NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:25 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT BAILEY: Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 27, 2026, the Senate met pursuant to adjournment. The Journal of Friday, April 24, 2026, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Krueger

moves to discharge, from the Committee on Codes, Assembly Bill Number 2239 and substitute it for the identical Senate Bill 2273, Third Reading Calendar 797.

ACTING PRESIDENT BAILEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

ACTING PRESIDENT BAILEY: Good afternoon.

SENATOR GIANARIS: On behalf of Senator Sanders, I wish to call up Senate Print Number 3180, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 490, Senate Print 3180, by Senator Sanders, an

act to amend the Elder Law.

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

ACTING PRESIDENT BAILEY: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

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

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT BAILEY: The amendments are received.

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

By Senator Rivera, page 20, Calendar 590, Senate Print 614A;

By Senator Brisport, page 27, Calendar 727, Senate Print 8204.

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

Senator Gianaris.

SENATOR GIANARIS: I now move to adopt the Resolution Calendar, with the exception of Resolutions 1845, 1847, 1934, 1961, and 1981.

ACTING PRESIDENT BAILEY: All those in favor of adopting the Resolution Calendar, with the exception of Resolutions 1845, 1847, 1934, 1961, and 1981, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Please call on Senator Mayer for an introduction.

ACTING PRESIDENT BAILEY: Senator Mayer for an introduction.

SENATOR MAYER: Thank you, Mr. President.

I rise today to proudly introduce a terrific group of students from my district who came to Albany as part of the Voices Unfiltered

policy program at the YWCA of White Plains and Central Westchester.

These students, if you saw their work, if you came between the LOB and where security is, you would see they shared their research, their very substantive policy proposals, and their advocacy campaigns with legislators and staff.

Hopefully you have had the opportunity to see their work today, but their projects tackle critical issues, including the number of unhoused students, housing affordability, and support for our immigrant neighbors.

I continue to be impressed by their creativity, their thoughtfulness, and their deep commitment to addressing the challenges facing all of our communities.

Programs like this are so important because they empower young people to engage directly in the policymaking process and make their voices and opinions heard. New York's youth bring powerful voices and unique perspectives, and we honor them today.

Adam Munoz, Aiden Munoz,

Austin Munoz, Benjamin Elkin, Ina Borja, Morgan Bowman, Oliver Chow, Caileigh Coffey, Juliet Anderson Rosen, Marabel Cedeno and Svara Gawde -- along with their chaperone, Lesley Mazzotta -- are here today in the gallery. And I would ask that you extend them all the privileges of the house, welcome them to Albany, and thank them for their work, being civic participants at this young age.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Mayer.

To these incredible young people making their mark on the world at an early age, we welcome you to our State Capitol. We extend to you all of the privileges and courtesies of this house.

Please rise and be recognized, and keep on doing what you're doing.

(Standing ovation.)

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: Mr. President, let's take up Resolution 1847, by Senator Cleare, read that resolution's title, and call on

Senator Cleare.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Resolution 1847, by Senator Cleare, commemorating the 66th Anniversary of Senegalese Independence on April 4, 2026.

ACTING PRESIDENT BAILEY: Senator Cleare on the resolution.

SENATOR CLEARE: Thank you, Mr. President.

First, I want to say {in Wolof}. That means "Welcome to Albany."

Today represents a very-first-of-its-kind occurrence: Senegalese Day in Albany, paying tribute to our beloved Senegalese community, in Senate District 30 and statewide.

It is a day to honor our great friends on the floor and in the gallery.

Today marks the first annual Senegalese Day in Albany, celebrating the 66th anniversary of Senegalese independence. Senegalese independence is very unique and notable because it was achieved through negotiation, and not bloodshed, in 1960.

New York is famously known as the melting pot of all cultures, and it is important that we recognize and honor them. In the mid-1980s and late 1970s, individuals and families from many West African countries migrated to the United States, settling in my district, including the great people of Senegal, known as the Land of Teranga, meaning welcome.

Located in Central Harlem, on West 116th Street, is a vibrant neighborhood founded on family, tradition, and cultural preservation, made up of residents and business owners who originated from Senegal, West Africa.

This area quickly became a main shopping and local social hub for residents of their community.

Today the Senegalese bring the same spirit of welcome from their homeland to our communities and our beloved hair braiders, restaurateurs, beauty supply shop owners, fabric merchants, car service business owners. So many of their businesses are women-led and women-owned. For example, the Malcolm Shabazz Marketplace is packed with a large variety of vendors selling goods ranging from traditional

African goods to hair braiding boutiques.

Truth be told, when our friends from Senegal moved in, the neighborhood was in a vulnerable position. Buildings were abandoned. Drugs were epidemic. And city disinvestment was rampant.

Following in the spirit of the proverb "Spilled water is better than a broken jar," the Senegalese made the community their own. They provided car service uptown in an era when taxis did not travel north of Central Park. They endured many struggles, but stayed and worked hard to build our beautiful community.

They brought with them their faith, both Muslim and Christian, and work to better our neighborhoods today through groups like the Senegalese Islamic orders such as MICA, the Murid Islamic Community in America, and the Harlem Islamic Cultural Center, which is a spiritual home to many of the Tidjani order, the Layene.

In addition to the day-to-day enrichment they bring, twice in this decade they had the opportunity to celebrate in the streets when the Senegalese National Soccer Team won the

African Cup of Nations Tournament in both 2022 and, yes, again in 2026.

For over 40 years, the Senegalese have offered a taste of home for immigrants adjusting to their new life in the States, bringing in new shops, restaurants, bakeries, and have greatly contributed to the cultural and economic structure of New York.

Commemorating the past, present and future of the Senegalese community will continue to strengthen the fabric of New York's cultural identity.

Today we are joined by His Excellency Mr. Demba Camara, Consul General of Senegal, and Mr. Mamadou Lamine Mbow, president of the Senegalese Association of America, as well as friends, leaders, colleagues and staff from these organizations.

Also joining us is Ms. Astatou Andow, leader of the Women's Community, Women's Senegalese Community; Mr. Elhadji Sow, Casamance Association; Mr. Mamadou Drame, former president of the Senegalese Association; and so many others are here with me today.

I ask that we extend to them a great

sense of Teranga from the chambers.

Thank you.

(Applause from the gallery.)

ACTING PRESIDENT BAILEY: To the Consul General, the president of the Senegalese Association, and to our guests from the mighty nation of Senegal, we celebrate your independence and we welcome you to the Senate.

I extend to you all of the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: The question is on the resolution.

All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, let's move on to Resolution 1981, by

Senator Sanders. Read its title and call on Senator Sanders, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Resolution 1981, by Senator Sanders, memorializing Governor Kathy Hochul to proclaim April 28, 2026, as MWBE Advocacy Day in the State of New York.

ACTING PRESIDENT BAILEY: Senator Sanders on the resolution.

SENATOR SANDERS: Thank you, Mr. President.

A pillar of the American dream is the pillar of equality of opportunity, equality of opportunity. Basically that means that, as we understand it, a person who works hard, plays by the rules, and invests their time and treasure has the same opportunity to make it big in America, to get to the American dream.

Sadly, this is really more dream than reality -- not even in New York State.

One example of this is that more than 54 percent of New York State is composed of women and people of color. Of the $160 billion or more budget that New York State has, the state

share of MWBE has been $3 billion. Now, I'm not the world's greatest mathematician, but that does not sound like 54 percent or anywhere close to it.

Yet this meager amount even troubles some. We have an ill wind coming out of D.C. that says that this is too much, that this is not fair and somehow this threatens something -- they never really say what.

But we in the Empire State have taken a different position. We say that we are going to stand for all, that we're going to fight and make sure there's equality of opportunity, that everyone gets a fair chance at competing here.

We in the Empire State are not going to let these ill winds, this foul-smelling wind, determine what we're going to do here. And I want to take a moment to praise the Governor and to praise this body for standing firm on this.

Now, MWBE Day is a day where we get to speak and read that this is part of New York, that everybody here is part of the great culture that we call New York. And we have some of the greatest heroes of MWBE here today.

We have -- and I will only read a couple of names, because if I go further we will be here for quite a while.

I would not do right if I didn't speak of Jason Clark and Dr. Tammy Pate and Carla Hernandez and Michael Garner and of course the New York Women's Chamber of Commerce and others.

