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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 20, 2026

11:13 a.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT BAILEY: Reading
14 of the Journal.

15 THE SECRETARY: In Senate, Sunday,
16 April 19, 2026, the Senate met pursuant to
17 adjournment. The Journal of Saturday, April 18,
18 2026, was read and approved. On motion, the
19 Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Good morning,
7 Mr. President.

8 ACTING PRESIDENT BAILEY: Good
9 morning.

10 SENATOR GIANARIS: On behalf of
11 Senator Martinez, I wish to call up Senate
12 Print 194B, recalled from the Assembly, which is
13 now at the desk.

14 ACTING PRESIDENT BAILEY: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 181, Senate Print 194B, by Senator Martinez, an
18 act to amend the General Business Law.

19 SENATOR GIANARIS: I move to
20 reconsider the vote by which the bill was passed.

21 ACTING PRESIDENT BAILEY: Call the
22 roll on reconsideration.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 52.

25 ACTING PRESIDENT BAILEY: The bill

1 is restored to its place on the Third Reading
2 Calendar.

3 SENATOR GIANARIS: I offer the
4 following amendments.

5 ACTING PRESIDENT BAILEY: The
6 amendments are received.

7 SENATOR GIANARIS: Also amendments
8 are offered to the following Third Reading
9 Calendar bills:

10 By Senator Scarcella-Spanton,
11 page 6, Calendar 225, Senate Print 8968;

12 And by Senator Gianaris, page 12,
13 Calendar 410, Senate Print 363A.

14 ACTING PRESIDENT BAILEY: The
15 amendments on those bills are received, and the
16 bills will retain their place on the Third
17 Reading Calendar.

18 Senator Gianaris.

19 SENATOR GIANARIS: Please call on
20 Senator Cooney for a very quick introduction.

21 ACTING PRESIDENT BAILEY: Senator
22 Cooney for an introduction.

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

25 Good morning, everyone. I'm proud

1 to be joined with students from SkillsUSA, a
2 nationally recognized career and technical
3 student organization serving students in
4 high school and college postsecondary programs
5 across this country.

6 I'd like to start by recognizing
7 some of the representatives who are joining us
8 here in the chamber: Genevieve, Ava, Brianna, as
9 well as leaders Jennifer and Theresa.

10 We're proud to welcome this
11 all-woman representative team. Of course we're
12 very familiar with that here in this chamber,
13 being led by our historic first woman
14 Majority Leader, Andrea Stewart-Cousins. Thank
15 you all for being here today.

16 We recently celebrated
17 SkillsUSA Week, a time dedicated to uplifting
18 475,000 students nationwide -- including
19 thousands right here in New York -- who are
20 committed to mastering the skilled trades and
21 preparing for real-world careers.

22 It's also a time to highlight the
23 vital role that skilled trades play in our
24 economy and the impressive work these students
25 and students across our state do each day to

1 develop personal, workplace and technical skills
2 grounded in academics.

3 As the United States faces a
4 projected talent shortage, widening the skills
5 gap that could result in the loss of trillions of
6 dollars by 2030, supporting programs like
7 SkillsUSA is vital to ensuring our economic
8 strength and sustaining a skilled workforce.

9 The students before us today
10 represent exactly what SkillsUSA stands for:
11 Champions of their own futures, a workforce that
12 is our future that New Yorkers can rely on.

13 It is an honor to recognize the
14 entire SkillsUSA community not just during this
15 special week, and not just today, but each and
16 every day as they lead the way for collaboration
17 and innovation of our skilled trades.

18 Thank you, Mr. President.

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

21 To our guests, I welcome you on
22 behalf of the Senate. Thank you for all that you
23 do. Please remain -- I extend to you all of the
24 privileges and courtesies of this house. Please
25 remain standing and be recognized.

1 (Standing ovation.)

2 ACTING PRESIDENT BAILEY: Senator
3 Gianaris.

4 SENATOR GIANARIS: Mr. President,
5 there will be an immediate meeting of the
6 Rules Committee in Room 332.

7 ACTING PRESIDENT BAILEY: An
8 immediate meeting of the Rules Committee in
9 Room 332.

10 SENATOR GIANARIS: The Senate
11 stands at ease.

12 ACTING PRESIDENT BAILEY: The
13 Senate will stand at ease.

14 (Whereupon, the Senate stood at ease
15 at 11:17 a.m.)

16 (Whereupon, the Senate reconvened at
17 11:21 a.m.)

18 ACTING PRESIDENT BAILEY: The
19 Senate will return to order.

20 Senator Gianaris.

21 SENATOR GIANARIS: Mr. President,
22 there's a report of the Rules Committee at the
23 desk.

24 Can we take that up, please.

25 ACTING PRESIDENT BAILEY: The

1 Secretary will read.

2 THE SECRETARY: Senator
3 Stewart-Cousins, from the Committee on Rules,
4 reports the following bills:

5 Senate Print 6570A, by
6 Senator Harckham, an act to amend the
7 Environmental Conservation Law;

8 Senate Print 8512B, by
9 Senator Krueger, an act to amend the
10 Public Service Law;

11 Senate Print 9963, by
12 Senator Serrano, an act making appropriations for
13 the support of government.

14 All bills reported direct to third
15 reading.

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

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

21 (Response of "Aye.")

22 ACTING PRESIDENT BAILEY: Opposed,
23 nay.

24 (Response of "Nay.")

25 ACTING PRESIDENT BAILEY: The

1 report of the Rules Committee is accepted.

2 Senator Gianaris.

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

5 ACTING PRESIDENT BAILEY: The
6 Secretary will read.

7 THE SECRETARY: Calendar Number
8 699, Senate Print 9963, by Senator Serrano, an
9 act making appropriations for the support of
10 government.

11 SENATOR GIANARIS: Is there a
12 message of necessity and appropriation at the
13 desk?

14 ACTING PRESIDENT BAILEY: There is
15 a message of necessity and appropriation at the
16 desk.

17 SENATOR GIANARIS: Move to accept
18 the message.

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

22 (Response of "Aye.")

23 ACTING PRESIDENT BAILEY: Opposed,
24 nay.

25 (Response of "Nay.")

1 ACTING PRESIDENT BAILEY: The
2 message is accepted, and the bill is before the
3 house.

4 SENATOR LANZA: Lay it aside.

5 ACTING PRESIDENT BAILEY: Lay it
6 aside.

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

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

11 ACTING PRESIDENT BAILEY: The
12 Secretary will ring the bell.

13 The Secretary will read.

14 Calendar Number 699, Senate Print
15 9963, by Senator Serrano, an act making
16 appropriations for the support of government.

17 ACTING PRESIDENT BAILEY: Senator
18 O'Mara, why do you rise?

19 SENATOR O'MARA: Thank you,
20 Mr. President. If the sponsor would yield for a
21 couple of questions on this budget extender.

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR SERRANO: Sure.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR O'MARA: Good morning --

3 SENATOR SERRANO: Good morning.

4 SENATOR O'MARA: -- Senator.

5 Here we are on our fifth budget
6 extender, three weeks late on the budget now.

7 Can you tell us at least initially
8 what -- what is included in this extender, how
9 much does it total, and what period of time is it
10 covering?

11 SENATOR SERRANO: Through you,
12 Mr. President. This extender, this budget
13 extender legislation has \$12.7 billion total,
14 which includes 5.1 billion in new funding.

15 SENATOR O'MARA: Through you,
16 Mr. President, if the Senator will yield.

17 ACTING PRESIDENT BAILEY: Does the
18 sponsor yield?

19 SENATOR SERRANO: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR O'MARA: What date does
23 this extender go through?

24 SENATOR SERRANO: Through you,
25 Mr. President, this extender will bring us

1 through Wednesday, April 22nd.

2 SENATOR O'MARA: Through you,
3 Mr. President, if the Senator will continue to
4 yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR SERRANO: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR O'MARA: So we're adding an
11 additional \$5.1 billion in this extender. Being
12 three weeks late, that's an extra \$5 billion to
13 get us through the next two days.

14 SENATOR SERRANO: Through you,
15 Mr. President. Different extenders, because of
16 different timetables for payment, have different
17 amounts in them.

18 So there is an increase in this one
19 over previous, but not necessarily because of the
20 length of time, but more because certain
21 payments are due.

22 SENATOR O'MARA: Through you,
23 Mr. President, if the Senator will continue to
24 yield.

25 ACTING PRESIDENT BAILEY: Will the

1 sponsor yield?

2 SENATOR SERRANO: Yes.

3 ACTING PRESIDENT BAILEY: The
4 sponsor yields.

5 SENATOR O'MARA: Can you outline
6 for us, then, what the 5.1 billion in spending
7 authorization covers?

8 (Pause.)

9 SENATOR SERRANO: Through you,
10 Mr. President. The three main issues that this
11 additional funding covers are Medicaid, payroll,
12 and school funding.

13 SENATOR O'MARA: Through you,
14 Mr. President, if the Senator will continue to
15 yield.

16 ACTING PRESIDENT BAILEY: Will the
17 sponsor yield?

18 SENATOR SERRANO: Yes.

19 ACTING PRESIDENT BAILEY: The
20 sponsor yields.

21 SENATOR O'MARA: Can you tell us
22 the amount of education funding that's being
23 authorized here to go to our local school
24 districts?

25 SENATOR SERRANO: Through you,

1 Mr. President, this extender includes about
2 \$2.3 billion for schools.

3 SENATOR O'MARA: Thank you.

4 Mr. President, if the Senator will
5 continue to yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR SERRANO: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR O'MARA: Senator, we're now
12 three weeks late on this budget. We're at
13 April 20th, our schools have to put their budgets
14 to a vote before their voters in about a month's
15 time, or less, and they have to have their
16 budgets actually finalized before they go to a
17 vote.

18 So what can we tell our school
19 districts, while this budget is late, what to
20 expect in school funding? Has there been any
21 type of agreement between the three sides on what
22 school funding is going to be or what a minimum
23 amount is going to be so they can properly
24 formulate their budgets?

25 SENATOR SERRANO: Through you,

1 Mr. President.

2 Well, certainly, as you mentioned,
3 there is a sense of urgency, especially when it
4 comes to this topic of school aid. However, we
5 do have a little bit more time before that issue
6 arises.

7 And I feel pretty confident that we
8 will complete this budget in time so that school
9 districts can be able to manage appropriately.
10 As in years past, even with late budgets, we've
11 been able to get it done before that critical
12 moment.

13 SENATOR O'MARA: Thank you,
14 Senator.

15 Mr. President, if the Senator will
16 continue to yield.

17 ACTING PRESIDENT BAILEY: Does the
18 sponsor yield?

19 SENATOR SERRANO: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR O'MARA: So do we have any
23 basis that we can at least signal to our school
24 districts what -- the base level of increase we'd
25 be looking at?

1 The Governor came out with a
2 1 percent base, which is pretty anemic, and
3 I think the one-houses came up with 2 percent.
4 What can we assure them at this point?

5 SENATOR SERRANO: Through you,
6 Mr. President. While it is difficult to give
7 assurances until the budget is done, if the past
8 is any indication, we usually build upon what was
9 in the Executive Budget.

10 So I would presume that that would
11 be a base and that we would hopefully go up from
12 there.

13 SENATOR O'MARA: Thank you,
14 Senator.

15 Mr. President, if the Senator will
16 continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR SERRANO: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR O'MARA: Senator, there's
23 been four or five major issues, at least in the
24 media, that are holding up this budget process.
25 Since the last extender last Thursday, can you

1 inform us of any progress that's been made on any
2 of the major open issues?

3 SENATOR SERRANO: Through you,
4 Mr. President.

5 I wish I could give you some more,
6 but I do feel that, you know, as negotiations are
7 ongoing, and that -- the overall sense of
8 urgency, I think things are moving in the right
9 direction. There have been productive
10 conversations with all parties engaged.

11 And, you know, budgets -- as you
12 know, all of these budgets are a lot of work,
13 they're hard work, and they certainly require a
14 lot of negotiation and time. And this budget is
15 no exception, so -- but I do feel -- I feel good
16 that things are moving in the right direction,
17 and hopefully we can land this plane sooner
18 rather than later.

19 SENATOR O'MARA: Thank you,
20 Senator.

21 Mr. President, if the Senator will
22 continue to yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR SERRANO: Yup.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR O'MARA: One of the major
4 issues, to my understanding, has been alterations
5 to the CLCPA and the timelines on that for
6 feasibleness -- for it to be feasible and
7 affordable.

8 The Governor stated last week that
9 language had been provided to both houses'
10 majorities on proposed changes to that. Can you
11 tell us what those proposals are?

12 SENATOR SERRANO: Through you,
13 Mr. President, I have no additional information
14 on that.

15 SENATOR O'MARA: Thank you,
16 Senator.

17 Mr. President, if the Senator will
18 continue to yield.

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR SERRANO: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR O'MARA: One of the other
25 major issues is the automobile liability

1 insurance, changes that the Governor has proposed
2 and the Senate and Assembly majorities have had
3 some responses to.

4 Can you tell us where we are on
5 specific language on that issue?

6 SENATOR SERRANO: Through you,
7 Mr. President. No, I'm sorry, I don't have any
8 additional information on that.

9 SENATOR O'MARA: Thank you,
10 Senator.

11 Mr. President, will the Senator
12 continue to yield?

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR SERRANO: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR O'MARA: Last week it was
19 indicated in the discussion on the floor here of
20 this extender last Thursday that both sides
21 wanted SEQR reforms, which has been discussed a
22 lot in the press, and that it was felt to be
23 close on agreement on the SEQR issues now.

