NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 6, 2026

3:35 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: 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 MAYER: The Reverend Dr. Shanell Turpin, of the Second Missionary Baptist Church in Catskill, New York, will deliver today's invocation.

REVEREND TURPIN: If you could take the hand of the person standing next to you --

(Assemblage reaction.)

REVEREND TURPIN: -- or grab someone's hand.

(Assemblage reaction.)

REVEREND TURPIN: Let us pray.

Almighty and eternal and all-loving Father, in this place where laws are made and discussed and debated, we remember Your greatest law and commandment: That thou shalt love the Lord thy God with all thy heart, with all thy mind, and with all thy strength.

And we come before You today asking

for Your holy spirit to be in this place and upon us today, and help us remember Your second greatest law and commandment, that we ought to love our neighbor as ourself.

So today, God, we remember our neighbor as we make decisions. And we don't know what our neighbor needs, but we know they need something. So, God, bless my neighbor.

I don't know what they're dealing with, but bless them, God. Use my hands to bless my neighbor -- not just the neighbor standing next to me, but the neighbor that I cannot see. Bless our neighbor today, Lord, because we need our neighbor to survive.

So bless our neighbor, and we know that if You bless our neighbor, we will be blessed, because You're in the neighborhood.

So we pray this prayer over all those who make decisions, so that they might do Your will in this place.

It is in respect with all faith traditions that we pray.

But in the name of Jesus, amen.

(Response of "Amen.")

ACTING PRESIDENT MAYER: Thank you,

Reverend, for reminding us to hold each other's hands. Thank you very much.

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 5, 2026, the Senate met pursuant to adjournment. The Journal of Monday, May 4th, 2026, was read and approved --

ACTING PRESIDENT MAYER: Can we have some order.

THE SECRETARY: On motion, the Senate adjourned.

ACTING PRESIDENT MAYER: Sorry.

Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Comrie moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 2400A and substitute it for the identical Senate Bill 1847A, Third Reading Calendar 141.

Senator May moves to discharge, from the Committee on Energy and Telecommunications, Assembly Bill Number 4127A and substitute it for

the identical Senate Bill 1227A, Third Reading Calendar 453.

Senator Baskin moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 10602 and substitute it for the identical Senate Bill Number 9355, Third Reading Calendar 830.

Senator Jackson moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 688 and substitute it for the identical Senate Bill 4675, Third Reading Calendar 860.

ACTING PRESIDENT MAYER: 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, Madam President.

Amendments are offered to the following Third Reading Calendar bills, both by

Senator May.

On page 33, Calendar Number 685, Senate Print 9097;

And on page 43, Calendar Number 835, Senate Print 8623.

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

Senator Gianaris.

SENATOR GIANARIS: Please recognize Senator Hinchey for an introduction.

ACTING PRESIDENT MAYER: Senator Hinchey for an introduction.

SENATOR HINCHEY: Madam President, I rise to introduce a special group of student leaders.

We have student government officers from all three elementary schools in Saugerties: Cahill, Morse and Riccardi elementary schools.

These students ran their own campaigns, they wrote essays, they stood before their peers and made their case for why they should be elected. And they won their seats.

Then they got to work, delivering on their vision to serve their community and

New York as a whole.

On their way to the Capitol this morning, they stopped at the Ronald McDonald House, where they hand-delivered supplies and gift cards raised through their annual Readathon. Those donations will go directly to help families in need here in Albany.

And back home, they show up consistently for our senior community at Ivy Lodge. They hold supply drives so residents can receive care packages and feel the love from their community. They visit on Veterans Day. They return at the holidays to sing carols, play music, and host "crafternoons."

And through their Flag Drive, they plant hundreds of American flags on the front lawn to honor our veterans.

At school, they lead with compassion. A previous student officer had the idea to create the SCORE store, which stands for "Saugerties Community Offering Resources for Everyone." Ever since, students have committed to keep it running. It's a free school supply shop stocked by community donations. Any student can walk in and get what they need -- no

judgments, no questions asked.

And just last month they raised money for the Saugerties Animal Shelter and Adaptive Design of the Hudson Valley, a nonprofit that builds custom devices for our neighbors with physical limitations.

These student government officers are truly walking the walk. They're setting an incredible example for what public service should be, and showing what it means to lead with kindness. And we're so glad that they're here.

Madam President, I would like to name the students who are here with us today.

We have Emma Granwehr -- feel free to stand if you want to. We have Emma Granwehr, Matthew Seplavy, Owen Gelles, Raina Burt, McKenzie Coutant, Brady Koegel, Turner Freeburg, Wyatt Smith, Elijah Yoshino, Audrey Heinlein, Michael Tiano, Lucas Tiano, Lennon Topple, Cash Fellows, and Willow Swart, with Chaperones Stephanie Pettit, Sarah Prutzman, Tammy Drost, Ronda Quick-Swart, and Jen Arcadipane.

A quick note: I had the pleasure of growing up and going to Saugerties High School

with many of these students' parents, including one of my fellow classmates, who's also here.

And it is just such a privilege to have you. Thanks for your leadership in our community. Thank you to the teachers and the chaperones who are here.

Madam President, please offer them all of the privileges of the chamber and welcome them.

ACTING PRESIDENT MAYER: Thank you, Senator Hinchey.

To our guests from the Saugerties School District student government officers, we welcome you to the Senate. We extend to you the privileges and cordialities of our house.

Please remain standing while you are recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Now let's move on to previously adopted Resolution 2038, also by Senator Hinchey, read its title and call on Senator Hinchey once again.