Mr. President, I would like for us to give these great guests and this great day the benefit of this great chamber and to reward them for their great efforts.

I thank you, and I thank this great chamber for allowing this day to happen.

Thank you, sir.

ACTING PRESIDENT COONEY: Thank you, Senator Sanders.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: The question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

ACTING PRESIDENT COONEY: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Next up, Mr. President, is Resolution 1845, by Senator Bailey. Please read that resolution's title and call on Senator Cleare first to speak on that resolution.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Resolution 1845, by Senator Bailey, celebrating the 100th Anniversary of the birth of John Coltrane, renowned artistic trailblazer and innovative New York jazz musician.

ACTING PRESIDENT COONEY: Senator Cleare on the resolution.

SENATOR CLEARE: Thank you, Mr. President.

John Coltrane is a beloved figure whose singularly unique jazz virtuosity built

upon Harlem Renaissance legends and influenced the entire world.

Many of Coltrane's earliest performances were uptown at the Apollo Theater. One of Coltrane's final performances was at the christening of the African Cultural Center in Harlem, where he dedicated the song "Tunji" to Babatunde Olatunji. In between, he was simply beloved all over the world.

His masterwork, A Love Supreme, was described as a musical prayer in four movements -- Acknowledgement, Resolution, Pursuance, and Psalm -- which combined to form thanks to God for a spiritual awakening.

For the past five years in my district we have extended and enriched the Coltrane legacy in Harlem with an annual tribute each September called the John Coltrane Jazz Appreciation Day Festival. Performers have included legends such as Dr. John "Satchmo" Mannan, trombonist Craig Harris, Patience Higgins, Antonio Hart, Bill Saxton, Camille Thurman, and the Darrell Green Quartet.

The John Coltrane Jazz Appreciation Day Festival is a treasured event that draws a

capacity crowd of nearly 2,000 people. And we hope that this year, on the 100th birthday of John Coltrane, in the heart of the Harlem Renaissance Cultural District, we will continue to pay proper tribute to the greatest of all time, John Coltrane.

I want to thank Senator Jamaal Bailey for bringing this important resolution today.

This is more than just about art and entertainment; it is about preservation. And in a period in time where much of our culture is threatened with erasure, it is important that we pay tribute and lift up our great artists like John Coltrane.

The music of Coltrane represents so much of not only the Black experience in America, but also the human experience of struggle and triumph.

Mr. President, thank you, and I proudly vote aye.

ACTING PRESIDENT COONEY: Thank you, Senator Cleare.

Senator Gounardes on the resolution.

SENATOR GOUNARDES: Thank you,

Mr. President.

I love jazz, Mr. President. Before I got elected, when I had free time in my life, I used to go to Senator Cleare's district, to Bill's Place, Friday nights, right, go listen to some amazing jazz.

But among my favorites was John Coltrane. And everyone talks about A Love Supreme. To me, it's the live version recorded in 1965 in Paris. That 48 minutes, that spiritual journey which is a joyous cacophony of sound and music and energy.

And it all starts with that slow, haunting humming. And he just starts bringing it in, you know {singing}, "A love supreme, a love supreme" -- nothing is better. Nothing is better. And whenever -- whenever I'm feeling that I need some spiritual rejuvenation, I put that on, because that just fills me up.

And it's because of the power that he has, the way he harnessed the power of music to heal people who may or may not know that they were broken, or that they were hurting, or that they needed some kind of healing, is unmatched by any musician I think that has ever lived on this

planet.

And so I'm really thankful that we get to take a moment from our deliberations today to pay tribute to Mr. John Coltrane on the 100th anniversary of his birth.

I want to thank Senator Bailey for reminding us of just how important that is.

I vote aye. Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Webb on the resolution.

SENATOR WEBB: Thank you, Mr. President.

I too want to extend my appreciation to Senator Cleare and Senator Bailey and of course our Majority Leader for supporting this important resolution.

You know, John Coltrane, as we've shared so far and as a lot of us know, he was an incredible pioneer. And his shaping of music -- not just jazz, but music overall -- is something that we most certainly still recognize. And it's important that this resolution is happening today as part of commemorating his 100th birthday.

He has not only inspired generations

of musicians to pursue their dreams, he is also noted as one of the most influential and prolific artists in the history of jazz and music.

It is also important to note that his inspiration to artists pushed them to move past what is comfortable or what is safe and to reach for something that is true.

John Coltrane also served his country. He enlisted in the Navy to fight in World War II, though it was obvious that his true calling was music. And while stationed in Hawaii, he played clarinet in the Navy band The Melody Masters, though due to segregation he was only a guest performer and could not be considered a permanent member.

He came of age at a time of pervasive racism and bigotry, yet he dedicated his life to spreading a love supreme and being the force which is truly for good.

He collaborated with trailblazing artists like Miles Davis and Thelonious Monk. And

We all know that music is one of those things that brings us all together regardless of cultural identity. I shared the

story about my family; my parents in particular were vast collectors of albums. They were known in my neighborhood as our neighborhood music store. And most certainly amongst the many albums that they collected, John Coltrane's music was most certainly prominently featured in that collection.

Next month the Black Legislative Task Force is coordinating a celebration to commemorate Black Music History Month, and of course we will be recognizing John Coltrane and other icons who have shaped and continue to shape our culture through music and more.

John Coltrane's music continues that connection. His music lives on in concert halls, on sidewalks, and in jazz clubs around at world. His music lives on in each and every one of us when we pursue our true calling, and when we find our own song or theme music and refuse to let it go unplayed.

I am proud to be voting in favor of this resolution, and I encourage my colleagues most certainly in honoring the extraordinary life and enduring legacy of Mr. John Coltrane.

Thank you, Mr. President. I proudly

vote aye.

ACTING PRESIDENT COONEY: Thank you, Senator Webb.

Senator Martinez on the resolution.

SENATOR MARTINEZ: Thank you, Mr. President.

I rise today because his wonderful house sits in my district. And while we're celebrating this milestone, as mentioned before, let's not forget the preservation for future individuals to listen to such great music.

And A Love Supreme, the fact that it was created in Dix Hills, on Long Island, is one of the proudest moments that I can possibly say that I have right now.

Because when I found out that Senator Bailey was presenting the 100th -- our districts are so big, and there's so much history in them, and even though jazz is all over the state and the city, in Queens and in Bronx and so forth -- but he's on Long Island. Right? So I just needed to stand up for that.

And I just want to say to the family, thank you for uniting so many people through music, through culture. And please know

that you will remain in our hearts forever.

Thank you.

ACTING PRESIDENT COONEY: Thank you, Senator Martinez.

Senator Sanders on the resolution.

SENATOR SANDERS: It is true that John Coltrane was an amazing spirit, a force of nature that chose to harness itself through the question of jazz. It is true that Harlem certainly played a major role with him. And you pointed out your part of Long Island.

But it is also true that when John Coltrane went home, he went to Queens.

(Laughter.)

SENATOR SANDERS: His home was in Queens. His home was in St. Albans, as a matter of fact. That perhaps this is the soil that gave him the supreme love that we all are speaking of. Perhaps this is where he was able to bring it together.

And I invite all of you to discover what John Coltrane discovered, that there's something godly about Queens and that we all should go there.

Jazz is noted by many different

things. Improvisation is one of the most important things to jazz. And a good jazz concert, you never hear the music the same way twice. Unlike other music. You never are hearing the music the same way twice. You're always going to hear it slightly different or sometimes radically different, depending on your album, depending on what the feel of the day is.

John Coltrane took jazz and took it to just a whole 'nother level that we frankly have yet to figure out where it is. People have branched off -- many people have branched off from him and have gone in so many different ways. The Mahavishnu Orchestra quickly comes to mind. And others just gone all over the place with jazz.

So I invite everyone to find two different things. First, of course, to find yourself in jazz. John Coltrane is a great way to start. But jazz is so wide, it has room for everyone.

And another place that has room for everyone is of course Queens. So find yourself in Queens also, because you'll fit in well with John Coltrane.

Thank you very much. I vote yes.

ACTING PRESIDENT COONEY: Thank you, Senator Sanders.

Senator Bailey to share his love supreme, and to close.

SENATOR BAILEY: Thank you, Mr. President.

