NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 26, 2026

11:42 a.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT PERSAUD: Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, February 25, 2026, the Senate met pursuant to adjournment. The Journal of Tuesday, February 24, 2026, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good morning, Madam President.

ACTING PRESIDENT PERSAUD: Good morning.

SENATOR GIANARIS: We are going to take up two resolutions simultaneously, both by Senator Tedisco: Previously adopted Resolution 1488 and previously adopted Resolution 1525.

Please have their titles read and recognize Senator Tedisco.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Resolution 1488, by Senator Tedisco, congratulating the Shenendehowa High School Girls Varsity Cross Country Team and Head Coach Rob Cloutier upon the occasion of capturing the New York State Federation Cross Country Team Championship.

Resolution 1525, also by

Senator Tedisco, congratulating Jolie Chichak of Shenendehowa High School upon the occasion of capturing the 2025 New York State Public High School Athletic Association Girls Tennis Singles State Championship on October 29, 2025.

ACTING PRESIDENT PERSAUD: Senator Tedisco on the resolutions.

SENATOR TEDISCO: Thank you so much, Madam President.

And Madam President and my colleagues, I'm pleased today to welcome a federation championship team and an individual state championship to the chamber today, both from Shenendehowa High School.

First I introduce to you the Girls Cross Country Team and Head Coach Rob Cloutier, who captured their first-ever New York State Federation Championship on Sunday, November 22, 2025, at Bowdoin Park in Wappingers Falls, New York.

Prior to their federation success, the team won the State Class A title at the New York State Public High School Athletic Association Girls Cross Country Championship on Saturday, November 15, 2025, at Queensbury

High School in Queensbury, New York.

The team garnered an impressive Suburban Council dual meet record of 10 and 2, and an overall record of 32 wins and only two losses.

The team also embodied the term "scholar athletes," achieving enviable success in the classroom with a team-wide grade point average of 94.05 percent.

I ask you to welcome these outstanding student athletes. And their names are, if they could stand as I call them out: Leyla Bhusri, Addison Morelli, Katie Battle, Riley Lynch, Courtney Krawiecki, Raquelle Landa, and Alex Beer.

Along with them is Assistant Coach Beth Haig and Head Coach Rob Cloutier.

Also I introduce to you, with them, another outstanding champion from Shenendehowa High School, the New York State Public High School Athletic Association Tennis Single State Champion Jolie Chichak, here with Coach Bill MacArthur and her proud mom, Kelly Scott Chichak.

Jolie, just a freshman, and a state champion, captured the 2025 New York State Public

High School Athletic Association Tennis Singles State Championship at the USTA Billie Jean King National Tennis Center in Flushing, New York, on Wednesday, October 29, 2025, with a 7-6, 6-4 straight sets victory over her opponent.

Jolie is the first singles state champion from Section 2 since 1998, and Shenendehowa High School's first ever singles state champion.

Jolie has earned the number-one singles spot on the Shenendehowa Varsity Girls Tennis Team each year since her first year as a 7th grader, compiling an outstanding record of 15 and 2, followed by a record of 14 and 1 as an 8th grader -- this is the 8th grader competing against all grades -- and an undefeated record of 8 and 0 as a 9th grader. Who's going to sign up to want to be her agent? I don't know, but let's get in line here.

Like the cross country team, Jolie's success on the court translates into the academic space with a grade point average of 96.33.

And of course the common denominator to individual and team success starts at the top with the school's athletic director, who also

joins us in the chamber today, Lucas LaBarre.

Madam President and my colleagues, I would ask you to welcome them, congratulate them, and say we're proud of them and offer them all the cordialities of this august body.

ACTING PRESIDENT PERSAUD: Thank you.

To our guests, the Girls Cross Country champions and the tennis champion, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house.

Please remain standing and be recognized. Congratulations.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: The resolutions were adopted on January 28th and February 4th.

Senator Gianar -- oh, Senator Serrano.

SENATOR SERRANO: Hi.

Please recognize Senator Oberacker for an introduction.

ACTING PRESIDENT PERSAUD: Senator Oberacker for an introduction.

SENATOR OBERACKER: Thank you, Madam President.

I rise today to introduce the members of Downsville Central School Student Council.

Downsville is in the heart of the Catskills and in the 51st Senate District. And for my esteemed colleagues from the city, Downsville is the home to the Pepacton Reservoir, which supplies New York City with nearly a quarter of its drinking water -- or, as I've come to I think affectionately say here in the chamber, dihydrogen oxide.

So with that, I would like to -- Madam President, I would like to introduce everybody here to the Senate.

And we'll start off with Kendall Acevedo, we have Raymon Bull, we have Riley Emerich, we have Jullianna Franco, Ryan Fritz, Charley Furman, Riley Furman, Avery Howard, Sadie Kaja, Allison Kirby, Harmony McAdams, Olivia May, Angelina Noviello, Elizabeth Odell, Aarav Patel, Tyler Reed, Addyson VanValkenburg, Everet West, and Kenny Young.

