

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 January 23, 2023

11 3:22 p.m.

12
13
14 REGULAR SESSION

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18 SENATOR JAMAAL T. BAILEY, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT BAILEY: 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 BAILEY: 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 BAILEY: Reading
14 of the Journal.

15 THE SECRETARY: In Senate, Sunday,
16 January 22, 2023, the Senate met pursuant to
17 adjournment. The Journal of Saturday,
18 January 21, 2023, was read and approved. On
19 motion, the Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Skoufis

1 moves to discharge, from the Committee on Rules,
2 Assembly Bill Number 616 and substitute it for
3 the identical Senate Bill 826, Third Reading
4 Calendar 35.

5 Senator Sanders moves to discharge,
6 from the Committee on Rules, Assembly Bill Number
7 615 and substitute it for the identical Senate
8 Bill 829, Third Reading Calendar 38.

9 Senator Hinchey moves to discharge,
10 from the Committee on Rules, Assembly Bill Number
11 617 and substitute it for the identical Senate
12 Bill 847, Third Reading Calendar 56.

13 Senator Harckham moves to discharge,
14 from the Committee on Rules, Assembly Bill Number
15 988 and substitute it for the identical Senate
16 Bill 856, Third Reading Calendar 65.

17 ACTING PRESIDENT BAILEY: So
18 ordered.

19 Messages from the Governor.

20 Reports of standing committees.

21 Reports of select committees.

22 Communications and reports from
23 state officers.

24 Motions and resolutions.

25 Senator Gianaris.

1 SENATOR LANZA: Mr. President --

2 SENATOR GIANARIS: Mr. Presi -- I
3 have the floor, Senator Lanza.

4 I have a motion. On page 8 I offer
5 the following amendments to Calendar 37,
6 Senate Print 828, and ask that said bill retain
7 its place on Third Reading Calendar.

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

11 Senator Gianaris.

12 SENATOR GIANARIS: Please recognize
13 Senator Lanza.

14 ACTING PRESIDENT BAILEY: Senator
15 Lanza, why do you rise?

16 SENATOR LANZA: Mr. President, I
17 rise on a point of order.

18 Is there a report of the Judiciary
19 Committee at the desk?

20 ACTING PRESIDENT BAILEY: There is
21 no report of the Judiciary Committee at the desk,
22 Senator Lanza.

23 SENATOR LANZA: Mr. President, the
24 fact that there is no report from the
25 Judiciary Committee at the desk violates

1 Senate Rule VII, paragraph 7, which requires a
2 report to the Senate from the committee of a
3 nomination referred to it.

4 The rule makes no distinction
5 between a report that is favorable and a report
6 that is not favorable.

7 I request that the chair order the
8 Judiciary Committee to report the nomination to
9 the desk.

10 ACTING PRESIDENT BAILEY: Senator
11 Lanza, pursuant to Rule VII, in longstanding
12 Senate practice, a report of a -- of a standing
13 committee that is not recommended does not make
14 its way -- does not make its way to the desk.

15 SENATOR LANZA: Mr. President.

16 ACTING PRESIDENT BAILEY: Senator
17 Lanza.

18 SENATOR LANZA: Senate Rule VII
19 clearly states that "all nominations sent by the
20 Governor for the appointment of any officer shall
21 be submitted to the Temporary President who shall
22 then refer such nominations simultaneously."

23 ACTING PRESIDENT BAILEY:
24 Simultaneously?

25 SENATOR LANZA: So I'll skip to

1 the -- the conclusion of that: "other than the
2 Committee on Judiciary shall thereafter refer
3 such nomination to the Finance Committee of the
4 Senate who shall take whatever further actions it
5 deems necessary and thereafter make its report on
6 the nomination to the full Senate."

7 SENATOR GIANARIS: Mr. President.

8 ACTING PRESIDENT BAILEY: Senator
9 Gianaris.

10 SENATOR GIANARIS: I'd like to also
11 direct Senator Lanza's attention to Rule VI,
12 which says no committee shall vote to report a
13 matter unless a majority of all the members
14 thereof vote in favor of such report.

15 And in the case that Senator Lanza
16 is referring to, as we all now know, there was
17 not majority support for making such a report.

