

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 February 8, 2023

11 11:25 a.m.

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13
14 REGULAR SESSION

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18 SENATOR JEREMY A. COONEY, Acting President

19 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 present to please
rise and recite the Pledge of Allegiance.

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

ACTING PRESIDENT COONEY: 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 COONEY: Reading
of the Journal.

THE SECRETARY: In Senate, Tuesday,
February 7, 2023, the Senate met pursuant to
adjournment. The Journal of Monday, February 6,
2023, 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.

The Secretary will read.

THE SECRETARY: Senator Gianaris

1 moves to discharge, from the Committee on Rules,
2 Assembly Bill Number 981 and substitute it for
3 the identical Senate Bill 846, Third Reading
4 Calendar 55.

5 Senator Sanders moves to discharge,
6 from the Committee on Rules, Assembly Bill
7 Number 618 and substitute it for the identical
8 Senate Bill 854, Third Reading Calendar 63.

9 Senator Thomas moves to discharge,
10 from the Committee on Rules, Assembly Bill
11 Number 1009 and substitute it for the identical
12 Senate Bill 1329, Third Reading Calendar 97.

13 Senator May moves to discharge, from
14 the Committee on Rules, Assembly Bill Number 983
15 and substitute it for the identical Senate
16 Bill 1332, Third Reading Calendar 100.

17 Senator Brouk moves to discharge,
18 from the Committee on Rules, Assembly Bill
19 Number 619 and substitute it for the identical
20 Senate Bill 1340, Third Reading Calendar 108.

21 ACTING PRESIDENT COONEY: So
22 ordered.

23 Messages from the Governor.

24 Reports of standing committees.

25 Reports of select committees.

1 Communications and reports from
2 state officers.

3 Motions and resolutions.

4 Senator Gianaris.

5 SENATOR GIANARIS: Mr. President,
6 can we start by taking up previously adopted
7 Resolution 308, by Senator Gounardes, read its
8 title only, and recognize Senator Gounardes.

9 ACTING PRESIDENT COONEY: The
10 Secretary will read.

11 THE SECRETARY: Senate Resolution
12 308, by Senator Gounardes, memorializing
13 Governor Kathy Hochul to proclaim February 8,
14 2023, as Students with Disabilities Advocacy Day
15 in the State of New York.

16 ACTING PRESIDENT COONEY: Senator
17 Gounardes on the resolution.

18 SENATOR GOUNARDES: Thank you,
19 Mr. President.

20 I rise, as I have for five years now
21 in this chamber, in support of the resolution to
22 declare February 8th as Students with
23 Disabilities Advocacy Day.

24 We know that even though the
25 pandemic is a few years behind us, how impactful

1 it was to students all across the state. And we
2 also know -- a core value that I think we all
3 believe in and share is that every single student
4 in our state deserves to be taught to the best of
5 their ability, with no shortage of services or
6 resources.

7 But unfortunately, the reality is
8 for far too many of our students there are
9 barriers in the way of achieving that vision and
10 that goal. We have to remove these barriers to
11 key reasonable accommodations and support
12 services that promote access and success for
13 students with disabilities, especially in higher
14 education.

15 Nearly 80,000 students in our state
16 have disabilities and attend New York State
17 degree-granting colleges and universities. Our
18 state university system alone serves more than
19 40 percent of this population.

20 It is imperative that institutions
21 of higher education are provided with the
22 necessary resources to empower students with
23 disabilities and help them achieve academically
24 and beyond. Institutions of higher ed should not
25 have to rely on the federal government or

1 nonprofit partners alone to make a difference and
2 invest in necessary resources such as improving
3 current support systems, summer college prep
4 programs for students with disabilities,
5 providing needed staff trainings on working with
6 students with disabilities, and improving our
7 understanding of how many students with
8 disabilities actually are on our campuses and
9 what their needs truly are, so that our state can
10 better serve them.

11 I'm proud of the work that this body
12 has done through our budget process every year to
13 allocate funding to help support this very
14 important population of students in our
15 institutions of higher education, and I hope that
16 as we declare today to be Students with
17 Disabilities Advocacy Day that we continue our
18 advocacy in this year's budget process as well.
19 And I vote aye.

20 Thank you, Mr. President.

21 ACTING PRESIDENT COONEY: Thank
22 you, Senator Gounardes.

23 Senator Stavisky on the resolution.

24 SENATOR STAVISKY: Yes, thank you.

25 First, thank you, Senator Gounardes

1 and Mr. President.

2 I'd like to welcome our friends from
3 the -- not the disability but from the ability
4 community. Every year we get together every
5 summer at Queens College, and it's really one of
6 the highlights of the summer because there are so
7 many friends there. And I look forward to
8 joining you next summer.

9 But in the meantime, welcome to
10 Albany. You are great, great representatives and
11 lobbyists for a really important cause.