24 Can you tell us, is SEQR locked down
25 at this point, that issue? And where are we,

1 what are the changes being proposed to SEQR?

2 SENATOR SERRANO: Through you,
3 Mr. President. I really cannot. I really don't
4 have any additional information to add to that.

5 And again, as this negotiation
6 continues, all of these things I'm hoping will
7 fall into place in due time, sooner rather than
8 later.

9 But you are correct that these are
10 some of the many issues that have -- we continue
11 to grapple with as we attempt to finalize this
12 budget.

13 SENATOR O'MARA: Thank you,
14 Senator.

15 Mr. President, if the Senator will
16 continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR SERRANO: Yes.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR O'MARA: We have nine
23 budget bills that we have to get through that are
24 outstanding. Have any one of those nine been
25 finalized to this point?

1 SENATOR SERRANO: Through you,
2 Mr. President, no.

3 SENATOR O'MARA: Through you,
4 Mr. President, if the Senator will continue to
5 yield.

6 ACTING PRESIDENT BAILEY: Does the
7 sponsor yield?

8 SENATOR SERRANO: Yup.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR O'MARA: What is your
12 prognosis on when we will be nailing down these
13 final nine budget bills so we can at least let
14 the public know what's being discussed and we can
15 start debate on those bills?

16 SENATOR SERRANO: Through you,
17 Mr. President.

18 As I mentioned in my earlier
19 comments, that I feel that things are moving in
20 the right direction. I think discussions are
21 ongoing. All parties involved are working very
22 hard to try to come to agreement and come up with
23 bills that we can bring to a vote that the public
24 can be proud of.

25 It takes time to come up with a

1 budget that speaks to all of the different needs
2 of the people of New York. And we are certainly
3 being very methodical in our approach here, as we
4 can see.

5 However, I do sense a -- there is a
6 sense of urgency to get moving on this, and I
7 think things are coming together. But no, to
8 directly answer your question, I am unable to
9 provide any dates or prognosis beyond that.

10 SENATOR O'MARA: Thank you.

11 Mr. President, if the Senator will
12 continue to yield.

13 ACTING PRESIDENT BAILEY: Will the
14 sponsor yield?

15 SENATOR SERRANO: Yup.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR O'MARA: Would you expect
19 us to have budget bills to be actually working on
20 by the end of next week?

21 SENATOR SERRANO: Through you,
22 Mr. President. Again, it's difficult to say. I
23 would hope so, but it's -- unfortunately, I
24 cannot answer.

25 SENATOR O'MARA: Thank you,

1 Senator.

2 On the bill, Mr. President.

3 ACTING PRESIDENT BAILEY: Senator
4 O'Mara on the bill.

5 SENATOR O'MARA: Here we are on our
6 fifth budget extender, three weeks late on the
7 budget to date, with -- as we can see -- little
8 to no information being shared by the majorities
9 with us in the minority or, more importantly,
10 with New Yorkers.

11 You know, this is probably the most
12 important thing that we do each year in Albany,
13 is set the State Budget. We need to do it in a
14 timely manner, as I have said, so our school
15 districts can set their budgets so that they can
16 reliably have a figure of state aid coming so
17 they can set their budgets and not have to
18 perhaps set property taxes higher than they would
19 need to be if they knew what was coming in state
20 aid.

21 So it is just still very concerning
22 to me and to our side of the aisle that we have
23 little to no information to be discussing on
24 this. It seems that the rank-and-file members of
25 the Majority don't have any information either.

1 And that's concerning, that
2 everything still continues to be three people in
3 a room behind closed doors with no discussion or
4 detail on what the hangups are, what's actually
5 being considered from one side or the other,
6 which would be helpful in informing the public of
7 where this budget is headed.

8 And the major policy issues that are
9 outstanding, the five or six issues that are out
10 there, are significant issues and should involve
11 public input, public response to what's being
12 proposed so that we can more accurately debate
13 these issues, know where our constituents stand
14 on these issues and, more importantly, have an
15 informed vote on the budget itself.

16 But thank you, Mr. President.

17 ACTING PRESIDENT BAILEY: Thank
18 you, Senator O'Mara.

19 Are there any other Senators wishing
20 to be heard?

21 Seeing and hearing none, debate is
22 closed.

23 Senator Gianaris.

24 SENATOR GIANARIS: Mr. President,
25 let's restore this to the noncontroversial

1 calendar, please.

2 ACTING PRESIDENT BAILEY: On
3 consent, the bill is restored to the
4 noncontroversial calendar.

5 There is a substitution at the desk.

6 The Secretary will read.

7 THE SECRETARY: Senator Serrano
8 moves to discharge, from the Committee on Rules,
9 Assembly Bill Number 11010 and substitute it for
10 the identical Senate Bill Number 9963, Third
11 Reading Calendar 699.

12 ACTING PRESIDENT BAILEY:
13 Substitution so ordered.

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: Senator
21 Weik to explain her vote.

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

24 Today is April 20th. The budget was
25 due on April 1st. So as my colleagues have said,

1 three weeks late for a budget. Still no table
2 targets, which really just once again showcases
3 how inefficient having one party running our
4 state has been.

5 And for that, I'll be voting in the
6 negative.

7 ACTING PRESIDENT BAILEY: Senator
8 Weik to be recorded in the negative.

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar 699, voting in the negative:
12 Senator Weik.

13 Ayes, 57. Nays, 1.

14 ACTING PRESIDENT BAILEY: The bill
15 is passed.

16 Senator Gianaris, that completes the
17 reading of the controversial supplemental
18 calendar.

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

21 Going to more routine business now,
22 there's a privileged resolution at the desk.
23 Please take that up, read its title, and
24 recognize Senator Brisport on the resolution.

25 ACTING PRESIDENT BAILEY: The

1 Secretary will read.

2 THE SECRETARY: Senate Resolution
3 1887, by Senator Brisport, memorializing
4 Governor Kathy Hochul to proclaim April 2026 as
5 Arab American Heritage Month in the State of
6 New York.

7 ACTING PRESIDENT BAILEY: Senator
8 Brisport on the resolution.

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

11 The great Palestinian poet Mosab Abu
12 Toha, whom we are honored to have with us today,
13 wrote these words:

14 "What is home?

15 "It is the shade of trees on my way
16 to school before they were uprooted.

17 "It is my grandparents' black and
18 white wedding photo before the walls crumbled.

19 "It is my uncle's prayer rug, where
20 dozens of ants slept on wintry nights before it
21 was looted and put in a museum.

22 "It is the oven my mother used to
23 bake bread and roast chicken before a bomb
24 reduced our house to ashes.

25 "It is the cafe where I watched

1 football matches and played --

2 "My child stops me: Can a
3 four-letter word hold all of these?"

4 When I think about this poem, I
5 think not only about the limitations of words to
6 adequately hold on to a legacy, but also about
7 their tremendous importance in the attempt to do
8 so.

9 That is precisely what makes erasure
10 such a powerful and common tool of oppression.
11 Sometimes erasure happens when a bomb strikes a
12 library, like the Edward Said Public Library,
13 founded by Mr. Abu Toha himself, and now reduced
14 to ash.

15 Sometimes it happens when a gang of
16 ICE agents snatch a young Palestinian man, like
17 Mahmoud Khalil, away from his family for speaking
18 truths our government did not want heard.

19 Sometimes it happens as simply as a
20 publisher choosing to omit mention of
21 Arab American contributions from our students'
22 textbooks.

23 To erase the arts, the voices, the
24 history of a people makes it that much easier to
25 erase the people themselves. We are seeing that

1 playbook used again in realtime.

2 Today, as we recognize Arab American
3 Heritage Month in New York, I hope we will all
4 take the occasion to commit ourselves to fighting
5 that erasure, to seeking out, listening to and
6 amplifying the Arab voices being silenced.

7 Thank you.

8 ACTING PRESIDENT BAILEY: Thank
9 you, Senator Brisport.

10 Senator Fahy on the resolution.

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

13 I'd like to commend the sponsor for
14 offering this resolution and to also speak on it
15 to say that this is a wonderful opportunity to
16 commend all Arab Americans and recognize the
17 heritage month.

18 Right here in the Capital Region we
19 have one of the largest and faster-growing
20 Arab American communities in the country. Many
21 are incredible entrepreneurs, educators,
22 healthcare workers, engineers, and public
23 servants, and they have strengthened the
24 Capital Region in multiple, multiple ways.

25 That entrepreneurial spirit, the

1 cultural tradition -- my children went to the
2 Albany schools, and they have just enriched the
3 incredible diversity of those schools. We have
4 seen an explosive growth here in Arab American
5 residents, especially in the last few years,
6 which has been stunning.

7 And I think it makes this resolution
8 more important than ever because on the other --
9 the flip side of this, we've also seen a truly
10 unfortunate rise in hate and bias and certainly
11 in harmful rhetoric.

12 So I think it's more important now
13 that we stand firm against any forms of
14 discrimination and talk about the positive and
15 extraordinary contributions.

16 We have seen, again, an
17 exponential rate of complaints, particularly in
18 our Muslim community, with anti-Muslim and
19 anti-Arab incidents.

20 So I think it's a good reminder that
21 New York and this country are best when we focus
22 on dignity, on respect, inclusion and the
23 incredible value that the diversity and inclusion
24 brings to our community, and the commitment that
25 we have in this state and in this country on

1 advancing opportunities for all and reminding
2 each of us that hate should have absolutely no
3 home here or anywhere else.

4 So I am so proud to join my
5 colleagues and join all my community members in
6 recognizing Arab American Heritage Month and
7 celebrate those extraordinary contributions of so
8 many here in our community and in New York as a
9 whole.

10 Thank you, Mr. President.

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

13 Senator Salazar on the resolution.

14 SENATOR SALAZAR: Thank you,
15 Mr. President.

16 New York is home to over
17 300,000 Arab Americans. It's the third-largest
18 population of Arab Americans in the
19 United States.

20 From Astoria, in Queens, to
21 Bay Ridge, we can see clearly that entire
22 neighborhoods have developed and flourished
23 because of the contributions of Arab American
24 immigrants and their generations who have built
25 their lives here in New York.

1 Thought leaders like Edward Said,
2 who Senator Brisport mentioned, the
3 Palestinian American scholar and author of
4 Orientalism and The Question of Palestine, have
5 played a major part in New York's global academic
6 and literary influence.

7 The Yemeni small business owners who
8 run thriving restaurants and convenience stores
9 in my district, and across the city and state,
10 make our local economies diverse and resilient
11 and community-oriented.

12 Arab American hospitality,
13 literature, cuisine -- they've enriched our lives
14 for the better even as Arab American communities
15 have faced immense challenges. Many of our
16 Arab American neighbors were forced to leave
17 their homelands due to war, occupation,
18 oppression and systemic violence, sometimes as a
19 result of U.S. foreign policy.

20 Far too often we have seen elected
21 officials at various levels of government
22 perpetuate bigoted tropes and inflammatory
23 language about our Arab American neighbors. It
24 makes it all the more important that we celebrate
25 Arab Americans through resolutions like this one.

1 Even today, Arab New Yorkers are
2 still disproportionately surveilled and
3 discriminated against simply because of their
4 heritage.

5 And yet their communities have
6 persevered and given back to our state.
7 Organizations like the Arab American Association
8 of New York and American Family Support Center
9 are consistently providing comprehensive services
10 to those in need regardless of their identity.

11 We know that Arab Americans in our
12 state deserve our celebration and respect, and I
13 thank Senator Brisport for recognizing these
14 communities through this resolution.

15 Thank you, Mr. President.

16 ACTING PRESIDENT BAILEY: Thank
17 you, Senator Salazar.

18 Senator Gounardes on the resolution.

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

21 I rise too to thank our sponsor for
22 this resolution. And I have the privilege to
23 represent a wide diversity of the Arab American
24 diaspora. Whether they are immigrants from
25 Morocco, from Palestine, from Jordan, from Syria,

1 from Iraq, from Kuwait, from Egypt, from many of
2 the nations where -- around the globe where Arabs
3 come from, they've all settled in -- not just
4 throughout New York City, but particularly in
5 many of the neighborhoods that I get to represent
6 in Brooklyn.

7 Senator Salazar mentioned Bay Ridge.
8 That's probably the newest wave of Arab
9 immigrants we have here in my district. But it
10 begins even a century earlier when we saw the
11 first wave of Syrian and Lebanese immigrants who
12 settled in downstate Brooklyn, establishing
13 shops, establishing restaurants, becoming the
14 first pioneers of their communities to settle
15 here in the United States.

16 I am incredibly proud to represent
17 that full spectrum of Arab American neighbors who
18 live in New York City. And one of my favorite
19 things every year, in fact, on Good Friday -- as
20 many of you know, I'm Greek Orthodox. On
21 Good Friday, at the church that I attend, we do a
22 procession where we walk around the church.

23 And two blocks away there is an
24 Antiochian Orthodox Church, Lebanese,
25 Arab American, Christians, also celebrating

1 Good Friday.

2 Our two congregations come together
3 and we chant the Good Friday hymns not just in
4 English and not just in Greek, but also in
5 Arabic.

6 And it is such a beautiful picture
7 of what makes New York City so great, and that
8 you have all these diverse cultures, all of these
9 diverse nationalities coming together and sharing
10 in this common experience together.

11 That is what makes our city and our
12 state such a beautiful place to welcome so many
13 others, whether they came here 100 years ago or
14 they came here just yesterday.

