

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 21, 2022

11 3:50 p.m.

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13
14 REGULAR SESSION

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18 SENATOR ROXANNE J. PERSAUD, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT PERSAUD: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Sunday,
16 March 20, 2022, the Senate met pursuant to
17 adjournment. The Journal of Saturday, March 19,
18 2022, was read and approved. On motion, the
19 Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Thank you,
7 Madam President.

8 That amendments are offered to the
9 following Third Reading Calendar bills:

10 By Senator Mannion, on page 28,
11 Calendar Number 540, Senate Print 7107;

12 And by Senator Brisport, on page 40,
13 Calendar Number 682, Senate Print 5419.

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

18 Senator Gianaris.

19 SENATOR GIANARIS: On behalf of
20 Senator May, I wish to call up Senate Print 7861,
21 recalled from the Assembly, which is now at the
22 desk.

23 ACTING PRESIDENT PERSAUD: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 430, Senate Print 7861, by Senator May, an act to
2 direct the Department of Agriculture and Markets,
3 in cooperation with the New York State Energy
4 Research and Development Authority, to develop
5 and produce guidance and educational materials on
6 the use of agrivoltaics in farming.

7 SENATOR GIANARIS: That was a long
8 title.

9 (Laughter.)

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

12 ACTING PRESIDENT PERSAUD: Call the
13 roll on reconsideration.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT PERSAUD: The bill
17 is restored to its place on the Third Reading
18 Calendar.

19 SENATOR GIANARIS: I now offer the
20 following amendments.

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

24 SENATOR GIANARIS: At this time
25 let's take up previously adopted Resolution 2061,

1 by Senator Kaplan, read the resolution's title,
2 and recognize Senator Kaplan.

3 ACTING PRESIDENT PERSAUD: The
4 Secretary will read.

5 THE SECRETARY: Senate Resolution
6 2061, by Senator Kaplan, memorializing
7 Governor Kathy Hochul to proclaim March 21, 2022,
8 as Day of Nowruz in the State of New York.

9 ACTING PRESIDENT PERSAUD: Senator
10 Kaplan on the resolution.

11 SENATOR KAPLAN: Thank you,
12 Madam President.

13 As the first Persian-American
14 elected to the New York State Legislature, it is
15 my distinct honor and privilege to share the
16 traditions of Persian culture with all of you.

17 And today I rise to wish you all
18 Eide Shoma Mobarak, as we pass this resolution
19 officially proclaiming today as the Day of Nowruz
20 in the State of New York.

21 Nowruz, or "New Day" in Persian, is
22 an ancient festival dating back to the time of
23 Zoroastrianism, that marks the beginning of
24 spring and celebrates the rebirth of nature.

25 This secular holiday is celebrated

1 by thousands of New Yorkers each year by
2 gathering family around the ceremonial table
3 known as the haftseen, and counting down to the
4 moment of the equinox, when everyone cheers Eide
5 Shoma Mobarak, or Happy New Year!

6 Traditionally the haftseen table
7 features at least seven items of good luck, each
8 beginning with the Persian letter sin, or S, and
9 each representing a symbol of spring or renewal.

10 You'll commonly see apples, or seeb,
11 representing beauty; garlic, or seer,
12 representing good health; vinegar, or serkeh,
13 representing patience; hyacinth, or sonbol,
14 representing spring; a sweet pudding called
15 samanu, which represents fertility; sprouts, or
16 sabzeh, representing rebirth; coins, or sekkeh,
17 representing prosperity; a berry from the sea
18 buckthorn plant known as senjed, which represents
19 wisdom; and the spice sumac, which represents
20 tolerance.

21 Nowruz isn't just a time to exchange
22 gifts and decorate a haftseen, however. It is
23 the most important celebration of all Persian
24 holidays, embodying a wealth of ancient rites and
25 customs and symbolizing the continuity of ancient

1 Persian culture, which has survived many
2 adversities over thousands of years.

3 Today I'm honored to share these
4 traditions with all of you, as well as some of
5 our guests who have joined us today to see this
6 resolution passed.