And our advisors are Nickie Odell

and Jeannie Langdon.

Madam President, I would like to afford them all the courtesies of this chamber.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you.

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

Please remain standing and be recognized. Congratulations.

(Standing ovation.)

ACTING PRESIDENT PERSAUD: Senator Serrano.

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

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 110, Senate Print 487, by Senator Fernandez, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Fernandez to explain her vote.

SENATOR FERNANDEZ: Thank you, Madam President.

Every August 31st families across our state pause to remember someone they lost. But remembrance alone is not enough. Overdose Awareness Day is a commitment -- to prevention, to treatment, to recovery, and to policies rooted in evidence instead of fear.

Overdose is not a moral failure. It is a public health crisis. And we know what works. Access to naloxone saves lives. Drug checking tools save lives. Harm reduction saves lives. Treatment without stigma saves lives.

As chair of the Committee on Alcoholism and Substance Use Disorders, I see the data. But more importantly, I see the people around it, behind it, supporting it. Parents who never stopped hoping, siblings who carried grief quietly, and New Yorkers fighting every day for

their recovery. Designating Overdose Awareness Day in New York sends a clear message that we will continue to confront the crisis with compassion, with science, and with resolve.

We will remember those that we've lost. We stand with those in recovery. And we will keep building a system that saves lives.

I proudly vote aye.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 228, Senate Print 3574, by Senator Cleare, an act to amend the Real Property Tax Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 228, voting in the negative: Senator Walczyk.

Ayes, 53. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 249, Senate Print 5003A, by Senator Hinchey, an act to amend the Public Authorities Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 261, Senate Print 4408, by Senator May, an act to

amend the Environmental Conservation Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 308, Senate Print 378, by Senator Brouk, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 312, Senate Print Number 5392, by Senator Scarcella-Spanton, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the

last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 312, voting in the negative are Senators Borrello, Helming, Martinez, Rhoads, Tedisco and Walczyk.

Ayes, 48. Nays, 6.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 316, Senate Print 1424, by Senator Liu, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 329, Senate Print Number 6274, by Senator Scarcella-Spanton, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 334, Senate Print 315, by Senator Skoufis, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 345, Senate Print 5277, by Senator Bailey, an act to amend the Cannabis Law.

ACTING PRESIDENT PERSAUD: Read the last section.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 352, Senate Print 4467, by Senator Mayer, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 353, Senate Print 4473, by Senator Ramos, an act to amend the Labor Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

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

SENATOR SERRANO: Okay. At this time can we remove the lay-aside on Calendar 345 and take it up on the noncontroversial calendar. On consent.

ACTING PRESIDENT PERSAUD: On consent, Calendar 345 is restored to the calendar, the noncontroversial calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 345, Senate Print 5277, by Senator Bailey, an act to amend the Cannabis Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 345, voting in the negative are Senators Ashby, Helming, Lanza, Martinez, Mattera, Ortt, Palumbo, Rhoads, Stec, Tedisco and Walczyk.

Ayes, 43. Nays, 11.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Gianaris, that completes the reading of the noncontroversial calendar.

SENATOR GIANARIS: Let's move on to the controversial calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 261, Senate Print 4408, by Senator May, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT PERSAUD: Senator Walczyk, why do you rise?

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

ACTING PRESIDENT PERSAUD: Will the sponsor yield.

SENATOR MAY: I will.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So this bill would allow different energy projects to be put on state reforestation areas. It points to Article 7 of the Public Lands Law, which establishes a fee paid to the Secretary of State for $50.

Is that how much the fee would be for a solar developer to put solar panels on a state reforestation area?

SENATOR MAY: Through you,

Madam President. Could I ask my colleague for the specific reference in law that stipulates that fee?

SENATOR WALCZYK: Yeah. Your bill points to Article 7 of the Public Lands Law. This is the area where in public lands you can have different purposes in reforestation areas. It talks a lot about mining.

And then in Section 82, subsection 3, a fee of $50 shall be paid to the Secretary of State for each such notice of the filing.

So is that -- it's a very old fee. Will that be the fee that a solar company will be paying the State of New York for developing a solar field on a state reforestation area?

(Pause.)

SENATOR MAY: Through you, Madam President. We can get more information on that, but my understanding is that it's just the initial filing fee. It stands as is.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I do.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR WALCZYK: Now, that same section of law that you reference in your bill -- notwithstanding any provisions of Article 7 of the Public Lands Law, which is the one that you point to -- really focuses on mining operations with a minor footprint. It requires mines, if the state allows them on public lands, to pull anything out of the ground. A minimum royalty of not less than 2 percent of fair market value.