12 Thank you, Mr. President.

13 ACTING PRESIDENT COONEY: Thank
14 you, Senator Stavisky.

15 Senator Martins on the resolution.

16 SENATOR MARTINS: Thank you,
17 Mr. President.

18 First I want to thank the sponsor
19 for this resolution and the opportunity to speak
20 to this very important issue.

21 As many of you may know, we have
22 4201 schools in this state. Mr. President, two
23 of those schools happen to be in my district.
24 One in particular, the Henry Viscardi School that
25 services children who are severely physically

1 disabled, relies on funding from New York State
2 as part of its operations, the ability to have
3 aides in the classroom in order to provide
4 services and proper care for those who are most
5 vulnerable.

6 Well, this year's budget that was
7 proposed, I bring it to everyone's attention --
8 as we were now faced with what I think is a great
9 opportunity to help funding for education
10 generally, an increase of \$3.1 billion in the
11 budget -- these 4201 schools lost \$2 million in
12 this budget. That is, those schools that service
13 the most vulnerable, those who are most severely
14 impacted and those that are most challenged by
15 being in the teaching environment -- and those
16 who we should be supporting unequivocally -- in
17 this budget lost \$2 million at a time when we
18 increased education spending by \$3.1 billion.

19 So, Mr. President, I would remind
20 the chamber and our colleagues that as we go
21 forward through this process, let's remember the
22 4201 schools. Let's make sure they have the
23 resources necessary so that they can complete
24 their high school education and then, yes, go on
25 to college. And let's make sure that as we move

1 forward and we lift all boats, we don't forget
2 those that are serving the most vulnerable.

3 So I want to thank the sponsor again
4 for having this resolution, Mr. President, and I
5 vote aye.

6 ACTING PRESIDENT COONEY: Thank
7 you, Senator Martins.

8 This resolution was previously
9 adopted on January 31st.

10 Senator Gianaris.

11 SENATOR GIANARIS: Mr. President,
12 before we move on to the next resolution, can we
13 first recognize Senator May for an introduction.

14 ACTING PRESIDENT COONEY: Senator
15 May for an introduction.

16 SENATOR MAY: Thank you,
17 Mr. President.

18 I also want to thank the sponsor of
19 this resolution.

20 And I have some guests here with me
21 today. I have spoken on the floor in the past
22 about Syracuse University as a global pioneer in
23 inclusive education, starting at K -- pre-K
24 through 12. But Syracuse University also has an
25 absolutely extraordinary program called

1 Inclusive U, which is -- which brings together
2 students of all ages with intellectual and
3 developmental disabilities who want to experience
4 college life in a fully inclusive setting.

5 They come to Syracuse University,
6 they live on campus, they take Syracuse
7 University classes, they graduate from Syracuse
8 University. And it is an absolutely incredible
9 program, with over 100 students currently
10 attending.

11 These students participate in every
12 aspect of campus life -- taking SU coursework,
13 attending sporting and social events, completing
14 internships. They live in dorms with their
15 peers. At the conclusion of their studies, they
16 receive an SU Certificate of Completion and
17 participate at the graduation ceremony with their
18 Syracuse University peers.

19 Inclusive U continues to be a model
20 for other schools and colleges across the country
21 on how to increase college access for all. And I
22 am so happy they have made the journey here today
23 for this experience of seeing the Capitol and
24 gaining an appreciation for the work we do here.

25 With our visitors today -- with the

1 students today are some incredibly amazing people
2 who coordinate, guide, and accompany the
3 students. They include Karly Grifasi, assistant
4 director of operations and communications, and
5 Sam Roux and Beth Myers from the Taishoff Center
6 for Disability and Inclusion.

7 And the students who are here with
8 us now are Maia Chamberlain, Shafreyya Wilkins,
9 Mackenszie Gleason, Chase Coleman, Jacob Stives,
10 and Michael McGrath.

11 So I hope that we can recognize
12 these students and offer them the courtesies of
13 the house.

14 Thank you.

15 ACTING PRESIDENT COONEY: Thank
16 you, Senator May.

17 To our guests, I welcome you on
18 behalf of the Senate. We extend to you the
19 privileges and courtesies of this house.

20 Please rise and be recognized.

21 (Standing ovation.)

22 ACTING PRESIDENT COONEY: Senator
23 Gianaris.

24 SENATOR GIANARIS: Now can we move
25 on to previously adopted Resolution 170, by

1 Senator Tedisco, read its title and recognize
2 Senator Tedisco.

3 ACTING PRESIDENT COONEY: The
4 Secretary will read.

5 THE SECRETARY: Senate Resolution
6 170, by Senator Tedisco, congratulating the
7 Saratoga Springs High School Girls Varsity
8 Cross Country Team and Head Coach Art Kranick
9 upon the occasion of capturing the Nike Cross
10 National Championship on Saturday, December 3,
11 2022.

