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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 13, 2025

1:00 a.m.

REGULAR SESSION

SENATOR JEREMY COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT COONEY: Reading
14 of the Journal.

15 THE SECRETARY: In Senate,
16 Thursday, June 12, 2025, the Senate met pursuant
17 to adjournment. The Journal of Wednesday,
18 June 11, 2025, was read and approved. On motion,
19 the Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Krueger

1 moves to discharge, from the Committee on Rules,
2 Assembly Bill Number 174 and substitute it for
3 the identical Senate Bill 1163, Third Reading
4 Calendar 1960.

5 Senator Gonzalez moves to discharge,
6 from the Committee on Rules, Assembly Bill
7 Number 2581B and substitute it for the identical
8 Senate Bill 3285B, Third Reading Calendar 1967.

9 Senator Parker moves to discharge,
10 from the Committee on Rules, Assembly Bill
11 Number 4873 and substitute it for the identical
12 Senate Bill 4091, Third Reading Calendar 1970.

13 Senator Cleare moves to discharge,
14 from the Committee on Aging, Assembly Bill
15 Number 3939A and substitute it for the identical
16 Senate Bill 4351A, Third Reading Calendar 1972.

17 Senator Cleare moves to discharge,
18 from the Committee on Rules, Assembly Bill
19 Number 1988B and substitute it for the identical
20 Senate Bill 5742A, Third Reading Calendar 1983.

21 Senator Scarcella-Spanton moves to
22 discharge, from the Committee on Rules,
23 Assembly Bill Number 2468 and substitute it for
24 the identical Senate Bill 6277, Third Reading
25 Calendar 1988.

1 Senator Weber moves to discharge,
2 from the Committee on Rules, Assembly Bill
3 Number 6097 and substitute it for the identical
4 Senate Bill 6338, Third Reading Calendar 1989.

5 Senator Harckham moves to discharge,
6 from the Committee on Local Government,
7 Assembly Bill Number 7837 and substitute it for
8 the identical Senate Bill 7201, Third Reading
9 Calendar 1999.

10 Senator Rolison moves to discharge,
11 from the Committee on Rules, Assembly Bill
12 Number 7994B and substitute it for the identical
13 Senate Bill 7364B, Third Reading Calendar 2002.

14 Senator Murray moves to discharge,
15 from the Committee on Rules, Assembly Bill
16 Number 8193 and substitute it for the identical
17 Senate Bill 7667, Third Reading Calendar 2003.

18 Senator Harckham moves to discharge,
19 from the Committee on Rules, Assembly Bill
20 Number 8475 and substitute it for the identical
21 Senate Bill 8247, Third Reading Calendar 2016.

22 Senator Addabbo moves to discharge,
23 from the Committee on Rules, Assembly Bill
24 Number 7802A and substitute it for the identical
25 Senate Bill 8358, Third Reading Calendar 2024.

1 Senator Webb moves to discharge,
2 from the Committee on Rules, Assembly Bill
3 Number 7222 and substitute it for the identical
4 Senate Bill 8393, Third Reading Calendar 2026.

5 Senator Rolison moves to discharge,
6 from the Committee on Rules, Assembly Bill
7 Number 6815 and substitute it for the identical
8 Senate Bill 6243, Third Reading Calendar 2031.

9 ACTING PRESIDENT COONEY: So
10 ordered.

11 Messages from the Governor.
12 Reports of standing committees.
13 Reports of select committees.
14 Communications and reports from
15 state officers.

16 Motions and resolutions.

17 Senator Gianaris.

18 SENATOR GIANARIS: Good morning,
19 Mr. President.

20 ACTING PRESIDENT COONEY: Good
21 morning.

22 SENATOR GIANARIS: We are going to
23 simultaneously take up the calendar and call an
24 immediate meeting of the Rules Committee in
25 Room 332.

1 ACTING PRESIDENT COONEY: There
2 will be an immediate meeting of the
3 Rules Committee in Room 332.

4 There is a substitution at the desk.
5 The Secretary will read.

6 THE SECRETARY: Senator
7 Hoylman-Sigal moves to discharge, from the
8 Committee on Rules, Assembly Bill Number 1944 and
9 substitute it for the identical Senate Bill 3765,
10 Third Reading Calendar 495.

11 ACTING PRESIDENT COONEY: So
12 ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 495, Assembly Bill Number 1944, by
16 Assemblymember Paulin, an act to amend the
17 Public Health Law.

18 ACTING PRESIDENT COONEY: Read the
19 last section.

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

23 ACTING PRESIDENT COONEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT COONEY: Announce
2 the results.

3 THE SECRETARY: Ayes, 59.

4 ACTING PRESIDENT COONEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1003, Senate Print 3866B, by Senator Hinchey, an
8 act to amend the Public Buildings Law.

9 ACTING PRESIDENT COONEY: Read the
10 last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect one year after it shall
13 have become a law.

14 ACTING PRESIDENT COONEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT COONEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 1003, voting in the negative:
21 Senator Martins.

22 Ayes, 58. Nays, 1.

23 ACTING PRESIDENT COONEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1076, Senate Print 7366B, by Senator Martinez, an
2 act to amend the Highway Law.

3 ACTING PRESIDENT COONEY: Read the
4 last section.

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

7 ACTING PRESIDENT COONEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT COONEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 59.

13 ACTING PRESIDENT COONEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1224, Senate Print 6956B, by Senator C. Ryan, an
17 act to amend the Retirement and Social Security
18 Law.

19 ACTING PRESIDENT COONEY: Read the
20 last section.

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

23 ACTING PRESIDENT COONEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT COONEY: Announce
2 the results.

3 THE SECRETARY: Ayes, 59.

4 ACTING PRESIDENT COONEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1419, Senate Print 3394A, by Senator Gounardes,
8 an act to amend the Civil Practice Law and Rules.

9 ACTING PRESIDENT COONEY: Read the
10 last section.

11 THE SECRETARY: Section 9. This
12 act shall take effect on the 180th day after it
13 shall have become a law.

14 ACTING PRESIDENT COONEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT COONEY: Announce
18 the results.

19 THE SECRETARY: Ayes, 59.

20 ACTING PRESIDENT COONEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1956, Senate Print 287, by Senator Rhoads, an act
24 to amend the Vehicle and Traffic Law.

25 ACTING PRESIDENT COONEY: Read the

1 last section.

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

4 ACTING PRESIDENT COONEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT COONEY: Senator
8 Rhoads to explain his vote.

9 SENATOR RHOADS: Thank you,
10 Mr. President.

11 I want to thank leadership for
12 allowing this bill the opportunity to come to the
13 floor and thank my colleagues here in the Senate
14 for their support.

15 Obviously we've all had the
16 opportunity to attend Eagle Courts of Honor and
17 the chance to recognize our Eagle Scouts and the
18 exceptional people that they are -- their
19 dedication, their perseverance, their knowledge,
20 their skills and, most importantly, their service
21 to community.

22 And it's a chance for us also to
23 recognize the importance of scouting as a whole
24 in our community, because it instills in the kids
25 that participate in the program the same values

1 that we would want to see in our own -- love of
2 God, love of family, love of country, and
3 appreciation that we have a responsibility to
4 something greater than ourselves to use the gifts
5 and talents that we've been given to try and make
6 a difference in our communities. And that's what
7 Eagle Scouts do every single day.

8 And I am grateful -- and we always
9 say that obviously an Eagle Scout -- in fact,
10 they use the terminology "marked man," "marked
11 person" in their ceremonies. And they truly are.
12 When you see the name of an Eagle Scout cross
13 your desk, everybody instantly knows what that
14 means: Somebody who's trustworthy, somebody
15 who's brave, and somebody whom you can rely upon
16 in times of crisis and rely upon them to do the
17 right thing even when no one is looking.

18 And so now, by honoring them with
19 this distinctive plate, the state has the
20 opportunity to recognize them for the exceptional
21 people that they are.

22 I proudly vote aye and, again, thank
23 everyone for their support.

24 ACTING PRESIDENT COONEY: Senator
25 Rhoads to be recorded in the affirmative.

1 Announce the results.

2 THE SECRETARY: Ayes, 59.

3 ACTING PRESIDENT COONEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1957, Senate Print 601C, by Senator Gallivan, an
7 act to amend the Highway Law.

8 ACTING PRESIDENT COONEY: Read the
9 last section.

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

12 ACTING PRESIDENT COONEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT COONEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 59.

18 ACTING PRESIDENT COONEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1958, Senate Print 1004A, by Senator Brouk, an
22 act to amend the Criminal Procedure Law.

23 ACTING PRESIDENT COONEY: Read the
24 last section.

25 THE SECRETARY: Section 14. This

1 act shall take effect on the 90th day after it
2 shall have become a law.

3 ACTING PRESIDENT COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar 1958, voting in the negative are
10 Senators Borrello, Chan, Griffio, Helming,
11 Palumbo, Rhoads, Walczyk and Weik. Also
12 Senator Rolison.

13 Ayes, 50. Nays, 9.

14 ACTING PRESIDENT COONEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1959, Senate Print 1047, by Senator Salazar, an
18 act to amend the Public Authorities Law.

19 ACTING PRESIDENT COONEY: Read the
20 last section.

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

23 ACTING PRESIDENT COONEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT COONEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar 1959, voting in the negative are
5 Senators Borrello, Chan, Griffo, Helming, Lanza,
6 Oberacker, O'Mara, Ortt, Rhoads, Walczyk, Weber
7 and Weik.

8 Ayes, 47. Nays, 12.

9 ACTING PRESIDENT COONEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1960, Assembly Bill Number 174, by
13 Assemblymember R. Carroll, an act to amend the
14 Real Property Law.

15 ACTING PRESIDENT COONEY: Read the
16 last section.

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

19 ACTING PRESIDENT COONEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT COONEY: Announce
23 the results.

24 THE SECRETARY: In relation to
25 Calendar 1960, voting in the negative are

1 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
2 Chan, Griffo, Helming, Lanza, Martins, Mattera,
3 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
4 Tedisco, Walczyk, Weber and Weik. Also
5 Senator Oberacker.

6 Ayes, 39. Nays, 20.

7 ACTING PRESIDENT COONEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1961, Senate Print 1672B, by Senator Martinez, an
11 act to amend the Education Law.

12 ACTING PRESIDENT COONEY: Read the
13 last section.

14 THE SECRETARY: Section 2. This
15 act shall take effect January 1, 2026.

16 ACTING PRESIDENT COONEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT COONEY: Senator
20 Martinez to explain her vote.

21 SENATOR MARTINEZ: Thank you,
22 Mr. President, and good morning.

23 I stand today in support of this
24 bill. I first would like to thank our leader for
25 bringing this bill to the floor. It's such an

1 important bill, not only for Long Island but
2 really for our workers across the island and our
3 children. We know education continues to be the
4 building block of New York's middle class, and
5 with that comes publicly supported education and
6 construction projects that should strengthen, not
7 undercut, the middle-class workers.

8 Unfortunately, on Long Island that
9 is not always the case. Some school construction
10 projects have been awarded to contractors that
11 later have been found guilty of wage theft,
12 worker misclassification, failure to secure
13 New York-based insurance and workers'
14 compensation. And they have refused to hire
15 local construction workers.

16 These projects are heavily funded by
17 New York taxpayers, with the state subsidizing
18 nearly 80 percent of school construction costs
19 through Building Aid. When a construction crew
20 lacks the proper training, it can lead to safety
21 hazards and substandard work which can expose
22 taxpayers to additional expenses for projects
23 that need to be remediated.

24 PLAs are proven tools that set fair
25 wages, efficient workplace safety standards and

1 prioritize hiring skilled local workers.
2 Incorporating PLAs into Long Island school
3 construction projects will ensure taxpayers'
4 dollars support good-paying jobs, local jobs, and
5 deliver state-of-the-art facilities without the
6 costly disruption caused by unsafe and
7 unscrupulous contractors.

8 Strong labor standards don't just
9 protect workers, they help school districts avoid
10 delays and cost overruns, but also safeguard our
11 precious children and our faculty who attend
12 these schools every single day.

13 And let's remember that PLAs will
14 not necessarily require schools to contract with
15 union shops. It still allows them to choose
16 different firms that best meet their needs, but
17 as long as the project meets the agreed-upon
18 stipulation of the agreement.

19 The bill known as the Stop Worker
20 Exploitation in Public Education Act is about
21 standing up for New Yorkers, the workers,
22 safeguarding taxpayers' dollars, and ensuring
23 Long Island schools are built with respect,
24 fairness, and keeping the safety of our children
25 in mind.

1 I encourage my colleagues to join me
2 in supporting Long Island's workers, taxpayers,
3 and our future generations by passing this
4 important legislation.

5 I also want to thank our brothers
6 and sisters in labor who always stand for
7 New York, New York workers, and I really hope
8 that New York continues to be the beacon for all
9 workers with fair wages and great working
10 conditions.

11 I vote aye.

12 ACTING PRESIDENT COONEY: Senator
13 Martinez to be recorded in the affirmative.

14 Senator Mattera to explain his vote.

15 SENATOR MATTERA: Thank you,
16 Mr. President.

17 I want to thank Senator Martinez for
18 working so hard on this, and everybody. This was
19 definitely a hurdle. And this is just so
20 important. For somebody that has been in the
21 trades and somebody who's been a business agent
22 for 23 years, 43 years with the Plumbers Union,
23 I've seen a lot. I've seen a lot of corruption,
24 I've seen a lot of contractors exploiting the
25 workers.

1 And just to give a heads-up, my
2 father was one of them. When my father first was
3 a mechanic and my father was working at the
4 VA Hospital and he had the union delegates come
5 up to him, and he found out that he wasn't
6 getting paid the proper wage. And my dad went
7 home, he went home to my mom and said, "I'm going
8 into the union."

9 He goes: I can't believe my boss.
10 After six years, what I've done, worked hard, and
11 to make his business grow, and he -- all he did
12 was he hurt me with wages that he wasn't getting
13 paid. And you know what, he went into the union.

14 But, you know, this is such an
15 important bill because we do work with the
16 district attorney's office and, guess what, it's
17 just a revolving door. There's always loopholes.

18 And we do have good friends that are
19 up in the gallery right now, and I appreciate
20 Josh Slaughter and Vinny Alu and Mike McGuire. I
21 thank you so much for coming back up here tonight
22 to make sure that you were up here lobbying
23 and -- well, excuse me, working hard to talk to
24 all of the elected officials to make sure they
25 understood what this was all about.

1 So again, thanks to Senator Martinez
2 and to Assemblywoman Solages over in the
3 Assembly -- hopefully that gets done tomorrow --
4 and I proudly vote aye.

5 Thank you so much.

6 ACTING PRESIDENT BAILEY: Senator
7 Mattera to be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar 1961, voting in the negative are
11 Senators Helming, O'Mara, Ortt and Walczyk.

12 Ayes, 55. Nays, 4.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1962, Senate Print 2485, by Senator Parker, an
17 act to amend the Public Service 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: In relation to
3 Calendar 1962, voting in the negative are
4 Senators Borrello, Canzoneri-Fitzpatrick,
5 Gallivan, Griffo, Lanza, Martins, Mattera,
6 Oberacker, O'Mara, Rhoads, Stec, Tedisco, Walczyk
7 and Weik.

8 Ayes, 45. Nays, 14.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1963, Senate Print 2516A, by Senator Gounardes,
13 an act to amend the Social Services 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: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 1963, voting in the negative:
25 Senators Oberacker and Weik. Also Senator Stec.

1 Ayes, 56. Nays, 3.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1964, Senate Print 2536A, by Senator Jackson, an
6 act to amend the Labor Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the 180th day after it
11 shall have become a law.

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 1964, voting in the negative are
19 Senators Helming and Walczyk.

20 Ayes, 57. Nays, 2.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1965, Senate Print 2681B, by Senator Cooney, 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 120th 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: Senator
10 Cooney to explain his vote.

11 SENATOR COONEY: Thank you,
12 Mr. President.

13 Our brave New York State Troopers
14 put their lives on the line every day to keep us
15 safe, whether it's protecting our roadways,
16 responding to emergencies, or investigating
17 crimes. And we know it's an unfortunate reality
18 of their work that they are sometimes forced to
19 use deadly force responding to an emergency.

20 But just because a trooper may be
21 justified in using such force doesn't mean that
22 they aren't experiencing hardship as a result,
23 whether it be a physical or a mental toll.
24 Currently in New York we have no uniform policy
25 to assist troopers recovering from these critical

1 incidents. And that's exactly what this bill
2 would fix.

3 This would guarantee paid leave for
4 troopers who had to use deadly force. Currently
5 these officers can be sent back on the roads in
6 just a day or two after witnessing such events --
7 a system that's just unacceptable.

8 Our New York State Troopers are
9 dedicated public servants who work diligently to
10 protect our communities, and with this bill we
11 will be giving them the support that they
12 deserve. I hope that this legislation that we're
13 going to pass here tonight on the floor of the
14 Senate will become a national model for how we
15 address mental health issues and support our law
16 enforcement agencies.

17 I want to thank our Majority Leader,
18 Andrea Stewart-Cousins, for her leadership in
19 bringing this bill to the floor.

20 I am always proud to be the partner
21 of the State Troopers and an ally here in the
22 Legislature. Mr. President, I vote aye.

23 SENATOR GIANARIS: Senator Cooney
24 to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar 1965, voting in the negative:
3 Senator Brisport.

4 Ayes, 58. Nays, 1.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1966, Senate Print 3266, by Senator Palumbo, an
9 act in relation to the Southampton Village
10 Ocean Rescue.

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, 59.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1967, Assembly Bill Number 2581B, by
25 Assemblymember Gonzalez-Rojas, an act to amend

1 the Public Health Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

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

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 1967, voting in the negative are
14 Senators Canzoneri-Fitzpatrick, Gallivan, Griffio,
15 Helming, Oberacker, Rhoads, Walczyk and Weik.

16 Ayes, 51. Nays, 8.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1968, Senate Print 3815B, by Senator Rivera, an
21 act to amend the General Municipal Law.

22 ACTING PRESIDENT BAILEY: There is
23 a home-rule message at the desk.

24 Read the last section.

25 THE SECRETARY: Section 4. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Senator
6 Rivera to explain his vote.

7 SENATOR RIVERA: Thank you so much,
8 Mr. President.

9 Back on July 5th of 2017, a tragedy
10 occurred. In my district in the Bronx,
11 Miosotis Familia, an NYPD detective, was
12 assassinated in an unprovoked ambush. She was
13 the first female officer killed in the line of
14 duty since 9/11, and only the third in the
15 history of the NYPD.

16 As a single mother, she left behind
17 three children -- Genesis, Peter, and Delilah.
18 At the time, Genesis was 20 years old, and she
19 became the sole caregiver of her entire family.
20 And unlike a surviving spouse, Genesis and her
21 siblings are only eligible for benefits until the
22 age of 18 -- or 23 if they remain students. And
23 Genesis had already aged out, and the twins will
24 soon follow.

25 So we knew, based on these facts

1 that were brought to us, that we needed to change
2 the way that the law is currently structured to
3 allow for this situation to occur, because
4 survivors' accidental death benefits, or SADB's,
5 eligibility -- what this bill would do is extend
6 the eligibility for children of deceased
7 municipal workers who died in the line of duty if
8 there is no surviving spouse.

9 We have been working on this bill
10 for the last couple of years, and I'm incredibly
11 thankful to the leader for allowing it to be
12 brought to the floor. Certainly working along
13 with the folks in the City Council, we got a
14 home-rule right on the last day of session. And
15 I know that this is going to be passing -- it
16 passed in the Assembly -- or is going to be
17 passing later tonight or maybe in the next couple
18 of days.

19 But bottom line, Mr. President, is
20 that we will be finally able to change the
21 situation of all of these children to make sure
22 that Genesis can receive the benefits that she is
23 due so that she can take care of her family. And
24 this is the best way that we as a state can pay
25 our tribute to the memory of Officer Familia.