What royalties will a solar company have to pay to the residents of the State of New York for having the pleasure of having a solar field on a state reforestation area if your bill becomes law?

SENATOR MAY: Through you, Madam President. So any such project will involve a negotiation with the state and the setting of a fair market fee.

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

ACTING PRESIDENT PERSAUD: Does the

sponsor continue to yield?

SENATOR MAY: I will.

SENATOR WALCZYK: But a solar panel harvests electrons from the sky and they're not pulling minerals out of the earth, so Article 7 wouldn't really apply to them.

Would it be a 2 percent royalty or some other royalty? Is it negotiable? Or should we assume that there's no royalty paid to the residents of the State of New York for using land that they currently own to have solar fields on?

SENATOR MAY: Through you, Madam President. My understanding is that it's negotiable.

I also want to point out that most of the projects that we imagine will be built in this -- under this law would be transmission lines running across state reforestation lands from a solar or wind site that is not on state reforestation land. So those negotiations would be separate.

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

ACTING PRESIDENT PERSAUD: Does the

sponsor yield?

SENATOR MAY: I will.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: I don't -- I'm not aware that the state has allowed much mining operations on state-owned land or forest -- reforestation areas that are owned by the people of the State of New York in a while. And that's probably why Article 7 of the Public Lands Law Section 83 says "for each tree measuring 4 inches or more in diameter, at a height of one foot from the ground, which shall be cut, the party operating the mine shall pay the State Treasury the sum of one dollar."

Will that also apply for solar companies when they're cutting down trees on our state reforestation areas? Will it be one dollar per tree no matter what the size?

SENATOR MAY: Through you, Madam President. First of all, we did pass Senator Serrano's bill last year that bans new leases for mining on state reforestation lands. So that those provisions aren't applicable anymore for -- in terms of new mining projects.

For these, like I said, there will be a negotiation. The language of the bill and the underlying law and practice of DEC is to minimize any tree cutting or other disturbance of the land, where possible. A lot of state reforestation lands are -- have been logged, are already devoid of trees, and they're an opportunity for more trees to grow up. But there already are transmission corridors or potential transmission corridors that don't require cutting trees to begin with.

SENATOR WALCZYK: And through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I will.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So what will be the charge for a solar company, if your bill becomes law, that comes into a state reforestation and cuts trees? What will that charge be if the Public Lands Law, as it's currently written at $1, doesn't apply and it's

negotiable?

(Pause.)

SENATOR MAY: Through you, Madam President. The way this actually works, and we envision it working in the future, is that for any project that it might involve cutting down trees, there would be a mitigation plan that would involve planting more trees than the number of trees that were cut down.

So this would be -- the negotiation would be less about money and more about mitigation of the site.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I will.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Yeah, so I didn't write this bill or reference Article 7 of Public Lands Law, but currently the law says it's a dollar per tree. You've essentially taken the mining operation section, repeated it, and put in

green energy. So I think that same section of law would apply.

Are you saying you're just hopeful that DEC or ORES will negotiate that it is a dollar or more per tree, $1 being the minimum in statute? And then what would protect our forestlands from a solar company that wanted to cut those trees? What would ensure that the residents of the State of New York would at least get that dollar?

SENATOR MAY: So first of all -- through you, Madam President -- we're talking about reforestation lands, not just, you know, like old growth forest or that sort of thing.

But also all of these projects would have a whole process, there would be a SEQR review process of these. There will be mitigation plans put in place.

So that the $1 amount I think is a red herring. There are many, many other ways that DEC will be involved in protecting those lands.

And I will point out that this is in stark contrast to what the federal government is trying to do right now with our federal lands,

where they are just opening up federal lands to mining and basically raping and pillaging of the land without any kind of oversight or need for repair.

So what we're doing in New York is much more responsible.

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

ACTING PRESIDENT PERSAUD: Does the sponsor continue to yield?

SENATOR MAY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: I'll focus on the germane parts of that response.

So I'm not sure if you're aware, but the Governor of the State of New York has proposed in her budget this year rolling over SEQR for green energy projects. That would apply if your bill also becomes law. There would be no SEQR review.

Unless there's a provision that I've missed here. Is there?

SENATOR MAY: Through you,

Madam President. We will be negotiating in the budget to substitute her proposal with my bill, which actually does have robust protections and keeps SEQR review much stronger in these kinds of situations.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I will.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: What is the purpose of a state reforestation area?

SENATOR MAY: Through you, Madam President, there is -- are a variety of purposes. These are parcels of land that are acquired by the state either to -- after logging has occurred to, you know, reforest, put the trees up.

But some of them are also acquired for recreational purposes. Maybe they're good hunting or fishing areas. There are quite a few different purposes.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Would you say that it's in line with Article 14 of the New York State Constitution (reading) that the dedication thereof for the practice of forest or wildlife conservation? Does that sound right to you?

