug still requires --
17 again, section 15 -- or, rather, 16,
18 "'Self-administer,'" the definition, "means a
19 qualified individual's affirmative, conscious,
20 and voluntary act to ingest medication under this
21 article. Self-administration does not include
22 lethal injection or lethal infusion." Meaning a
23 physician administering that to you, as is the
24 case in Canada.

25 So the technology may advance, but I

1 think you have the black-and-white guardrails
2 here that self-administration is essential to
3 medical aid in dying.

4 SENATOR ASHBY: On the bill.

5 ACTING PRESIDENT BAILEY: Senator
6 Ashby on the bill.

7 SENATOR ASHBY: Thank you,
8 Senator Hoylman.

9 And what we're seeing here is the
10 denial of the proliferation of this already.
11 Just in the last couple of years the bill has
12 changed, the bill has expanded for new means of
13 administration and methods of delivery. It will
14 continue to expand, just as it has in other
15 places.

16 And we can call this whatever we
17 would like, different names for it, but in the
18 end we all know what it does.

19 Thank you, Mr. President.

20 ACTING PRESIDENT BAILEY: Thank
21 you, Senator Ashby.

22 Senator Rhoads, why do you rise?

23 SENATOR RHOADS: I was hoping that
24 the sponsor would yield to a few more questions.
25 As soon as he's finished chewing.

1 (Laughter.)

2 ACTING PRESIDENT BAILEY: Senator
3 Hoylman-Sigal, do you yield?

4 SENATOR HOYLMAN-SIGAL: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR RHOADS: Thank you,
8 Mr. President. Through you, Mr. President.

9 You know, I'm happy that you
10 mentioned the support of the New York Psychiatric
11 Association, because it's interesting -- isn't it
12 a fact, Senator, that nowhere in this bill is it
13 required that there actually be a psychiatric
14 evaluation of the patient before this medication
15 is actually given? Is that correct?

16 SENATOR HOYLMAN-SIGAL: Through
17 you, Mr. President, no, it's not completely
18 correct.

19 If the attending or consulting
20 physician deems that the patient is not able to
21 make the decision on their own, then it would be
22 required.

23 SENATOR RHOADS: Would the sponsor
24 continue to 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 RHOADS: So you're talking
6 about the actual prescribing physician would be
7 the one to make the determination as to the
8 mental health of the patient. So in theory, your
9 oncologist could be making a decision as to the
10 state of my mental health.

11 SENATOR HOYLMAN-SIGAL: Through
12 you, Mr. President. Well, they would make the
13 first stop. As, again, physicians do all the
14 time when they see a patient every day: Is this
15 patient of mine making a voluntary decision to
16 request all kinds of medication or procedures or
17 hospice or perhaps, you know, a trivial or a
18 serious medical procedure.

19 And then if they determine that they
20 are not -- this patient is not capable of making
21 an informed decision, in addition to the other
22 requirements, they then refer -- either of those
23 physicians would refer that patient for a mental
24 health screening.

25 SENATOR RHOADS: Would the sponsor

1 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 RHOADS: Thank you,
8 Senator. Through you, Mr. President.

9 Neither of those physicians actually
10 has to be a psychiatrist, correct?

11 SENATOR HOYLMAN-SIGAL: Through
12 you, Mr. President, that is correct.

13 SENATOR RHOADS: So again -- if the
14 sponsor will continue to yield.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield? Senator Hoylman-Sigal, do you
17 yield?

18 SENATOR HOYLMAN-SIGAL: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR RHOADS: So again, two
22 oncologists who have no background in psychiatric
23 training are going to be asked to make an
24 evaluation as to whether someone has the capacity
25 to be able to make this decision, is that

1 correct?

2 SENATOR HOYLMAN-SIGAL: Through
3 you, Mr. President. Again, physicians make these
4 assessments all the time. But yes, they are not
5 necessarily, you know, mental health
6 professionals in the first round, they are
7 medical doctors who assess state of mind among
8 their patients all the time.

9 And for the complete evaluation,
10 they would refer the patient to a mental health
11 expert.

12 SENATOR RHOADS: Would the sponsor
13 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 RHOADS: Through you,
20 Mr. President. However, Senator Hoylman, there
21 is no requirement that they do so, isn't that
22 correct?

23 SENATOR HOYLMAN-SIGAL: Through
24 you, Mr. President. Yes, there is no specific
25 requirement that they make the mental -- what the

1 requirement is, is that the physician has to
2 ensure that the patient meets the criteria,
3 inform the patient that they can rescind the
4 request, discuss risks, alternatives, hospice and
5 palliative care.

6 The secondary physician has to
7 confirm the diagnosis and assess the capacity of
8 the patient.

9 If the physician is unsure, then the
10 physician refers that -- either physician refers
11 that patient to a mental-health practitioner who
12 has to evaluate the decision-making capacity.

13 And according to our bill, the
14 attending physician shall not prescribe
15 medication to the patient if they find the
16 patient lacks capacity.

17 So again, both physicians make the
18 first assessment as to whether a specific
19 mental-health evaluation is required.

20 SENATOR RHOADS: On the bill
21 briefly.

22 ACTING PRESIDENT BAILEY: Senator
23 Rhoads on the bill.

24 SENATOR RHOADS: Thank you,
25 Senator, for those questions.

1 There is a difference between mental
2 capacity and a mental-health evaluation. The
3 fact that this bill does not require someone to
4 actually see a mental-health professional to
5 determine whether they're suffering from clinical
6 depression is a fallacy in this bill. Someone
7 can be clinically depressed yet still demonstrate
8 the capacity to be able to make a decision.

9 And to have someone who is not a
10 trained professional make that determination to
11 have a physician who is not qualified as a
12 psychologist or a psychiatrist to make the
13 determination is problematic. Because someone
14 who is an oncologist, someone who is a
15 cardiologist, someone who has a specialty other
16 than as a mental-health professional is not going
17 to be able to be make the proper mental-health
18 evaluation.

19 In fact, this bill doesn't even
20 require it. It merely requires that a doctor
21 certify that the individual that appears before
22 them has the capacity to be able to make that
23 decision.

24 If the sponsor will continue to
25 yield.

1 ACTING PRESIDENT BAILEY: Senator
2 Hoylman-Sigal, do you yield?

3 SENATOR HOYLMAN-SIGAL: Yes.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR RHOADS: Can you point in
7 the bill where it actually provides a definition
8 of terminal illness?

9 SENATOR HOYLMAN-SIGAL: Yes.
10 Through you, Mr. President. Section 17, line 15.
11 Would you like me to read it?

12 "'Terminal illness or condition'
13 means an incurable and irreversible illness or
14 condition that has been medically confirmed and
15 will, within reasonable medical judgment, produce
16 death within six months."

17 SENATOR RHOADS: And will the
18 sponsor continue to yield?

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR HOYLMAN-SIGAL: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR RHOADS: And is there a
25 definition as to whether the condition needed --

1 needs to be treatable by medication or not?

2 SENATOR HOYLMAN-SIGAL: Through
3 you, Mr. President. There's nothing specific
4 that the condition be treatable by medication.

5 But it does state that it has to be
6 incurable and irreversible and, according to
7 reasonable medical judgment, produce death within
8 six months. There's no mention of medication per
9 se.

10 SENATOR RHOADS: If the sponsor
11 will continue to yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR HOYLMAN-SIGAL: Yes.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR RHOADS: Well, how does
18 this bill make a distinction -- or does this bill
19 make a distinction between terminal illness and a
20 chronic illness?

21 SENATOR HOYLMAN-SIGAL: Through
22 you, Mr. President. Well, a chronic illness is
23 one that does not lead to death within six
24 months. I can assure you it would not qualify
25 under terminal illness or condition.

1 SENATOR RHOADS: Will the sponsor
2 continue to 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 RHOADS: Well, how does
9 this bill account for, for example, diseases that
10 are treatable with medication but if you refuse
11 to take the medication would result in death
12 within a period of months? Like, for example,
13 ALS.

14 SENATOR HOYLMAN-SIGAL: Through
15 you, Mr. President. Most of the conditions that
16 we've seen in other states are mainly cancer,
17 terminal diagnoses for cancer of six months or
18 fewer. But there are neurodegenerative disorders
19 such as ALS or Lou Gehrig's disease, that could
20 qualify. They are in fact the second-leading
21 diagnosis of people who use medical aid in dying.

22 And in terms of an individual
23 withholding a treatment, I think is your
24 question? If that moved them into a potential
25 terminal diagnosis, I think it would not be based

1 on the standard that's the set in the statute, in
2 the law -- bill, rather.

3 SENATOR RHOADS: Will the sponsor
4 continue to yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR HOYLMAN-SIGAL: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR RHOADS: Well, in what way,
11 if I can ask, would that not meet the
12 determination?

13 If it's an illness that will result
14 in death within six months and it contains no
15 qualifications with respect to medications -- if,
16 for example, I have advanced diabetes, my
17 kidneys have shut down and I require daily
18 dialysis, I can live indefinitely as long as I
19 receive that dialysis. The moment that I stop, I
20 could be dead within a matter of a few days.

21 If I make the conscious decision
22 that I want to stop, why wouldn't I meet the
23 criteria under the bill?

24 SENATOR HOYLMAN-SIGAL: Through
25 you, Mr. President, let's start with the fact

1 that if you do have chronic diabetes and you stop
2 dialysis, for example, sadly, I think you would
3 expire before you'd even got the paperwork
4 together. It's my understanding that that would
5 be a matter of days, not weeks, which would be
6 required under this bill.

7 But also, to my colleague, look at
8 the word "irreversible," which is a requirement.
9 The condition has to be irreversible. I would
10 suggest that in a situation involving dialysis,
11 that is reversible, if the patient would resume
12 that treatment and then could continue to live.
13 So that would not qualify, in my assessment,
14 under our bill.

15 SENATOR RHOADS: If the sponsor
16 will continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR HOYLMAN-SIGAL: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR RHOADS: And where is that
23 definition in your bill?

24 SENATOR HOYLMAN-SIGAL: That
25 definition of irreversibility is in Section 17,

1 line 15: "'Terminal illness or condition,'"
2 which I read earlier, means an incurable and
3 irreversible, incurable and irreversible illness
4 or condition that has been medically confirmed.

5 SENATOR RHOADS: So it's a
6 definition --

7 ACTING PRESIDENT BAILEY: Are you
8 on the bill, Senator Rhoads, or --

9 SENATOR RHOADS: On the bill.

10 ACTING PRESIDENT BAILEY: Senator
11 Rhoads on the bill.

12 SENATOR RHOADS: So it's a
13 definition of a term that in the definition
14 contains the very term that you're seeking to
15 define.

16 So in reality, it appears as though
17 there is no definition of what an irreversible
18 condition actually would turn out to be, opening
19 the pathway so that if somebody refuses ordinary
20 treatment and that ordinary treatment will
21 actually enable them to -- will actually enable
22 them to qualify for a condition that would allow
23 them to take advantage of a medication that will
24 actually end their life more quickly.

25 By the way -- if the sponsor will

1 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 RHOADS: In your bill is
8 there any way to track potential abuses by
9 physicians?

10 SENATOR HOYLMAN-SIGAL: I'm sorry,
11 so sorry.

12 SENATOR RHOADS: In your bill is
13 there any way to track abuses by physicians?

14 SENATOR HOYLMAN-SIGAL: Track
15 abuses.

16 SENATOR RHOADS: Yes.

17 SENATOR HOYLMAN-SIGAL: Well, there
18 is a pretty rigorous reporting requirement that
19 is in place, which is in Section 2899, and
20 requires annual reports to the Legislature, among
21 other things. (Reading.) The physician shall
22 document or file the dates of oral requests, the
23 written requests, attending physician's diagnosis
24 and prognosis, et cetera.

25 And then at the -- and then there's

1 reporting requirements to the State Legislature,
2 which is in Section -- it's also in Section 2899.

3 So -- but, I mean, abuses would
4 presumably be part of this report should they
5 exist. Of course we have our criminal statutes
6 also in terms of any transgressions that I assume
7 would be part of the annual reports to the
8 State Legislature.

9 SENATOR RHOADS: Would the sponsor
10 continue to 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 RHOADS: But the annual
17 reports are statistical reports, are they not?
18 Who would actually review, on a case-by-case
19 basis, the decisions that are made by physicians
20 to determine whether there's an anomaly or
21 whether there's abuse in any particular instance?

22 SENATOR HOYLMAN-SIGAL: Through
23 you, Mr. President. Well, Section 2 of the
24 section I was referring to, 2899, says the
25 commissioner -- the Health Commissioner shall

1 prepare a report annually containing relevant
2 data regarding utilization and compliance with
3 this article, and shall send such report to the
4 Legislature and post it on the department's
5 website. I'm assuming that would encompass your
6 concerns.

7 SENATOR RHOADS: Would the sponsor
8 continue to 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 RHOADS: Is it not a fact,
15 though, that the law requires -- or the
16 legislation requires that the Health Commissioner
17 must only review a sample of the records and not
18 records in their entirety?

19 SENATOR HOYLMAN-SIGAL: Yes, that
20 is correct.

21 SENATOR RHOADS: 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 RHOADS: And so on a
4 case-by-case basis there is no review of the
5 decisions made by individual doctors, on a
6 case-by-case basis.

7 SENATOR HOYLMAN-SIGAL: Through
8 you, Mr. President. It is a sample.

9 SENATOR RHOADS: Will the sponsor
10 continue to 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 RHOADS: When a physician
17 is evaluating a patient to make a determination
18 as to whether or not they qualify, there is no
19 requirement that they actually review any of the
20 records of the patient, correct?

21 SENATOR HOYLMAN-SIGAL: Through
22 you, Mr. President. There's no requirement.

23 (Reading.) The commissioner shall
24 adopt regulations establishing reporting
25 requirements for physicians taking action under

1 this article.

2 There could be. And that could be
3 part of the regulatory process.

4 SENATOR RHOADS: Right. But will
5 the sponsor continue to yield.

6 SENATOR HOYLMAN-SIGAL: But -- if I
7 may finish -- of course we don't spell out
8 everything, particularly when it comes to medical
9 professionals, because we aren't medical
10 professionals. At least I'm not. And I would
11 leave that to the regulatory process. Which I
12 hope, you know, we all would want to review and
13 comment on at the appropriate time.

14 SENATOR RHOADS: Will the sponsor
15 continue to yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR HOYLMAN-SIGAL: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR RHOADS: Well, Senator,
22 we're talking about literally life and death.
23 Don't you feel as though in your legislation
24 there should be some requirement before a
25 physician makes a decision between the ability to

1 give medication that will cause death and
2 choosing not to do so, that there be some
3 requirement that they make a review of the
4 medical records of the patient?

5 SENATOR HOYLMAN-SIGAL: Through
6 you, Mr. President. Physicians do that every
7 day -- every hour, maybe, every patient they see.
8 This is what we ask of our medical establishment.
9 We trust them. We provide support and
10 professional standards. We sanction them when
11 they have gone astray. But I don't think we zero
12 in on the minutiae of reporting.

13 Although the regulations might, but
14 it's not in this statute.

15 SENATOR RHOADS: Will the sponsor
16 continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR HOYLMAN-SIGAL: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR RHOADS: In theory,
23 Senator, I could do a telehealth appointment,
24 never even seeing the physician that I've gone to
25 by telehealth for the very first time.

1 And there's no requirement that they
2 review a stitch of my medical records before they
3 make a determination as to whether or not they're
4 going to give me that pill. Is that correct?

5 SENATOR HOYLMAN-SIGAL: Through
6 you, Mr. President. Again, similar to your
7 previous colleagues' questions, one assumes that
8 that's part of their assessment, is of course to
9 review medical records.

10 How would they possibly make a
11 determination whether it's the capacity of the
12 patient, the prognosis for death, or other
13 features that are required in this, without
14 having a serious review of the patient and a
15 relationship that helps them make that
16 determination?

17 SENATOR RHOADS: On the bill
18 briefly.

19 ACTING PRESIDENT BAILEY: Senator
20 Rhoads on the bill.

21 SENATOR RHOADS: I agree with you,
22 Senator. Which is why it begs the question, why
23 is it not in the bill? There is nothing in the
24 bill that makes the requirement that they
25 actually review any of the medical records of the

1 patient.

2 If the sponsor will continue to
3 yield.

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield? Will the sponsor yield?

6 SENATOR HOYLMAN-SIGAL: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 Excuse me. Senator Rhoads, I just
10 want to remind you you've hit 20 minutes of
11 debate time, and there's approximately 35 minutes
12 total time left. Just so that we keep track of
13 time.

14 Senator Hoylman-Sigal yields.

15 SENATOR RHOADS: Thank you,
16 Mr. President. I appreciate that.

17 In fact, when we're talking about a
18 review by the Commissioner of Health of this
19 sampling, the death certificates from the
20 individual patients actually will not list the
21 medication as the cause of death. In fact,
22 physicians are specifically instructed not to put
23 the medication as a cause of death on the death
24 certificate, is that not correct?

25 SENATOR HOYLMAN-SIGAL: Through

1 you, Mr. President. Yes, it is true that the --
2 only the underlying cause of death would be
3 designated on the death certificate.

4 The -- according to the CDC, their
5 guidance states that the mechanism of death
6 should not be reported as the immediate cause of
7 death because it is not specifically related to
8 the disease process.

9 So we're following CDC guidance in
10 that regard.

11 SENATOR RHOADS: Will the sponsor
12 continue to yield.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR HOYLMAN-SIGAL: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR RHOADS: So if there's no
19 review of medical records, if there's no
20 mental-health evaluation and you're going upon
21 the recommendation of a doctor that is not a
22 trained psychologist to determine the mental
23 health of the patient, and the death certificate
24 itself does not list the medication as the cause
25 of death, what is the commissioner supposed to

1 review when making these determinations? Is the
2 bill specific as to that?

3 SENATOR HOYLMAN-SIGAL: Through
4 you, Mr. President. Well, I mean, in terms of
5 death certificates it's my understanding of them
6 that they're used to understand trends in
7 diseases by public health officials.

8 And we do have concerns that I'm
9 sure you can appreciate that you would want to
10 balance the confidentiality of families and
11 information that's disclosed on a death
12 certificate.

13 SENATOR RHOADS: Would the sponsor
14 continue to 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 RHOADS: What's the -- what
21 is in your bill to prevent a physician from
22 potentially taking the easy way out? In other
23 words, you have a patient that's taking up
24 hospital space, that's occupying that physician's
25 time. What's the incentive behind that doctor

1 simply not making a determination or perhaps
2 suggesting to the patient that this might be a
3 better option for them?

4 SENATOR HOYLMAN-SIGAL: Through
5 you, Mr. President. Well, I think it is the
6 standards to which -- the high standards to which
7 we hold our medical profession. And I think we
8 have great respect and we have created, through
9 our scope of practice, standards for physicians
10 that we expect them to adhere to.

11 SENATOR RHOADS: Will the sponsor
12 yield.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR HOYLMAN-SIGAL: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR RHOADS: In fact, when
19 there's a review by a second physician, there is
20 even no requirement in the bill that the second
21 physician not be in the same practice that the
22 original doctor's in. Is that correct?

23 SENATOR HOYLMAN-SIGAL: Through
24 you, Mr. President, yes, that's correct.

25 SENATOR RHOADS: So you can have

1 within one -- 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 RHOADS: So in fact you can
8 have one physician that is swearing to something
9 and someone else in the same practice says that
10 that's correct. It doesn't have to be an
11 independent review by another doctor in another
12 practice.

13 SENATOR HOYLMAN-SIGAL: Through
14 you, Mr. President. I -- I would consider a
15 second opinion to be independent.

16 I don't -- again, I think we hold
17 our physicians to high standards, as we should.
18 And I'm, you know, confident, based on the
19 experience of the 11 states preceding us, that
20 physicians know what they're doing when it comes
21 to prescribing this medication, as well as
22 assessing a patient's ability to make these
23 decisions for themselves and, most importantly,
24 to determine whether they have a terminal
25 diagnosis or not.

1 We trust physicians for a reason.
2 We can't legislate the minutiae of the
3 doctor-patient relationship. We can perhaps fill
4 in some of the blanks with regulation, which
5 we're seeking the Health Department to do. That
6 I think is the appropriate approach toward a
7 complicated scenario such as the practice of
8 medicine.

9 SENATOR RHOADS: Will the sponsor
10 continue to 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 RHOADS: In the interests
17 of time, and in deference to my colleagues who
18 have some follow-up questions I'm sure, isn't it
19 a fact that the bill prohibits insurers from
20 telling patients that this is an option but it
21 does not prohibit insurers from stopping them
22 from denying certain treatments that could
23 prolong their lives?

24 SENATOR HOYLMAN-SIGAL: Through
25 you, Mr. President. There are specific

1 protections from insurance pressure, if that's
2 what you would like to call it. Insurance
3 companies, providers, would not be allowed to
4 provide unprompted information to patients about
5 coverage for medical aid in dying without a
6 request for such information from the patient or
7 as part of some sort of general package of
8 information that they provide to their customers,
9 generally speaking, on their insurance coverage.

10 No health insurer can deny coverage
11 for any care otherwise covered because a patient
12 requested medical aid in dying. And in most
13 cases, these patients are actually in Medicare or
14 Medicaid at this point. The statistic is 88 to
15 98 percent of medical-aid-in-dying recipients are
16 under one of those two programs.

17 SENATOR RHOADS: Will the sponsor
18 continue to yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR HOYLMAN-SIGAL: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR RHOADS: And how about the
25 2 to 12 percent, using your statistics in that

1 case, of individuals that may not have any health
2 insurance coverage at all? Are you concerned
3 that a decision might be made based upon the
4 inability to pay for further treatments, as
5 opposed to -- as opposed to simply taking the
6 pill to avoid the financial burden that's being
7 placed upon the family?