18 ACTING PRESIDENT BAILEY: So noted,
19 Senator Gianaris.

20 SENATOR LANZA: Mr. President.

21 ACTING PRESIDENT BAILEY: Senator
22 Lanza.

23 SENATOR LANZA: Mister --
24 Mr. President, I point out that Rule VI is a very
25 general provision regarding reports from

1 committees, while Rule VII is very specific to
2 nominations, and therefore it is the governing
3 rule for this body relevant to this matter.

4 SENATOR GIANARIS: Mr. President, I
5 believe you've made clear the position of the
6 Senate, and I would encourage you to rule
7 Senator Lanza's motions out of order and we can
8 proceed with the day's business.

9 SENATOR LANZA: Mr. President, I
10 appeal the ruling of the chair and ask for a show
11 of hands.

12 ACTING PRESIDENT BAILEY: Senator
13 Lanza, you're out of order.

14 SENATOR LANZA: Mr. President, I
15 appeal the ruling of the chair and ask for a show
16 of hands.

17 ACTING PRESIDENT BAILEY: So
18 ordered. A show of hands to -- a show of hands
19 to -- to overturn the ruling of the chair.

20 (Show of hands.)

21 ACTING PRESIDENT BAILEY: The
22 motion fails.

23 Senator Gianaris.

24 SENATOR GIANARIS: We were waiting
25 for a count of the raised hands.

1 ACTING PRESIDENT BAILEY: I was
2 presumptuous. I apologize.

3 (Laughter.)

4 ACTING PRESIDENT BAILEY: May we
5 once again have the show of hands, please.

6 (Show of hands.)

7 THE SECRETARY: Ayes, 20.

8 ACTING PRESIDENT BAILEY: The
9 ruling of the chair stands.

10 Senator Gianaris.

11 SENATOR GIANARIS: Mr. President,
12 there will be an immediate meeting of the
13 Rules Committee in Room 332.

14 ACTING PRESIDENT BAILEY: There
15 will be an immediate meeting of the
16 Rules Committee in Room 332.

17 The Senate will stand at ease.

18 (Whereupon, the Senate stood at ease
19 at 3:30 p.m.)

20 (Whereupon, the Senate reconvened at
21 3:41 p.m.)

22 ACTING PRESIDENT BAILEY: The
23 Senate will return to order.

24 Senator Gianaris.

25 SENATOR GIANARIS: Mr. President,

1 as there was a committee in which a majority of
2 members voted to issue a report, I believe
3 there's a report of the Rules Committee at the
4 desk. Can we take that up, please.

5 ACTING PRESIDENT BAILEY: Indeed
6 there is. The Secretary will read.

7 THE SECRETARY: Senator
8 Stewart-Cousins, from the Committee on Rules,
9 reports the following bills:

10 Senate Print 108A, by
11 Senator Krueger, Concurrent Resolution of the
12 Senate and Assembly proposing an amendment to
13 Section 11 of Article 1 of the Constitution;

14 Senate Print 348B, by
15 Senator Cleare, an act to amend the
16 Public Health Law;

17 Senate Print 1003A, by
18 Senator Hinchey, an act to amend the
19 Public Health Law;

20 Senate Print 1043, by
21 Senator Stavisky, an act to amend the
22 Education Law;

23 Senate Print 1066A, by
24 Senator Mayer, an act to amend the
25 Criminal Procedure Law;

1 Senate Print 1521, by
2 Senator Hoylman-Sigal, an act in relation to
3 terms and conditions of employment of certain
4 nonjudicial officers;

5 Senate Print 2219, by
6 Senator Cooney, an act to amend the
7 State Finance Law;

8 Senate Print 2220, by
9 Senator Skoufis, an act to amend the
10 Public Officers Law;

11 Senate Print 2221, by
12 Senator Martinez, an act to amend the Penal Law;

13 Senate Print 2222, by
14 Senator Harckham, an act to amend the
15 Environmental Conservation Law;

16 Senate Print 2223, by
17 Senator Scarcella-Spanton, an act to amend the
18 Executive Law;

19 Senate Print 2224, by
20 Senator Martinez, an act to amend the
21 Public Service Law;

22 Senate Print 2225, by
23 Senator Parker, an act to amend the
24 Public Service Law;

25 Senate Print 2226, by Senator Webb,

1 an act to amend the Public Health Law;