1 I vote in the affirmative.

2 ACTING PRESIDENT BAILEY: Senator
3 Rivera to be recorded in the affirmative.

4 Announce the results.

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1969, Senate Print Number 3879A, by
10 Senator Hoylman-Sigal, an act to amend the
11 Civil Practice Law and Rules.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

14 THE SECRETARY: Section 3. 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 1969, voting in the negative are
23 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
24 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
25 Mattera, Oberacker, O'Mara, Ortt, Palumbo,

1 Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

2 Ayes, 39. Nays, 20.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1970, Assembly Bill Number 4873, by
7 Assemblymember Chandler-Waterman, an act to amend
8 the Public Authorities Law.

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: In relation to
19 Calendar 1970, voting in the negative are
20 Senators Griffo and Walczyk.

21 Ayes, 57. Nays, 2.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1971, Senate Print 4263, by Senator Kavanagh, an

1 act to amend the Environmental Conservation Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

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

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, 59.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1972, Assembly Bill Number 3939A, by
16 Assemblymember Paulin, an act to amend the
17 Elder 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, 59.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1973, Senate Print 4417, by Senator May, an act
7 to amend the Social Services Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

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

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 1973, voting in the negative are
19 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
20 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
21 Mattera, Oberacker, O'Mara, Ortt, Palumbo,
22 Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber
23 and Weik.

24 Ayes, 38. Nays, 21.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1975, Senate Print Number 4554A, by
4 Senator Scarcella-Spanton, an act to amend the
5 Administrative Code of the City of New York.

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

8 Read the last section.

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

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1976, Senate Print 4598, by Senator Jackson, an
21 act to amend the Retirement and Social Security
22 Law.

23 ACTING PRESIDENT BAILEY: There is
24 a home-rule message at the desk.

25 Read the last section.

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

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce
7 the results.

8 THE SECRETARY: Ayes, 59.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1977, Senate Print 4727, by Senator Jackson, an
13 act to amend the Retirement and Social Security
14 Law.

15 ACTING PRESIDENT BAILEY: There is
16 a home-rule message at the desk.

17 Read the last section.

18 THE SECRETARY: Section 4. 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: Ayes, 59.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1978, Senate Print 4824A, by Senator Jackson, an
5 act to amend the General Municipal Law.

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

8 Read the last section.

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

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1979, Senate Print 4894, by Senator Jackson, an
21 act to repeal paragraph (g) of subdivision 4 of
22 Section 209 of the Civil Service Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1980, Senate Print 4966, by Senator Bailey, an
12 act to amend the New York City Charter.

13 ACTING PRESIDENT BAILEY: There's a
14 home-rule message at the desk.

15 Read the last section.

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

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 1980, voting in the negative:
25 Senator Rhoads.

1 Ayes, 58. Nays, 1.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1981, Senate Print 5056A, by Senator Rivera, an
6 act to amend the Public Health Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

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

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1982, Senate Print 5257A, by Senator Hinchey, an
21 act to amend the General Business Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 4. This
25 act shall take effect on the 180th day after it

1 shall have become a law.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: In relation to
8 Calendar 1982, voting in the negative:
9 Senator Walczyk.

10 Ayes, 58. Nays, 1.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1983, Assembly Bill Number 1988B, by
15 Assemblymember Paulin, an act to amend the
16 Public Health 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, 59.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1984, Senate Print 5883, by Senator Lanza, an act
6 to amend the Vehicle and Traffic Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

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

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: Ayes, 59.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1985, Senate Print 5939B, by Senator Skoufis, an
22 act to amend the Public Health Law.

23 SENATOR LANZA: Lay it aside.

24 ACTING PRESIDENT BAILEY: Lay it
25 aside.

1 THE SECRETARY: Calendar Number
2 1986, Senate Print 5998B, by Senator Skoufis, an
3 act to amend the Domestic Relations Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

6 THE SECRETARY: Section 10. This
7 act shall take effect on the 270th 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: Senator
13 Skoufis to explain his vote.

14 SENATOR SKOUFIS: Thank you very
15 much, Mr. President, for affording me a moment on
16 the bill.

17 This legislation is named in honor
18 of Kyra Franchetti, who was only two years old
19 when she was murdered by her abusive father
20 during an unsupervised court-sanctioned visit.
21 Kyra's mother, who many of us know, Jacqueline,
22 has pleaded -- had pleaded with the court
23 multiple times to shield her daughter from her
24 father's suicidal behavior, abuse, uncontrollable
25 anger, and manipulative control. But the judge

1 overseeing her custody case didn't listen and
2 ordered unsupervised visits anyway.

3 Tragically, there are others who
4 share Kyra's devastating story. New York's
5 children are routinely court-ordered into homes
6 with dangerous and even murderous guardians. And
7 with that so top of mind, this legislation would
8 require Family Court to review allegations of
9 domestic violence and child abuse prior to
10 issuing temporary or final orders of custody and
11 visitation.

12 This would include a history of
13 domestic violence, child abuse, police reports,
14 and other known risk factors. Kyra's mother
15 Jacqueline was robbed of the opportunity to watch
16 her daughter grow, to see her start preschool, to
17 learn to read. She will never watch Kyra
18 graduate from high school or find a career she
19 loves or have children of her own.

20 But somehow, through the unthinkable
21 loss of her daughter, and with incredible
22 patience and grace, Jacqueline has harnessed her
23 grief to drive this singularly consequential
24 piece of legislation before us today.

25 I'd truly like to thank

1 Majority Leader Andrea Stewart-Cousins for
2 bringing this bill to the floor and her support;
3 Assemblymember Andy Hevesi; my team, Steven Koch,
4 and the many advocates who have worked on this
5 bill over the years -- and would especially like
6 to highlight the work of Joan Gerhardt,
7 Jennifer Friedman, and most of all
8 Jacqueline Franchetti, Kyra's mother, who has
9 worked tirelessly to ensure that what happened to
10 Kyra does not happen to any other child here in
11 New York State.

12 I proudly vote aye.

13 ACTING PRESIDENT BAILEY: Senator
14 Skoufis to be recorded in the affirmative.

15 Announce the results.

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1987, Senate Print 6247A, by Senator Skoufis, an
21 act to ratify and confirm the creation of
22 Water District No. 14 of the Town of Monroe.

23 ACTING PRESIDENT BAILEY: There's a
24 home-rule message at the desk.

25 Read the last section.

1 THE SECRETARY: Section 6. 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: Ayes, 59.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1988, Assembly Bill Number 2468, by
13 Assemblymember Dinowitz, an act to amend the
14 Public Service Law.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

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

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: In relation to
25 Calendar 1988, voting in the negative are

1 Senators Gallivan, Stec, Walczyk, Weber and Weik.

2 Ayes, 54. Nays, 5.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1989, Assembly Bill Number 6097, by
7 Assemblymember Weprin, an act to amend the
8 Town Law.

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: In relation to
19 Calendar 1989, voting in the negative are
20 Senators Gallivan, Helming, O'Mara, Rhoads and
21 Weik.

22 Ayes, 54. Nays, 5.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1990, Senate Print 6351B, by Senator Addabbo, an
2 act to amend the General Municipal Law.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT BAILEY: Lay it
5 aside.

6 THE SECRETARY: Calendar Number
7 1991, Senate Print 6421A, by Senator Borrello, an
8 act authorizing the City of Batavia to alienate
9 certain parklands.

10 ACTING PRESIDENT BAILEY: There's a
11 home-rule message at the desk.

12 Read the last section.

13 THE SECRETARY: Section 5. 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, 59.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1992, Senate Print 6439, by Senator Fahy, an act
25 in relation to issuing the Village --

1 ACTING PRESIDENT BAILEY: There's a
2 home-rule message at the desk.

3 Read the last section.

4 THE SECRETARY: Section 3. 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, 59.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1993, Senate Print 6661, by Senator Griffo, an
16 act to amend the Veterans' Services 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 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1994, Senate Print 6929A, by Senator Webb, an act
6 to amend the Education Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

9 THE SECRETARY: Section 4. This
10 act shall take effect one year after it shall
11 have become a law.

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: Ayes, 59.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1995, Senate Print 7028C, by Senator Walczyk, an
22 act in relation to authorizing the City of
23 Little Falls, in the County of Herkimer, to
24 finance certain deficits by the issuance of
25 bonds.

1 ACTING PRESIDENT BAILEY: There's a
2 home-rule message at the desk.

3 Read the last section.

4 THE SECRETARY: Section 6. 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: In relation to
12 Calendar 1995, voting in the negative are
13 Senators Bailey and Persaud.

14 Ayes, 57. Nays, 2.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1996, Senate Print 7049A, by Senator Fernandez,
19 an act authorizing the City of New York to
20 discontinue certain parkland in Ferry Point Park.

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

23 Read the last section.

24 THE SECRETARY: Section 9. 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 1996, voting in the negative are
8 Senators Brisport, Krueger and Mayer. Also
9 Senator Cleare.

10 Ayes, 55. Nays, 4.

11 ACTING PRESIDENT BAILEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1997, Senate Print 7053, by Senator Webb, an act
15 to amend the County 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: Ayes, 59.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1998, Senate Print 7072, by Senator Webb, an act
5 to amend the General Municipal Law.

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

8 Read the last section.

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

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1999, Assembly Bill Number 7837, by
21 Assemblymember Levenberg, an act to amend the
22 Village Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 2000, Senate Print 7223, by Senator Persaud, an
12 act in relation to authorizing the conveyance of
13 certain property by the City of New York.

14 ACTING PRESIDENT BAILEY: There's a
15 home-rule message at the desk.

16 Read the last section.

17 THE SECRETARY: Section 5. 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, 59.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 2001, Senate Print 7314C, by Senator Jackson, an
4 act to amend the Retirement and Social Security
5 Law.

6 ACTING PRESIDENT BAILEY: There's a
7 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, 59.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 2002, Assembly Bill Number 7994B, by
21 Assemblymember Barrett, an act to amend the
22 Public Authorities Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 2003, Assembly Bill Number 8193, by
12 Assemblymember DeStefano, an act in relation to
13 authorizing the assessor of the Town of
14 Brookhaven to accept an application for a real
15 property tax exemption.

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 2003, voting in the negative:

2 Senator O'Mara.

3 Ayes, 58. Nays, 1.

4 ACTING PRESIDENT BAILEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 2004, Senate Print 7675A, by Senator Ortt, an act
8 to amend Chapter 220 of the Laws of 1976.

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, 59.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 2005, Senate Print 7748, by Senator Jackson, an
23 act to amend the General Municipal Law.

24 ACTING PRESIDENT BAILEY: There's a
25 home-rule message at the desk.

1 Read the 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: Ayes, 59.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 2006, Senate Print 7749, by Senator Jackson, an
14 act to amend the General Municipal Law.

15 ACTING PRESIDENT BAILEY: There's a
16 home-rule message at the desk.

17 Read the 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: Ayes, 59.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 2007, Senate Print 7756A, by Senator May, an act
5 to amend Chapter 198 of the Laws of 2021.

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: Ayes, 59.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 2008, Senate Print 7868A, by Senator Martins, an
20 act authorizing the Village of Kings Point,
21 Town of North Hempstead, County of Nassau, to
22 alienate and discontinue certain parklands.

23 ACTING PRESIDENT BAILEY: There's a
24 home-rule message at the desk.

25 Read the last section.

1 THE SECRETARY: Section 7. 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
9 Calendar 2008, voting in the negative:
10 Senator Hoylman-Sigal.

11 Ayes, 58. Nays, 1.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 2009, Senate Print 7950A, by Senator Bailey, an
16 act to amend the Workers' Compensation 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, 59.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 2010, Senate Print 8024B, by Senator Martinez, an
6 act related to disability retirement benefits for
7 Deputy Sheriff Richard Stueber.

8 ACTING PRESIDENT BAILEY: There is
9 a home-rule message at the desk.

10 Read the last section.

11 THE SECRETARY: Section 3. 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, 59.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 2011, Senate Print 8071A, by Senator Addabbo, an
23 act to amend the Civil Practice Law and Rules.

24 ACTING PRESIDENT BAILEY: Read the
25 last section.

1 THE SECRETARY: Section 3. This
2 act shall take effect on the 120th day after it
3 shall have become a law.

4 ACTING PRESIDENT BAILEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BAILEY: Announce
8 the results.

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 2012, Senate Print 8087, by Senator Gounardes, an
14 act to amend the Retirement and Social Security
15 Law.

16 ACTING PRESIDENT BAILEY: There is
17 a home-rule message at the desk.

18 Read the 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 2012, voting in the negative are
3 Senators Griffo, Helming, Lanza, O'Mara, Ortt,
4 Stec and Walczyk.

5 Ayes, 52. Nays, 7.

6 ACTING PRESIDENT BAILEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 2013, Senate Print 8121A, by Senator Jackson, an
10 act to amend the Retirement and Social Security
11 Law.

12 ACTING PRESIDENT BAILEY: There's a
13 home-rule message at the desk.

14 Read the 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, 59.

23 ACTING PRESIDENT BAILEY: the bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 2014, Senate Print 8183, by Senator Martins, an
2 act to amend the Village Law.

3 ACTING PRESIDENT BAILEY: Read the
4 last section.

5 THE SECRETARY: Section 3. 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: Ayes, 59.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 2015, Senate Print 8233, by Senator Sanders, an
17 act to amend the New York City Charter.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

20 THE SECRETARY: Section 3. 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, 59.

3 ACTING PRESIDENT BAILEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 2016, Assembly Bill Number 8475, by
7 Assemblymember Berger, an act to amend the
8 Elder Law.

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, 59.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 2017, Senate Print Number 8263, by
23 Senator Canzoneri-Fitzpatrick, an act authorizing
24 the Congregation Khal Mevakshei Hashem, Inc., to
25 receive retroactive real property tax exempt

1 status.

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: In relation to
12 Calendar 2017, voting in the negative:
13 Senator O'Mara.

14 Ayes, 58. Nays, 1.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 2018, Senate Print 8265A, by Senator Sutton, an
19 act to amend the Insurance Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

22 THE SECRETARY: Section 5. This
23 act shall take effect January 1, 2027.

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Senator
3 Weber to explain his vote.

4 SENATOR WEBER: Thank you,
5 Mr. President.

6 I rise today -- I think it is today.
7 I rise in support of this legislation, and I'm
8 proud to be one of the sponsors.

9 Last June, with only a few days left
10 in session, I met with several families in my
11 district office and heard the challenges they
12 faced as parents of children with cochlear
13 implants. For those of you who don't know, these
14 wonderful devices give people with hearing
15 impairments the ability to hear properly. They
16 truly are a miracle.

17 The parents explained that a new
18 cochlear implant comes with two devices, each
19 with rechargeable batteries, both covered by
20 insurance. For six hours each day the devices
21 need to be charged. This is manageable for
22 adults, but more difficult for children.

23 When a device malfunctions or needs
24 to be upgraded, the replacements are not covered
25 by insurance. When insurance companies denied

1 the requests made by parents, the denial letters
2 said they were following state guidelines.

3 Thankfully, as legislators, we are
4 in a position to modify the state guidelines to
5 require insurance companies to cover the cost of
6 replacement devices when they malfunction or
7 become obsolete.

8 As you can imagine, these devices
9 are expensive. And some families who can't
10 afford to immediately purchase a backup device
11 were forced to not hear for hours each day while
12 waiting for one of their working devices to
13 recharge.

14 I believe every cochlear recipient
15 should have access to sound at all times, and I'm
16 proud to say that with the passing of this
17 legislation, that goal will be more attainable
18 than ever.

19 Mr. President, I proudly vote aye.

20 ACTING PRESIDENT BAILEY: Senator
21 Weber to be recorded in the affirmative.

22 Announce the results.

23 THE SECRETARY: Ayes, 59.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 2019, Senate Print 8306A, by Senator Ortt, an act
3 to amend Chapter 978 of the Laws of 1996.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

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

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce
12 the results.

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 2020, Senate Print 8313, by Senator Harckham, an
18 act authorizing the Commissioner of
19 General Services to transfer and convey certain
20 unappropriated state land to The Arc Westchester
21 New York.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 6. 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, 59.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 2021, Senate Print 8341A, by Senator Stavisky, an
11 act to amend the Education Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

14 THE SECRETARY: Section 4. This
15 act shall take effect on the 180th day after it
16 shall have become a law.

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, 59.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 2022, Senate Print 8344, by Senator Gounardes, an
2 act to amend Chapter 189 of the Laws of 2013.

3 ACTING PRESIDENT BAILEY: There is
4 a home-rule message at the desk.

5 Read the last section.

6 THE SECRETARY: Section 6. 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 2022, voting in the negative are
15 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
16 Chan, Gallivan, Helming, Lanza, Martinez,
17 Martins, Mattera, Oberacker, O'Mara, Ortt,
18 Palumbo, Scarcella-Spanton, Stec, Tedisco,
19 Walczyk, Weber and Weik.

20 Ayes, 39. Nays, 20.

21 ACTING PRESIDENT BAILEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 2023, Senate Print 8349A, by Senator Palumbo, an
25 act in relation to directing the Department of

1 Transportation to grant a permanent access and
2 construction easement to the Metropolitan
3 Transportation Authority.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

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

8 ACTING PRESIDENT BAILEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce
12 the results.

13 THE SECRETARY: Ayes, 59.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 2024, Assembly Bill Number 7802A, by
18 Assemblymember Sayegh, an act to amend the
19 Racing, Pari-Mutuel Wagering and Breeding Law.

20 ACTING PRESIDENT BAILEY: Read the
21 last section.

22 THE SECRETARY: Section 2. This
23 act shall take effect on the 90th 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 2024, voting in the negative are
7 Senators Brisport, Krueger and Martinez.

8 Ayes, 56. Nays, 3.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 2025, Senate Print 8391, by Senator Gianaris, an
13 act to amend the Civil Rights Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

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

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: Ayes, 59.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 2026, Assembly Bill Number 7222, by
3 Assemblymember Bichotte Hermelyn, an act to amend
4 the Executive 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, 59.

15 ACTING PRESIDENT BAILEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 2027, Senate Print 8400, by Senator Serrano, an
19 act in relation to a feasibility study and report
20 on the potential reestablishment of the
21 Empire State Summer Games.

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, 59.

7 ACTING PRESIDENT BAILEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 2028, Senate Print 8420A, by Senator Gianaris, an
11 act to amend the General Business Law.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

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

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, 59.

23 Oh, excuse me. In relation to
24 Calendar 2028, voting in the negative:
25 Senator Walczyk.

1 Ayes, 58. Nays, 1.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 2029, Senate Print 8428, by Senator Rhoads, an
6 act to amend the Highway 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: 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 2029, voting in the negative:
18 Senator Brisport.

19 Ayes, 58. Nays, 1.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 2030, Senate Print Number 8432, by
24 Senator Hoylman-Sigal, an act to amend the
25 Limited Liability Company Law.

1 SENATOR LANZA: Lay it aside.

2 ACTING PRESIDENT BAILEY: Lay it
3 aside.

4 THE SECRETARY: Calendar Number
5 2031, Assembly Bill Number 6815, by
6 Assemblymember Beephan, an act to amend the
7 Tax Law.

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 Number 2031, voting in the negative are
19 Senators Canzoneri-Fitzpatrick, Gallivan,
20 Harckham, Helming, Lanza, Martinez, O'Mara,
21 Rhoads, C. Ryan, Scarcella-Spanton, Skoufis and
22 Weik.

23 Ayes, 47. Nays, 12.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 2032, Senate Print 6618A, by Senator Rolison, an
3 act to amend the Tax 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 2032, voting in the negative are
15 Senators Canzoneri-Fitzpatrick, Gallivan,
16 Harckham, Helming, Lanza, Martinez, O'Mara,
17 Rhoads, C. Ryan, Scarcella-Spanton, Skoufis and
18 Weik.

19 Ayes, 47. Nays, 12.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 Senator Gianaris, that completes the
23 reading of today's supplemental active list --
24 today's active list, excuse me, because it's a
25 new day.

1 SENATOR GIANARIS: Mr. President, I
2 believe there's a report of the Rules Committee
3 at the desk. Let's take that up, please.

4 ACTING PRESIDENT BAILEY: The
5 Secretary will read.

6 THE SECRETARY: Senator
7 Stewart-Cousins, from the Committee on Rules,
8 reports the following bills:

9 Senate Print 5426, by
10 Senator Skoufis, an act to amend the
11 Real Property Law;

12 Senate Print 8416, by
13 Senator Comrie, an act to amend the
14 General Business Law.

15 Both bills reported direct to third
16 reading.

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

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

22 (Response of "Aye.")