8 SENATOR HOYLMAN-SIGAL: Through
9 you, Mr. President, I'm always concerned about a
10 patient's ability to pay and obtain medical
11 services, yes.

12 SENATOR RHOADS: Will the sponsor
13 continue to yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR RHOADS: What safeguards --

17 ACTING PRESIDENT BAILEY: Senator
18 Hoylman-Sigal, do you yield?

19 SENATOR HOYLMAN-SIGAL: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 I'm sorry, Senator Rhoads.

23 SENATOR RHOADS: Thank you.

24 And what safeguards are in place to
25 prevent aid in dying from becoming the default

1 end-of-life path in institutions that are
2 experiencing staff shortages, financial
3 pressures, or a low Medicaid reimbursement?

4 SENATOR HOYLMAN-SIGAL: Through
5 you, Mr. President. You know, we have seen that
6 medical aid in dying -- again, I point to
7 relatively recent history, but 27 years' worth --
8 that in fully 38 percent of the cases where the
9 patient has requested medication for medical aid
10 in dying, they don't -- they don't take advantage
11 of it. They don't use it.

12 You know, it seems to be -- and we
13 heard this today, at our press conference -- that
14 medical aid in dying is as much about peace of
15 mind and an assurance that a patient knows that
16 that's an option. They may request the
17 medication. But so many of them never end up
18 utilizing it. And that's the peace, that's part
19 of the peacefulness of this process.

20 Today we heard someone say that, you
21 know, they've been given a terminal diagnosis and
22 by being able to access medical aid in dying,
23 they're going to be able to live life because
24 they know that they will have that option.

25 So medical aid in dying is about

1 living, people who have been given a terminal
2 illness and a new pathway to plan their death,
3 but enjoy life fully in the meantime. That's
4 what's really inspirational about this movement.

5 SENATOR RHOADS: Will the sponsor
6 continue to yield.

7 ACTING PRESIDENT BAILEY: Senator
8 Hoylman-Sigal, do you yield?

9 SENATOR HOYLMAN-SIGAL: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 Senator Rhoads, you're approaching
13 half an hour at present, just to keep to the ball
14 game that we're in.

15 SENATOR RHOADS: What's the time
16 left?

17 ACTING PRESIDENT BAILEY: We are
18 actually at half an hour. I just wanted to --
19 (Overtalk.)

20 SENATOR RHOADS: I'll just go on
21 the --

22 ACTING PRESIDENT BAILEY: --
23 understand the context.

24 SENATOR RHOADS: -- bill, then.
25 I'll just go on the bill, then.

1 ACTING PRESIDENT BAILEY: Senator
2 Rhoads on the bill. Briefly, if possible.

3 SENATOR RHOADS: Briefly on the
4 bill.

5 We've spoken a lot about slippery
6 slopes. This bill unfortunately is poorly
7 drafted. It leaves so many questions that go
8 unanswered.

9 And while we're asked to have the
10 confidence that regulations are going to fill in
11 the blanks, in a case where you're literally
12 talking about the difference between life and
13 death, this Legislature has the responsibility --
14 before we unleash a powerful weapon into the
15 hands of someone -- to ensure that there's
16 sufficient guidelines, safeguards, to make sure
17 that this process is not being abused.

18 You have physicians who are not
19 psychiatrists making determinations as to
20 mental health and capacity. You have
21 unfortunately insufficient regulations to ensure
22 that we're not contributing to a culture of
23 suicide.

24 We spend a lot of time in this
25 chamber, rightfully so, talking about mental

1 health, talking about the challenges that young
2 people have, talking about the challenges that
3 our police officers have, the challenges that
4 other individuals in our society have about being
5 able to struggle with the daily problems of life.

6 And yet what we're saying in this
7 bill is that there are times when it's okay to
8 end your own life. I don't think that that's
9 something that we should be doing. I intend to
10 vote no on this legislation.

11 Thank you for the courtesy,
12 Mr. President.

13 ACTING PRESIDENT BAILEY: Thank
14 you, Senator Rhoads.

15 Senator Helming, why do you rise?

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

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

20 SENATOR HELMING: Duchenne muscular
21 dystrophy is a genetic disorder that runs in my
22 family. It causes progressive muscular
23 deterioration and weakness, and tragically, it is
24 terminal. It impacts most of the males -- or
25 many of the males in my family.

1 Growing up, my first pals were one
2 of my uncles and my cousins. We were all around
3 the same age. We hung out together, we had a
4 good time, despite the fact that Duchenne's
5 confined them to wheelchairs for much of their
6 childhood. But we -- like I said, we had a great
7 time together, shared a lot of memories, made a
8 lot of memories.

9 Sadly, all that came to an end when
10 we entered young adulthood, when this devastating
11 disease took them way, way too early.

12 Under the proposed medical aid in
13 dying bill that's before us, individuals with a
14 terminal illness like Duchenne's would be
15 allowed -- at age 18 -- to request and
16 self-administer life-ending medication. And they
17 could do so without the knowledge or the consent
18 of their parents or their guardians.

19 Now, many of the constituents that
20 I've heard from on this issue, including those
21 who support the concept of medical aid in dying,
22 they're frankly shocked to learn that this
23 legislation permits assisted suicide beginning at
24 age 18 -- the same age as many of our high school
25 seniors who are graduating this month.

1 They're even more surprised to learn
2 that no parental involvement is required by this
3 bill, not even notification to their parents. As
4 a mother and a grandmother, this is so hard for
5 me to imagine.

6 We've heard a lot of back-and-forth
7 tonight about the bill and the protections for
8 patients. But the bill's so-called guardrails
9 are, in my view, inadequate for people of any
10 age.

11 Mental health referrals, for
12 example, would be optional. They're not
13 mandatory. And the required evaluations by both
14 the primary physician and the second opinion from
15 a consulting physician could be provided without
16 ever seeing that patient in person. In fact,
17 it's my understanding that so long as that
18 physician is licensed to practice in the State of
19 New York, they could be anywhere in the world and
20 offer their opinion without ever, ever seeing the
21 patient in person.

22 It goes on, too. Witness statements
23 can be signed by complete strangers. The bill
24 language says that the witness only has to
25 confirm the patient has provided proof of

1 identity. You could grab anyone off the street
2 and ask them to do that.

3 Equally concerning is the bill's
4 failure to establish safeguards for tracking or
5 recovering unused doses of these lethal
6 medications. Now, just like so many people in
7 this chamber, I've worked hard for so many years
8 to reduce the number of drug overdoses,
9 especially in our rural communities. And I worry
10 about what happens when these powerful drugs
11 remain in homes, potentially leading to tragic
12 misuse or diversion onto our streets.

13 And it's not lost on me that
14 tonight, the same day that this body passed my
15 Rural Suicide Prevention Council bill, we're also
16 considering a medical aid in dying bill.

17 Mr. President, life is precious. I
18 know we all believe that and value that. It's a
19 blessing. And I recognize that for so many,
20 including my own family members, that life can be
21 challenging and painful. But this bill does not
22 offer what I feel are adequate, necessary
23 safeguards and protections. And that is
24 something that we absolutely must get right on an
25 issue as serious as this.

1 I heard people talk about this being
2 a slippery slope. I believe it is a slippery
3 slope. And for these reasons and so many others,
4 I will be voting no tonight, and I urge all my
5 colleagues to do the same.

6 Thank you.

7 ACTING PRESIDENT BAILEY: Thank
8 you, Senator Helming.

9 Senator Walczyk, why do you rise?

10 SENATOR WALCZYK: Thank you,
11 Mr. President. Would the sponsor yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR HOYLMAN-SIGAL: Yes.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR WALCZYK: The prefrontal
18 cortex, do you know at what age that's considered
19 fully developed?

20 SENATOR HOYLMAN-SIGAL: Through
21 you, Mr. President. I think it's (pausing) 57?
22 I'm kidding.

23 (Laughter.)

24 SENATOR HOYLMAN-SIGAL: I'm
25 assuming it's at 23, something around there.

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: Before I joined
10 the State Legislature I didn't know the answer to
11 this question either. It seems pretty medical
12 and technical. But I've heard the age 25 used in
13 this chamber and down the hall for everything
14 from excusing youth from crimes that they've
15 committed in the State of New York to allowing
16 youth to participate in summer youth employment
17 programs up to the age of 25 in New York City.

18 At what age will somebody be
19 eligible in New York State for assisted suicide
20 under your legislation?

21 SENATOR HOYLMAN-SIGAL: Through
22 you, Mr. President, 18.

23 SENATOR WALCZYK: Through you,
24 Mr. President, would the sponsor continue to
25 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: Why not until the
7 prefrontal cortex is fully developed?

8 SENATOR HOYLMAN-SIGAL: Through
9 you, Mr. President. Eighteen is the age of
10 majority in the State of New York. And the
11 prefrontal cortex is a scientific designation
12 which, for better or worse, has no bearing in
13 this bill or in any other part of our statutes.

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

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR HOYLMAN-SIGAL: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR WALCZYK: I don't want to
23 belabor it, but it did have a pretty consistent
24 context in decision-making. The prefrontal
25 cortex, when it's fully developed, says that

1 somebody is an adult human who has full
2 decision-making ability.

3 Why was the age 18 instead of 25
4 chosen in your bill?

5 SENATOR HOYLMAN-SIGAL: Through
6 you, Mr. President. Again, that determination,
7 the scientific assessment that you have shared
8 with us, has no grounding in New York statutes.
9 So we followed the age of majority as it is
10 throughout the rest of our laws.

11 SENATOR WALCZYK: Through you,
12 Mr. President, would the sponsor continue to
13 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 WALCZYK: I want to follow
20 up with -- there was some discussion with my
21 esteemed colleague here about definitions of
22 terminal illness. Under your bill, would
23 persistent or chronic suicidal ideation -- if two
24 medical professionals believe that this is
25 incurable for a patient and that patient is going

1 to terminate their own life within six months,
2 would chronic suicidal ideation fall under
3 terminal illness or condition by the bill that
4 you're proposing here?

5 SENATOR HOYLMAN-SIGAL: Through
6 you, Mr. President, no.

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: With regard to
16 supposed strong checks and balances in this bill,
17 which is to have two doctors signing off on this,
18 is there any requirement in the bill that any
19 records of the consulting physician be kept with
20 the patient's medical record?

21 SENATOR HOYLMAN-SIGAL: Through
22 you, Mr. President, yes, there are reporting
23 requirements, as we've discussed earlier this
24 evening.

25 SENATOR WALCZYK: 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: And is there any
9 requirement that any oversight would be done to
10 ensure, before the lethal prescription is given,
11 that a consulting physician actually did evaluate
12 the patient?

13 SENATOR HOYLMAN-SIGAL: Through
14 you, Mr. President. As we discussed earlier,
15 built into the requirement that the consulting
16 physician make that determination is the
17 understanding that he or she would have to spend
18 time with the patient in order to accomplish that
19 goal.

20 SENATOR WALCZYK: And through you,
21 Mr. President, would the sponsor continue to
22 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 WALCZYK: But it's only the
4 attending physician's notes that need to be
5 described to DOH how all steps have been followed
6 by the attending physician. This strongly
7 hinders a paper trail and oversight of the law
8 because there is no required documentation from
9 the consulting physician that must be kept on
10 file anywhere.

11 The consulting physician must send a
12 letter to the attending physician after the
13 evaluation, but this letter or proof of the
14 second physician looking at the patient does not
15 need to be turned in to the Department of Health,
16 does it?

17 SENATOR HOYLMAN-SIGAL: Through
18 you, Mr. President. That is not explicitly
19 stated in this bill.

20 I would again suggest that the
21 potential for regulations to fill in gaps, and
22 for the public and public officials to comment on
23 the recordkeeping components, would be something
24 I would encourage my colleague to participate in.

25 SENATOR WALCZYK: 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: I agree. I wish
9 there were provisions for that protection and
10 oversight in this bill.

11 What legal recourse will families
12 have if they believe a loved one was misled,
13 coerced or insufficiently informed? And what
14 protections exist for whistleblowers in care
15 facilities?

16 SENATOR HOYLMAN-SIGAL: Through
17 you, Mr. President. There are a number of
18 criminal statutes that could be pursued by family
19 members or others, including in the area of
20 coercion.

21 But as was stated earlier, there are
22 virtually no examples of coercion in the
23 11 states that have had medical aid in dying in
24 dying, going back to Oregon's in 1997.

25 And presumably the family members or

1 friends could seek sanctions or other actions
2 against the attending physicians if they had
3 evidence of some nefarious activities. Once
4 again, though, we have virtually no examples of
5 that happening in the over 10,000 -- over 10,000
6 cases of patients ingesting medical aid in dying
7 medication, but not a single example of a
8 nefarious effort by a physician or family member
9 to act in an untoward manner for whatever reason.

10 SENATOR WALCZYK: Through you,
11 Mr. President -- actually, on the bill,
12 Mr. President, very briefly.

13 ACTING PRESIDENT BAILEY: Senator
14 Walczyk on the bill.

15 SENATOR WALCZYK: So if we don't
16 require that there's good recordkeeping by the
17 attending or the physician in a patient's file
18 for the family to even get, then I could imagine
19 that there won't be a lot of cases for coercion,
20 because the evidence that you said that they
21 could seek just won't be there because your bill
22 doesn't require those records to be kept.

23 Through you, Mr. President, would
24 the sponsor continue to 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: What safeguards
6 apply when a patient has no immediate family or
7 advocate?

8 SENATOR HOYLMAN-SIGAL: Through
9 you, Mr. President. The physician is supposed to
10 counsel the patient in the absence of family
11 members, but of course that is a potential
12 scenario for any patient seeing a doctor.

13 I wanted to refer back to the
14 whistleblower. I think I missed a response.
15 Whistleblowers would be held -- (reading) a
16 healthcare provider or other person should not be
17 subject to employment, credentialing, or other
18 contractual liability or penalty for any
19 reasonable good-faith action or refusing to act.

20 So there is a protection for someone
21 who is alerting authorities or an institutional
22 colleague to some untoward action. I just wanted
23 to mention that.

24 SENATOR WALCZYK: Through you,
25 Mr. President, would the sponsor continue to

1 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: Who ensures that
8 there is proper review and oversight when you're
9 talking about patients that have no family or
10 advocate?

11 SENATOR HOYLMAN-SIGAL: Through
12 you, Mr. President. It would be as set forth in
13 the bill, with two physicians and the witnesses
14 to the request for medication.

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: Would this be
24 available to parents with unemancipated children?

25 SENATOR HOYLMAN-SIGAL: Through

1 you, Mr. President. I presume the answer is yes.
2 Or I don't -- I don't know why it would not be.

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: Does your bill
12 speak to this at all? How will the state
13 approach cases where parents seek aid in dying
14 while still raising children, and what ethical or
15 legal considerations apply in those instances?

16 SENATOR HOYLMAN-SIGAL: Through
17 you, Mr. President.

18 Again, looking at both the practice
19 among states that have had medical aid in dying
20 and the fact that we don't prescribe medical
21 restrictions on parents of unemancipated
22 children, I think we would just follow the normal
23 course of patient autonomy, which is the kind of
24 fundamental basis of this legislation.

25 SENATOR WALCZYK: 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: So there's
9 nothing in your bill that would address how the
10 state would handle unemancipated children if a
11 parent were to take their own life this way?

12 SENATOR HOYLMAN-SIGAL: Through
13 you, Mr. President, no. And I can't imagine that
14 we -- the answer is no. Let me leave it at that.
15 I won't editorialize.

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

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR HOYLMAN-SIGAL: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WALCZYK: Would the
25 children in those types of -- you know, we have a

1 robust Family Court system that considers whole
2 families. And would the children have a voice in
3 that situation, or would it just be the
4 physicians?

5 SENATOR HOYLMAN-SIGAL: Through
6 you, Mr. President. The physician is advised
7 to -- well, is required to speak to the patient
8 and share the options available to him or her,
9 presumably, and could encourage family discussion
10 on this matter, but there's certainly no
11 requirement.

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: How can you
21 ensure that patients will not be refused coverage
22 of life-saving treatment and instead offered
23 cheaper suicide drugs by the government or by
24 their insurance?

25 SENATOR HOYLMAN-SIGAL: Well, we

1 have -- through you, Mr. President, we have in
2 the bill that no health insurer can deny coverage
3 for any care otherwise covered because of
4 patient-requested medical aid in dying,
5 Section 2899.

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

9 SENATOR HOYLMAN-SIGAL: Yes.

10 ACTING PRESIDENT BAILEY: Senator
11 Walczyk, you have approximately five minutes
12 left, as a courtesy.

13 The sponsor yields.

14 SENATOR WALCZYK: The question is
15 really about the incentive, though. If the
16 suicide drugs are cheaper than the medication,
17 what protections are there in this bill to ensure
18 that a facility or an insurance is not interested
19 in pushing suicide drugs instead of continuing to
20 support those who are terminally ill?

21 SENATOR HOYLMAN-SIGAL: Through
22 you, Mr. President. I mean, these patients are
23 at the end of their lives and they've been
24 through the medical establishment for months or
25 years and as a result have been given this

1 terminal diagnosis.

2 This is not a front-end
3 determination, as we've seen in the 11 states
4 that have medical aid in dying. It is the end
5 for so many of these patients, six months or
6 fewer.

7 So I think this scenario doesn't
8 lend itself to that hypothetical that you pose.
9 But again, health insurance companies cannot deny
10 coverage or care based on the request for medical
11 aid in dying.

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: You mention the
21 11 states that have already done this. In
22 Oregon, people have self-reported that financial
23 implications of treatment is one of the reasons
24 that they have requested lethal life-ending
25 drugs. Isn't that true?

1 SENATOR HOYLMAN-SIGAL: Through
2 you, Mr. President. I understand that's around
3 5 percent of the Oregon cases, according to my
4 statistics.

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: Isn't it also
14 true that in Oregon chronic conditions are
15 allowed under the same language?

16 SENATOR HOYLMAN-SIGAL: Through
17 you, Mr. President, my understanding is no.

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

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR HOYLMAN-SIGAL: Yes.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR WALCZYK: Since treatment
2 isn't a specific requirement under this bill -- I
3 know you're addressing a different way --
4 wouldn't any treatable condition that could be
5 fatal without treatment then qualify?

6 SENATOR HOYLMAN-SIGAL: Through
7 you, Mr. President, no.

8 SENATOR WALCZYK: 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: So Oregon has
17 reported showing the median length of time of the
18 prescriber, slash, patient relationship is only
19 five weeks. How can a physician without a
20 relationship with a patient properly assess for
21 depression or coercion happening at home -- isn't
22 happening at home by abusive caregivers?

23 SENATOR HOYLMAN-SIGAL: Through
24 you, Mr. President, I think a medical
25 professional can make an assessment in

1 five weeks. But again, I'm not myself,
2 obviously, a medical professional.

3 But to me -- look, I'm a lawyer, I
4 think I could get a fair sense of a case that a
5 client brings to me certainly within five weeks.
6 But I take your point that it's complicated. But
7 I would think five weeks seems like a reasonable
8 amount of time.

9 SENATOR WALCZYK: Through you,
10 Mr. President, would the sponsor continue to
11 yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR HOYLMAN-SIGAL: Yes.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR WALCZYK: We're not really
18 talking about a case in a courtroom here or a
19 traffic violation, though. We're talking about
20 the end of someone's life. And in Oregon,
21 five weeks is actually the average, suggesting
22 that they're making these determinations in much
23 quicker than five weeks with physicians that
24 they've never met before.

25 How can they determine what

1 somebody's whole life circumstances are, what
2 their caregiving situation is, all of their past
3 medical history, even a terminal illness
4 determination, within a five-week-or-less time
5 frame?

6 SENATOR HOYLMAN-SIGAL: Through
7 you, Mr. President. I don't know where my
8 colleague, you know, makes that assessment that
9 five weeks isn't enough time. I don't frankly
10 know if he has a deep understanding of the
11 determination of a terminal illness.

12 I will say this, though, that it's
13 not just one physician, it's two. And combined
14 with the potential of a mental-health evaluation,
15 with discussions with family members and friends
16 and the patient, I think the physician begins to
17 understand the totality of a patient's
18 circumstances.

19 And again, five weeks? Over a month
20 of consultation, to me, on the surface --
21 notwithstanding the fact that this is obviously a
22 crucial decision -- seems like a reasonable
23 amount of time. But I'm basing my decision based
24 on my own personal understanding, as I guess you
25 are as well.

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

4 ACTING PRESIDENT BAILEY: Senator
5 Walczyk, we've hit the two-hour debate time, but
6 I will permit this to be your final question. Or
7 if you'd like to go on the bill, either/or. But
8 we've hit the two-minute debate time.

9 SENATOR WALCZYK: I'll just make it
10 my final question. Thank you, Mr. President.

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: In the Assembly
17 debate -- so this has already passed the other
18 house -- the sponsor over there said chronic
19 conditions without treatment could indeed
20 possibly qualify.

21 So when you're considering that
22 chronic conditions are allowed under this
23 language if the patient has decided not to
24 continue treatment and their life would end
25 within six months, how do you square that? And

1 how are you having a differing opinion here today
2 in the Senate than the sponsor did in the
3 Assembly?

4 SENATOR HOYLMAN-SIGAL: Through
5 you, Mr. President. I'm not aware of the
6 determination in the other house. But I will go
7 back to the word that is in the bill,
8 "irreversible." And a chronic condition is not
9 one that is irreversible, so in my opinion would
10 not qualify under medical aid in dying.

11 ACTING PRESIDENT BAILEY: Thank
12 you, colleagues.

13 Based upon the Senate rules, the
14 two-hour debate limit has elapsed and debate is
15 closed. The Secretary will ring the bell.