2 Senate Print 2227, by

3 Senator Parker, an act to amend the

4 Public Service Law;

5 Senate Print 2228, by

6 Senator Breslin, an act to amend the

7 Insurance Law;

8 Senate Print 2229, by

9 Senator Sanders, an act to amend the Banking Law;

10 Senate Print 2230, by

11 Senator Cleare, an act to amend the

12 Public Health Law;

13 Senate Print 2231, by

14 Senator Breslin, an act to amend the

15 Insurance Law;

16 Senate Print 2232, by

17 Senator Thomas, an act to amend a chapter of the

18 Laws of 2022;

19 Senate Print 2233, by

20 Senator Thomas, an act to amend a chapter of the

21 Laws of 2022;

22 Senate Print 2234, by

23 Senator Hoylman-Sigal, an act to amend the

24 Domestic Relations Law.

25 All bills reported direct to third

1 reading.

2 SENATOR GIANARIS: Move to accept
3 the report of the Rules Committee.

4 ACTING PRESIDENT BAILEY: All those
5 in favor of accepting the report of the
6 Rules Committee signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT BAILEY: Opposed,
9 nay?

10 (No response.)

11 ACTING PRESIDENT BAILEY: The
12 report of the Rules Committee is accepted.

13 Senator Gianaris.

14 SENATOR GIANARIS: Mr. President,
15 at this time can we return to motions and
16 resolutions and take up previously adopted
17 Resolution 187, by Senator Chu, read the
18 resolution's title, and recognize Senator Chu.

19 ACTING PRESIDENT BAILEY: The
20 Secretary will read.

21 THE SECRETARY: Senate Resolution
22 187, by Senator Chu, commemorating the
23 Asian-American community's celebration of the
24 Lunar New Year, the Year of the Rabbit, on
25 January 22, 2023.

1 ACTING PRESIDENT BAILEY: Senator
2 Chu on the resolution.

3 SENATOR CHU: Thank you,
4 Mr. President.

5 It's truly a great honor to stand
6 here before all my colleagues to -- commemorating
7 and recognizing the Lunar New Year of 2023.
8 Especially we all heard about what happened in
9 L.A. in the past weekend. It was a very heavy
10 heartfelt weekend for many Asian-American
11 families while we're trying to celebrate this
12 important holiday.

13 As the first Asian-American woman to
14 be elected to the State Senate, and representing
15 an Asian-plurality district in Southern Brooklyn
16 and Brooklyn Chinatown, today is very meaningful
17 to all our AAPI communities across New York
18 State.

19 Lunar New Year is the beginning of
20 the lunar calendar year, which is widely
21 celebrated and observed in many East and
22 Southeast Asian countries and regions, like
23 China, South Korea, Vietnam, Taiwan, Singapore,
24 and Malaysia.

25 In New York State, the Asian

1 community is the fastest-growing ethnic group.
2 The Asian-American population increased nearly
3 40 percent in the past 10 years, and now
4 Asian-Americans are a little over 10 percent of
5 New York State's total population. Therefore, by
6 recognizing this cultural and traditional event,
7 it certainly shows our commitment to the respect
8 of every ethnic heritage.

9 2023 is the Year of the Rabbit. It
10 is reflective of a deep underlying confidence and
11 strength, steadfast in moving toward their goals.
12 It also symbolizes firm but gentle in spirit,
13 intelligence, and hope. As a member of our
14 chamber, I believe this spirit of the Year of the
15 Rabbit also reflects our common goals.

16 I also would like to take this
17 moment to recognize the generosity of my
18 colleague Senator Brian Kavanaugh, who has so
19 graciously allowed me to carry this torch of
20 presenting this resolution together.

21 And that's all I have. Thank you,
22 Mr. President.

23 ACTING PRESIDENT BAILEY: Thank
24 you, Senator Chu.

25 Senator Cooney on the resolution.

1 SENATOR COONEY: Thank you,
2 Mr. President.

3 I want to start by joining my
4 colleagues in wishing you all a very Happy
5 New Year, those who celebrate the Lunar New Year
6 across the state.

7 And thank you, Senator Chu, for your
8 leadership, and Senator Kavanaugh for raising this
9 important opportunity, not just to mark the
10 tragedy that happened in Monterey Park, but also
11 to remind us all about what this new year
12 promises for all of us across New York.