23 ACTING PRESIDENT BAILEY: Opposed,
24 nay.

25 (Response of "Nay.")

1 ACTING PRESIDENT BAILEY: The
2 report of the Rules Committee is adopted.

3 Senator Gianaris.

4 SENATOR GIANARIS: Please take up
5 the supplemental calendar.

6 ACTING PRESIDENT BAILEY: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number
9 2033, Senate Print 5426, by Senator Skoufis, an
10 act to amend the Real Property Law.

11 ACTING PRESIDENT BAILEY: Read the
12 last section.

13 THE SECRETARY: Section 2. This
14 act shall take effect on the 180th 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 2033, voting in the negative are
23 Senators Lanza and Rhoads.

24 Ayes, 57. Nays, 2.

25 ACTING PRESIDENT BAILEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 2034, Senate Bill Number 8416, by Senator Comrie,
4 an act to amend the General Business Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

7 SENATOR LANZA: Lay it aside.

8 ACTING PRESIDENT BAILEY: Lay it
9 aside.

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

12 SENATOR GIANARIS: Mr. President,
13 let's move on to the controversial calendar,
14 beginning with Calendar Number 2034.

15 ACTING PRESIDENT BAILEY: The
16 Secretary will ring the bell.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 2034, Senate Print 8416, by Senator Comrie, an
20 act to amend the General Business Law.

21 ACTING PRESIDENT BAILEY: Senator
22 Rhoads, it's 1:52 a.m. Why do you rise?

23 (Laughter.)

24 SENATOR RHOADS: Because I was
25 falling asleep, Mr. President.

1 ACTING PRESIDENT BAILEY: Gotta
2 wake on up, brother.

3 SENATOR RHOADS: I was hoping that
4 Senator Comrie might yield to a few questions.

5 ACTING PRESIDENT BAILEY: Senator
6 Comrie, do you yield?

7 SENATOR COMRIE: I yield.

8 ACTING PRESIDENT BAILEY: The last
9 dragon yields.

10 SENATOR RHOADS: Thank you,
11 Senator Comrie. Through you, Mr. President.

12 If I can ask, the bill that we have
13 before us was actually introduced on June 9th of
14 2025. So at least by my count, that would have
15 been on Tuesday. Was there a particular reason
16 after five months of session that we waited to
17 introduce this legislation until the Tuesday
18 before the close of session?

19 SENATOR COMRIE: Through you,
20 Mr. President. This bill has been worked on for
21 the past five -- almost seven years. We've been
22 trying to create an opportunity to improve the
23 opportunities for the Attorney General to update
24 the General Business Law in relation to enacting
25 the fostering Affordability and Integrity through

1 Reasonable Fair Business Practices Act.

2 Every state in the New York -- every
3 state in the United States has a statute
4 prohibiting unfair, deceptive and abusive
5 practices, which are known as UDAAP. These
6 statutes serve to protect consumers and to
7 protect businesses from promoting fraud or
8 unethical business practices.

9 In New York UDAAP only prohibits
10 deceptive acts such as claiming a product does a
11 task that it does not perform. Likewise, the
12 state statute broadly prohibits unfair practices
13 but restricts consumers' ability to enforce these
14 protections. The administrative barriers and
15 narrow definitions of unfair practices make it
16 difficult for New Yorkers to take action against
17 corrupt businesses, reducing the effectiveness of
18 UDAAP statutes.

19 This bill is going to define acts or
20 practices as unfair where it causes or is likely
21 to cause substantial injury which is not
22 reasonably avoidable and is not outweighed by the
23 countervailing benefits to the consumer or to
24 competition.

25 We have been trying, as I said in

1 the beginning, for seven years to update the
2 UDAAP bill. There's over 32 states that have
3 updated it. This bill has not been updated since
4 1980. And New York must reform its outdated and
5 weak consumer protection laws. We have many
6 folks that are here in this state that are new
7 homeowners, new auto buyers, working to try to
8 improve their business, and they're being ripped
9 off by businesses.

10 This is a bill that we've been
11 working hard with the business community, with
12 the Attorney General's office, working with the
13 Assembly and the Governor's office, and we
14 finally have enough -- we finally have two
15 different houses that have agreed on a bill, and
16 hopefully the Governor's office will help move
17 this bill forward.

18 SENATOR RHOADS: Will the sponsor
19 continue to yield?

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR COMRIE: Yes.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR RHOADS: Through you,

1 Mr. President. You would agree, though,
2 Senator Comrie, would you not, that this is a
3 fairly robust and comprehensive piece of
4 legislation that we were merely given on this
5 side of the aisle hours to be able to look at,
6 and merely less than an hour of notice that it
7 would be coming to the floor today.

8 It did not go through the normal
9 committee process, was not the subject of any
10 hearings, was not the subject, obviously, of any
11 questioning in any committee, other than its
12 brief stop over at the Rules Committee sometime
13 around 1:30 in the morning on the day after what
14 is supposed to be the final day of session.

15 Don't you think that this is a
16 little bit rushed for such a comprehensive bill?

17 SENATOR COMRIE: Through you,
18 Mr. President, I would take umbrage with the fact
19 that this bill is being labeled as comprehensive.

20 This bill is actually quite simple.
21 And this bill has been brought down to its most
22 essential elements. This bill was introduced in
23 a larger version on March 13th by the Attorney
24 General's office and filed accordingly.

25 This bill has been focused and

1 re-detailed to focus on just the main things that
2 are going to create harm to consumers. In most
3 cases it's just going to deal with a substantial
4 injury or a substantial harm -- substantial
5 injury, an unfair business practice, and a
6 deceptive business practice or an abusive
7 business practice. And that's it.

8 If you would like, I will give you
9 the definitions of those three, but I think we'll
10 do that down the line. Thank you.

11 SENATOR RHOADS: Thank you,
12 Senator Comrie.

13 Will the Senator continue to yield?

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR COMRIE: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR RHOADS: The federal
20 government has its own Frank-Dodd UDAAP statute
21 and also has FTC statutes that provide consumer
22 protections similar to this. Why did you feel it
23 was necessary at this particular juncture for a
24 bill that you've been working on for the last
25 seven years to introduce these state protections

1 today?

2 SENATOR COMRIE: Because, frankly,
3 we don't believe that the federal government will
4 continue to help enforce these statutes. And
5 recent reports have indicated that the
6 Consumer Financial Protection Bureau will not
7 pursue any current or future cases. And most
8 Republicans in Congress have introduced
9 legislation to eliminate the agency altogether.

10 So we don't feel that on the federal
11 level there will be protection for consumers. So
12 that's why we were even more focused on trying to
13 come to an agreement this year.

14 SENATOR RHOADS: Thank you,
15 Senator Comrie.

16 But this is a bill that you've been
17 working on for the last seven years --

18 ACTING PRESIDENT BAILEY: Senator
19 Rhoads, are you asking the sponsor to yield?

20 SENATOR RHOADS: Oh, will the
21 sponsor continue to yield?

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR COMRIE: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR RHOADS: But this is a bill
3 that you've been working on for the past seven
4 years, correct?

5 SENATOR COMRIE: Yes. Correct.

6 SENATOR RHOADS: And will the
7 sponsor continue to yield.

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR COMRIE: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR RHOADS: What's the purpose
14 of the bill?

15 SENATOR COMRIE: The purpose of the
16 bill is to protect consumers from practices that
17 are charging usury fees to them to purchase
18 equipment, to purchase cars, for home loan
19 practices.

20 We also are focusing now on dealing
21 with fewer junk fees, where people get caught in
22 other business scams. This is something that is
23 focused on making sure that anyone that has a
24 clear injury from the deceptive practice -- not
25 an imagined injury or an assumed injury, but

1 something that can be clearly delineated, can be
2 protected and the Attorney General can come in
3 and help them recoup their money.

4 We have many -- this is a state of
5 new immigrants. This is a state of many people
6 that are trying to get a leg up in life, they are
7 starting businesses, they are purchasing homes,
8 and they're frankly getting ripped off. And
9 whenever those incidents are happening, they have
10 no recourse or no one to turn to.

11 So this would give the
12 Attorney General the power to be able to help
13 these constituents, these consumers, these folks
14 that are trying to lift themselves up but are
15 getting pushed back because they have limited
16 knowledge and they're doing things that they have
17 never done before with people that are ripping
18 them off.

19 SENATOR RHOADS: Will the sponsor
20 continue to yield?

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR COMRIE: Yes.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR RHOADS: Thank you,
2 Senator Comrie.

3 Doesn't the Attorney General already
4 have the ability to prosecute what the
5 Attorney General believes to be deceptive
6 business practices under existing state law?

7 SENATOR COMRIE: Yes, they do have
8 limited power. But this is expanding it to
9 things that are clearly deceptive and unfair.

10 SENATOR RHOADS: And if the sponsor
11 will continue to yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR COMRIE: Yes.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR RHOADS: In what ways is
18 this legislation expanding the powers of the
19 Attorney General?

20 SENATOR COMRIE: So through you,
21 Mr. President, it's adding unfair acts, which is
22 defined as an act or practice is unfair when it
23 causes or is likely to cause substantial injury
24 which is not reasonably avoidable and is not
25 outweighed by the countervailing benefits to the

1 consumer or competition.

2 Then an abusive act, which is
3 defined as an act or practice is abusive when it
4 materially interferes with the ability of a
5 person to understand a term or condition of a
6 product or service or it takes unreasonable
7 advantage of the lack of understanding on the
8 part of a person of the material risks, costs or
9 conditions of a product or service or (b) the
10 inability of a person to protect such person's
11 interests in selecting or using a product or
12 service.

13 SENATOR RHOADS: Thank you,
14 Senator Comrie.

15 Will the sponsor continue to yield?

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR COMRIE: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR RHOADS: I know the
22 definitions that are contained in the statute. I
23 can certainly read them. But they all sound to
24 be somewhat similar and would be encompassed
25 under the definition of a deceptive business

1 practice.

2 Would you be able, as the sponsor,
3 to give me a concrete example of what you believe
4 to be a deceptive practice versus an unfair
5 practice versus an abusive practice?

6 SENATOR COMRIE: Yeah, okay. Let
7 me -- the -- you're a new homeowner and you're
8 trying to buy furniture. You go to a store and
9 they tell you what the furniture is going to cost
10 you on a rental, as opposed to a purchase, so you
11 can save money. You turn out to find out that
12 the rental fee is costing you more than you would
13 have actually purchased the item for if you were
14 able to purchase it whole. That's a deceptive
15 business practice.

16 An unfair practice is if you're
17 going to purchase a home, like many new
18 homeowners do in New York State, and they find
19 out that they're paying a rate that's three times
20 over the cost because there's a balloon mortgage
21 on there that they weren't told about or there
22 was a codicil put in there that they weren't
23 aware of and they weren't given an opportunity to
24 have a real analysis done because they were told
25 they had to sign the papers that day or they

1 would lose the mortgage.

2 What was the third one, abusive?

3 That's wide open for many people. But most
4 abusive practices is when people are trying to
5 purchase a product or a service and they're being
6 pushed to something that they either were not
7 able to afford or not able to continue to pay
8 for, but they were told on the spot by the
9 business that they would have to purchase this
10 today.

11 So that they're looking to -- this
12 law is not looking to do anything but clearly
13 defend people that were clearly abused in a
14 specific way and that that caused harm or injury
15 to them. And also created a clear financial
16 hardship because it's costing them a lot more
17 than they would -- than most New Yorkers would
18 pay, those informed New Yorkers that understand
19 how to and have practice in purchasing things.

20 We are trying to protect our new
21 New Yorkers. We're trying to protect people that
22 are trying to build a life, develop an
23 opportunity, buy their first car. Even student
24 loans, we're finding people are getting ripped
25 off on. As I said earlier, the home purchase

1 market, especially in my district, where I have
2 one of the highest foreclosure rates because
3 people have gotten into usury loans, they have
4 purchased homes that they found out they had no
5 way to continue to pay for or manage.

6 We're trying to protect those
7 people. We are New Yorkers. We are legislators.
8 We try to protect people that come here to try to
9 build a better life. And this bill would help
10 give the Attorney General that opportunity.

11 SENATOR RHOADS: Madam President,
12 will the sponsor continue to yield?

13 ACTING PRESIDENT MAYER: Will the
14 sponsor yield?

15 SENATOR COMRIE: Yes.

16 ACTING PRESIDENT MAYER: Senator
17 Comrie yields.

18 SENATOR RHOADS: I'm still having
19 some difficult understanding, though,
20 Senator Comrie. Through you, Madam President, of
21 course.

22 Because the examples that you
23 give -- a person buying furniture, a person
24 buying a home not realizing or not being told
25 that there was a balloon payment at the end, an

1 individual being charged three times the rate
2 that they thought they were going to be charged
3 because they weren't informed of the rates --
4 wouldn't those all qualify as deceptive
5 practices? Because they all involve leading
6 someone to believe something that isn't true.

7 SENATOR COMRIE: Through you,
8 Madam President. I think that's subject to
9 interpretation. And what the Attorney General is
10 trying to do, as they've done in 47 other states
11 and have done on a federal level, is to create
12 the same standard.

13 And so the language that's written
14 here in this bill is compared to and equal to
15 what has been done in 47 other states.

16 SENATOR RHOADS: Thank you,
17 Senator Comrie.

18 Will the sponsor continue to yield.

19 ACTING PRESIDENT MAYER: Do you
20 continue to yield?

21 SENATOR COMRIE: Yes.

22 ACTING PRESIDENT MAYER: The
23 sponsor yields.

24 SENATOR RHOADS: So now the statute
25 itself, the proposed statute, defines an unfair

1 practice as when it causes or is likely to cause
2 substantial injury not reasonably avoidable and
3 is not outweighed by countervailing benefits to
4 consumers or to competition, is that correct?

5 SENATOR COMRIE: Correct. I'm
6 sorry, through you, Madam President, correct.

7 SENATOR RHOADS: And will the
8 sponsor continue to yield.

9 SENATOR COMRIE: Yes.

10 ACTING PRESIDENT MAYER: Do you
11 continue to yield?

12 The sponsor yields.

13 SENATOR RHOADS: And what was the
14 basis for that definition?

15 SENATOR COMRIE: Again, through
16 you, Madam President, this is the same definition
17 that's used in 47 other states and also currently
18 used by the federal Consumer Financial Protection
19 Bureau. It's the exact same definition. And it
20 was brought -- developed some time ago, and it
21 has been effective across the country in 47 other
22 states.

23 SENATOR RHOADS: And what is the
24 definition of substantially --

25 ACTING PRESIDENT MAYER: Senator

1 Rhoads, are you asking --

2 SENATOR RHOADS: Oh, will the
3 sponsor continue to yield?

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield?

6 SENATOR COMRIE: Yes.

7 ACTING PRESIDENT MAYER: The
8 sponsor yields.

9 SENATOR RHOADS: And what is the
10 definition of substantial injury?

11 SENATOR COMRIE: It's defined in
12 the Federal Trade Commission Act. It's the same
13 definition in the Federal Trade Commission Act,
14 Senator Rhoads. So it's -- they tried to use the
15 same language and actually the same words and --
16 so they could be uniform with everything else
17 that's happening across the country.

18 SENATOR RHOADS: Will sponsor
19 continue to yield.

20 SENATOR COMRIE: Yes.

21 ACTING PRESIDENT MAYER: The
22 sponsor yields.

23 SENATOR RHOADS: The federal
24 statute, though, does provide some standards for
25 determining what is actually unfair or deceptive,

1 does it not?

2 SENATOR COMRIE: Through you,
3 Madam President, yes. And this bill matches that
4 exactly.

5 SENATOR RHOADS: Will the sponsor
6 continue to yield.

7 ACTING PRESIDENT MAYER: Do you
8 continue to yield?

9 SENATOR COMRIE: I do.

10 ACTING PRESIDENT MAYER: The
11 sponsor yields.

12 SENATOR RHOADS: And what standards
13 does the statute provide for making that
14 determination?

15 SENATOR COMRIE: Standards? I'm
16 sorry, through you, Madam -- I mean, one minute.
17 I need to confer on that one. (Conferring.)

18 The standards are derived from
19 standard case law which the FTC has used in their
20 many examples. But it's through standard case
21 law by the Federal Trade Commission and by the
22 Consumer Finance Protection Bureau.

23 SENATOR RHOADS: Will the sponsor
24 continue to yield.

25 ACTING PRESIDENT MAYER: Do you

1 continue to yield?

2 SENATOR COMRIE: I do.

3 ACTING PRESIDENT MAYER: The
4 sponsor yields.

5 SENATOR RHOADS: What guidance is
6 provided to the ultimate decisionmaker in this
7 case as to what they're supposed to look at?

8 And the reason for the question is
9 that the FDIC has actually issued standards used
10 to assess whether an act or practice is unfair or
11 deceptive, looking at the interplay between the
12 FTC Act and other consumer protection statutes,
13 looking at examination procedures for determining
14 compliance with the FTC Act standards, including
15 risk assessment procedures that should be
16 followed to determine if transaction testing is
17 warranted, best practices for documenting a case,
18 corrective actions that should be considered for
19 violations, as well as resources that can be
20 used.

21 In your statute, what tools are
22 provided to the ultimate decisionmaker in this
23 case as to how they're supposed to evaluate
24 cases?

25 SENATOR COMRIE: The ultimate

1 decisionmakers in this case will be the
2 Attorney General that decides to bring the case
3 after they talk to the consumer and find out what
4 happened to them and why they feel aggrieved.

5 But actually the final decisionmaker
6 will be the courts. And the courts will act
7 accordingly, as they have been doing in 47 other
8 states regarding these matters.

9 But the preliminary decision will be
10 assessed by the Attorney General's office whether
11 or not to bring a case. We're focused on
12 substantial cases and things that they can
13 document so that they're not bringing frivolous
14 lawsuits. The Attorney General is not interested
15 in doing anything but trying to protect people
16 that have been substantially aggrieved or abused.

17 SENATOR RHOADS: And will the
18 sponsor continue to yield.

19 SENATOR COMRIE: Yes.

20 ACTING PRESIDENT MAYER: Do you
21 continue to yield?

22 The sponsor yields.

23 SENATOR RHOADS: Thank you.

24 Is the -- must a complaint or must
25 an action by the Attorney General stem from an

1 actual consumer complaint? Or under your statute
2 does the Attorney General have the ability to
3 initiate on her own volition an investigation or
4 action against a particular individual or
5 company?

6 SENATOR COMRIE: The Attorney
7 General can do it on the Attorney General's own
8 volition, but there has to be actual injury. It
9 can't be surmised or projected. There has to be
10 actual injury that they can point to and describe
11 and demonstrate.

12 I'm sorry, through you,
13 Madam President.

14 ACTING PRESIDENT MAYER: That's
15 fine. But can we keep the chatter somewhat
16 lower.

17 SENATOR RHOADS: And will the
18 sponsor continue to yield.

19 SENATOR COMRIE: I do.

20 ACTING PRESIDENT MAYER: The
21 sponsor yields.

22 SENATOR RHOADS: Your proposed
23 statute indicates that (reading) the
24 Attorney General may bring such an action or
25 proceeding against any person conducting any

1 business, trade or commerce, or furnishing a
2 service in this state, whether or not the person
3 is without the state -- or is within the state.

4 The Attorney General may also bring
5 such an action or proceeding against any person
6 within the state conducting a business, trade,
7 commerce or furnishing a service, whether or not
8 the business, trade commerce or service is
9 conducted or furnished without the state.

10 Would this language allow the
11 Attorney General to prosecute businesses and
12 individuals that have no relation to the State of
13 New York?

14 SENATOR COMRIE: Any business that
15 is damaging a New York State resident would be
16 subject to the Attorney General going after them
17 to eliminate that business practice. Because if
18 they're going after one constituent, they're
19 going after dozens.

20 So if there's a deceptive business
21 that is operating anywhere that is harming
22 New York State consumers, this gives the
23 opportunity for the Attorney General to file
24 against them.

25 SENATOR RHOADS: Will the sponsor

1 continue to yield?