15 And so I want to thank again
16 Senator Brisport for reminding us of the
17 importance of Arab American Heritage Month.

18 I see some of my constituent groups
19 that are here today: The Arab American
20 Association, the Arab American Family Support
21 Center. And I'm proud to support this
22 resolution.

23 Thank you.

24 ACTING PRESIDENT BAILEY: Thank
25 you, Senator Gounardes.

1 To our guests from the Arab American
2 community, we thank you for your leadership and I
3 welcome you on behalf of the Senate. We extend
4 to you all of the privileges and courtesies of
5 this house.

6 Please rise and be recognized.

7 (Standing ovation.)

8 ACTING PRESIDENT BAILEY: The
9 question is on the resolution. All those in
10 favor please signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT BAILEY: Opposed,
13 nay.

14 (No response.)

15 ACTING PRESIDENT BAILEY: The
16 resolution is adopted.

17 Senator Gianaris.

18 SENATOR GIANARIS: Senator Brisport
19 would like to open that resolution for
20 cosponsorship.

21 ACTING PRESIDENT BAILEY: The
22 resolution is open for cosponsorship. Should you
23 choose not to be a cosponsor, please notify the
24 desk.

25 Senator Gianaris.

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

3 ACTING PRESIDENT BAILEY: The
4 Secretary will read.

5 THE SECRETARY: Calendar Number
6 186, Senate Print 114, by Senator Cleare, an act
7 to amend the Banking Law.

8 SENATOR LANZA: Lay it aside.

9 ACTING PRESIDENT BAILEY: Lay it
10 aside.

11 THE SECRETARY: Calendar Number
12 311, Senate Print 5340C, by Senator Stavisky, an
13 act to amend the Education Law.

14 ACTING PRESIDENT BAILEY: Read the
15 last section.

16 SENATOR LANZA: Lay it aside.

17 (Pause; off the record.)

18 ACTING PRESIDENT BAILEY: Senator
19 Gianaris.

20 SENATOR GIANARIS: I believe that
21 Calendar 311 was laid aside in error.

22 Senator Lanza would like to remove
23 that lay-aside, and let's take that bill up.

24 ACTING PRESIDENT BAILEY: The
25 lay-aside has been removed.

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 311, Senate Print 5340C, by Senator Stavisky,
4 an act to amend the Education Law.

5 ACTING PRESIDENT BAILEY: Read the
6 last section.

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

10 ACTING PRESIDENT BAILEY: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BAILEY: Announce
14 the results.

15 THE SECRETARY: In relation to
16 Calendar 311, voting in the negative are
17 Senators Gallivan, Griffo, Helming, Lanza,
18 Martinez, Ortt and Palumbo.

19 Ayes -- oh, sorry.

20 In relation to Calendar 311, voting
21 in the negative are Senators Gallivan, Griffo,
22 Lanza, Martinez, Ortt, Palumbo and Weik.

23 Ayes, 51. Nays, 7.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 450, Senate Print 2224B, by Senator Krueger, an
3 act to amend the Legislative Law.

4 SENATOR LANZA: Lay it aside.

5 ACTING PRESIDENT BAILEY: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 454, Senate Print 2708A, by Senator May, an act
9 to amend the Public Service Law.

10 SENATOR LANZA: Lay it aside.

11 ACTING PRESIDENT BAILEY: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 485, Senate Print 3147, by Senator Cooney, an act
15 to amend the Insurance Law.

16 ACTING PRESIDENT BAILEY: Read the
17 last section.

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

21 ACTING PRESIDENT BAILEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BAILEY: Announce
25 the results.

1 THE SECRETARY: Ayes, 58.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 493, Senate Print 5280A, by Senator Sepúlveda, an
6 act to amend the Real Property Tax Law.

7 ACTING PRESIDENT BAILEY: Read the
8 last section.

9 THE SECRETARY: Section 4. 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, 58.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 543, Senate Print 5598A, by Senator May, an act
21 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 543, voting in the negative are
9 Senators Borrello, Oberacker, Stec, Walczyk and
10 Weik.

11 Ayes, 53. Nays, 5.

12 ACTING PRESIDENT BAILEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 613, Senate Print 4188B, by Senator Comrie, an
16 act to amend the Penal 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, 58.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 654, Senate Print 2078, by Senator Mayer, an act
6 to amend the Labor Law.

7 SENATOR LANZA: Lay it aside.

8 ACTING PRESIDENT BAILEY: Lay it
9 aside.

10 THE SECRETARY: Calendar Number
11 671, Senate Print 1116, by Senator Gounardes, an
12 act to amend the Executive Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

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

17 ACTING PRESIDENT BAILEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BAILEY: Announce
21 the results.

22 THE SECRETARY: Ayes, 58.

23 ACTING PRESIDENT BAILEY: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 672, Senate Print 2546, by Senator Myrie, an act
2 to amend the Real Property Actions and
3 Proceedings Law.

4 SENATOR LANZA: Lay it aside.

5 ACTING PRESIDENT BAILEY: Lay it
6 aside.

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

9 SENATOR GIANARIS: All right. On
10 to the controversial calendar, please.

11 ACTING PRESIDENT BAILEY: The
12 Secretary will ring the bell.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 186, Senate Print 114, by Senator Cleare, an act
16 to amend the Banking Law.

17 ACTING PRESIDENT BAILEY: Senator
18 Gianaris.

19 SENATOR GIANARIS: Mr. President, I
20 believe the sponsor just stepped out for a
21 moment.

22 Let's stand at ease until she comes
23 back.

24 ACTING PRESIDENT BAILEY: The
25 Senate will stand at ease momentarily.

1 (Whereupon, the Senate stood at ease
2 at 11:50 a.m.)

3 (Whereupon, the Senate reconvened at
4 11:51 a.m.)

5 ACTING PRESIDENT BAILEY: The
6 Senate will return to order.

7 Senator Gianaris.

8 SENATOR GIANARIS: Okay,
9 Mr. President, let's proceed with the debate,
10 please.

11 ACTING PRESIDENT BAILEY: Senator
12 Borrello, why do you rise?

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

15 Would the sponsor yield for a
16 question?

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR CLEARE: Through you,
20 Mr. President, I do.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR BORRELLO: Through you,
24 Mr. President.

25 We've been through this bill I think

1 six years now, I think since my first year in the
2 Senate. I'm just curious what the status is in
3 the other house and why this bill continues to
4 come up and pass this chamber but hasn't seemed
5 to go any further.

6 SENATOR CLEARE: It's my
7 understanding it's made it -- through you,
8 Mr. President -- into third reading on some
9 occasions.

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

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR CLEARE: Through you,
15 Mr. President, I do.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR BORRELLO: So New York
19 State already restricts banks, institutions, from
20 actually investing in private-prison contractors,
21 contractors that provide private-prison services
22 within New York State. In other words, New York
23 State doesn't allow private prisons, essentially.

24 So what is the intent of this bill
25 if it doesn't occur here in New York State?

1 SENATOR CLEARE: To make sure that
2 our banks are not investing in private prisons in
3 general outside of New York State.

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

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR CLEARE: Through you,
9 Mr. President, yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR BORRELLO: Through you,
13 Mr. President. Are you aware of any
14 state-chartered banks that are currently
15 investing in private-prison contractors?

16 SENATOR CLEARE: No. Through you,
17 Mr. President, no.

18 SENATOR BORRELLO: Okay.
19 Mr. President, will the sponsor continue to
20 yield?

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR CLEARE: Through you, yes,
24 I will yield.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR BORRELLO: So we don't
3 allow them here in New York State. We don't have
4 any state-chartered banks because this only can
5 impact state-chartered banks. We don't have any
6 purview over federally chartered institutions.
7 We don't have any state-chartered banks that are
8 actually invested in private prisons outside of
9 New York State.

10 So isn't this bill really just
11 trying to regulate what happens in states outside
12 of New York?

13 (Pause.)

14 SENATOR CLEARE: There is some
15 renewed pressure with what we -- we have limited
16 ability to regulate what happens federally with
17 immigration, but there has been some renewed
18 activity in terms of us investing in private
19 facilities that detain people.

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

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR CLEARE: Through you,
25 Mr. President, yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR BORRELLO: So -- well, this
4 bill's been around long before, you know, we've
5 had any immigration enforcement of any kind -- or
6 of any significance, honestly, in the previous
7 four years.

8 So you're saying now this bill's
9 intent has shifted to be more about immigration
10 enforcement?

11 SENATOR CLEARE: No. There's still
12 a great concern about investing in private
13 prisons outside of New York State.

14 You know, you and I have talked
15 about previous corruption scandals where people
16 were being sentenced and sent to private prisons.
17 And we don't want our banks to be a part of that.
18 We don't want to be investing in that kind of
19 situation. Among other things that are going on
20 in these private prisons, wherever they are.

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

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR CLEARE: I do. Through

1 you, Mr. President.

2 ACTING PRESIDENT BAILEY: The
3 sponsor yields.

4 SENATOR BORRELLO: So really, then,
5 we're just saying to banks within New York State:
6 We're going to tell you where you're going to
7 invest your -- and how you're going to invest
8 your money.

9 And essentially outside of New York
10 State, we're trying to essentially impede their
11 ability -- isn't that kind of a slippery slope
12 now that we're going to be telling banks how they
13 should be investing their money outside of the
14 state that we govern?

15 SENATOR CLEARE: No, I don't think
16 so. I think that, you know, there's a moral
17 issue here where we invest our money. And I
18 think that private prisons are just not a place
19 that we should be investing our money.

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

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR CLEARE: Through you,
25 Mr. President, I do.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR BORRELLO: Well, when you
4 say "our money," I mean, we're not talking about
5 government money, right, we're talking about
6 people that have given their money to a bank or
7 another state-chartered institution. And, you
8 know, so we're really talking about regulating
9 how a private entity invests money provided to
10 them by private citizens, not by the government,
11 correct?

12 SENATOR CLEARE: Right. Through
13 you, Mr. President, right.

14 SENATOR BORRELLO: Mr. President,
15 on the bill.

16 ACTING PRESIDENT BAILEY: Senator
17 Borrello on the bill.

18 SENATOR BORRELLO: Thank you,
19 Mr. President.

20 Thank you, Senator Cleare, once
21 again for this debate.

22 I want to also mention that
23 Senator Cleare has been very instrumental in
24 personal advocacy for something she believes in.
25 She believes that indeed financial institutions

1 should not be investing in private prisons, and
2 she's gotten some -- she's been very effective.
3 She's gotten some action through her advocacy.

4 I believe some nationally chartered
5 banks that we have absolutely no control over
6 have actually voluntarily decided not to invest
7 because of her advocacy. So I commend you for
8 that, even if I disagree with it.

9 But at the end of the day, that's
10 the way to go about this. Because again, this
11 targets a very narrow group of people,
12 state-chartered banks. We've lost 40 percent of
13 our state-chartered banks just in my time here in
14 the Senate, six years.

15 People just choose to -- banks
16 choose to no longer deal with the heavy
17 regulation of New York State, and they choose to
18 then become federally chartered institutions or
19 to discontinue doing business in New York State
20 altogether.

21 This is just another nail in that
22 coffin, essentially, people having the choice of
23 having more opportunity to find banks to only
24 invest in them, to provide them with mortgages
25 and car loans and business loans.

1 The harder that we are on our
2 state-chartered banks, which are community banks,
3 our local banks -- the harder that we are on
4 them, the less they're going to provide critical
5 finances here in New York State, critical
6 support.

7 But also this is about interstate
8 commerce in a lot of ways. This bill is saying
9 we're going to tell a bank in New York State
10 where and how they can invest their money -- not
11 in New York State government taxpayer money, the
12 money that's given to them by private citizens,
13 and how they can invest that.

14 And that's a very slippery slope.
15 Because what's next? Are we going to tell people
16 that you can't invest in certain food companies
17 because we don't like the way -- the food that
18 they manufacture and sell and distribute? Are we
19 going to tell -- we're no longer going to allow
20 people to invest in car companies because they
21 make internal combustion engines instead of
22 electric vehicles?

23 The list goes on and on of what a
24 slippery slope this bill really is.

25 So once again, I'll be a no on this

1 bill, and we will see what happens next.

2 Thank you, Mr. President.

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

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

7 Seeing and hearing none, debate is
8 closed.

9 The Secretary will ring the bell.
10 Senator Serrano.

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

14 ACTING PRESIDENT BAILEY: Upon
15 consent, the bill is restored to the
16 noncontroversial calendar.

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: Senator
24 Sanders to explain his vote.

25 SENATOR SANDERS: Thank you,

1 Mr. President.

2 A point of information. It was
3 stated that there are no private prisons in
4 New York State. I have one in my district. I
5 just wanted to state that.

6 Thank you, Mr. President.

7 ACTING PRESIDENT BAILEY: Senator
8 Sanders to be recorded in the affirmative.

9 Senator Cleare to explain her vote.

10 SENATOR CLEARE: Thank you,
11 Mr. President.

12 While this bill has come to the
13 floor on many occasions, today is probably one of
14 the most important times in recent history. That
15 is because on the federal level, under the
16 Trump administration, the use of private prisons
17 for incarceration and detention is on the rise.

18 In January 2025, a Trump executive
19 order rescinded the Biden directive that required
20 the Justice Department not to renew contracts
21 with private prison firms. Increased ICE
22 activity virtually guarantees the for-profit
23 companies who operate private prisons a pipeline
24 of revenue.

