NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 15, 2022

3:08 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: The reading of the Journal.

THE SECRETARY: In Senate, Monday, February 14, 2022, the Senate met pursuant to adjournment. The Journal of Sunday, February 13, 2022, 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.

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: Thank you, Mr. President. I move to adopt the Resolution Calendar, with the exception of Resolutions 1806 and 1810.

ACTING PRESIDENT BAILEY: All those in favor of adopting the Resolution Calendar, with the exception of Resolutions 1806 and 1810, 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: And now let's take up Resolution 1806, by Senator Reichlin-Melnick, read its title only, and recognize Senator Reichlin-Melnick.

ACTING PRESIDENT BAILEY: The

Secretary will read.

THE SECRETARY: Senate Resolution 1806, by Senator Reichlin-Melnick, honoring Piermont Firefighter Thomas Pomplin posthumously upon the occasion of being the first African-American Line of Duty Death in Rockland County.

ACTING PRESIDENT BAILEY: Senator Reichlin-Melnick.

SENATOR REICHLIN-MELNICK: Thank you, Mr. President.

And on this day here in February, in the middle of Black History Month, I want to rise to recognize the line-of-duty death of firefighter Tom Pomplin, who passed away more than 150 years ago on a summer day in 1854 in Rockland County. But his death has just recently come to light and been recognized as the first line-of-duty death of a firefighter in Rockland history.

Tom Pomplin was born in 1826 and, as a young Black man growing up in Rockland County in the early 19th century, surely he faced his share of difficulties, of discrimination and of difficulties as he went about his life. And yet

he was able to serve in the Piermont Fire Department, surely one of the first integrated fire departments in New York State -- until a fateful day in the summer of 1854 when a fire started to consume a factory a few miles away from Piermont on the Nyack waterfront.

Along with his colleagues in the Piermont Fire Department, Firefighter Pomplin raced more than 3 miles to the scene, pushing the fire apparatus by hand. When he got to the scene, there was a fire consuming this factory and he and many of his colleagues rushed to try to save it. Tragically, a few days later, he passed away from the strain and the injuries that he sustained.

We don't know as many details as we wish that we did, but we want to recognize his sacrifice. And there has recently been a movement in my community, in Piermont, to recognize the sacrifice of firefighter Tom Pomplin, the first line-of-duty death, to honor him with a fitting memorial to the service he gave to his community then, and to acknowledge his efforts as a pioneer and a path-breaker in the fire service in Rockland County.

Thank you.

ACTING PRESIDENT BAILEY: The question is on the resolution. All 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: Now let's move on to Resolution 1810, also by Senator Reichlin-Melnick, read its title and recognize Senator Reichlin-Melnick.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 1810, by Senator Reichlin-Melnick, mourning the death of Dream Shepherd, the inspiration behind New York State's Dream's Law.

ACTING PRESIDENT BAILEY: Senator Reichlin-Melnick on the resolution.

SENATOR REICHLIN-MELNICK: Thank you, Mr. President.

And this is a somber resolution to have to read because it honors the loss of a beautiful and wonderful young lady, Dream Shepherd, who passed away in 2021 at the age of just 16 years old.

As a student at Ossining High School, she had been an inspiration to so many people in the community. And she and her mom led to the passage directly of critical legislation which passed this house just a few short years ago, Dream's Law.

She was actually recognized as one of the Women of Distinction in New York State, surely one of the -- just 12 to 14 years old, surely one of the youngest to have been awarded that.

Dream suffered from sickle cell anemia. She dealt with many challenges in her life, and that inspired her to push for the passage of Dream's Law to help other children dealing with what she dealt with make sure that they would not have to go through what she went through.

And while that bill passed, we are still working to pass another bill in her memory,

Shepherd Patterson's Law, which would make sure that whenever a child such as Dream is diagnosed with a serious medical condition that keeps them out of school for an extended period of time, that their doctor would notify the family that they probably have the right to an educational accommodation from their school district.

We passed this bill in the Senate last year and are hoping the Assembly will pass it this year, because what could be more fitting than to remember the heroic life of this young girl with passage of a legislation that bears her name.