16 As a point of privilege, during vote
17 explanations, just to remind everybody about the
18 Senate rules, the sponsor of the bill has
19 five minutes and everyone else has two minutes.

20 We would like to -- we will enforce
21 that strictly today. Thank you very much.

22 Read the last section.

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

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Senator
4 Harckham to explain his vote.

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

7 I want to first thank the
8 Majority Leader for bringing this bill to the
9 floor. I want to thank Senator Hoylman-Sigal for
10 an incredible job working on this bill and
11 getting it to this point. I want to thank
12 Diane Savino, former Senator, for her work on
13 this bill.

14 Mr. President, this bill is about
15 personal choice and this bill is about dignity.
16 I want to thank all of my constituents on both
17 sides of this issue who wrote to me, who called
18 me, who spoke with me personally.

19 I see the divide in my own family.
20 My father was a devout Catholic, and the thought
21 of something like this truly appalled him. My
22 mother watched her mother die a very painful
23 death from cancer, and we spoke about this. And
24 as you know, she passed a few months ago.

25 And she was in hospice, to the

1 point, and when we talked about the morphine
2 being administered and how it would come in
3 gradually, she literally said to me one day, why
4 can't she have it all at once? And I don't say
5 that to be melodramatic, but that was her choice.

6 At 98 her mind was sharp, she was
7 reading two newspapers a day, she read four books
8 a week. Her body had failed her; she lost her
9 dignity.

10 So this bill will not help my
11 mother, but it will help someone else's. I vote
12 aye.

13 ACTING PRESIDENT BAILEY: Senator
14 Harckham to be recorded in the affirmative.

15 Senator Scarcella-Spanton to explain
16 her vote.

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

19 It is with great pride and relief
20 for countless New Yorkers that I rise today to
21 speak on a truly landmark piece of legislation
22 which I have been an ardent supporter of since
23 day one. We are not merely passing a bill, but
24 we are answering a call to compassion and to
25 dignity.

1 Medical aid in dying has been a
2 cause that I have supported from the very
3 beginning, long before I had the privilege of
4 serving in this chamber, because I have always
5 believed that the right to die with dignity is
6 fundamental to what it means to live with
7 dignity.

8 This bill was introduced nearly a
9 decade ago by my predecessor, Senator Diane
10 Savino, who's actually here with us today in the
11 chamber. And she's always said that this bill is
12 not about suicide, but it is about taking control
13 of your own fate at the end of your life.

14 She had the courage to put this
15 conversation on the table, and it truly is an
16 honor today that we carry this work across the
17 finish line. Thank you.

18 We owe an extraordinary debt of
19 gratitude to Senator Brad Hoylman, who carried
20 this bill to success, guiding it with grace, and
21 allowing me to work as a true partner. And you
22 never made me feel like I was stepping on your
23 toes, I appreciate that. I'm so lucky to have
24 worked with you, tackling this issue from
25 different sides. Brad will always tell you he is

1 a gay Manhattan Jewish man, and I am a Catholic
2 lady from Staten Island. So we come from
3 different sides on this. But we made one hell of
4 a team together.

5 I also want to thank Assemblymember
6 Amy Paulin, whose steadfast advocacy turned this
7 into a reality. She's also here. She got this
8 done in the Assembly.

9 And of course the organizers,
10 Corinne Carey and Amanda Cavanaugh, who brought
11 their entire heart and soul into making sure they
12 got this done, along with every single advocate
13 who stood in the halls week after week, sharing
14 their deeply personal stories and their yellow
15 shirts, with their posters, with their candles,
16 doing so peacefully and making sure that we heard
17 the stories of their loved ones.

18 We heard a lot of what-ifs today
19 from the other side. We hear about the slippery
20 slope. But I can stand here confidently and
21 say --

22 ACTING PRESIDENT BAILEY: Senator
23 Scarcella-Spanton, could you conclude, please.

24 SENATOR SCARCELLA-SPANTON: Yes.

25 I can stand here confidently and say

1 that this bill has all the issues that have been
2 addressed, and I proudly vote aye.

3 Thank you.

4 ACTING PRESIDENT BAILEY: Senator
5 Scarcella-Spanton to be recorded in the
6 affirmative.

7 Senator Rivera to explain his vote.

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

10 I proudly vote in the affirmative on
11 this bill. And while I think that some of the
12 debate was in good faith, I think that we have to
13 underline the fact that there were some
14 disingenuous hypotheticals that kind of made it
15 seem as though physicians aren't professionals.

16 This is a bill that has been thought
17 through over and over and over again. And
18 ultimately, as some of my colleagues have
19 mentioned, it is about giving a person the
20 opportunity and the dignity to choose how they go
21 out.

22 If you have somebody who is making
23 this decision, this is not something that is
24 taken lightly. And the bill, which I'm very
25 thankful of, is built so that it has these steps

1 that have to be taken. As some of my colleagues
2 have suggested, this is something that today's
3 Tuesday and if tomorrow's Wednesday and I choose
4 to do it, then on Thursday I can take this. This
5 is not the way it works.

6 As opposed to that, there's all
7 sorts of levels that are established here.
8 Physicians, two of them, have to make independent
9 determinations under the penalty of perjury.
10 They're giving up their license if they're going
11 to make the wrong decision here. They're making
12 a determination for someone who's already made
13 that decision and who has to be able to do it
14 themselves.

15 This is a decision that is made by
16 people who are in deep, deep pain. I have talked
17 to many family members over the years who have
18 told me a lot about the suffering that some of
19 their family members have gone through. This
20 would give them an opportunity to actually
21 transition in the way that they see fit.

22 And I thank all of my colleagues who
23 have worked so hard to get it to this point. I
24 vote in the affirmative.

25 ACTING PRESIDENT BAILEY: Senator

1 Rivera to be recorded in the affirmative.

2 Senator May to explain her vote.

3 SENATOR MAY: Thank you,
4 Mr. President.

5 I also want to thank
6 Senator Hoylman-Sigal and the Majority Leader and
7 my colleagues who are supporting this bill, and
8 the advocates on both sides who brought a real
9 dignity to this debate.

10 In 1988 my husband died of the most
11 painful form of cancer there is. He was 32 years
12 old. And initially the doctors didn't want to
13 control his pain because they said his pain was
14 their only guide to the progression of the
15 disease. When they finally ran out of ways to
16 treat the disease, they didn't want to give him
17 pain control because they said morphine was too
18 addictive.

19 I had to move heaven and earth to
20 find a doctor who would prescribe him morphine in
21 the doses that would actually control his pain,
22 and then to find a pharmacist who would fill the
23 prescription.

24 And I don't know if the last largest
25 dose he took also took his life. But I know that

1 he died in peace. And I also know that in those
2 last few weeks, when he knew he had access to a
3 drug that could control his pain, he didn't have
4 the kind of anxiety and fear that he had lived
5 with for at least a year before that time.

6 And so I hear the statistic about
7 more than a third of the people who have availed
8 themselves of this prescription in other places
9 have actually not used it. I understand that.
10 Because it isn't about controlling the disease or
11 controlling the pain, it's about having control
12 at the end of your life.

13 Our medical profession has prolonged
14 our lives, prolonged our deaths, and people want
15 some form of control. And I am very confident
16 that this will be a way for people to choose the
17 end of their lives with dignity.

18 I vote aye.

19 ACTING PRESIDENT BAILEY: Senator
20 May to be recorded in the affirmative.

21 Senator Gounardes to explain his
22 vote.

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

25 In my seven years in this chamber

1 I've cast thousands and thousands of votes, and
2 this, to me personally, is probably the hardest
3 vote I've taken and I've cast.

4 I've thought about this bill for
5 years and years. I've heard from countless
6 people up here in Albany, from my colleagues,
7 back home in my district -- people who support
8 this bill, people who are opposed to this bill,
9 people who are similarly conflicted over this
10 bill.

11 And I've spent countless hours
12 reflecting on what this bill offers to people and
13 why it's so important -- really for all the
14 reasons that Senator May just outlined that she
15 experienced with her late husband.

16 And I've been moved to support this
17 bill because no matter how conflicted I may have
18 been, I recognize that this is about giving other
19 people that choice and that dignity of that
20 choice. And that is something that no matter
21 what background you come from, what belief system
22 you have, you hold, what values you share, we
23 cannot impose our views on others in that same
24 way for them to make that choice.

25 And so I'm comforted by the

1 safeguards and protections that I know the
2 sponsor worked very hard to place into this bill,
3 and I trust that in authorizing this avenue for
4 people to find hope for themselves and closure
5 for themselves and comfort and dignity for
6 themselves, that we can actually help not just
7 those patients, but their families as well.

8 And for those reasons, I'm be voting
9 in the affirmative. Thank you.

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

12 Senator Mayer to explain her vote.

13 SENATOR MAYER: Thank you,
14 Mr. President.

15 First I'd like to thank my
16 colleagues who led the fight for this --
17 Senator Hoylman-Sigal, Senator Scarcella-Spanton,
18 Senator Savino, and my colleague from home,
19 Amy Paulin -- who after many, many years have
20 brought this bill to the floor.

21 This is not a vote I take lightly.
22 And after much internal debate, I rise to vote in
23 favor. Of course, like everyone, I've heard from
24 so many constituents who deeply and personally
25 either support or oppose this bill, either for

1 moral or religious reasons or their care and
2 concern about the risks for people at the margins
3 of societies, and those who are taken advantage
4 of.

5 But at the end of the day I'm
6 supporting this legislation because I believe
7 that New Yorkers with terminal illness,
8 especially those who are suffering immensely --
9 as we have heard and all of us have
10 experienced -- deserve the opportunity to choose
11 to die on their own terms with their own dignity
12 under the safeguards in this bill.

13 I respect those who disagree with
14 me. I respect those for whom this is a choice
15 neither they nor their families will ever make.

16 But today we say to those who are
17 able and want to make this choice: We will make
18 it available under certain circumstances. We are
19 extending our compassion to current and future
20 New Yorkers facing devastating diagnoses. Many
21 will choose not to go down this path. But for
22 those who do, this bill offers self-determination
23 and in some cases peace of mind as they navigate
24 the end of their lives.

25 I thank my colleagues.

1 I vote aye.

2 ACTING PRESIDENT BAILEY: Senator
3 Mayer to be recorded in the affirmative.

4 Senator Chan to explain his vote.

5 SENATOR CHAN: Thank you,
6 Mr. President.

7 I just want to remind everyone that
8 we live in a state where we can't even take
9 pentobarbital home to put our dogs down, our
10 cats. But we're going to do it with humans?

11 I heard the overwhelming rejection
12 of this bill from the people of South Brooklyn.
13 I want to thank my colleagues for talking about
14 the moral aspects of this bill's policy,
15 legality. But wouldn't you know it, there was a
16 chapter in my life where I was an undercover
17 narcotics officer on the Lower East Side of
18 Manhattan. If I took \$20 and walked into
19 Seward Park in 1999, I could walk away with
20 Xanax, Klonopin. I could walk away with
21 methadone, Viagra. And during the pandemic it
22 was hydroxychloroquine. And soon I will be able
23 to buy pentobarbital in Seward Park.

24 Just because nobody has been caught
25 committing a crime doesn't mean a crime has not

1 been committed in this regard. We didn't know
2 there was a serial killer in Gilgo Beach on
3 Long Island until he was caught, until we
4 discovered the bones.

5 So I'm going to have to -- I admire
6 the compassion component of this bill, but it's
7 just -- too many aspects are bad about this.
8 There's no oversight. I'm going to have to vote
9 no on behalf of my district.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BAILEY: Senator
12 Chan to be recorded in the negative.

13 Senator Borrello to explain his
14 vote.

15 SENATOR BORRELLO: Thank you,
16 Mr. President.

17 I don't take this vote lightly.
18 Unfortunately, I've known too many people that
19 have died a painful, horrible death with ALS,
20 including my uncle Paul Matero. Very, very
21 difficult to watch.

22 But you know, we're looking at this
23 today as compassion. But there's a reason why
24 the American Medical Association, the AMA,
25 reiterated today their opposition to this bill.

1 Why? Because doctors are in the business of
2 saving lives. And they take an oath based on the
3 principle of "First, do no harm." Now we're
4 telling doctors to tell someone, counsel them,
5 that it's okay to take your own life. First, do
6 no harm.

7 Then we're telling those doctors to
8 prescribe deadly medication, hand it to someone,
9 and let them walk out the door, not knowing
10 what's going to happen with that medication.
11 First, do no harm.

12 The doctors who are supposed to be
13 in the business of saving lives, prolonging
14 lives, protecting life, are opposed to this.
15 Why? Because first, do no harm.

16 Today this bill will cause harm, and
17 that's why I'm voting no.

18 Thank you, Mr. President.

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

21 Senator Tedisco to explain his vote.

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

24 I know this is a very sensitive and
25 difficult issue for all of us. But the one thing

1 you should all remember today is at one time in
2 New York State we already had a system in which
3 the state assisted individuals in their death.
4 In 2004 we eliminated the death penalty. The
5 last person to get the death penalty in New York
6 State was in 1963.

7 Let me read you the physician's
8 role, the compassion that was in place for
9 vicious murderers that received the death penalty
10 in New York State.

11 (Reading.) The prison physician was
12 responsible for both officiating at capital
13 punishment and monitoring condemned inmates prior
14 to their executions. This responsibility
15 encompassed observing the health of prisoners in
16 the holding cells and treating acute illnesses.
17 Postmortem, the physician performed an autopsy to
18 confirm the cause of death and analyze the
19 efficiency of what took place. The physician
20 became the primary employee involved with capital
21 punishment, bearing both psychological and
22 physical responsibilities.

23 Whether you believed in the death
24 penalty or didn't believe in it for vicious
25 murderers in New York State, the state had the

1 compassion to put a physician in the room and
2 help that individual, with compassion, not suffer
3 during the course of an execution of murderers.

4 You're allowing the execution in
5 death of an individual by themselves without
6 requiring and mandating the psychological and
7 emotional, physical involvement of an important
8 licensed physician in New York State. But this
9 is a state and many other states right now still
10 do that, put a physician in a room with murderers
11 so they have the compassion to make sure they go
12 peacefully, in comfort.

13 ACTING PRESIDENT BAILEY: Senator
14 Tedisco, your time has elapsed. How do you vote?

15 SENATOR TEDISCO: That's not
16 mandated in this bill, and that is shameful.

17 I vote no.

18 ACTING PRESIDENT BAILEY: Senator
19 Tedisco to be recorded in the negative.

20 Senator Fahy to explain her vote.

21 SENATOR FAHY: Thank you,
22 Mr. President.

23 I rise to vote aye on this bill, or
24 nay. This is probably as well the most difficult
25 vote I have taken in many years, if not all of my

1 years here and in the Assembly. It is deeply,
2 deeply personal for me, given my personal faith
3 and given my personal beliefs. But I was
4 selected to represent all of my constituents in
5 the 46th District, not just those who agree with
6 my personal perspective.

7 While I am voting in the
8 affirmative, I am also troubled on a few fronts.
9 One, with the progression in Canada and how it
10 has moved to non-terminal illnesses who have
11 access to life-ending drugs, as well as the
12 concerns of the disabled -- and I am the
13 Disabilities chair -- as well as those who are
14 vulnerable populations.

15 In the end, I am supporting this,
16 however, because there are patients who still
17 suffer while dying. And I reached out to one of
18 my son's doctors because I -- to ask about
19 palliative care, and my understanding is that we
20 have made a lot of strides on palliative care.

21 But this doctor responded by saying
22 as much as they attempt to relieve suffering,
23 they cannot fix all pain in death, or as an
24 individual is facing death. They cannot do much
25 more for the shortness of breath, which is -- and

1 I'm quoting some of the comments from this
2 doctor. They cannot do much to address the
3 shortage of breath, which can be unbearable, and
4 particularly in some lung cases, as well as blood
5 cancers, that can give profound anemias.

6 So again, while trying to relieve
7 pain they can face, in those types of cancers,
8 catastrophic erosion of tumors and major blood
9 vessels, which can result in acute hemorrhaging
10 and bleeding out, which can be devastatingly
11 traumatic to everyone.

12 Again, while this bill --

13 ACTING PRESIDENT BAILEY: Senator
14 Fahy, if you can conclude a little bit --

15 SENATOR FAHY: -- does have
16 guardrails, I remain troubled on those three
17 fronts.

18 But in the end, I cannot in good
19 conscience vote, for those who may face terminal
20 illnesses, to have them suffer in death. And
21 with that, I will vote in the affirmative.

22 Thank you.

23 ACTING PRESIDENT BAILEY: Senator
24 Fahy to be recorded in the affirmative.

25 Senator Martins to explain his vote.

1 SENATOR MARTINS: Thank you,
2 Mr. President.

3 As has been said multiple times this
4 evening, Mr. President, this is about personal
5 choice and dignity. And I believe that. I've
6 had the opportunity to meet with advocates and
7 opponents. I've had the opportunity to meet with
8 physicians who have both supported and opposed
9 this bill.

10 The one thing I came away with is
11 this bill isn't ready. The idea of
12 doctor-shopping -- and we've seen examples of
13 doctor-shopping where a person will go from
14 doctor to doctor to doctor until they find one
15 who will finally sign off and allow them the
16 opportunity that they're asking for. The idea
17 that we don't have mental-health evaluations
18 built into this as a mandatory component, because
19 someone who looks to end their life by necessity
20 needs to have that evaluation.

21 I'm sympathetic, and I think
22 everyone here in the chamber understands that I
23 am sympathetic, given my own personal experiences
24 with this issue. I'm very sympathetic with the
25 idea of personal choice and dignity.

1 But I can't get there on this bill,
2 Mr. President, and I'll be voting no.

3 ACTING PRESIDENT BAILEY: Senator
4 Martins to be recorded in the negative.

5 Senator Walczyk to explain his vote.

6 SENATOR WALCZYK: Thank you,
7 Mr. President.

8 I heard in this debate the slippery
9 slope argument sort of pushed aside. New Yorkers
10 remember when compassion for glaucoma patients
11 allowed medical marijuana in New York, and then
12 we watched it go on and become fully legalized.

13 In 2016, Canada passed medical
14 assistance in dying. It included two physicians.
15 It included a foreseeable death criteria and
16 protections for vulnerable citizens in Canada.

17 Canada now has an assisted suicide
18 which accounts for one in 20 deaths in their
19 country. This is where we're headed.

20 David Baltzer served two tours in
21 Afghanistan with the Canadian armed forces.
22 Veterans Affairs Canada told him: I would like
23 to make a suggestion for you. Keep an open mind.
24 Think about it. You've tried all this, and
25 nothing seems to be working. But have you

1 thought about medical assisted suicide?

2 The veteran said, "It was my lowest
3 down point, just before Christmas. It made me
4 wonder were they really there to help us or
5 slowly groom us to say, 'Here's a solution, just
6 kill yourself.'"

7 I vote no, Mr. President.

8 ACTING PRESIDENT BAILEY: Senator
9 Walczyk to be recorded in the negative.

10 Senator Gonzalez to explain her
11 vote.

12 SENATOR GONZALEZ: Thank you,
13 Mr. President.

14 I rise today to proudly vote aye on
15 this bill. And I want to thank the many
16 advocates who are here today and those who I saw
17 for years work in both chambers to ensure this
18 bill's passage.

19 I certainly want to thank
20 Senator Hoylman-Sigal for sponsoring this
21 legislation and all the work he's put into this.
22 And of course I want to thank Senator Jessica
23 Scarcella-Spanton, my seatmate, but also someone
24 who I know has truly and deeply championed this
25 issue since the day that we started in the

1 chamber together.

2 We talk a lot about freedom and
3 dignity in this body. We talk about the ability
4 to live our lives on our terms. And that ability
5 should extend to ending our lives on our terms.
6 We talk a lot about making sure New Yorkers can
7 live their lives with dignity, and we need to
8 also ensure that New Yorkers, if put in the
9 situation, are able to also pass with dignity.

10 So I support this bill and vote
11 proudly aye because I believe this is a bill
12 about bodily autonomy. It's a bill about ending
13 suffering. And certainly it's a bill about
14 giving every New Yorker the freedom to make the
15 hardest decisions with their medical
16 professionals.

17 So again, I want to thank everyone
18 for passing this. Thank you.

19 ACTING PRESIDENT BAILEY: Senator
20 Gonzalez to be recorded in the affirmative.

21 Senator Canzoneri-Fitzpatrick to
22 explain her vote.

23 SENATOR CANZONERI-FITZPATRICK:
24 Thank you, Mr. President.

25 This certainly is a very serious

1 topic. We've talked about the slippery slope.
2 We've talked about the vulnerable populations.
3 We've talked about trusting doctors to do the
4 right thing. But it's our job to legislate, and
5 today I think we've failed.

6 Senator May, I'm so sorry to hear
7 what you've gone through. I too was a young
8 widow with four children who suffered terribly
9 over the loss of their father. That's why every
10 day in this chamber I advocate for them. That's
11 why I'm a Senator, to make sure they have a
12 better life.

13 But we talk about mental health in
14 this chamber all the time and what we can do to
15 protect people from suicide and to make sure that
16 they have mental-health support. The lack of
17 control over a lethal cocktail going into a home
18 where there's potentially a parent dying and
19 young children in that home that could end their
20 suffering and think that "I don't want to live
21 without mom or dad," and have access to lethal
22 drugs in their home if they are mentally
23 unstable, is a risk I am not willing to take.
24 One person, one child dying from that is way too
25 many.

1 I vote no.

2 ACTING PRESIDENT BAILEY: Senator
3 Canzoneri-Fitzpatrick to be recorded in the
4 negative.

5 Senator Comrie to explain his vote.

6 SENATOR COMRIE: Thank you,
7 Mr. President.

8 I rise today to support the
9 Medical Aid in Dying bill. I won't tell personal
10 stories, but I just want to thank all of the
11 advocates on both sides for their outreach and
12 their concern and their compassion.