I'd like to thank Leader Stewart-Cousins, Senator Martinez for being so gracious, Senator Cleare for sharing her views from Harlem, and Senator Gounardes and Senator Webb and Senator Sanders.

We talk about the soil that was rooted, but we're going to talk about the soil that John Coltrane came from. He was born in Hamlet, North Country, raised in High Point, which is my state. This one's for North Carolina -- come on and raise up.

And North Carolina raised up one of the true legends in music -- not just jazz music, Mr. President, in music. In 40 years this man had created an art form that, as Senator Sanders indicated, has never been replicated.

The precision or imprecision in which he's able to play -- I'll get to hip-hop in

a second, because there is a fusion. But Rakim noted, he borrowed his delivery when he heard John Coltrane play two notes at the same time. So he pushed the boundaries of music, not just jazz music.

And he did a lot of great things. He said, You know what, Sound of Music, but I'm going to make it soulful, with his re-interpolation of "My Favorite Things."

"Giant Steps," one of my favorite songs, the frenetic energy. And I would imagine you'd never hear that song played twice, just the frenetic energy. Not so mellow, but mellow at the same time.

"Mr. P.C." "A Love Supreme," of course. But, Mr. President, my favorite Coltrane song was "Alabama." Relatively short in comparison to the rest of his magnum opuses. But it plays like the soundtrack to Black Americans because it was, in fact, part of the soundtrack to Black America.

It was inspired by the 16th Street Baptist Church bombing. And he actually, without words, Mr. President, took the same rhythm of Dr. King's eulogy and played the sax in that

form. That's not genius, that's beyond genius, Mr. President.

You know, I learned a lot about jazz music from my dad. And in preparing for this resolution, I listened to a lot of Coltrane over again. And, you know, growing up you don't know the names of the songs, but you know you've heard them quite a few times. So I have to make sure I give due notes to my dad.

And now, speaking of him, he talked about growing up in Carolina. That was the first tenor man that he saw that inspired him. And he listened to Blue Train, which was his favorite song. So what my dad says is the seminal song of jazz music, Blue Train.

WBGO and Jazz Mobile and all of the places that we've heard jazz growing up, so important to our culture.

Hip-hop and jazz, Mr. President, in my opinion are the greatest American art forms. You can argue with me if you wish; I don't think you'll be successful.

"Amen" was sampled by Lords of the Underground's "Chief Rocka." "Functional," with Thelonious Monk, was sampled in Method Man.

As I mentioned, Rakim, one of the greatest MCs of all time, was a saxophone player in his youth, and he patterned his rhymes -- his flow, one of the most legendary flows in hip-hop history, after the way that Coltrane played the saxophone.

Mr. President, there's so much that we can learn. As Senator Gounardes said earlier, if you have not listened to Coltrane, I would implore you -- I'd wonder what you're doing, but secondly, I'd implore you to listen. You can go on whatever streaming service of your choice. I'm not going to advertise for them. But I want you to go on there and pick any Coltrane song, and you will be satisfied.

I just want to make sure we recognize the guests that we have who continue to help bring jazz music at a major level: Mr. Charles Wadelington, from Universal Records, and Ken Druker, the senior vice president of jazz development at the Verve Label Group, the preeminent jazz label of our time.

And recognize -- even though that his family was supposed to be here, I'm going to recognize them for all that they do to continue

the legacy: Ravi Coltrane, Michelle Coltrane, and Oran Coltrane, his children; his late wife, Alice Coltrane, and his late son, John Jr.

And I want to leave us with a quote from John Coltrane in 1966. He said: "I know that there are bad forces, forces that bring suffering to others and misery to the world. I want to be the opposite force. I want to be the force which is truly for good."

He was truly for good, Mr. President. May his legacy live on. And on his 100th birthday, we celebrate one of the greatest to ever pick up a sax, Mr. John Coltrane.

I vote aye on the resolution, Mr. President.

And please recognize our guests.

ACTING PRESIDENT COONEY: Thank you, Senator Bailey.

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

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: The

question is on the resolution.

All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

ACTING PRESIDENT COONEY: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Please call on Senator Harckham for an introduction.

ACTING PRESIDENT COONEY: Senator Harckham for an introduction.

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

You know, it is said that we can't know where we're going unless we know where we've been. And so we need to understand the stories of our past to inform the vision of our future.

And so I'm proud today that we have folks from my district today from the Sing Sing Prison Museum, telling fascinating stories of the folks who, in the 200-year history of that correctional facility, the folks who served

there, the folks who worked there, the folks who built the facility, and the complex interaction with the community of Ossining and the surrounding community and the proximity to New York City.

I want to thank them for their really stimulating, important conversations about our correction system as it stands today, where we need to go, conversations around reform. And just being a catalyst for these important conversations that we as a society need to have.

In the wake of the 200th anniversary, they'll open the visiting center later this year in the Village of Ossining, and continue the difficult work of trying to preserve the original cell block.

Imagine trying to create an active museum within an active correctional facility -- and the challenges and the roadblocks they continue to meet, but yet they remain undaunted while they try to continue to tell these important stories.

So Mr. Chair, from the Sing Sing Prison Museum we have Minerva Coffie, Amy Hufnagel, and from the board, retired

Sing Sing correctional officer Lieutenant John Gilman.

If you would, please, sir, welcome them to the chamber and extend to them the courtesies and privileges of the house.

ACTING PRESIDENT BAILEY: Thank you, Senator Harckham.

To our guests from the Sing Sing Museum, we thank you for coming up here and continuing to impart knowledge upon us.

We welcome you on behalf of the Senate. We extend to you all the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: Now let's take up Resolution 1934, by Senator Serrano, read its title and call on Senator Serrano, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Resolution 1934, by Senator Serrano, recognizing May 2, 2026, as I Love My Park Day in the State of New York.

ACTING PRESIDENT BAILEY: Senator Serrano on the resolution.

SENATOR SERRANO: Thank you, Mr. President, for hearing me on this resolution.

I would like to thank the Senate and my colleagues for adopting this important resolution today recognizing Saturday, May 2, 2026, as I Love My Park Day in the State of New York.

I Love My Park Day is a day where everyone can become a steward of their own parks and open spaces. There is always a tremendous amount of sponsorship and volunteers for this vital cleanup.

We should treasure our parks and historic sites every day. New York has the best parks system in the nation. New York's public lands and parks are vital resources that shape communities, support wildlife habitats, and benefit both physical and mental health. The safeguarding of these spaces is paramount, as they provide opportunities for everyone to explore, play, wonder, unwind, learn and find inspiration.

My colleagues have heard me speak on

both the economic and mental health benefits that access to open spaces offers, as well as the lifelong lessons that environmental stewardship, learning to swim, and exposure to the natural world around us provide for people of all walks of life.

I would like to thank our parks friends groups, the office of parks, recreation and historic preservation, DEC, and the parks advocates who continue to be fantastic stewards of our state parks and historic sites.

Thank you, Mr. President, for hearing me on this resolution, and I thank my colleagues for supporting this today.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Serrano.

The question is on the resolution.

All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The

resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: And now it's time for Resolution 1961, by Senator Martinez. Please read that resolution's title and call on Senator Martinez.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Resolution 1961, by Senator Martinez, memorializing Governor Kathy Hochul to proclaim April 28, 2026, as Animal Advocacy Day in the State of New York.

ACTING PRESIDENT BAILEY: Senator Martinez on the resolution.

SENATOR MARTINEZ: Thank you, Mr. President.

I rise today on this fun day that we have here in our State Capitol, and that's Animal Advocacy Day.

I also want to thank Senator Hinchey, our chair of Ag & Markets, for continuing this tradition that has been happening here in the state Capitol for 15 years.

And it serves as a tradition to provide our state's animal ambassadors an

opportunity to meet with one another and with their elected officials for policies to protect these creatures.

This year I am proud to sponsor this resolution, joining a bipartisan legacy of respect and support for those who literally do not have a voice.

Today many of us had the opportunity to meet with the people, the organizations who are speaking on their behalf. They came asking that we act on bills pending before us here in Albany to protect the animals both domesticated, wild, those on land, air and sea, which complement our time here on earth.

Bills such as 197, Tucker's Law, would allow greater judicial discretion and order consecutive and concurring sentences when an individual is convicted of multiple counts of aggravated cruelty.