7 We have with us Betty Emamian,
8 Persian Parade board member and Planning
9 Committee member of the New York Chapter of the
10 Iranian American Women Foundation;
11 Rizwan Alimohammad, representing the
12 Ismaili Council, who have brought a group here
13 today; and Wazma Wardak Hassan, founder,
14 president and CEO of Afghan Americans of
15 New York. I believe she's also joined by members
16 of the organization.

17 To our guests who have joined us
18 today, thank you for being here. And to everyone
19 here and across the state: Eide Shoma Mobarak!

20 Thank you.

21 ACTING PRESIDENT PERSAUD: Thank
22 you, Senator.

23 The resolution was adopted on
24 March 15th.

25 And to our guests, Happy Nowruz.

1 Welcome to the Senate chamber. Thank you for
2 being here today.

3 Senator Gianaris.

4 SENATOR GIANARIS: Madam President,
5 Senator Kaplan would like to open that resolution
6 for cosponsorship.

7 ACTING PRESIDENT PERSAUD: The
8 resolution is open for cosponsorship. Should you
9 choose not to be a cosponsor, please notify the
10 desk.

11 Senator Gianaris.

12 SENATOR GIANARIS: Please recognize
13 Senator Lanza.

14 ACTING PRESIDENT PERSAUD: Senator
15 Lanza.

16 SENATOR LANZA: Madam President, on
17 behalf of Senator Boyle, on page 13 I offer the
18 following amendments to Calendar Number 266,
19 Senate Print 6142, and ask that said bill retain
20 its place on Third Reading Calendar.

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

24 Senator Gianaris.

25 SENATOR GIANARIS: Please take up

1 the calendar.

2 ACTING PRESIDENT PERSAUD: The
3 Secretary will read.

4 THE SECRETARY: Calendar Number 80,
5 Senate Print 4738, by Senator Ramos, an act to
6 amend the Labor Law.

7 ACTING PRESIDENT PERSAUD: Read the
8 last section.

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

11 ACTING PRESIDENT PERSAUD: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT PERSAUD: Senator
15 Ramos to explain her vote.

16 SENATOR RAMOS: Madam President,
17 thank you so much.

18 I'm very proud to have introduced
19 and passed this bill, along with my colleagues.
20 You know, the construction industry is changing.
21 It's been very dangerous for a long time. And
22 modular construction is increasingly a way to
23 speed up the way we build things in New York
24 City.

25 And so I believe we shouldn't be

1 doing that at the expense of worker safety. It's
2 why we're establishing these standards, making
3 sure that those pieces that we're bringing into
4 the city are actually mindful of the licensing
5 requirements and plumbing and gas piping and fire
6 suppression and electrical licensing. And these
7 things are really important.

8 Let me tell you, my district has
9 actually succumbed to a few fires that we've had,
10 and maintaining all of our electrical stuff up to
11 code, to the strictest standard, is really
12 important in saving lives and keeping people
13 safe.

14 So I want to thank all of my
15 colleagues who are voting for this bill, and I
16 vote aye, Madam President. Thank you.

17 ACTING PRESIDENT PERSAUD: Senator
18 Mattera to explain his vote.

19 SENATOR MATTERA: Thank you,
20 Madam President. And first of all I'd like to
21 commend Senator Ramos -- Ray-mos, excuse me --
22 for this legislation.

23 SENATOR RAMOS: It's Rah-mos.

24 SENATOR MATTERA: Ramos. I said it
25 right the first -- I'm so -- I don't know why I

1 did that.

2 You know, this legislation protects
3 the residents of New York City and it protects
4 all the local requirements that are being
5 constructed properly -- New York City Building
6 Code standards.

7 The modular units that are being
8 constructed in other states, that's one thing
9 that's an issue. Other states have different
10 codes or they have no codes. So with something
11 like this, it's so important that -- in other
12 words, the plumbing, electrical, the sprinkler,
13 fire protection is being inspected before
14 anything is being installed.

15 Me, I always want to see these
16 modulars being built locally. But in the sense
17 of this bill, this is going to protect our
18 residents when they're installed and make sure
19 that our New York City inspectors are looking at
20 this and approving it for its being installed.