12 ACTING PRESIDENT COONEY: Senator
13 Tedisco on the resolution.

14 SENATOR TEDISCO: Thank you so
15 much, Mr. President and my colleagues.

16 I'm proud and honored to present to
17 you -- I can't quite see them through those bars,
18 but I can assure you that they're here and
19 they're for real. And the people who know that
20 the most are their opponents, not only this year
21 but over the years.

22 This is a fantastic group of
23 students and girls from a great high school,
24 Saratoga Springs High School. They are indeed
25 the Girls Varsity National Cross Country

1 Champions. They're not only champions for one
2 year, they've been designated champions for the
3 last two years nationally. And actually, because
4 of the pandemic, we could call them four-year
5 champions. They were number one each and every
6 one of the two years that the pandemic was at the
7 height of its existence. So they could be a
8 four-peat right now.

9 They are known as the Blue Streaks.
10 They like to call themselves -- and the coach
11 does -- the Kinetics. But I call them the
12 Perennials, because year in and year out at this
13 outstanding high school they achieve unbelievable
14 success and championship outcomes. It's because
15 of their hard work, it's because of their
16 designation and their dedication to a work ethic,
17 the team approach they've taken together.

18 But also I think it's a great deal
19 of support from the school itself, their parents,
20 their peers, and an outstanding group of coaches
21 led by, as has been mentioned, Head Coach Art
22 Kranick, Assistant Coaches Linda Kranick and
23 Dan VanCott.

24 And just let me read to you in
25 reverse order -- they've ended up at a national

1 championship, but you don't get there by going
2 and running the table.

3 The Saratoga Springs High School
4 Girls Varsity Cross Country Team captured the
5 second consecutive Nike Cross Country National
6 Championship at Glendoveer Golf Course in
7 Portland, Oregon, on Saturday, December 3, 2022,
8 with an overall team score of 81 points.

9 The Blue Streaks also captured --
10 this is before that -- the New York State
11 Federation Championship in Wappingers Falls on
12 November 19th, preceded by the New York State
13 Class A Championship on November 12th, a
14 sectional championship on November 5th, and the
15 Suburban Council Title Championship on
16 October 29th. One championship after another.

17 I think they have two senior runners
18 on the team, and the rest are underclassmen. So
19 I think Perennials is a good designation for
20 them, because they're going to be back, I think,
21 year after year. In fact, I think I'm going to
22 go today, after we finish session, go designate a
23 date for when we can bring them back to be on the
24 other side, maybe, so I can see them when I make
25 this presentation to them, because I'm pretty

1 sure they will be coming back and we'll be
2 honoring them again.

3 I want to let you know who these
4 individuals are, along with the coaches. There's
5 Sheridan Wheeler, Emily Bush, Alycia Hart,
6 Heidi Berglund, Natalie Wilding, Anya Belisle,
7 and McKinley Wheeler. And as I said, the
8 Kranicks and Dan VanCott are the outstanding
9 coaches who historically have done a tremendous
10 job.

11 And in fact, they're good athletes
12 in and of themselves, because a couple of years
13 ago I ran a few races out in Saratoga Springs, in
14 the city, and I ran along with them. Of course I
15 think I was looking at their back when I ran.

16 But they not only are outstanding
17 athletes themselves in their own rights, but
18 tremendous teachers in a whole variety of ways.
19 And I'm sure their students appreciate and their
20 athletes appreciate the efforts they've put
21 forth.

22 So, Mr. President, I would ask that
23 you would welcome them and thank them and
24 congratulate them and salute them and offer them
25 all the cordialities and show them how much we

1 appreciate the wonderful academic excellence they
2 provide, but also the athletic extracurricular
3 efforts they put forth.

4 Congratulations to them and an
5 outstanding school.

6 ACTING PRESIDENT COONEY: Thank
7 you, Senator Tedisco.

8 To our guests, I welcome you on
9 behalf of the Senate. We extend to you the
10 privileges and courtesies of this house.

11 Please rise and be recognized.

12 (Standing ovation.)

13 ACTING PRESIDENT COONEY: Senator
14 Gianaris.

15 SENATOR GIANARIS: At the request
16 of the sponsors, the two resolutions we took up
17 today are open for cosponsorship.

18 ACTING PRESIDENT COONEY: And
19 before we proceed, the resolution was previously
20 adopted on January 10th.

21 I apologize. Senator Gianaris.

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

24 ACTING PRESIDENT COONEY: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number 27,
2 Senate Print 818, by Senator Myrie, an act to
3 amend a chapter of the Laws of 2022.