SENATOR MAY: Through you, Madam President. I -- I agree with that.

And I will say in many cases these are lands that will be leased for forestry, so they might be -- they might be acquired in order to grow the trees for future logging. So to say that it's just for conservation is a -- is a simplification.

SENATOR WALCZYK: And through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the

sponsor yield?

SENATOR MAY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Yeah, the regrowing of trees or good forest management practices would be directly in line with the New York State Constitution Article 14 that says "the dedication thereof for the practice of forest or wildlife conservation."

Is your bill in line with Article 14 of the New York State Constitution.

SENATOR MAY: Through you, Madam President, yes.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: How is putting solar panels on a reforestation in line with the dedication thereof for the practice of forest and

wildlife conservation?

SENATOR MAY: Through you, Madam President. As it is for the practice of logging, this is the -- some of the -- as I mentioned before, some of these lands have multiple uses. And solar panels or wind production on state reforestation lands would be in accord with the CLCPA and with other state laws that are designed to protect the overall environment over time so that we can be protecting our forests and our waterways and all of our resources from the depredations of rapid climate change.

So there are -- there are always tradeoffs, but this is one where I think it is a positive for our environment.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Yes, so I think I

understand the spirit of what you're trying to do here now. You want to take state reforestation areas, open them up to green energy projects. The idea is that that development, whether it be wind, solar, battery storage on a state reforestation area, the benefit will then be used for other lands somewhere else.

Does your legislation require a solar company to purchase and preserve like lands, additional state reforestation areas somewhere else in the state that would be preserved?

SENATOR MAY: Through you, Madam President. It clearly states in the bill that this would only allow uses that are in -- that do not interfere with the operation of the reforestation areas for the purposes for which they were acquired.

Which is why we primarily expect that this will be used for transmission lines that could be put through that would not interfere with reforestation or with recreation or whatever the purpose was.

And they would facilitate production of green energy. That is something that we have

agreed that this state needs.

But not production on the land, just transmission through the land.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I will.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Yeah, that's something that I wanted to talk to you about because I agree that "shall not interfere with the operation of such reforestation areas for the purposes for which they were acquired," as you just cited, a state reforestation area is acquired for reforestation.

But the bill also says, which I think contradicts that, such installation shall include but not be limited to solar power and wind power -- include but not be limited to, under such terms.

How is a solar-powered facility in line with the purpose of a state reforestation

area? How can you grow a forest and have solar panels in the same spot?

SENATOR MAY: Through you, Madam President. This is why it says -- you didn't finish that sentence -- under such terms as may be prescribed by the department and upon such conditions that the exercise of such agreement rights shall not interfere with the operation of such reforestation.

So this probably, as I said, will mean there might be wind production on some of those sites, but solar is unlikely to be on-site on the reforestation land. It's the transmission lines that are so important.

We know across upstate there are many, many proposals for solar and wind installations. And local people often organize to make sure that those are not in their viewshed, on their prime farmland, in certain places where they don't want them. So there's a push to put these kinds of facilities in places that are out of the way.

And that means you need to figure out a way to get transmission lines through -- often through state reforestation lands. This

has been one of the major barriers to getting some of these projects built that will ultimately bring down energy costs and allow us to fulfill the climate law.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I will.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Well, I don't think anybody -- despite the giant solar sprawl that we've seen across upstate New York, I don't think anybody has seen the cost savings of that or believes that it will provide it.

But if you don't envision that solar panels will be on state reforestation areas, then why did you write it in this legislation? Why did you even provide for it? If this was just about transmission and not wind and solar, then why even outline those things and say "but not even limited to"?

I mean, is battery storage going to

be allowed on state reforestation areas?

SENATOR MAY: Through you, Madam President. As I mentioned, reforestation lands are not necessarily forested. There may be some lands where it is appropriate to site a solar installation.

But whatever activity is envisioned on these lands, it has to fit with these criteria, that it doesn't interfere with what the purposes were for which that land was acquired.

But it may be that they are ideal places for transmission lines, for example, because they have been forested in the past -- or have been logged in the past and are now being reforested.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So you are saying that the state has purchased state reforestation

areas that are out of line with Environmental Conservation Law that states in order to -- and I'm looking at 9-0501, the state's power to acquire reforestation areas. "In order to provide for the acquisition of lands outside the Adirondack Park and the Catskill Park as defined in subdivisions 1 and 2 of Section 9-0101, which are adapted for reforestation and establishment and maintenance thereon of forests for watershed protection, the production of timber and other forest products" -- that's the logging that you referenced -- "and for recreation and kindred purposes, the department may acquire in the name of the state a gift, purchase, appropriation." It goes on to say how.

So are solar panels on state reforestation areas a kindred purpose? Is that the reach that we have here?

SENATOR MAY: Through you, Madam President. That is up to DEC to decide if it is compatible with the purposes of the land.