21 So, Madam President, I am in favor
22 of this, and I vote aye. Thank you.

23 ACTING PRESIDENT PERSAUD: Senator
24 Mattera to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar 80, those Senators voting in the
3 negative are Senators Gallivan, Griffo and
4 Kavanagh.

5 Ayes, 60. Nays, 3.

6 ACTING PRESIDENT PERSAUD: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 100, Senate Print 536A, by Senator Kaplan, an act
10 to amend the Real Property Law.

11 ACTING PRESIDENT PERSAUD: Read the
12 last section.

13 THE SECRETARY: Section 22. This
14 act shall take effect immediately.

15 ACTING PRESIDENT PERSAUD: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT PERSAUD: Announce
19 the results.

20 THE SECRETARY: In relation to
21 Calendar Number 100, voting in the negative:
22 Senator Lanza.

23 Ayes, 62. Nays, 1.

24 ACTING PRESIDENT PERSAUD: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 105, Senate Print 4697, by Senator Breslin, an
3 act to amend the General Obligations Law and the
4 State Technology Law.

5 ACTING PRESIDENT PERSAUD: Read the
6 last section.

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

9 ACTING PRESIDENT PERSAUD: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT PERSAUD: Announce
13 the results.

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT PERSAUD: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 117, Senate Print 4965, by Senator Rivera, an act
19 to amend the Public Health Law and the
20 Social Services Law.

21 ACTING PRESIDENT PERSAUD: Read the
22 last section.

23 THE SECRETARY: Section 4. This
24 act shall take effect on the 180th day after it
25 shall have become a law.

1 ACTING PRESIDENT PERSAUD: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT PERSAUD: Announce
5 the results.

6 THE SECRETARY: In relation to
7 Calendar 117, those Senators voting in the
8 negative are Senators Akshar, Borrello, Boyle,
9 Gallivan, Griffo, Jordan, Lanza, Mattera,
10 Oberacker, O'Mara, Ortt, Palumbo, Rath, Stec and
11 Tedisco.

12 Ayes, 48. Nays, 15.

13 ACTING PRESIDENT PERSAUD: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 126, Senate Print 6074A, by Senator Salazar, an
17 act to amend the Family Court Act.

18 ACTING PRESIDENT PERSAUD: Read the
19 last section.

20 THE SECRETARY: Section 3. This
21 act shall take effect on the first of April.

22 ACTING PRESIDENT PERSAUD: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT PERSAUD: Announce

1 the results.

2 THE SECRETARY: Ayes, 63.

3 ACTING PRESIDENT PERSAUD: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 479, Senate Print 7265, by Senator Kaplan, an act
7 in relation to authorizing St. Francis Hospital,
8 Roslyn, New York, to file an application for
9 exemption from real property taxes.

10 ACTING PRESIDENT PERSAUD: Read the
11 last section.

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

14 ACTING PRESIDENT PERSAUD: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PERSAUD: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar Number 479, voting in the negative:
21 Senators Akshar and O'Mara.

22 Ayes, 61. Nays, 2.

23 ACTING PRESIDENT PERSAUD: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 508, Senate Print 6289C, by Senator Gaughran, an
2 act to amend the Education Law.

3 ACTING PRESIDENT PERSAUD: Read the
4 last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect July 1, 2023.

7 ACTING PRESIDENT PERSAUD: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT PERSAUD: Announce
11 the results.

12 THE SECRETARY: Ayes, 63.

13 ACTING PRESIDENT PERSAUD: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 522, Senate Print 6612, by Senator Parker, an act
17 to amend the Public Authorities Law.

18 ACTING PRESIDENT PERSAUD: Read the
19 last section.

20 THE SECRETARY: Section 4. This
21 act shall take effect on the 30th day after it
22 shall have become a law.

23 ACTING PRESIDENT PERSAUD: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT PERSAUD: Announce
2 the results.

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT PERSAUD: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 672, Senate Print 6307, by Senator Harckham, an
8 act to amend the Education Law.

9 ACTING PRESIDENT PERSAUD: Read the
10 last section.

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

13 ACTING PRESIDENT PERSAUD: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT PERSAUD: Senator
17 Harckham to explain his vote.