2 ACTING PRESIDENT MAYER: Do you
3 yield?

4 SENATOR COMRIE: I yield.

5 ACTING PRESIDENT MAYER: The
6 sponsor yields.

7 SENATOR RHOADS: And so in a
8 circumstance where you have a business online --
9 I don't want to give a particular name, but we
10 can imagine a company that exists in a state
11 other than the State of New York. You have a
12 consumer that goes upon that business's website
13 and orders a product or a service. How would the
14 Attorney General get jurisdiction over a company
15 in another state?

16 SENATOR COMRIE: (Conferring.)
17 Through you, Madam President, as long as that
18 company has a nexus or a conduit through New York
19 State and is doing business in New York State,
20 they are subject to the Attorney General if
21 they're doing deceptive or unfair business
22 practices.

23 SENATOR RHOADS: Will the sponsor
24 continue to yield?

25 ACTING PRESIDENT MAYER: Would you

1 continue to yield?

2 SENATOR COMRIE: Yes, I do.

3 ACTING PRESIDENT MAYER: The
4 sponsor yields.

5 SENATOR RHOADS: So in the case of
6 an out-of-state company which merely maintains a
7 website that's accessed by a New York resident,
8 would that constitute a sufficient nexus, in your
9 opinion, for the Attorney General to obtain
10 jurisdiction?

11 SENATOR COMRIE: There needs to be
12 a physical transaction or some type of
13 transaction that happens that can be documented
14 and traced for that.

15 And that -- whatever that
16 transaction was, if it was deceptive or unfair or
17 abusive, then -- and the constituent can prove
18 that and show that to the Attorney General, then
19 the Attorney General can make the case.

20 But again, these would be resolved
21 in -- at the court level or the -- a business
22 would have a certain amount of time to show that
23 they are -- whatever they've done they do not
24 believe is deceptive.

25 SENATOR RHOADS: Will the sponsor

1 continue to yield.

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR COMRIE: Yes. Yes, I do.

5 ACTING PRESIDENT MAYER: The
6 sponsor yields.

7 SENATOR RHOADS: Well, you've
8 indicated already that whether or not the
9 Attorney General is going to pursue an action is
10 in the sole discretion of the Attorney General.

11 There is no showing that has to be
12 made preliminarily to any court or to any
13 grand jury before the Attorney General can
14 institute any action. Is that correct?

15 SENATOR COMRIE: Through you,
16 Madam President, no, that's not correct.

17 It has to be something substantial.
18 There has been to be a product or a service or a
19 thing that was rendered to the consumer, to the
20 constituent, that shows injury that they have.
21 That's either, you know, as I said, a home, a
22 car. Or now we're dealing with -- you're talking
23 internet online purchasing. If they purchase
24 something, they would have that object. If they
25 have a home, clearly they would have the mortgage

1 papers. If they purchased a car, clearly they
2 would have those papers.

3 But if you're focusing on online,
4 whatever that product they purchased online, it
5 would have to show to the Attorney General, the
6 Attorney General would have to make the decision
7 as to whether or not to file the case.

8 But they just can't wake up and say,
9 you know, I want to file a case. They have to
10 show something to prove that there was an
11 instrument or product that was sold to them that
12 they feel has been deceptive.

13 SENATOR RHOADS: Will the sponsor
14 continue to yield.

15 ACTING PRESIDENT MAYER: Do you
16 continue to yield?

17 SENATOR COMRIE: Yes, I yield.

18 ACTING PRESIDENT MAYER: The
19 sponsor yields.

20 SENATOR RHOADS: Section 349 of
21 your legislation, Article (2)(C)(b)(1), states
22 that (reading) whenever the Attorney General
23 shall believe, from the evidence satisfactory to
24 the Attorney General, that any person including
25 but not limited to an individual, firm,

1 corporation, company, partnership or association
2 or agent or employee thereof has engaged or is
3 about to engage in any of the acts or practices
4 stated to be unfair, deceptive, or abusive, the
5 Attorney General may bring an action or
6 proceeding in the name and on behalf of the
7 people of the State of New York.

8 I know you've indicated that there
9 has to be some sort of nexus and some sort of
10 injury or harm. But my question was, who has to
11 make that preliminary determination? Does there
12 have to be any showing to a court? Does there
13 have to be -- in the case of a criminal action
14 that's being brought, does there have to be any
15 kind of presentation to a grand jury and the
16 obtaining of an indictment?

17 Or is this simply the
18 Attorney General has the opportunity, by herself,
19 based on criteria that she determines by herself,
20 to pursue an action against anyone, any company
21 she wants to, anywhere in the country?

22 SENATOR COMRIE: Any -- this is
23 current law, Senator Rhoads. We're not changing
24 the current law and the ability of the
25 Attorney General, whoever that may be, to pursue

1 a case. It's already the current law that the
2 Attorney General has to follow certain
3 guidelines.

4 These are civil cases, not criminal
5 cases. Also, you can take the criminality off
6 the table. These are consumer cases and cases
7 where people have been ripped off by goods,
8 products and services.

9 So if there's already a standard
10 practice for the Attorney General to present
11 these cases and she would still have to -- he or
12 she would still have to follow that
13 already-well-documented standard.

14 I keep forgetting to say "through
15 you."

16 SENATOR RHOADS: Will the sponsor
17 continue to yield?

18 SENATOR COMRIE: I do.

19 ACTING PRESIDENT MAYER: Just
20 reminding you, Senator Rhoads, you have about
21 three minutes left.

22 SENATOR RHOADS: Okay.

23 Where would the case be venued?

24 SENATOR COMRIE: Where would the
25 case be vetted? I'm sorry, through you --

1 SENATOR RHOADS: Where would the
2 case be venued?

3 SENATOR COMRIE: I'm sorry, I'm --

4 SENATOR RHOADS: In other words,
5 let's say you have a resident from the State of
6 Florida and she's bringing a case against an
7 individual based upon a transaction that happened
8 online.

9 SENATOR COMRIE: Through you,
10 Madam President. It would be based on the
11 Federal Rules of Civil Procedure as it stands
12 now.

13 SENATOR RHOADS: Well, does the --
14 will the sponsor continue to yield.

15 SENATOR COMRIE: I do.

16 ACTING PRESIDENT MAYER: Do you
17 continue to yield?

18 The sponsor yields.

19 SENATOR RHOADS: Well, does the
20 Attorney General have the capacity -- does the
21 State Attorney General have the capacity to be
22 able to bring an action in federal court?

23 SENATOR COMRIE: These are state
24 court cases. I'm sorry. Through you,
25 Madam President, these are state court cases.

1 This is not a federal case, to the best of my
2 understanding. There's nothing in here that's
3 talking about federal level.

4 SENATOR RHOADS: Will the sponsor
5 continue to yield?

6 SENATOR COMRIE: I do.

7 ACTING PRESIDENT MAYER: Do you
8 continue to yield?

9 SENATOR COMRIE: I do.

10 ACTING PRESIDENT MAYER: The
11 sponsor yields.

12 SENATOR RHOADS: If you have an
13 out-of-state resident in Florida, how would you
14 venue the case in New York?

15 SENATOR COMRIE: An out-of-state
16 resident -- through you, Madam President. The
17 out-of-state resident in Florida is not who we're
18 protecting in New York. It has to be a New York
19 State resident.

20 So I'm not understanding your
21 question. Are you saying the out-of-state
22 resident is the business that is doing the
23 deceptive practice? Or are you saying the
24 out-of-state resident is the aggrieved party?

25 SENATOR RHOADS: I'll ask another

1 question, if the sponsor will yield.

2 ACTING PRESIDENT MAYER: This is
3 your last minute, Senator Rhoads.

4 SENATOR RHOADS: It'll be the last
5 question, and then I'll speak briefly on the
6 bill.

7 SENATOR COMRIE: I'll yield.

8 SENATOR RHOADS: Senator Comrie --
9 did you yield?

10 SENATOR COMRIE: Yes.

11 SENATOR RHOADS: Okay. Okay.

12 Is it your understanding that this
13 statute can only be brought -- that an action by
14 the Attorney General under this proposed statute
15 can only be brought against a New York resident
16 or business?

17 SENATOR COMRIE: No, no, I didn't
18 say that. I said that any business that has a
19 presence in New York or has a stature in New York
20 or has a conduit in New York State that's
21 anywhere in the world that transmits a business
22 product to New York can be subject to this, if
23 they've used deceptive practices to do it. This
24 would cover any New York State resident and the
25 resident's home.

1 ACTING PRESIDENT MAYER: Senator
2 Rhoads, that is the end of your time.

3 SENATOR RHOADS: May I speak
4 briefly on the bill?

5 ACTING PRESIDENT MAYER: No, I
6 think you used your full 30 minutes, and there
7 are a number of people.

8 SENATOR RHOADS: Thank you,
9 Senator. Thank you, Madam President.

10 ACTING PRESIDENT MAYER: Senator
11 Palumbo, why do you rise?

12 Oh, sorry. Senator Martins, why do
13 you rise?

14 SENATOR MARTINS: Thank you,
15 Madam President. If the sponsor would yield for
16 a few questions.

17 ACTING PRESIDENT MAYER: Will the
18 sponsor yield?

19 SENATOR COMRIE: Yes. Yes.

20 ACTING PRESIDENT MAYER: The
21 sponsor yields.

22 SENATOR MARTINS: First,
23 Madam President, through you, I want to thank the
24 sponsor for this piece of legislation. I know,
25 Senator Comrie, that you are coming at this from

1 a good place. I just think we may have a
2 difference of opinion on how to get there.

3 And I hope I can ask you some
4 questions and maybe clarify some of those
5 questions that I may have.

6 So through you, Madam President, if
7 the sponsor would yield.

8 ACTING PRESIDENT MAYER: Will the
9 sponsor yield?

10 SENATOR COMRIE: Madam President,
11 I'll be honored to hear Senator Martins' point of
12 view.

13 ACTING PRESIDENT MAYER: The
14 Senator yields.

15 SENATOR MARTINS: Thank you.

16 We're dealing with concepts of
17 abusive practices, unfair practices, deceptive
18 acts. There's a concern I have, Senator, that
19 although there are definitions assigned to these
20 terms, the definitions themselves are open to
21 interpretation, and that reasonable people can
22 differ in how they interpret something to be
23 either abusive, unfair, or deceptive.

24 Would you agree?

25 SENATOR COMRIE: Oh, most

1 definitely. We're in a world that everybody has
2 a different opinion that you talk to.

3 I'm sorry. Through you,
4 Madam President. You can talk to 20 people about
5 something and you'll get 20 different opinions.

6 SENATOR MARTINS: Through you,
7 Madam President, if the sponsor will continue to
8 yield.

9 ACTING PRESIDENT MAYER: Do you
10 continue to yield?

11 SENATOR COMRIE: I do.

12 ACTING PRESIDENT MAYER: The
13 sponsor yields.

14 SENATOR MARTINS: And I need to ask
15 if the -- you know, if the drafting of the
16 legislation, was it done here in the Senate
17 collaboratively? I know that Assemblyman Lasher
18 was also the sponsor in the Assembly, and
19 obviously I know Micah for some time.

20 Was that drafted here in the
21 Legislature? Was it drafted in the
22 Attorney General's office? Or was it done
23 collaboratively?

24 SENATOR COMRIE: Through you,
25 Madam President, it was done collaboratively.

1 You want the long answer? No, you
2 don't want the long answer?

3 (Laughter.)

4 SENATOR COMRIE: But it was done
5 collaboratively. I have to give
6 Assemblyman Micah credit because, as I said,
7 we've been trying to do this for seven years.

8 But we did -- the Attorney General
9 had public meetings, private meetings. We,
10 Assemblyman Lasher and myself, had many meetings
11 with businesses to hear their point of view. We
12 talked to the staffs, both staffs, the Assembly
13 and the Senate staff, and the Governor's office.

14 And I want to take a moment to thank
15 all of them for grinding through this to try to
16 drill to something that would be acceptable that
17 we could finally get the Business Council and the
18 New York City Partnership and the other relevant
19 groups that had all been panicking, because of
20 what you said about the interpretation and the
21 possibility of interpretation, to drill this down
22 to what is done in 47 other states but is already
23 being done by the FTC and the Consumer Financial
24 Protection Bureau.

25 Because we don't want frivolous

1 lawsuits. We don't want people to be focused on
2 trip-and-falls. We don't want to panic small
3 businesses or even large businesses with a ton of
4 lawsuits.

5 This is going to be up to the
6 Attorney General to assess and determine whether
7 or not a practice was deceptive or unfair or
8 abusive.

9 SENATOR MARTINS: Thank you,
10 Senator.

11 Madam President, through you, if the
12 sponsor would continue to yield.

13 ACTING PRESIDENT MAYER: Do you
14 continue to yield, Senator Comrie?

15 SENATOR COMRIE: I do, yes.

16 ACTING PRESIDENT MAYER: The
17 Senator yields.

18 SENATOR COMRIE: I want to point
19 out -- sorry, Senator Martins -- that this is a
20 departmental bill also, which also indicates that
21 we've been working on this as a team.

22 Thank you, Madam President.

23 SENATOR MARTINS: Thank you for
24 that.

25 If the sponsor would continue to

1 yield.

2 ACTING PRESIDENT MAYER: Do you
3 continue to yield?

4 SENATOR COMRIE: I do.

5 ACTING PRESIDENT MAYER: The
6 sponsor yields.

7 SENATOR MARTINS: Specifically, the
8 portion here that allows the Attorney General
9 unilaterally to make the decision. Typically in
10 these statutes you see some standard -- you know,
11 within a reasonable opinion, or within a certain
12 range of reasonableness, or after certain
13 consultation.

14 Are we to read this statute to
15 include a level of good faith and reasonableness
16 on behalf of the Attorney General? Although it's
17 not written in the statute, are we to expect that
18 that's included in this as well?

19 SENATOR COMRIE: The Attorney
20 General already has unilateral power to bring any
21 action against anyone. We're not changing that
22 definition or changing it as it has been defined
23 in 47 other states as well, Madam President.

24 So through you, we're not changing
25 the ability of the Attorney General. We're not

1 changing the unilateral opportunity that the
2 Attorney General has. It was already in statute
3 prior to this bill. This bill only highlights
4 and continues a practice that she already has
5 power over.

6 SENATOR MARTINS: Madam President,
7 through you, if the sponsor would continue to
8 yield.

9 ACTING PRESIDENT MAYER: Do you
10 continue to yield?

11 SENATOR COMRIE: Yes, I yield.

12 ACTING PRESIDENT MAYER: The
13 sponsor yields.

14 SENATOR MARTINS: Although I
15 understand that there may be similar statutes in
16 other jurisdictions and there may be similar
17 abilities in other jurisdictions for people to
18 enforce those statutes, in New York State this
19 statute would change the definition of abusive
20 practices, unfair practices and deceptive acts in
21 a way that we haven't had in law before.

22 And so the ability of a person to
23 interpret these things -- and we've already
24 discussed that reasonable people can have
25 different opinions -- we're allowing a person to

1 make those determinations. And although it's
2 happened somewhere else, here in New York it
3 hasn't, because this is a new law.

4 Is there a concern and should we all
5 expect that the Attorney General, though it's not
6 in the statute, has to act reasonably, has to act
7 in good faith, and has to have a basis to move
8 forward before bringing an action against anyone
9 under this statute?

10 SENATOR COMRIE: One second. Let
11 me -- (conferring).

12 SENATOR COMRIE: Through you,
13 Madam President. The Attorney General already
14 has the ability to act in this way.

15 The courts will be making the final
16 decisions, not the Attorney General.

17 But the Attorney General is not --
18 is only going to act when there's a harm that can
19 be defined, that can be delineated, that can be
20 demonstrated before they take it to the courts.
21 But the courts will have the final decision on
22 what happens with these cases.

23 SENATOR MARTINS: Thank you.

24 Madam President, through you, if the
25 sponsor would continue to yield.

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR COMRIE: I do.

4 ACTING PRESIDENT MAYER: The
5 sponsor yields.

6 SENATOR MARTINS: The statute also
7 refers to and grants the ability for the
8 Attorney General to anticipate -- specifically in
9 the statute there's language that allows the
10 Attorney General not only to respond to things
11 that are currently happening, but to anticipate
12 in some way and, in anticipating, bringing an
13 action to stop something from happening that
14 hasn't even happened yet.

15 Does that raise any concerns for you
16 in terms of due process, that the
17 Attorney General can actually bring an action
18 prior to something actually having been done
19 because she believes she should do so?

20 SENATOR COMRIE: My
21 understanding -- through you, Madam President.
22 My understanding is that the Attorney General
23 already has the power to do these preliminary
24 injunctions, to file a case. And that's already
25 within their power as the Attorney General.

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

4 ACTING PRESIDENT MAYER: Do you
5 continue to yield?

6 SENATOR COMRIE: I do.

7 ACTING PRESIDENT MAYER: The
8 sponsor yields.

9 SENATOR MARTINS: So it's my
10 understanding that a preliminary injunction
11 allows the Attorney General to bring a proceeding
12 or a request that the court enjoin somebody from
13 doing something that they're actually doing
14 preliminarily before she has an opportunity to
15 prove it in a full case.

16 So the injunction is brought
17 preliminarily because they did something and she
18 wants to stop them from doing it.

19 SENATOR COMRIE: Correct.

20 SENATOR MARTINS: In this case, as
21 I'm looking at the language, it says if the
22 Attorney General anticipates that something may
23 be done in the future -- not that they've already
24 done it, but she's anticipating some future
25 either abuse, unfair practice or deceptive act.

1 And in anticipating that, this
2 statute would allow the Attorney General to take
3 action either by bringing a lawsuit or -- and
4 I'll get to this in a second -- under
5 Section 6312 of the Executive Law, which is
6 extraordinary.

7 Is that portion of this statute that
8 gives the Attorney General that authority to
9 anticipate something, is that a concern?

10 SENATOR COMRIE: Through you,
11 Madam President. No, it's not a concern, because
12 the Attorney General would only take up cases
13 that they could prove, cases that they know they
14 could win. They would not want to waste time
15 taking frivolous cases to a court to decide.

16 SENATOR MARTINS: Through you,
17 Madam President, if the sponsor would continue to
18 yield.

19 ACTING PRESIDENT MAYER: Do you
20 continue to yield?

21 SENATOR COMRIE: I do. I yield.

22 ACTING PRESIDENT MAYER: The
23 sponsor yields.

24 SENATOR MARTINS: I appreciate
25 that. But I understand the Attorney General's

1 office to be amongst the most powerful attorneys
2 general that we have in the entire United States.
3 That's the Attorney General here in New York
4 State.

5 And the ability to bring actions
6 against individuals for something that's
7 anticipated or to bring action, either by
8 subpoena or otherwise, is and places an
9 incredible burden on whoever is the target of
10 that investigation or of that action.

11 And so before they do that, you
12 know, I believe due process is important. How do
13 we safeguard individuals who may be falsely
14 accused and give them the opportunity to protect
15 themselves in the event that they turn -- it
16 turns out that they did not in fact engage in
17 abusive practices, unfair practices or deceptive
18 acts and practices if the Attorney General just
19 happens to be wrong?

20 Although she may have acted in good
21 faith, how do we protect and ensure that there's
22 due process in this statute?

23 SENATOR COMRIE: Through you,
24 Madam President. The -- let me just make sure.
25 (Conferring.)

1 Through you, Madam President, we're
2 not changing the powers of the Attorney General.
3 We are just delineating the actual what they --
4 we're just delineating unfair, deceptive or
5 abusive that the Attorney General may bring an
6 action or proceeding in the name and on behalf of
7 the people to enjoin -- to enjoin such lawful
8 acts or practices and to obtain restitution.

9 There is a proceeding, the
10 preliminary relief can be granted under
11 Article 63 of the Civil Practice Law and Rules
12 already. Which gives the person time to prove if
13 the Attorney General made a mistake and to bring
14 relief to the situation.