13 I want to thank Diane Savino and
14 everyone that has been working many years.
15 Jackie Williams, who's in Atlanta now, has
16 been -- was the first person to come to me when I
17 first got here to talk to me about medical aid in
18 dying when I came here 10 years ago.

19 I appreciate the concerns and the
20 fears, but I don't appreciate the fearmongering.
21 This is only going to happen to a small segment
22 of people that want to take this action. This is
23 a country that should allow people to do the
24 things that they want to do. We should be a body
25 that gives people an opportunity to do

1 things that they want to do.

2 This is not something that's going
3 to turn into Dr. Kevorkian or children slipping
4 and taking drugs from people, because this will
5 be done in a way that -- for people that really
6 want to do this, that are really in pain and
7 suffering. That they know they have -- their
8 lifetime is over, and they want to die with
9 dignity. They want to go out on their own terms.
10 They want to not have people look at them in
11 their final days, you know, pitying them or
12 coming to visit them that never visited them
13 while they were sick and all of a sudden they
14 want to see them while they're dying.

15 This is for people that want to take
16 a choice -- a hard choice, and it will be an
17 informed choice. It will be a choice that will
18 be deliberated over. But for somebody to want to
19 do this, it's only going to be a small segment of
20 our society. We will all monitor to make sure
21 that there are no Dr. Kevorkians and no hospitals
22 that specialize in this, because we're
23 responsible legislators. And if we hear of any
24 sign of that, we will tamp it down.

25 ACTING PRESIDENT BAILEY: Senator

1 Comrie, how do you vote?

2 SENATOR COMRIE: Is it two minutes
3 already?

4 ACTING PRESIDENT BAILEY: Indeed.

5 SENATOR COMRIE: I vote aye.

6 Thank you, Mr. President.

7 ACTING PRESIDENT BAILEY: Senator
8 Comrie to be recorded in the affirmative.

9 Senator Hoylman-Sigal to close.

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

12 I want to share this stone that I
13 had in my desk for the last year. It was from a
14 young woman named Jules who has metastatic breast
15 cancer and gave it to me a year ago as we were
16 working on this bill. It was her worry stone.
17 And she said I could return it to her if in fact
18 she survived. And I'm happy to say she's still
19 alive.

20 And that's really what medical aid
21 in dying is about for so many patients. It's
22 about living. It's about planning your life in a
23 way that you can end it peacefully. And to the
24 advocates who are here, we owe you such a debt of
25 gratitude, because you have propelled us to a

1 great social reform for other New Yorkers.

2 And what's so important that I think
3 my colleagues share, we understand the moral
4 concerns on the other side of the aisle. But we
5 choose to act independently for our own -- within
6 our own moral code. And whether it's been
7 abortion, gay marriage, adultery, gestational
8 surrogacy -- complicated moral issues that we've
9 addressed in this chamber, we have viewed through
10 the lens of personal autonomy and liberty.

11 And Mr. President, I think that's
12 what we're doing today. And I'm so proud to vote
13 aye.

14 ACTING PRESIDENT BAILEY: Senator
15 Hoylman-Sigal to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 1674, those Senators voting in the
19 negative are Senators Ashby, Baskin, Borrello,
20 Bynoe, Canzoneri-Fitzpatrick, Chan, Cleare,
21 Gallivan, Griffo, Helming, Lanza, Martinez,
22 Martins, Mattera, Oberacker, O'Mara, Ortt,
23 Palumbo, Persaud, Rhoads, Rolison, Stec, Sutton,
24 Tedisco, Walczyk, Weber and Weik.

25 Ayes, 35. Nays, 27.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 (Applause from galleries.)

4 ACTING PRESIDENT BAILEY: Senator
5 Gianaris.

6 SENATOR GIANARIS: Mr. President,
7 if we could return to motions and resolutions for
8 a moment, we have several here.

9 Amendments are offered to the
10 following Third Reading Calendar bills.

11 On behalf of Senator Gounardes,
12 page 56, Calendar 1419, Senate Print 3397.

13 On behalf of Senator Gonzalez, page
14 61, Calendar 1510, Senate Print 7599B.

15 Senator Bailey, page 13,
16 Calendar 580, Senate Print 5331.

17 Senator Liu, Calendar Number 1679,
18 Senate Print 1511.

19 Senator Hinchey, Calendar Number
20 1653, Senate Print 8021A.

21 Senator Bailey, Calendar Number
22 1644, Senate Print 7222.

23 Senator Bynoe, page 24,
24 Calendar Number 920, Senate Print 4072.

25 Senator Gonzalez, page 61,

1 Calendar Number 1516, Senate Print 7923.

2 Senator Skoufis, page 58,

3 Calendar Number 1434, Senate Print 2520A;

4 Senator May, page 9,

5 Calendar Number 403, Senate Print 1227.

6 Senator Hoylman-Sigal, page 53,

7 Calendar Number 1390, Senate Print 7297.

8 Senator Bynoe, page 65,

9 Calendar Number 1549, Senate Print 7611.

10 Senator Fahy, page 34,

11 Calendar Number 1129, Senate Print 4500.

12 Senator Webb, page 15,

13 Calendar Number 621, Senate Print 2057.

14 Senator C. Ryan, page 24,

15 Calendar Number 917, Senate Print 4774.

16 And Senator Webb, Calendar 1695,

17 Senate Print 6231.

18 ACTING PRESIDENT BAILEY: Those
19 amendments are received, and those bills will
20 retain their place on the Third Reading Calendar.

21 Senator Gianaris.

22 SENATOR GIANARIS: I also wish to
23 call up the following bills, where were recalled
24 from the Assembly and are now at the desk:

25 Senate Print Numbers 1349B, 2236,

1 620, 7944, 54, and 934.

2 ACTING PRESIDENT BAILEY: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number
5 225, Senate Print 620, by Senator Stavisky, an
6 act to amend the Education Law.

7 Calendar Number 1300, Senate
8 Print 7944, by Senator Ramos, an act to amend the
9 Labor Law.

10 Calendar Number 499, Senate
11 Print 54, by Senator Fernandez, an act to amend
12 the Penal Law.

13 Calendar Number 297, Senate
14 Print 934, by Senator Gonzalez, an act to amend
15 the General Business Law.

16 Calendar Number 445, Senate Print
17 2236, by Senator Gounardes, an act to amend the
18 Labor Law.

19 Calendar Number 936, Senate Print
20 1349B, by Senator Cleare, an act to amend the
21 Education Law.

22 SENATOR GIANARIS: Move to
23 reconsider the vote by which these bills were
24 passed.

25 ACTING PRESIDENT BAILEY: Call the

1 roll on reconsideration.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62.

4 ACTING PRESIDENT BAILEY: The bills
5 are restored to their place on the Third Reading
6 Calendar.

7 SENATOR GIANARIS: I offer the
8 following amendments.

9 ACTING PRESIDENT BAILEY: The
10 amendments are received.

11 SENATOR GIANARIS: Mr. President,
12 at this time let me reset the --

13 ACTING PRESIDENT BAILEY: Excuse
14 me. If we could have some order in the chamber,
15 please. Thank you.

16 Senator Gianaris.

17 SENATOR GIANARIS: Thank you,
18 Mr. President.

19 If I could reset the evening for my
20 colleagues, it is almost 9 p.m. We have seven
21 more bills to be debated. So obviously we want
22 everyone to have the opportunity to ask their
23 questions and be heard, but we have a long night
24 ahead of us.

25 So let us move on next to

1 Calendar 182, by Senator Harckham.

2 ACTING PRESIDENT BAILEY: The
3 Secretary will ring the bell.

4 The Secretary will read.

5 THE SECRETARY: Calendar Number
6 182, Senate Print 1985A, by Senator Harckham, an
7 act to amend the Criminal Procedure Law.

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

10 SENATOR WALCZYK: Mr. President,
11 will the sponsor yield for some questions.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR HARCKHAM: Glad to.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR WALCZYK: Through you,
18 Mr. President.

19 So Section 530.11 of the
20 Criminal Procedures Act defines family offenses.
21 That includes disorderly conduct, including
22 disorderly conduct not in a public place. Is
23 that correct?

24 SENATOR HARCKHAM: Thank you,
25 Mr. President. If you'll give us a second, we're

1 checking on that.

2 This bill does not speak
3 specifically to that code, so we're prepared to
4 speak on this bill, but we will find out that
5 answer for you if you desire that.

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?

11 SENATOR HARCKHAM: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: Yes, so this bill
15 addresses specifically family offenses in that
16 Section 530.11 of the Criminal Procedures Act.
17 I'm just looking for some clarification.
18 Disorderly conduct, not including in a public
19 place, is included in that section.

20 SENATOR HARCKHAM: Through you,
21 Mr. President. To our knowledge, that is not a
22 crime, it's a violation.

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

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR HARCKHAM: Yes.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR WALCZYK: But that
7 violation is under the list of things in family
8 offenses, is that correct?

9 SENATOR HARCKHAM: We're checking.

10 But through you, Mr. President, this
11 bill has to do with the threats of domestic
12 violence and firearms. (Pause.)

13 Family offenses is on the list. You
14 are correct, sir.

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 HARCKHAM: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: And under
24 Section 240.20 of the Penal Law, it outlines when
25 the intent is to cause an annoyance or an alarm.

1 One of the provisions is when someone makes an
2 unreasonable noise, i.e., a noise complaint. Is
3 that covered under this statute as well?

4 SENATOR HARCKHAM: (Conferring.)

5 Through you, Mr. President, that is
6 a violation. It's a family offense. It would
7 need to be against another family member.
8 Something like a noise complaint would not rise
9 to the level of this bill that we're talking
10 about today.

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

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR HARCKHAM: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR WALCZYK: Section 240.20,
20 disorderly conduct, under the Penal Law, a person
21 is guilty of disorderly conduct when, with the
22 intent to cause public inconvenience, annoyance
23 or alarm, or recklessly creating a risk thereof,
24 engages in fighting or violent, tumultuous, or
25 threatening behavior or, two, makes an

1 unreasonable noise.

2 So my understanding is that a noise
3 complaint, if filed by a family member or
4 intimate partner under this legislation, would
5 qualify for the firearms confiscation. Am I
6 understanding that correctly, Mr. President?

7 SENATOR HARCKHAM: Through you,
8 Mr. President. While theoretically correct, the
9 point of a DV call really is violence. And
10 that's what we're talking about here, and the
11 threat of violence, not just annoyance.

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

15 ACTING PRESIDENT COONEY: Will the
16 sponsor yield?

17 SENATOR HARCKHAM: Yes.

18 ACTING PRESIDENT COONEY: The
19 sponsor yields.

20 SENATOR WALCZYK: Yeah, it's not
21 necessarily a theory if it's already written in
22 statute and your bill directly addresses that
23 statute. It would be how your bill plays out in
24 practice, which is why I wanted to bring that up.

25 Is your intent something other than

1 allowing a family member to file a noise
2 complaint against a relative and have their
3 weapons confiscated for that noise complaint?

4 SENATOR HARCKHAM: Through you,
5 Mr. President. The bill allows officers'
6 discretion that when they arrive on the scene,
7 and they go through that the normal DIR and they
8 don't feel that there is a threat assessment --
9 or there is a threat, they don't have to
10 confiscate the weapons.

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

14 ACTING PRESIDENT COONEY: Will the
15 sponsor yield?

16 SENATOR HARCKHAM: Yes.

17 ACTING PRESIDENT COONEY: The
18 sponsor yields.

19 SENATOR WALCZYK: So would this
20 bill -- when we're talking about intimate
21 relationships or family relationships, would this
22 include roommates in that? If you have a
23 longstanding roommate, would that be considered
24 an intimate relationship?

25 SENATOR HARCKHAM: (Conferring.)

1 Thank you, Mr. President.

2 There has to be more than just a
3 roommate relationship. There has to be some sort
4 of an intimate family bond.

5 And if I may take a moment to back
6 up as to the importance of this change to the
7 bill, is that domestic violence and firearms are
8 not a good mix. In a six-week period in
9 Westchester County we had three incidents, two in
10 my district, one in Senator Mayer's district,
11 that resulted in six fatalities, several other
12 people, including children, gravely wounded.

13 And in fact reports show that 20
14 percent of women who are killed with a
15 restraining order are killed within the first two
16 days. And that's why the five days that we are
17 calling for in this law are so important, to give
18 time for safety plans to be put in place.

19 So I would suggest that while we can
20 talk about, you know, noise complaints and things
21 like that, this is about something much more
22 serious and buying time to save victims and
23 buying time for safety plans to be put in place.

24 SENATOR WALCZYK: Through you,
25 Mr. President, would the sponsor continue to

1 yield.

2 ACTING PRESIDENT COONEY: Will the
3 sponsor yield?

4 SENATOR HARCKHAM: Yes.

5 ACTING PRESIDENT COONEY: The
6 sponsor yields.

7 SENATOR WALCZYK: I'm very sorry to
8 hear about those situations. You said the
9 homicides were within the first two days?

10 SENATOR HARCKHAM: That -- the
11 study that we saw showed that 20 percent of women
12 who are killed in a domestic violence incident,
13 20 percent of those women are killed within the
14 first two days of the filing of that order of
15 protection.

16 And so that's why -- one of the
17 reasons why we feel these five days that are in
18 this statute are so important.

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

22 ACTING PRESIDENT COONEY: Will the
23 sponsor yield?

24 SENATOR HARCKHAM: Yes.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR WALCZYK: But if they're
3 killed within the first two days, the first two
4 days is already in statute. Can't they
5 confiscate weapons for up to 48 hours in current
6 law?

7 SENATOR HARCKHAM: They may. They
8 are not required to.

9 So this bill sort of bifurcates. It
10 gives officers discretions in certain areas and
11 requires them -- it says "shall" -- in other
12 areas.

13 So for instance, if they have to
14 make an -- they may, if their determination when
15 they arrive on scene and they see firearms out --
16 they can't go looking for them, but if they see
17 them, depending on the situation, current law
18 says they may.

19 What this says is if the suspect is
20 arrested, then the officer shall. And then in
21 the DIR, there's a third section in the victim
22 interview. If their affirmative responses to
23 things like did suspect make victim fearful,
24 weapon used, access to guns, suspect threats.
25 And then there is a whole section on

1 strangulation, because there's a very strong
2 correlation between strangulation and later
3 murder.

4 So if there are positive responses
5 in the victim interview section, that would also
6 trigger the "shall" clause for five days.

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

10 ACTING PRESIDENT COONEY: Will the
11 sponsor yield?

12 SENATOR HARCKHAM: Yes.

13 ACTING PRESIDENT COONEY: The
14 sponsor yields.

15 SENATOR WALCZYK: I don't have it
16 in front of me, but that DIR I think also has a
17 provision saying if they've made them fearful in
18 the past. Is that one of the requirements in
19 front of you?

20 SENATOR HARCKHAM: Yeah, there is a
21 section on that. You are correct, sir.

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

25 ACTING PRESIDENT COONEY: Will the

1 sponsor yield?

2 SENATOR HARCKHAM: Absolutely.

3 ACTING PRESIDENT COONEY: The
4 sponsor yields.

5 SENATOR WALCZYK: I had asked a few
6 questions ago about roommates. Would the
7 intimate relationship also include ex-boyfriends,
8 ex-girlfriends? Would that qualify as an
9 intimate relationship under family offense
10 matters?

11 SENATOR HARCKHAM: I believe so,
12 Mr. President, through you. In fact, there are
13 questions about that on the DIR as well.

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

17 ACTING PRESIDENT COONEY: Will the
18 sponsor yield?

19 SENATOR HARCKHAM: Yes.

20 ACTING PRESIDENT COONEY: The
21 sponsor yields.

22 SENATOR WALCZYK: Are ex-spouses
23 also included?

24 SENATOR HARCKHAM: Through you,
25 Mr. President, yes.

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

4 ACTING PRESIDENT COONEY: Will the
5 sponsor yield?

6 SENATOR HARCKHAM: Yes.

7 ACTING PRESIDENT COONEY: The
8 sponsor yields.

9 SENATOR WALCZYK: That would be
10 even if they no longer live in the same
11 residence?

12 SENATOR HARCKHAM: Through you,
13 Mr. President, correct.

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

17 ACTING PRESIDENT COONEY: Will the
18 sponsor yield?

19 SENATOR HARCKHAM: Absolutely.

20 ACTING PRESIDENT COONEY: The
21 sponsor yields.

22 SENATOR WALCZYK: Section 2 of your
23 bill says "shall take custody of firearms."
24 Possession in the Penal Law talks about control
25 and access to firearms. What firearms are we

1 talking about? Are we talking about the alleged
2 personal firearms or all firearms that they would
3 have access to? All firearms in the home, for
4 example?

5 SENATOR HARCKHAM: Through you,
6 Mr. President. It would not be all firearms in
7 the home. They would need a warrant to do that.

8 This would be the ones on the
9 suspect's person or are laying about the house
10 that are visible.

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

14 ACTING PRESIDENT COONEY: Will the
15 sponsor yield?

16 SENATOR HARCKHAM: Yes.

17 ACTING PRESIDENT COONEY: The
18 sponsor yields.

19 SENATOR WALCZYK: So that was one
20 of the significant changes that I saw in your
21 legislation here, is that currently in statute an
22 officer may take temporary custody of a host of
23 firearms that are in plain sight or discovered
24 when they go into the home.

25 Yours is saying they shall take

1 custody of any that are in possession, which
2 could mean that they have access or control. So
3 any other firearms in the house, even if they're
4 owned by someone else? Or would they have to be
5 owned by the person who's accused?

6 SENATOR HARCKHAM: Through you,
7 Mr. President. It's not another person. It's
8 not the spouse, it's not the adult children.
9 It's just that individual. And it would
10 temporarily -- for that five-day period, unless a
11 judge rules in a shorter amount of time, it would
12 also be their license as well.

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

16 ACTING PRESIDENT COONEY: Will the
17 sponsor yield?

18 SENATOR HARCKHAM: Yes.

19 ACTING PRESIDENT COONEY: The
20 sponsor yields.

21 SENATOR WALCZYK: So currently
22 police officers in law are required to take
23 firearms that are used, and they have discretion
24 on any that are in plain sight that may be owned
25 by someone else or owned by them.

1 What does Section 2 specifically
2 change, then?

3 SENATOR HARCKHAM: (Conferring.)

4 Thank you, Mr. President. Through
5 you, Mr. President.

6 As I said before, it changes from
7 "may" to "shall." Right now officers may, and
8 this directs them to shall.

9 SENATOR WALCZYK: Thank you,
10 Mr. President. On the bill.

11 ACTING PRESIDENT COONEY: Senator
12 Walczyk on the bill.

13 SENATOR WALCZYK: A noise complaint
14 from a jilted lover could result in gun
15 confiscation and may even require it -- according
16 to the sponsor, requires it, depriving
17 New Yorkers of their Second Amendment rights.
18 Those are the rights that you all swore to
19 uphold.

20 Police can already arrest, separate
21 and protect victims of domestic violence, which
22 is very good and important. But an order of
23 protection, as the sponsor pointed out, is only
24 as good as the piece of paper that it's written
25 on, and this bill has the potential to remove

1 firearms from the home under that definition of
2 possession, even if they're owned by the victim
3 or the complainant.

4 It's bad policy. It's reckless.
5 And I believe it's unconstitutional. I'll be
6 voting no and encourage my colleagues to do the
7 same.

8 Thank you.

9 ACTING PRESIDENT COONEY: Thank
10 you, Senator.

11 Are there any other Senators wishing
12 to be heard?

13 Hearing and seeing none, debate is
14 closed. The Secretary will ring the bell.

15 Read the last section.

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

18 ACTING PRESIDENT COONEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT COONEY: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 182, voting in the negative are
25 Senators Borrello, Canzoneri-Fitzpatrick, Chan,

1 Ashby, Gallivan, Griffo, Helming, Lanza, Mattera,
2 Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Stec,
3 Tedisco, Walczyk, Weber and Weik.

4 Ayes, 43. Nays, 19.

5 ACTING PRESIDENT COONEY: The bill
6 is passed.

7 Senator Gianaris.

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

10 Let's move on next to Calendar 511,
11 by Senator Myrie.

12 ACTING PRESIDENT COONEY: The
13 Secretary will ring the bell.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number
16 511, Senate Print 397, by Senator Myrie, an act
17 to amend the General Business Law.

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

20 SENATOR BORRELLO: Mr. President,
21 will the sponsor yield for a question.

22 ACTING PRESIDENT COONEY: Will the
23 sponsor yield?

24 SENATOR MYRIE: Yes.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR BORRELLO: Through you,
3 Mr. President. In the words of my favorite
4 leprechaun, why are you trying to steal me
5 Lucky Charms?

6 (Laughter.)

7 SENATOR MYRIE: Through you,
8 Mr. President, I'm not quite sure how to answer
9 that. But I will give back the time for the
10 subsequent question.

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

13 ACTING PRESIDENT COONEY: Will the
14 sponsor yield?

15 SENATOR MYRIE: Yes.

16 ACTING PRESIDENT COONEY: The
17 sponsor yields.

18 SENATOR BORRELLO: Well, I guess my
19 question is, you know, Lucky Charms is a pretty
20 high-sugar, very popular cereal. Some people
21 would call this junk food. But is there actually
22 a definition for what is considered junk food in
23 this bill?

24 SENATOR MYRIE: Through you,
25 Mr. President. What this bill does is clarify

1 what can be characterized as false or misleading
2 advertising, particularly when directed at
3 children.

4 We know that one-third of New York
5 children are obese or overweight. That number
6 has grown over the past five years post-COVID.
7 And we know that a significant source of that
8 obesity and overweight is attributed to the
9 consumption of processed foods.

