NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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April 2, 2025

3:28 p.m.

REGULAR SESSION

SENATOR JEREMY COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT COONEY: The Senate will come to order.

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

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

ACTING PRESIDENT COONEY: Rabbi Yaacov Behrman is here, from the Chabad World Headquarters in Brooklyn, New York, and he will deliver today's invocation.

Rabbi, please.

RABBI BEHRMAN: Thank you.

Almighty God, Sovereign of the universe, we stand before You today seeking Your blessing upon the members of the New York State Senate and upon all who call New York home.

We find ourselves in a time of unprecedented uncertainty -- our world deeply divided, wars and conflict continue to shatter lives across the globe.

In the face of such darkness, bless and empower us to make acts of goodness and kindness not just occasional gestures, but an integral part of our daily lives.

Guide us with wisdom to heed the teachings of the righteous leaders who have paved the path of goodness before us. May their faith, wisdom and deeds continue to inspire us.

That is the Lubavitcher Rebbe way.

My Rebbe, the Lubavitcher Rebbe, was once asked: What does the world need most? He was a man who had survived World War II while many in his family and community were killed by the Nazis.

Yet the Rebbe responded: "We must all do something additional in the realm of the goodness and kindness."

Maimonides taught that a single act has the power to tip the scales and changed course of history.

Almighty God, bless us with the strength to act routinely in kindness. Help us see beyond our differences to work together, recognizing that we are all created in Your image, bound by a shared mission to make the world a better place.

Beloved God, bless the members of the New York State Senate and guide their deliberations so they govern this great state

with wisdom and unity, leading with clarity, compassion, integrity and humility.

May our collective acts of goodness hasten the day when peace will prevail -- a day we all yearn for.

Amen.

(Response of "Amen.")

RABBI BEHRMAN: Before I step down, as I mentioned, the Rebbe said that we should increase acts of goodness and kindness.

I'm going to -- I have here an ark. The ark saved the world once, right? It also stands for Acts of Routine Kindness. Among this chamber, actions matter more than words, so I'm actually going to do an act of routine kindness, not affiliated with any charity.

I left with Senator Myrie arks for whoever wants -- for your office, for your home, for your car.

Thank you very much.

ACTING PRESIDENT COONEY: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 1, 2025, the Senate met pursuant to adjournment. The Journal of Friday, March 28,

2025, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

On behalf of Senator Gonzalez, I wish to call up Senate Print 904, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Calendar Number 141, Senate Print 904, by Senator Gonzalez, an act to amend the Public Service Law.

SENATOR GIANARIS: I move to reconsider the vote by which this bill was

passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

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

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT COONEY: The amendments are received.

SENATOR GIANARIS: On behalf of Senator Comrie, on page 13 I offer the following amendments to Calendar 350, Senate Print 3799, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: Please take up previously adopted Resolution 545, by Senator Myrie, read its title, and recognize Senator Myrie.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Resolution 545, by Senator Myrie, honoring Rabbi Menachem M. Schneerson, the Lubavitcher Rebbe, posthumously upon the occasion of the co-naming of Presidents Street in Brooklyn, New York, in recognition of his remarkable life.

ACTING PRESIDENT COONEY: Senator Myrie on the resolution.

SENATOR MYRIE: Thank you, Mr. President.

And thank you to Rabbi Behrman for his invocation today.

This chamber is no stranger to this resolution that we bring every year in honor of the Rebbe's birthday. And we do that again this year, but it is a special resolution because in a couple of days we will be renaming Presidents Street in Crown Heights after the Rebbe.

And for those of us who have grown up in this neighborhood, this is a really special thing. Because as the Rebbe has always taught, and as we heard in the invocation, at a time of

great division, in a time of great uncertainty, where we don't have the answers to a lot -- a lot of complicated things happening in our world -- we can feel very helpless.

But all of us know how to smile. We know how to talk to a stranger. We know how to give a good gesture. And the Rebbe taught us that those small acts of kindness, taken together, is what will transform the world.

We're familiar with that in Crown Heights. Our neighbors that we see every day, that we shoot a smile to, a kind glance, a nice gesture, these are things we are used to doing. And I'm honored that we are going to memorialize this on Presidents Street, where my wife happened to be born and raised, for the whole community to see, for every generation to know coming forward.

So, Mr. President, I thank you for this opportunity to speak on the resolution.