25 However, in New York, we're going to

1 take the opposite course and the high road. This
2 bill sets a very clear moral and policy principle
3 which follows upon the fact that we already
4 prohibit the operation of private prisons in
5 New York State, per Section 121 of the
6 Correction Law.

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

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

21 As we stand here today, over
22 115,000 people in this country are in private
23 prisons, and the number being detained by ICE
24 only adds to this alarming figure.

25 In my public service career I have

1 helped numerous constituents who had family
2 members in private prisons, and the experience
3 was exceptionally burdensome. It is often
4 impossible to make contact with your loved ones,
5 set up visits, or perform any kind of wellness
6 check. There's no accountability, no care or
7 compassion. Safety, health, labor and other
8 standards are lax.

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

13 I proudly vote aye, and I encourage
14 my colleagues to do the same.

15 ACTING PRESIDENT BAILEY: Senator
16 Cleare to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar 186, voting in the negative are
20 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
21 Chan, Gallivan, Griffio, Helming, Lanza, Mattera,
22 Murray, Oberacker, O'Mara, Ortt, Rhoads, Rolison,
23 Ryan, Stec, Tedisco, Walczyk, Weber and Weik.
24 Also Senator Martins.

25 Ayes, 36. Nays, 22.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 450, Senate Print 2224B, by Senator Krueger, an
5 act to amend the Legislative Law.

6 ACTING PRESIDENT BAILEY: Senator
7 Walczyk, why do you rise?

8 SENATOR WALCZYK: I rise to go
9 briefly on the bill and then would ask the
10 sponsor to yield for some questions.

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

13 SENATOR WALCZYK: Thank you,
14 Mr. President.

15 We have in New York State a
16 comprehensive lobbying regulation. The purpose
17 of the regulation is to provide those regulated
18 by the Commission on Ethics and Lobbying in
19 Government, as well as the public, a consolidated
20 resource for understanding and complying with the
21 requirements of our legislative law known as the
22 Lobbying Act.

23 Under current law, every lobbyist
24 must file a biannual registration statement if
25 they receive more than \$5,000 or more in

1 reportable compensation.

2 This bill clarifies that to be if
3 they receive five grand or more in reportable
4 compensation or expenses, they must file a
5 biennial registration statement. The purpose of
6 the biennial registration statement is to
7 memorialize the engagement of the lobbyist by the
8 client and should reflect the current terms of
9 the engagement at any point in time.

10 When people donate to a nonprofit,
11 they expect their money to fulfill the mission of
12 that charity, not to be spent on lobbyists.

13 And with that, Mr. President, I
14 would ask the sponsor to yield.

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR MAYER: I'm not the
18 sponsor, but I'm happy to yield on behalf of
19 Senator Krueger.

20 ACTING PRESIDENT BAILEY: Senator
21 Mayer yields in the stead of Senator Krueger.

22 Senator Walczyk.

23 SENATOR WALCZYK: Through you,
24 Mr. President.

25 This bill allows nonprofits to spend

1 \$10,000 a year on lobbyists without having to
2 file any reports, is that correct?

3 SENATOR MAYER: Through you,
4 Mr. President.

5 This bill changes the expenditure
6 threshold, currently at \$5,000, to 10,000. It
7 simply allows very small nonprofits to be exempt
8 from the requirement if they spend less than
9 \$10,000.

10 SENATOR WALCZYK: Through you,
11 Mr. President, will the sponsor continue to
12 yield?

13 ACTING PRESIDENT BAILEY: Senator
14 Mayer, do you yield?

15 SENATOR MAYER: Yes.

16 ACTING PRESIDENT BAILEY: The
17 sponsor yields.

18 SENATOR WALCZYK: Through you,
19 Mr. President. Is there a size of -- you said
20 very small.

21 Is there a size requirement for the
22 size of the nonprofit?

23 SENATOR MAYER: Through you,
24 Mr. President. No, there aren't.

25 But there are, according to our

1 reports, only 33 nonprofits that would fall
2 within this category statewide.

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

5 ACTING PRESIDENT BAILEY: Does the
6 sponsor yield?

7 SENATOR MAYER: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR WALCZYK: Through you,
11 Mr. President. How did you arrive at the 33 if
12 there's no threshold for the size?

13 SENATOR MAYER: Through you,
14 Mr. President. That's the COLEG reporting of the
15 number of lobbyists who were between the 5,000
16 and 10,000 threshold.

17 SENATOR WALCZYK: Would the sponsor
18 continue to yield?

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR MAYER: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WALCZYK: Through you,
25 Mr. President. So -- and this applies in 2026,

1 in our current calendar year, so even retroactive
2 for money that may have already been spent on
3 lobbying.

4 You're saying there's 33 nonprofits
5 that have already exceeded the 5,000 threshold in
6 lobbying efforts?

7 SENATOR MAYER: Through you,
8 Mr. President. According to the reports we have
9 from COLEG, there are 33 small nonprofits who
10 have spent between \$5,000 and \$10,000 who would
11 be impacted by this change.

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

14 ACTING PRESIDENT BAILEY: Does the
15 sponsor yield?

16 SENATOR MAYER: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR WALCZYK: And just to be
20 clear, that's 33 that have already exceeded the
21 current statute of \$5,000, so they're somewhere
22 between \$5,000 and \$10,000 in lobbying this year?

23 SENATOR MAYER: That's those who
24 have filed who would be impacted by this change
25 in law, yes.

1 SENATOR WALCZYK: Would the sponsor
2 continue to yield?

3 ACTING PRESIDENT BAILEY: Will the
4 sponsor yield?

5 SENATOR MAYER: Yes.

6 ACTING PRESIDENT BAILEY: The
7 sponsor yields.

8 SENATOR WALCZYK: Nonprofits are
9 prohibited from endorsing candidates or directly
10 contributing to political campaigns.

11 Is there anything in this
12 legislation that would require a lobbyist that's
13 lobbying for a nonprofit not to be able to
14 contribute to political campaigns or endorse
15 candidates?

16 SENATOR MAYER: Through you,
17 Mr. President. There's no change in the current
18 law other than changing the threshold.

19 SENATOR WALCZYK: Would the sponsor
20 continue to yield?

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR MAYER: Yes.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR WALCZYK: Some nonprofits
2 receive tax money from the State of New York to
3 implement various programs in our very benevolent
4 state.

5 They would -- if this bill goes into
6 law, they would also be able to hire a lobbyist
7 up to \$10,000 on retainer for each year. Am I
8 understanding that correctly?

9 SENATOR MAYER: Through you,
10 Mr. President. As I stated previously, there is
11 no change other than the threshold number from
12 5,000 to 10,000.

13 SENATOR WALCZYK: Mr. President,
14 will the sponsor continue to yield?

15 ACTING PRESIDENT BAILEY: Will the
16 sponsor yield?

17 SENATOR MAYER: Yes.

18 ACTING PRESIDENT BAILEY: The
19 sponsor yields.

20 SENATOR WALCZYK: And that means
21 that that lobbying up to \$10,000 wouldn't have to
22 be filed and follow the rest of the regulations,
23 so there would be no public disclosure on how
24 that money was spent in the lobbying efforts?

25 Am I understanding that correctly,

1 if this bill becomes law?

2 SENATOR MAYER: Through you,
3 Mr. President. The threshold would only apply if
4 more than \$10,000 was spent on lobbying.

5 SENATOR WALCZYK: And would the
6 sponsor continue to yield?

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR MAYER: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR WALCZYK: Some nonprofits
13 are also global in their nature. While they are
14 hosted here in the United States, they can in
15 fact receive foreign monies.

16 Is there any prohibition in this
17 legislation that would say if you've received
18 foreign monies into your nonprofit, that you
19 can't lobby in the State of New York and not
20 disclose it up to \$10,000, as we've already
21 established?

22 SENATOR MAYER: Through you,
23 Mr. President. I recognize that my colleague is
24 trying to imply other changes.

25 There is no other change other than

1 5,000 to 10,000.

2 SENATOR WALCZYK: Thank you.

3 Mr. President, on the bill.

4 ACTING PRESIDENT BAILEY: Senator
5 Walczyk on the bill.

6 SENATOR WALCZYK: Many nonprofits
7 also have 501(c)(4)s. Those are -- those are
8 their ability to really reach out and impact
9 PACs, political action committees, to issue
10 advocacy campaigns, lobby, that sort of thing.

11 This bill would affect the
12 501(c)(3)s. There's been some reporting about
13 501(c)(3)s showing that nonprofits have
14 illegally, directly from the nonprofit, directly
15 into political campaigns.

16 But there is also a loophole. Right
17 now that loophole is that if \$5,000 or less is
18 spent on a lobbyist for your nonprofit, you're
19 not subject to the same reporting requirements
20 that the rest of the lobbying world is, in this
21 fat regulation on comprehensive regulations for
22 lobbyists in the State of New York, that exists
23 in order to make sure that there is transparency
24 on the funding that is spent in lobbying.

25 And I know the people that work in

1 these halls understand how these things work.

2 This bill would expand that lobbying
3 loophole for nonprofits, allowing up to \$10,000
4 for a nonprofit -- we're talking about supposed
5 to be going to charity, people that donate to a
6 nonprofit believe that their money is going to
7 the actual thing that the nonprofit stands for,
8 not to be spent on a lobbyist.

9 But if that nonprofit decides that
10 it really needs to lobby, right now if they're
11 spending over \$5,000 on lobbying, it has to be
12 publicly disclosed through our regulations. And
13 the public, including the contributors to that
14 nonprofit, have to see it.

15 This bill would expand that up to
16 \$10,000. So you could funnel nonprofit money
17 into lobbying firms that then show up to your
18 campaign events, contribute to your campaigns.

19 It is a loophole that eliminates
20 transparency at the same time that we're seeing
21 reporting that nonprofits have directly
22 contributed to campaigns. That's already a
23 mistake.

24 And then by admission from the
25 stand-in for the sponsor today, 33 have already

1 exceeded that \$5,000 threshold this year -- have
2 already done the wrong thing, should have to
3 disclose to the people that have donated to those
4 nonprofits, to the people of the State of
5 New York, who often their tax money is donated to
6 those nonprofits and directed through our
7 budgetary process.

8 This bill is very bad for
9 transparency and headed down a very dangerous
10 road. And with that, I will be voting no,
11 Mr. President, and encourage my colleagues to do
12 the same.

13 ACTING PRESIDENT BAILEY: Thank
14 you, Senator Walczyk.

15 Are there any other Senators wishing
16 to be heard?

17 Senator Martins, why do you rise?

18 SENATOR MARTINS: Thank you,
19 Mr. President. If the sponsor would yield for a
20 couple of questions.

21 ACTING PRESIDENT BAILEY: Senator
22 Mayer, do you yield?

23 SENATOR MAYER: Yes.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR MARTINS: So is there
2 anything in this bill that would prevent several
3 not-for-profit 501(c)(3)s to each contribute up
4 to \$5,000 or \$10,000, in a cumulative effort to
5 influence policy?

6 SENATOR MAYER: Through you,
7 Mr. President. I believe that under current law
8 the concept of cumulative lobbying is not
9 authorized.

10 You would have to file -- each
11 not-for-profit would have to file their own
12 lobbying expenses. Which, I would point out, is a
13 significant amount of work for small
14 not-for-profits, as we know, in our communities.
15 But each not-for-profit is required, under the
16 law, to file its own disclosure.

17 SENATOR MARTINS: Thank you,
18 Senator.

19 Mr. President, through you, if the
20 sponsor would continue to yield.

21 ACTING PRESIDENT BAILEY: Will the
22 Senator yield?

23 SENATOR MAYER: Yes.

24 ACTING PRESIDENT BAILEY: Senator
25 Mayer yields.

1 SENATOR MARTINS: You keep using
2 the term "small not-for-profit." But this really
3 has nothing to do with the size of the
4 not-for-profit, it merely has to do with the
5 amount that they're willing to absorb in lobbying
6 efforts. Right?

7 SENATOR MAYER: Through you,
8 Mr. President. The reason I am using the word
9 "small" is because the expenses associated with
10 the filing are a burden on small not-for-profits,
11 small being either small in staff, small in
12 assets, or in other ways small.

13 That is why, to my understanding,
14 Senator Krueger sponsored this bill, to address
15 the concerns of small not-for-profits in each of
16 our communities who are burdened with using the
17 contributions they receive in order to hire
18 someone to do these complicated forms.

19 We are simply saying that the
20 activities of up to \$10,000 are such, in the
21 current time, where they should not require you
22 to go out and hire someone to do the form. This
23 is a modest amount of money, and it is not
24 required to be disclosed under this bill up to
25 \$10,000.

1 SENATOR MARTINS: Thank you.

2 Mr. President, on the bill.

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

5 SENATOR MARTINS: Thank you.

6 You know, it's a bit of a slippery
7 slope when we talk about things like this,
8 because you've always got to set a threshold.
9 And the threshold was set at \$5,000, and I think
10 for a reason.

11 When we start talking about small
12 not-for-profits as opposed to large
13 not-for-profits, all based on how much they're
14 willing to spend to influence policy, we're
15 missing the mark.

16 It has nothing to do with the size
17 of the not-for-profit, Mr. President, it has
18 everything to do with the public disclosure that
19 should be expected when we are looking at a
20 200 -- this year nearly \$270 billion budget.

21 With an increase in spending in the
22 billions year over year, what kind of
23 accountability do we expect to have and should
24 the public expect? And is this the time when we
25 should be loosening that kind of oversight?