I'm proud to support this resolution. I mourned with the entire community in Ossining, and she was beloved and well-liked by everybody who knew her. Ossining recently dedicated a section of their Main Street and called it Dream Shepherd's Way.

And we are happy to honor her today and to remember her sacrifice and to remember the life that she lived and the people she touched, because she did more in her 16 years on this earth than many people can do in 60.

Thanks.

ACTING PRESIDENT BAILEY: Thank you, Senator Reichlin-Melnick.

Senator Mayer on the resolution.

SENATOR MAYER: Thank you, Mr. President.

And thank you to Senator Reichlin-Melnick for ensuring that we take this moment to remember and really honor the contribution of this unbelievable 16-year-old girl, Dream Shepherd, and the energy and passion she brought to making a change in this world as she struggled with sickle cell.

And prior to COVID, I met with her mother, Diana Lemon, who is a force of nature herself and determined to make a difference in the lives of those who have children with sickle cell. And she came to tell me this story, which resulted in Senator Reichlin-Melnick introducing and our house passing this important bill called, ironically, the Shepherd Patterson Law.

And the reason it's called Shepherd Patterson is because her mother told me the story that Ms. Patterson, Dream's teacher when she was five years old, recognized and heard the issues that confronted this young child in kindergarten.

And because of Ms. Patterson, a teacher in kindergarten being, as she said, vigilant and hyperintuitive about Dream's normal behavior, she noticed something that many others might have disregarded. "But because Ms. Patterson listened to me and paid attention to my child, her actions prevented something that could have been tragic."

And she went on to say that "It dawned on me, when Dream was in kindergarten and I presented information about her disability to a roomful of educators in our initial meeting, not one person mentioned that I should request a Committee on Special Education meeting in order to get a 504 plan for Dream. It is very clear to me that I should have been advised of this, because it is a legal instrument and one of the first U.S. civil rights laws offering protection for people with disabilities."

So today while we honor the extraordinary memory and contributions of Dream Shepherd, let us also contribute and continue her legacy by ensuring that the Shepherd Patterson Law, which provides additional protection for these parents and their children, gets passed again in our house -- which I'm

confident it will -- and in the Assembly.

This is a moment of tribute to an extraordinary young woman who made a mark not only on her community of Ossining, but the whole State of New York.

Thank you, Mr. President.

ACTING PRESIDENT BAILEY: The question is on the resolution.

All 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: At the request of the sponsor, these resolutions are open for cosponsorship.

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

Senator Gianaris.

SENATOR GIANARIS: Please take up

the calendar, Mr. President.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 99, Senate Print 271, by Senator Myrie, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date and in the same manner as a chapter of the Laws of 2021.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 99, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 129, Senate Print 244A, by Senator Mayer, an act to amend the General Business Law.

ACTING PRESIDENT BAILEY: 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: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 208, Senate Print 3178, by Senator Sanders, an act to amend the Social Services 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 212, Senate Print 166B, by Senator Gianaris, an act to amend the Banking Law.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Reichlin-Melnick to explain his vote.

SENATOR REICHLIN-MELNICK: Thank you, Mr. President.

I rise to explain my vote in support

of this bill by Senator Gianaris. I think it is a long overdue bill. I'm glad that we passed it last year, glad we're passing it again this year, because the problem of fraud and scams targeting people in our communities has really reached an epidemic level.

And many of them could be prevented if banks took some simple and common sense steps that this bill would require to notify customers about the possibility of fraud.

I think of one of my constituents, an older gentleman from West Nyack, who was scammed into sending $35,000, nearly his whole life savings, to scammers in Peru. They faked his bank transcripts, they convinced him that there had been a problem with his account. And at no point when he went to his bank to try get that problem dealt with and send that money to Peru -- because the scammers had convinced him that he needed to do that -- did the bank ask him: Are you sure you want to do this? Why are you sending $35,000 to Peru? That's all the money in your account. Are you sure you want to do this? Do you realize that this might be fraud?