Bill Number 252, which would prevent wild and exotic animals from being imported, sold and owned. No animals should be removed from their native habitat for the purpose of profit.

And for those who visited the Well, I'm sure you saw an octopus around. You didn't

get one? Well, every elected should have received one of these. All right, talk to me.

But this bill, what it would do, it would prohibit the importation and the environmentally damaging octopus farming.

Now, it is not time for us to roll over on these important issues that we protect animals within our state from being abused, killed, as a result of willful negligence and literally just deliberate viciousness against our animals.

I thank the leader, my colleagues, all the advocates that were here today for really showing us that animals tend to be a part of our family sometimes.

And in honor today, too, of the package that we are about to pass, we also must recognize that some of these animals are also family, and many of our women and men who are victims of domestic violence sometimes do not leave their environment because they do not have a place to go with their animal.

So aside from being Animal Advocacy Day and supporting victims of domestic violence, I urge my colleagues to vote yes on this

resolution.

And thank you for the day.

ACTING PRESIDENT BAILEY: Thank you, Senator Martinez.

The question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Okay, let's take up previously adopted Resolution 1827, by Senator Webb, read its title and call on Senator Webb, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Resolution 1827, by Senator Webb, memorializing Governor Kathy Hochul to proclaim March 2026 as Neuromyelitis Optica Spectrum Disorder Awareness Month in the State of New York.

ACTING PRESIDENT BAILEY: Senator

Webb on the resolution.

SENATOR WEBB: Thank you, Mr. President.

I rise to of course thank our Majority Leader for supporting this important resolution to proclaim March 2026 as Neuromyelitis Optica Spectrum Disorder Awareness Month in the State of New York.

This condition, also known as NMOSD, is a very rare autoimmune disease of the central nervous system that attacks the optic nerve, spinal cord, and in some cases the brain stem.

NMOSD is often misdiagnosed, and every delay in diagnosis can carry significant and devastating consequences. A single relapse could mean permanent loss of vision, mobility, and independence.

I think today of a young man named Ni, who's a constituent from my district who is navigating right now this diagnosis with remarkable resilience.

Imagine being a young person pursuing your education and building your future when suddenly your body begins to turn against you. Your vision changes. Your strength fades,

and your search for answers is inconclusive.

That is the reality for those living with NMOSD. Like so many others, Ni's journey has been filled with uncertainty, setbacks, and challenges that no person should have to face, but he continues to push forward, holding on to hope and showing strength in the face of a disease that can change lives in an instant.

In 2022, there were about 22,000 individuals living with NMOSD in the United States. Studies show that up to 90 percent of those diagnosed are women, and that NMOSD is more prevalent among those of African or East Asian descent.

We must continue to invest in research and make space in our healthcare system for rare diseases that often go unseen.

We also have to ensure that patients have access to timely, accurate diagnoses, specialized care, and treatments that can prevent further harm.

This resolution recognizes individuals like Ni and the families who walk in this path alongside their loved ones. Ni, we recognize your strength and, to all those who are

impacted by this condition, your resilience and your courage.

And we commit ourselves to ensuring that no one facing this disease or any other underrepresented health condition feels invisible, because rare should never mean forgotten.

Thank you to Senate Majority Leader Andrea Stewart-Cousins for her support. I am very proud to be voting in favor of this resolution, and I hope my colleagues will join me in voting aye and recognizing this month.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Webb.

The resolution was adopted on March 31st.

Senator Gianaris.

SENATOR GIANARIS: And lastly, but not least, previously adopted Resolution 1399, by Senator Persaud. Read that resolution's title and recognize Senator Persaud, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Resolution 1399, by

Senator Persaud, memorializing Governor Kathy Hochul to proclaim April 29, 2026, as Denim Day in the State of New York.

ACTING PRESIDENT BAILEY: Senator Persaud on the resolution.

SENATOR PERSAUD: Thank you, Mr. President.

Today I rise to speak on Denim Day, as I usually do.

As you know, we stand today in solidarity with survivors of sexual violence and reaffirm a simple but powerful truth: No one ever asked to be harmed, and no one should ever be blamed for experiencing this harm.

April is considered Sexual Assault Awareness Month. But we should not have to speak about sexual assault awareness, because it's something that should never happen.

Denim Day originated in response in 1998, because of an Italian court's decision. It overturned a rape conviction, and the reason for them overturning the rape conviction was because the person who was raped was wearing tight denim. And so the judges, in their infinite wisdom, implied that because the person was wearing these

tight denims, that she had had to help the person who violated her. And they threw out that conviction, and the person walked free.

The young woman was devastated, as anyone should be, because she was violated.

So in response to that decision, women in the Italian Parliament, the next day they all wore jeans in solidarity with the victim.

Today, across the world, we wear jeans. And it will be tomorrow, so anyone who wants to wear jeans tomorrow -- not in the chamber, but anyone who wants to wear jeans tomorrow, take your picture to show solidarity with sexual assault victims.

April 29th is the day we wear jeans to show that we will not tolerate sexual assault, sexual violence. It is unacceptable.

Sexual violence is not an abstract issue in our communities. Survivors are our neighbors, they're our relatives, they're our friends, they're our coworkers, they are people that we see on a daily basis. And many of them are afraid to speak about the violation that's occurred to them.

It also affects people from every background. Sexual assault, sexual violence does not discriminate. And so again, we ask that we stand in solidarity with sexual assault victims.

But we have to take action. As a state, we have a responsibility to ensure that survivors have access to services, trauma-informed care, and meaningful pathways to justice.

We must also continue to strengthen partnerships with our community-based organizations and invest in our prevention efforts. Prevention starts early. Let's have those early conversations. Your voice matters.

Please, if you hear of someone who has suffered a sexual assault, don't turn your back on that person. Have the courage to speak up on their behalf.

To every survivor, we want them to know, their voice matters. We respect them. We support them. And we will do everything in our power to ensure that it never happens to another person.

On Denim Day, again, I encourage you to do more than just wear your denim, but to

speak up -- speak up, speak out, be supportive.

Again, I want to thank Leader Stewart-Cousins and all of you in this chamber, all of you, my colleagues, who continue to support this resolution every year that we bring it to the floor. Because sexual assault, sexual violence, should not be tolerated, and we should not hide from the realities of what's occurring.

So again, I thank you all for your support, and I vote aye.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Persaud.

Senator Webb on the resolution.

SENATOR WEBB: Thank you, Mr. President.

I want to thank Senator Persaud for continuing to lift up this important conversation around Denim Day.

I'll just add that it is one of the longest-running sexual violence prevention and education campaigns in history, and is most certainly a testament to how far we've come and the work that has already been done in this space.

But it also underscores even more how much further we have to go with respect to preventing sexual assault: 81 percent of women report experiencing sexual harassment in their lifetime, and that statistic is painfully disturbing and unacceptable.

Awareness campaigns like Denim Day allow every person to stand together in solidarity with victims of all genders. It creates the time and space for victims and advocates to feel supported, heard and, most importantly, recognized for their truth.

No one should be blamed for their sexual assault because of what they were wearing, no article of clothing can ever bear responsibility for the violent actions of another person.

Mr. President, I'll be voting in favor of this resolution, and I encourage my colleagues to do the same.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Webb.

The resolution was previously adopted on January 21st.

Senator Gianaris.

SENATOR GIANARIS: Mr. President, the sponsors of today's resolutions would like to open them for cosponsorship.

ACTING PRESIDENT BAILEY: All the resolutions are open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: I have a motion here by Senator Mayer. On page 25, I offer the following amendments to Calendar Number 707, Senate Print 9517, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR GIANARIS: Please take up the calendar.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 199, Senate Print 54A, by Senator Fernandez, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Fernandez to explain her vote.

SENATOR FERNANDEZ: Thank you, Mr. President.

Following off the last resolution, Denim Day, I proudly wore my denim suit today.

But the message is relevant to this bill. What you wear is not an invitation for assault or attack or rape. And what you choose to consume, should you get intoxicated, is not an invitation to assault, attack or rape.

I rise today in support of this legislation. I thank my colleagues for advancing a bill that brings our laws closer to reality. Gaps in the law are leaving survivors without clear protection, allowing the focus to drift away from the actions of those who caused the harm and towards the circumstances surrounding the survivor.