15 SENATOR MARTINS: Thank you.

16 Madam President, through you, if the
17 sponsor would yield for just a few more
18 questions.

19 ACTING PRESIDENT MAYER: Do you
20 continue to yield?

21 SENATOR COMRIE: I do.

22 ACTING PRESIDENT MAYER: The
23 sponsor yields.

24 SENATOR MARTINS: You know, not the
25 current Attorney General, I just want to speak to

1 the possibility perhaps in the future that we may
2 have an Attorney General here in the State of
3 New York that tends or that may be political and
4 may take actions that are politically driven and
5 that may direct certain actions towards different
6 groups based on other than what we would all
7 agree to be proper.

8 And I know we can disagree because
9 reasonable people can disagree on what's abusive
10 or what's deceptive or what is unfair. But do
11 you have concerns that if we allow for what are
12 generally, I think -- although if we're acting in
13 good faith, we should all reach more or less the
14 same grounds.

15 But if people do not act in good
16 faith, how do we ensure that there are going to
17 be protections for groups in New York State who
18 may not realize they're acting that way but are
19 perceived to act that way? How do we protect
20 them?

21 SENATOR COMRIE: Again, through
22 you, Madam President. It's not the
23 Attorney General that decides what happens or
24 what the final verdict is. It's the courts that
25 decide.

1 I don't think any Attorney General
2 worth their weight would want to bring frivolous
3 cases and be known as being a failure in these
4 areas. I don't think that any Attorney General
5 worth their weight would want to be known as an
6 office or an agency or an entity that people
7 could not depend on to bring cases in a proper
8 and delineated manner.

9 I don't believe that -- I hear what
10 you're saying that, you know, Attorney Generals
11 may want to try to act politically. But I also
12 know that they want to win a case if they bring
13 it, so that they're not going to take a case that
14 they don't feel comfortable about bringing it to
15 bear.

16 But also, this act gives businesses
17 opportunity to get relief before they go to
18 court. So if a business feels that it is
19 unfairly being targeted or that their business
20 practice is fair and just, they have an
21 opportunity to demonstrate that to the
22 Attorney General.

23 SENATOR MARTINS: Through you,
24 Madam President, if the sponsor would continue to
25 yield.

1 SENATOR COMRIE: I do. I do.

2 ACTING PRESIDENT MAYER: The
3 sponsor yields.

4 SENATOR MARTINS: And therein lies
5 the rub. They would be able to prove it to the
6 Attorney General even before it goes to court.
7 Even before it gets before a judge, the
8 Attorney General gets to decide whether or not
9 the proofs are sufficient, whether or not the
10 person has complied, whether or not any of these
11 things have happened.

12 Again, it puts people in the
13 crosshairs in a way that is sometimes very
14 punitive. And we have to be cognizant of that.
15 And I know you are, Senator.

16 So I'm going to -- I'm just going to
17 ask you a couple of questions -- through you,
18 Madam President -- if you'll continue to yield.

19 SENATOR COMRIE: I do.

20 ACTING PRESIDENT MAYER: The
21 sponsor yields.

22 SENATOR MARTINS: If an
23 Attorney General believes that given the statutes
24 that we have on the books here in New York that
25 have to do with things like reproductive rights,

1 if there are hospitals in New York State that
2 because of religious convictions and foundations
3 of the hospital choose not to provide such
4 services, would the Attorney General be able to
5 consider that to be abusive in order to bring an
6 action or proceeding against an institution?

7 Because I think we all understand
8 this is not just for businesses, it's also for
9 not-for-profits and individuals. It's a much
10 broader scope than just what was there before,
11 which was consumer-oriented.

12 Would the Attorney General be able
13 to do that?

14 SENATOR COMRIE: Through you,
15 Madam President, no.

16 This is not dealing with policies or
17 ideas or ideology. This is dealing with
18 substantial harm, demonstrated criminality,
19 demonstrated usury, and that can be proven by an
20 individual showing a product or a service. Not
21 a -- this has nothing to do with hospital
22 practices.

23 SENATOR MARTINS: Through you,
24 Madam President, if the sponsor will continue to
25 yield.

1 ACTING PRESIDENT MAYER: Do you
2 continue to yield?

3 SENATOR COMRIE: I do.

4 ACTING PRESIDENT MAYER: The
5 sponsor yields.

6 SENATOR MARTINS: Senator, is it
7 your sense that this would not apply to
8 not-for-profits but only to commercial and
9 consumer --

10 SENATOR COMRIE: I'm sorry, through
11 you, Madam President. I didn't say that. I
12 specifically said hospitals. And you talked
13 about a hospital's maternal policies or OB-GYN
14 policies. I was focused on that.

15 If a nonprofit is being -- acting in
16 a criminal way, just as it was in the news today
17 that a nonprofit unfortunately in my district,
18 the director was arrested for illegal activities
19 and fraud, that not-for-profit still would be
20 subject to, you know, review by the
21 Attorney General's office.

22 SENATOR MARTINS: I appreciate
23 that. Thank you very much, Senator.

24 Madam President, on the bill.

25 ACTING PRESIDENT MAYER: Senator

1 Martins on the bill.

2 SENATOR MARTINS: Thank you,
3 Senator Comrie.

4 You know, as I mentioned, I believe
5 and I think it's pretty clear that
6 the Attorney General of the State of New York is
7 perhaps the most powerful attorney general in the
8 country, probably second to the U.S. Attorney
9 General he or herself. And the resources that
10 they have and the ability they have to marshal
11 those resources in certain directions I think is
12 pretty clear. We've seen, time and again, the
13 ability of attorneys general to take on certain
14 responsibilities.

15 And they've done -- you know, going
16 back through history, they've done quite a bit
17 through the Attorney General's office, each in
18 their own way, whether it's fighting Medicaid
19 fraud, whether it's fighting organized crime.
20 There are all kinds of things that have been
21 taken on over the years. But there's always been
22 a clear, distinct definition of what that looked
23 like and who the target was and what the
24 standards were that we were applying.

25 And so when we look at language like

1 abusive practices, unfair practices, and
2 deceptive acts and practices, it's a concern.
3 And it should be a concern to everybody that
4 we're talking about things that aren't readily
5 defined, they're very subjective, and people can
6 differ in their views of it.

7 But when the power of the state is
8 focused on an organization or an individual or a
9 not-for-profit because they're believed to have
10 acted in a certain way, it's almost as if that
11 person or that group now has to not only protect
12 themselves, but actually prove the negative, that
13 they did not act that way. And frankly, that's
14 unfair.

15 We want to talk about fairness, and
16 unfair, and we talk about due process here. The
17 idea that someone has to then be placed in the
18 position of proving that negative -- no, I wasn't
19 abusive, no, I wasn't deceptive, no, I did not
20 act unfairly -- to the satisfaction of someone
21 who's bringing that action, with the weight of
22 the state behind them, is significant: The costs
23 associated with it, defending themselves, hiring
24 attorneys, and perhaps not making the case.

25 I did reference earlier in our

1 exchange New York Executive Law Section 6312.
2 It's part of the Executive Law. It's not just
3 that they're going to court right away.
4 Section 63 of the Executive Law grants the
5 Attorney General some significant authority when
6 it comes to actually proactively moving forward.
7 They can move on five days' notice -- five days'
8 notice. That's extraordinary. The statute
9 specifically allows that.

10 This isn't an after -- it's there.
11 So not only do we have language that is vague and
12 subject to interpretation, we have language here
13 that allows the Attorney General to anticipate --
14 whatever that means. So let's understand, they
15 can anticipate even though nothing's actually
16 been done, no act has taken place, but they
17 believe it may be coming and so they may actually
18 begin the process of holding somebody accountable
19 and forcing them into a position of again having
20 to prove that negative.

21 And before they actually appear
22 before a judge, under Section 63 of the
23 Executive Law they can actually have someone have
24 to defend themselves and begin that process where
25 the recourse for the other side, frankly, is to

1 have to deal with the person who brought the
2 action to begin with or go through the
3 extraordinary lengths of seeking relief in court
4 from the Attorney General herself.

5 So I'm concerned, Madam President,
6 about the bill. I want to commend the sponsor,
7 because I understand where he's coming from with
8 regard to his efforts here, and the Assembly
9 sponsor as well. I understand that they're
10 coming at this from a good place. But I have
11 serious reservations and concerns when it comes
12 to vague language, serious consequences, and the
13 kind of impacts that hit people and have the
14 ability to destroy people's lives, have the
15 ability to destroy ongoing businesses, where
16 perhaps this bill may actually need a little more
17 work.

18 So with that, again, I want to thank
19 the sponsor.

20 And, Madam President, I thank you
21 for your time. Thank you.

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

24 Senator Helming, why do you rise?

25 SENATOR HELMING: Thank you,

1 Madam President. I'd like to go on the bill,
2 please.

3 ACTING PRESIDENT MAYER: Senator
4 Helming on the bill.

5 SENATOR HELMING: Thank you.

6 Senator Comrie, I want to say
7 thank you to you for answering a tremendous
8 number of questions on this bill at almost 3 a.m.
9 I appreciate it.

10 SENATOR COMRIE: What did she say?

11 (Laughter.)

12 SENATOR HELMING: During the debate
13 I heard that 40 other states have similar
14 legislation. And as I was hearing that over and
15 over again, the one thing that kept popping into
16 my head is that -- what 47 other states don't
17 have, the distinction of being the state with the
18 most regulations in the entire nation.

19 And because of that, we also have
20 the distinction in New York State as having one
21 of the worst business climates. Our businesses
22 don't need to be burdened with any other
23 frivolous regulations.

24 I serve as the ranking member of the
25 Senate Insurance Committee, and in that capacity

1 I've had the opportunity to participate in a
2 number of industry events and also serve on a
3 number of insurance panels. The message I hear
4 from agents, from carriers and from small
5 business owners from across the state is
6 consistent: It's tough and it's getting tougher
7 to do business here in the state.

8 One insurance agent -- he's also a
9 small business owner who's been in the industry
10 for 26 years -- told me he has never seen the
11 industry so fraught with peril.

12 This summer I met with
13 representatives from the Syracuse, the Rochester,
14 the Buffalo areas from Big I, and their message
15 was the same. They shared with me, you know, the
16 calls they're getting from consumers about
17 premiums that have doubled over the past five
18 years. And now I've been told that this bill
19 will add even more burden to companies who are
20 still willing to write insurance in New York
21 State.

22 And the reason why I say "still
23 willing" to write in New York State is because as
24 a state we've already lost insurance companies.
25 They're just -- they're withdrawing from our

1 state.

2 I think that this bill will make a
3 perilous situation even worse as carriers decide
4 to stop doing business here to avoid the
5 absolutely unnecessary overreach that this bill
6 would give to the Attorney General or the
7 frivolous lawsuits that will result from this
8 bill. And their departure is only going to drive
9 up the cost of premiums. In fact, I think it's
10 going to have an impact on the cost of all goods
11 and services.

12 I understand where we're trying to
13 get to with consumer protections, but I really
14 believe that if we want to be fair to consumers
15 and fair to our small business owners -- fair to
16 all New Yorkers -- what we need to do is reset.
17 We need to reduce the costly mandates. We need
18 to enact real tax relief for working families and
19 for seniors. We need to secure safer streets for
20 all New Yorkers. We need to expand opportunities
21 for local businesses to grow their jobs. And we
22 really need to turn New York State around.

23 I don't think that this bill
24 accomplishes that, and I vote no on the bill.

25 ACTING PRESIDENT MAYER: Thank you,

1 Senator Helming.

2 Senator Palumbo, why do you rise?

3 SENATOR PALUMBO: Thank you,
4 Madam President. I wonder if the sponsor would
5 yield for a few questions, and it will be a few.
6 I have really one sentence I just wanted to ask a
7 few questions on.

8 ACTING PRESIDENT MAYER: Senator
9 Comrie, do you yield?

10 SENATOR COMRIE: I'm honored to
11 yield to Senator Palumbo.

12 ACTING PRESIDENT MAYER: The
13 Senator yields.

14 SENATOR PALUMBO: Thank you,
15 Senator Comrie. Good morning.

16 SENATOR COMRIE: Good morning.

17 SENATOR PALUMBO: So of course
18 Section 349 of the General Business Law already
19 exists. Deceptive practices are unlawful already
20 in New York State. So I get the definition of
21 deceptive. It's already been defined. It's
22 defined in federal law.

23 And abusive, quite honestly, in my
24 opinion, is almost the same. I think -- for the
25 purposes of my questioning, I'm not going to ask

1 any questions really about that because
2 obviously, if someone is lacking understanding
3 and you're abusive, you're taking advantage of
4 maybe their lack of knowledge, I would suggest
5 that that's deceptive as well.

6 So I'm looking at the new
7 subsection 1, unfairness: "An act or practice is
8 unfair when it causes or is likely to cause
9 substantial injury which is not reasonably
10 avoidable and is not outweighed by countervailing
11 benefits to consumers or to competition."

12 So if we could just break that down
13 a little bit, because I think for the purposes of
14 legislative intent, people need to know what
15 they're doing wrong in the event that this
16 becomes law.

17 So I guess my first question is, if
18 it's unfair -- a practice is unfair when it
19 causes or is likely to cause substantial injury.
20 Obviously if it causes injury, that's
21 self-explanatory. But if it's -- something is
22 likely to cause substantial injury, can you give
23 me an example of what that is?

24 SENATOR COMRIE: One minute,
25 Madam President. (Conferring.)

1 Through you, Madam President. Deed
2 theft is one of the main issues that brings up
3 unfair injury. Also in the home mortgage. And
4 in the used car -- in the car buying, there's a
5 lot of issues where people find that they are --
6 have been abused and unfairly treated. And those
7 are the primary issues that would -- I want to
8 just take a minute to say --

9 ACTING PRESIDENT MAYER: Can we
10 have some quiet back there.

11 SENATOR COMRIE: I want to just
12 take a minute to say that I agree with
13 Senator Helming on most of what she said, other
14 than voting no for the bill.

15 (Laughter.)

16 SENATOR COMRIE: We do have a
17 problem in New York State with how we take care
18 of our businesses. And a lot of this is because
19 we're not giving our businesses an opportunity to
20 learn. We're not giving them and informing them
21 of new laws and new practices. We're not sitting
22 down and listening to them about their insurance
23 problems, which is something that I've been
24 railing about within my conference because
25 insurance is a ridiculous issue in New York State

1 that is -- New York State has to pay higher
2 insurance rates than everybody else.

3 And I've been very upset with the
4 Department of Financial Services that they don't
5 come before this body during budget hearings or
6 in an individual opportunity for us to question
7 them. They hide with three other agencies and
8 you don't get a chance to ask them any real
9 questions.

10 So I have some real problems with
11 that. I have some real problems with how we
12 treat businesses. But this is for people that
13 are being deceptive. This is for people that are
14 ripping people off. This is for people that are
15 harming people's opportunity to be able to be
16 successful, and that's what we're trying to
17 protect.

18 So thank you for bringing that up.
19 You know, I think there's a lot that we need to
20 do as a state to make sure that we maintain our
21 business community. Thank you.

22 SENATOR PALUMBO: Will the sponsor
23 continue to yield?

24 ACTING PRESIDENT MAYER: Do you
25 continue to yield?

1 SENATOR COMRIE: Yes, I continue to
2 yield.

3 SENATOR PALUMBO: Thank you,
4 Senator.

5 And in that vein, to help our
6 businesses, that's kind of why I'm asking these
7 questions. Because the way I read it, that
8 language is obviously inserted for a reason. If
9 someone is like -- something is -- or acts or
10 likely to cause substantial injury, the person
11 doesn't even need to perceive damages. They have
12 to possibly -- or someone needs to be acting in a
13 way where someone could possibly maybe in the
14 future be damaged.

15 And so just for clarification
16 purposes, is that -- clearly that was what was
17 intended with that language. I assume that
18 someone -- if a business is acting in a way --
19 not even consumer-based, but if they're acting in
20 a way that could possibly cause damages to
21 someone, they're in violation of this new
22 statute?

23 SENATOR COMRIE: Through you,
24 Madam President. We have been -- that has been
25 the crux to what everybody has been worried about

1 that has come to us.

2 We believe that the Attorney General
3 will -- again, as I said earlier -- not take
4 cases on that are frivolous, not take cases on
5 that are designed to just be upset with somebody
6 or pick on a business. We believe that the
7 Attorney General doesn't have time to waste, her
8 and her staff, to deal with frivolous cases. And
9 they would only deal with things that are
10 substantive, that can be clearly proven and
11 demonstrated and be able to take to a court where
12 they would prevail in the court.

13 You know, that is the -- this is
14 language that's in many other states and in the
15 language within the Consumer Financial Protection
16 Bureau and also the Federal Trade Commission. So
17 we don't think that the Attorney General is going
18 to turn around and be the tort lawyer for
19 individuals.

20 SENATOR PALUMBO: Will the sponsor
21 yield?

22 ACTING PRESIDENT MAYER: Do you
23 continue to yield?

24 SENATOR COMRIE: I do. Thank you.

25 ACTING PRESIDENT MAYER: The

1 Senator yields.

2 SENATOR PALUMBO: And thank you,
3 Senator.

4 And I would agree with you that
5 deceptive practices is all over the place;
6 substantial injury is as well. But now we're
7 expanding it to likely causing substantial
8 injury.

9 And then we have the next clause --
10 and I'm almost through the sentence, that's all
11 I'm going to ask you about -- but it's not
12 reasonably avoidable and is not outweighed by
13 countervailing benefits to consumers or to
14 competition.

15 So I don't really understand how if
16 something is deceptive, according to this, or
17 unfair or dishonest -- I can use that maybe
18 globally -- that if it's reasonably avoidable,
19 there's no liability. Or if it's -- the
20 countervailing benefits of consumers or even
21 competition outweigh that dishonest behavior,
22 then they're not liable under the statute.

23 So that's why I just would like some
24 real clarification on that, because that's a lot
25 to unpack. And I think it's actually

1 counterintuitive when we read it all together.
2 So if you could explain that, that would be
3 terrific.

4 SENATOR COMRIE: Through you,
5 Madam President, I'm going to try. Because it
6 is, as you say, counterintuitive.

7 But the issue around that is that
8 it's already standard in law, that it's already
9 part of Section 63, I think it's -- (conferring).

10 You're making me want to go back to
11 law school -- to want to go to law school,
12 Senator Palumbo, just to make sure that I define
13 this properly and be clear.

14 But this is stemming from actions
15 that the Attorney General had encountered when
16 they were trying to sue SiriusXM, the radio
17 channel, that was doing deceptive and injurious
18 practices to people and they wanted to use this
19 language to be able to deal with situations like
20 that.

21 The language is giving the
22 Attorney General the opportunity to shape the
23 case along the line to prove injurious injury.
24 And something like a SiriusXM contract is
25 something that is -- you get the physical

1 contract but you're still having an injury to you
2 because you can't operate the channel properly.

3 SENATOR PALUMBO: Thank you,
4 Senator.

5 On the bill, please, Mr. President.

6 ACTING PRESIDENT BAILEY: Senator
7 Palumbo on the bill.

8 SENATOR PALUMBO: Thank you. And
9 I'm not trying to be tricky, Senator Comrie, it's
10 just the hour is late. I think we need to put
11 this bill, this session, and some of my
12 colleagues to bed.

13 So I just want to ultimately
14 highlight that specific -- that's really my
15 concern. "Abusive" I think is almost similar --
16 of a synonymous and in some situations, or I
17 think even with this language here, it's somewhat
18 more clear than just generally deceptive
19 practices. But that's for a finder of fact to
20 determine.

21 The unfair aspects of this new
22 statute are unfair. They don't -- it does not
23 clearly define the conduct that could be deemed
24 unfair. And that's really something that is
25 likely to cause substantial injury but not

1 reasonably avoidable or is not outweighed by
2 other countervailing benefits to consumers or to
3 competition.

4 Quite frankly, I think that will
5 cause great confusion with a jury or a judge and
6 ultimately will lead to probably I would say
7 miscarriages of justice in both directions.
8 Because it might be so confusing that they'll
9 just throw it out and say I can't -- I don't get
10 it.

11 We already have a deceptive acts and
12 practices statute. That is global. That
13 encompasses all of these issues and concerns --
14 fraud, deceptive acts, that's already on the
15 books. I certainly appreciate where you're going
16 with this, Senator, but for those reasons I will
17 be voting no.