10 What this bill does is align with
11 the Federal Trade Commission's definitions of
12 false and misleading advertising and gives courts
13 and the Attorney General clarity on how to
14 enforce that.

15 Notably, because Senator Borrello
16 and I have made this an annual tradition in
17 debating this, we have taken into consideration
18 the characterization of natural foods, foods that
19 are produced and that this state takes great
20 pride in, but does outline, when these foods are
21 targeted to children, that the court should take
22 special attention and special consideration.

23 SENATOR BORRELLO: Mr. President,
24 would the sponsor continue to yield.

25 ACTING PRESIDENT BAILEY: I

1 materialized.

2 (Laughter.)

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR MYRIE: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR BORRELLO: So you're
9 suggesting that in this bill that, you know, a
10 targeted person, which is a child, is basically
11 acting on behalf of themselves, they would see an
12 advertisement and then essentially be able to go
13 out and have the resources to act on that
14 advertisement and buy that food.

15 Is that -- I mean, you're basically
16 saying that the child that would be impacted is
17 essentially going to respond to that advertising
18 and go buy that unhealthy food as a result, is
19 that correct?

20 SENATOR MYRIE: Through you,
21 Mr. President, not exactly.

22 So the research has told us that
23 children are particularly susceptible to
24 advertising. And the distinguishing factor here
25 is the inability to determine what is fact or

1 what is fiction. That is something that comes
2 along with maturation. And what we have seen is
3 that the advertising that is targeted to children
4 blurs that line.

5 And it's not unusual in our laws to
6 protect particularly vulnerable populations that
7 may not be able to make that distinction. And so
8 what we have done in this bill is simply to say
9 if you are targeting children, that you are going
10 to be under special consideration given this
11 extra susceptibility that children have.

12 This is not to say that children
13 have no agency or that they can go out and buy
14 Lucky Charms at will. But we do know that they
15 are a great source of wealth for food
16 corporations. And the reason we know that is
17 because they spend \$14 billion a year targeting
18 children. So if you are going to spend that
19 amount of money, we should ensure that our
20 children are being protected in that context.
21 And that is the protection we're seeking in this
22 bill.

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

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR MYRIE: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR BORRELLO: You know, unlike
6 when I was a child, I mean, you know,
7 advertisements now are everywhere. They're on
8 your phones, they're on your searches online.
9 There's -- you know, we're New York State, but
10 most of these ads originate from outside of
11 New York State, I would imagine. How are we
12 going to control that?

13 And who are we going to hold
14 responsible if someone is, you know, producing an
15 ad for something we've deemed to be false
16 advertising and they are without -- they are
17 beyond our jurisdiction here in New York State?

18 SENATOR MYRIE: Through you,
19 Mr. President. This bill does not change what is
20 currently the law in our General Business Law,
21 that false advertising, false and misleading
22 advertising is illegal and you can be held
23 accountable in court for that.

24 What this does is give clarification
25 on what false and misleading can be in the

1 context of children. So for purposes of
2 jurisdiction, it changes nothing about the
3 jurisdiction that we currently have. It reaches
4 the same entities that would be reached otherwise
5 by our General Business Law. It simply gives
6 more clarification and matches it to what the
7 Federal Trade Commission examines.

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR MYRIE: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR BORRELLO: Well, if the
16 Federal Trade Commission has been, you know,
17 essentially acting in this manner already, I
18 guess, number one, why do we need to do this?

19 But my real question is you're
20 defining something as false and misleading
21 advertising. I'll go back to my Lucky Charms
22 example. He also said that they're magically
23 delicious. Now, magically delicious, isn't that
24 false advertising? They're not really magically
25 delicious, right?

1 (Laughter.)

2 SENATOR MYRIE: Through you,
3 Mr. President, that is precisely the point that
4 we are making, that you may be able to make that
5 determination -- I would hope -- that they are
6 not magically delicious, but for some children
7 that may not be as easy a distinction to make.

8 And as you also referenced, these
9 advertisements aren't similar to what you and I
10 went through when we were younger, just seeing it
11 on television. Our children are being bombarded
12 on their phones, on social media, and in some
13 cases by influencers who don't disclose that this
14 is an advertisement and are instead trying to
15 portray that this is just something cool for them
16 to do.

17 And so we are, at bottom, trying to
18 protect our children to ensure that they are
19 making the best choices possible, the most
20 informed choices possible, and that corporations
21 aren't making billions of dollars off of our
22 children becoming more and more unhealthy.

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

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR MYRIE: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR BORRELLO: Okay. So
6 magically delicious, that's no good, we can't do
7 that. What about "Red Bull gives you wings"? I
8 mean, I drank it; I've never sprouted wings.
9 What about that, would that be considered false
10 advertising?

11 SENATOR MYRIE: Through you,
12 Mr. President. And I'm happy -- I know the hour
13 is late, but I'm happy to go through all of the
14 hypotheticals with you.

15 But the point remains that the
16 determination that you can make is inherently
17 different than the determination that a child can
18 make. And you can run the hypotheticals through
19 the factors outlined in this bill. We look at
20 the subject matter, the visual content, the age
21 of who's involved, the music or audio content.

22 These are factors for the court to
23 examine. There's no one dispositive factor. All
24 of them are taken into consideration and may
25 include others. But that is the point. There

1 needs to be some built-in flexibility because as
2 you are alluding to, there are many examples that
3 might require a different analysis.

4 SENATOR BORRELLO: Mr. President,
5 on the bill.

6 ACTING PRESIDENT BAILEY: Senator
7 Borrello on the bill.

8 SENATOR BORRELLO: First of all,
9 Senator Myrie, thank you once again. This is
10 like number five that we've done this together?

11 So, look, I make light of this
12 because I want people to realize that we might
13 have the best of intentions here in this chamber,
14 but to impact and influence how children are, I
15 guess, you know, drawn to certain things. But
16 the reality is this is a personal choice that's
17 made between I think the parents and their
18 children.

19 For us to say that we are going to
20 somehow eliminate advertising influences on
21 children I think is, A, unrealistic, and B, is
22 the unintended consequence of are we going to
23 create the opportunity, in our very litigious
24 society, for people to, you know, create lawsuits
25 because Red Bull does indeed not give you wings.

1 And maybe I understand that as an adult, but a
2 child does not. So now somebody's got to pay.
3 Lucky Charms are not magically delicious. I know
4 that, but a child doesn't. Now somebody's got to
5 pay.

6 (Inaudible.)

7 SENATOR BORRELLO: Yes, and this
8 bill is not "GRRRREAT," either, so --

9 (Laughter.)

10 ACTING PRESIDENT BAILEY: That joke
11 is out of order.

12 (Laughter.)

13 ACTING PRESIDENT BAILEY: Senator
14 Borrello, continue.

15 SENATOR BORRELLO: We tried,
16 Mr. President. Sorry, it's late.

17 So I think my point here is this.
18 Do I think that children should be eating
19 healthier foods? Absolutely. We should start,
20 frankly, by changing our rules on what SNAP can
21 be used on. Okay?

22 We provide millions and millions of
23 dollars a year to families to feed their
24 children, and we allow them to buy processed
25 foods, high-sugar drinks, prepared foods -- the

1 list goes on and on. You can use SNAP benefits
2 at fast food joints. Shouldn't we stop that
3 first? Wouldn't that be the best way to do it,
4 considering we know how many millions of children
5 are receiving SNAP benefits through their family?

6 We could fix that right away. Make
7 sure that it's only healthy, nonprocessed,
8 nonprepared foods that could be purchased with
9 taxpayer-funded benefits. That's an idea that I
10 could get behind.

11 But this, this isn't going to do it.
12 So once again I'll be voting no, but I enjoy the
13 engagement.

14 Thank you, Mr. President.

15 ACTING PRESIDENT BAILEY: Thank
16 you, Senator Borrello.

17 Are there any other Senators wishing
18 to be heard?

19 Seeing or hearing none, debate is
20 closed. The Secretary will ring the bell.

21 Read the last section.

22 THE SECRETARY: Section 6. This
23 act shall take effect on the 30th day after it
24 shall have become a law.

25 ACTING PRESIDENT BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BAILEY: Senator
4 Myrie to explain his vote.

5 SENATOR MYRIE: Yes. And thank
6 you, Senator Borrello, for our annual exchange on
7 this bill.

8 I just wanted to make a quick
9 clarifying point on commercial speech and the
10 constitution and what is protected and what is
11 not protected.

12 Just for the record, when the
13 advertisement or the speech in the advertisement
14 is what we legally call puffery or exaggeration,
15 that is not false and misleading in and of
16 itself. What this bill does is combine a couple
17 of factors to say when it is targeted and may or
18 may not have that language, you have to consider
19 the factors in who the audience is and what the
20 implications of what that audience may be. So I
21 just wanted to get that on the record, and to be
22 clear.

23 I of course will be voting in the
24 affirmative. Thank you.

25 ACTING PRESIDENT BAILEY: Senator

1 Myrie to be recorded in the affirmative.

2 Senator Krueger to explain her vote.

3 SENATOR KRUEGER: Thank you,
4 Mr. President.

5 I have to say I love this bill
6 because we know there's a direct correlation
7 between what children get inundated with and then
8 what they go and demand their parents buy for
9 them, even if their parents can't afford it.
10 Anyone who's had small children knows how
11 persistent they can be until they get what they
12 want.

13 So this bill is an opportunity to
14 try to help discourage young children from being
15 exposed to this onslaught of advertising.
16 Because, yeah, Lucky Charms are not magically
17 delicious, and pretty much none of the other
18 breakfast cereals are either.

19 Now, as far as saying you should
20 limit what low-income people can buy with
21 government benefits, here's the facts. Because
22 low-income people get so little money, they
23 actually eat much more healthily than
24 middle-income and upper-income kids, because they
25 can really afford all that junk food.

1 So again, the assignment needs to be
2 helping educate kids not to want this stuff in
3 the first place.

4 I vote yes. Thank you.

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 511, voting in the negative are
10 Senators Borrello, Chan, Gallivan, Griffio,
11 Helming, Lanza, Oberacker, O'Mara, Ortt, Rhoads,
12 Stec, Tedisco, Walczyk and Weik.

13 Ayes, 48. Nays, 14.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 Senator Gianaris.

17 SENATOR GIANARIS: Mr. President,
18 next up is Calendar 634, and thereafter let's
19 just go in number order.

20 ACTING PRESIDENT BAILEY: The
21 Secretary will ring the bell.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number
24 634, Senate Print 2433A, by Senator Krueger, an
25 act to amend the Real Property Law.

1 ACTING PRESIDENT BAILEY: Senator
2 Martins, why do you rise?

3 SENATOR MARTINS: Mr. President, if
4 the sponsor would yield for a few questions.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR KRUEGER: Through you,
8 Mr. President, I would like to actually go on the
9 bill first and then be happy to yield to
10 questions, if that's okay.

11 ACTING PRESIDENT BAILEY: Do you
12 consent?

13 SENATOR MARTINS: (Inaudible.)

14 ACTING PRESIDENT BAILEY: Senator
15 Krueger on the bill, then she yields.

16 SENATOR KRUEGER: Thank you. We're
17 trying a little theory to shorten the debates
18 tonight because there's so many of them. So I
19 thought if I ask the question and answer it for
20 you, it might save us all some time.

21 (Laughter.)

22 SENATOR KRUEGER: So no, this bill
23 does not only help rich people. This is not a
24 population who needs protection. Actually, over
25 50 percent of the ground-lease co-ops are in the

1 boroughs of Queens, Brooklyn and the Bronx, and
2 some in Westchester. Census data shows the
3 majority of ground-lease co-op units are in
4 locations falling slightly under the median
5 income. And so the rich people who are
6 entrenching intergenerational wealth at the
7 expense of housing stability and affordability
8 are the wealthy ground owners, many of whom don't
9 live in New York.

10 Does this interfere with existing
11 contracts? No, it doesn't. Because the bill
12 doesn't change any material terms of a lease.

13 Is forcing ground owners to provide
14 leases under rent stabilization unfair and
15 radical? Actually, that's already the existing
16 law. This simply clarifies that if there is a
17 deconversion of a building with more than six
18 units built before 1974, it would return to rent
19 stabilization.

20 So it's not changing the contract,
21 it's what do we do if the owner of the ground
22 lease charges such a high new rent cost that the
23 building defaults and the owners of those co-ops,
24 of which there are about 12,000 units, 30,000
25 people, they already would lose their equity in

1 the apartments, but it would allow them to
2 actually stay there at a rent-regulated price.

3 Does this create an unfair windfall
4 for co-op shareholders? No, just the opposite.
5 They would lose their equity in the co-ops they
6 have purchased and they have been living in,
7 sometimes for decades, but at least it would make
8 sure that these 30,000 people didn't end up with
9 no place to live.

10 Does it violate a New York Court of
11 Appeals decision in 2019 that you can't apply the
12 law retroactively, and this is some type of
13 illegal retroactive change in law? No, because
14 that case was an overcharge case that totally
15 applies -- that's totally apples versus oranges,
16 the Regina case, and it dealt with damages to
17 landlords. And so there's no retroactive damages
18 to landlords in this bill.

19 And why would the Legislature need
20 to set who sets the first rent if the building
21 goes from co-op to rent-regulated apartment?
22 Well, someone has to do it. So there's a model
23 within this bill. But DHCR, the state housing
24 agency, can also choose to do it.

25 I have a lot more answers, but I

1 think I'll stop there and let my colleague ask me
2 more questions. Thank you.

3 ACTING PRESIDENT BAILEY: Senator
4 Krueger yields to you, Senator Martins.

5 SENATOR MARTINS: Thank you. Thank
6 you. You know, Mr. President, I want to thank
7 the sponsor for taking the time to write
8 questions and answer them for all of us in
9 advance. But unfortunately, there are very few
10 of my questions that are included in those that
11 you wrote.

12 So we'll start with a few, if you
13 don't mind. Mr. President, if the sponsor will
14 yield.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR KRUEGER: I will.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR MARTINS: Thank you.

21 So as I understand it, this bill
22 would address a situation where you have a
23 property owner, in some instances decades ago,
24 40, 50, 60 years ago, who made a deal with a
25 developer to put up a building on terms that they

1 agreed on. Would you agree?

2 SENATOR KRUEGER: Yes.

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

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR KRUEGER: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR MARTINS: And so over --
12 according to that agreement, there was a term
13 within which that property would pay a certain
14 amount to the property owner. And like I said,
15 probably decades into the future, 40, 50, 60
16 years are not unusual. Would you agree to that?

17 SENATOR KRUEGER: Yes.

18 SENATOR MARTINS: Thank you.

19 Through you, Mr. President, if the
20 sponsor would yield.

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR KRUEGER: Many have a
24 99-year period. Through you, Mr. President.

25 ACTING PRESIDENT BAILEY: That was

1 in response to your prior question.

2 Senator Krueger, will you yield?

3 SENATOR KRUEGER: Absolutely.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR MARTINS: Thank you,
7 Mr. President. A long time -- 50 years,
8 99 years, however it may be. But it's all part
9 of an agreement where the developer, subsequently
10 the at co-op, agreed to make certain payments
11 through a date certain, at which point they knew
12 that they would be returning the property to the
13 developer landowner -- excuse me, to the
14 landowner. My apologies, Senator.

15 Is that right?

16 SENATOR KRUEGER: Through you,
17 Mr. President. I'm not sure if the understanding
18 was that they would return the property, because
19 I think most times when people build a building
20 on land they don't imagine they'll be asked to
21 move the building off at a future date.

22 So I think there was an assumption
23 that there would continue to be future
24 negotiations on what the underlying lease value
25 was.

1 But I think most people who bought
2 into these co-ops and the people who built the
3 buildings didn't imagine the storyline where one
4 day somebody would say, Take your building and
5 get out.

6 SENATOR MARTINS: Thank you,
7 Senator.

8 Mr. President, through you, if the
9 sponsor would continue to yield.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR MARTINS: So that was the
16 agreement. At some point between these two
17 parties, they agreed that one of them who had
18 land would allow the other one to build something
19 on it for a period of time -- with the unspoken
20 reality, but otherwise reality, that at some
21 point that building would either have to
22 renegotiate the terms or would have to literally
23 leave. Isn't that right?

24 SENATOR KRUEGER: Through you,
25 Mr. President. Certainly the former, that there

1 would be negotiations over increasing lease costs
2 over time. And we have seen that over and over
3 again on many of these parcels of land.

4 But the concept that now, for the
5 first time ever, we're hearing various landowners
6 saying, We would just like you to leave so that
7 we can have the land back, and we'll keep that
8 building too, because it's on it, because you
9 obviously can't take it. And if we claim it
10 back, you have no equity rights or protection in
11 any part of the buildings on the land.

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

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR MARTINS: Are you familiar
21 with the term "land-lease apartment"? Land-lease
22 apartment. Are these co-ops or these apartments,
23 are they typically --

24 SENATOR KRUEGER: These are
25 co-op --

1 SENATOR MARTINS: -- referred to as
2 land-lease apartments?

3 SENATOR KRUEGER: Land-lease
4 co-ops, yes.

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

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR KRUEGER: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR MARTINS: Have you had the
14 opportunity to look at the cost of purchasing one
15 of these land-lease co-ops, as compared to a
16 market-rate co-op, to see if there is in fact a
17 difference in the cost to acquire one as opposed
18 to the other?

19 SENATOR KRUEGER: Through you,
20 Mr. President. The prices have varied obviously
21 through history and through the geography of
22 where they're located. But yes, the base price
23 today on most of these buildings I believe is
24 lower cost per unit than other new co-ops going
25 up. But the maintenance costs are often

1 radically higher.

2 So actually it's very difficult to
3 sell and leave, because the maintenance costs
4 have gone so high because of the growing
5 land-lease costs, that the economics of it are
6 actually problematic. At least in Manhattan,
7 where I know the buildings very specifically.

8 SENATOR MARTINS: Through you,
9 Mr. President, if the sponsor would continue to
10 yield.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR MARTINS: You anticipated
17 my next question.

18 So do we have similar land-lease
19 co-op buildings in your district in Manhattan?

20 SENATOR KRUEGER: Through you,
21 Mr. President. We have approximately
22 12,000 identified units -- Queens, Brooklyn,
23 Bronx, Manhattan, Westchester. The largest
24 number of these units are in Brooklyn, Queens,
25 Bronx. But I can give you the numbers for each

1 borough.

2 SENATOR MARTINS: No, I was --
3 through you, Mr. President, if the sponsor would
4 continue to yield.

5 ACTING PRESIDENT BAILEY:
6 Certainly. Will the sponsor yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR MARTINS: I was just asking
11 about your particular district in Manhattan,
12 whether or not there were buildings that would
13 qualify under this legislation.

14 SENATOR KRUEGER: Yes, I do.

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

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR MARTINS: Did any one of
24 those buildings reach out to you and ask you to
25 sponsor this legislation?

1 SENATOR KRUEGER: In the whole
2 coalition of buildings that came together, the
3 Ground-Lease Co-Op Coalition. And they
4 definitely reached out to me. They reached out
5 to other legislators. Linda Rosenthal's carrying
6 it in the Assembly. So yes.

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR KRUEGER: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR MARTINS: Are any of these
16 buildings coming off leases in your district
17 where it would impact residents in your district
18 currently?

19 SENATOR KRUEGER: Are any of them
20 coming off where the -- just finish the last word
21 one more time.

22 SENATOR MARTINS: Where it would
23 impact residents of your district currently.

24 SENATOR KRUEGER: Yes. Actually,
25 many of these buildings are getting close enough

1 to the deadline for negotiating leases that they
2 find themselves in situations where they can't
3 even go for mortgage -- new mortgages or
4 continuation of mortgages because banks don't
5 want to give you mortgages unless you can show
6 that you're going to actually have control of
7 that property within, what -- for at least
8 40 years? I think 35 to 40 years.

9 So many, many of these buildings,
10 because of when they were built, are now at the
11 point where they're within a three-year or up to
12 20-year, I think, time frame, and so they cannot
13 get refinancings. So the costs keep going up,
14 because they're getting older as buildings. They
15 can't go back to the banks and get ability to
16 borrow for required repairs and capital
17 improvements. That's why we address that in this
18 bill as well.

19 So yes, buildings in my district,
20 buildings in the other boroughs.

21 SENATOR MARTINS: Thank you,
22 Mr. President. Through you, if the sponsor would
23 continue to yield.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR MARTINS: Is it unusual for
5 a tenant, someone who doesn't own property, to
6 come to the end of a term and have to vacate the
7 property on the terms of their lease?

8 SENATOR KRUEGER: These are not
9 tenants in a rental situation. These are
10 cooperative owners. So I don't think there's a
11 tenancy equivalent.

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

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR MARTINS: Thank you.

21 So the original deal, whether it's
22 99 years ago, whether it's 50 years ago -- the
23 original deal was one where a property owner,
24 landowner leased the property for someone else to
25 put a building on, and they received rent over a

1 period of time. And I understand that there's
2 also a component where you have co-ops in the
3 building, each of the individual apartments that
4 are contributing to paying a portion of the land
5 lease and obviously the maintenance and operation
6 of the building itself.

7 So there are two components here of
8 leasing, would you agree?

9 SENATOR KRUEGER: Yes. Yes.

10 SENATOR MARTINS: Okay. So through
11 you, Mr. President, if the sponsor would continue
12 to yield.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR MARTINS: So my question
19 was at the end of the land lease, there was an
20 agreement they would lease the land for a period
21 of time we've already discussed -- it could be
22 50 years, it could be 99 years. But there comes
23 a point where that lease ends and they knew all
24 along, whoever purchased a piece of property or a
25 co-op in that unit, that they would eventually

1 have to give it back. It's clear on all of the
2 documents that have to do with that co-op.