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

ACTING PRESIDENT PERSAUD: Does the

sponsor yield?

SENATOR MAY: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So under Section 480 of Real Property Tax Law, counties can't tax reforestation areas.

Will counties be able to assess a solar farm or negotiate a PILOT in a reforestation area under this legislation?

SENATOR MAY: Through you, Madam President. I do not know the answer to that.

But I -- since the likelihood is that those kinds of production facilities will be outside of the reforestation lands, that would be presumably perfectly possible.

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

SENATOR MAY: I would.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR MAY: Yup.

SENATOR WALCZYK: I just want to be

clear on that. You believe that counties will --

ACTING PRESIDENT PERSAUD: Senator, can you continue to go through the chair. Not directly to the member.

SENATOR WALCZYK: Oh, I'm sorry I thought that I did.

ACTING PRESIDENT PERSAUD: Thank you.

SENATOR WALCZYK: Through you, Madam Chair. So just for the record, you believe that counties will be able to tax, assess, negotiate PILOTs with solar fields, wind farms, battery storage facilities that are sited on state reforestation areas?

SENATOR MAY: Through you, Madam President. No, what I said was the likelihood is that those production facilities will not be on the state reforestation lands. They will be off of that land. But if they are on the state reforestation land, I believe the -- that that's a different matter.

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

ACTING PRESIDENT PERSAUD: Does the

sponsor yield?

SENATOR MAY: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Yeah, I just want to go back to your bill --

ACTING PRESIDENT PERSAUD: Senator.

SENATOR WALCZYK: Oh. Through you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you.

SENATOR WALCZYK: I just want to go back to the bill here. In line 10 you say such installations "shall include," not may include, but not be limited to solar power and wind power under such terms as may be prescribed by the department. Meaning the Department of Environmental Conservation.

So why write that they shall include solar and wind power if your intent in this legislation isn't even to bring solar and wind power on to state reforestation areas?

(Pause.)

SENATOR MAY: Through you, Madam President. Whether it's "shall" or "may,"

the bill was intended for completion of connectivity across state reforestation lands.

And earlier in the bill it says that, siting in connectivity of renewable energy installations and the transmission and distribution of electricity therefrom.

That is the main purpose of this bill. And so we should focus on that transmission issue, which is the primary reason why we need to make sure that state reforestation lands are available for these purposes.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Is there a ban on the --

ACTING PRESIDENT PERSAUD: Senator.

SENATOR WALCZYK: Oh, I thought I went through you, Madam Chair.

Through you, Madam Chair, would the

sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Yes, the sponsor yields.

SENATOR WALCZYK: Is there a ban on herbicides used in reforestation areas in this bill?

SENATOR MAY: Through you, Madam President, that is not part of this bill.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

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

(Laughter.)

ACTING PRESIDENT PERSAUD: I think the sponsor yielded.

SENATOR WALCZYK: Will solar companies be able to use Roundup and other products like that? Is there any provision in

your bill that would protect our state reforestation areas from products that they can use that they've used in a number of their solar facilities in New York?

SENATOR MAY: Through you, Madam President. I'll repeat again that these projects shall not interfere with the operation of such reforestation areas for the purposes for which they were acquired.

That is, the DEC will put guardrails on any of these projects so that they don't interfere with reforestation.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Is there a prohibition on battery storage facilities in this bill, or would those also -- because there's often -- solar fields are usually congruent with battery storage facilities because of the way

that power peaks when a solar field harvests the power. And then the way that our energy demand requires that power, they're often paired up with battery storage facilities.

Is there any prohibition for battery storage facilities to be on state reforestation areas in your bill?

SENATOR MAY: Through you, Madam President, there is not.

But I will reiterate that if the purpose of this is transmission, that transmission could make it possible to site the storage elsewhere.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MAY: I do.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So if the purpose is transmission, then why have we said "shall include, but not limited to" solar power and wind power?

SENATOR MAY: Through you, Madam President. This bill is intended to be permissive, to allow a variety of green energy options and not to stipulate restrictions on them.

SENATOR WALCZYK: Thank you.

Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Walczyk on the bill.

SENATOR WALCZYK: I am not the Lorax, but I speak for the trees.

I speak for the trees, for the trees have no tongues. And I'm asking you, ma'am, at the top of my lungs, you are making a thneed, a new kind of thneed, a shiny black glass-covered solar-power thneed.

It's a panel, it's a charger, a green energy fix. But you're chopping down trees to make room for these sticks.

But it's power, you yell, it's clean and it's bright. It brings us the sun in the dark of the night.

But I say, Senator Once-ler, you're crazy with greed. There is no one on earth who will need that much thneed. You're hacking down

cherries, maple soft as the silk, with the sweet calming smell of fresh butterfly milk.