I thank our Majority Leader for bringing this resolution every year.

And I ask all of my colleagues not just to join me in voting for this resolution, but join me in acts of kindness in these great

times of uncertainty.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Myrie.

The resolution was adopted on March 25th.

Senator Gianaris.

SENATOR GIANARIS: Senator Myrie would like to open that resolution for cosponsorship.

ACTING PRESIDENT COONEY: The resolution is open for cosponsorship. Should you choose not to be a cosponsor of the resolution, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: I move to adopt the Resolution Calendar.

ACTING PRESIDENT COONEY: All those in favor of adopting the Resolution Calendar please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed, nay.

(No response.)

ACTING PRESIDENT COONEY: The

Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Please take up the reading of the calendar.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Calendar Number 166, Senate Print 228A, by Senator Skoufis, an act to amend the Real Property Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 166, voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Stec, Walczyk and Weik.

Ayes, 45. Nays, 17.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 309, Senate Print 2589, by Senator Mayer, an act to amend the Education Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 309, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Mattera, Oberacker, O'Mara, Ortt, Rhoads, Stec, Tedisco and Weik.

Ayes, 50. Nays, 12.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 334, Senate Print 3579A, by Senator Addabbo, an act to amend Chapter 473 of the Laws of 2010.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 334, voting in the negative are Senators Brisport, Gonzalez and Martinez. Also Senator Krueger.

Ayes, 58. Nays, 4.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 365, Senate Print 4322, by Senator Scarcella-Spanton, an act to amend the Civil Rights Law.

ACTING PRESIDENT COONEY: 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 COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 365, voting in the negative are Senators Borrello, Griffo and Lanza.

Ayes, 59. Nays, 3.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 488, Senate Print 1714, by Senator Brouk, an act to amend the Public Health Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Brouk to explain her vote.

SENATOR BROUK: Thank you, Mr. President.

I rise to show my support for this bill, which concerns excited delirium. After Daniel Prude tragically lost his life while experiencing a mental health crisis in Rochester, and being held down on the ground naked, his autopsy listed excited delirium as a cause of death.

It has been five years since his untimely death, and excited delirium, though widely discredited, is still being cited as a cause of death for individuals who die in police custody. Excited delirium has been cited in numerous violent deaths, including that of George Floyd.

History has shown that the racist nature of this term is clear. In the years between 2010 and 2020, Black people accounted for 43 percent of in-custody deaths that's cited excited delirium, while only representing 13 percent of the U.S. population.

Excited delirium only serves to justify excessive police force and give law enforcement a reason to excuse these actions. But we know that excited delirium is rooted in pseudo-science. It is not a real disease.

That's why organizations such as the American Medical Association and the American Psychiatric Association have strongly opposed the use of this term.

Several states have banned its use, including Colorado, California and Minnesota. And now it's New York's turn.

This legislation will promote accountability, advance criminal justice, and end a blatantly racist practice that has wreaked harm on Black individuals.

I proudly vote aye, and I encourage my colleagues to do so.

Thank you.

ACTING PRESIDENT COONEY: Senator Brouk to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 488, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Chan, Griffo, Helming, Lanza, Martins, Mattera, O'Mara, Ortt, Rhoads, Stec, Walczyk, Weber and Weik. Also Senator Gallivan. Also Senator Tedisco.

Ayes, 45. Nays, 17.

ACTING PRESIDENT COONEY: The bill

is passed.

ACTING PRESIDENT COONEY: Calendar Number 508, Senate Print 3193, by Senator Persaud, an act to amend the Public Health Law.

ACTING PRESIDENT COONEY: 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 COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 515, Senate Print 2097, by Senator Kavanagh, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 533, Senate Print 5535, by Senator Baskin, an act to amend the Executive Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 6. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Baskin to explain her vote.

SENATOR BASKIN: Thank you, Mr. President.

This bill expands upon a previous action by this honorable body to provide language

access services in our great state. This bill will now include all agencies of the state, whereas previously it only included agencies directly under the Governor's purview.

It also tailors the languages that will be provided to meet the needs of the different regions in our great state.

In addition to the top 12 languages of the state, the top three languages that are prominent in a region will also be included. For instance, in Western New York where I represent, some of the most prominent languages include Burmese, Somali and Swahili.

And in all regions and counties where there isn't a dominant language, only two languages would need to be provided if they were not on the list of the top 12 languages.