3 So isn't there a point where a lease
4 ends where the person has to hand back a property
5 or renegotiate the lease? Isn't that what we're
6 dealing with here?

7 SENATOR KRUEGER: Well, that's what
8 we were trying to deal with, ensuring a
9 renegotiation on the property.

10 And as far as giving it back, again,
11 I think it's a bit more parallel to the law we
12 addressed in this legislative body a few years
13 ago about premanufactured homes being on property
14 that they do not own. They're called -- what are
15 they called? They're all over upstate. Trailer
16 parks. But there's a nicer name for them
17 nowadays, I apologize. Manufactured home parks?
18 Manufactured home parks. I'm checking with my
19 upstate colleague.

20 And so there was the issue that
21 people bought these manufactured homes, which
22 really can't be moved, but they didn't own the
23 land, they were renting the land underneath, and
24 then suddenly the developer decides they're going
25 to go and sell this land. And so the people were

1 losing their homes, any equity value in their
2 homes, and had nowhere to go.

3 And this Legislature said that's bad
4 public policy. We have huge numbers of
5 disproportionately seniors living in these
6 manufactured home parks all over the State of
7 New York, losing the equity they have in their
8 manufactured home with nothing to do about it.
9 So we changed the law.

10 And that's to some degree the exact
11 parallel model for this law. We want to protect
12 those 30,000 people in those 12,000 units from
13 losing their homes because it's good public
14 policy to protect them.

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

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR KRUEGER: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

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

25 Homes that they never owned, that

1 they were leasing, and that the lease ran out.

2 And so from a public policy
3 standpoint, I'll ask since they didn't own the
4 homes and they knew when they purchased their
5 interest in the co-op that they did not own the
6 homes and they were buying a limited period of
7 time within that building -- they knew that when
8 they bought it -- what is the public policy of
9 this state, and how is it fostered by us
10 interfering in what is a private transaction and
11 interfering in a contract?

12 SENATOR KRUEGER: So I don't think
13 most people thought they weren't buying their
14 apartment. It's called a co-op. They were going
15 through legal paperwork that said they were
16 becoming share owners in the -- I have a co-op.
17 I live in a co-op. I actually think I bought it.
18 And I have shares, right, in the corporation.

19 I don't happen to have a land-lease
20 co-op. I'm not sure I would advise anyone to go
21 that direction. But they didn't think that there
22 was going to be a day where the underlying
23 landowner would come along and say, We don't even
24 want to continue with you, we'd like to keep the
25 building, it's worth something, you guys, get

1 out. You have no equity rights here.

2 And that's what we're trying to
3 address. So we're not trying to, by the way,
4 take it from the landlords. We're, one, asking
5 them to agree to make some adjustments so that
6 the building co-op owners on their land can
7 borrow for required repairs and capital
8 improvements.

9 We're asking them to offer right of
10 first refusal if they decide they do want to sell
11 the land so that, if possible, the people who own
12 and have the equity in the actual building can
13 try to buy the land from them. But it might be
14 way too expensive, particularly with today's
15 market prices.

16 And third, if that can't be
17 possible, to clarify what already exists in the
18 law that they should -- unfortunately, they would
19 lose their equity ownership, the value of their
20 units, but they would shift into being
21 rent-regulated tenants in that building.

22 SENATOR MARTINS: Thank you,
23 Mr. President. Through you, if the sponsor would
24 continue to yield.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR KRUEGER: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR MARTINS: Senator, you keep
6 using the word "equity ownership interest" in the
7 co-op. But I think you and I have already agreed
8 that they didn't have an ownership interest in
9 that property. They were renting the co-op for
10 as long as the land lease is in place. So they
11 didn't give anything up, because they never had
12 it to begin with. Isn't that right?

13 SENATOR KRUEGER: Again, I don't
14 have any of the paperwork of any individual
15 deals. But my understanding, it was the
16 developer went into a lease agreement with the
17 landowner. The developer built the building.
18 And the developer sold that off as a co-op
19 building with equity shares in those apartments,
20 like most other co-op arrangements.

21 SENATOR MARTINS: Through you,
22 Mr. President, if the sponsor would continue to
23 yield.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR MARTINS: So if I
5 understand, there's a portion of the bill that
6 would require that the units in the co-op at the
7 end of the land lease would be subject to rent
8 stabilization. Is that right?

9 SENATOR KRUEGER: Yes.

10 SENATOR MARTINS: Through you,
11 Mr. President, if the sponsor would continue to
12 yield.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR KRUEGER: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR MARTINS: Thank you. Is
19 there any means-testing required with regard to a
20 rent-stabilization affordability?

21 You know, we're going to use the
22 laws of the state that were meant to provide
23 affordable housing for people who would qualify
24 for it and had certain tests with regard to their
25 income. Are we going to make these units

1 available for people who qualify and earn less
2 than a certain amount? Or are we just going to
3 make it available to whoever happens to have been
4 able to pay for this unit regardless of how much
5 money they have and how much money they earn?

6 SENATOR KRUEGER: Through you,
7 Mr. President. While I personally might have
8 liked the idea that we lived in a world where
9 rent regulation or rent stabilization was based
10 on means testing, it is not. For anyone. There
11 is no means testing.

12 There is a rent-regulation system
13 that over a million apartments in New York City
14 operate under. And this would put those units
15 into that system. Somebody would set a base
16 rent, likely the court or the state housing
17 agency, and then all the standard rules of rent
18 regulation would apply.

19 SENATOR MARTINS: Through you,
20 Mr. President, if the sponsor would continue to
21 yield.

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR KRUEGER: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR MARTINS: So in certain
3 communities -- and I understand there are land
4 leases in different boroughs in New York City.
5 But when we're talking about some of the most
6 affluent communities in the City of New York and
7 people are being, I guess through this bill,
8 provided an opportunity not only to stay in those
9 apartments but to stay there at below market
10 rate, we're talking about affluent people living
11 in some of the richest areas perhaps in the
12 world, but certainly in New York City, now being
13 told that they're going to live there at
14 below-market rates, which doesn't provide
15 affordability to anyone other than a rich person
16 being able to stay inside an apartment.

17 Isn't that what this bill does?

18 SENATOR KRUEGER: Through you,
19 Mr. President, there are buildings that are in my
20 district. My district is a high-cost district.
21 Those buildings are filled with people some of
22 whom have lived there for 40 and 50 years, many
23 of whom are older New Yorkers who are now on
24 fixed incomes. All these people invested equity
25 money in what they believed, even if they weren't

1 right, was a co-op that they would be owning and
2 could resell.

3 Under this storyline, they lose that
4 equity value they have. Okay? They're not
5 winning, they're losing. Because they're losing
6 their equity value in the units.

7 But we are hoping that they are
8 going to be able to stay in their homes if there
9 is a rent-regulation arrangement, which the law
10 already established in 1974. It's just that
11 nobody has tried to use it because this issue is
12 new because the people who are really trying to
13 make enormous money on this storyline are the
14 owners of the land, the vast majority of whom
15 don't even live in New York State, who have been
16 making disproportionate increased money on this
17 land for decades and decades.

18 We're just trying to continue to
19 make sure we have stable housing for this group
20 of people, the vast majority of whom we would
21 call middle-income and, in some cases and
22 neighborhoods, low-income people. We don't want
23 them to lose their homes.

24 SENATOR MARTINS: Thank you,
25 Mr. President. And thank you, Senator Krueger.

1 On the bill.

2 ACTING PRESIDENT BAILEY: Senator
3 Martins on the bill.

4 SENATOR MARTINS: You know, two
5 sophisticated groups reach an agreement and make
6 a deal. In this case, very sophisticated people,
7 so much so that they actually came up with a
8 construct that allows for the building of an
9 entire co-op building, dozens if not hundreds of
10 units, on land they don't own.

11 And now, when it runs its course,
12 after decades up to 99 years, somehow there's a
13 state interest in intervening to make sure that
14 very affluent people who knew what they were
15 buying, who got the benefit of the bargain by
16 investing at much lower rates than market rate.

17 Where is the state interest in
18 interfering with the contract? Frankly, it's
19 unconstitutional. We've been down this road
20 before. It's clearly unconstitutional. And yet
21 here we are again, as a state, being asked to
22 create winners and losers.

23 The idea that we have people who
24 live in these apartments who don't know that they
25 were buying an interest in a co-op that was built

1 on a land lease frankly is unfortunate. Because
2 there is no way that anyone is going to buy a
3 unit and not know, either through a title search
4 or through a closing or through their attorneys
5 or basically through the purchase price itself.

6 Because two units side by side, two
7 buildings next door to each other, one is market
8 rate, the other one is one of these land-lease
9 co-ops, the land lease co-op was sold -- you can
10 go look -- for up to 30 to 50 percent less. So
11 they got the benefit of buying it.

12 You know why they can't finance it?
13 Because no bank's going to finance it if you only
14 have less than 20 or 25 years left. So you're
15 paying 50 cents on the dollar to live where you
16 want to live.

17 And then when the money comes due
18 because the deal you cut comes due, rather than
19 getting the benefit of the bargain and moving on,
20 you come to the New York State Legislature and
21 ask to pass a law because someone else is greedy.
22 Someone else is greedy. Not the people who are
23 living there, not the people who got the benefit
24 of paying less. No, we're going to pass a law,
25 we're going to interfere with another contract

1 because someone believes it's not fair.

2 When are we going to start
3 legislating based on people being sophisticated,
4 making a deal, understanding the consequences and
5 having the benefit of the bargain they made?

6 There are stories out there, we can
7 refer to them. It's clear, a simple Google
8 search for anybody who wants to, what these
9 values are. So I get it, I understand. I think
10 we all do. People are in a position where they
11 don't want to be -- they don't want to have to
12 pay more than they did.

13 But the people who are going to
14 benefit, the person who paid 50 cents on the
15 dollars to live there, is now not only going to
16 have the benefit of having paid less, they're now
17 going to have the benefit of living in a
18 rent-subsidized apartment at below standard
19 rates. Because that's the next natural
20 consequence.

21 Now, from a public policy
22 standpoint, I challenge everyone here -- we've
23 all talked about affordability and affordable
24 housing and the crisis we live in here in
25 New York when it comes to affordability. I've

1 got kids living in New York City who can't afford
2 an apartment, they have to double up or triple up
3 with their friends, they're out of college and
4 they have to pay thousands of dollars a month to
5 live in an apartment.

6 And yet we're going to, without
7 means testing, allow people who live in some of
8 the most affluent areas in the city certainly,
9 the opportunity to live in rent-stabilized
10 apartments at below-market rates. Think about
11 that for a second. We're going to use the
12 authority here, we're going to pass a law that
13 says rich people are going to live at
14 below-market rates, and then we're going to
15 actually allow them to pay less for the
16 apartment, stay there, not have the bargain that
17 they bargained for, and then reward them on top
18 of it by making sure they stay there at
19 below-market rates.

20 We're not going to make those
21 apartments means-tested so that people like our
22 children and our constituents who are looking to
23 live in New York City, work a job in New York
24 City, so that if they're making less than median
25 income, have a place to live -- no, we're going

1 to allow the people who are there -- we're just
2 going to give them a gift. How does this make
3 sense, and why would we do this?

4 Now, if you wanted to tell me we
5 were going to do this so that we can increase the
6 number of affordable units that were in New York
7 City, we'd have a discussion. If we were
8 actually going to prioritize means testing it so
9 that people who had less could perhaps still
10 afford to live in New York City, we'd have a
11 discussion.

12 But that's not what we're doing
13 here. We're creating winners and losers. And
14 again, for whom? Where is the state interest?
15 Why are we passing a law for this? Why are we
16 interfering in contracts that were entered into
17 at arm's length -- which again, I believe is
18 unconstitutional. I know it's unconstitutional.

19 And when these building owners get
20 around to suing as a result of this
21 unconstitutional law -- if it passes, because I
22 still have hope that you'll all be convinced to
23 follow my lead and vote against this bill. But
24 when they sue because it is unconstitutional,
25 we'll be right back.

1 So it's a bad idea, Mr. President.
2 I think, you know, clearly creating winners and
3 losers through legislation and interfering in
4 contracts is not something we should do. It's
5 something we've been warned about in the past.
6 And I strongly urge my colleagues to look at what
7 that really is.

8 These aren't apartments in the
9 poorest areas of the city. That's not what we're
10 dealing with here. We're dealing with a group
11 who actually hired lobbyists, a coalition, to
12 come up here and change laws.

13 Let's understand what it is. Let's
14 treat it accordingly.

15 Mr. President, I'll be voting no.

16 ACTING PRESIDENT BAILEY: Thank
17 you, Senator Martins.

18 Senator --

19 (Inaudible exchange.)

20 SENATOR KRUEGER: I'd like to
21 respond to my colleague. First off --

22 ACTING PRESIDENT BAILEY: Senator
23 Krueger on the bill.

24 SENATOR KRUEGER: Thank you.

25 There's nothing -- there's nothing

1 in this bill that says the rent regulation will
2 be below market rate. Many of us who live in a
3 world of rent regulation know that very often the
4 rent-regulated levels of rent are pretty much
5 exactly what market rate is. We've even created
6 programs in this state -- 421-a, for example --
7 where you can get more than market rate under
8 what we call affordable housing.

9 We're not doing any of that now.
10 We're just talking about if you lose your
11 equity -- that's real money you paid in for that
12 unit -- that you can be at a rent-regulated
13 standard. Not necessarily less than your
14 neighbors, not even less than market rate. That
15 will be determined by DHCR in a court process.

16 As to whether these buildings would
17 suddenly become available to lower-income people,
18 since the whole issue here is the underlying
19 landowners asking for ridiculous sums of money as
20 rents -- on the rent on the land, they're
21 certainly not going to throw these people out and
22 tear those buildings down and turn it into
23 affordable housing. With all due respect, just
24 the opposite.

25 So the result will be even more

1 luxury housing in certain areas of the city --
2 probably my district, where nobody ever seems to
3 want to put in affordable housing -- and a loss
4 to the middle-income people and the older people
5 who put their life savings into these units and
6 will lose their buildings. So don't get
7 confused.

8 Now, could a court strike it down as
9 unconstitutional? I don't know. I've been here
10 23 years. I've watched real estate attempt to
11 get things shot down as unconstitutional. If
12 they win in court, obviously this is all moot.
13 But it seems an awful lot of the time they aren't
14 winning in court because we are doing what we're
15 supposed to be doing to try to protect people in
16 their homes who have invested and invested their
17 lives and their time in communities. And that's
18 all I'm asking for people to do here.

19 And now I'm happy to take more
20 questions and not speak on the bill a third time.

21 ACTING PRESIDENT BAILEY: Thank
22 you, Senator Krueger.

23 Senator Palumbo, why do you rise?

24 SENATOR PALUMBO: Thank you,
25 Mr. President. Would the sponsor yield for a few

1 questions, please?

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR KRUEGER: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR PALUMBO: Thank you,
8 Senator Krueger. And I saw some of your
9 colleagues wavering, that Senator Martins almost
10 got them to vote no, so I'm going to drive it
11 home and maybe we'll defeat this bad boy.

12 (Scattered laughter.)

13 SENATOR PALUMBO: But so, Senator,
14 regarding the retroactivity. And I think there
15 were some comments made in the last debate
16 questions with Senator Martins about you don't
17 believe that it has a retroactive effect, and you
18 were discussing that Regina case that the Court
19 of Appeals decided, saying that the prior -- a
20 similar-type provision regarding overcharges had
21 retroactive effect.

22 So in that regard, you indicated
23 earlier that it was 1974 that the rent
24 regulations came into effect, when they were
25 created. Isn't it also true, though, that some

1 of these contracts, as we indicated, can be
2 99 years. They were -- the ground leases were
3 executed prior to 1974. Is that fair to say?

4 SENATOR KRUEGER: Through you,
5 Mr. President, I don't know the dates of any
6 specific land leases. So I -- it's possible.

7 SENATOR PALUMBO: Thank you.

8 Will the sponsor yield?

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR KRUEGER: Yes.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR PALUMBO: Thank you.

15 And in that regard, I think it's
16 only been about 20 years where landlords are
17 required to keep records of prior rents as well.
18 Is that accurate?

19 SENATOR KRUEGER: Twenty years?
20 No, I think it's longer.

21 SENATOR PALUMBO: Twentyish. Do
22 you know? I mean, if you could please correct
23 me.

24 SENATOR KRUEGER: No, I think the
25 DHCR records go back farther than that, actually.

1 They might be on paper somewhere in a warehouse.
2 But I think they go back further.

3 SENATOR PALUMBO: Will the sponsor
4 yield?

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR PALUMBO: To that point,
11 Senator -- through you, Mr. President -- there
12 are certainly -- the likelihood of some of these
13 ground leases, though, that were executed prior
14 to the provisions requiring rent records to be
15 maintained -- similar to the first question I
16 just asked you, that prior to rent regulation and
17 prior to the requirement to maintain those
18 records, because some of them are so old.

19 SENATOR KRUEGER: Through you,
20 Mr. President. I just want to clarify.

21 These were not rent buildings prior,
22 so there wouldn't have been rent records. These
23 were empty pieces of land that cooperative
24 apartment buildings were built on. So I don't
25 know what the back rent question might be, so

1 just want to make sure I'm understanding the
2 questioner.

3 SENATOR PALUMBO: Sure. Will the
4 sponsor yield?

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR PALUMBO: Well -- so,
11 Senator, if I could direct you to -- I believe
12 it's page 4, Section 3 of the bill, right above
13 the severability clause, which is Section 4.
14 "Pursuant to subdivision 2 of 233-c of the
15 Real Property Law the initial rent shall be the
16 most recent legal regulated rent for the housing
17 accommodation adjusted by all lawful annual
18 guideline amounts for one-year leases established
19 by the Rent Guidelines Board that would have been
20 permitted had the housing accommodation been
21 continuously subject to this law, but if the
22 documentation necessary to reliably identify the
23 most recent legal regulated rent for the housing
24 accommodation is not available or is
25 inappropriate, such initial amount shall be

1 determined by" DHCR.

2 So directing you to that section,
3 that's really -- I'm just trying to get some
4 clarification. Maybe you can explain it a little
5 bit regarding what the obligations are.

6 And my question is that I believe
7 that many of these leases were executed prior to
8 the requirement to maintain those rent records,
9 if in fact they were previously rent-regulated.

10 Does that make sense?

11 SENATOR KRUEGER: Through you,
12 Mr. President. Again, the leases may -- the
13 underlying ground lease may in fact be from
14 pre-1974, but these buildings were never rental
15 buildings so there is no rent history on these
16 buildings.

17 SENATOR PALUMBO: Would the sponsor
18 continue to yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR KRUEGER: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR PALUMBO: So then the
25 adequate rent would be decided by DHCR?

1 SENATOR KRUEGER: That is my
2 understanding, yes.

3 SENATOR PALUMBO: Thank you. Will
4 the sponsor continue to yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR KRUEGER: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR PALUMBO: And just one
11 other area that I'd like to inquire. I want to
12 keep this moving because the hour is late.

13 You indicated that the owner of the
14 co-op share -- just so our colleagues understand,
15 there's a ground lease that they lease from, of
16 course, the landowner. However, they own a --
17 there's a cooperative corporation that owns the
18 building, and the people actually purchase a
19 share to occupy their apartment. Is that
20 accurate?

21 SENATOR KRUEGER: Correct.

22 SENATOR PALUMBO: Will the sponsor
23 yield?

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR KRUEGER: Through you, yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR PALUMBO: So upon
5 deregulation with this bill, you said they lose
6 their equity, meaning they no longer will have an
7 opportunity to sell their cooperative share on
8 the free market, but in exchange they get a good
9 lease, or a lease that must be -- that's
10 rent-regulated that must be offered to them. Is
11 that accurate?

12 SENATOR KRUEGER: Correct.

13 SENATOR PALUMBO: Will the sponsor
14 yield?

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR KRUEGER: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR PALUMBO: So there's
21 another aspect of our Constitution,
22 Mr. President, called the "takings clause," where
23 when you enact legislation and you take something
24 from someone, which also is a retroactive,
25 because some of these apartments -- and I have

1 just a couple of examples. At 50 Gramercy Park
2 North, it has 23 full-service apartments, with
3 housekeeping, room service, spa services, pet
4 walking, fresh flower services. They sell for
5 \$9 million.

6 At 995 Fifth Avenue, Stanhope, which
7 is one of these ground-lease buildings, the
8 penthouse apartment is 7,000 square feet, 11-room
9 units with five terraces, listed for \$50 million.

10 So in that regard, Senator, can you
11 tell me how this legislation does not flagrantly
12 violate the takings clause when that person who
13 is currently living in a \$50 million co-op
14 suddenly gets the tremendous benefit of paying
15 rent to live there instead of owning a
16 \$50 million apartment?

17 SENATOR KRUEGER: Through you,
18 Mr. President. I don't know of any of those
19 specific examples. I can just tell you that the
20 averages are in a radically different price range
21 and size range.

22 SENATOR PALUMBO: Will the sponsor
23 yield.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR KRUEGER: Yes.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR PALUMBO: Thank you,
5 Senator. I mean, that's kind of a glaring
6 example. And I know that you even mentioned
7 before we started any questioning today on this
8 bill that, you know -- that you had argued that
9 it was constitutional and it doesn't only benefit
10 very, very wealthy people.

11 So even if it's \$10,000 that they're
12 losing -- it could be 10,000, it could be
13 10 million -- this bill in its current form would
14 require of each of those individual
15 cooperative-share owners to lose the value of
16 that share upon deregulation. Isn't that
17 accurate?

18 SENATOR KRUEGER: In the examples
19 given, I actually assume that the cooperative
20 owners, if they in fact build apartments of that
21 value, would just buy out the land lease and
22 would never fall into this situation.