ACTING PRESIDENT MAYER: The

Secretary will read.

THE SECRETARY: Resolution 2038, by Senator Hinchey, congratulating the Marlboro High School Boys Bowling Team upon the occasion of winning the New York State Public High School Athletic Association Division II State Championship.

ACTING PRESIDENT MAYER: Senator Hinchey on the resolution.

SENATOR HINCHEY: It's a great day for the 41st District in this chamber today, Madam President.

I rise to recognize a group of state champions, our 2026 New York State Boys Division II State Champion Bowling Team, the Marlboro Dukes from Marlboro High School.

The Marlboro Dukes are no strangers to victory. Last year these players made history by capturing the first state title in program history; they battled against Seaford High School and narrowly won by just three pins.

This year, they returned to the lanes with a title to defend. They faced Seaford once again, with renewed resolve, and they focused on each frame, knowing that every roll

could make the difference.

Their incredible talents were rewarded again this year -- they took home another state championship, this time by 10 pins.

Winning one title is difficult enough, but defending it requires a whole different level of prowess. It demands relentless discipline and nerves of steel.

These student athletes spend countless hours in the lanes. Their success is a testament to their hard work and that of their coaches.

Securing back-to-back victories cements the Marlboro Dukes' legacy as a powerhouse in New York high school bowling. They have represented their school and their town with excellence and integrity, and they have shown us that through unity and perseverance, a small-town team can dominate the state stage.

And that great team includes Logan Daws, Matthes Lersch, Christopher Moulds, Zachery Moulds, Carson Palmer, Andrez Smith Vasquez, Patrick Tarsio IV, and Ryan Tarsio, with Coach Michele Landis and Athletic Director Philip Cancellaro.

Congratulations to this incredible team. Thank you to the coaches and the parents who believe in them.

Madam President, please join me in congratulating the Marlboro Dukes on this wonderful accomplishment and welcome them to the chamber.

ACTING PRESIDENT MAYER: Thank you, Senator Hinchey.

To our guests, the champions, state champions from the Marlboro High School Boys Bowling Team and their guests today, welcome to the Senate. We're privileged to have you.

Please continue to be stand and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Now please call on Senator Sanders for an introduction.

ACTING PRESIDENT MAYER: That resolution was previously adopted on May 5th.

Senator Sanders for an introduction.

SENATOR SANDERS: Thank you, Madam President.

Madam President, some people say that America's best years are behind it. They say that with these rising gas prices, wars, our best days are long gone.

To these folk I suggest that they turn their attention to my district, where we have a civics program, Kol Yisroel, which is working to ensure that values are taught and we will also learn critical thinking.

I had the pleasure of speaking to these young men this afternoon, and Rabbis Wall and Fink. And if I had just one more hour with them, we would have solved the world's problems, just one more hour.

I am very grateful they're here. I'm grateful that they had traveled this far up.

And if you ever get a chance, Madam President -- I believe you have taken some of those chances also -- you too know that if you give them one more hour, they will solve the problems of the world.

Would you be kind enough, Madam President, to offer them the courtesies of the Senate for their long trip, and especially for their critical thinking, so critical to the

American people this day.

Thank you very much, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Sanders.

To our guests, who, yes, I had the privilege of spending an hour with, or half an hour today, from Kol Yisroel, and the rabbis that are with them, we welcome you to the Senate on behalf of all of our members. Please enjoy the cordialities of the house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Madam President, our next introduction is by Senator Webb.

Please recognize Senator Webb.

ACTING PRESIDENT MAYER: Senator Webb for an introduction.

SENATOR WEBB: Thank you, Madam President.

I rise today for a very great introduction. Today we are joined by one of my constituents hailing from Homer, in

Cortland County. He is a veteran of the United States Army and the 204th National Guard Engineer Battalion, Mr. Patrick Kelley.

He valiantly served as a World Trade Center responder on September 11, 2001. Mr. Kelley served in the Binghamton-based 204th Engineer Battalion of the National Guard and was called up during 9/11 by former Governor Pataki.

The 204th Engineers had traditionally been builders, and previously worked on houses and schools in Central America and around the world.

When he was called to New York City on 9/11, Mr. Kelley, along with other members of the New York State National Guard, honorably sprang into action and worked as security guards at Ground Zero. Thousands of National Guard soldiers and airmen were a part of this response to the World Trade Center attacks, which happened 25 years ago this year.

These selfless individuals, who were on state active duty, have historically been prevented from accessing workers' compensation.

Mr. Kelley inspired me to introduce

legislation that would include these members of the New York State National Guard that were harmed as a result of their efforts to access these important benefits.

He is here with us today in Albany to support not only this important legislation, but to continue to be a voice and an advocate for all of those who serve our country.

This legislation, nicknamed Kelley's Law, is named after him because he is the person that inspired it.

Madam President, I ask that you join me in welcoming Mr. Kelley and his wife, Terry Villanova, to our chamber and to extend to them the privileges and courtesies of the floor.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Webb.

To Mr. Kelley, thank you for your distinguished service. Thank you for your response on 9/11. Thank you for your presence here today.

You are welcomed and acknowledged and respected by this entire chamber.

Please stand and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator Gianaris.

SENATOR GIANARIS: Okay, now let's take up previously adopted Resolution 1980, by Senator Webb -- bless you, Senator Griffo -- read that resolution's title, and call on Senator Webb again.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Resolution 1980, by Senator Webb, mourning the death of Salvador Vizcarrondo Jr., distinguished citizen and devoted member of his community.