4 ACTING PRESIDENT COONEY: Read the
5 last section.

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

8 ACTING PRESIDENT COONEY: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT COONEY: Announce
12 the results.

13 THE SECRETARY: In relation to
14 Calendar 27, those Senators voting in the
15 negative are Senators Ashby, Borrello,
16 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
17 Lanza, Martins, Mattera, Oberacker, O'Mara, Ortt,
18 Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk,
19 Weber and Weik.

20 Ayes, 40. Nays, 20.

21 ACTING PRESIDENT COONEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number 32,
24 Senate Print 823, by Senator Mannion, an act to
25 amend the Mental Hygiene Law.

1 ACTING PRESIDENT COONEY: Read the
2 last section.

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

6 ACTING PRESIDENT COONEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT COONEY: Senator
10 Mannion to explain his vote.

11 SENATOR MANNION: Thank you,
12 Mr. President.

13 I wasn't going to speak to this, but
14 it's certainly important legislation on a day
15 when Inclusive U from SUNY is here and I get to
16 see the great things that they do, and on a day
17 when Senator Gounardes continues his strong
18 advocacy for individuals with disabilities in the
19 education setting. And as Senator Martins stood
20 up and mentioned those 4201 schools, as well as
21 the 4410 and the 853 schools. They need parity.
22 They need to be treated like what we would call
23 traditional public schools.

24 And with that, in the overall world
25 of people with disabilities, this is a way to

1 make sure that individuals, advocates and family
2 members get the answers in a timely manner so
3 they can adjust. I proudly vote aye.

4 Thank you, Mr. President.

5 ACTING PRESIDENT COONEY: Senator
6 Mannion to be recorded in the affirmative.

7 Announce the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT COONEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number 43,
12 Senate Print 834, by Senator Kavanaugh, an act to
13 amend the Environmental Conservation Law.

14 ACTING PRESIDENT COONEY: Read the
15 last section.

16 THE SECRETARY: Section 10. This
17 act shall take effect immediately.

18 ACTING PRESIDENT COONEY: Call the
19 roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT COONEY: Announce
22 the results.

23 THE SECRETARY: In relation to
24 Calendar 43, those Senators voting in the
25 negative are Senators Borrello, Griffo, Lanza,

1 Oberacker, Rhoads and Stec.

2 Ayes, 54. Nays, 6.

3 ACTING PRESIDENT COONEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number 55,
6 Assembly Print 981, by Assemblymember Rosenthal,
7 an act to amend the General Business Law.

8 ACTING PRESIDENT COONEY: Read the
9 last section.

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

12 ACTING PRESIDENT COONEY: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT COONEY: Announce
16 the results.

17 THE SECRETARY: Ayes, 60.

18 ACTING PRESIDENT COONEY: The bill
19 is passed.

20 THE SECRETARY: Excuse me. In
21 relation to Calendar 55, voting in the negative:
22 Senator O'Mara.

23 Ayes, 59. Nays, 1.

24 ACTING PRESIDENT COONEY: The bill
25 is passed.

1 THE SECRETARY: Calendar Number 63,
2 Assembly Print Number 618, by Assemblymember
3 Barrett, an act to amend the Executive Law.

4 ACTING PRESIDENT COONEY: Read the
5 last section.

6 THE SECRETARY: Section 4. 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 COONEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT COONEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT COONEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number 64,
18 Senate Print 855, by Senator May, an act to amend
19 the Public Health Law.

20 ACTING PRESIDENT COONEY: Read the
21 last section.

22 THE SECRETARY: Section 3. This
23 act shall take effect on the same date and in the
24 same manner as a chapter of the Laws of 2022.

25 ACTING PRESIDENT COONEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT COONEY: Announce
4 the results.

5 THE SECRETARY: Ayes, 60.

6 ACTING PRESIDENT COONEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number 66,
9 Senate Print 857, by Senator Mattera, an act to
10 amend the Environmental Conservation Law.

11 ACTING PRESIDENT COONEY: Read the
12 last section.

13 THE SECRETARY: Section 3. This
14 act shall take effect on the same date and in the
15 same manner as a chapter of the Laws of 2022.

16 ACTING PRESIDENT COONEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT COONEY: Announce
20 the results.

21 THE SECRETARY: Ayes, 60.

22 ACTING PRESIDENT COONEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number 94,
25 Senate Print 1326, by Senator Ramos, an act to

1 amend the Labor Law.

2 ACTING PRESIDENT COONEY: 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 COONEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT COONEY: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar Number 94, those Senators voting in the
14 negative are Senators Ashby, Borrello, Gallivan,
15 Griffo, Helming, Lanza, O'Mara, Ortt, Palumbo,
16 Rhoads, Stec, Walczyk and Weik.

17 Ayes, 49. Nays, 13.

18 ACTING PRESIDENT COONEY: The bill
19 is passed.

20 THE SECRETARY: Calendar Number 97,
21 Assembly Print 1009, by Assemblymember Paulin, an
22 act to amend the General Business Law.