You are chopping them down for a sustainable plot. If you ruin the place, tell me, what have you got? A factory for sunshine, a sterile dead ground where the beaver once frisked, now there's no one around.

They loved living there, in the shade of the trees. Now they've got no more home. Out, out, with the bees!

You are destroying the air to make clean air, you say? If you kill off the trees, you are throwing away the machine that God made, the true breathing machine that turned bad air to good with their lush leafy greens.

And the Eastern bluebird waking up before dawn has no branch for a nest. Now the hollows are gone.

You can't fix the planet by stripping it bare. You are making power without cleaning the air. A tree is living, breathing and green -- far better than any black solar-paneled machine.

So stop with your axes, stop with your hacking. Please cease. Let the trees grow.

Let them breathe, give them peace. For a tree falls the way that it leans, and you're leaning, I fear, towards some very dark scenes.

Unless (pause) you vote no.

(Laughter; applause.)

ACTING PRESIDENT PERSAUD: Are there any other Senators wishing to be heard?

Senator Lanza.

SENATOR LANZA: (Whistling.) Madam President, thank you. If I could put some prose to that poetry.

You've heard me tell the story before. On Staten Island we had this wonderful forest, pretty old growth, thousands of several different species of oak trees, maples. There were wetlands. It was one of the most beautiful areas you ever saw.

And a few years ago they came in and they killed every tree, they killed every animal, and they filled in every wetland. And they replaced it with a solar panel field, which is now, like Staten Island's roads, covered with snow.

We don't know how much electricity is being generated there. No one can tell us

where it's even going. And I'm told recently that these solar panels are ending -- are nearing the end of their useful life.

So if the choice is between killing our trees and having solar panels with dubious efficacy, clearly the example I've just cited to you on Staten Island is an environmental disaster, not an environmental benefit.

There is plenty of vacant land across New York State where we could be engaging in these green energy plans. We should not be cutting down forests and killing wildlife in order to do it.

I vote no.

ACTING PRESIDENT PERSAUD: Are there any other Senators wishing to be heard?

Senator Borrello.

SENATOR BORRELLO: Thank you, Madam President.

First of all, nothing I'm going to say is going to rhyme. But let me say this.

You know, Senator May mentioned that, you know, we have people that have organized to push back against solar panels that are their sight lines around forestland or

farmland. Yeah, they do, and they lose. Every single time. Thanks to the bad policies that are passed in this chamber.

You know, I don't think people realize this. These people are not in the energy business, they are in the taxpayer-subsidy business. They want the cheapest way to do it for the maximum return. And the only profit, the only profit is from taxpayer dollars.

If there was no subsidies, there would never be another wind or solar project built anywhere in the United States, period, end of sentence. Because there's no profit in it.

So instead we created these ways to clear things out for them. And that's what's going to happen here too. These guys are the kings of the bait-and-switch. Every time we have a new solar project go up in my district, they say, yeah, we're fine with a 500-foot setback. And then all of a sudden, Well, we have to have a -- you know, we're going to file a grievance, we're going to ask for that 500 feet to be 200 feet.

Happens every single time. They're con artists. And we allowed this to happen.

When I was county executive in Chautauqua county, we had a company that wanted to put solar panels on our landfill. We have good closed landfill sites. Things are never going to ever -- they're brownfields that are never going to be used for anything again.

So let's do that. We'll put those flexible solar panels -- and when I got to the meeting, the guys that were there selling me the solar panels were like, Oh, no, no, no, no. We can't do that. It's too expensive. We want to cut the forest around the landfill to put up the solar panels, because that's easier and cheaper and faster.

And then you have the fact that you've got ORES that can just roll over all the DEC regulations. They send a guy out to say, Oh, yeah, there's no bats in those trees, I don't see them right now, we're all good. You can start cutting.

And the idea that this is cheaper is ridiculous. If it's cheaper, why do we have to have these 20- and 30-year power purchase agreements? Where someone, typically a public utility, has to buy the electricity at this price

from the solar developer and sell it on the open market for this price {indicating}. That's what a power purchase agreement does.

This is not cheaper. It's certainly not cleaner. But it is going to actually impede our ability to have good farmland, forestland in the beautiful place that we all love here in New York State. We are letting these con artists roll over us. And to do it on reforested areas in our public lands is shameful.

And I'm also voting no.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Are there any other Senators wishing to be heard?

Seeing and hearing none, the debate is closed.

The Secretary will ring the bell.

Senator Gianaris.

SENATOR GIANARIS: Madam President, that reminds me that we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT PERSAUD: On consent, the bill is restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

If we're going to talk about con artists, let's talk about the fossil fuel industry, which learned in the early 1960s, if not sooner, from the geologists that they hired to go and find oil deposits around the world, they learned from those geologists back then that their business model was putting earth on a collision course with global warming that was going to destabilize the climate. They knew it then.