ACTING PRESIDENT MAYER: Senator Webb on the resolution.

SENATOR WEBB: Thank you, Madam President. I rise again to lift up another important introduction.

Today this resolution is in honor of someone who we talk about in our chamber. We often celebrate educators who give back in innumerable ways but most certainly often go without gratitude in the ways that we know they deserve.

And they do it because they care and they are committed to ensuring it because they understand that education is a pathway for success and a pathway to thrive.

And so Mr. Salvador -- affectionately known as Sal -- Vizcarrondo, was one of those individuals.

We are joined today by James Bullock, his nephew, and also family members Damien Wagner and Kristen Sexton.

I had the pleasure of meeting and working with Sal as a student at my alma mater, Binghamton High School -- not that long ago, but long enough.

And one of the great things about Sal is that anyone that ever connected with him, you knew that he was rooting for you. He was always going to connect you to resources. And he dedicated his life to doing just that, always promoting educational opportunities for those who often get left out.

He did a lot of work as an academic counselor as part of the Upward Bound program. This is an academic program that helps low-income first-generation students from across our state

to achieve academic success in high school and prepares them most certainly for college.

Through his work in supporting countless students, he facilitated their opportunities -- and I include myself in that number -- for higher learning.

His work for SUNY Binghamton's Upward Bound program began in 1971. And as he continued to work with students throughout the years, he emerged as a clear leader in the organization.

When Sal passed away on October 24th last year, he left behind a legacy of not only former students and colleagues and friends, but most of all his family. He is someone that has a history of breaking barriers and blazing pathways forward for others.

He was a member of the first graduating class of the Educational Opportunity Program at Binghamton University, known as EOP. At that point in time it was called the Transitional Year Program, and it was directed by EOP's first director, Mr. John Benson.

Although Sal is no longer here in the physical sense, we know most certainly his

spirit lives on and will endure throughout the passage of time because he remains a comforting memory to all he served and those he befriended.

Madam President, I ask that you join me in welcoming James Bullock and family -- and the rest of the family of Sal to our chamber, and extend to them the privileges and courtesies of the floor.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Webb.

To the family of Salvador Vizcarrondo Jr., who we pay honor and homage to here today, welcome to the Senate. You are cordially welcomed and extended all the privileges of our house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: The resolution was previously adopted on April 28th.

Senator Gianaris.

SENATOR GIANARIS: Now, Madam President, let's take up previously adopted Resolution 1853, by Senator Fahy, read that resolution's title and recognize Senator Fahy.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Resolution 1853, by Senator Fahy, memorializing Governor Kathy Hochul to proclaim April 12-18, 2026, as Architecture Week in the State of New York.

ACTING PRESIDENT MAYER: Senator Fahy on the resolution.

SENATOR FAHY: Thank you, Madam President.

It's with wonderful pleasure today that I stand to recognize the profound impact of architecture, which it has on every New Yorker in our state, and to bring attention to the fact that the week of April 12th through the 18th this coming year will be Architecture -- or next year, will be Architecture Week in New York State.

And if we could -- actually, it's May 12th through the 18th.

If our architects could stand, I know we have a number of them here in the chamber with us today.

From the homes we live in, to the schools our children learn in, to the hospitals that care for our families, architecture really

shapes so much of what we do and beautifies our communities.

I will say I am from Chicago, so I feel like architecture is in my DNA. I've also had the great opportunity to spend a lot of time in New York City, and you cannot visit either city without a profound appreciation for architecture. And it really gives so much character to the city, and more.

But it goes well beyond that. It has a major economic -- it is a major economic engine. We have 12,000 registered architects as well as 22,000 licensed architectural professionals here in New York. They design and construct hundreds -- well, they're responsible for hundreds of thousands of jobs across New York, which contributes annually billions of dollars to the New York State economy.

Again, they design and build, but we've also entrusted them with protecting public health, safety, and welfare, such that our buildings are not only functional but accessible and sustainable and built to last.

We just had a hearing today for individuals with disabilities, and we heard a lot

about the barriers when buildings and community centers are not -- and employers are not as physically accessible, and how problematic that can be.

So thoughtful design, streetscapes can revitalize our main streets, preserve historic character, and really fuel smart, sustainable growth.

We've also seen phenomenal reuse of older buildings with new housing. We do think that their creativity is helping us to -- will help us solve the housing shortage, as they help deliver safe, affordable and high-quality housing by designing spaces that are not only efficient but livable.

Again, I hope we celebrate this design of -- the excellence of architects everywhere. And take a look around you the next time you even walk around this building, let alone buildings throughout New York State where we have beauty via architecture everywhere.

And with that, thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Fahy.

To our guests who are here in support of Architecture Week, we welcome you to the Senate. We extend to you the privileges and cordialities of the house.

Please stay risen and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: The resolution was previously adopted on April 21st.

Senator Gianaris.

SENATOR GIANARIS: Okay, let's move on to previously adopted Resolution 1346, by Senator Gallivan. Please read that resolution's title and call on Senator Gallivan.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Resolution 1346, by Senator Gallivan, memorializing Governor Kathy Hochul to proclaim May 3rd through 9th, 2026, as Correctional Officers and Employees Week in the State of New York.

ACTING PRESIDENT MAYER: Senator Gallivan on the resolution.

SENATOR GALLIVAN: Thank you, Madam President.

I rise to joint the rest of the

nation in celebrating National Correctional Officers and Employees Week, a time we should pull back the curtain on a profession that's often misunderstood, frequently overlooked, and unappreciated by many, but absolutely vital to the safety of our communities.