23 ACTING PRESIDENT COONEY: 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 COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar Number 97, voting in the negative:
10 Senator Gallivan.

11 Ayes, 61. Nays, 1.

12 ACTING PRESIDENT COONEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 100, Assembly Print 983, by Assemblymember
16 Magnarelli, an act to amend the Real Property
17 Actions and Proceedings Law.

18 SENATOR LANZA: Lay it aside.

19 ACTING PRESIDENT COONEY: Lay it
20 aside.

21 THE SECRETARY: Calendar Number
22 108, Assembly Print 619, by Assemblymember Reyes,
23 an act to amend the Environmental Conservation
24 Law.

25 ACTING PRESIDENT COONEY: Read the

1 last section.

2 THE SECRETARY: Section 3. This
3 act shall take effect on the same date and in the
4 same manner as a chapter of the Laws of 2022.

5 ACTING PRESIDENT COONEY: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT COONEY: Announce
9 the results.

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT COONEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 114, Senate Print 1346, by Senator Parker, an act
15 to amend the State Finance Law.

16 ACTING PRESIDENT COONEY: Read the
17 last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect on the same date and in the
20 same manner as a chapter of the Laws of 2022.

21 ACTING PRESIDENT COONEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT COONEY: Senator
25 Rhoads to explain his vote.

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

3 I noticed today that we are actually
4 giving the state a little bit of leeway. You
5 know, while we certainly understand the need
6 for -- and the desire to have zero-emission
7 vehicles and the state has taken the position
8 that it wants to take the lead in that, we've
9 recognized that it is unachievable and
10 unattainable in the time frame that we set forth
11 in the legislation, which is the purpose of this
12 bill.

13 But at the same time as we're giving
14 the state more time, we are poised as a state to
15 enact unrealistic, unachievable and, quite
16 frankly, dangerous limits on the ability for
17 residents of our state and builders in our state
18 to be able to use natural gas. We've set
19 limits -- by the end of 2025 for small buildings,
20 larger buildings by 2027, new construction being
21 completely eliminated by 2030 -- for the use of
22 fossil fuels. And by 2035, telling our own
23 homeowners that use natural gas for cooking, that
24 use natural gas for heat, that they're not going
25 to be able to do that, that they will wind up

1 having to convert their homes at a tremendous
2 expense to them.

3 So while at the same time we're
4 giving ourselves leeway, let's keep in mind as we
5 debate these issues that we need to give our
6 residents leeway in being able to address some of
7 the onerous burdens that this body continues to
8 place on them in the -- in the pursuit of
9 environmental conservation.

10 So I will be voting in the negative
11 on this bill as a protest to what we plan on
12 doing to our homeowners and trying to give
13 ourselves the rights that we're not affording to
14 them.

15 ACTING PRESIDENT COONEY: Senator
16 Rhoads to be recorded in the negative.

17 Announce the results.

18 THE SECRETARY: In relation to
19 Calendar Number 114, those Senators voting in the
20 negative are Senators Borrello,
21 Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming,
22 Lanza, Oberacker, O'Mara, Ortt, Rhoads, Stec and
23 Weber.

24 Ayes, 50. Nays, 12.

25 ACTING PRESIDENT COONEY: The bill

1 is passed.

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

4 SENATOR GIANARIS: Let's now take
5 up the controversial calendar, please.

6 ACTING PRESIDENT COONEY: The
7 Secretary will ring the bell.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number
10 100, Assembly Print Number 983, by
11 Assemblymember Magnarelli, an act to amend the
12 Real Property Actions and Proceedings Law.

13 ACTING PRESIDENT COONEY: Senator
14 Borrello on the bill. Oh, why do you rise?

15 SENATOR BORRELLO: Will the --
16 thank you, Mr. President. Would the sponsor
17 yield for a question.

18 ACTING PRESIDENT COONEY: Does the
19 sponsor yield?

20 SENATOR MAY: I will.

21 ACTING PRESIDENT COONEY: The
22 sponsor yields.

23 SENATOR BORRELLO: Thank you.
24 Through you, Mr. President.

25 This bill is -- this is an amendment

1 to a previous bill that deals with, you know,
2 tenants' rights. But that previous bill didn't
3 carve out New York City. So this bill will carve
4 out the five boroughs of New York City from that
5 original bill which passed last year.

6 So what -- well, why? Why are we
7 all of a sudden now changing it to exclude the
8 five boroughs?

9 SENATOR MAY: Through you,
10 Mr. President. New York City effectively has
11 this in place already, and so it made sense to
12 pull it out of this bill because we really are
13 trying to change the -- the practice elsewhere in
14 the state.