1 Small not-for-profits, large
2 not-for-profits really have very little to do
3 with this issue. It's how much they're willing
4 to expose themselves to scrutiny. So you can
5 have a very large not-for-profit that chose not
6 to involve themselves in lobbying because they
7 didn't want to go through the effort.

8 But we've just -- through this bill
9 would increase that threshold and double it from
10 5,000 to 10,000 just because we don't want to be
11 a burden to small not-for-profits.

12 But it has nothing to do with the
13 size. It has to do with the scrutiny and
14 oversight that this law was initially supposed to
15 provide.

16 I'm concerned, although the
17 spirit -- I'm concerned that we will have
18 lobbying efforts from multiple 501(c)(3)s, each
19 one lobbying up to that \$10,000 threshold,
20 aggregating it in order to influence public
21 policy -- again, without having the necessary
22 oversight.

23 And here's the reality. If you want
24 to come here, if you want to influence policy, if
25 you want to use your not-for-profit money or

1 for-profit money to influence how we spend money
2 in the State Capitol, taxpayer funds, yeah, you
3 should be open to that scrutiny. Why not?

4 Why should we be lessening it just
5 for the sake of those 33, which miraculously I
6 guarantee you will multiply as we lessen that
7 threshold. We're basically inviting people to go
8 out there and spend money lobbying up to \$10,000.
9 And why would we do that without providing any
10 oversight at all?

11 It's bad policy, Mr. President.
12 I'll be voting no.

13 ACTING PRESIDENT BAILEY: Thank you
14 Senator Martins.

15 Are there any other Senators wishing
16 to be heard?

17 Seeing and hearing none, debate is
18 closed.

19 Senator Gianaris.

20 SENATOR GIANARIS: We've agreed to
21 restore this bill to the noncontroversial
22 calendar.

23 ACTING PRESIDENT BAILEY: The bill
24 is restored to the noncontroversial calendar.

25 Read the last section.

1 THE SECRETARY: Section 5. This
2 act shall take effect on the 60th 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: Senator
8 Mayer to explain her vote.

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

11 I find it somewhat concerning that
12 this great fear about these small
13 not-for-profits -- what I call small, and I think
14 everyone would agree most of them are quite
15 small -- is somehow a travesty to those who
16 contribute.

17 In the first place, this original
18 limit that we have of 5,000 was enacted 21 years
19 ago in the Laws of 2005. I would say, given the
20 current rate of inflation, any change, a modest
21 change that affects 33 not-for-profits is
22 perfectly reasonable and respective of the fact
23 that people contribute and don't want their money
24 to be spent on the hiring of a specialist to file
25 the forms.

1 Let me tell you the names of a
2 number of the groups that fall within this.
3 Adirondack North Country Association. Epilepsy
4 Foundation of Northeastern New York. National
5 Multiple Sclerosis Society of New York. A Place
6 for Rover, Inc. St. Michael's Protestant
7 Episcopal Church. Catholic Charities Community
8 Services of the Archdiocese of New York. Friends
9 of the Earth. Unique People's Services. Justice
10 Innovation. Chautauqua County Humane Society.
11 Mount Pleasant Cottage School Union Free School
12 District. Cerebral Palsy Associations of
13 New York State, Inc.

14 Of the very many organizations that
15 are required to file, these 33 that I have before
16 me should not be burdened by the requirement of
17 filing simply because they hire someone to come
18 up to Albany and work on one bill in a modest
19 amount of time and spend less than \$10,000.

20 This makes sense. This is timely.
21 And this is absolutely supportive of both the
22 small not-for-profits and those that contribute
23 to them.

24 I vote aye.

25 ACTING PRESIDENT BAILEY: Senator

1 Mayer to be recorded in the affirmative.

2 Senator Rhoads to explain his vote.

3 SENATOR RHOADS: Thank you,
4 Mr. President.

5 Many of my colleagues have made
6 excellent points on this side of the aisle. What
7 concerns me is the apparent hypocrisy that's
8 coming out of this chamber with respect to
9 transparency.

10 Less than a month ago, with
11 lightning speed, we passed through the Senate --
12 and it also passed through the Assembly, landing
13 language on the Governor's desk -- a bill
14 requiring 501(c)(3)s and really even private
15 individuals who simply want to come up and
16 express their opinion with respect to nominations
17 that come before this chamber -- not even policy,
18 nominations that come before this chamber -- to
19 go through the expense of actually filing as a
20 lobbying organization. That was incredibly
21 important for the purposes of transparency.

22 Yet here we are turning around and
23 saying groups that actually spend money on
24 lobbyists that will actually show up at campaign
25 fundraisers, and actually donate to individual

1 politicians, now we're saying, Nah, we really
2 don't need the transparency for that.

3 It is nonsense. Either we are for
4 transparency or we are against it. And it seems
5 as though the Majority in this chamber decides
6 that it wants to pick winners and losers as to
7 when disclosure for the people of the State of
8 New York is important and when it's not.

9 I'll be voting no on this
10 legislation. Thank you, Mr. President.

11 ACTING PRESIDENT BAILEY: Senator
12 Rhoads to be recorded in the negative.

13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar 450, voting in the negative are
16 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
17 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
18 Mattera, Murray, Oberacker, O'Mara, Ortt,
19 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
20 Weber and Weik. Also Senator Skoufis.

21 Ayes, 35. Nays, 23.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 454, Senate Print 2708A, by Senator May, an act

1 to amend the Public Service Law.

2 ACTING PRESIDENT BAILEY: Senator
3 Walczyk, why do you rise?

4 SENATOR WALCZYK: Mr. President,
5 would the sponsor yield?

6 ACTING PRESIDENT BAILEY: Senator
7 May, do you yield?

8 SENATOR MAY: I do.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR WALCZYK: Through you,
12 Mr. President.

13 This bill passed the
14 Energy Committee last month, then was amended
15 pretty significantly. Can you describe your
16 reasoning for the changes?

17 SENATOR MAY: Through you,
18 Mr. President.

19 As my colleague is no doubt aware,
20 this bill was vetoed last year. And in the
21 process, in the ensuing year, a lot of additional
22 transmission technologies have been tested all
23 over the country.

24 And so we expanded this bill to
25 include a number of additional -- rather than

1 just the grid-enhancing technologies that were
2 discussed last time, advanced transmission
3 technologies in general are comprehended in this
4 bill.

5 SENATOR WALCZYK: And would the
6 sponsor continue to yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR MAY: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR WALCZYK: Through you,
13 Mr. President.

14 So I'm seeing -- this was a NYSEDA
15 study bill before. Now utilities have to make an
16 implementation plan, they have to both study and
17 make an implementation plan to upgrade their
18 infrastructure and their transmission under the
19 new version of this bill that's changed pretty
20 significantly in the last few weeks.

21 Who pays for that plan?

22 SENATOR MAY: Through you,
23 Mr. President. Another part of the veto message
24 last year was to say that they were already doing
25 these things. And what we know is that they are

1 not actually taking into account these advanced
2 transmission technologies.

3 Right now ratepayers pay a lot to
4 utilities for their increasing investments in new
5 infrastructure, which is a main way that
6 utilities make money for their shareholders.
7 They don't spend nearly enough time or energy on
8 trying to make the grid more efficient.

9 And that's the purpose of this, is
10 to move electrons faster and more efficiently to
11 get rid of some of the bottlenecks that drive
12 costs up. So while there would be costs
13 associated with this, the savings would be
14 significantly more, estimated in the tens of
15 millions of dollars a year to ratepayers around
16 the state.

17 SENATOR WALCZYK: Mr. President,
18 would the sponsor continue to yield?

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR MAY: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WALCZYK: So who would pay
25 for that plan?

1 SENATOR MAY: The savings would be
2 much greater than any investments that would be
3 made. But ...

4 (Pause.)

5 SENATOR MAY: Through you,
6 Mr. President. The cost of the studies is
7 estimated at about \$250,000. But as I said, the
8 returns are in the millions. And that would be a
9 savings for ratepayers.

10 SENATOR WALCZYK: Would the sponsor
11 continue to yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR MAY: I will.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR WALCZYK: Through you,
18 Mr. President. This also requires an
19 implementation plan. And who would pay for the
20 upgrades once it's implemented?

21 SENATOR MAY: Through you,
22 Mr. President. The implementation plan would --
23 is not required to be fulfilled, is my
24 understanding.

25 These are voluntary. But the idea

1 is we want the utilities to be doing this kind of
2 study so that they can save money for ratepayers,
3 as I said before.

4 So again, it will be voluntary if
5 the -- if there are outlays.

6 SENATOR WALCZYK: Would the sponsor
7 continue to yield?

8 ACTING PRESIDENT BAILEY: Will the
9 sponsor yield?

10 SENATOR MAY: I do.

11 ACTING PRESIDENT BAILEY: The
12 sponsor yields.

13 SENATOR WALCZYK: Through you,
14 Mr. President.

15 Page 3, line 1: "The commission
16 shall review implementation plans submitted under
17 paragraph A of this subdivision and, where
18 consistent with the public interest, direct the
19 timely deployment of the technologies identified
20 in such implementation plans."

21 If the PSC is directing a utility to
22 implement their plan, how is that voluntary?

23 SENATOR MAY: Through you,
24 Mr. President. So these studies will be done in
25 the context of a rate-increase request.

1 And the idea is to get them to do,
2 as it says, consistent with the public interest,
3 investments that will actually save money
4 compared to the large-scale infrastructure
5 investments that they would be proposing
6 otherwise.

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

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR MAY: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR WALCZYK: And through you,
16 Mr. President. So just to get it on the record,
17 the public interest would not include CLCPA, any
18 guidance there, it would -- so you're saying this
19 bill is specifically targeted at cost
20 effectiveness.

21 This plan could only be directed by
22 the PSC to be implemented by a utility if it
23 actually reduces the cost for the ratepayer? Is
24 that the case?

25 SENATOR MAY: Through you

1 Mr. President, yes.

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

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR MAY: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR WALCZYK: This bill still
11 includes a NYSERDA study that was vetoed when
12 you -- and that study is due a year after the
13 implementation of the law. The utility piece
14 also goes into effect a year after the
15 implementation.

16 Why would we pay for a NYSERDA
17 study -- which is also paid for by ratepayers --
18 at the same time we're expecting the utilities to
19 create an implementation plan, do their own
20 study, also paid for by the ratepayers? Why does
21 the NYSERDA piece still exist in your bill if
22 they're both running concurrently and on the same
23 timeline?

24 SENATOR MAY: Through you,
25 Mr. President. So the idea is NYSERDA is

1 creating criteria for future rate-case
2 implementation plans. The rate-case
3 implementation plans would trigger the actual PSC
4 implementation of this.

5 So either way, we are trying to
6 insert into all of these processes cost savings
7 that are not being realized right now.

8 SENATOR WALCZYK: Mr. President,
9 would the sponsor continue to yield.

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR MAY: I do.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR WALCZYK: Why would you
16 need NYSERDA criteria if this is optional for
17 utilities to do?

18 SENATOR MAY: Through you,
19 Mr. President. These -- there is a large array
20 of these technologies. And figuring out which
21 ones are appropriate in which areas of New York
22 State, in which -- to which utility systems in
23 New York State, to which -- and just which
24 technologies as they are rapidly evolving are the
25 most cost-effective to implement -- is something

1 that should be done overall so that it can be
2 applicable to the specific implementation.

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

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR MAY: I will.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR WALCZYK: Through you,
11 Mr. President.

12 As you mentioned earlier, this bill
13 was vetoed in the past, and from that veto
14 message 119, adding this new requirement along
15 with an additional reporting requirement creates
16 a duplicative and expensive process for utilities
17 and ultimately ratepayers at the conclusion of
18 that veto message.

19 On page 2 of your bill, utilities
20 would -- in their implementation plan, they would
21 own and operate battery storage facilities. Am I
22 reading that correctly?

23 SENATOR MAY: Through you,
24 Mr. President, battery storage is one of the
25 options that is comprehended under advanced

1 transmission technologies. And so that could be
2 an option.

3 SENATOR WALCZYK: Would the sponsor
4 continue to yield.

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR MAY: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR WALCZYK: And through you,
11 Mr. President, utilities must implement plans for
12 data center growth at the cost of ratepayers as
13 well?

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

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

18 ACTING PRESIDENT BAILEY: Does the
19 sponsor yield?

20 SENATOR MAY: I do.

21 ACTING PRESIDENT BAILEY: The
22 sponsor yields.

23 SENATOR WALCZYK: How does having
24 ratepayers pay for utilities to upgrade the grid
25 to prepare for data center growth, how does that

1 reduce the cost for ratepayers?

2 SENATOR MAY: Through you,
3 Mr. President. First of all, upgrade the grid is
4 a loaded term, I would say, because we're not
5 talking about building whole new, extremely
6 expensive transmission infrastructure -- which
7 may be necessary in New York State, but we are
8 trying to avoid some of those huge expenses by
9 directing the PSC and the utilities to find
10 cheaper ways to move those electrons around the
11 system.

12 Which may include any number of
13 software and hardware interventions in the
14 transmission system as it exists now.

15 SENATOR WALCZYK: Would the sponsor
16 continue to yield.

17 ACTING PRESIDENT BAILEY: Will the
18 sponsor yield?

19 SENATOR MAY: I will.

20 ACTING PRESIDENT BAILEY: The
21 sponsor yields.

22 SENATOR WALCZYK: Data centers
23 specifically are known to use a lot of power.
24 That's a lot of the concerns of ratepayers across
25 the State of New York, many of them saying, Do

1 not bring data centers here, our prices are
2 already 50 percent higher than the national
3 average. We can't afford to bring these things
4 online until we create some actual production and
5 reduce the cost.