13 Many of you know about my
14 South Asian heritage, but you may not know that
15 my wife, Diane, is a first-generation
16 Chinese-American. We are very proud of our
17 shared AAPI representation, especially in
18 communities outside of the great City of
19 New York.

20 The Asian population is the
21 fastest-growing demographic in the United States,
22 including a 37 percent increase right here in
23 New York State between 2010 and 2020. So today
24 is an excellent reminder for all of us that
25 representation truly matters.

1 And it is a privilege to serve with
2 other AAPI members, both in this chamber and in
3 the Assembly. Our AAPI Caucus is growing, and
4 together we are amplifying the voices of our
5 community and leading by example. We are showing
6 the next generation of Asian-Americans in
7 New York State that they have a seat in this
8 chamber and a voice to be heard.

9 So again, let me remind us all that
10 this is a moment of celebration and renewal.
11 Happy New Year. And as Senator Chu said, in the
12 Year of the Rabbit we are focused on prosperity
13 and hope, a goal that we all share on both sides
14 of the aisle.

15 Thank you, Mr. President.

16 ACTING PRESIDENT BAILEY: Thank
17 you, Senator Cooney.

18 The resolution was previously
19 adopted on January 18th.

20 Senator Gianaris.

21 SENATOR GIANARIS: Mr. President,
22 at the request of Senator Chu, the resolution is
23 open for cosponsorship.

24 ACTING PRESIDENT BAILEY: The
25 resolution is open for cosponsorship. Should you

1 choose not to be a cosponsor of this resolution,
2 please notify the desk.

3 Senator Gianaris.

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

6 ACTING PRESIDENT BAILEY: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number 35,
9 Assembly Print 616, by Assemblymember
10 Jean-Pierre, an act to amend a chapter of the
11 Laws of 2022.

12 ACTING PRESIDENT BAILEY: Read the
13 last section.

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

16 ACTING PRESIDENT BAILEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BAILEY: Announce
20 the results.

21 THE SECRETARY: Ayes, 61.

22 ACTING PRESIDENT BAILEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number 38,
25 Assembly Print 615, by Assemblymember Thiele, an

1 act to amend the Agriculture and Markets Law.

2 ACTING PRESIDENT BAILEY: Read the
3 last section.

4 THE SECRETARY: Section 2. This
5 act shall take effect on the same date and in the
6 same manner as a chapter of the Laws of 2022.

7 ACTING PRESIDENT BAILEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BAILEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number 40,
16 Senate Print 831, by Senator Rivera, an act
17 relating to the availability of training for
18 state-approved education or training programs.

19 ACTING PRESIDENT BAILEY: Read the
20 last section.

21 THE SECRETARY: Section 4. This
22 act shall take effect on the same date and in the
23 same manner as a chapter of the Laws of 2022.

24 ACTING PRESIDENT BAILEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BAILEY: Announce
3 the results.

4 THE SECRETARY: Ayes, 61.

5 ACTING PRESIDENT BAILEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number 52,
8 Senate Print 843, by Senator Liu, an act to amend
9 the Education Law.

10 ACTING PRESIDENT BAILEY: Read the
11 last section.

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

14 ACTING PRESIDENT BAILEY: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BAILEY: Announce
18 the results.

19 THE SECRETARY: In relation to
20 Calendar 52, those Senators recorded in the
21 negative are Senators Borrello, Griffo, Lanza,
22 O'Mara, Ortt and Rhoads.

23 Ayes, 55. Nays, 6.

24 ACTING PRESIDENT BAILEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number 56,
2 Assembly Print 617, by Assemblymember Woerner, an
3 act to amend the Agriculture and Markets Law.

4 ACTING PRESIDENT BAILEY: Read the
5 last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the same date and in the
8 same manner as a chapter of the Laws of 2022.

9 ACTING PRESIDENT BAILEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar Number 56, voting in the negative:
16 Senator Skoufis.

17 Ayes, 60. Nays, 1.

18 ACTING PRESIDENT BAILEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number 57,
21 Senate Print 848, by Senator Gianaris, an act to
22 amend the Labor Law.

23 ACTING PRESIDENT BAILEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the same date and in the
2 same manner as a chapter of the Laws of 2022.