They leaped into action. Not to change their business model, but to sow disinformation, lies and misinformation all across the world, but especially in this country. They hired lobbyists by the thousands all across this country to persuade government officials

that there was nothing to see there, we didn't have to worry about it.

And they've been doing it ever since. They have put trillions of dollars, probably at this point, into misinformation about fossil fuels. And they continue to do it even now. They are sponsoring all kinds of hate campaigns against green energy as well.

While, elsewhere in the world, we are seeing people's -- countries' carbon emissions -- in China, their carbon emissions are coming down because they have made massive investments exactly in the kind of energy that is the energy of the future.

Here in New York State, if you want to see the kinds of -- the kinds of savings we get from solar energy, just last summer, in the two hottest days in June, behind the meter solar saved ratepayers over $180 million in two days.

And a lot of that was community solar, much of which only works if you can put the transmission lines on some of these kinds of remote areas or through forested lands.

So this bill actually could bring our energy costs down while also pushing back

against the greatest con artists of all time, the fossil fuel lobby that has captured this country, has shaped how we use cars, it has shaped what our cities look like, it has shaped everything about how we live in this country in order to make us dependent on fossil fuels.

And I am proud that here in New York we are working hard to get off that dependence.

I vote aye. Thank you.

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

Senator Lanza to explain his vote.

SENATOR LANZA: Madam President, in spite of the two wrongs make a right argument, I'll be voting no.

ACTING PRESIDENT PERSAUD: Senator Lanza to again be recorded in the negative.

Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you very much, Madam President.

I would like to thank Senator May for bringing this bill.

I just want to address a couple of comments that we've heard here -- first of all,

about fixed prices for solar energy. That's actually a good thing. If you look at the graph of where Community Choice Aggregation prices were last year, before the PSC, in its infinite wisdom, decided to kill Community Choice Aggregation, the graph looks like this (gesturing).

And if you look at electricity and natural gas prices for those who didn't have Community Choice Aggregation, it's like this (gesturing). A very stark difference.

And that's why those fixed rates are a very powerful thing for consumers. And physics are physics. A kilowatt of clean energy is cheaper than a kilowatt of fossil fuel energy, a kilowatt of nuclear energy. And that's simply a fact of the marketplace. Which is why 95 percent of all the world's new generation is clean energy.

The petro state of Texas, which doesn't even believe in climate change, all of their new generation has been wind, solar and battery storage. We heard the savings in New York in two days from the Senator. In 10 years -- and this comes from the Texas state

regulators; this is not some green tree-hugger number -- $30 billion in savings for Texas ratepayers.

What do we have against saving money for our ratepayers? That's all we talk about in this chamber, is the high price of utilities.

The answer to climate change and the answer to high utility prices is the same: It's clean energy.

I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 261, voting in the negative are Senators Ashby, Borrello, Gallivan, Helming, Lanza, Mattera, Oberacker, Ortt, Rhoads, Stec, Tedisco, Walczyk and Weber.

Ayes, 42. Nays, 13.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 353, Senate Print 4473, by Senator Ramos, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: Senator

Walczyk, why do you rise?

SENATOR WALCZYK: Of course through you, Madam President, I hope to ask some questions.

ACTING PRESIDENT PERSAUD: Are you asking the sponsor to yield?

SENATOR WALCZYK: Of the sponsor. Yeah, would the sponsor yield for --

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR RAMOS: Through you, Madam President, I intend to answer such questions.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Thank you, Madam President.

In line 30 of page 2, you've added statutory damages. What does statutory damages entail in this context?

SENATOR RAMOS: Statutory damages in the context of this bill means 100 percent of the liquidated damages.

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

yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Yeah, so -- and that's part of the reason for my question. Because it's listed just before liquidated damages. So what's different here? What's the -- what's the statutory damages mean?

SENATOR RAMOS: Through you, Madam President. The intent of this bill overall is to provide clarification over language that has been misconstrued in the way different state courts have applied the law.

And so I am hoping that by including both terms, there is no confusion over how recovered wages should be obtained through class-action lawsuits.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: The bill does not differentiate between intentional wage theft and good-faith payroll mistakes, does it?

SENATOR RAMOS: Through you, Madam President. Wage theft is wage theft. Sometimes it is administrative. Sometimes it is not.

The idea behind the bill and any and all recovery efforts through our court system, whether in individual cases or class-action cases, is for a worker to recover the entirety of their wages.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So this bill would be allowing class-action lawsuits against a

small business who makes an innocent mistake that they would gladly correct; this would still allow a class-action lawsuit to be brought in that case?

SENATOR RAMOS: Through you, Madam President. Very seldom do -- does a situation of that kind reach the bench if it was indeed a administrative error.