6 So that's why I pointed out in your
7 bill the increased flexibility and rationality in
8 long-term planning, including for data center
9 growth and other major load growth.

10 How can we read that line in your
11 bill, the requirement that utilities under this
12 law be directed by the PSC to implement data
13 center growth in the State of New York -- how
14 could ratepayers anticipate that that's going to
15 lower their energy bill?

16 (Pause.)

17 SENATOR MAY: Through you,
18 Mr. President. This does not stipulate data
19 center growth.

20 It just means that there needs to be
21 a plan for growth in general, which we anticipate
22 to be accelerating because of things like AI and
23 data centers and -- and, let's say, the Micron
24 project in Central New York.

25 There are a lot of pressures on the

1 grid right now and a lot of pressure, as I've
2 said multiple times, to build out a lot of new,
3 expensive infrastructure. This is directing the
4 various players to figure out if there are ways
5 to do it more cheaply. And efficiently.

6 SENATOR WALCZYK: Mr. President,
7 briefly on the bill.

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

10 SENATOR WALCZYK: Yeah, on page 2
11 of your bill it absolutely does stipulate --
12 line 36, "including for data center growth." It
13 is absolutely stipulated in this bill.

14 Forcing utilities to pay for
15 upgrades in the area where a data center may be
16 preparing for that growth, that would be at the
17 cost of the ratepayers. This bill would require
18 them to bring it into their next rate case when
19 they're asking for an increase in how much your
20 bill is going to go up and how much money they're
21 going to get additionally out of New Yorkers that
22 are paying for electric and natural gas in our
23 state -- would require them to pay more in order
24 to prepare for data center growth.

25 At least that's how it's written. I

1 didn't write the bill.

2 And with that, Mr. President, would
3 the sponsor yield?

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR MAY: I would.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR WALCZYK: Through you,
10 Mr. President. How do you expect giving our
11 utility companies -- NYSEG, National Grid,
12 Con Ed -- more control over power and battery
13 storage will lower energy bills?

14 SENATOR MAY: Through you,
15 Mr. President. Let me first address the previous
16 comments, which is this bill does not stipulate
17 data center growth in New York. It just
18 recognizes that data centers are growing
19 everywhere and putting pressure on our grid here
20 in New York as elsewhere in the country. So
21 planning for them is only sensible.

22 In terms of battery storage, right
23 now one of the biggest expenses to utility
24 ratepayers comes from peak energy that we -- when
25 there is a heat wave or some other peak demand

1 event, the utilities are buying energy at very
2 high costs, usually from out of state, and
3 passing that cost on to ratepayers.

4 Battery storage allows them to bank
5 the energy against those kinds of events so that
6 they can bring those peak costs down and save
7 ratepayers an enormous amount of money.

8 This is something we heard last week
9 about -- there were several debates about
10 utility-related bills, and someone mentioned that
11 utility rates are lower in Pennsylvania.
12 Pennsylvania also has old utility infrastructure,
13 but they use these technologies. And it has
14 brought down rates as much as 40 percent in some
15 places.

16 So all of these technologies
17 together have the impact of shifting us away from
18 peak energy costs and distributing those costs in
19 ways that they are much lower for the ratepayers.

20 SENATOR WALCZYK: Mr. President,
21 would the sponsor continue to yield?

22 ACTING PRESIDENT BAILEY: Will the
23 sponsor yield?

24 SENATOR MAY: I do.

25 ACTING PRESIDENT BAILEY: The

1 sponsor yields.

2 SENATOR WALCZYK: How much -- if
3 your bill becomes law, how much can utility
4 ratepayers expect their energy bills to go down?

5 SENATOR MAY: Through you,
6 Mr. President. There are various estimates. As
7 I mentioned before, tens of millions of dollars a
8 year are one of the estimates we've heard. As I
9 said, in Pennsylvania they've seen 40 percent
10 decreases in some markets.

11 I -- I can't say exactly. But I can
12 say that this issue of peak energy, especially
13 now that global fossil fuel energy costs have
14 gone up so dramatically, that the savings could
15 be very significant.

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

19 ACTING PRESIDENT BAILEY: Will the
20 sponsor yield?

21 SENATOR MAY: Yes.

22 ACTING PRESIDENT BAILEY: The
23 sponsor yields.

24 SENATOR WALCZYK: I just want to go
25 back to an earlier part of our discussion --

1 through you, Mr. President.

2 The cost-effectiveness, if the PSC
3 is looking at this, would that include just
4 specific to ratepayers? Or would they think
5 about global costs, health benefits, the planet,
6 carbon emissions and the impact on human life and
7 the cost savings in some of the ways that
8 individuals have calculated the costs?

9 I know it can get pretty funny here.
10 But I just want to be sure, especially as we're
11 establishing legislative intent, you're talking
12 about specifically the PSC cannot direct
13 utilities to implement a plan unless it directly
14 affects lowering cost rates. Am I reading you
15 correctly?

16 SENATOR MAY: Through you,
17 Mr. President, that's correct.

18 And there is an enumeration of some
19 of the considerations that can be taken.

20 SENATOR WALCZYK: Thank you.

21 Mr. President, on the bill.

22 ACTING PRESIDENT BAILEY: Senator
23 Walczyk on the bill.

24 SENATOR WALCZYK: New York State's
25 energy prices are 50 percent higher than the

1 national average. And you might ask: Could it
2 get worse? Yup. In the 1990s we had some of the
3 highest rates in the nation. Believe it or not,
4 we were even less competitive in the 1990s, and
5 we didn't even have the CLCPA yet. All the
6 green-energy subsidy that you're seeing on your
7 bills right now did not exist, and we were
8 leading nationally in high energy costs anyway.

9 Then, utilities had a monopoly so
10 they could control both production and
11 distribution. And what we did is the
12 Public Service Commission -- believe it or not,
13 there was a time they looked out for the
14 ratepayers at the Public Service Commission --
15 they decoupled production and delivery. So our
16 utility companies became in charge of the lines.

17 Other independent power producers
18 became competitive, because they had to compete
19 through the NYISO for the daily rates of
20 producing energy for our grid. It made us more
21 competitive.

22 This bill will force utilities to
23 raise rates. It allows them to monopolize
24 battery storage. It forces them to raise rates
25 to bring on data center growth. And the NYSEERDA

1 study that was vetoed for being duplicative and
2 costing ratepayers money that they were already
3 spending on these things, still exists in this
4 bill.

5 So the ratepayers will be getting
6 hit twice. Their utility company, when they go
7 to the PSC with a rate case, will have to come up
8 with a plan ready to be implemented, ready for
9 the PSC to tell them, yes, do this plan for more
10 batteries and data-center growth and upgrading
11 your transmission lines the way that we said.

12 At the same time, NYSERDA will be
13 taking both your tax money and your ratepayer
14 money and be studying the thing that they're
15 already in charge of doing at the utility end.

16 Could it get worse? Yeah. If you
17 support bills like this, rates will continue to
18 go up.

19 I'll be voting no and hope my
20 colleagues will do the same.

21 Thank you.

22 ACTING PRESIDENT BAILEY: Are there
23 any other Senators wishing to be heard?

24 Seeing and hearing none, debate is
25 closed.

1 Senator Liu.

2 SENATOR LIU: Mr. President, upon
3 consent, we've agreed to restore this bill to the
4 noncontroversial calendar.

5 ACTING PRESIDENT BAILEY: On
6 consent, the bill is restored to the
7 noncontroversial calendar.

8 Read the last section.

9 THE SECRETARY: Section 3. This
10 act shall take effect on the 90th 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: Senator
16 May to explain her vote. Excuse me.

17 Senator Harckham to explain his
18 vote.

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

21 I rise to thank Senator May for this
22 important piece of legislation.

23 I won't even address the just utter
24 fabrication that we just heard as to what this
25 bill represents, an utter fabrication about the

1 CLCPA.

2 What I will say quite simply is
3 there are several studies out there that show our
4 grid operates at 50 percent efficiency. Fifty
5 percent efficiency. We talk a lot in this
6 chamber about getting taxpayers their value for
7 their money. Any business or any system
8 operating at 50 percent efficiency is not good
9 for ratepayers or taxpayers.

10 All this bill is saying is let's
11 study how we can utilize the new technologies the
12 rest of the country and the rest of the world are
13 using to make the grid more efficient, more
14 cost-effective, and less expensive. And the rest
15 we heard was folly.

16 I strongly support this bill. I
17 thank the sponsor. I'll be voting aye.

18 ACTING PRESIDENT BAILEY: Senator
19 Harckham to be recorded in the affirmative.

20 Senator Skoufis to explain his vote.

21 SENATOR SKOUFIS: Thank you very
22 much, Mr. President.

23 Whether you want to use the word
24 "fabrication" -- I was going to use
25 "mischaracterization." That's a lot of what we

1 heard during this debate.

2 Unfortunately, this bill is very
3 simple, it's very modest. It requires a study.
4 It can require a study; it doesn't even have to
5 require a study when there's a capital
6 improvement being sought. It requires an
7 analysis -- it can require an analysis.

8 But to be clear, this bill does not
9 in any way, shape or form promote data centers.
10 And to be clear, as the sponsor noted in her
11 remarks, this just is an acknowledgment that data
12 centers are cropping up throughout New York
13 State. And they pose a severe challenge, and
14 this bill presents a modest way of perhaps
15 reconsidering how to approach this type of
16 challenge.

17 I encourage my colleague from across
18 the aisle to instead spend some time on, for
19 example, what we heard reported this morning,
20 just today. And that is that we have an IDA in
21 this state, the Rockland County IDA, that issued
22 \$77 million in tax breaks -- half of which, by
23 the way, would have been state revenue.

24 For what? To support, to promote a
25 data center that creates one single job. The

1 largest per-job subsidy -- not just in New York
2 State history, in our nation's history.

3 We should spend less time
4 mischaracterizing a good bill like this. And if
5 we actually care about our rates and actually
6 care about our grid and how much energy is being
7 pulled from it by these data centers, I suggest
8 we start there instead.

9 I vote yes.

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

12 Senator Walczyk to explain his vote.

13 SENATOR WALCZYK: Thank you,
14 Mr. President. Maybe I should have kept us on
15 debate a little bit longer.

16 When the commission reviews the
17 plan, there's also a line in this bill that says
18 "direct the timely deployment of the technologies
19 identified in the plan." That's not an option.
20 And part of that plan includes data-center
21 growth.

22 So let me just be clear. I'll be a
23 no, Mr. President. But I don't like to say that
24 it's mischaracterized. I didn't write this bill.
25 Those are the changes that you're writing into

1 law today.

2 I'll be voting no. Thank you.

3 ACTING PRESIDENT BAILEY: Senator
4 Walczyk to be recorded in the negative.

5 Senator May to explain her vote.

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

8 And I want to thank my colleagues
9 who spoke in favor of this bill.

10 New York State and the entire
11 Northeast has an energy affordability problem
12 because our grid is so old and desperately in
13 need of upgrades of various kinds. We only hear
14 from the utilities now about building out more of
15 the grid because that is where they make money
16 that they can share with their shareholders.

17 And when we ask them to be more
18 efficient in their use of the grid to employ
19 technologies that will actually deliver energy
20 more cheaply to their ratepayers, they are
21 typically pretty resistant of that.

22 Which is why you do need to either
23 goad them or require them to at least study the
24 idea of what could be more efficient. Especially
25 in a -- in a proceeding where they're proposing a

1 rate hike, it is only appropriate for us to
2 direct them and give them some guidance about the
3 various technologies that could be used to make a
4 difference in this case.

5 I think this is the only responsible
6 way to treat our ratepayers, to make sure that we
7 are directing the people who are delivering the
8 energy to know and study and, if and when
9 possible, employ the latest technologies that can
10 maybe sense where the grid is hotter and cooler
11 and direct the electrons to move in the right
12 direction so that -- by the path of least
13 resistance. That is the whole idea here.

14 And it -- it works. It is working
15 in many parts of the country.

16 I suspect there is a subtext here
17 about battery storage that we didn't pursue very
18 much in debate. But I just want to say New York
19 State takes very seriously the fact that there
20 have been some battery storage fires in the past.

21 The Governor put together a panel of
22 experts from all over the country to study that
23 problem and come up with new fire safety codes
24 for battery storage in New York State that are
25 now the strongest in the entire country.

1 And I believe that is one of many
2 technologies that are available to us to actually
3 steer our energy costs away from the high peak
4 energies that we are all paying for right now.

5 So I'm proud of this bill. I hope
6 that it -- I hope that it will overcome the veto
7 that occurred last time. I hope that all of the
8 evidence of how much good advanced transmission
9 technologies are doing elsewhere in the country
10 will really move the needle and convince the
11 Governor this time that it's worth signing this
12 bill into law.

13 I vote aye.

14 ACTING PRESIDENT BAILEY: Senator
15 May to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar 454, voting in the negative are
19 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
20 Griffo, Helming, Lanza, Martins, Mattera, Murray,
21 Oberacker, O'Mara, Ortt, Rhoads, Stec, Walczyk
22 and Weik. Also Senators Tedisco and Gallivan.

23 Ayes, 40. Nays, 18.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 654, Senate Print 2078, by Senator Mayer, an act
3 to amend the Labor Law.