15 SENATOR BORRELLO: Mr. President,
16 will the sponsor continue to yield?

17 ACTING PRESIDENT COONEY: Will the
18 sponsor yield?

19 SENATOR MAY: I will.

20 ACTING PRESIDENT COONEY: The
21 sponsor yields.

22 SENATOR BORRELLO: So this
23 separate, you know, process to have New York
24 City, was it not in place last year when we
25 passed the bill?

1 SENATOR MAY: Through you,
2 Mr. President, it was.

3 SENATOR BORRELLO: Mr. President,
4 will the sponsor continue to yield?

5 ACTING PRESIDENT COONEY: Will the
6 sponsor yield?

7 SENATOR MAY: I will.

8 ACTING PRESIDENT COONEY: The
9 sponsor yields.

10 SENATOR BORRELLO: So last year
11 this process already existed. This year,
12 nothing's changed. Why the change of heart on
13 excluding New York City? I mean, you're talking
14 about millions of tenants in New York City
15 that -- this bill is very different, by the way,
16 than the protections they get from Housing Court
17 in New York City. So why the change of heart?
18 Who -- why are we doing this now?

19 SENATOR MAY: Through you,
20 Mr. President, it actually is the case that these
21 are very similar protections to what already
22 exist in New York City. And New York City has
23 the personnel and the resources in place to help
24 tenants access those remedies that we are now
25 creating for upstate.

1 And -- and so there is more than
2 just -- just the -- this remedy. There is --
3 there need to be forms and -- and ways of -- for
4 tenants to access them, and so we're creating
5 that for upstate.

6 SENATOR BORRELLO: Will the sponsor
7 continue to yield?

8 ACTING PRESIDENT COONEY: Does the
9 sponsor yield?

10 SENATOR MAY: Yes.

11 ACTING PRESIDENT COONEY: The
12 sponsor yields.

13 SENATOR BORRELLO: So you're saying
14 that there were some major changes to the
15 resources available in New York City for tenants
16 from last year to this year, and that's why
17 you're now excluding New York City?

18 SENATOR MAY: Through you,
19 Mr. President, no, I'm not saying that.

20 SENATOR BORRELLO: Mr. President,
21 will the sponsor continue to yield.

22 ACTING PRESIDENT COONEY: Will the
23 sponsor yield?

24 SENATOR MAY: I will.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR BORRELLO: So again, we're
3 talking about excluding a city of 8 and a half
4 million people, millions of tenants. I still
5 haven't got an answer: Why the change of heart
6 from last year to this year?

7 SENATOR MAY: Through you,
8 Mr. President, this is not a change of heart.

9 I am glad that my colleague wants
10 all tenants throughout the state to have the
11 ability to challenge landlords who are not doing
12 their job to keep them safe and -- and create
13 safe housing conditions.

14 This was in the negotiation with
15 the -- with the Executive and the Assembly. We
16 concluded that it was duplicative to -- to
17 include that in this bill. So it's not a change
18 of heart, it's just recognizing the -- the
19 conditions on the ground.

20 SENATOR BORRELLO: Mr. President,
21 will the sponsor continue to yield?

22 ACTING PRESIDENT COONEY: Will the
23 sponsor yield?

24 SENATOR MAY: I will.

25 ACTING PRESIDENT COONEY: The

1 sponsor yields.

2 SENATOR BORRELLO: Through you,
3 Mr. President.

4 So I guess what I'm hearing is that
5 nothing's changed from last year, but you had
6 some discussions with the Governor and the
7 Governor decided that we need to now -- the same
8 Governor as last time, same, you know -- pretty
9 much the same situation, but we're going to
10 exclude New York City all of a sudden now.

11 So with that -- with that in place,
12 my question is, you know, this is a very -- very
13 different from what they do in New York City.
14 Because this bill would allow essentially the
15 court to -- if I'm reading this correctly, a
16 broad definition of additional damages that could
17 be -- could basically be awarded by the -- by the
18 court. A special proceeding by the -- by tenants
19 for judgments directing repairs of condition and
20 other relief pursuant to the underlying court.

21 So in other words, you're going to
22 sue because you never fixed my hot water tank.
23 But the judge has the discretion to -- to give
24 additional compensation beyond just the -- the
25 remedy for that hot water tank, for example. Is

1 that correct? The judge has discretion.

2 Interesting concept.

3 SENATOR MAY: Through you,
4 Mr. President. So in New York City they -- the
5 courts can impose a fine, they can order the --
6 the landlord to fix the problem. They can hold
7 the landlord in contempt.

8 This is giving judges similar
9 abilities upstate for -- for tenants who are
10 having the same kinds of truly dangerous or
11 difficult -- you know, unlivable conditions that
12 a landlord is not fixing.