This bill addresses that gap, and by making clear that a person who is intoxicated to the point where they cannot remember, is incapable of consent, regardless of how the condition occurred. It affirms a simple standard: Consent cannot exist where capacity does not.

I thank this body for passing this bill once again, and I look forward to seeing its full passage so that survivors of rape, when they are intoxicated, however way they got intoxicated, can get justice.

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 287, Senate Print 156A, by Senator Salazar, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 386, Senate Print 871, by Senator Bailey, an act to amend the Public Housing Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

427, Senate Print 8628, by Senator Salazar, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 469, Senate Print 6750, by Senator Webb, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 546, Senate Print 4584A, by Senator Salazar, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 549, Senate Print 6814, by Senator Bailey, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 711, Senate Print 7612, by Senator Martinez, an act to amend the Social Services Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 712, Senate Print 8045, by Senator Bynoe, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 730, Senate Print 8877, by Senator Gianaris, an act to amend the Labor Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: The bill is laid aside, and the perfect game is over.

(Laughter.)

THE SECRETARY: Calendar Number 737, Senate Print 9311, by Senator Persaud, an act directing the Department of Environmental Conservation to conduct a study of ecological restoration needs of Jamaica Bay.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 756, Senate Print 17, by Senator Skoufis, an act to amend the General Municipal Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 777, Senate Print 5516A, by Senator Hinchey, an act to amend the Railroad Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 777, voting in the negative: Senator Walczyk.

Ayes, 57. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 789, Senate Print 441A, by Senator Myrie, an act to amend the Election Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 797, Assembly Print Number 2239, by Assemblymember Braunstein, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 797, voting in the negative:

Senator Brisport.

Ayes, 57. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 806, Senate Print 3356A, by Senator Rivera, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 806, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Griffo, Helming, Lanza, Martins, Mattera, Murray, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Tedisco, Walczyk, Weber and Weik.

Ayes, 39. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 816, Senate Print 8234A, by Senator Jackson, an

act to amend the Education Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 820, Senate Print 2416, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 730, Senate Print 8877, by Senator Gianaris, an act to amend the Labor Law.

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

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Yeah.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Through you, Mr. President.

So I read this bill with some

curiosity. I'm trying to figure out what exactly -- what problem it's trying to solve. Could you just kind of explain to me what the genesis -- you know, what brought this bill about?

SENATOR GIANARIS: Sure. There is a phenomenon called "ghost jobs." And if you're not familiar with it, I encourage you to do some research. It is one where a job is posted but the posting company has no real intention of filling the jobs.

And so people who are out of work, who are trying to plan their lives, who are seeking employment, will apply for these jobs when there is no real job that is pending to be filled.

And the companies do this in order to gather data on applicants, in order to create the impression of growth of their company when they're not really trying to hire. There are various reasons why this is a thing that occurs.

But it is definitely a phenomenon that is growing and that we would solve for by requiring some very simple disclosures.

SENATOR BORRELLO: Mr. President,

will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Mm-hmm.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: That's pretty interesting. So we're going to really try to delve into the intent of someone that was intentionally trying to deceive someone.

As someone who's hired a lot of people over the years, you know, sometimes jobs don't get filled because the right person doesn't step forward, or you want to just make sure that you're always available to have a good person come forward.

So how are we going to determine the bad actors from people that just simply want to make sure that they are, you know, engaging in every opportunity to hire a good person?

SENATOR GIANARIS: The bill is very simple. It says if the job is for an immediate opening that is intended to be filled within 90 days, that it certainly should say so. This job is for -- I think the disclosure says, "This

posting is for a current vacancy, the employer intends to fill this position by such-and-such a date."

If there's a job that they know will be filled beyond a 90-day period, it will require a disclosure saying that: "This posting is for a current vacancy; the employer intends to fill this position for a date after such-and-such."

And if in fact it's just an open-ended job posting, which I think is the example you're referring to, it would require something to say "This posting is not for a current vacancy, but the employer is seeking resumes to review in the future when jobs do become available."

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Well, but aren't you -- by giving a certain fill-by date within 90 days, you're insinuating there has to be some

kind of a guarantee. So you have to be guaranteed that you're going to actually fill a position that you're looking for? Sometimes you just don't find the right person or at the -- you know, at an affordable, you know, salary.

How are we going to determine that this is a guarantee?

SENATOR GIANARIS: There's no guarantee required in this legislation. In fact, it specifically says the employer intends for the position to be filled in 90 days or less.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So who's going to determine the intent, whether or not it was, you know, actually genuine or not?

SENATOR GIANARIS: The Department of Labor would have enforcement powers. If they believe that someone was violating this statute, then they could bring action.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: You know, I was looking at the fines. This is pretty excessive. A $2500 fine, and then that will double? Even if it's remedied within 30 days, that fine still applies, and then it doubles to 5,000 after that? Doesn't it seem excessive and harsh for a job posting?

SENATOR GIANARIS: I mean, I don't -- "no" is the short answer.

And if Senator Borrello thinks a company can't in 30 days have a posting taken down, then I don't really know what to tell him. It seems pretty reasonable that if you give someone a month's notice to take down a posting, they should be able to do it.

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

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: But doesn't your bill say that even if they do take it down, they're still subject to a $2500 fine? If it's beyond 30 days, then $5,000?

SENATOR GIANARIS: Yes, you are asking about the increase in fines as the months roll on.

So yes, there would be an initial $2500 fine for a violation.

If the posts are taken down with a month of that notice, then that would be the end of it.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: One of my peeves with a lot of the bills here is they don't

distinguish between full-time equivalents, FTEs, and people.

You know, this says a hundred people or a hundred employees. So I know you're trying to set a threshold that you have to be a business that employs a hundred people or more. But, you know, there's a lot of companies out there, you know, like myself that are part-time seasonal businesses.

Does this contemplate FTEs or just the number of people?

SENATOR GIANARIS: Just employees, which is the standard definition we use to delineate what's a small business versus a large business.

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

ACTING PRESIDENT BAILEY: Does the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: So does this apply to just like a minimum-wage job? A part-time, you know, minimum-wage job, this would

still apply? There's no threshold where we're -- you know, you're going after a professional person that's making a six-figure salary?

What's the determining factor here as to what would be considered, you know, a violation worthy of a punishment of $2500?

SENATOR GIANARIS: There's no salary threshold in this, in the legislation. It would apply across the board. In fact, people that are applying for minimum-wage jobs would perhaps be more in need of protection than people who would be seeking higher-paying jobs.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Through you, Mr. President. So you're going to allow -- you're basically going to task the Department of Labor -- this could be very I think labor-intensive, no pun intended, for the Department of Labor, because you're allowing

really any aggrieved person to report this, and an investigation has to be, you know, commenced after that.

I mean, so you see a job posting for a job that maybe you weren't even going to apply for, and now we're going to create an investigation by the Department of Labor? Is that what this bill would do?

SENATOR GIANARIS: I don't believe it would require an investigation if the department's incapable of conducting one.

But it authorizes them to conduct investigations.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: You're an attorney, I'm not. But doesn't this bill kind of create some legal ambiguity around what an employer intends to do?

SENATOR GIANARIS: Uh, no.

(Laughter.)

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: Why?

SENATOR GIANARIS: Every law we pass requires an intentional -- well, not every one, but predominantly the laws we pass require an intentional violation. I am a lawyer. It's called mens rea, right, in the legal jargon, because we don't want to punish people when they do things that they don't intend to do. Right?

And so that is so much of the statutes of our state and every state, and the nation, and the world, require an intent to commit the crime. And so that is -- or not crime, a violation in this case.

That is just a part of jurisprudence. So I understand you're not a lawyer, but you've probably got some surrounding you you can ask.

SENATOR BORRELLO: A few.

Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: No. Uh, yes, I'm sorry.

(Laughter.)

ACTING PRESIDENT BAILEY: The sponsor does indeed yield.

SENATOR BORRELLO: It's not that late.

SENATOR GIANARIS: We're almost there, Borrello, but not yet.

SENATOR BORRELLO: Through you, Mr. President.

So I know you say we don't want to -- you know, if somebody did something unintentionally, that we don't want to punish them for it. But again, I'm not a legal expert here, but what is to stop -- who is determining whether or not it was intentionally done or not?