President Ronald Reagan first proclaimed this week in 1984 because he recognized the fundamental truth: The work done inside our correctional facilities is some of the most demanding in all of public service. It is difficult and it is dangerous. It's work, quite frankly, that most of us would not do and don't often think about.

Our dedicated correction officers and employees are responsible for the care, custody and security of over 30,000 incarcerated individuals in New York State. Despite the incredible challenges and impediments they face, they work to provide the structure and safety that makes rehabilitation possible, which is critical to keeping our residents and our communities safe.

To the men and women who serve in our correctional facilities, I thank you for the

work you do. I thank you for your bravery, your professionalism, and your unwavering commitment to a difficult but noble mission. And I ask my colleagues to do the same by providing the support necessary for you to effectively do your jobs.

It is more than appropriate that we recognize these public servants and call upon the Governor to proclaim this week as Correctional Officers and Employees Week in the State of New York.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Gallivan.

Senator Stec on the resolution.

SENATOR STEC: Thank you, Madam President.

I also rise, I'd like to thank Senator Gallivan for bringing this resolution before us all to memorialize Governor Hochul to proclaim May 3rd to 9th as Correctional Officers and Employees Week.

I want to rise and I want to express my personal gratitude to all the men and women, corrections officers and civilian staff, that

work in all of our correctional facilities during these difficult times. My thanks to them and their families for everything that they do to keep us all safe.

However, I also want to express my sincere frustration with the inaction and the hypocrisy of this body -- who will unanimously adopt this resolution -- because it's been 14 months since the CO strike ended, there are 3,000 fewer COs working for the State of New York today than there were then, and the Governor's declared state of emergency is still in effect today.

We have spent over half a billion dollars on the National Guard so far, and the Governor's proposed $535 million in her budget for the National Guard next year.

Since the strike, dozens of my constituents have had to go to the emergency room for injuries and chemical exposures that they have suffered working on behalf of all of us. Hundreds statewide have had to do that.

They still can't take scheduled vacation time because there's not enough staff in our facilities to allow that to happen.

Fourteen months ago, when the strike ended, promises were made out of Albany, out of this building and specifically by Governor Hochul, to address the safety issues that were brought up during that strike. And so far nothing has been done to adequately attempt to address those issues -- nothing by the Governor, nothing was mentioned in her budget, nothing was mentioned in her 30-day budget amendments, nothing is in the Senate one-house bill, nothing is in the Assembly one-house bill, and nothing has been brought up, to my knowledge, in the media that this is a subject of discussion as we try to work on the budget that is now five weeks late.

In fact, during Corrections Officers Week -- as it happens, yesterday -- two bills that would greatly improve safety in our correctional facilities were defeated in committee in the Senate.

So I'm very frustrated. I would implore all of you to look at the facts, open the newspaper and look at the weekly occurrences that's going on. And don't tell corrections officers that we appreciate them, show them that

we respect and appreciate the basics that we as an employer should be delivering -- safety for them, safety for everyone inside those walls.

But again, to the corrections officers and your families, on behalf of myself and my colleagues on this side of the aisle, a sincere thank you for doing what you do and for putting up with the nonsense that's coming out of Albany.

ACTING PRESIDENT MAYER: Thank you.

Senator Borrello on the resolution.

SENATOR BORRELLO: Thank you, Madam President.

I also rise, and I want to start off by thanking Senator Gallivan, the sponsor, for this, and Senator Stec for his words. I associate myself with the comments of both of those gentlemen.

You know, it is Corrections Officers and Employees Week, and we honor the men and women who work so hard at probably the most dangerous job in public service here in New York State -- sadly, because of inaction and actions out of this body and by the Governor, the Governor who has failed, as their employer, to

keep these folks safe.

You know, I have several prisons in my district. And in fact my father finished his career as a plumber, 15 years at the Lakeview Shock Incarceration Facility in my district.

The people that work there could choose to work elsewhere. My father could have chosen to be a plumber somewhere else. Teachers could choose to work somewhere else. Corrections officers, same thing.

They choose to be there, behind those bars, inside those facilities, because they care. They go through hours and hours of overtime, abuse, attacks, knowing that when they walk into that facility, something dangerous may happen. And all too often, it does. And yet they still go every day.

At that same Lakeview prison, just a couple of months ago, a teacher, a woman, was brutally beaten by an inmate. And then the corrections officers who came into the room to try to help her were also beaten.

And then that same inmate transferred to Attica. Two months later, before he was even indicted, before he was even indicted

in the first assault, he brutally assaulted six corrections officers at Attica.

This is the result of the HALT Act, the fact this person could not be constrained. This is the result of rhetoric that emboldens violence within our prisons. This is the result of a failure of our Governor to keep the employees that she's sworn to protect safe.

So while we celebrate this week and their sacrifice, let's remember that these are real people doing a very difficult, dangerous job, and they could very well work somewhere else. They choose to teach, to counsel, to protect, even though we do not protect them here in Albany.

So I stand with those that do this difficult job. And I implore you all, and particularly the Governor, to make their job safe once again.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Ryan on the resolution.

SENATOR RYAN: Thank you, Madam President.

I do also want to say thank you to

Senator Gallivan for bringing this resolution forward.

I want to rise and I do want to say that I recognize all the hard work that our members do, that the union members do in our correctional facilities. It's not lost on this conference. There are some -- despite what some may think, members of this conference do appreciate the hard work, the risk that many corrections officers take when they walk into work every day, those members of NYSCOPBA, those members of DC 37, those members of the Public Employees Federation who work within our correctional facilities.