18 Thank you.

19 ACTING PRESIDENT BAILEY: Thank
20 you, Senator Palumbo.

21 Senator Walczyk, why do you rise?

22 SENATOR WALCZYK: Thank you,
23 Mr. President. Would the sponsor yield.

24 ACTING PRESIDENT BAILEY: Will the
25 sponsor yield?

1 SENATOR COMRIE: I'm thinking about
2 it, Senator Walczyk.

3 (Laughter.)

4 SENATOR COMRIE: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR COMRIE: I yield.

8 SENATOR WALCZYK: Thank you. And
9 good morning, Senator.

10 SENATOR COMRIE: Good morning.
11 Good morning.

12 SENATOR WALCZYK: Page 2, line 11,
13 I want to start off by talking about your
14 legislative intent in this bill a little bit.

15 The Attorney General -- what you've
16 written here, "The Attorney General has a special
17 responsibility to the public to create a fair
18 marketplace for all." But not just for
19 New Yorkers. You say your intent in this bill is
20 that responsibility extends to defending
21 businesses, is that correct?

22 SENATOR COMRIE: Correct. Through
23 you, Madam -- through you, Mr. President, that is
24 correct.

25 SENATOR WALCZYK: And through you,

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

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR COMRIE: I yield.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR WALCZYK: Is this true even
9 if it's one business against another business?

10 SENATOR COMRIE: Through you,
11 Mr. President, yes.

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

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR COMRIE: I yield.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR WALCZYK: How would the
21 Attorney General decide which businesses' side to
22 take if both believe that they've been unfairly
23 treated?

24 SENATOR COMRIE: Through you,
25 Mr. President, the Attorney General would

1 probably do what any smart attorney general
2 would, which is to listen to both sides, take the
3 evidence and then make a decision.

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

7 ACTING PRESIDENT BAILEY: Does the
8 sponsor yield?

9 SENATOR COMRIE: I do.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR WALCZYK: Where did that
13 concept come from?

14 Currently the Attorney General
15 often, you know, will hear from constituents or
16 situations where they'll make a complaint, as in
17 New York. Or where did the concept to add
18 businesses into this statute come from, to allow
19 them to go to the Attorney General's office to go
20 after another business for unfair practices?

21 SENATOR COMRIE: Through you,
22 Mr. President. It came from the fact that we
23 have a lot of new immigrants that are starting
24 small businesses that are getting ripped off on
25 contracts, getting ripped off on supplies,

1 getting ripped off on leases that they take out
2 with both -- you know, we are -- this is New York
3 State. We are the home to over 180 languages,
4 different immigrants from all over the world that
5 are coming here to try to establish themselves
6 and to live the American dream.

7 And they are starting a business,
8 they find out that they get the business and
9 they're paying higher prices for pencils than
10 anywhere else, or they're paying for their copy
11 machines three times more than somebody else, or
12 they're thinking their insurance plan is higher
13 than somebody else, because that deceptive person
14 knows that they don't know how to ask for things
15 or they haven't talked to people.

16 I have a lot of businesses that --
17 in fact, I went into a business the other day in
18 my district that opened up, and they're already
19 underwater before they started. We can go back
20 to even -- well, I won't go to the marijuana
21 nonsense. But this is a business that showed up
22 and is trying to start up. They came from
23 another country, they've been living here for
24 20 years, they wanted to start their own
25 business.

1 Once I talked to them I found out
2 that they already -- it took them -- and a lot of
3 it is the city's fault, too, because it took the
4 city 10 months to get the business up and
5 running, and these people started a business, had
6 been purchasing products, had to destroy
7 products. But then they found out that they were
8 paying for their ice cream cooler twice what
9 anybody else was paying. They found out that
10 their lease was a lease that wouldn't allow them
11 flexibility. You know, they found out that they
12 had to purchase products only from one person,
13 which was not what they wanted to do. They
14 wanted to have flexibility.

15 So this tries to deal with folks
16 that are going through those types of situations.
17 We have a lot of new immigrants that are starting
18 up and trying to do things, that are purchasing
19 cars, that are purchasing homes, that are taking
20 student loans, that are winding up getting in
21 trouble.

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

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR COMRIE: I do.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR WALCZYK: So in the example
6 that you just gave, would you expect then the
7 Attorney General to defend the ice cream prices
8 that your small business is getting and go after
9 the landlord for the lease agreement that they
10 believe is unfair?

11 SENATOR COMRIE: Yes. Through you,
12 Madam -- through you, Mr. President, yes.

13 The pink suit threw me.

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 COMRIE: I do.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR WALCZYK: You mentioned
23 immigration status. Is that stated anywhere in
24 this legislation? Does this require immigration
25 status to be considered?

1 SENATOR COMRIE: Through you,
2 Mr. President. I only mentioned immigrants in
3 terms -- immigration status in terms of new
4 immigrants starting businesses in New York State.
5 Not anything to do with their immigration status
6 or anything else.

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR COMRIE: I do.

13 ACTING PRESIDENT BAILEY: the
14 sponsor yields.

15 SENATOR WALCZYK: You also
16 mentioned small businesses. And you do mention
17 small business in this bill. How is "small
18 business" defined?

19 SENATOR COMRIE: Through you,
20 Mr. President, this is not limited. Small
21 business size or -- is not defined. It's not
22 limited to large -- it's not limited to any size
23 business.

24 Any business that -- whether you're
25 one employee or a thousand employees -- that you

1 feel that you've been harmed can go to the
2 Attorney General to file an appeal.

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

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR COMRIE: I do.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR WALCZYK: If a small
12 business is on the defending end, though, and
13 they lack the legal resources to defend against
14 an accusation of unfair practices, is there a
15 legal fund for small businesses who the AG
16 believes have been unfair in her eyes?

17 SENATOR COMRIE: Through you,
18 Mr. President. That's a good idea,
19 Senator Walczyk. It's not -- I don't believe
20 there's one right now. But to do a relief fund
21 for small businesses is something that we should,
22 as a body, legislate.

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

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR COMRIE: I do.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR WALCZYK: We've often said
7 the power to tax is the power to destroy, which I
8 think is true in this instance when you're
9 talking about the power to take action against a
10 small business that doesn't have those legal
11 resources that you and I seem to agree on.

12 Wouldn't that give the
13 Attorney General broad powers to destroy a
14 small business, with all the resources of
15 New York State?

16 Clearly if they can't pay for
17 ice cream or their lease, if they're on the
18 defending end of unfair practices, as the AG
19 sees, wouldn't that give the AG the power to
20 destroy a small business?

21 SENATOR COMRIE: Through you,
22 Mr. President, I don't agree with your premise
23 that the Attorney General would be interested in
24 destroying a business. I think the
25 Attorney General's only interested in bringing

1 relief to the injured party.

2 So this is not about trying to
3 destroy a business or ruin a business. This is
4 about trying to create an opportunity to cure a
5 problem.

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

9 ACTING PRESIDENT BAILEY: Will the
10 sponsor yield?

11 SENATOR COMRIE: I do.

12 ACTING PRESIDENT BAILEY: The
13 sponsor yields.

14 SENATOR WALCZYK: It is those broad
15 powers that concerns me probably the most in this
16 legislation. This extends new powers to the AG.
17 What independent oversight will there be to
18 review the Attorney General's use of these
19 extended powers?

20 SENATOR COMRIE: Through you,
21 Mr. President. The court system, as I said
22 earlier. All of these cases would be resolved
23 and finally decided by the courts. There's
24 plenty of case law on a lot of these issues now,
25 there's plenty of precedent for a lot of these

1 problems.

2 And again, I always state that the
3 Attorney General does not have time for frivolous
4 cases. They would have to show something
5 substantial in order to win in court.

6 And I don't think any attorney
7 general in this country, as I said before, would
8 want to have a losing record bringing cases that
9 would wind up not getting the approval of the
10 judicial system or something that they believe
11 was injurious enough to bring a case to
12 demonstrate and to -- I'm sorry, not to
13 demonstrate but to take a case to court that they
14 would be losing doesn't make sense to me. I
15 don't think any attorney general in this country
16 would want to waste time with that.

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

20 ACTING PRESIDENT BAILEY: Will the
21 sponsor yield?

22 SENATOR COMRIE: I do.

23 ACTING PRESIDENT BAILEY: The
24 sponsor yields.

25 SENATOR WALCZYK: I understand it

1 would be the court on a case-by-case basis,
2 obviously. I'm more concerned about the broad --
3 if there's a trend of industry or business that
4 the Attorney General is particularly interested
5 in pursuing. What independent oversight or
6 review would there be for the Attorney General's
7 overall strategy? Since this isn't
8 complaint-based, this sort of gives the
9 discretion for the AG to pursue cases as she sees
10 fit.

11 SENATOR COMRIE: Through you,
12 Mr. President, I disagree. This is
13 complaint-based. And we're only doing this with
14 folks that reach out to the Attorney General to
15 complain. We're not encouraging attorney
16 generals to go out and be lone wolves or
17 detectives or to take time to try find cases.
18 This is complaint-based.

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

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR COMRIE: I do.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR WALCZYK: I didn't see the
3 requirement of a complaint to be filed in this
4 legislation. Where would I be able to find the
5 requirement that it's complaint-based?

6 SENATOR COMRIE: There's nothing in
7 the statute that delineates that,
8 Senator Walczyk. But it's standard practice
9 throughout the 47 states that -- and it's the
10 Attorney General after a person brings a
11 complaint, deciding whether or not to file the
12 case.

13 But it's already standard practice
14 for the Attorney General to file a complaint.

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 COMRIE: I do.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: In your answers
24 to my colleague from out east on Long Island, I
25 heard you say that there doesn't have to actually

1 be harm yet before. So that would suggest that
2 there's no complaint whatsoever and not a
3 standard practice if there doesn't have to be a
4 harm demonstrated before the Attorney General
5 took action.

6 SENATOR COMRIE: Through you,
7 Mr. President, I did not say that there has to
8 be -- I did say there has to be a definitive
9 harm, not a -- not a harm that is imagined.

10 There has to be a substantive
11 definitive harm that the Attorney General can
12 point to. There has to be a product or a service
13 or a promise that was made to a business that
14 they signed a contract for, primarily, or an
15 individual. I didn't say imagined harm, sorry.

16 SENATOR WALCZYK: And through you,
17 Mr. President, would the sponsor continue to
18 yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR COMRIE: I do.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WALCZYK: Thank you. Thank
25 you for clearing that up.

1 The AG could bring action against
2 any business inside or outside of New York State?

3 SENATOR COMRIE: Yes. If that is
4 sending product or services or making promises to
5 consumers within New York State, they can be --
6 they can wind up under -- in -- they can be sued
7 by the Attorney General.

8 Sorry. Getting my words right.

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

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR COMRIE: I do.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR WALCZYK: And under this
18 legislation, if the Attorney General determines
19 it's not in the public interest, she doesn't have
20 to give even notice, even the five days' notice
21 to the individual or the business or the
22 nonprofit?

23 SENATOR COMRIE: Through you,
24 Mr. President. The AG already has the ability
25 to, through its own discretion, not to give the

1 five-day notice if the complaint they feel is
2 that grievous that they need to be able to work
3 it without informing the business ahead of time.

4 SENATOR WALCZYK: Thank you.

5 And through you, Mr. President, will
6 the sponsor continue to yield?

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR COMRIE: I do.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR WALCZYK: You talked pretty
13 consistently about protecting consumers. In
14 Section 349 of the General Business Law, which
15 you're amending -- I'm looking at page 3,
16 paragraph (b), subparagraph 3 -- "An act or
17 practice made unlawful by this section is
18 actionable by the Attorney General regardless of
19 whether or not that act or practice is
20 consumer-oriented."

21 What does that mean?

22 SENATOR COMRIE: Through you,
23 Mr. President. This is to cover
24 business-to-business lawsuits and complaints. So
25 this is primarily to give the language to

1 allow -- to -- the actionable issue to make sure
2 that a business can be able to file a claim
3 against another business.

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

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR COMRIE: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR WALCZYK: So just so that
13 I'm understanding that correctly, if one business
14 believes that it's being treated unfairly by
15 another business, even if that business is inside
16 or outside of New York State, a consumer wouldn't
17 have to be damaged in order for the
18 Attorney General to take action against the
19 business that she sees as treating someone --
20 treating a business unfairly?

21 SENATOR COMRIE: Through you,
22 Mr. President, there still has to be injury to
23 the consumer for them to bring a complaint. And
24 there still has to be injury to the consumer for
25 the Attorney General to want to file a complaint.

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

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR COMRIE: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR WALCZYK: Yeah, that's
10 where I have the concern, and that whether or not
11 that act or practice is consumer-oriented.

12 So where would the consumer damage
13 be if there's -- if it doesn't have to be
14 consumer-oriented?

15 SENATOR COMRIE: Through you,
16 Mr. President. That covers whether or not a
17 small business can be able to file a damage
18 against a larger business or, actually, even
19 vice versa -- that, you know, a business can file
20 what they -- their complaint, they can show what
21 the damage is, so that the Attorney General can
22 take it under advisement.

23 Again, I'll go back to what I said
24 before. The Attorney Generals are not going to
25 file frivolous suits. They're going to want to

1 see substantive proof. This has to go before a
2 judge for a final resolution and determination.
3 The Attorney General is not going to take
4 anything that they can't prove, substantiate and
5 demonstrate to the courts.

6 SENATOR WALCZYK: Thank you.
7 Thank you, Mr. President. On the
8 bill.

9 ACTING PRESIDENT BAILEY: Senator
10 Walczyk on the bill.

11 SENATOR WALCZYK: Lawfare is bad.
12 This bill will give broad powers and allow the
13 Attorney General to pick winners and losers in
14 business.

15 I respectfully disagree with the
16 sponsor that the AG won't waste any time with
17 frivolous cases. Our Attorney General has
18 already shown a healthy appetite to use her
19 office to target people and businesses in order
20 to score political points.

21 Broadening the New York
22 Attorney General's office's powers to take action
23 against any individual or business nationwide is
24 likely to be abused, and so is the extension of
25 this power to defend any business she sees as

1 being treated unfairly.

2 I have grave concerns about granting
3 the Attorney General these new powers, and I'll
4 be voting no.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BAILEY: Thank
7 you, Senator Walczyk.

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 6. This
14 act shall take effect on the 60th 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: Senator
20 Comrie to explain his vote.

21 SENATOR COMRIE: Thank you,
22 Mr. President.

23 I just want to thank all the folks
24 that have been involved in this for the past few
25 years. I want to thank the Business Council,

1 New York City Partnership, all of the advocates
2 that came to us on both sides to express their
3 concerns about the business climate.

4 I know everybody's tired, so I'll
5 just talk --

6 ACTING PRESIDENT BAILEY: Senator
7 Comrie, I got it.

8 SENATOR COMRIE: I'll just talk
9 through the noise, Mr. President. I know
10 everybody's tired.

11 ACTING PRESIDENT BAILEY: No, no,
12 hold on.

13 Can we please have some order in the
14 morning. It's 3 o'clock in the morning. Come
15 on.

16 Senator Comrie.

17 SENATOR COMRIE: So I won't be
18 extensive. I just want to thank Assemblymember
19 Lasher, and I want to thank the Governor's
20 office.

21 But I especially want to thank
22 Senate staff here. They deserve a round of
23 applause for all of the machinations that they
24 had to go through to get the bill to this point
25 today. Understanding that this is a difficult

1 area, but that we do need to protect our new
2 consumers that are New York State residents that
3 are being ripped off by unfair, deceptive
4 practices.

5 This is a bill that will give an
6 opportunity to protect those who are now
7 developing in this state who are trying to
8 succeed in this state but wind up getting
9 suckered by deceptive business practices.

10 Thank you, Mr. President.

11 ACTING PRESIDENT BAILEY: Senator
12 Comrie to be recorded in the affirmative.

13 All vote explanations will be
14 strictly enforced.

15 Senator Rhoads to explain his vote.

16 SENATOR RHOADS: Thank you for that
17 warning, Mr. President. I appreciate it.

18 I want to thank all of my colleagues
19 for their questions. I want to thank you,
20 Senator Comrie, for your answers.

21 I know this bill is
22 well-intentioned. The issue is that the
23 vagueness in this statute gives the most powerful
24 Attorney General in the country the power to
25 pursue any action against any person or business

1 in the country based upon some undefined nexus to
2 New York.

3 And with all due respect to the
4 sponsor, the language in the statute that this
5 association, agent, employee, person has engaged
6 or is about to engage in any of the acts or
7 practices stated to be unlawful, is a dangerous
8 weapon in the hands of any attorney general.
9 Because it means not that somebody has to have
10 done something wrong, but in the sole discretion
11 of one person, that they could do something
12 wrong, completely destroying the idea of there
13 being standing, an actual definable harm that has
14 occurred.

15 So I will be voting no on this
16 statute -- not because it's not well-intentioned,
17 but because it is providing a dangerous weapon in
18 the hands of someone to be used against a person
19 or a business who might not be able to have the
20 resources to defend against the full power of the
21 State of New York. And we should be judicious in
22 how we allow that power to be wielded.

23 Thank you.

24 ACTING PRESIDENT BAILEY: Senator
25 Rhoads to be recorded in the negative.

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar 2034, voting in the negative are
4 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
5 Chan, Cooney, Gallivan, Griffo, Helming, Lanza,
6 Martins, Mattera, Oberacker, O'Mara, Ortt,
7 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
8 Weber and Weik.

9 Ayes, 37. Nays, 22.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

12 Senator Gianaris.

13 SENATOR GIANARIS: Now let's move
14 on to Calendar 1985, please.

15 ACTING PRESIDENT BAILEY: The
16 Secretary will ring the bell.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number
19 1985, Senate Print 5939B, by Senator Skoufis, an
20 act to amend the Public Health Law.

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

23 SENATOR WALCZYK: I'm back,
24 Mr. President. I was hoping the sponsor would
25 yield.

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR SKOUFIS: Happily.

4 ACTING PRESIDENT BAILEY: The
5 sponsor happily yields.

6 SENATOR WALCZYK: Through you,
7 Mr. President. Have you looked into whether this
8 bill will increase costs for consumers and
9 businesses through higher prescription drugs?

10 SENATOR SKOUFIS: Through you,
11 Mr. President. To answer your question if I have
12 looked into it, yes, I have looked into it.

13 SENATOR WALCZYK: Through you,
14 Mr. President, would the sponsor yield.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR SKOUFIS: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR WALCZYK: Who exactly does
21 this bill benefit?

22 SENATOR SKOUFIS: Through you,
23 Mr. President. I would argue that this bill
24 benefits pharmacists and their patients.

25 SENATOR WALCZYK: And through you,

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

3 ACTING PRESIDENT BAILEY: Does the
4 sponsor yield?

5 SENATOR SKOUFIS: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR WALCZYK: This bill was
9 amended to eliminate union self-funded plans,
10 large-group Employee Retirement Income Security
11 Act plans. Why?

12 SENATOR SKOUFIS: Through you,
13 Mr. President. There's a distinction between the
14 plans that you outlined and commercial plans, the
15 balance that are covered by this bill.

16 And I would argue that the
17 collectively bargained plans and the self-insured
18 plans, they are member-driven. These are plans
19 that are organized and are run by unions and are
20 responsive to their members. And any discounts,
21 any savings that are collected from pharmacy
22 benefit managers are passed directly along.

23 That can't be said for the other
24 commercial plans.

25 SENATOR WALCZYK: And through you,

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

3 ACTING PRESIDENT BAILEY: Does the
4 sponsor yield?

5 SENATOR SKOUFIS: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR WALCZYK: Won't this
9 ultimately -- won't the cost of this ultimately
10 be borne by whoever is enrolled in the plan?

11 SENATOR SKOUFIS: Through you,
12 Mr. President. I don't believe it's fair to
13 assume that.

14 If you take the commercial plans, if
15 the pharmacy benefit managers, if this is passed
16 and enacted, attempt to go to those plans and
17 argue, Well, we now have a professional
18 dispensing fee to deal with and we are going to
19 increase costs to you -- which would then
20 increase costs to the consumers -- there is
21 nothing that prevents the health plans from
22 telling the pharmacy benefit managers, the PBMs,
23 to eat glass, and no.

24 So, you know, there is nothing that
25 requires the health plans to absorb these costs

1 or to agree to pharmacy benefit managers
2 increasing those costs.