You know, I just think that's an ambiguity in itself. You could have, you know, someone that -- you know, whatever, the job

posting company or the publication that they use left it up longer, or maybe they're using a company that hires people for them, a head hunter. Who's liable, then, if that was the case --

SENATOR GIANARIS: The --

SENATOR BORRELLO: -- the company or the company hired?

SENATOR GIANARIS: Sorry to interrupt.

That's a determination for the enforcing authority whose decision could be challenged in court if the aggrieved party sees fit to do so.

I would point out to Senator Borrello the intent requirement is intended to protect someone who might be accused of violating the law. So if he wants to remove that to make it cleaner, he could put in a bill to amend this further. But I think the people you are trying to protect would be further hurt by that.

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

ACTING PRESIDENT BAILEY: Will the

sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR BORRELLO: I think this is my -- I guess this is my last question here.

Has there been an outcry about ghost jobs? Where have we heard this -- you know, this is the first time I'm hearing about this. I'm an employer, I'm a member of the NFIB, the New York State Restaurant Association. I'd never even heard of ghost jobs before I saw this bill.

So is there a real outcry? Are we really looking -- is this a problem that's really out there to be solved?

SENATOR GIANARIS: Yes.

SENATOR BORRELLO: That long question, I only get one word for a response?

All right. Mr. President, on the bill.

ACTING PRESIDENT BAILEY: Senator Borrello on the bill.

SENATOR BORRELLO: You know, this bill does what a lot of other bills that we've

passed in this chamber do, and that is create a private right of action.

So I'm not much concerned, quite frankly, about someone who is truly, you know -- I guess duped, if you will, that they thought the job was open, they applied for the job and they never heard.

But I am worried about, once again, creating an opportunity for someone to create a class-action lawsuit and getting a lot of small companies in particular, because 100 FTEs wouldn't necessarily mean 100 full-time employees, it might mean 10 or 20 employees.

You know, it might mean somebody, quite frankly, that, you know, doesn't necessarily have a huge business but has a lot of labor, like a restaurant. I can speak from personal -- I guess personal experience there.

But what we're really doing here is we're in search of a solution for a problem that really doesn't exist, in my opinion. And at a very, very hefty fine.

This is going to create what I would consider to be a bounty hunter situation, where we're going to have attorneys out there combing

through all the job postings, whether it be on social media or in a newspaper or some kind of a job site, and then we're going to start creating lawsuits and, you know, issues like that that make it harder and harder and more expensive to do business here.

This is why New York State is consistently at the bottom of every list when it comes to businesses, as a friendly place to do business. We rank 41st out of 50 states in the country for starting a new business, 41st for the great Empire State. We make it harder and harder for people to be able to just have a business, be profitable, employ people, and have a -- make a living for themselves and the people and the families that they support in their business.

And this is just another step in that direction, unfortunately. I just don't see this as something -- a problem that is worthy of such a hefty, severe fine -- $2500, $5,000 for posting a job for a little too long? That seems excessive to me.

As a small business owner, I can tell you -- as a member of the NFIB, who also has big problems with this, I can tell you this is

already a difficult place to do business. Let's not make it even more difficult with such a heavy burden like this bill.

So I'll be voting no. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Borrello.

Senator Murray, why do you rise?

SENATOR MURRAY: Through you, Mr. President, would the sponsor yield for a couple of questions?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: I do, yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

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

Just for clarification, I'm trying to get ahold of the time frames on -- so when it says that they must be clear about whether it's to be filled before 90 days or after 90 days, would that be solved easily by them simply saying "immediate openings"?

SENATOR GIANARIS: I'm not sure I understand the question, Senator.

SENATOR MURRAY: So when the -- I'm sorry, through you, Mr. President --

ACTING PRESIDENT BAILEY: Senator Murray, please rephrase the question.

SENATOR MURRAY: Sure.

So in the -- you're placing an ad, you have some openings, and you start your ad with "immediate openings." Would that cover the time frame?

SENATOR GIANARIS: No, there's a very exact text that's in the legislation that they would have to use.

SENATOR MURRAY: Mr. President, will the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR MURRAY: Thank you.

Through you, Mr. President. I also just wanted to cover the fines, where it says a violation for each print publication or digital platform.

Many times you'll have a print

publication that also offers the digital platform as one. So when you purchase the ad, it will go in the print, also on the website or on the digital platform.

Would that count -- if there's a violation, would it count as one or two?

SENATOR GIANARIS: I'm sorry, I was talking with staff. Can you repeat that one more time?

SENATOR MURRAY: Sure. Through you, Mr. President --

ACTING PRESIDENT BAILEY: By all means, Senator Murray.

SENATOR MURRAY: So many times when you place a help wanted ad, there is a print publication as well as a digital platform. And you get it as one. You purchase one ad, it goes on both.

For the violation purposes, if you were to be found in violation and you had it on both, is that one violation or two?

SENATOR GIANARIS: That would be two.

SENATOR MURRAY: That would be two separate.

Thank you, Mr. President. On the bill.

ACTING PRESIDENT BAILEY: Senator Murray on the bill.

SENATOR MURRAY: Thank you, Senator Gianaris.

The problem is real. I was in this business, I owned an employment newspaper and website. The problem is real, in that -- and it is very, very frustrating. Some companies will place ads that either aren't real or for a ghost position. Sometimes they'll place ads to gather information, to gather data that later they sell.

I'm not saying this is right to do this. I'm just wondering if the punishment may far exceed what's happening.

The problem is, as I said, frustrating. That's about as far as it goes. It's not illegal. It's not -- it's not putting anybody in jeopardy or anything. It's just frustrating. You see an ad, you send a resume in, you didn't hear anything back. Two months go by, you still see the ad. Well, what happened? Why didn't they get back to me? So yes, it is frustrating.

Is it worth punishing people who are employing people? I'll give you an example. You've got a company that gets a big contract, they're a manufacturer. They've got multiple positions that they're hiring for, and they put that ad in there that they have these multiple positions.

Well, they may fill some of them. They may want to do it within 90 days. They just can't. Or maybe they're just going through the resumes very, very carefully and they want to get more.

I'll give you another example. Some publications, when it comes to employment, some are biweekly publications, some are monthly publications. If you place an ad in a monthly print publication, once that ad is placed, you can't magically pull it out.

So if in fact it's found that the position was filled but the deadline passed, you're still running that ad for a full other month. You didn't do anything wrong, you just missed the deadline because it was a monthly publication.

So 30 days really isn't very

realistic. But I'll tell you what, $2500 is very realistic to the pockets of people -- of companies that are trying to employ New Yorkers.

So I do think we should continue to look at the problem, at the situation, and I appreciate that that's what's being done. But I think the punishment here far, far outpaces the so-called problem here.

So I'll be voting no. Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator Murray.

Senator Tedisco, why do you rise?

SENATOR TEDISCO: Yeah, will the Met fan -- I mean Senator Gianaris rise?

ACTING PRESIDENT BAILEY: As a Met fan, Senator Gianaris, do you yield?

SENATOR GIANARIS: I am both of those things, yes.

SENATOR TEDISCO: My condolences.

ACTING PRESIDENT BAILEY: The Senator yields.

SENATOR TEDISCO: The definition of employer here, is it for part-time or full-time employment, or both?

SENATOR GIANARIS: Both.

SENATOR TEDISCO: And if I was --
ACTING PRESIDENT BAILEY: Senator Tedisco, are you on the bill or are you asking the sponsor to yield?
SENATOR TEDISCO: You want to yield again?
ACTING PRESIDENT BAILEY: Will the sponsor yield?
SENATOR GIANARIS: Yes.
ACTING PRESIDENT BAILEY: The sponsor yields.
SENATOR TEDISCO: And if I was just a citizen and I want somebody to mow my lawn and I put an advertisement in the paper, or come to my farm and clean up the horses and do some things around the farm -- not hiring them full-time, but maybe a one-time thing, would they have to stipulate anything about that?
SENATOR GIANARIS: Only if you're hiring more than a hundred people.
SENATOR TEDISCO: A hundred people?
SENATOR GIANARIS: Yes.
SENATOR TEDISCO: Yeah. And --
SENATOR GIANARIS: It's a pretty big operation at that point.