And also being mindful that we do have inmates in this state that we also want to protect. It's not just about inaction. I actually have a couple of bills. So they're there. My double-bunk bill in maximum correctional facilities will help not just inmates and inmate violence but also inmate violence upon our correction officers.

We need to make sure that our state employees go to work every day and they remain in a -- work in a safe and secure environment. It's

important. It's imperative. And I just want to make sure that it's not lost on us that we do value their safety.

And also I have heard, loud and clear, from some of the members in the correctional facility about their inability to take vacation time where it's blocked off. Certainly we have a shortage. It's something that we need to deal with.

And I'm hopeful that we deal with it, sooner rather than later, for the sake of our corrections officers and the inmates who they protect.

I vote in favor. Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Ryan.

The resolution was previously adopted on January 13th.

Senator Gianaris.

SENATOR GIANARIS: Madam President, let's take up the -- oh, the resolutions we took up today are open for cosponsorship.

ACTING PRESIDENT MAYER: The resolutions are open for cosponsorship. Should you choose not to be a cosponsor, please notify

the desk.

Senator Gianaris.

SENATOR GIANARIS: Please take up the calendar at this time.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 141, Assembly Budget Bill 2400A, by Assemblymember Eichenstein, an act to amend the Public Service Law.

ACTING PRESIDENT MAYER: Read the last section.

SENATOR GIANARIS: Lay it aside for the day, please.

ACTING PRESIDENT MAYER: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 420, Senate Print 319, by Senator Salazar, an act to amend the Correction Law.

ACTING PRESIDENT MAYER: 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 MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Salazar to explain her vote.

SENATOR SALAZAR: Thank you, Madam President.

This bill would allow incarcerated individuals who are within four years of their release date to be eligible for temporary educational release.

Currently, eligible incarcerated individuals are already permitted to temporarily leave the correctional facility for educational purposes if they are within two years of their release date.

Research has clearly shown that individuals who are able to participate in higher education opportunities during their term of incarceration have fewer disciplinary infractions while incarcerated. There is also abundant evidence that higher education programs produce dramatically lower recidivism rates among incarcerated New Yorkers.

To put it plainly, if an incarcerated individual has the chance to engage

in formal education while serving their prison sentence, they are far more likely to live a crime-free life after they are released.

We also see increased rates of employment among these same individuals, contributing to their success in their communities after incarceration.

Despite these obvious benefits to public safety, educational leave is virtually never used in New York's prisons. By passing this bill today we will make these educational opportunities more accessible to incarcerated individuals and see the positive impacts of these programs both in our state's prisons and in our communities.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Salazar to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 420, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Helming, Lanza, Martinez, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Ryan, Stec, Tedisco,

Walczyk, Weber and Weik.

Ayes, 40. Nays, 22.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 453, Assembly Bill Number 4127A, by Assemblymember Stirpe, an act to authorize and direct the Department of Public Service to conduct a study on the deployment of energy interconnection processes into the electrical grid.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 453, voting in the negative are Senators Borrello, Helming, Oberacker, O'Mara, Ortt, Stec and Walczyk.

Ayes, 55. Nays, 7.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 492, Senate Print 5069, by Senator Griffo, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 492, voting in the negative:
Senator Skoufis.

Ayes, 61. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 666, Senate Print Number 8263A, by Senator Canzoneri-Fitzpatrick, an act authorizing the Congregation Khal Mevakshei Hashem, Inc., to receive retroactive real property tax exempt

status.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 666, voting in the negative are Senators O'Mara and Skoufis.

Ayes, 60. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 713, Senate Print 3274, by Senator Cooney, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 735, Senate Print 9062, by Senator Ortt, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 742, Senate Print 2498, by Senator Gounardes, an act to amend the Education Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of July.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Rhoads to explain his vote.

SENATOR RHOADS: Thank you, Madam President.

While I understand -- and we've actually debated this bill in the past, Senator Gounardes. While I understand the intent of the bill and I certainly respect the intent of the bill and do agree with portions of it, I respectfully believe that reducing the number of drills that we have is a critical error.

As I can tell you as a volunteer firefighter -- and I'm sure that my colleagues who have served in the military can tell you -- one of the most important things that you do is training and drilling to make sure that when there is a sudden emergency, you're in a position to be able to act and really act without

thinking, act with reflex, which is the very purpose of this statute.

By reduced the number of drills that we have, we are making our students less prepared in an emergency situation that they're already inadequately equipped for. And by reducing the number of drills, that will only exacerbate the issue.

So while I understand the purpose of the bill, the reduction of the number of drills causes me to vote no.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Senator Rhoads to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 742, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Gallivan, Griffo, Lanza, Martinez, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk and Weik.

Ayes, 42. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number

795, Senate Print 611A, by Senator Stavisky, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Weik to explain her vote.

SENATOR WEIK: Thank you, Madam President.

As I was going through today's agenda, I was reading through the description of this bill and I thought, Wow, that sounds vaguely familiar -- not just vaguely familiar, it sounds absolutely identical to a bill that I carry, No. 4628.

I am proud to carry this bill, Emma's Law, which represents the needs of an individual who was trying to speak out on behalf of her father, who was a victim of a vehicle crash in Schuyler, New York, which is near Saratoga.

I carry this bill; I inherited it from my colleague, Senator Daphne Jordan, who took it from her predecessor, Senator Kathy Marchione.