23 SENATOR PALUMBO: I'm sorry, would
24 you repeat that last part?

25 SENATOR KRUEGER: When you're

1 talking about a small building with enormously
2 wealthy expensive apartments, I think they would
3 just buy out the land lease and would never be in
4 this situation. So I don't think this really
5 would apply to them.

6 They would make the economic
7 decision not to lose the equity value in their
8 apartments and buy out the land lease.

9 SENATOR PALUMBO: Will the sponsor
10 continue to yield.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR KRUEGER: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR PALUMBO: Well, in that
17 example, Senator, then you're now talking about
18 very high value property. They may not be in a
19 position to purchase that ground lease at market
20 value. So they're either going to be
21 deregulated, or now you're forcing their hand to
22 now engage -- even though they have a contract
23 that existed long before this legislation, and in
24 fact maybe for a hundred years, with an option to
25 renew where the parties, as mentioned by my

1 colleague earlier, are at an arm's-length
2 position when they enter into it because they are
3 actually undervalued a little bit because they're
4 encumbered by a ground lease -- you're now
5 forcing those people and you're rewriting that
6 contract so that they either have to buy it out
7 or are subject to the loss of either a little, a
8 lot, or tremendous equity.

9 And those are my significant
10 concerns.

11 SENATOR KRUEGER: I don't think
12 that was a question, so I'm not going to answer.

13 ACTING PRESIDENT BAILEY: Senator
14 Palumbo, could you rephrase that in the form of a
15 question?

16 SENATOR PALUMBO: I guess -- would
17 you agree?

18 SENATOR KRUEGER: I would agree
19 that there are various scenarios allowed for in
20 this legislation. Right? Ensuring that the
21 equity apartment co-op owners now have the
22 ability to go to a bank and refinance their
23 mortgage and maintenance so that hopefully they
24 can pay the costs that are being demanded from
25 them, Option A.

1 Option B, the possibility of having
2 first refusal if the landowner decides it's in
3 his or her interest to sell the land.

4 And again, in the examples you just
5 gave where a unit is worth \$50 million, I'd say,
6 if I was that owner, I would want to make sure I
7 didn't lose my \$50 million equity and I would
8 work with my cooperative apartment colleagues to
9 buy the underlying piece of land.

10 And then, third, only if those
11 things don't happen and the landowner says, Nope,
12 I just want you out, I'm not agreeing to
13 anything, I'm not selling to you, that then that
14 would be the scenario where they would take over
15 the building and have the equity value for the
16 long term. But if you are living there, you
17 would have rent-regulated status for the time you
18 are there.

19 SENATOR PALUMBO: Thank you,
20 Senator.

21 On the bill, please, Mr. President.

22 ACTING PRESIDENT BAILEY: Senator
23 Palumbo on the bill.

24 SENATOR PALUMBO: And thank you,
25 Senator Krueger. I appreciate your passion for

1 this issue. I understand what you're trying to
2 achieve here.

3 But, you know, I have -- in my
4 district I have many folks who are seniors who
5 bought, out on the East End of Long Island, a
6 little fishing cottage, a block or on a beach
7 block from the ocean for pennies 45 years ago.
8 And now that little tiny beach cottage is worth
9 \$3 million. So we have concerns about being
10 reassessed for property tax values. They're not
11 people of means, they just happened to get lucky.

12 We can have a situation just like
13 that there where you have folks who cannot
14 afford -- an 80-year-old single senior will not
15 have any money to purchase the ground lease in
16 this circumstance upon deregulation. So they're
17 going to have to lose that equity. And great,
18 they get a rent-regulated apartment, but they
19 have lost a significant amount of equity and
20 value, in violation of the takings clause.

21 And one last quick comment.
22 Senator Krueger made an analogy to the
23 manufactured mobile homes. I have several in my
24 district. And it's actually -- I would say -- I
25 won't even say I would agree with this, but with

1 manufactured mobile homes, I think it's 223 or
2 233 of the Real Property Law, is very strict
3 regulations. They must offer renewals every
4 year. They must have reasonable increases. They
5 can't be significant. That would be the way to
6 deal with this. Just treat it like a
7 manufactured mobile home.

8 If we think that there's a concern
9 than ground lease owners are gouging those
10 cooperative tenants, then just simply regulate
11 that. Again, I'm not saying I would agree with
12 it.

13 But this is so drastic and so
14 unconstitutional, unfortunately I have to vote
15 no. And I can see a few others I may have
16 brought along with us. So hopefully,
17 Mr. President, they'll follow my lead.

18 I vote no. Thank you.

19 ACTING PRESIDENT BAILEY: Thank
20 you, Senator Palumbo.

21 Are there any other Senators wishing
22 to be heard?

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

25 Read the last section.

1 THE SECRETARY: Section 4. 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 Stavisky to explain her vote.

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

10 Let me dispel a couple of myths that
11 I heard from several of my colleagues on the
12 other side of the aisle. Not all ground leases
13 are held by rich co-ops. We have several in
14 Queens with ground leases. Three of them are in
15 my Senate district. They are very definitely not
16 rich. They are middle-class people struggling to
17 keep the co-ops alive.

18 Secondly, I heard somebody say that
19 this was unconstitutional. A year ago we did
20 legislation for three of the co-ops who were
21 having trouble negotiating the renewal of their
22 ground lease because they were built right after
23 the Second World War and they had 99-year leases,
24 and their shareholders were having difficulty
25 selling their co-ops because new buyers could not

1 afford the 25-year mortgage that Fannie Mae and
2 others were offering.

3 There are other co-ops in Queens I
4 know with ground leases, and they are not wealthy
5 co-ops. They're struggling. And we have to do
6 more for people who live in co-ops because they
7 are part of the community also.

8 So, Mr. President, I thank
9 Senator Krueger for this bill, and I vote aye.

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

12 Announce the results. Sorry about
13 that. Pardon me.

14 (Pause.)

15 ACTING PRESIDENT BAILEY: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 634, voting in the negative are
19 Senators Ashby, Borrello, Bynoe,
20 Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo,
21 Helming, Hinchey, Lanza, Martinez, Martins,
22 Mattera, Oberacker, O'Mara, Ortt, Palumbo,
23 Rhoads, Rolison, C. Ryan, S. Ryan, Skoufis, Stec,
24 Tedisco, Walczyk, Weber, Weik and Sutton.

25 Ayes, 34. Nays, 28.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number
5 1411, Senate Print 5597, by Senator May, an act
6 to amend the General Business Law.

7 ACTING PRESIDENT BAILEY: Senator
8 Borrello, I haven't seen you in a while. Why do
9 you rise?

10 (Laughter.)

11 SENATOR BORRELLO: Would the
12 sponsor yield for a question.

13 ACTING PRESIDENT BAILEY: Senator
14 May, do you yield?

15 SENATOR MAY: I do.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR BORRELLO: Through you,
19 Mr. President. Have you ever been in one of
20 those big, big snowplows like you see on the
21 Thruway? Have you ever like driven one or been
22 in one?

23 SENATOR MAY: I never have, no.

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

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR MAY: I will.

4 ACTING PRESIDENT BAILEY: The
5 Senator yields.

6 SENATOR BORRELLO: Well, you're
7 really missing out because it's a lot of fun.
8 You know, these things are out there pushing all
9 this snow in these, you know, horrible
10 conditions.

11 But my point is when you are in a
12 complex piece of commercial equipment like that,
13 it is not something that rolls off the factory
14 assembly-line like that. They start with a truck
15 and they might add modifications -- the plows,
16 all the equipment, the lights. In some cases
17 it's three, four, five, 10 different vendors.

18 And I understand the purpose of this
19 law is to take the Lemon Law -- which works well
20 for passenger vehicles with, you know, something
21 that rolls off the assembly-line and is sold.
22 But how do you expect something like this to
23 apply to a vehicle that has been modified, in
24 some cases by more than a dozen different
25 manufacturers? Who can be responsible?

1 SENATOR MAY: Through you,
2 Mr. President. This bill doesn't affect warranty
3 law in the sense of the laws that exist, both
4 federal and state level, against what are known
5 as unreasonable modifications. Which would be
6 anything that would change the way the actual
7 inner workings of the vehicle operate.

8 So if modifications have been made
9 that don't conform to that, that wouldn't be
10 grounds for like recall of the vehicle because of
11 the Lemon Law.

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

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR MAY: I would.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR BORRELLO: So when someone
20 makes a modification to a vehicle for a
21 commercial purpose, that wouldn't be
22 unreasonable, right? So you still now have to
23 say the manufacturer of the truck, the four
24 wheels, the drive train, the chassis, is now
25 going to be responsible if that, you know,

1 snowplow malfunctions, which they didn't install
2 and aren't warranting. Wouldn't that be the
3 case with this bill?

4 SENATOR MAY: Through you,
5 Mr. President. This has to do with anything that
6 doesn't conform to the warranty -- a
7 nonconformity, a defect, or a condition that
8 doesn't conform to the warranty. Meaning
9 whatever the vehicle was that the manufacturer
10 sold or the dealer sold, that part of it, if it
11 is defective, can then -- then the purchaser can
12 either return it or have it be repaired by the --

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

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR MAY: I would.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR BORRELLO: Again, with a
21 regular passenger vehicle we know what the limits
22 are. We know there's a warranty and we know that
23 when something isn't right, under the Lemon Law
24 you take it back to the dealer, the dealer fixes
25 it, and if they can't fix it, they have to give

1 you a reasonable compensation, including a new
2 car.

3 But what happens with this vehicle
4 that was purchased and modified? How do we prove
5 that the modifications that were made, whether it
6 be by a third party or by the --

7 ACTING PRESIDENT BAILEY: Senator
8 Borrello, one second.

9 Excuse me. I know the hour is late,
10 but if we could have some order in the chamber,
11 please, I'd appreciate it. Thank you.

12 Senator Borrello, please continue.

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

15 How do we know, how are we supposed
16 to determine that it is indeed something that the
17 manufacturer should be responsible for?

18 SENATOR MAY: Through you,
19 Mr. President. So you can modify a passenger
20 vehicle -- you can put new lights on it, you can
21 put a trailer hitch on it, there are all kinds of
22 things you can do it that don't void the
23 warranty.

24 This applies specifically to the
25 parts of the vehicle that were sold under that

1 warranty.

2 I do think if you're adding a bucket
3 or a snowplow or something like that that might
4 cause the whole vehicle to function differently,
5 that that would be up for question in this
6 process. But in general, if you're sold a
7 defective vehicle, then you deserve restitution.

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR MAY: I will.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR BORRELLO: We understand
16 compensation. But again, there are so many
17 people involved in what turns out to be a final
18 product.

19 I don't care if it's a snowplow or a
20 fire engine or a food truck, if we're holding
21 somebody responsible for something that they
22 ultimately did not either design that vehicle for
23 or, in the end, approve the final spec that went
24 into that vehicle, how are we determining what
25 percentage of responsibility there is versus, you

1 know, the -- for example, in a food truck, you've
2 got the truck and you've got somebody that
3 installed a grill and Ansul system and a vent.

4 If those things are defective, who
5 is going to be responsible for that?

6 SENATOR MAY: Through you,
7 Mr. President. Again, it's -- it operates the
8 same way that it would with a passenger vehicle,
9 that it would apply to what the law determines is
10 the part of the vehicle that came from the
11 manufacturer that has the defect.

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

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR MAY: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR BORRELLO: Look, I know
20 that most of the time bills that come before us
21 like this aren't something that we woke up and
22 dreamed up and wrote a bill and submitted. Some
23 are, but most of the time there's somebody that
24 has either requested it or has come to someone
25 and said this is a problem that needs to be

1 fixed.

2 What happened here? Who needs this
3 bill?

4 (Pause.)

5 SENATOR MAY: Through you,
6 Mr. President. So this bill came to me via
7 Senator Thomas. But my understanding is that for
8 him it was businesses that reached out, small
9 businesses in particular, that could not get
10 restitution when they purchased vehicles that had
11 inherent defects in them.

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

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR MAY: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR BORRELLO: You know, I'm a
20 small business owner. We have a tractor, we
21 have, you know, other vehicles. But at the end
22 of the day, you know, this bill now extends to
23 used vehicles. Commercial vehicles, you know,
24 are -- they're -- they're -- you know, people are
25 hard on them.

1 You know, our little John Deere
2 tractor is used to grade five acres of beach
3 every day, seven days a week, all summer long.
4 Quite frankly, I don't know who'd want to buy it.
5 But yet this law would cover warranty of that.
6 So am I responsible if someone buys that tractor
7 that has many hours on it, pretty tough hours,
8 and something goes wrong? Who's responsible? Am
9 I responsible?

10 SENATOR MAY: So again, there are
11 restrictions when it comes to used vehicles --
12 how many miles it can have on it, how long it's
13 been in service.

14 And again, this refers to defects
15 that were inherent in the vehicle when the
16 purchaser bought it and were discovered within a
17 fairly short period of time after purchasing a
18 used vehicle.

19 And I will point out that it
20 specifically talks about modifications being
21 something that would not be covered.

22 SENATOR BORRELLO: Mr. President,
23 on the bill.

24 ACTING PRESIDENT BAILEY: Senator
25 Borrello on the bill.

1 SENATOR BORRELLO: Thank you,
2 Senator May. If you do get a chance to get into
3 a plow truck, I highly recommend it.

4 Mr. President, this idea of trying
5 to apply a Lemon Law to commercial vehicles is
6 just -- well, it's just wrought with problems.
7 You are going to have vehicles that have been
8 modified by a third party that that's what they
9 do. You're going to have others that were not.
10 You're going to have things in the used market
11 that could have after-market things that may or
12 may not have a substantial negative impact on the
13 structure and function of the vehicle.

14 I talked about the tractor that we
15 have at our business. I don't understand how the
16 manufacturer should be responsible for things
17 that have been done to the vehicle, the tractor,
18 years and years after if we turned around and
19 tried to sell it.

20 So the problem I see is I think this
21 bill, quite frankly, is a solution in search of a
22 problem, which is probably why it's been around
23 for so long. It's passed this chamber many times
24 and it hasn't really gone anywhere. Because in
25 the end, it's not feasible and practical.

1 We have oftentimes taken something
2 that seems simple, consumer protection for
3 something like a passenger vehicle, and we're
4 trying to apply it now to a very different, very
5 complex commercial vehicle situation.

6 So this is really not something that
7 I think is going to be -- in the end isn't going
8 to be helpful to small business, because small
9 businesses are going to bear the brunt of the
10 aftereffects of something like this. The fact
11 that now it's going to be more expensive to buy
12 things like after-market warranties, to be able
13 to affordably buy that commercial equipment that
14 you need, whether it's new or used, because there
15 is now this extended liability for things that
16 really aren't the responsibility of the
17 manufacturer.

18 But in the end, who do we look
19 towards in these situations? We look towards the
20 deepest pocket. Not the person that's the
21 most -- not the company that's actually
22 responsible for the issue, but the person who's
23 got the most money to fix the issue. And that's
24 not -- in this case, in a commercial vehicle
25 that's been modified, that's not typically the

1 person that's responsible for that.

2 So for that reason and many others,
3 I will continue to be voting no on this.

4 Thank you, Mr. President.

5 ACTING PRESIDENT BAILEY: Thank
6 you, Senator Borrello.

7 Are there any other Senators wishing
8 to be heard?

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

11 Read the last section.

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

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 1411, voting in the negative are
21 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
22 Chan, Gallivan, Griffo, Helming, Lanza, Martins,
23 Mattera, Oberacker, O'Mara, Ortt, Palumbo,
24 Rhoads, Rolison, Stec, Tedisco, Walczyk Weber and
25 Weik.

1 Ayes, 41. Nays, 21.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 Senator Gianaris.

5 SENATOR GIANARIS: Mr. President,
6 the next bill on the list, Calendar 1681, had the
7 lay-aside removed, so can we please take that up
8 noncontroversial, please.

9 ACTING PRESIDENT BAILEY: Upon
10 consent, the lay-aside has been removed and the
11 bill will be taken up from the noncontroversial
12 calendar.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 1681, Senate Print 1986, by Senator Harckham, an
16 act to amend the Education Law.

17 ACTING PRESIDENT BAILEY: Read the
18 last section.

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

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 Senator Gianaris, we're going to
5 return to the controversial calendar?

6 SENATOR GIANARIS: Correct,
7 Mr. President. Let's get back to Calendar 1701
8 on the controversial calendar.

9 ACTING PRESIDENT BAILEY: The
10 Secretary will ring the bell.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 1701, Senate Print 7032, by Senator Sepúlveda, an
14 act to amend the Vehicle and Traffic Law.

15 ACTING PRESIDENT BAILEY: Senator
16 Lanza, why do you rise?

17 SENATOR LANZA: Mr. President, I
18 believe there's an amendment at the desk.

19 I waive the reading of that
20 amendment and ask that you recognize
21 Senator Walczyk.

22 ACTING PRESIDENT BAILEY: Thank
23 you, Senator Lanza.

24 Upon review of the amendment, in
25 accordance with Rule 6, Section 4B, I rule it

1 nongermane and out of order at this time.

2 SENATOR LANZA: Accordingly,
3 Mr. President, I appeal the ruling of the chair
4 and ask that Senator Walczyk be heard on that
5 appeal.

6 ACTING PRESIDENT BAILEY: The
7 appeal has been made and recognized, and
8 Senator Walczyk may be heard.

9 SENATOR WALCZYK: Thank you.

10 Mr. President, this amendment is not
11 only germane, it will solve your concerns about
12 the price of an I.D. for impoverished New
13 Yorkers. In Paragraph F this amendment states
14 "Any adult citizen whose income qualifies them
15 for Medicaid as verified in writing by the
16 county's department of social services shall not
17 be required to pay any fee for an identification
18 card."

19 Great news. That incorporates
20 exactly what the bill-in-chief is trying to do.
21 In fact, speaking of the bill-in-chief, the
22 sponsor's memo says -- these are his words, not
23 mine -- identification is a fundamental
24 necessity. Official I.D. is a critical tool.

25 He also points out, in his sponsor's

1 memo, you can't navigate daily life, obtain
2 housing, get medical care, obtain employment, get
3 social services, go to the bank or visit a public
4 museum or even feel, as the sponsor says, like a
5 real New Yorker without identification.

6 This amendment requires real
7 New Yorkers to bring that fundamentally
8 necessary, critical tool to their polling place
9 to verify that the person who's voting is indeed
10 who they say they are.

11 And even if you forget your
12 fundamentally necessary, critical tool, don't
13 worry, this bill has a solution for you, you real
14 New Yorkers. This amendment ensures you can cast
15 an affidavit ballot so no New Yorker is denied
16 their right to vote.

17 The only reason to vote against this
18 amendment or its germaneness would be if you
19 think non-New Yorkers and non-real New Yorkers
20 should be voting in our elections.

21 There's a reason that 70 percent of
22 New Yorkers support this amendment, and so should
23 you. Thank you, Mr. President.

24 ACTING PRESIDENT BAILEY: Thank
25 you, Senator Walczyk.

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

4 This amendment was not Jermaine,
5 Tito, Michael, Janet, or any other Jackson.

6 (Laughter.)

7 ACTING PRESIDENT BAILEY: Those in
8 favor of overruling the chair please signify by
9 saying aye.

10 (Response of "Aye.")

11 SENATOR LANZA: Show of hands.

12 ACTING PRESIDENT BAILEY: A show of
13 hands has been requested and so ordered.

14 Announce the results.

15 THE SECRETARY: Ayes, 21.

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

19 Senator Rhoads, why do you rise?

20 SENATOR RHOADS: My leg fell
21 asleep, Mr. President.

22 (Laughter.)

23 SENATOR RHOADS: But while I'm
24 up --

25 ACTING PRESIDENT BAILEY: Somebody

1 get the nurse for Senator Rhoads.

2 (Laughter.)

3 SENATOR RHOADS: Well, while I'm
4 up, I was hoping that the sponsor might yield for
5 a couple of questions.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

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

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR RHOADS: Thank you,
13 Senator Sepúlveda.

14 Through you, Mr. President. My
15 understanding is that the purpose of this bill is
16 to allow homeless individuals to access nondriver
17 identification. Is that correct?

18 SENATOR SEPÚLVEDA: Well, the
19 purpose -- through you, Mr. President, the
20 purpose of this bill is to allow people that are
21 homeless -- they can't access food, they can't
22 access housing, they can't access traditional
23 housing because they do not have any form of
24 identification. Many of them can't afford it.

25 You have about 160,000 homeless

1 people here in New York State. Not all of them
2 are going to apply for this license because some
3 of them -- for these I.D.s because some of them
4 have them already. But you're talking at least
5 about -- anywhere between 90,000 and 100,000
6 people that can use this so they can access food
7 and housing and things of that nature.

8 SENATOR RHOADS: Would the sponsor
9 continue to yield.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR SEPÚLVEDA: Through you,
13 Mr. President, I yield.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR RHOADS: As of today,
17 there's no prohibition to homeless individuals
18 applying for a nondriver's license, correct,
19 nondriver's I.D.

20 SENATOR SEPÚLVEDA: Through you,
21 Mr. President, I don't know of any. But the cost
22 is the main issue for people that are homeless.

23 SENATOR RHOADS: Okay. And will
24 the sponsor continue to yield?

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

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

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR RHOADS: My understanding
7 is that the current cost would be \$13 unless they
8 qualify for SSI, and then it would be reduced to
9 \$6.50. Is that your understanding?

10 SENATOR SEPÚLVEDA: Through you,
11 Mr. President, yes, that is the cost now. But
12 through our bill we will make this free to anyone
13 who's homeless.