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

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

8 Would the sponsor yield for a few
9 questions, please?

10 ACTING PRESIDENT BAILEY: Will the
11 sponsor yield?

12 SENATOR MAYER: Yes.

13 ACTING PRESIDENT BAILEY: The
14 sponsor yields.

15 SENATOR MURRAY: Thank you.
16 Through you, Mr. President.

17 So under this section -- I'm just
18 trying to get some clarification as to the
19 process. Under this, under Section 2,
20 subdivision 1, section (f) and (i), it says:
21 Upon notification that an employer has been
22 convicted of failing to pay the wages of an
23 employee pursuant to subdivision 1 of
24 Section 198A of this article, failing to pay
25 minimum wage or overtime pay, pursuant to

1 Section 662 of this article, or "Wage Theft"
2 under Section 155.05 of the Penal Law.

3 It's saying "conviction." It's my
4 understanding that under the Penal Law, that
5 would be criminal. But the first two would be
6 Labor Law, which would be an administrative
7 hearing. Is that correct? Or does it go --
8 everything go to criminal court?

9 (Pause.)

10 SENATOR MAYER: Through you,
11 Mr. President. The sections that you were
12 referring to refer to convictions of criminal
13 penalties under the Labor Law.

14 So the person is convicted in a
15 criminal court of violations of the Labor Law.
16 And that would prompt the next part of the
17 process.

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

21 ACTING PRESIDENT BAILEY: Will the
22 sponsor yield?

23 SENATOR MAYER: Yes.

24 ACTING PRESIDENT BAILEY: The
25 sponsor yields.

1 SENATOR MURRAY: So for
2 clarification, they will go through the criminal
3 court process completely and have to be
4 convicted. It's not an administrative hearing
5 through the Department of Labor. Is that
6 correct?

7 SENATOR MAYER: Through you,
8 Mr. President, yes, that's correct.

9 SENATOR MURRAY: Okay. Thank you.
10 Mr. President, on the bill.

11 ACTING PRESIDENT BAILEY: Thank
12 you. Senator Murray on the bill.

13 SENATOR MURRAY: Thank you,
14 Senator Mayer, for that clarification.

15 My concern here is only that there
16 remains some confusion. I'm a little concerned
17 about the smaller businesses. Over the past
18 couple of years, under Labor Law Section 190 and
19 191, we've had the frequency of pay issue, the
20 issue of manual labor. And when those claims
21 were filed, attached to that many times was
22 wage theft, which isn't really attached to that.

23 I understand what the attorneys were
24 trying to do, but it had a terrible impact on
25 small businesses throughout the state.

1 Now, in the last budget, either last
2 year or the year before, we recognized that and
3 took some action to minimize the penalties to the
4 companies, because the confusion still remains
5 under exactly what qualifies as manual labor in
6 regard to the frequency of pay.

7 My concern here is we never did
8 clarify that. The commissioner never actually --
9 I have a bill that actually would require the
10 commissioner to clarify exactly which positions
11 qualify as manual labor for the purposes of
12 paying the employees.

13 Let me be clear. Wage theft is
14 abhorrent. It should never occur. If these
15 workers work hard, they earn their pay, they
16 deserve to be paid properly, period. And if an
17 employer doesn't do that, on purpose, then they
18 need to be convicted and penalized, and they
19 should have their license stripped.

20 My concern is with the confusion
21 still there under the frequency of pay issue,
22 there can be mistakes. And so I want to be
23 careful that we're not under a first incident
24 where it might have truly been a mistake that
25 someone is now going to lose their license.

1 We already are one of the most
2 business-unfriendly states in the entire country.
3 I don't want to add to that.

4 So for that reason I'd like to see a
5 little more discussion on this, a little more
6 clarity, and really I'd like the commissioner to
7 step forward and clarify the frequency of pay
8 issue before we go this step.

9 So I'll be voting no. Thank you,
10 Mr. President.

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

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

15 Seeing and hearing none, debate is
16 closed.

17 Senator Gianaris.

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

21 ACTING PRESIDENT BAILEY: This bill
22 has been -- we have agreed to restore this bill
23 to the noncontroversial calendar.

24 Read the last section.

25 THE SECRETARY: Section 8. 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 Mayer to explain her veto.

7 SENATOR MAYER: Thank you,
8 Mr. President. And thank you to my colleague for
9 asking questions.

10 This bill has nothing to do with a
11 mistake. This bill has to do when people,
12 employers, particularly employers who
13 disadvantage other small companies, don't pay
14 people what they're owed and there are criminal
15 charges, criminal charges filed by a district
16 attorney.

17 This bill was prompted by a case in
18 my county where individuals tried to get the
19 money they were owed administratively from a
20 small contractor. In May '22, this contractor
21 was arrested for failing to pay wages. He
22 changed the name of his company and then was
23 arrested a second time and a third time, each
24 time failing to pay wages. And there were
25 criminal charges. He changed the name of his

1 business while the first two cases were pending
2 and avoided recognition as the defendant in these
3 separate wage-theft cases. These are criminal
4 cases, not administrative cases.

5 Now he has been charged a fourth
6 time by the district attorney of Westchester
7 County -- thank you to her.

8 These individuals are people who are
9 paid such small amounts -- let me just tell you
10 how small the amounts are.

11 One employee was hired at a daily
12 rate of \$160. He's owed \$8,400 for work over
13 three years.

14 Another employee was to be paid \$900
15 a week for demolition, painting, carpentry and
16 drywall. He was either not paid or his paychecks
17 bounced, for a total of 19,000.

18 We are talking about working people
19 thinking they are going to get paid for a day's
20 work, an honest wage. They have done everything
21 right. They went to the Department of Labor,
22 they went to the district attorney. The district
23 attorney -- one district attorney brought three
24 cases; another one brought a fourth case.

25 There was simply not a way to ensure

1 this doesn't happen. And it really hurts the
2 other small businesses who basically, in my
3 opinion, should call out this kind of contractor
4 rather than defending him. They should call out
5 these bad actors.

6 This bill actually sets a penalty
7 and gives courts the power to stop them from
8 doing business. We need to protect our neighbors
9 who are doing these low-wage jobs, make sure they
10 get paid for a day's work. That's what this bill
11 does.

12 I vote aye.

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

15 Senator Murray to explain his vote.

16 SENATOR MURRAY: Thank you,
17 Mr. President.

18 And in that scenario, I agree with
19 you a thousand percent. And in most, I would
20 say, I would agree a thousand percent. As I
21 said, there is no place for those types of bad
22 actors, absolutely no place.

23 Now let me give you an example that
24 happened in my district. Two sisters saved all
25 their lives, worked through fast food

1 restaurants, saved up enough money to finally
2 open their own Dairy Queen establishment. They
3 got caught up in this frequency of pay issue. On
4 top of it, wage theft charges were put on top,
5 which really didn't apply. But when it went
6 through the system, they got caught up in it.

7 It didn't get to the criminal court
8 where they were convicted because their attorneys
9 urged them, Settle everything and we'll agree to
10 drop this, that and the other.

11 My concern is maybe we could make
12 the language -- hone it in a little bit to
13 protect the people that truly are trying to do it
14 right, that aren't trying to rip off their
15 workers, that aren't trying to be bad actors.
16 And it still can happen, in this case.

17 What I'd like to see is that we hone
18 the language a little bit more to protect our
19 small business owners as well. Because if we do
20 take the licenses away in a case where a mistake
21 was made, we're putting people out of work as
22 well. So I'd like there to be a little more
23 discussion on this bill.

24 Thank you.

25 ACTING PRESIDENT BAILEY: Senator

1 Murray to be recorded in the negative.

2 Senator Martins to explain his vote.

3 SENATOR MARTINS: Thank you,
4 Mr. President.

5 I rise to support the bill. I want
6 to thank the sponsor for the bill.

7 Look. We have a tremendous problem
8 in New York State when it comes to wages, when it
9 comes to paying people what they are due, whether
10 it's certified payrolls on public jobs and
11 holding them to the task, or whether it is people
12 who time and again open businesses to close them
13 just to avoid liability.

14 And we see it not only in the wage
15 area, we see it also with workers' comp, also
16 involving employers where they routinely will
17 close their businesses in order to avoid
18 liability.

19 So this is a step in the right
20 direction. I would love, Mr. President, to see
21 legislation on this floor -- and hopefully
22 somebody will think about this -- where we
23 actually hold those business owners, corporate
24 owners, personally liable for these wages. Not
25 just removing their licenses, not just suspending

1 their licenses.

2 But when someone steals from their
3 employees, let's hold them personally accountable
4 so they can't just keep creating and opening new
5 businesses in order to avoid the responsibility
6 they have to those who work for them.

7 I'll be voting aye.

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

10 Announce the results.

11 THE SECRETARY: In relation to
12 Calendar 654, voting in the negative are
13 Senators Borrello, Gallivan, Murray, Oberacker,
14 Stec and Weik.

15 Ayes, 52. Nays, 6.

16 ACTING PRESIDENT BAILEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 672, Senate Print 2546, by Senator Myrie, an act
20 to amend the Real Property Actions and
21 Proceedings Law.

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

24 SENATOR MARTINS: Yes,
25 Mr. President, if the sponsor would yield for a

1 few questions.

2 ACTING PRESIDENT BAILEY: Will the
3 sponsor yield?

4 SENATOR MYRIE: Yes.

5 ACTING PRESIDENT BAILEY: The
6 sponsor yields.

7 SENATOR MARTINS: Thank you.

8 Senator, I know that the bill deals
9 with abandoned properties, multifamily dwellings
10 in our communities.

11 How is it determined that a property
12 is abandoned?

13 SENATOR MYRIE: Through you,
14 Mr. President. So this bill would amend a
15 section of law where the process is if you
16 initiate a foreclosure proceeding, that you would
17 then stop the city or locality from taking
18 possession of that property.

19 And the gap that this bill is trying
20 to amend is that you cannot use the initiation of
21 that proceeding to prevent you from making the
22 necessary repairs. The city, the locality
23 initiates the proceeding to try to possess that
24 property because it has fallen into disrepair.

25 And so to answer your question

1 directly, it is a determination between the city
2 and the locality on what disrepair means.

3 SENATOR MARTINS: Thank you.

4 Mr. President, through you, if the
5 sponsor would continue to yield.

6 ACTING PRESIDENT BAILEY: Will the
7 sponsor yield?

8 SENATOR MYRIE: Yes.

9 ACTING PRESIDENT BAILEY: The
10 sponsor yields.

11 SENATOR MARTINS: Is there any
12 definition in the statute or in the underlying
13 statute that clarifies what criteria the
14 municipality should use in determining whether a
15 property is abandoned, whether it's just vacant?

16 And frankly, is it the same thing,
17 vacant and abandoned, in your mind?

18 SENATOR MYRIE: Through you,
19 Mr. President. On the first question, outside of
20 this section of law, disrepair is defined as --
21 or abandoned, rather, is -- (pause).

22 Injury to life, safety and health is
23 the standard that is used when making that
24 determination.

25 And to your second question on

1 whether abandoned is the same or different than
2 vacant, I do think that there is a distinction,
3 but that distinction is made by the locality.

4 SENATOR MARTINS: Thank you.

5 Mr. President, through you, if the
6 sponsor would continue to yield.

7 ACTING PRESIDENT BAILEY: Will the
8 sponsor yield?

9 SENATOR MYRIE: Yes.

10 ACTING PRESIDENT BAILEY: The
11 sponsor yields.

12 SENATOR MARTINS: Is there any
13 requirement that the municipality determine that
14 the property is actually vacant before they
15 initiate a proceeding? Or is it specifically
16 with regard to the state of repair of the
17 property?

18 SENATOR MYRIE: Through you,
19 Mr. President. Yes, the city does have to make a
20 determination on whether or not someone is
21 present.

22 It is subject to a vacate order, and
23 that vacate order is often accompanied by a
24 determination that there was some danger to life,
25 health, et cetera. And so there is a process to

1 make sure that that's not the case.

2 I think part of what you may be
3 getting at is for owner-occupied homes or
4 multi-dwellings, what sort of goes into that
5 analysis.

6 And I will say for the record that
7 New York amended for not multi-dwellings but for
8 one-to-four-home dwellings in 2016, what we call
9 colloquially the Zombie Law, that has brought
10 down the amount of disrepair in these types of
11 homes. This was done in response to the 2008
12 housing crisis, where there was a lot of
13 abandonment by banks for this category of homes.

14 This is trying to meet that standard
15 and that gap for multi-dwellings. We have some
16 of the same problems, particularly in New York
17 City, with a host of multi-dwelling buildings
18 that have been either abandoned or there is
19 confusion around the ownership, and they have
20 subsequently had many, many code violations that
21 are currently being litigated and gone after.

22 And this is an attempt to make this
23 process as clear as possible, but also have
24 someone be responsible and not be able to use at
25 court to protect them from making repairs.

1 SENATOR MARTINS: Thank you.

2 Mr. President, through you, if the
3 sponsor would continue to yield.

4 ACTING PRESIDENT BAILEY: Will the
5 sponsor yield?

6 SENATOR MYRIE: Yes.

7 ACTING PRESIDENT BAILEY: The
8 sponsor yields.

9 SENATOR MARTINS: So as I
10 understand it, the law currently allows for the
11 municipality to deem a property abandoned, but
12 then couldn't be stopped from acquiring the
13 property if a lender starts a foreclosure
14 proceeding.

15 And this would change that to
16 require the lender to actually do certain things
17 in addition to starting a foreclosure proceeding,
18 right?