3 ACTING PRESIDENT BAILEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BAILEY: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar Number 57, those Senators voting in the
10 negative are Senators Borrello, Griffo, Helming,
11 Murray, O'Mara, Ortt and Weik.

12 Ayes, 54. Nays, 7.

13 ACTING PRESIDENT BAILEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number 58,
16 Senate Print 849, by Senator Persaud, an act to
17 amend the Executive Law.

18 ACTING PRESIDENT BAILEY: Read the
19 last section.

20 THE SECRETARY: Section 2. This
21 act shall take effect on the same date and in the
22 same manner as a chapter of the Laws of 2022.

23 ACTING PRESIDENT BAILEY: Call the
24 roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BAILEY: Announce
2 the results.

3 THE SECRETARY: In relation to
4 Calendar Number 58, those Senators voting in the
5 negative are Senators Borrello, Gallivan, Griffo,
6 Helming, Mattera, Murray, Oberacker, O'Mara,
7 Rhoads, Rolison, Stec, Tedisco, Walczyk and Weik.
8 Ayes, 47. Nays, 14.

9 ACTING PRESIDENT BAILEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number 65,
12 Assembly Print 988, by Assemblymember Rosenthal,
13 an act to repeal Section 1 of a chapter of the
14 Laws of 2022.

15 ACTING PRESIDENT BAILEY: Read the
16 last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the same date and in the
19 same manner as a chapter of the Laws of 2022.

20 ACTING PRESIDENT BAILEY: Call the
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce
24 the results.

25 THE SECRETARY: Ayes, 61.

1 ACTING PRESIDENT BAILEY: The bill
2 is passed.

3 THE SECRETARY: Calendar Number 67,
4 Senate Print 858, by Senator Mannion, an act to
5 amend the State Finance Law.

6 ACTING PRESIDENT BAILEY: Read the
7 last section.

8 THE SECRETARY: Section 2. This
9 act shall take effect on the same date and in the
10 same manner as a chapter of the Laws of 2022.

11 ACTING PRESIDENT BAILEY: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BAILEY: Announce
15 the results.

16 THE SECRETARY: Ayes, 61.

17 ACTING PRESIDENT BAILEY: The bill
18 is passed.

19 THE SECRETARY: Calendar Number 68,
20 Senate Print 859, by Senator Ryan, an act to
21 amend the Education Law and the Tax Law.

22 ACTING PRESIDENT BAILEY: Read the
23 last section.

24 THE SECRETARY: Section 4. This
25 act shall take effect on the same date and in the

1 same manner as a chapter of the Laws of 2022.

2 ACTING PRESIDENT BAILEY: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce
6 the results.

7 THE SECRETARY: Ayes, 61.

8 ACTING PRESIDENT BAILEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number 87,
11 Senate Print 1318, by Senator Breslin, an act to
12 amend the Insurance Law.

13 ACTING PRESIDENT BAILEY: Read the
14 last section.

15 THE SECRETARY: Section 2. This
16 act shall take effect on the same date and in the
17 same manner as a chapter of the Laws of 2022.

18 ACTING PRESIDENT BAILEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BAILEY: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 87, those Senators voting in the
25 negative are Senators Martins and Skoufis.

1 Ayes 59. Nays, 2.

2 ACTING PRESIDENT BAILEY: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 102, Senate Print 1334, by Senator Cooney, an act
6 to amend the Real Property Actions and
7 Proceedings Law.

8 ACTING PRESIDENT BAILEY: Read the
9 last section.

10 THE SECRETARY: Section 5. This
11 act shall take effect on the same date and in the
12 same manner as a chapter of the Laws of 2022.

13 ACTING PRESIDENT BAILEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BAILEY: Announce
17 the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT BAILEY: The bill
20 is passed.

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

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

25 ACTING PRESIDENT BAILEY: There is

1 no further business at the desk.

2 SENATOR GIANARIS: I move to
3 adjourn until tomorrow, Tuesday, January 24th, at
4 3:00 p.m.

5 ACTING PRESIDENT BAILEY: On
6 motion, the Senate stands adjourned until
7 Tuesday, January 24th, at 3:00 p.m.

8 (Whereupon, at 3:53 p.m., the Senate
9 adjourned.)

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