14 SENATOR RHOADS: Understood. And I
15 appreciate that.

16 Will the sponsor continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

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

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR RHOADS: Just so I'm
24 correct in my understanding, though, I want to
25 make sure that the bill doesn't change any of the

1 other qualifications to be able to qualify for
2 nonvoter I.D. -- for non -- geez, non -- for a
3 nondriver's license.

4 SENATOR SEPÚLVEDA: Through you,
5 Mr. President, I don't think it does.

6 SENATOR RHOADS: Okay. So in other
7 words --

8 ACTING PRESIDENT BAILEY: Senator
9 Rhoads, are you asking the sponsor to yield?

10 SENATOR RHOADS: Will the sponsor
11 continue to yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

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

16 ACTING PRESIDENT BAILEY: The
17 Senator yields.

18 SENATOR RHOADS: So to qualify for
19 the nondriver I.D. card, the individual would
20 still have to provide proof of citizenship or
21 lawful status?

22 SENATOR SEPÚLVEDA: No, the --
23 through you, Mr. President, the individual has to
24 establish that they are homeless, especially if
25 it involves children.

1 SENATOR RHOADS: Will the sponsor
2 continue to yield.

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

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

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR RHOADS: Thank you for that
10 answer. They have to establish that they're
11 homeless.

12 I was going through the other
13 qualifications for what you would need to be able
14 to establish your entitlement to a -- to the
15 nondriver I.D. card. It doesn't --

16 SENATOR SEPÚLVEDA: -- establish
17 that they're homeless.

18 SENATOR RHOADS: Okay. Under
19 current -- will the sponsor continue to yield.

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

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

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR RHOADS: Okay. In addition
2 to the individual establishing that they're
3 homeless by providing one of the enumerated
4 identified proofs of establishing their being
5 homeless, my understanding under the bill is that
6 they would still have to provide what you would
7 normally have to provide for a nondriver I.D.

8 In other words, you have to provide
9 proof of citizenship or lawful status. You do
10 not have to establish, obviously, proof of
11 residency. They merely have to establish the
12 fact that they're homeless by one of the
13 enumerated --

14 SENATOR SEPÚLVEDA: Through you,
15 Mr. President, none of the requirements change.

16 SENATOR RHOADS: Okay. On the
17 application -- will the sponsor continue to
18 yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

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

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR RHOADS: And I certainly

1 understand and I applaud the purpose of the bill.
2 I just had a question with regard to perhaps one
3 unintended consequence and how this legislation
4 would actually handle it.

5 On the application for the nondriver
6 I.D. card, it does have the box for voter
7 registration. Would a form for a nonvoter I.D.
8 for a homeless -- for a nondriver I.D. card for a
9 homeless individual have that voter registration
10 box on it as well?

11 SENATOR SEPÚLVEDA: Through you,
12 Mr. President, can you repeat the question?

13 SENATOR RHOADS: Sure. Would the
14 application for a nondriver I.D. card also
15 include the voter registration question on the
16 bottom?

17 SENATOR SEPÚLVEDA: Through you,
18 Mr. President, it will. There's nothing here
19 that's going to change the voting requirements
20 for any homeless person. So that's not going to
21 change.

22 SENATOR RHOADS: Will the sponsor
23 continue to yield?

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

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

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR RHOADS: My only question
6 with respect to that is if the individual is not
7 identifying an address where's their permanent
8 residence, if they register to vote, where would
9 they be assigned to vote?

10 SENATOR SEPÚLVEDA: If the
11 person -- I'm sorry.

12 SENATOR RHOADS: So in other words,
13 if an individual who is homeless and is receiving
14 an I.D. card without their having a permanent
15 residence, and they check the box to register to
16 vote, where would the Board of Elections assign
17 that individual to actually be able to go and
18 vote if there's no address?

19 SENATOR SEPÚLVEDA: Through you,
20 Mr. President. As we know, that one of the
21 requirements for this is that you establish that
22 you're homeless so that you can get either
23 transitional housing or whatever housing you're
24 going to be able to apply for.

25 And the homeless person would

1 acquire that either shelter or that home or that
2 transitional housing, and through there, they can
3 register.

4 SENATOR RHOADS: Will the sponsor
5 continue to yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

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

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR RHOADS: Thank you for that
13 answer.

14 If I'm correct, then, in my
15 understanding, whatever their temporary address
16 is, be it a shelter or whatever temporary
17 housing, that would be -- so their I.D. would
18 actually have an address and that would be the
19 address from which they're registered to vote?

20 SENATOR SEPÚLVEDA: Through you,
21 Mr. President, that's the plan.

22 SENATOR RHOADS: Okay. Will the
23 sponsor continue to yield.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

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

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR RHOADS: And the nature of
6 that housing being transitional, is there
7 anything -- any requirement in your bill that
8 when they move to other housing that they be
9 required to reregister to vote?

10 SENATOR SEPÚLVEDA: Through you,
11 Mr. President. None of the registration laws or
12 election laws are going to be changed by this
13 bill. If anyone moves into another residency,
14 then obviously they're required to reregister
15 from that residency.

16 SENATOR RHOADS: And will the
17 sponsor continue to yield.

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

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

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR RHOADS: But just so I'm
25 correct in my understanding, then, the nondriver

1 I.D. card will have an actual address.

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

4 SENATOR RHOADS: Thank you,
5 Senator. I appreciate it.

6 ACTING PRESIDENT BAILEY: Thank
7 you, Senator Rhoads.

8 Are there any other Senators wishing
9 to be heard?

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

12 Read the last section.

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

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar 1701, voting in the negative are
23 Senators Borrello, Chan, Gallivan, Helming,
24 Martins, Oberacker, Ortt, Stec, Tedisco, Walczyk,
25 Weber and Weik.

1 Ayes, 50. Nays, 12.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1708, Senate Print 7717, by Senator Cooney, an
6 act to amend the General Business Law.

7 ACTING PRESIDENT BAILEY: Senator
8 Rhoads, good to see you again. Why do you rise?

9 SENATOR RHOADS: Wonderful to see
10 you again, Mr. President.

11 I just have a few questions to ask
12 the sponsor, if he would be kind enough to yield.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR COONEY: I would be happy
16 to.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR RHOADS: Thank you,
20 Mr. President. Of course through you.

21 Senator Cooney, thank you for
22 yielding to the questions. We're enjoying a late
23 night on a Monday night.

24 SENATOR COONEY: No place else I'd
25 rather be.

1 SENATOR RHOADS: I appreciate that.
2 I appreciate that.

3 If I can ask, who -- who requested,
4 if anyone, this legislation?

5 SENATOR COONEY: So I have a
6 constituent in the greater Rochester area who,
7 probably like many of your constituents,
8 experienced having to call a tow truck in the
9 middle of the winter towing season and was
10 surprised to find that she unfortunately incurred
11 over \$5,000 in towing fees to go from outer
12 Monroe County back into her hometown. And was
13 alarmed by this, because of course she wasn't
14 prepared to pay that type of money for towing.

15 And so she did raise it to me as an
16 elected official in her region, and we did a
17 little investigation and realized that there were
18 no caps on towing in communities outside of
19 New York City. And here we are. Like good
20 government, we enter legislation to make sure
21 that we could fix this for consumers across
22 New York.

23 SENATOR RHOADS: Thank you,
24 Senator Cooney.

25 Will the sponsor continue to yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR COONEY: Yes.

4 ACTING PRESIDENT BAILEY: The
5 Senator yields.

6 SENATOR RHOADS: That is certainly
7 a laudable goal. In doing so, though, the
8 sponsor memo says that it's for consumer
9 protection, enacting towing safeguards.

10 But many cities, villages and towns
11 within the State of New York actually do have
12 those safeguards in place. Could you please let
13 me know, did you consult any town supervisors or
14 village mayors in drafting this legislation?

15 SENATOR COONEY: Through you,
16 Mr. President. We consulted a number of groups,
17 including some tow companies and auto
18 organizations, as well as local government
19 partners.

20 What we found, though, Senator, is
21 that there's an inconsistency. So this
22 legislation was modeled in part after the 2019
23 New York City Council legislation which created
24 the towing cap standard for the five boroughs for
25 New York City.

1 And we thought rather than having
2 one consumer experience based on whether you're
3 in Jamestown or whether you're in Rochester or
4 whether you're in a town or village in
5 Nassau County, we wanted it to be consistent so
6 that consumers can predict and know what would be
7 available to them in terms of towing costs and
8 the storage costs for their vehicle.

9 SENATOR RHOADS: Will the sponsor
10 continue to yield?

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR COONEY: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR RHOADS: So am I correct in
17 my understanding that this legislation would
18 override any local laws that there are with
19 respect to towing and price of towing.

20 SENATOR COONEY: Through you,
21 Mr. President, that's correct. So this would be
22 a preemption, if you will, for a statewide
23 standard, just as much as Kings County cannot set
24 a different towing rate than Queens County can
25 set. So similar in modeling.

1 I will also note that a number of
2 states have done this of recent. I think just
3 last year the State of Colorado passed a towing
4 cap. Connecticut has passed a towing cap, as has
5 Georgia.

6 Georgia has also preempted a number
7 of municipalities in their state, like large
8 cities such as Atlanta, similar to our
9 legislation here tonight. This would exempt, of
10 course, the City of New York, which has their own
11 separate towing cap standard.

12 SENATOR RHOADS: Thank you,
13 Senator.

14 Will the sponsor continue to yield?

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR COONEY: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR RHOADS: And in your
21 legislation is there any accounting for regional
22 costs based upon where you are in the state?

23 SENATOR COONEY: Through you,
24 Mr. President. There isn't necessarily a
25 regional cost differentiation. It's really only

1 by the vehicle weight. So if it's a passenger
2 car that you and I might drive, versus a larger
3 Mack truck, that would have a different bearing.

4 But there is not a regional base
5 like Finger Lakes region versus Long Island.
6 There is something that is noteworthy based on
7 where the car breakdown may be. So it's a higher
8 tow rate on an arterial road than it is on a
9 street here in the City of Albany. So that's
10 really the more differentiated rate route, sure.

11 SENATOR RHOADS: Will the sponsor
12 continue to yield?

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR COONEY: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR RHOADS: And so I'm correct
19 in my understanding, though, this would apply to
20 any tow that has to take place anywhere in the
21 state. It's not restricted solely to state
22 parkways or state highways.

23 SENATOR COONEY: Through you,
24 Mr. President, that's correct. With the notable
25 exception that New York City is excluded.

1 SENATOR RHOADS: And will the
2 sponsor continue to yield?

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR COONEY: Yes.

6 ACTING PRESIDENT BAILEY: The
7 Senator yields.

8 SENATOR RHOADS: Thank you,
9 Senator Cooney.

10 You do acknowledge, however, that
11 there are different costs of actually operating a
12 business in different areas of the state?

13 So for example, if I own a
14 commercial piece of property in Nassau County and
15 I'm paying \$35,000 a year in property taxes, a
16 \$12 storage rate for a vehicle certainly does not
17 stretch as far as it might if you were in the
18 Finger Lakes region, for example.

19 SENATOR COONEY: Through you,
20 Mr. President, that's a duly noted point.

21 I will say again we modeled the
22 dollar figures you see in the legislation after
23 the 2019 New York City legislation. So
24 recognizing that storage costs would probably be
25 higher in terms of real estate value in the five

1 boroughs than it would be in Rochester or maybe
2 parts of Nassau County, depending on where you
3 are located. We thought we would be inclusive of
4 that.

5 I would also note that a lot of the
6 rates that I mentioned in terms of some of the
7 other states that are currently having tow caps
8 are consistent with where we are. Connecticut is
9 at \$105. Massachusetts, 108. Nevada, 55.

10 So I think there are some regional
11 cost differences in those states as well. So we
12 did our best to kind of come up with what we
13 thought would work best for outside of New York
14 City.

15 SENATOR RHOADS: Thank you,
16 Senator Cooney. I'll go on the bill now. Thank
17 you for the answers to the questions.

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

20 SENATOR RHOADS: Again, this is a
21 concern about the state trying to preempt towns,
22 villages and cities from making their own
23 restrictions that work for their locality, and
24 trying to outthink them in what's best for their
25 local residents.

1 I certainly understand the notion of
2 there being some rules to the road, that in areas
3 of the state where there are no restrictions or
4 no caps on what people are being charged -- as
5 the sponsor gave the example of his constituent
6 who was charged \$500 for a tow -- having some
7 guidelines in place certainly makes sense.

8 But again, preempting local control
9 and allowing local municipalities to be able to
10 make decisions that are reflecting the dynamics
11 of that locality I think is a mistake, and that's
12 why I'll be voting no.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BAILEY: Thank
15 you, Senator Rhoads.

16 Senator Martins, why do you rise?

17 SENATOR MARTINS: Thank you,
18 Mr. President. On the bill.

19 ACTING PRESIDENT BAILEY: Senator
20 Martins on the bill.

21 SENATOR MARTINS: Aside from the
22 costs associated with regulating tow trucks, our
23 local communities also license those tow truck
24 operators.

25 It's an important thing, the same

1 rationale that we have local communities that
2 license cabs and local taxis: It gives the local
3 community an opportunity to have a measure of
4 control over what could be sometimes predatory
5 uses.

6 And so taking away the ability of
7 our local communities to actually regulate
8 certain industries is counterintuitive. It's not
9 just about the dollars and cents. It's not just
10 about whether or not it's a hundred dollars.
11 It's actually about each local community being
12 able to decide and to actually license who can or
13 cannot operate within that community.

14 And I would ask the sponsor if he
15 would just allow a few questions. I know it's
16 late, but I just need to clarify a couple of
17 points with regard to that licensing.

18 Through you, Mr. President, if the
19 sponsor would yield.

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR COONEY: Yes.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR MARTINS: So would this

1 bill do anything with regard to requiring a
2 statewide list of licensed tow truck operators,
3 and would it indicate where they can or cannot
4 operate?

5 SENATOR COONEY: The legislation
6 does not require such a registry or list to be
7 published. But that might be a natural
8 consequence if this was to be passed.

9 SENATOR MARTINS: Through you,
10 Mr. President, if the sponsor would yield.

11 ACTING PRESIDENT BAILEY: Will the
12 sponsor yield?

13 SENATOR COONEY: Yes.

14 ACTING PRESIDENT BAILEY: The
15 sponsor yields.

16 SENATOR MARTINS: Would it promote
17 or require any state agency to promote terms or
18 conditions or regulations with regard to
19 operations of tow trucks in and around the state
20 so as to ensure public safety, consumer
21 protection?

22 Is there any component of this bill
23 that would address those issues that are normally
24 and historically addressed by our local
25 communities, whether they're villages, towns or

1 counties?

2 SENATOR COONEY: Through you,
3 Mr. President. That's a great point,
4 Senator Martins.

5 In fact, when we started to do the
6 initial research into towing procedures and the
7 tow caps that resulted from it, we realized
8 there's actually a whole criteria of these safety
9 standards, best practices, ethical business
10 behaviors that are recommended by consumer
11 groups, whether Consumer Reports or AAA or other
12 things that actually New York does not follow.

13 So that may actually result in
14 subsequent legislation. But we thought for the
15 purposes of addressing the immediate consumer
16 need, we would start with the price and the price
17 gouging that we're seeing, and moving to this.

18 So open to that conversation in the
19 future.

20 SENATOR MARTINS: Currently --
21 through you, Mr. President, if the sponsor would
22 continue to yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR COONEY: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR MARTINS: Currently in many
4 parts of the state -- and I would probably think
5 most parts of the state -- the local community
6 would require tow truck operators to apply.
7 There are fees associated because there is a
8 governance structure to it. And there's a
9 monitoring to it as well, to ensure local safety
10 and make sure they're complying with those local
11 regulations.

12 Would your bill preempt local
13 control in a way that would prevent those local
14 communities from being able to make those
15 decisions? Because integral to that is a
16 decision by the local community to put limits and
17 identify how much they can charge to actually tow
18 a car or a truck within the jurisdiction of that
19 community.

20 So it's overall, I believe, for the
21 benefit of the local community that we trust our
22 local communities to set regulations with regard
23 to safety, with regard to who's allowed to
24 operate within those local communities, and then
25 to charge a fee for that but also to regulate how

1 much the tow truck operator can charge.

2 That is the norm certainly in the
3 areas where we live in Nassau County, I'm
4 assuming on Long Island and in other parts of the
5 state. And I'm concerned that this will
6 jeopardize that or create confusion. Do you
7 share that concern?

8 SENATOR COONEY: Through you,
9 Mr. President. I think I heard a couple of
10 questions there.

11 I'll just -- to be clear, I answered
12 Senator Rhoads' question about this earlier in
13 terms of the preemption. Yes, Senator Martins,
14 it does create that preemption standard so that
15 if a local municipality, if a village or township
16 in Nassau County had a tow rate, this would then
17 replace that.

18 I understand your point about
19 wanting to have local control. Of course we are
20 a home-rule state. I understand those concepts,
21 and I support that, having worked in local
22 government as well.

23 But I will say that what I think
24 this does is it sets a minimum standard, an
25 expectation for consumers. Right? Is that we

1 recognize that when you were in a vulnerable
2 state, having called for a tow truck, whether
3 from an accident or a weather inclement event,
4 that you don't want to feel surprised by the
5 outcome.

6 And so whether it's from an
7 enforcement side, which is another point you
8 brought up, it would be the Attorney General's
9 office, right, to enforce good business
10 behavior -- bless you, Senators.

11 And so we wanted to make sure there
12 was a statewide standard. So that will be in
13 place outside of New York City.

14 SENATOR MARTINS: Thank you.

15 Mr. President, on the bill.

16 ACTING PRESIDENT BAILEY: Senator
17 Martins on the bill.

18 SENATOR MARTINS: So I appreciate
19 the effort. I appreciate what we're trying to do
20 here. And I'll just -- I'll try and be brief.

21 For now, bad idea. Local
22 communities know good actors, bad actors. They
23 understand what the local needs are. They will
24 listen to applications. There are disciplinary
25 proceedings when people break the rules. And

1 there are consequences locally when people break
2 the rules: They lose their franchise to be able
3 to operate in that local community.

4 So New York City's excluded. Okay.
5 But for every other community that has relied on
6 the local community, whether it's a village, a
7 town, a city, to oversee that, it's for the
8 benefit of the consumer and they make sure that
9 there aren't bad actors out there.

10 If we're waiting on the
11 Attorney General to make a decision on whether to
12 prosecute somebody locally, by the time that
13 happens it loses the ability to actually
14 function.

15 We have a system in place that
16 works. Each and every one of us should think
17 about their local community and who's making
18 those decisions right now and decide for
19 yourselves whether or not you think it's a good
20 idea -- except New York City, whether or not you
21 think it's a good idea for us to get rid of the
22 entire structure we have and allow for there to
23 be no controls, no operations locally, and take
24 away those responsibilities from our local
25 communities.

1 Folks, it just -- it needs to be
2 thought out a little bit more carefully. This
3 isn't the right bill that will do that.
4 Mr. President, I'll be voting no and I'm
5 encouraging everyone to please do the same.

6 ACTING PRESIDENT BAILEY: Thank
7 you, Senator Martins.

8 Are there any other Senators wishing
9 to be heard?

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

12 Read the last section.

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

15 ACTING PRESIDENT BAILEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Senator
19 Cooney to explain his vote.

20 SENATOR COONEY: Thank you,
21 Mr. President.

22 Again, the idea behind this
23 legislation is really about consumer awareness
24 and consumer protection. We all have
25 constituents who have found themselves in a

1 situation where they have to call a tow truck or
2 they have their vehicle moved to a storage yard,
3 and then that bill comes. And the bill is
4 shockingly high, without reason, and it could
5 just really take a bad situation and make it
6 worse.

7 This is a consumer protection bill
8 at heart. I appreciate the comments of the
9 Senators tonight who expressed concern about
10 local control.

11 I wanted to make a point that while
12 this bill does set a statewide cap for towing
13 fees outside of New York City, what it does not
14 do is it does not prohibit a local municipality
15 from creating a safety standard. So if there are
16 standards that the local community -- a village,
17 a township -- wants to take on, they can still
18 create those safety standards and hold towers
19 accountable to those safety standards.

20 What they cannot do is set a higher
21 towing rate than allowed under state law if we
22 pass this legislation. I will be supporting the
23 legislation, and I ask for my colleagues' support
24 tonight.

25 Thank you, Mr. President.

1 ACTING PRESIDENT BAILEY: Senator
2 Cooney to be recorded in the affirmative.

3 Announce the results.

4 THE SECRETARY: In relation to
5 Calendar 1708, those Senators voting in the
6 negative are Senators Borrello,
7 Canzoneri-Fitzpatrick, Chan, Gallivan, Martins,
8 Mattera, Oberacker, Palumbo, Rhoads, Rolison,
9 Stec, Tedisco, Walczyk and Senator Weber.

10 Ayes, 48. Nays, 14.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

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

15 SENATOR GIANARIS: Mr. President,
16 on behalf of Senator Sanders, I move to amend
17 Senate Bill 6316A by striking out the amendments
18 made on June 9th and restoring it to its original
19 print, 6316.

20 ACTING PRESIDENT BAILEY: So
21 ordered.

22 SENATOR GIANARIS: On behalf of
23 Senator Jackson, I offer the following amendments
24 to Calendar 1635, Senate Print 6693A, and ask
25 that said bill retain its place on the Third

1 Reading Calendar.

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

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

7 ACTING PRESIDENT BAILEY: There is
8 no further business at the desk.

9 SENATOR GIANARIS: I move to
10 adjourn until tomorrow, Tuesday, June 10th, at
11 1:00 p.m.

12 ACTING PRESIDENT BAILEY: On
13 motion, the Senate stands adjourned until
14 tomorrow, Tuesday, June 10th, at 1:00 p.m.

15 (Whereupon, at 10:56 p.m., the
16 Senate adjourned.)

17

18

19

20

21

22

23

24

25