18 SENATOR HARCKHAM: Thank you very
19 much, Madam President.

20 I rise actually not to explain my
21 vote in the technical sense or to talk about
22 what's in the bill, because colleagues have been
23 good enough to pass this two years in a row.

24 The reason I rise is to talk about a
25 group of extraordinary young people who are the

1 folks who got this bill to us in the first place.
2 They're a group of high school students in
3 Long Island several years ago who wanted solar
4 panels on their roof of their school. And it
5 turns out that the financing that was traditional
6 to New York State did not work at 18 years, and
7 they wanted to extend it to 25 years, which is a
8 federal roof.

9 And they ended up forming a group
10 called Students for Solar, and they have since
11 expanded their advocacy. They're now a statewide
12 group of high school students called Students for
13 Climate Action.

14 And so I just want to put it out
15 there that regardless of age, you are never too
16 young to have an impact on state policy, as we're
17 witnessing here today -- that this was a bill
18 that was conceived by young people, advocated for
19 by young people, and now this is the second year
20 in a row that we pass this on the floor of the
21 Senate.

22 So I proudly vote aye and
23 congratulate them for all their hard work and
24 advocacy.

25 Thank you, Madam President.

1 ACTING PRESIDENT PERSAUD: Senator
2 Harckham to be recorded in the affirmative.

3 Announce the results.

4 THE SECRETARY: Ayes, 63.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 674, Senate Print 715, by Senator Thomas, an act
9 to amend the Executive Law.

10 ACTING PRESIDENT PERSAUD: Read the
11 last section.

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

14 ACTING PRESIDENT PERSAUD: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PERSAUD: Senator
18 Thomas to explain his vote.

19 SENATOR THOMAS: Thank you,
20 Madam President.

21 Fair housing is a right shared by
22 all New Yorkers. In 2019 Newsday published "Long
23 Island Divided," one of the most concentrated
24 investigations into housing discrimination since
25 the enactment of the landmark Fair Housing Act.

1 "Long Island Divided" uncovered
2 tangible evidence of unequal treatment, steering
3 and bias directed at minority homebuyers and
4 minority communities on Long Island.

5 In response, the New York State
6 Senate launched an intensive investigation. Over
7 the next two years, we held hearings, issued
8 subpoenas, and compelled testimony to get to the
9 bottom of these allegations. This legislation is
10 a direct result of our efforts to ensure that
11 every New Yorker is protected when they pursue
12 the American dream of homeownership.

13 This bill will ensure accountability
14 for those who violate fair housing laws by
15 compelling the commissioner of the Division of
16 Human Rights to award compensatory damages,
17 punitive damages, or other relief to victims of
18 housing discrimination. We are sending the
19 message loud and clear: Housing discrimination
20 will not be tolerated in New York State.

21 I want to thank Senate Majority
22 Leader Andrea Stewart-Cousins, Senator Kavanagh,
23 and Senator Skoufis for their leadership and
24 continued commitment to addressing and ending
25 housing discrimination in all forms.

1 I am proud to sponsor this
2 legislation. I will continue my efforts to
3 ensure all Long Islanders and all New Yorkers
4 have equal access to the American dream of
5 homeownership. I vote in the affirmative.

6 Thank you, Madam President.

7 ACTING PRESIDENT PERSAUD: Senator
8 Thomas to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: In relation to
11 Calendar 674, those Senators voting in the
12 negative are Senators Akshar, Borrello, Gallivan,
13 Griffo, Jordan, Lanza, Oberacker, O'Mara, Ortt,
14 Rath, Stec and Tedisco.

15 Ayes, 51. Nays, 12.

16 ACTING PRESIDENT PERSAUD: The bill
17 is passed.

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

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

22 ACTING PRESIDENT PERSAUD: There is
23 no further business at the desk.

24 SENATOR GIANARIS: Move to adjourn
25 until tomorrow, Tuesday, March 22nd, at 3:00 p.m.

1 ACTING PRESIDENT PERSAUD: On
2 motion, the Senate stands adjourned until
3 Tuesday, March 22nd, at 3:00 p.m.
4 (Whereupon, at 4:07 p.m., the Senate
5 adjourned.)

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