It's a shame that my bill didn't come to the floor, because I feel it was constructed a little bit better.

However, I do commend Emma on her relentless fight for victims' rights being able to be heard at sentencing for a misdemeanor, not just a felony, and so for that I vote aye.

ACTING PRESIDENT MAYER: Senator Weik to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 802, Senate Print 4763A, by Senator Bailey, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 802, voting in the negative are Senators Gallivan and Weik.

Ayes, 60. Nays, 2.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 809, Senate Print 3838A, by Senator Hinchey, an act to amend the Public Health Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill

is passed.

THE SECRETARY: Calendar Number 818, Senate Print 1551, by Senator Parker, an act to amend the Public Service Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

THE SECRETARY: Calendar Number 825, Senate Print 3741A, by Senator Fernandez, an act to amend the Public Officers Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 830, Assembly Bill Number 10602, by Assemblymember Rivera, an act to amend the

Public Authorities Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 841, Senate Print 559, by Senator Krueger, an act to amend the Election Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 841, voting in the negative are Senators Ashby, Borrello, Gallivan, Griffo, Helming, Lanza, Murray, Oberacker, O'Mara, Ortt, Stec, Tedisco, Walczyk and Weik.

Ayes, 48. Nays, 14.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 843, Senate Print 1609, by Senator Harckham, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first of February.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 860, Assembly Bill Number 688, by

Assemblymember Buttenschon, an act to amend the Executive Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 868, Senate Print 9735, by Senator Kavanagh, an act to amend the Public Service Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce

the results.

THE SECRETARY: In relation to Calendar 868, voting in the negative are Senators Rhoads, Borrello, Canzoneri-Fitzpatrick, Chan, Helming, Martins, Murray, O'Mara, Ortt, Walczyk and Weik.

Ayes, 51. Nays, 11.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 869, Senate Print 825A, by Senator Liu, an act to amend the Labor Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar 869, voting in the negative: Senator Walczyk.

Ayes, 61. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 879, Senate Print 335, by Senator Gianaris, an act to amend the General Business Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

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

SENATOR GIANARIS: Madam President, please recognize Senator Parker for an introduction.

ACTING PRESIDENT MAYER: Senator Parker for an introduction.

SENATOR PARKER: Thank you, Madam President.

I rise today to support a resolution that was passed proclaiming May 3rd through May 9th as Small Business Week in New York State, in conjunction with National Small Business Week.

Small businesses are more than just engines of our economy, they are the heart and soul of our communities. From neighborhood

storefronts to growing enterprises, they create jobs, drive innovation, and reflect the diversity and determination that define New York.

I'm especially proud to note that in my district, several of these businesses are part of the Goldman Sachs 10,000 Small Businesses Voices cohort, a program that provides critical support, advocacy and resources to help small businesses grow and succeed across our great state.

Their participation underscores not only their commitment to excellence, but also the strength and potential of small businesses in our community.

This week gives us an opportunity to recognize their resilience, their vision, and their lasting contributions. I'm proud to stand in support of this resolution to honor these small business owners from across New York State.

And I particularly want to shout out my good friend Jessica Johnson-Cope, chair of the 10,000 Small Businesses Voices National Leadership Council --

(Applause from the galleries.)

SENATOR PARKER: -- and will

accept, on behalf of our district -- and also the Sunflower Laundromat, and the owner is Elesia Forgie, that is located in my district as well.

This is, I think, an important program. One of the things we understand, all of us, in our commercial strips, that small businesses are the ones that keep things going, that provide most of the employment in our communities, particularly in Black and Latino, Asian communities as well, for most women.

And so this Goldman Sachs effort -- and this week, to acknowledge that -- is critical.

Thank you, Madam President.

ACTING PRESIDENT MAYER: Thank you, Senator Parker.

To our guests who are here with the Goldman Sachs small business program, and all of our small businesses, we welcome you to the Senate. We extend to you the privileges and cordialities of the house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT MAYER: Senator

Gianaris.

SENATOR GIANARIS: Madam President, at this time let's take up the controversial calendar, beginning with Calendar Number 879, please.

ACTING PRESIDENT MAYER: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 879, Senate Print 335, by Senator Gianaris, an act to amend the General Business Law.

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

SENATOR BORRELLO: Madam President, will the sponsor yield for a question?

ACTING PRESIDENT MAYER: Will the sponsor --

SENATOR GIANARIS: That's me.

ACTING PRESIDENT MAYER: Senator Gianaris --

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: -- do you yield for a question?

SENATOR GIANARIS: I do.

ACTING PRESIDENT MAYER: The

Senator yields.

SENATOR BORRELLO: Through you, Madam President.

Senator, we've -- I think this is the fifth time we've debated this bill. So happy anniversary. I'm sorry I didn't get you anything for it.

(Laughter.)

SENATOR BORRELLO: But my first question is, is there any other state that has decided they're going to take it upon themselves to enforce antitrust laws? Which has traditionally been a federal issue.

Is any other state doing anything similar to this bill?

SENATOR GIANARIS: Well, first of all, I believe the fifth anniversary is the wood anniversary. So you still have time to get me something.

(Laughter.)

SENATOR GIANARIS: There are other states that, like New York, have -- are attempting to impose the standard of abusive dominance, which is what this bill does. They are Minnesota, New Jersey, Maine and Pennsylvania

so far.

Also, you had asked the question of are other states taking it upon themselves to enforce antitrust laws generally? Yes. Pretty much -- I wouldn't say all of them, because I haven't done a 50-state survey, but New York certainly does. We've had the Donnelly Act, which this bill attempts to amend, which has been in place for the better part of a hundred years.