So this bill recognizes the diversity of New Yorkers, but also that legislation cannot be one size fits all in our successful state. It must fit the realities of each region. And I am happy that this bill does just that.

This bill is not just good for public service for our residents, but it is also

an investment into our residents who are seeking to be a part of New York's economy. We want people seeking jobs to be able to navigate the Department of Labor's job list. And we want our children, many of whom act as an informal interpreter for their families, to be able to focus on school and establish themselves as first-generation New Yorkers, instead of having to be pulled out from school to help their families fill out an application or speak with a caseworker during an appointment.

I want to acknowledge all of the advocates that have pushed for this bill. In these times, many who speak limited English or need an interpreter to be heard feel that government is not here for them, not here to support them or, even worse, they feel that government is seeking to punish them.

But I hope that this bill instills some hope and some confidence that we are all here for you, and you will be respected with dignity in your preferred language in New York State.

I vote in the affirmative, Mr. President, and I encourage my colleagues to

do the same. Thank you.

ACTING PRESIDENT COONEY: Senator Baskin to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 533, voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Helming, Martins, Mattera, Ortt, Palumbo, Rhoads, Stec, Walczyk and Weik. Also -- so Senator Ortt in the affirmative. Senator O'Mara in the negative.

Ayes, 51. Nays, 11.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 547, Senate Print 3561, by Senator Cleare, an act in relation to requiring the Empire State Development Corporation to study the economic impact of optimizing and creating kitchen incubators in New York State.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Mr. President.

First I want to thank the sponsor, Senator Cleare, for this. I know it's passed a few times. I know it made it all the way to the Governor's desk, where she vetoed this.

Let me start off by saying that operating a restaurant is difficult. Opening a restaurant is extremely difficult. And knowing what to do and how to do it is nearly impossible to guarantee success.

That's why these small kitchen incubators are such a great thing. We want to promote small local business owners. We want to promote local foods, local restaurant owners. And this is the way to do it.

In fact, I've seen it happen in my district. We have a restaurant in the City of Batavia that operates -- called Eli Fish. They actually have a kitchen incubator inside their restaurant. And you can go in and get two

different menus, one from Eli Fish and one from the experimental, if you will, kitchen that has been producing some amazing foods -- quite frankly cultural food that we would never get in rural areas like Western New York.

So what I've heard was that we don't have funding for this. Ladies and gentlemen, we've got funding for a lot of things. I would hope that in this budget we could find a little bit of room to have Empire State Development devote some money so that we can promote new businesses, small businesses here in New York State.

I'm proud to be a cosponsor of this bill. Thank you again, Senator Cleare, for your leadership.

ACTING PRESIDENT COONEY: Senator Borrello to be recorded in the affirmative.

Senator Cleare to explain her vote.

SENATOR CLEARE: Yeah, I feel like I have to. Thank you, Mr. President.

You know, the average cost of installing even the simplest commercial kitchen can be $20,000 or more, which is prohibitive for so many entrepreneurs who have a unique product

to bring to the marketplace.

So it is proven that shared commercial kitchens are a viable solution to this challenge, but we don't have nearly enough of them, and access is not prioritized to those who need them the most.

So the purpose of this bill is to require that we study an action plan concerning the transformative effects of locating and optimizing small kitchen incubators in public and private spaces where they can have the most collective impact.

In addition, Empire State Development is charged with further developing comprehensive business and advisory services to fully complement kitchen incubator services, to help ensure that start-ups have every opportunity to succeed.

I believe that we must be smart and targeted with our investments in economic development, and this bill represents the very best kind of concept, utilizing existing community partners and proven shared resources to further the economic and quality of life of all.

Thank you.

ACTING PRESIDENT COONEY: Senator Cleare to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 547, voting in the negative are Senators Martinez and Skoufis.

Ayes, 60. Nays, 2.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 592, Senate Print 4840, by Senator Fahy, an act to amend the Lien Law.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT COONEY: The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 598, Senate Print 3736, by Senator Comrie, an act to amend the Public Authorities Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

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

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Thursday, April 3rd, at 11:00 a.m.

ACTING PRESIDENT COONEY: On motion, the Senate stands adjourned until Thursday, April 3rd, at 11:00 a.m.

(Whereupon, at 3:50 p.m., the Senate adjourned.)