This is in order for our state law to be in compliance with federal law so that when workers at a workplace present a class-action lawsuit against an unscrupulous employer, they are able to recover the entirety of their wages, just as a worker would if the case was brought individually.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: So why wouldn't a plaintiff's attorney use this framework to

pressure small businesses into settlements? Are you creating kind of an incentive structure for that here?

SENATOR RAMOS: Through you, Madam President. The world "settlement" is not in the language of this bill.

What the bill's intent is, is to bring the state into compliance with federal law so that when there is a bad boss, they are being held accountable and that the recovered wages equal the recovered wages they would be awarded if they brought the suit in an individual capacity.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Couldn't this be used to pursue class actions for even technical violations for recordkeeping, violations like incorrectly listing an address on a pay stub and

leaving off the correct phone number?

I understand that's not the intent, but don't you open the door for that?

SENATOR RAMOS: Through you, Madam President. The Senator already asked this question in -- previously when he was talking about administrative errors. Now he's just enumerating them.

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

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR RAMOS: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR WALCZYK: Thanks for that.

The New York Labor Law provides that if the employer fails to give an employee a wage notification form at hiring, the damages are up to $5,000. In 195, 198. Or if a pay stub is not compliant, the damages are up to $5,000. Because state courts have held those are penalties. They have not permitted class actions for these violations just as an individual action.

So under this bill, now a small business could be sued in state court on a class basis for $5,000 for each employee if the employer makes a recordkeeping mistake.

Do you think a small business owner, say with 20 employees, should be sued for $100,000 because of a pay stub error?

SENATOR RAMOS: Through you, Madam President. No, it doesn't. This does not establish any new grounds for a lawsuit. The language of this bill is exclusively about paying out the wages to a group of workers who bring about a class-action lawsuit instead of doing so in an individual capacity.

We are not expanding or amending the law on the grounds of what type of lawsuits can be brought.

SENATOR WALCZYK: Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you.

Are there any other Senators wishing to be heard?

Senator Borrello.

SENATOR BORRELLO: Thank you.

Thank you so much, Madam President.

I'm a proud member of the NFIB, the National Federation of Independent Businesses, representing 11,000 small businesses. So I want to just bring up an important salient point here.

I know the discussion has been on wage theft. But essentially what this is saying is if this bill were to pass, plaintiff's attorneys will sue countless small businesses in New York State court for up to $10,000 per employee over wage theft notice and pay stub violations, not actual wage theft.

These cases are easy to allege and win, making them extremely attractive for plaintiff's attorneys. So once again we are making it easy here for lawyers to sue small businesses.

So I'll be voting no. Thank you.

ACTING PRESIDENT PERSAUD: Are there any other Senators wishing to be heard?

Seeing and hearing none, the debate is closed.

The Secretary will ring the bell.

Senator Gianaris.

SENATOR GIANARIS: Madam President,

let's restore this to the noncontroversial calendar, please.

ACTING PRESIDENT PERSAUD: On consent, the bill is restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Ramos to explain her vote.

SENATOR RAMOS: Thank you, Madam President.

You know, right now a group of 20 employees cannot bring about a class-action lawsuit. There is a minimum of 40.

Now, I know that there are varying definitions, perhaps even personal definitions about what a small business is or isn't. But very rarely does an innocent mistake in a firm or a small business of very few employees constitute the level of class-action wage recovery that we are trying to make easier through the amending of

this language.

This body back in 2009 actually had already amended the law with regard to the Fair Labor Standards Act. And so we have seen since that, then, that the interpretation across state courts has not been uniform and has not allowed workers to actually get all of the wages back.

And I believe that no matter what side of the aisle you may sit on, what we do want to do is utilize the law to uplift good businesses, whether they're small businesses, midsized businesses, the biggest businesses you can think of.

The point is to uphold standards and be able to even perhaps reward good businesses. We're not -- this isn't about administrative mistakes that more often than not can be clarified and fixed way before a lawsuit actually comes before a judge.

So, you know, my colleague across the aisle might not be the Lorax, but perhaps he's the Monopoly guy. What do I know?

Regardless, we want people to get every single dime that they're entitled to

because they've worked and they deserve that money. And they deserve the clarification in the law so that we can protect them and every worker in New York.

There's a gross affordability issue in this state, and this is one of the many ways that as a body we have been able to protect workers. And I'm very proud to vote aye.

ACTING PRESIDENT PERSAUD: Senator Ramos to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 353, voting in the negative are Senators Borrello, Gallivan, Helming, Oberacker, Ortt, Stec, Tedisco and Walczyk.

Ayes, 47. Nays, 8.

ACTING PRESIDENT PERSAUD: The bill is passed.

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

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

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

SENATOR GIANARIS: I move that we

adjourn until Wednesday, March 4th, at 3:00 p.m., with intervening days being legislative days.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Wednesday, March 4th, at 3:00 p.m., with intervening days being legislative days.

(Whereupon, at 12:48 p.m., the Senate adjourned.)