SENATOR TEDISCO: Yeah, would the gentleman yield again?

SENATOR GIANARIS: It's a big lawn, Senator Tedisco.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR GIANARIS: You know, in the city we don't have lawns that need 100 people to mow them. Maybe in Saratoga you do.

Yes, I yield.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR TEDISCO: So one of the things that upsets our constituents to the extent that -- they think we treat ourselves differently than we treat them sometimes. Like, they have deadlines and when they have to get something done, they get it done on a deadline.

We have budgets. When we've got to get it done in the last five years, we haven't got it done, we're late now.

I'm wondering, the State of New York, in all our divisions, and all of us in this room, when we put out advertisements to hire people, these stipulations would relate to us and

the State of New York also, right? Although we're not a business, we shouldn't treat ourselves any differently than the employees we want to hire.

So all the stipulations in this bill relate to like the director of some organization here, or a staffing need that we put out advertisements, and they'd have the same stipulations? And you or I, if we wanted to hire a staff person and we put an advertisement out there, we'd have the same stipulations as the businesses would? Does that bill cover that?

SENATOR GIANARIS: No.

SENATOR TEDISCO: Okay, thank you.

This is another illustration --

ACTING PRESIDENT BAILEY: Senator Tedisco, are you on the bill?

SENATOR TEDISCO: Yup.

ACTING PRESIDENT BAILEY: Senator Tedisco on the bill.

SENATOR TEDISCO: -- another illustration of how we treat others in our state, which has forced them to walk out of the state and vote with their feet.

I mean, I can't express it enough.

You know, you're going to treat businesses like this, but then you're going to treat the employees that we hire in the state and have the opportunity to put these advertisements in there -- and you know what? I have my constituents call me, and they say they go for interviews, and the same thing you're talking about that businesses might do, they're ghosting and doing to some of my constituents in my district.

So why would you treat yourselves differently, or the State of New York differently, when you hire people? You are employers, you're also elected officials, you're also representatives.

You're telling businesses: You'd better not make any mistakes, you've got a certain number of days to get this done, you'd better be truthful, but you're treating the constituents, all the state people who we hire here, potentially, a little bit differently.

We can ghost them -- you can ghost them when you become their employer, with the employees, but the businesses in the state, they've got to have specific guidelines and

mandates. And these specific guidelines and mandates are the reason why people are voting with their feet.

And remember what the situation is. You're projected to lose two or three in the next counting procedure, census. And every two minutes and 24 seconds, somebody leaves the State of New York, because of this.

You're an employer, everybody who hires somebody in our state agencies are employers. You want to treat businesses like this, give them guidelines, give them more mandates, and they're going to pack up and walk out.

And then the Governor last year, who says I don't care if millionaires leave the State of New York, what do I care if they don't like -- but then last week she was on her knees, please come back, we need your dollars.

Why do they need the dollars and their money? Because of spending that takes place, because of the taxes in New York State, because of energy policies that are ridiculous. And she's pointed them out with a memo from her own office. And that's part of why we're here

today with a late budget, the fifth year in a row. We couldn't do the number-one thing that's probably most important by our constitution: A good, balanced, on-time budget to keep people in New York State and attract them to come here.

And again, I'll tell you, it's not to South Carolina or Florida or Texas. Things like this bill, what you're doing to businesses and jobs in New York State -- it's Connecticut, it's Pennsylvania, it's New Jersey. They're leaving the state in droves.

Stop this. Please, treat yourselves in the State of New York like you're treating your constituents, or do better for them like you're doing better for yourself.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Tedisco.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Senator Gianaris.

SENATOR GIANARIS: We've agreed to

restore this bill to the noncontroversial calendar.

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

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

As an initial matter, I'm fascinated by how Senator Tedisco is hiring a hundred lawn-mowers when he hasn't got a paycheck in a month. But I can ask him that offline.

And I appreciate that Senator Borrello doesn't have a great knowledge of the legal system in our state. But there is no private right of action in this bill. A private right of action is when an individual is empowered to bring suit him or herself against a

violation.

This would have to go through the Department of Labor, so there is not in fact a private right of action provided for in this bill.

Also, I appreciate that his own colleagues contradicted him about whether this is a real problem or not. Senator Borrello pointed out that he didn't think this was something he's ever heard of.

Senator Murray, who I appreciate his recognition of the problem being a real one that a lot of people who are frustrated deal with it -- it may seem like it's just a frustration and nothing more, but if you're unemployed and looking for a job, I guarantee you that if you have to wait around for a job that doesn't exist, it's more than just a frustration.

And let's talk about the burdens on businesses. Let's be serious. We're talking about a sentence in a job posting. It either says the job is open right now, we hope to fill it within three months, the job's going to be open after three months and we'll fill it then, or we're not sure when the job is going to be

open, but we're collecting resumes.

That's all this bill says, one of those three things, when you post a job, just say that. I don't think it's a tremendous burden on a business that employs over a hundred people to add one sentence to a job posting.

I vote yes, Mr. President.

Thank you.

ACTING PRESIDENT BAILEY: Senator Gianaris to be recorded in the affirmative.

Senator Murray to explain his vote.

SENATOR MURRAY: Thank you, Mr. President.

I appreciate what the sponsor is saying there, but it's more than just a sentence. Because if you put that sentence in and don't fill it within that time frame, then it's a violation -- that can cost you $2500, $5,000 because you're trying to hire someone?

I don't think we want to punish employers. So for that reason I'm voting no.

ACTING PRESIDENT BAILEY: Senator Murray to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to

Calendar 730, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Mattera, Murray, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Tedisco, Walczyk, Weber and Weik. Also Senator Martins.

Ayes, 39. Nays, 19.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 789, Senate Print 441A, by Senator Myrie, an act to amend the Election Law.

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

SENATOR WALCZYK: Mr. President, I hope the sponsor would yield.

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Through you, Mr. President.

So the John R. Lewis Voting Rights Act provides for assistance for language minority groups currently. That's under

Section 17-208 of Election Law.

What does this bill change?

SENATOR MYRIE: Through you, Mr. President. It adds two groups to the language minority and protected class, language minority groups, to the language assistance requirement.

Those two groups are the Haitian Creole and Middle Eastern and North African, which has been recognized by the federal government as its own separate category worthy of recognition.

SENATOR WALCZYK: Would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Through you, Mr. President.

So adding Haitian Creole as well as Middle East and North African, as you were pointing out, has been newly defined.

And currently in the John R. Lewis

Voting Rights Act, if there's greater than 2 percent of those groups or greater than 4,000 individuals in a political subdivision, they would qualify for the language assistance from boards of elections.

What languages in these new additions -- obviously Haitian Creole, as you've named it. What languages would boards of elections have to be prepared to provide all of that material for if this bill becomes law?

SENATOR MYRIE: Through you, Mr. President. In the instance of Middle Eastern/North African or MEAN, as it is affectionately called, we have in this bill not specified all of the languages, as it is not on the federal level exhausted in the explanation of where those countries of origin or languages may be.

However, if you look at where the State of New York is on the top languages that are spoken, Arabic happens to be one of those top languages.

And if we approximate the information already provided by OGS on its Language Diversity Dashboard, I would just note

that the state already provides language access in 50 state agencies for these top languages, of which Arabic is one. We would add some counties to this language assistance requirement.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So of the additional languages that we might be adding here, what's the trigger? Is it on the language proficiency and the actual language that people are speaking? Or is it based on the census number, you know, based on Statistical Policy Directive 15? Which you point to in your bill, and that's the change that you articulated here on the floor that's adding the new check block in the census for Middle Eastern and North African.

Will it be any of the -- will it be a language trigger within those nations that have been described by the federal government? Or

will it be the number of people that have checked that block within a census tract and then a political subdivision? What's the trigger?

SENATOR MYRIE: Through you, Mr. President. This is not wholly tied to the census numbers. It refers to the census by way of the American Community Survey, as ACS defines language minorities and limited English proficient. That is the language that is used in the statute, and that would be how we would categorize.

SENATOR WALCZYK: And would the sponsor continue to yield?

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Through you, Mr. President. Yeah, the question is still the same.