So yes, states routinely enforce antitrust laws on their own.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: Well, that's traditionally done through the Attorney General's office.

Our Attorney General has, I believe, 700 attorneys. And they obviously find the opportunity once in a while to do something that's not political and actually go after, you

know, people that are violating those type of statutes.

But that being said, this is going to create, wouldn't it, with a private right of action, kind of, you know, private attorney bounty hunters are going to be out there going after, in some cases, small businesses for allegedly being in violation of this.

Aren't you kind of creating a situation where we're going to have attorneys going out there and saying, this guy owns a gas station, and he's the only one in town, and we're going to make sure that everybody who bought gas there is going to get a check for 50 cents while the law firm, you know, profits millions.

SENATOR GIANARIS: Small businesses are exempt from the provisions of this bill.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: Well, you know,

I'm a small business owner, and I believe this applies to businesses with 100 employees or more, correct?

SENATOR GIANARIS: Correct.

SENATOR BORRELLO: Traditionally, a small business is considered a business with 500 or less employees. So I think this is well into the small businesses realm, wouldn't you say?

SENATOR GIANARIS: No, I would not.

SENATOR BORRELLO: Well -- Madam President, will the sponsor continue to yield?

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: The Senator yields.

SENATOR BORRELLO: Well, my wife and I employ about 200 people, and we are definitely, by every definition, a small business.

So 500 people or less -- which, you know, you can -- I think I would cite several references, but I'm sure you could quickly Google it, and that is traditionally a small business.

Why wouldn't you set that threshold at 500 employees and above?

SENATOR GIANARIS: First of all, I'm happy that Senator Borrello employs so many people. I hope he is prepared to comply with the outside income rules that go into effect in January, because it sounds like he's quite successful.

But no, in most bills that we have here, and a number of the laws across the state, a hundred is the barometer we use for defining small versus larger businesses.

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

ACTING PRESIDENT MAYER: Do you continue to yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR BORRELLO: Thanks to the tremendous cost of doing business in New York, it's not going to be a problem for my outside income. But thank you for your concern.

With that being said, we've got a definition of a market that's kind of vague in

this bill. The bill doesn't expressly define market or relevant market.

So dominance is kind of a broad term, isn't it? What's going to determine -- again, because we're going to allow any attorney in New York State, instead of the Attorney General, to actually go out there and go after businesses -- some that I would consider to be small, even though you may not agree with me -- instead of an Attorney General determining this.

So how are we going to determine that market is defined properly in order to ensure that we're not, you know, getting people I guess in trouble, if you will, and having to pay dearly in the form of civil -- particularly civil penalties, because we have a poor definition of market in this bill?

SENATOR GIANARIS: This bill does not reinvent the wheel as it relates to market definitions.

As I mentioned, the state has had antitrust laws on the books for almost a hundred years, and as part of that, markets are defined through enforcement actions and through the courts.

SENATOR BORRELLO: Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Borrello on the bill.

SENATOR BORRELLO: Thank you, Senator Gianaris.

You know, we just had a nice celebration of small businesses here in New York State by Senator Parker. We talk about a Small Business Week. But, you know, I represent rural areas. Rural areas are often places where lots of people are only served by small businesses or by businesses that are taking a risk to provide a product or service in the area where others will not.

A bill like this -- which, by the way, was -- just recently a study was done by a John T. Scott of Dartmouth College that talks about the damage that this bill will do, the 21st-Century Antitrust Act, if it were to be enacted. And it talks about the incredibly damaging effect it's going to have, by region, in New York State. But it particularly talks about small businesses in rural areas like mine.

So if you own half a dozen

gas stations in the area -- let me tell you, if you live where I live and drive the amount of miles that I drive, sometimes finding a gas station is difficult. And now this person that's decided to employ people in rural areas, provide, you know, in some cases the only place to get a carton of milk, a gallon of gas and many other essentials, could be the target of a class-action lawsuit because he's the only person that provides gasoline in a certain radius of this undefined market.

This is a -- this is -- do I believe that someone wants to intentionally do harm to small business with this bill? No, I don't believe Senator Gianaris's intention is that. I think he wants to go after businesses that, quite frankly, have a death grip in some cases.

So I understand that that's the intention. However, this is always an unintended consequence. And in this case, any attorney could determine that they believe that they have an opportunity to make some money by targeting small businesses, in rural areas in particular, that will have to pay.

And if you don't believe that, look

at some of the things we've already seen happen here in New York State. You know, we had this frequency-of-pay bill which literally put small businesses out of business. That wasn't the intention, but that was the result. And we have a huge problem still with that law which has not been changed -- not been addressed significantly.

It's tough enough to do business in this state, I can tell you from firsthand experience. When you look at a bill like this that's trying to address an issue that quite frankly should be handled by our Attorney General -- our Attorney General and her 700 attorneys and 1800 employees should absolutely be going after people that have a death grip on a market and they have caused, I think, unnecessary pain to people that are just trying to, you know, live their life and buy products and services at a reasonable rate. That's who we should be going after.

But this bill really is a scattershot that's going to hit multiple businesses across the state. The Business Council is against it, many other organizations.

And this lengthy study shows the direct negative economic impact that it will have.

So I stand here to tell you that despite the good intention, the unintended consequence could be devastating to our economy, and more people will choose not to do business here. More people will choose to close their businesses here. More people will choose to say that New York State is uninvestable.

So for that reason, I would strongly encourage people to vote no on this bill.

Thank you.