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

6 ACTING PRESIDENT BAILEY: Does the
7 sponsor yield?

8 SENATOR SKOUFIS: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR WALCZYK: Does the state
12 already dictate specific reimbursement benchmarks
13 for commercial plans, or is that limited to where
14 state funding is involved?

15 SENATOR SKOUFIS: Through you,
16 Mr. President, they set those benchmarks that
17 you're referencing on the Medicaid side. In
18 fact, this is something that we addressed a
19 couple of years ago that led to the NYRx program
20 that many of us are familiar with.

21 And in fact, this bill is modeled
22 after those benchmarks on the Medicaid side.

23 It's very unusual that you have
24 providers who beg for the Medicaid rate. In this
25 case you have pharmacists begging for the

1 Medicaid rate on the commercial side, and it's
2 because you have PBMs and commercial insurers
3 reimbursing.

4 And these are typical pharmacy
5 losses I'm about to share with you. A typical
6 pharmacy loss for an asthma inhaler, they lose
7 \$150 per prescription. They lose \$290 for the
8 average weight-loss drug. They lose \$130 for
9 filling the average prescription for
10 blood thinners.

11 There are not too many small
12 businesses in New York that I'm aware of that can
13 consistently lose on delivering a good or service
14 like what I just described. That's why we're
15 seeing so many pharmacies close. And that's why,
16 tragically, you have these providers actually
17 coming and begging to us just for the Medicaid
18 rate.

19 SENATOR WALCZYK: Thank you.

20 Through you, Mr. President, will the
21 sponsor continue to yield.

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR SKOUFIS: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR WALCZYK: So would the
3 increase in the dispensing fee be reflected in
4 the price paid by the small businesses' employees
5 that use their drug benefit?

6 SENATOR SKOUFIS: Through you,
7 Mr. President, I'm not sure I exactly follow.

8 But I'll refer to the answer I
9 provided before, which is that I don't believe
10 that we should assume that there are any cost
11 escalations for the consumer because it can't --
12 again, the health plans can reject any proposed
13 increases by the PBMs.

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 SKOUFIS: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR WALCZYK: I'm sure you've
23 received a bunch of feedback on this, and I know
24 you've amended the bill a number of times.

25 Did you solicit feedback from the

1 school administrators in New York State at all?

2 SENATOR SKOUFIS: Through you,
3 Mr. President. I'm thinking about all of the
4 stakeholders we've reached out to. I don't
5 believe they were on the list of stakeholders we
6 reached out to.

7 SENATOR WALCZYK: Thank you.
8 Mr. President, on the bill.

9 ACTING PRESIDENT BAILEY: Senator
10 Walczyk on the bill.

11 SENATOR WALCZYK: This bill removes
12 the incentive to use PBMs to negotiate
13 effectively for lower drug costs in many
14 instances. I know there were examples. That's
15 why the school administrators oppose this bill.

16 I'm afraid while trying to control
17 drug prices, which is a laudable intent, this
18 bill may have the unintended consequence of doing
19 the opposite for many employees in New York
20 State. I think some of them are carved out of
21 this bill for specifically that reason, and
22 ultimately passing those costs back on to the
23 consumers and employees.

24 Thank you, Mr. President.

25 ACTING PRESIDENT BAILEY: Thank

1 you, Senator Walczyk.

2 Are there any other Senators wishing
3 to be heard?

4 Seeing and hearing none, debate is
5 closed. The Secretary will ring the bell.

6 Read the last section.

7 THE SECRETARY: Section 5. This
8 act shall take effect January 1, 2026.

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 1985, voting in the negative:
16 Senator Walczyk.

17 Ayes, 58. Nays, 1.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 Senator Gianaris.

21 SENATOR GIANARIS: Let's move on to
22 Calendar 1990, please.

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

25 The Secretary will read.

1 THE SECRETARY: Calendar Number
2 1990, Senate Print 6351B, by Senator Addabbo, an
3 act to amend the General Municipal Law.

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

6 SENATOR BORRELLO: I'm wondering if
7 the sponsor is still awake and would answer a
8 question.

9 ACTING PRESIDENT BAILEY: The
10 sponsor is most certainly awake. Joe Addabbo
11 does not sleep.

12 SENATOR ADDABBO: No, I don't want
13 to yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR ADDABBO: No. No.

17 (Laughter.)

18 SENATOR ADDABBO: Sleep
19 deprivation. No.

20 ACTING PRESIDENT BAILEY: The
21 sponsor reluctantly yields.

22 SENATOR ADDABBO: Yes, of course.

23 SENATOR BORRELLO: Through you,
24 Mr. President. This bill was vetoed last year
25 because it was in violation of the Seneca

1 compact. Does this B version have any changes to
2 it?

3 SENATOR ADDABBO: Yes. Through
4 you, Mr. President. Yes.

5 It was vetoed in 2018, actually,
6 under Governor Cuomo. That's what we start with.
7 And basically from that, this B version addresses
8 that veto message in two ways, certainly as it
9 comes to the Seneca compact.

10 One, and I've got to give a lot of
11 credit to our team here, they worked amazing on
12 this bill in two ways. One, they limit the bell
13 jar machines to geographic areas and to the
14 amount of membership that an organization may
15 have. And also to remove the gamification of
16 these machines where, under the previous bill,
17 these machines looked like a slot machine, which
18 was a concern for many of those in the industry
19 of gaming and VLTs and the Seneca tribes.

20 But the bottom line is that at this
21 point all the gamification is out of these
22 machines and now they're just a dispensing kind
23 of machine.

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

1 ACTING PRESIDENT BAILEY: Will the
2 sponsor yield?

3 SENATOR ADDABBO: Yes.

4 ACTING PRESIDENT BAILEY: The
5 sponsor yields.

6 SENATOR BORRELLO: So any likeness
7 to a slot machine is prohibited under this new
8 version of the bill?

9 SENATOR ADDABBO: Through you,
10 Mr. President, yes.

11 SENATOR BORRELLO: All right.

12 Mr. President, will the sponsor
13 continue to yield?

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR ADDABBO: Yes.

17 ACTING PRESIDENT BAILEY: the
18 sponsor yields.

19 SENATOR BORRELLO: What is the
20 payout to the state for these bell jar machines?
21 What percentage?

22 SENATOR ADDABBO: (Conferring.)

23 Through you, Mr. President, although
24 not stated in the language of the bill, 5 percent
25 normally goes back to the state.

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

3 ACTING PRESIDENT BAILEY: Does the
4 sponsor yield?

5 SENATOR ADDABBO: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR BORRELLO: Well, the
9 Senecas are paying out 25 percent under the
10 compact. So this seems a little light as far as
11 a payout to the state compared to what the
12 Senecas are paying.

13 SENATOR ADDABBO: Is there a
14 question?

15 SENATOR BORRELLO: Don't you think?

16 SENATOR ADDABBO: That's the
17 question? Really, that's -- that's your
18 question, "Don't you think?"

19 SENATOR BORRELLO: Yeah, that's my
20 question. Don't you think?

21 SENATOR ADDABBO: Yes,
22 Mr. President. Sure.

23 Understand that this is for
24 charitable organizations. We're not looking to
25 balance the budget here, solve the deficit. This

1 is for veterans groups, this is for charitable
2 organizations.

3 So the bottom line is the 5 percent
4 to the state, this is not where we're making our
5 money. This is for charitable organizations.

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

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR ADDABBO: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR BORRELLO: So a slot
14 machine is pretty broadly defined under the
15 Seneca compact. It's pretty much anything that's
16 an electronic gaming device.

17 Wouldn't these bell jars, because
18 they're electronic dispensers, still fall under
19 that definition?

20 SENATOR ADDABBO: Mr. President,
21 no. Not this version. The previous version,
22 yes. This is the B version, which this is
23 basically everything taken out, it does not look
24 like a slot machine anymore, it's basically a
25 dispenser of a ticket, basically.

1 SENATOR BORRELLO: Mr. President,
2 on the bill.

3 ACTING PRESIDENT BAILEY: Senator
4 Borrello on the bill.

5 SENATOR BORRELLO: Thank you,
6 Senator Addabbo, for that.

7 You know, representing the
8 Seneca Nation, I've learned a lot of things. And
9 one of the main things I've learned is that the
10 state has really saturated the gaming market.
11 And I understand that this is a small percentage
12 of it. It's strictly, you know, for these clubs
13 and not-for-profit organizations.

14 But at the end of the day we've
15 really saturated the market when it comes to
16 gaming in New York State. And it's hurt the
17 Senecas, it's hurt in general the revenue that
18 the state's supposed to be receiving.

19 And while this is certainly not a
20 big piece of that pie, it's death by a thousand
21 cuts when it comes to how gaming is being
22 operated here in New York State.

23 So I'm going to continue to be -- or
24 I should say I will be a no on this bill.

25 And thank you again,

1 Senator Addabbo.

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

4 Are there any other Senators wishing
5 to be heard?

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

8 Read the last section.

9 THE SECRETARY: Section 10. 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 1990, voting in the negative are
18 Senators Borrello, Krueger, Ortt and Skoufis.

19 Ayes, 55. Nays, 4.

20 ACTING PRESIDENT BAILEY: The bill
21 is passed.

22 Senator Gianaris.

23 SENATOR GIANARIS: Mr. President.
24 The final debate of the morning, Calendar 2030.

25 ACTING PRESIDENT BAILEY: The final

1 debate of the legislative season.

2 The Secretary will ring the bell.

3 The Secretary will read.

4 THE SECRETARY: Calendar Number

5 2030, Senate Print Number 8432, by

6 Senator Hoylman-Sigal, an act to amend the

7 Limited Liability Company Law.

8 ACTING PRESIDENT BAILEY: Senator

9 Weber, why do you rise?

10 SENATOR WEBER: Mr. President,

11 Jimmy Buffett said it's 5 o'clock somewhere, but

12 I don't think that applies to Albany.

13 (Laughter.)

14 SENATOR WEBER: Will the sponsor

15 yield for some questions, please?

16 ACTING PRESIDENT BAILEY: Will the

17 sponsor yield?

18 SENATOR HOYLMAN-SIGAL: Yes.

19 ACTING PRESIDENT BAILEY: The

20 sponsor yields.

21 SENATOR WEBER: Good morning,

22 Senator.

23 SENATOR HOYLMAN-SIGAL: Good

24 morning.

25 SENATOR WEBER: Last year we did a

1 chapter amendment, right, to align all of the
2 federal guidelines, right, in New York State.
3 Tell me why we're here today.

4 SENATOR HOYLMAN-SIGAL: Tell me
5 what?

6 SENATOR WEBER: Tell me why we're
7 here today.

8 SENATOR HOYLMAN-SIGAL: Oh, about
9 this bill.

10 SENATOR WEBER: Yeah.

11 SENATOR HOYLMAN-SIGAL: That's a
12 very existential question.

13 (Laughter.)

14 SENATOR WEBER: Exactly.

15 SENATOR HOYLMAN-SIGAL: Through
16 you, Mr. President. We're here to, I would
17 suggest, Trump-proof a bill that we passed last
18 year called -- which we called at the time the
19 LLC Transparency Act.

20 And as a result of a tweet from
21 former First Buddy Elon Musk, who tweeted in
22 March that in response to a question by an
23 individual who is a comedian and entrepreneur who
24 sells pancake mix and has 2.2 million
25 followers -- he was complaining about the federal

1 Corporate Transparency Act and urged Musk to
2 invalidate it, which Musk apparently convinced
3 the president to do.

4 And the reason why we are here is
5 because our LLC Transparency Act piggy-backed on
6 the definition of limited liability companies and
7 other components of that federal law in defining
8 those terms in our state law. Since the federal
9 law has now in effect been invalidated, we have
10 to bring those definitions into state law.

11 SENATOR WEBER: Thank you.

12 Mr. President, will 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 WEBER: And currently under
20 the CTA, what would a New York LLC need to file
21 right now under FinCEN?

22 SENATOR HOYLMAN-SIGAL: I'm sorry?

23 SENATOR WEBER: What would a
24 New York LLC need to file right now under FinCEN?

25 SENATOR HOYLMAN-SIGAL:

1 (Conferring.) Now, currently, an LLC would file
2 as a beneficial owner with respect to any entity
3 or individual who directly or indirectly, through
4 any contract, arrangement, understanding,
5 relationship or otherwise, exercises substantial
6 control over the entity or owns or controls
7 25 percent or more of the ownership interests of
8 the entity.

9 SENATOR WEBER: Okay.

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 WEBER: And under this
18 bill, what would a small business need to report
19 on January 1, 2026, to the Department of State?

20 SENATOR HOYLMAN-SIGAL: A small
21 business would -- the scope of disclosure would
22 require disclosure to the Department of State
23 including the full legal name of the individual
24 who is the beneficial owner, the date of birth,
25 current home or business street address, and

1 unique identifying number from an unexpired
2 passport, an unexpired state driver's license, or
3 an unexpired identification card or document
4 issued by a state or local government agency or
5 tribal authority for the purpose of
6 identification of that that individual.

7 The point being that this
8 information was never reported to anyone. And
9 LLCs, limited liability companies, Mr. President,
10 were essentially shell entities without any
11 understanding, public or otherwise, as to who was
12 behind the shell.

13 In fact, more information was
14 required, we learned in drafting this bill, to
15 get a New York City library card than it was to
16 create a limited liability company.

17 SENATOR WEBER: And, Mr. President,
18 will 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: So I'd like to
25 explore a few things.

1 So obviously small businesses are
2 struggling in New York State with a lot of
3 regulation and a lot of burden put on them by the
4 state. And there's thousands of small businesses
5 in this state that are going to be subject. So
6 you exclude businesses with more than, right,
7 20 full-time employees?

8 SENATOR HOYLMAN-SIGAL: Say -- I'm
9 so sorry, say --

10 SENATOR WEBER: You exclude small
11 businesses, right, with more than 20 full-time
12 employees?

13 SENATOR HOYLMAN-SIGAL: Through
14 you, Mr. President, this would apply to any
15 limited liability company.

16 SENATOR WEBER: Okay.

17 Mr. President, would the sponsor
18 continue to yield?

19 ACTING PRESIDENT BAILEY: Does the
20 sponsor yield?

21 SENATOR HOYLMAN-SIGAL: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WEBER: So small businesses
25 are going to have to pay a lot of money. And as

1 you know, they -- you know, they don't make a
2 tremendous amount of money. And this undue
3 burden that you're putting onto them seems
4 excessive, don't you think?

5 SENATOR HOYLMAN-SIGAL: Through
6 you, Mr. President. No, it's simply identifying
7 information. And the point being that this isn't
8 {sic} crucial for law enforcement.

9 And remember that it was the first
10 Trump administration that put the federal
11 requirements in place for limited liability
12 companies because of the concern around shell
13 companies that have evaded taxes, been
14 responsible for drug dealing, terror
15 organizations, and people avoiding scrutiny of
16 their tax liability.

17 So we were encouraged to pursue this
18 by law enforcement as much as any other entity or
19 group.

20 SENATOR WEBER: Mr. President,
21 would the sponsor continue to yield?

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR HOYLMAN-SIGAL: Yes.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR WEBER: How many states are
3 doing this right now?

4 SENATOR HOYLMAN-SIGAL: Through
5 you, Mr. President. I know that other states are
6 looking at this. Obviously the actions of the
7 Trump administration have derailed efforts
8 because of the fact that the federal definition
9 has been, in effect, negated. But New York would
10 be the first.

11 SENATOR WEBER: Excuse me?

12 SENATOR HOYLMAN-SIGAL: New York is
13 the first in terms of our LLC Transparency Act.

14 SENATOR WEBER: Correct. And I
15 appreciate that.

16 And will the sponsor continue to
17 yield, Mr. President?

18 ACTING PRESIDENT BAILEY: Will the
19 sponsor yield?

20 SENATOR HOYLMAN-SIGAL: Yes.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WEBER: What's the penalty
24 for not complying with this requirement?

25 SENATOR HOYLMAN-SIGAL: The

1 penalties are as follows. Section 80 -- let's
2 see. Section 1108. A reporting company shall
3 be -- the Attorney General may assess a fine of
4 up to \$500 for each day the company has been past
5 due. And --

6 SENATOR WEBER: Mr. President, will
7 the sponsor -- oh, I'm sorry. Continue.

8 Will the sponsor continue to yield?

9 SENATOR HOYLMAN-SIGAL: Yes.

10 ACTING PRESIDENT BAILEY: Senator
11 Hoylman, were you finished with the answer?

12 SENATOR HOYLMAN-SIGAL: Yes.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR HOYLMAN-SIGAL: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR WEBER: So if a small
19 business -- and, you know, you have a lot of
20 small businesses and they have one or two or
21 three owners, right, or two or three employees,
22 including owners. Five hundred dollars a day
23 seems like a pretty steep penalty for a small
24 business who may, you know, forget to file, be in
25 noncompliance, don't you think?

1 SENATOR HOYLMAN-SIGAL: Through
2 you, Mr. President. Well, I did state that the
3 Attorney General may assess a fine. So it's at
4 the discretion of the New York State Attorney
5 General as to the extent of that fine.

6 SENATOR WEBER: And will the
7 sponsor continue to yield, Mr. President?

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR HOYLMAN-SIGAL: Yes.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR HOYLMAN-SIGAL: And that is
14 up to \$500 a day, not \$500 a day.

15 SENATOR WEBER: I'm not so sure
16 that small businesses would be comforted in that,
17 in the word "may."

18 But let's move on for a second. Can
19 you explain the role of the Attorney General with
20 respect to the database that's being -- that will
21 be set up?

22 SENATOR HOYLMAN-SIGAL: Well, the
23 Attorney General would investigate any violations
24 of the attempt to knowingly provide or attempt to
25 provide false or fraudulent beneficial ownership

1 information, including a false or fraudulent
2 identifying photograph or document, to the
3 Department of State.

4 SENATOR WEBER: Mr. President, will
5 the sponsor continue to yield?

6 ACTING PRESIDENT BAILEY: Does the
7 sponsor yield?

8 SENATOR HOYLMAN-SIGAL: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR WEBER: How much is the
12 database going to cost?

13 SENATOR HOYLMAN-SIGAL: Through
14 you, Mr. President, \$3.9 million. But that's
15 mostly operational expenses. The estimate is
16 about \$400,000 annually.

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: So do you think
25 this is an appropriate use of taxpayer dollars to

1 create this database for New York-based
2 businesses or businesses authorized to do
3 business in the state?

4 SENATOR HOYLMAN-SIGAL: Through you,
5 Mr. President, yes, or we would not have drafted
6 the bill as it is.

7 But more importantly, there are many
8 intersections with law enforcement that are
9 important. Because as I mentioned earlier,
10 there's not only criminality behind the shell of
11 an LLC, there's also wage theft. And numerous
12 labor organizations came to me and the Assembly
13 sponsor, Emily Gallagher, urging us to push this
14 legislation forward because in many instances
15 employees on the job aren't getting paid, and
16 they have nowhere to go to seek their stolen
17 wages.

18 That's also true of tenants, many in
19 New York City, who write a check on a monthly
20 basis for their rent to an LLC. They don't even
21 know who the LLC is. And if there's a violation
22 in their housing conditions, they're kind of out
23 of luck because no one, up until now, has any
24 idea where to find the owner of that apartment
25 because that information had not been kept

1 anywhere in the State of New York.

2 SENATOR WEBER: Mr. President, will
3 the sponsor continue to 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 WEBER: If an LLC believes
10 it meets one of the 20 exemptions, what do they
11 need to do?

12 SENATOR HOYLMAN-SIGAL: If they
13 want to meet one of the 20?

14 SENATOR WEBER: If they believe
15 they meet one of the 20 exceptions, what do they
16 need to file or what do they need to do at that
17 point?

18 SENATOR HOYLMAN-SIGAL: Well, as
19 you say, there are a number of exceptions to
20 being a reporting company. But it is a
21 self-declared assessment. So they would need to
22 do nothing.

23 SENATOR WEBER: And, Mr. President,
24 would 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 WEBER: You know what, I'll
6 leave it there.