Nobody made these conversations with him, and as a result this gentleman lost almost his entire life savings.

And so if a bill like this can prevent anybody else from having to deal with a problem like that and suffer that fate, I think it is something that is really valuable for this house to pass, and I'm proud to vote aye.

ACTING PRESIDENT BAILEY: Senator Reichlin-Melnick to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 212, those Senators voting in the negative are Senators Borrello, Gallivan, Helming, Jordan, Oberacker, O'Mara, Ortt, Palumbo, Rath and Stec.

Ayes, 53. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 216, Senate Print 3098D, by Senator Kaplan, an act to amend the Economic Development 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 218, Senate Print 983, by Senator Gaughran, an act to amend the Village 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: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 249, Senate Print 3908A, by Senator Kennedy, an act to amend the State Finance Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Savino to explain her vote.

SENATOR SAVINO: Thank you, Mr. President. It's good to see you up there.

I rise in opposition to this bill, as much as it pains me to vote against my good friend Senator Kennedy. It's a well-intended bill. However, unfortunately -- do you want me to stop?

ACTING PRESIDENT BAILEY: Your microphone's off.

SENATOR SAVINO: Ah, it's not on.

SENATOR GIANARIS: Go to the next one.

SENATOR SAVINO: You want me to move, move to Senator Kennedy's chair to vote against Senator Kennedy?

(Laughter.)

SENATOR SAVINO: That's what you call adding insult to injury. However, I will do so.

(Laughter.)

SENATOR SAVINO: So, Mr. President, I rise in opposition to Senator Kennedy's well-intended bill.

We're all in support of buying from New York, buying USA. However, the bill as it is currently written would have an effect on a business that has been in Staten Island since 1955, and it employs almost 200 people, Atlantic Salt. Atlantic Salt provides rock salt for the downstate region, for New York, New Jersey, Connecticut.

If we were to pass the bill as it's currently written, Atlantic Salt would no longer be allowed to operate. They would literally go out of business, because their salt is obtained

from South America.

So I have offered to work with Senator Kennedy and the Assembly sponsor to find a way to accommodate both the demand to help a business in Rochester that has been affected by this, without putting a business in Staten Island out of business.

Unfortunately, at this time I cannot support this bill. I vote in the negative.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 249, those Senators voting in the negative are Senators Akshar, Boyle, Griffo, Jordan, Lanza, O'Mara, Ritchie, Savino, Stec, Thomas and Weik.

Ayes, 52. Nays, 11.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 250, Senate Print 4110A, by Senator Breslin, an act to amend the State Finance Law and the Public Authorities Law.

ACTING PRESIDENT BAILEY: Read the

last section.

THE SECRETARY: Section 3. This act shall take effect immediately on the 60th 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 310, Senate Print 5054, by Senator Parker, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 327, Senate Print 3257, by Senator Comrie, an act to amend the New York State Urban Development Corporation Act.

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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 334, Senate Print 3132, by Senator Kavanagh, an act to amend the Private Housing Finance 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 407, Senate Print 5956A, by Senator Rivera, an act to amend the Social Services 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, 63.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

418, Senate Print 1800, by Senator Savino, an act to amend the Economic Development 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: In relation to Calendar Number 418, voting in the negative: Senator Brisport.

Ayes, 62. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 431, Senate Print 8084A, by Senator Hinchey, an act to amend the Agriculture and Markets Law and the Cannabis 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: In relation to Calendar Number 431, those Senators voting in the negative are Senators Felder, Helming, Jordan, Lanza, Mattera, O'Mara, Ortt, Palumbo, Rath, Ritchie, Stec, Tedisco and Weik.

Ayes, 50. Nays, 13.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 437, Senate Print 1426, by Senator Serrano, an act to amend the General City Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. 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 Number 437, voting in the negative: Senator O'Mara.

Ayes, 62. Nays, 1.

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, February 16th, at 3:00 p.m.

ACTING PRESIDENT BAILEY: On motion, the Senate stands adjourned Wednesday, February 16th, at 3:00 p.m.

(Whereupon, at 3:27 p.m., the Senate adjourned.)