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

Seeing and hearing none, debate is closed.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: The bill has been restored to the noncontroversial calendar.

Read the last section.

THE SECRETARY: Section 10. This

act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Madam President.

My, how far my colleagues have fallen from some of the leaders of their party that might have once done something good.

It was Teddy Roosevelt, who was a member of the Republican Party, who was known as a trust-buster, who got aggressive with exactly the types of behavior in the market that we're trying to address with this bill.

The abuses are great, the markets are changing rapidly, and our laws are insufficient to address them. And this bill would deal with that.

Never mind Teddy Roosevelt, this president -- who I think is awful -- at least is using the antitrust laws to go after exactly the type of behavior we're dealing with here.

Yet my colleagues here don't want to

see fit to agree with either Donald Trump or Teddy Roosevelt on this issue. They want to stand in the way of our efforts to go after these companies that are abusing the marketplace in ways that we haven't seen before, because big tech in particular is using techniques that didn't exist before. And if we don't change our laws to do it, the existing antitrust laws we have in place become toothless.

My colleague mentioned that he thinks the Attorney General should really take this by the reins and run with it. Well, the Attorney General helped us draft this bill. So she seems to think that this is necessary to provide the tools to go after the abuses in the marketplace that exist.

So, Madam President, I appreciate my colleagues in this chamber who support this bill. We have done it for a number of years, as Senator Borrello mentioned. I'm hopeful we make some progress on the Assembly side and we're able to get it done. It would be landmark legislation that would set the tone for the rest of the country.

I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 879, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Chan, Cooney, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 39. Nays, 23.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 818, Senate Print 1551, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT MAYER: Senator Martins, why do you rise?

SENATOR MARTINS: Madam President, if the sponsor would yield for a few questions.

ACTING PRESIDENT MAYER: Will the sponsor yield?

SENATOR PARKER: Yes.

ACTING PRESIDENT MAYER: The sponsor yields.

SENATOR MARTINS: Thank you, Senator Parker.

I see that the bill prohibits sharing of consumption data, utility consumption, with police officers and certain law enforcement agencies. Does it extend to sharing that same data with New York State?

SENATOR PARKER: Madam President, through you. Who specifically in New York State are you referring to?

SENATOR MARTINS: Through you, Madam President, everyone.

The state, NYSERDA, PSC, whatever agency may -- regulatory agency may have oversight over these utility companies, would it keep the consumption data private from the state and state regulators?

SENATOR PARKER: Through you, Madam President, no.

SENATOR MARTINS: Thank you, Senator Parker.

Madam President, on the bill.

ACTING PRESIDENT MAYER: Senator Martins on the bill.

SENATOR MARTINS: So here we are

again with a bill that's supposed to be a privacy bill, but effectively it is just another attempt to handcuff law enforcement.

Now, I assure you that our police officers do not go around questioning the consumption data in utility consumption, electricity consumption, for businesses and for private ownership without having a reason to do so.

If they're going to inquire as to that consumption data, which sometimes has a direct relation to criminality as part of their investigation, I fail to see why we would, in this context, handcuff law enforcement yet, at the same time, decide that we're going to allow that same data to be available to state regulators for New York State to be able to go into these businesses to see how much electricity they're actually using for whatever purposes they want.

Either we are committed to protecting data and privacy, or we are not. And if it's only to handcuff law enforcement and not to actually protect people's data, then, Madam President, I think we're missing the mark.

Because, once again, we are going to side with making it harder to hold criminals accountable, and yet we're going to exempt the state and state regulatory agencies with regard to access to privacy, and that's a mistake.

And so, Madam President, I'll be voting no. I encourage my colleagues to vote no. Because there is absolutely no reason we would advance policy that handcuffs our law enforcement professionals in pursuing a criminal investigation and doesn't actually protect the privacy of those who are actually entitled to those protections. So I'll be voting no.

Thank you, Madam President. Thank you, Senator Parker.

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

Seeing and hearing none, debate is closed.

Senator Gianaris.

SENATOR GIANARIS: We've also agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT MAYER: The bill is restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Madam President.

This is an important piece of legislation that we are considering here, and I hope my colleagues will vote yes on it.

I want to respectfully disagree with my colleague who thinks that we're hamstringing law enforcement. Law enforcement will -- in this case will do what they always do when they need information, which is they'll ask for a warrant. It is the usual process that, you know, law enforcement goes through when they need any information from any agency.

Right now we're just being very specific about that information just not being handed over willy-nilly and make law enforcement go through the regular channels in order to

receive that information.

So this is a good bill. We should vote yes. And we should advance the protection and the privacy of all of our constituents.

Thank you.

ACTING PRESIDENT MAYER: Senator Parker to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 818, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Chan, Fahy, Martinez, Martins, Mattera, Oberacker and Skoufis.

Ayes, 53. Nays, 9.

ACTING PRESIDENT MAYER: The bill is passed.

Senator Gianaris.

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

ACTING PRESIDENT MAYER: There's no further business at the desk.

SENATOR GIANARIS: I want to point out for this evening that we have rooting interests: Vote for the Buffalo Sabres to begin their next round, and the New York Knicks, who

begin Round 2 as well --

(Scattered applause.)

SENATOR GIANARIS: -- or the second game of Round 2.

So let's go, Sabres, and let's go, Knicks!

And I move to adjourn until tomorrow, Thursday, May 7th, at 11:00 a.m.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Thursday, May 7th, at 11:00 a.m.

(Whereupon, at 4:42 p.m., the Senate adjourned.)