7 On the bill.

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

10 SENATOR WEBER: Mr. President, we
11 always talk about how we want to help and promote
12 small businesses in New York State, but this is
13 just another example of New York State targeting
14 small businesses, small businesses that are the
15 lifeline and the engine of our economy in this
16 state.

17 We need to do better. We need to
18 help promote them, put out the welcome mat to
19 companies that want to come to New York State,
20 that want to start in New York State, instead of
21 putting up major barriers, major financial
22 barriers for them.

23 So I'll be voting no on this bill,
24 and I encourage all my colleagues to vote no as
25 well.

1 ACTING PRESIDENT BAILEY: Thank
2 you, Senator Weber.

3 Are there any other Senators wishing
4 to be heard?

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

7 Read the 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 2030, voting in the negative are
17 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
18 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
19 Mattera, Oberacker, O'Mara, Ortt, Palumbo,
20 Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber
21 and Weik.

22 Ayes, 38. Nays, 21.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 Senator Gianaris, that completes the

1 reading of the controversial calendar.

2 SENATOR GIANARIS: I have a motion,
3 Mr. President.

4 On behalf of Senator Sanders, I wish
5 to call up Calendar Number 389, Assembly Print
6 1515.

7 ACTING PRESIDENT BAILEY: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 389, Assembly Bill Number 1515, by
11 Assemblymember Weprin, an act to amend the
12 Banking Law.

13 SENATOR GIANARIS: I move to
14 reconsider the vote by which the Assembly bill
15 was substituted for Senator Sanders' bill,
16 Senate Print 3698, on June 11th.

17 ACTING PRESIDENT BAILEY: Call the
18 roll on reconsideration.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 59.

21 SENATOR GIANARIS: I now move that
22 Assembly Bill Number 1515 be recommitted to the
23 Committee on Rules and that Senator Sanders' bill
24 be restored to the order of Third Reading
25 Calendar.

1 ACTING PRESIDENT BAILEY: So
2 ordered.

3 SENATOR GIANARIS: I move to
4 recommit the calendar to the Rules Committee.

5 ACTING PRESIDENT BAILEY: So
6 ordered.

7 SENATOR GIANARIS: Please recognize
8 Minority Leader Ortt.

9 ACTING PRESIDENT BAILEY: Minority
10 Leader Ortt.

11 SENATOR ORTT: Thank you,
12 Mr. President.

13 I had a speech prepared, but that
14 was many hours ago --

15 (Laughter.)

16 SENATOR ORTT: -- and now my
17 thoughts are jumbled. It's 4:00 in the morning.
18 I hope my counterpart, Majority Leader Andrea
19 Stewart-Cousins, like me, has a brief speech.

20 It's been a long session. I've been
21 here 11 years, and I feel like that's just today.

22 (Laughter.)

23 SENATOR ORTT: I want to thank all
24 of my members. It has been a long session. It
25 was a 40-day-late budget. You know, it's been a

1 long day today, a lot of bills. I appreciate all
2 of your efforts -- not on behalf of me, on behalf
3 of yourselves, but on behalf of your constituents
4 and the people you represent, and even the people
5 you don't, people across New York who share our
6 philosophy, our values, who look for a voice in
7 opposition to a lot of the laws that are passed
8 here.

9 It is an honor to lead you. It is
10 an honor to represent you. It is an honor to
11 serve alongside you.

12 To my colleagues across the way,
13 it's an honor to serve with you and attempt to
14 try and lead this state to a better place, even
15 though clearly on a lot of issues we have
16 different ideas of how to get there. I want to
17 thank my colleague, my deputy, my floor leader,
18 Senator Andrew Lanza, who does a great job.

19 (Applause.)

20 SENATOR ORTT: I certainly want to
21 thank his counterpart, Senator Mike Gianaris, for
22 his efforts.

23 (Applause.)

24 SENATOR ORTT: The staff. I want
25 to thank my staff, Ben Kosinski, our chief

1 counsel; Chandler, Ryan, all the staff.
2 Especially this time of year, with bills popping
3 at all different times and sometimes not a lot of
4 time to dig into those bills and brief those
5 bills -- and yet they have to do it, and that's
6 on both sides of the aisle. I always say, you
7 know, the people in New York may know Rob Ortt,
8 they may know Andrea Stewart-Cousins, they may
9 know the people who get elected. They may never
10 know the staff. And yet the staff provide such
11 an invaluable service to the people of this
12 state, and they so -- some of them I'm sure are
13 great to have -- glad to have the anonymity, but
14 we want to make sure that your efforts remain not
15 anonymous, that those are acknowledged.

16 And so thank you very much to all
17 the staff, but certainly our staff on the
18 Minority side.

19 It's hard -- after the budget it's
20 sort of easier to try to encapsulate the good,
21 the bad and the ugly, or the takeaways from a
22 budget. The end of session is a little harder.
23 Where do you start? Do you go January to today,
24 do you go just today? And thankfully for all of
25 you, I'm not going to start in January.

1 (Laughter.)

2 SENATOR ORTT: But I think we're
3 just going to -- for me, a couple of things that
4 I wanted to highlight, I guess. Certainly when I
5 think of this session I think about the constant
6 drumbeat about affordability and, I think, the
7 need and the recognition by everybody here that
8 New York State remains one of the highest, least
9 affordable states in the country. And everyone
10 seems to acknowledge that, my colleagues in the
11 Democratic Conference, certainly my colleagues in
12 the Republican Conference. And you saw a variety
13 of bills that attempted -- or at least the
14 narrative was that the attempt was to cap prices,
15 to lower prices, to control prices, to lower
16 costs.

17 But yet my overarching takeaway is
18 that we did very little to lower costs. And I
19 worry that we continue to do things and
20 double down on policies that are one of the core
21 reasons why New York State is one of the more
22 expensive states.

23 To wit, one of big topics when we
24 talked about affordability this session seemed to
25 be energy policy. Right? The cost to heat a

1 home. The cost to put gas in a car. And the
2 energy policy in this state is one that is
3 undergoing a lot of changes as a result of
4 policies passed by the majority. And I heard a
5 debate -- several debates -- about how the reason
6 costs are so high in New York is because we're
7 not doing enough to transition to renewable
8 energy. That was the -- almost the exact quote.
9 We're not doing enough. And if we do more, if we
10 get past the up-front cost, we'll get to a spot
11 where apparently costs will go down.

12 But I want to highlight a statistic.
13 So when we talk about energy prices, a lot of my
14 colleagues across the aisle will say the reason
15 energy prices are so high in New York -- and we
16 did a lot of legislation in this session -- was
17 because of the greedy utility companies. Right?

18 And, lookit, that's smart politics.
19 No one likes the utility company. They send you
20 a bill. Right? That's bad off the bat. Just
21 like the banks. No one likes the bank. Even
22 though we keep our money there, no one likes the
23 bank. Hospitals are another one. No one
24 likes the -- there are certain entities out there
25 that are easy to attack. And it's good politics

1 to attack it. That's the reality. And that's
2 why almost everybody kind of does.

3 So the utility companies, greedy
4 utility companies, they are making money at the
5 expense of ratepayers, and that's why our energy
6 costs are so high. And that's why we have to do
7 something about these greedy utility companies
8 and control prices.

9 Now, consider this. I suspect that
10 in the State of Pennsylvania, a neighboring state
11 to New York, very similar climate -- I'm willing
12 to bet that they also have greedy utility
13 companies. They have the same motivation to make
14 money as the utility companies here in New York.

15 In fact, some of those utility
16 companies are exactly the same utility companies.
17 It's the same company that is providing power,
18 and they have the same drive to make money.

19 And yet the cost of residential
20 electric rates in the State of Pennsylvania are
21 40 percent lower than here in New York. Forty
22 percent lower.

23 So what could be the difference? If
24 we agree that the utility companies are the same,
25 what's the difference? The difference are the

1 policies and the people who run the State of
2 Pennsylvania have a very different energy policy
3 than the people who run the State of New York.
4 We, folks, are the difference. We are driving
5 the energy prices up with policies that come out
6 of Albany, policies that are passed in this
7 chamber. That's the difference.

8 You don't have to like the energy
9 companies. You don't have to like the utility
10 companies. But we, in our policies and our
11 actions, are making it more expensive to deliver
12 power and for people to afford something as basic
13 as heating your home.

14 And that is why people and
15 businesses seek opportunity elsewhere. Because
16 the cost of energy, something none of us can
17 escape, is cheaper in other states.

18 We did a bill at the end here giving
19 the most powerful Attorney General -- and I don't
20 mean the individual, I mean the office. The
21 office of Attorney General in New York is the
22 most powerful state attorney general office in
23 the country. And we gave that office more power,
24 to what end I'm not really sure.

25 What I do know is it will send a

1 chill to a lot of businesses and employers who
2 might come here or who already do business here
3 that now they can be investigated and charged
4 under a statute that is incredibly hard to
5 define, very nebulous, very ambiguous. I thank
6 my colleagues who asked those questions of the
7 sponsor, who I think is very well intentioned,
8 but I think misguided on that legislation.

9 I won't touch on the spending plan.
10 That's a different -- you know, we've gone over
11 that, \$10 billion more than last year.

12 I'll close with to me, one of the
13 overarching themes this year was the corrections
14 officers' strike, the deaths at Marcy, the
15 officers who were charged, the prison system in
16 New York. That's a big topic. And, lookit,
17 there will be some people that they're going to
18 be on one side no matter what.

19 But the nuance of it is, to me, that
20 we have a real issue in our prison system and
21 that issue, what happened at Marcy, the strike,
22 we have to ask ourselves did we -- have we
23 addressed the root causes of what's going on in
24 our prison system. I would say the answer is
25 unequivocally no. I think in fact we have made

1 it worse. We have made it more dangerous. We
2 continue to, I believe, turn our backs on the
3 folks that we ask to do a very difficult and
4 dangerous job.

5 If you are in prison today in the
6 State of New York, you really worked very hard to
7 get there. That's the truth. If you're in
8 prison today in the State of New York, you -- it
9 is not for a small offense. And it is almost
10 certainly not your first offense.

11 We ask corrections officers to do a
12 very, very dangerous job. And yet we
13 continuously do not give them the resources to do
14 it. We continuously -- we are far more focused
15 on prisoners being close to their families than
16 we are on corrections officers being able to see
17 their families.

18 We are very focused about the mental
19 health of people who have committed crimes. We
20 seemingly are less interested in the mental
21 health of the people we ask to go into the
22 prisons and, again, do that job.

23 Today we passed an -- or yesterday,
24 an omnibus bill that once again is focused on
25 those behind bars instead of those we ask to

1 protect us and work in prisons. So the strike --
2 did we respond by making the prison system
3 better, safer for inmates and for corrections
4 officers? No, we did not. We failed in that
5 obligation. And the prison system will continue
6 to deteriorate and continue to remain very
7 dangerous for the folks who are in there,
8 incarcerated, and the folks who work in the
9 prison system. And there will be other
10 incidents. There will be incidents that will be
11 covered on the news, and there will be incidents
12 that we never see. Because every day there's
13 incidents between -- there's attacks on
14 corrections officers. There's attacks,
15 inmate-on-inmate attacks that we never talk about
16 because it's not covered on the news because
17 there's no video of it.

18 That doesn't mean it didn't happen.
19 That doesn't mean that it's not a symptom of a
20 very, very -- a system that is rotting from the
21 inside. The COs know it, we know it, but we've
22 done nothing about it.

23 I don't think we've addressed the
24 core issues that are facing New York. We've done
25 a lot of bills this week, a lot of bills this

1 session, but I don't believe we have addressed
2 the fundamental issues facing the people of
3 New York. It's a missed opportunity -- several
4 missed opportunities, Mr. President.

5 And I can only hope, I can only hope
6 that next session -- and I really do hope next
7 session starts in January. I hope we're not back
8 here in the -- you know, in the fall.

9 I heard someone use the term
10 "Trump-proofing" New York. Which is, you know, I
11 won't say -- there's a joke there that I'm
12 tempted to do at 4:00 in the morning. I don't
13 even know what that means. We have an elected
14 president, elected by a majority of the American
15 people. We have real issues facing the State of
16 New York, and they do not begin and end with
17 President Donald J. Trump.

18 They are real issues facing real
19 people every single day, and they're looking for
20 us to do things about the price of groceries, the
21 price of gas. They're looking to find jobs and
22 opportunity and freedom here in the State of
23 New York. They want to be able to raise their
24 family here in the State of New York. They want
25 their family to stay here once they've been

1 raised in the State of New York.

2 We've done nothing to make that more
3 real, to make that more tangible -- in fact I
4 think we've done many things to make that more
5 problematic.

6 So again, Mr. President, I know it's
7 late and the hour is late. I just want to thank
8 my colleagues again for your efforts. It's an
9 honor to be the leader of this conference. It's
10 not always easy. It's not always easy being a
11 New York State Senator. Sometimes it's really
12 hard. But that's why it's so worth it.

13 And there's people, millions of
14 people, who are counting on us, all of us, to do
15 this job and to do it well and to try to make
16 their lives a little bit better -- not our lives,
17 to make their lives a little bit better. I don't
18 think we did that. But the great news is we will
19 get more opportunities to do it in the future.

20 So, Mr. President, thank you very
21 much.

22 (Applause.)

23 ACTING PRESIDENT BAILEY: Senator
24 Gianaris.

25 SENATOR GIANARIS: Mr. President,

1 please recognize Majority Leader Andrea
2 Stewart-Cousins.

3 ACTING PRESIDENT BAILEY: Majority
4 Leader Andrea Stewart-Cousins.

5 SENATOR STEWART-COUSINS: Thank
6 you, Mr. President.

7 And yes, the hour is late. And,
8 Senator Ortt, I have a speech -- but it's only
9 two pages. You know what I mean?

10 (Laughter.)

11 SENATOR STEWART-COUSINS: So I'm
12 going stick to the script, because the hour is
13 late. But of course so much of the script has to
14 do with thank-yous.

15 And I'm amazed at how alert everyone
16 still is, what with all of the debates and
17 discussions and -- you know, as I was listening
18 and watching, I really had to think what an
19 amazing body of people this is. Because for
20 every back and forth, it was respectful, it was
21 dealing with the issues, questions answered with
22 the kind of decorum that I believe should be in a
23 chamber such as this.

24 And so I always talk about the
25 differences, and I will very briefly today, from

1 what I see in Washington and here. And I've got
2 to say thank you to all of my colleagues for
3 being here and for maintaining what I know is
4 what our constituents would want us to
5 maintain -- a sense of purpose, a sense of
6 dignity, and a sense of responsibility.

7 So as I begin, I too want to thank
8 you. I want to thank my deputy leader. Thank
9 you so much, Senator Gianaris, for making --

10 (Applause.)

11 SENATOR STEWART-COUSINS: -- these
12 days go quickly.

13 And of course your counterpart, I
14 will -- my classmate -- thank you so much,
15 Senator Lanza.

16 (Applause.)

17 SENATOR STEWART-COUSINS: Senator
18 Ortt, as always, it is a pleasure, you know,
19 getting to communicate with you and to, you know,
20 figure out the path forward. So thank you, thank
21 you so much.

22 I know I also want to thank my
23 Conference Chair Senator Serrano --

24 (Applause.)

25 SENATOR STEWART-COUSINS: -- and my

1 Finance chair, the intrepid, amazing Senator Liz
2 Krueger.

3 (Applause.)

4 SENATOR STEWART-COUSINS: Again, a
5 thank you to my colleagues across the aisle, and
6 I thank of course my amazing colleagues who I get
7 a chance to partner with every single day. I
8 just thank you for all that you do.

9 I thank Governor Hochul and
10 Speaker Heastie for our continued partnership.

11 And of course we all talk about
12 staff. And so we should really give a round of
13 applause to our staffs, who do so much --

14 (Applause.)

15 SENATOR STEWART-COUSINS: Thank
16 you. Thank you.

17 And let me just give a special
18 shout-out to my senior staff. I've got Jonathan,
19 Jonathan Lang, Dorothy Powell --

20 (Applause.)

21 SENATOR STEWART-COUSINS: Dave
22 Friedfel, I call him Mr. Moneybags, but --

23 (Laughter; applause.)

24 SENATOR STEWART-COUSINS: And Mike
25 Murphy --

1 (Applause.)

2 SENATOR STEWART-COUSINS: Leah
3 Goldman.

4 (Applause.)

5 SENATOR STEWART-COUSINS: To my
6 team that makes my offices run the way they
7 should for all of you, led by Jonathan Alvarenga.

8 (Applause.)

9 SENATOR STEWART-COUSINS: And also
10 I want to the Secretary of the New York State
11 Senate, Alejandra Paulino.

12 (Applause.)

13 SENATOR STEWART-COUSINS: You're an
14 incredible team, all of you. Thank you so much.

15 To my Sergeants-at-Arms who keep us
16 safe and secure --

17 (Applause.)

18 SENATOR STEWART-COUSINS: I want to
19 give a shout-out to Ben, who is still
20 recuperating, and let him know that our prayers
21 are with him, and also let him know that he has
22 trained an incredible group of people so that we
23 all get to do the work that we need to do.

24 Again, I want to thank my colleagues
25 for your advocacy, for your tireless efforts, and

1 for your belief in our shared mission and your
2 drive to meaningful work.

3 As we close the 2025 session, we
4 reflect on a year of steady leadership, decisive
5 action in the face of national instability. We
6 focused on making life more affordable and secure
7 by investing in public education, healthcare and
8 housing, while preparing for the future
9 challenges and even dealing with AI.

10 We delivered relief for working
11 families by lowering utility costs, expanding
12 child tax credits, providing the lowest
13 middle-class tax in over 70 years, guaranteeing
14 school meals. We protected tenants, supported
15 homeowners, declared housing a human right. We
16 strengthened consumer protections, small
17 businesses, paid off their unemployment
18 insurance. We strengthened labor rights amid
19 rising costs and federal trade policies.

20 On healthcare, we expanded coverage,
21 defended reproductive rights, and made critical
22 investments in public health. We honored
23 veterans with tangible support, not just words.
24 We advanced landmark housing initiatives,
25 supported first-time homebuyers, and helped keep

1 neighborhoods stable and strong.

2 We backed small businesses and
3 MWBEs, reduced burdens on seniors. We assured
4 economic support, and we ensured that it reached
5 every corner of our state.

6 We took on corrections with
7 compassion and purpose, rejecting the failed
8 status quo.

9 We tackled the climate crisis
10 directly by investing in clean energy, regulating
11 pollutants, and pushing bold environmental
12 policies.

13 So as we adjourn, let's reflect not
14 just on the bills that we've passed but the lives
15 that we impacted and continue to impact. We met
16 fear with action, cynicism with courage, and we
17 demonstrated, again, leadership -- leadership
18 with integrity and leadership with purpose.

19 To everyone in this chamber, I again
20 want to thank you for your tireless dedication,
21 your fierce advocacy, your enduring belief that
22 government can indeed be a force for good. In
23 fact, that really is the only thing it should be.

24 So I want you to get some rest, take
25 good care of yourselves and your families, travel

1 safely home. I know you'll continue your vital
2 work in the district. And again, make sure you
3 find moments to rest and recharge because we
4 continue to have an important task ahead of us.

5 And for the fathers, have a happy
6 Fathers Day. Enjoy. I'm going to make sure you
7 don't have to be here. As I said, trust the
8 shaded boxes.

9 (Laughter.)

10 SENATOR STEWART-COUSINS: We're out
11 of here. We colored a little bit outside of the
12 box -- it's okay with that.

13 But I also want to thank you, all of
14 our presiding officers, who do so much to make it
15 all happen.

16 So have a wonderful summer. Have
17 fun. Stay safe, stay well.

18 Thank you, Mr. President.

19 (Extended standing ovation.)

20 ACTING PRESIDENT BAILEY: Senator
21 Gianaris.

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

24 ACTING PRESIDENT BAILEY: There is
25 no further business at this desk.

1 SENATOR GIANARIS: I move to
2 adjourn until the call of the Temporary
3 President, with the intervening days being
4 legislative days.

5 ACTING PRESIDENT BAILEY: On
6 motion, the Senate stands adjourned until the
7 call of the Temporary President, with intervening
8 days being legislative.

9 We out!

10 (Laughter.)

11 (Whereupon, the Senate adjourned at
12 4:18 a.m.)

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