13 SENATOR BORRELLO: Mr. President,
14 will the sponsor continue to yield?

15 ACTING PRESIDENT COONEY: Will the
16 sponsor yield?

17 SENATOR MAY: I will.

18 ACTING PRESIDENT COONEY: The
19 sponsor yields.

20 SENATOR BORRELLO: So that
21 additional relief, is there any definition, any
22 limits, any guardrails within this legislation
23 for that additional relief that can be afforded
24 to -- to tenants?

25 SENATOR MAY: Through you,

1 Mr. President, the underlying bill had very
2 specific kinds of relief. In -- in negotiation,
3 we decided that it was sufficient to say that the
4 court could determine what was just in this case.

5 SENATOR BORRELLO: Mr. President,
6 will the sponsor continue to yield?

7 ACTING PRESIDENT COONEY: Will the
8 sponsor yield?

9 SENATOR MAY: I will.

10 ACTING PRESIDENT COONEY: The
11 sponsor yields.

12 SENATOR BORRELLO: Thank you.

13 So in its discretion, could a court
14 deem reasonable the attorney's fees? Could that
15 be just? The attorney's fees for the tenant.

16 SENATOR MAY: Through you,
17 Mr. President. As I said, what the court deems
18 just, yes.

19 SENATOR BORRELLO: Mr. President,
20 will the sponsor continue to yield?

21 ACTING PRESIDENT COONEY: Does the
22 sponsor yield?

23 SENATOR MAY: Yes.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR BORRELLO: So in that hot
2 water tank example I gave, could then the court
3 determine that, say, \$50,000 of additional
4 compensation would be considered just?

5 SENATOR MAY: Through you,
6 Mr. President. So with this chapter amendment
7 there is no provision for monetary damages. The
8 court will order the landlord to fix the problem.
9 If the landlord doesn't do that, then the -- then
10 the court can actually order additional remedies.

11 SENATOR BORRELLO: Mr. President,
12 will the sponsor continue to yield?

13 ACTING PRESIDENT COONEY: Will the
14 sponsor yield?

15 SENATOR MAY: Yes.

16 ACTING PRESIDENT COONEY: The
17 sponsor yields.

18 SENATOR BORRELLO: Is there a
19 specific part of the bill which excludes monetary
20 damages that you could point to?

21 SENATOR MAY: Through you,
22 Mr. President. So the version I have has what
23 was crossed out in the -- by the chapter
24 amendment.

25 Previously it said "a monetary

1 judgment in favor of the petitioner for the
2 diminished value of the real property." That was
3 there; that has been excised now from the chapter
4 amendment.

5 SENATOR BORRELLO: Mr. President,
6 will the sponsor continue to yield?

7 ACTING PRESIDENT COONEY: Will the
8 sponsor yield?

9 SENATOR MAY: I will.

10 ACTING PRESIDENT COONEY: The
11 sponsor yields.

12 SENATOR BORRELLO: Well, right
13 below that, though, it does retain that language,
14 it says, if I'm getting this correct.

15 So it -- you crossed it out up here,
16 but you redefined it -- or it was already defined
17 in the -- in the lines just below that, that you
18 could actually still get monetary damages. At
19 least that's the interpretation of our counsel.

20 SENATOR MAY: Through you,
21 Mr. President. So we have explicitly struck the
22 provision for monetary judgment and replaced it
23 with "Any other relief that the court may deem
24 just."

25 SENATOR BORRELLO: Mr. President,

1 will the sponsor continue to yield?

2 ACTING PRESIDENT COONEY: Will the
3 sponsor yield?

4 SENATOR MAY: I will.

5 ACTING PRESIDENT COONEY: The
6 sponsor yields.

7 SENATOR BORRELLO: So you're
8 saying -- you know, just for clarification --
9 that monetary damages are excluded.

10 SENATOR MAY: We are -- through
11 you, Mr. President, saying that it is not
12 explicit in the bill, but the court could deem
13 something just if a landlord was refusing to make
14 the repairs.

15 SENATOR BORRELLO: Mr. President,
16 will the sponsor continue to yield?

17 ACTING PRESIDENT COONEY: Will the
18 sponsor yield?

19 SENATOR MAY: I will.

20 ACTING PRESIDENT COONEY: The
21 sponsor yields.

22 SENATOR BORRELLO: So you're saying
23 that they then could find monetary damages to be
24 just, then, if they -- if they found it to be
25 egregious, for example.

1 SENATOR MAY: Through you,
2 Mr. President, they certainly could fine -- or
3 could hold the -- hold the -- the landlord in
4 contempt, and there could be fines associated
5 with that.

6 SENATOR BORRELLO: Mr. President,
7 on the bill.

8 ACTING PRESIDENT COONEY: Senator
9 Borrello on the bill.

10 SENATOR BORRELLO: Senator May,
11 thank you very much for your time today.

12 You know, this is an interesting
13 situation. We are carving out New York City,
14 millions of people, no changes to the conditions
15 from last year. Same Governor, same conditions.