19 SENATOR MYRIE: Through you,
20 Mr. President, that's correct, mostly.

21 So it's not just that the procedure
22 would be stopped, it would give the option for
23 them to appoint a receiver. And if that receiver
24 does not take the appropriate action within
25 90 days, then the city can come in and claim

1 ownership.

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

5 ACTING PRESIDENT BAILEY: Will the
6 sponsor yield?

7 SENATOR MYRIE: Yes.

8 ACTING PRESIDENT BAILEY: The
9 sponsor yields.

10 SENATOR MARTINS: So let's say the
11 lender -- and when we're talking about a lender
12 we're dealing with anyone, not just institutional
13 lenders. It could be somebody who just lent
14 money and is secured by that property.

15 If the lender receives a notice from
16 their municipality that the property has been
17 abandoned, does it require that the lender or
18 that the borrower be in foreclosure and that the
19 property be in foreclosure or in arrears if
20 they're being paid on their debt, on their
21 mortgage? Is that a requirement of this, in
22 order for the municipality to take action?

23 SENATOR MYRIE: Through you,
24 Mr. President. Give me one second.

25 Through you, Mr. President. It

1 would not always be a requirement that there be
2 some issue of payment. It could be the case --
3 this does make reference to the mortgagee or the
4 lienholder.

5 But the underlying principle here is
6 to ensure that the repairs are done and that the
7 lienholder or the mortgagee would have had to
8 invoke this sort of protection provided by the
9 law when a foreclosure proceeding has been
10 commenced.

11 SENATOR MARTINS: Thank you.

12 Mr. President, through you, if the
13 sponsor would continue to yield.

14 ACTING PRESIDENT BAILEY: Will the
15 sponsor yield?

16 SENATOR MYRIE: Yes.

17 ACTING PRESIDENT BAILEY: The
18 sponsor yields.

19 SENATOR MARTINS: So if the
20 property owner is current on their mortgage
21 obligation, making their payments every month,
22 what would be the basis for a lender to foreclose
23 in order to prevent perhaps losing a property?

24 SENATOR MYRIE: Through you,
25 Mr. President. Just to clarify the question, are

1 you saying in the event that someone is present
2 in the home and making payments or the payments
3 are being otherwise made?

4 SENATOR MARTINS: I'll clarify.

5 Mr. President, through you, if I can
6 continue to --

7 ACTING PRESIDENT BAILEY: By all
8 means.

9 SENATOR MARTINS: If you have a
10 property owner that continues to make their
11 payments on a mortgage and a municipality
12 determines, whether correctly or incorrectly,
13 that the property is abandoned so as to start
14 this sequence, there's a notice that goes to the
15 lender.

16 They're being paid on their
17 mortgage, and yet this would require them to
18 start a foreclosure proceeding in order to
19 protect their interest in the property -- that
20 is, the amount that they lent -- or risk losing
21 the property.

22 What would their basis be for a
23 foreclosure proceeding if they'd been paid on
24 their mortgage?

25 (Pause.)

1 SENATOR MYRIE: Through you,
2 Mr. President. So two things.

3 One, if the lienholder, having
4 received the payments, and the person, the entity
5 making the payments, believes that there was some
6 impropriety in this determination, the lienholder
7 has an option to take possession and make those
8 repairs themselves.

9 But perhaps more importantly, and
10 the policy point is, if there are conditions that
11 are posing a threat to health, safety, imposing
12 some danger to life in that respect, we're saying
13 that all of the tools of government should be
14 utilized and to impose some sort of pressure to
15 ensure that these repairs are made.

16 And that's why the options aren't
17 just that the city can take possession, but that
18 there can be repairs made by the lienholder
19 themselves.

20 SENATOR MARTINS: Through you,
21 Mr. President, if the sponsor would continue to
22 yield.

23 ACTING PRESIDENT BAILEY: Will the
24 sponsor yield?

25 SENATOR MYRIE: Yes.

1 ACTING PRESIDENT BAILEY: The
2 sponsor yields.

3 SENATOR MARTINS: So that is --
4 that's part of my concern, Senator, in the fact
5 that if the person or institution that lent the
6 money that's secured by the property has been
7 paid, there is no basis, I would think, other
8 than the document -- the mortgage -- and the
9 terms between them and the person they lent money
10 to, that would allow for them to foreclose.

11 I didn't see anything in this bill
12 that would give them the right as a mortgagee to
13 actually be able to intervene -- notwithstanding
14 the fact that they were made whole and have been
15 paid -- and actually take possession of the
16 property. Unless I missed it.

17 Can you speak to that?

18 SENATOR MYRIE: Through you,
19 Mr. President. I'm just going to read in the
20 bill, starting on line 17, where it says -- and
21 this is the amendment -- "takes possession of the
22 premises as provided in the mortgage and brings
23 the building into compliance."

24 And so within the four corners of
25 what the contract had been, that is what allows

1 for this possession-taking.

2 But I take your point that you are
3 concerned about what sort of pressures are being
4 exerted even outside of that contractual
5 agreement. And I think that is a policy
6 difference that we have, in that we are hoping to
7 exert pressure to get repairs done that are
8 posing threats to people's health and safety.

9 SENATOR MARTINS: Through you,
10 Mr. President, if the sponsor will continue to
11 yield.

12 ACTING PRESIDENT BAILEY: Will the
13 sponsor yield?

14 SENATOR MYRIE: Yes.

15 ACTING PRESIDENT BAILEY: The
16 sponsor yields.

17 SENATOR MARTINS: So let's say we
18 have a private transaction, an individual decides
19 to lend a friend some money so that they can buy
20 a property, and they agree they're going to put a
21 mortgage on the property, the terms of the
22 mortgage are standard, you pay, the person pays,
23 and as a result there is no need to foreclose.

24 Standard terms in a mortgage don't
25 normally allow for foreclosure absent a default

1 in payment. And therefore, in the four corners
2 of the document, there is no mechanism for that
3 individual -- in this case I'm framing it as a
4 private individual -- to actually intervene in
5 order to protect their investment.

6 So I'm questioning whether or not
7 there should be, in the absence of something
8 within the four corners of the document -- that
9 traditionally doesn't include a provision such as
10 this -- allowing for them to intervene.

11 Shouldn't something be in this bill
12 that would allow them that opportunity to do so?
13 Because the risk here is that they will actually
14 lose the money that they invested and were
15 counting on to be repaid.

16 SENATOR MYRIE: Through you,
17 Mr. President. I think, if I'm understanding my
18 colleague, the trouble and concern that you have
19 is with not necessarily the fact that repairs
20 need to be made, but that the triggering process
21 in which the mortgage payer would be subject to
22 foreclosure because the repairs have not been
23 made, are extracontractual. And that there
24 should be some other mechanism to trigger the
25 repair-making process.

1 Did I understand that correctly?

2 Through you, Mr. President.

3 ACTING PRESIDENT BAILEY: Senator
4 Martins.

5 SENATOR MARTINS: Thank you,
6 Mr. President. Thank you, Senator.

7 On the bill.

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

10 SENATOR MARTINS: And that's --
11 that's precisely the point. And I thank you for
12 clarifying that, because we can identify the
13 problem.

14 We all have zombie buildings in our
15 communities that become a blight on the
16 community. In the past we have adopted
17 legislation here that has allowed and empowered
18 municipalities to intervene, spend money, acquire
19 the property, make those repairs and put those
20 costs on the property as liens. And eventually,
21 when the property is sold, the municipality will
22 get that money back.

23 There are ways of being able to do
24 that where you can ask the municipality to
25 actually intervene in order to protect the

1 property, protect the community, and to make the
2 property safe.

3 And obviously, Mr. President, there
4 are issues with that having to do with privacy
5 issues, property ownership issues where, anytime
6 somebody walks onto somebody else's property,
7 there are concerns there.

8 But we all understand, because we've
9 seen it, that there are zombie properties in our
10 communities that we want to do something about.

11 The question is, who is the right
12 person or entity that should be expected to do
13 something about it?

14 Now, it's great for us to be able to
15 identify groups, identify the problem -- but then
16 we point to somebody and say, Now we're going to
17 make it your problem in order for you to fix it.

18 And sometimes that's where we go
19 astray. Because as well-intentioned as we may
20 be, the idea we're just going to pick somebody
21 out of the air and say that's the person who's
22 going to be responsible for fixing this mess, is
23 perhaps misguided.

24 Now, we all think about lenders in
25 the context of banks and they've got money and

1 large financial institutions. But that's not
2 always the case. And even when it is the case,
3 that's not what they signed up for.

4 Now, we did pass legislation in this
5 body that says that we do have situations such as
6 this, the bank -- when the borrower, the property
7 owner falls behind on payments -- has to go into
8 inspections, make sure it's occupied. If it's
9 not occupied, they have a responsibility to start
10 foreclosure proceedings. And they have now a
11 responsibility to maintain and secure the
12 property. That already exists.

13 But now we're going a step further,
14 and we're saying even if that property is not in
15 default, if the person continues to make their
16 payments and the municipality determines that the
17 property -- for their own reasons, Mr. President,
18 is abandoned, which isn't clear -- now, it may
19 be, you know, that we have a different concept of
20 gardens. We've had debates on this floor about
21 that as well, whether we have natural plantings
22 as opposed to grass, and how we maintain
23 properties.

24 But if the municipality determines
25 that the property is abandoned, all of a sudden

1 we have a responsibility on the lender, be they
2 institutional or private, to now have to do
3 something when there has been no default under
4 that mortgage. And they have to start a
5 foreclosure proceeding.

6 On what terms, Mr. President? I
7 don't know. Because the person's making the
8 payments on that mortgage, and yet it's now their
9 responsibility because if the municipality takes
10 the property, they're out of luck. And the money
11 that they invested in order to -- and secured
12 with that property is at risk.

13 So although I understand the
14 legislation, I understand the intent, I'm just
15 questioning whether or not the group that we have
16 identified in order to put pressure, in order to
17 resolve this issue, is actually the group that we
18 should be considering in the context of what we
19 currently have in the law.

20 And so perhaps rather than just
21 picking a bank or a financial institution and
22 deciding that's the person we're going to make
23 pay -- why? Because. Because that's really the
24 answer, right? Why are they responsible?
25 Because we said so.

1 Perhaps they're not the right entity
2 because they don't have the ability to intervene
3 unless there's actually been a default under the
4 document.

5 And so, Mr. President, as we have in
6 the past, perhaps this is another opportunity for
7 us to reconsider this line and maybe look at
8 empowering our local municipalities and allowing
9 them to go in there and intervene, and making
10 sure that they can secure any expense that they
11 have with regard to securing the property, even
12 going so far as demolishing the property in order
13 to clear a blight.

14 And they are able to then secure
15 that with a lien on the property, so when the
16 property is eventually sold, they can recoup that
17 money and actually provide protection for the
18 local community in real terms.

19 They make the decision that it's
20 abandoned. Let them then take the next step to
21 actually secure the property and make it right.

22 So, Senator, I appreciate the bill.
23 I appreciate the sentiment. I just think we may
24 be slightly off. I'm more than happy to work
25 with you, if you're willing, in terms of looking

1 for an alternative.

2 But under the current construct,
3 Mr. President, I'd have to vote no. Thank you.

4 Thank you, Senator.

5 ACTING PRESIDENT BAILEY: Thank
6 you, Senator Martins.

7 Are there any other Senators wishing
8 to be heard?

9 Seeing and hearing none, debate is
10 closed.

11 Senator Gianaris.

12 SENATOR GIANARIS: Mr. President,
13 we have also agreed to restore this bill to the
14 noncontroversial calendar.

15 ACTING PRESIDENT BAILEY: The bill
16 will be restored, upon consent, to the
17 noncontroversial calendar.

18 Read the last section.

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

22 ACTING PRESIDENT BAILEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

2 THE SECRETARY: In relation to
3 Calendar 672, voting in the negative are
4 Senators Ashby, Borrello, Canzoneri-Fitzpatrick,
5 Chan, Gallivan, Griffio, Helming, Lanza, Martins,
6 Mattera, Murray, Oberacker, O'Mara, Ortt,
7 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
8 Weber and Weik.

9 Ayes, 36. Nays, 22.

10 ACTING PRESIDENT BAILEY: The bill
11 is passed.

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

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

16 ACTING PRESIDENT BAILEY: There is
17 no further business at the desk.

18 SENATOR GIANARIS: Can I have my
19 colleagues' attention for a moment.

20 There were a series of committee
21 meetings that were scheduled for early this
22 afternoon. They are being rescheduled as
23 follows.

24 Insurance and Social Services will
25 now be meeting at 2:30. The Housing and

1 Investigations Committees will now be meeting at
2 3:00 p.m.

3 And that is because there will be an
4 immediate meeting of the Majority Conference in
5 Room 332.

6 ACTING PRESIDENT BAILEY: The
7 committee meetings were rescheduled as noted.
8 Please listen to and reach out to your respective
9 committee chairs.

10 And there will be an immediate
11 meeting of the Majority Conference in Room 332.

12 SENATOR GIANARIS: I move to
13 adjourn until tomorrow, Tuesday, April 21st, at
14 3:00 p.m.

15 ACTING PRESIDENT BAILEY: On
16 motion, the Senate stands adjourned until
17 Tuesday, April 21st, at 3:00 p.m.

18 And it's playoff time, so go
19 New York, go New York, go!

20 (Whereupon, the Senate adjourned at
21 1:19 p.m.)
22
23
24
25