So if in the American Community Survey that's scheduled to go out in 2027, if they've surveyed the political subdivisions of the State of New York and have found 2 percent or

4,000, which are the thresholds in the John R. Lewis Voting Rights Act, if they've found those thresholds to exceed the 2 percent or the 4,000, does that mean they'll be providing for all of the languages of all of those countries that are of Middle Eastern and North African descent? Or is there a particular language or will it be language-based to find that 2 percent or that 4,000?

SENATOR MYRIE: Through you, Mr. President. I think I understand the question now, and I think it is a determination that would have to be made by the boards of elections.

The requirement of providing materials, et cetera, that would make it easier for eligible voters to access the ballot I think could be determined by the Board of Elections' own experience with limited English proficient voters and speakers.

And I think we have some of that information by way of what the state already collects through its language access requirement for all of the other state agencies.

So it could be the case that there would be more than one language under the MEAN

requirement, should this become law, but that would be a determination made by the local board.

SENATOR WALCZYK: Briefly on the bill, Mr. President.

ACTING PRESIDENT BAILEY: Senator Walczyk on the bill.

SENATOR WALCZYK: So the countries that have been listed in Statistical Policy Directive 15, which the sponsor refers to here and has an impact on the bill that's before us, those countries are Lebanon, Syria, Egypt, Morocco, Iran, Israel, Palestine, Iraq, Kurdish -- which is not a nation -- and others.

But of those, many languages spoken -- French, Arabic, Armenian, Kurdish, Aramaic, Coptic, Berber, Spanish, Farsi, Luri, Asuri, Balochi, Hebrew, Russian, Yiddish, Ladino -- the list goes on. So I think, if I would ask the sponsor to yield --

ACTING PRESIDENT BAILEY: Will the sponsor again yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: I think for

purposes -- through you, Mr. President, for purposes of providing your intent to the Board of Elections, if we're going to allow the Board of Elections to determine whether it's the number of people that are from this region that the federal government is now going to count and account for and provide data for, would you provide some intent as to whether it's to meet the threshold for those languages within that region or whether it's that region at large?

SENATOR MYRIE: Yes. Through you, Mr. President. In both cases, whether it is a language minority group or a language by way of limited English proficiency, both of those make reference to language and what is spoken.

And it is our intent that if you are a limited English proficient speaker, if you speak another language but are eligible to vote, and you hit certain thresholds, that you would have the materials provided by the Board of Elections to help you.

So if that happens to be other languages that grow, as the Haitian Creole speaker population has grown, as the Arabic-speaking population has grown, and

certainly as other language speakers will be growing in our electorate, it is our intent to provide as much access as they are eligible for.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So then now that we have this new region -- through you, Mr. President. So now that we have this new region that we'll be considering under the John R. Lewis Voting Rights Act, and providing those services, why not just, with such a plethora of languages, why not open it up to all languages of the globe, with the same thresholds that you've proposed?

SENATOR MYRIE: Through you, Mr. President, I welcome my good colleague from the other side of the aisle, should he be so moved to open up language access for as many New York voters as possible, to introduce

legislation to that effect.

This is not meant to be a limiting principle, but to recognize growing population and language speakers in this state. And it is not meant or intended to be an exhaustive or final list. It is a a list that recognizes the current growing patterns in our state.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: It is inclusive for some, but not for all. And my question is why.

SENATOR MYRIE: Through you, Mr. President, this bill addresses two growing language-speaking populations. I am happy to hear that you support a New York for All and, again, would welcome you to introduce legislation to that effect that would open up access to more languages more specifically.

This is not a limiting bill. This

would not prevent us from expanding this list. But if you look at the languages that are spoken in this state, the languages that we already are required to provide language access for outside of ballot access, these are two languages that are growing. And that's why we are trying to provide more access.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Why countries of origin and heritage rather than judging the English proficiency of a region?

SENATOR MYRIE: Through you, Mr. President. We are matching what the federal definition of MEAN is.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Through you, Mr. President. Only citizens have the right to vote in New York State. There is an English proficiency portion of a naturalization process.

Does New York City already provide assistance for Haitian Creole and for Arabic?

SENATOR MYRIE: Through you, Mr. President, yes.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Are there populations outside of New York City that you anticipate that this will impact?

SENATOR MYRIE: Through you, Mr. President, there may be. It depends on what the demographic changes that may occur in the future.

But if you reference the OGS

Language Diversity Dashboard and look at both of these groups, whether it's Haitian Creole or Arabic, for instance, you would see that in Kings County, Queens County, Rockland County and Nassau County, they potentially might have a Haitian Creole-speaking population that would be triggered. For Arabic, the two -- or the three, rather, would be Kings, Queens and potentially Erie County that might be included.

But I don't want to say that with any finality. This would be up to the local boards of elections to determine.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: You continue to say Haitian Creole and Arabic. But earlier in debate we talked about the threshold meeting any of the other languages in various nations that are included in this new way to account for people's heritage.

Is -- why not outline Arabic specifically, if that's your intent?

SENATOR MYRIE: Through you, Mr. President. I was using Arabic to be illustrative in response to your question.

As I have stated previously, the definition here, and referenced in the bill, refers to the federal definition, because for a long time MEAN was not its own category and MEAN was looped in with categorizing yourself as white for purposes of data collection.

Because this was a recent change on the federal level, we thought it important for us to incorporate that for language access purposes in this bill.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: You mentioned some additional jurisdictions outside of New York City.

Has a fiscal analysis been done for how much this would cost those municipalities to implement?

SENATOR MYRIE: Through you, Mr. President. There has not been a fiscal analysis done. We believe that the responsibilities placed on the boards of elections would be able to be resourced.

And as I have for the entirety of my career here in the Senate, I continue to advocate for more money for our local boards of elections.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Through you, Mr. President.

So I think in your last response you've answered this next question. But can we anticipate that that will be on the local property taxpayers' funding for their local board

of elections to meet these new requirements?

SENATOR MYRIE: Through you, Mr. President, we cannot anticipate that.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: Through you, Mr. President. Is there a separate pot of money that we can anticipate as available for boards of elections to meet the new compliance here?

SENATOR MYRIE: Through you, Mr. President. We continue to advocate for more resources for our local boards. I think this majority, by way of budgets of years past, have increased the funding going to our local boards of elections.

We make changes to the Election Law every single year, in some years more than others, and our boards of elections have done their best to keep up with those changes and to try to comport with the law. And we don't

anticipate that this would be any different.

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

ACTING PRESIDENT BAILEY: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT BAILEY: The sponsor yields.

SENATOR WALCZYK: So the federal government will implement the new Statistical Policy Directive 15 in their 2027 Community Survey. But this bill goes into effect a year after it becomes law.

How can boards of elections comply with data that hasn't yet been created by the federal government?

SENATOR MYRIE: Through you, Mr. President. The requirement from the federal government in the Policy Order SP 15 is a request for agencies to inform them on how they plan to comply.

It is not a -- it does not require them to wait a year until they implement, but simply to by the year's end inform them how they have either implemented or plan to implement.

So I don't think that SP 15 serves as a barrier to our local boards of elections determining what languages may fulfill this bill.

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

ACTING PRESIDENT BAILEY: Senator Walczyk on the bill.

SENATOR WALCZYK: I appreciate your answers.

To become a naturalized citizen, you do have to pass an English proficiency test. This bill picks some languages to assist non-proficient-in-English citizens with assistance, but it ignores others.

Rather than providing select groups to help vote based on their first language, we should be making elections free and fair for everybody.

We also shouldn't be burdening local government with additional unfunded mandates.

We also shouldn't be constantly changing the rules of our elections to curry favor with singular groups, to elevate one political party over the other to a political end.

I therefore will be voting no and encourage my colleagues to do the same.

ACTING PRESIDENT BAILEY: Thank you, Senator Walczyk.

Are there any other Senators wishing to be heard?

Seeing and hearing none, debate is closed.

The Secretary will ring the bell.

Senator Gianaris.

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

ACTING PRESIDENT BAILEY: On consent, it has been agreed that this bill will be restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 789, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, O'Mara, Ortt, Rhoads, Walczyk and Weik.

Ayes, 43. Nays, 15.

ACTING PRESIDENT BAILEY: The bill is passed.

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

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, April 29th, at 11:00 a.m.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned until Wednesday, April 29th, at 11:00 a.m.

Let's go, Knicks!

(Whereupon, the Senate adjourned at 5:01 p.m.)