16 This just seems blatantly political.
17 I mean, let's face it. We had three years of
18 just bringing private property owners to their
19 knees in New York State. Day after day,
20 extension after extension. We told them, We've
21 got relief coming for you, we've got millions of
22 dollars.

23 I stood on this floor and I asked
24 the question, Will there be enough to fill all
25 the unpaid rent in New York State? And the

1 answer was yes, we had some university study and
2 we're going to have enough money.

3 Three weeks later, boom. No. The
4 Governor had to go on her bended knee to the
5 President of the United States and get money,
6 more money. Which she didn't actually get.

7 So now, now we want to maybe give a
8 little relief to these property owners by
9 excluding the ones in New York City from having
10 to be bound by this. Nothing else changed except
11 for the politics. We want to make sure certain
12 people can continue to write certain checks to
13 certain candidates. That's what this bill is
14 about.

15 Sadly, I don't know how many private
16 property owners are going to continue to be in
17 this business. I had so many people in my
18 district contact me; they drained their savings
19 so they could keep paying the bills that kept
20 coming. The tenants that didn't pay their
21 bills -- even though they didn't lose their jobs,
22 even though they had thousands and thousands of
23 dollars dumped on them by the federal government,
24 didn't pay their -- didn't pay their rent, and
25 nobody challenged them on it. Nobody.

1 So now we're going to tell property
2 owners in New York City, Hey, we're on your side,
3 we're on your team. No, you're not. We're going
4 to make this state into a Third World nation
5 where the privileged few have their own private
6 property and the rest of us will be subject to
7 some kind of governmental-controlled living
8 conditions.

9 That's not the state that I want to
10 live in, and I'm voting no. Thank you.

11 ACTING PRESIDENT COONEY: Are there
12 any other Senators wishing to be heard?

13 Seeing and hearing none, debate is
14 closed.

15 Senator Gianaris.

16 SENATOR GIANARIS: Mr. President,
17 we've agreed with the Minority to restore this to
18 the noncontroversial calendar. Can we please
19 take it up that way.

20 ACTING PRESIDENT COONEY: The bill
21 will be restored to the noncontroversial
22 calendar.

23 Read the last section.

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

1 ACTING PRESIDENT COONEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT COONEY: Senator
5 May to explain her vote.

6 SENATOR MAY: Thank you,
7 Mr. President.

8 Last year I was very proud to pass
9 the Tenant Dignity and Safe Housing Act through
10 this body, and I am proud now to have it finally
11 in its final amended form to be signed into law.

12 Landlords in this state have a legal
13 obligation to provide safe housing. They can't
14 leave deadly mold or, you know, holes in the roof
15 or the various things that I see when I go door
16 to door in my district, some of the conditions
17 that tenants in my district are living with.

18 One thing this bill critically does
19 is makes it easier for tenants to seek remedies
20 for that, for those problems. It creates a
21 simple process in plain language for them to
22 access a court judgment on -- to make their home
23 safe. This is, as I said, a legal obligation of
24 the landlords to provide this, but it has been
25 very hard for tenants who don't have their own

1 lawyers, who don't have a lot of resources, to
2 actually get the remedies that they need.

3 So I remain very proud of this bill.
4 I am grateful to my colleagues for supporting it
5 and to the Governor for supporting it as well,
6 and will look forward to this being the law of
7 the state.

8 Thank you.

9 ACTING PRESIDENT COONEY: Senator
10 May to be recorded in the affirmative.

11 Announce the results.

12 THE SECRETARY: In relation to
13 Calendar 100, those Senators voting in the
14 negative are Senators Ashby, Borrello,
15 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
16 Lanza, Mattera, Oberacker, O'Mara, Ortt, Palumbo,
17 Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

18 Ayes, 44. Nays, 18.

19 ACTING PRESIDENT COONEY: The bill
20 is passed.

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

23 SENATOR GIANARIS: Thank you,
24 Mr. President.

25 Let me remind my Majority colleagues

1 that there will be a conference immediately
2 following the adjournment of session.

3 And with that, is there any further
4 business at the desk?

5 ACTING PRESIDENT COONEY: There
6 will be a Majority Conference session at the
7 completion.

8 There is no further business at the
9 desk.

10 SENATOR GIANARIS: I move to
11 adjourn until Monday, February 13th, at
12 3:00 p.m., intervening days being legislative
13 days.

14 ACTING PRESIDENT COONEY: On
15 motion, the Senate stands adjourned until Monday,
16 February 13th, at 3:00 p.m., with intervening
17 days being legislative days.

18 (Whereupon, at 12:06 p.m., the
19 Senate adjourned.)
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