NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 28, 2023

3:21 p.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: 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 MAYER: 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 MAYER: Reading of the Journal.

THE SECRETARY: In Senate, Monday, February 27, 2023, the Senate met pursuant to adjournment. The Journal of Friday, February 24, 2023, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Madam President.

Can we take up the Resolution Calendar, with the exception of Resolutions 254 and 344.

ACTING PRESIDENT MAYER: All those in favor of adopting the Resolution Calendar, with the exception of Resolutions 254 and 344, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed?

(No response.)

ACTING PRESIDENT MAYER: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we begin with Resolution 344, by Senator Kavanagh, read its title, and recognize Senator Kavanagh.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 344, by Senator Kavanagh, recognizing February 23, 2023, as Student Press Freedom Day.

ACTING PRESIDENT MAYER: Senator Kavanagh on the resolution.

SENATOR KAVANAGH: Thank you, Madam President.

I'll be brief, as the hour is late and we have a lot going on today. But I just wanted to stand to acknowledge that we have many student journalists in Albany today making the rounds and speaking with legislators on both sides of the aisle and in both houses.

I want to acknowledge that Senator O'Mara, a colleague across the aisle, has been a strong supporter of some legislation we've been working on for a number of years now to support the notion that student journalists ought to have some of the press freedom that we take for granted in America with respect to our mainstream media and indeed other forms of media as well.

You know, this country, from -- beginning with our First Amendment, part of the Bill of Rights, has recognized that journalism that is truly free, journalists that are

permitted to express their point of view within the bounds of the limited exceptions that over the years have developed around the First Amendment -- that journalists who have that power are able to provide the critical purpose of being reflective of the values that we're seeking to uphold in our society. They are able to be critical of institutions, when that's necessary.

And yet, based on a Supreme Court ruling a number of years ago, student journalists, although they have other First Amendment rights, they do not currently have the right to freedom of the press to the extent that they're working on school publications.

We have legislation that would rectify that. But today we're passing -- or proposing to pass a resolution to promote Student Press Freedom Day in the State of New York. It is a day that's recognized in many jurisdictions.

And thank you for -- to all my colleagues and to our leader for taking this resolution up today.

ACTING PRESIDENT MAYER: The

question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now move to Resolution 254, by Senator Persaud, read that resolution's title, and recognize Senator Borrello on that resolution.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Senate Resolution 254, by Senator Persaud, memorializing Governor Kathy Hochul to proclaim February 28, 2023, as Rare Disease Day in the State of New York.

ACTING PRESIDENT MAYER: Senator Borrello on the resolution.

SENATOR BORRELLO: Thank you, Madam President.

You know, rare disease is kind of an

amorphic topic until you experience it or someone you love experiences something considered to be a rare disease.

And I myself have experienced a rare disease. Back in September of 2018, I woke up on a Friday morning and felt some numbness in my legs. I thought it was nothing. Went to work, and things got progressively worse throughout the day. By that Friday evening, I went to take a stair and I fell down the stairs. I couldn't walk anymore, in a matter of a few hours.

By 6 a.m. Saturday morning, I asked my wife to take me to the hospital and -- because I was losing my ability to walk and use my hands.

We got to the hospital. The first person who saw me said: Well, you know, you're probably tired or have been doing this, doing that, and they wanted to send me home.

I insisted that I stay. And luckily I saw a good PA that actually recognized the symptoms and immediately called in a neurologist. And the neurologist diagnosed me with something called Guillain-Barré Syndrome -- some people call it Gill-i-an Bar syndrome, but GBS. It's a rare neurological disease.

I found myself in the ICU moments later. They were preparing for me to lose my ability to breathe on my own. It is actually a degenerative disease that spreads up through your body and eventually you lose the ability to breathe.

This was obviously a very scary experience. The good news is there was treatment for this. I was in the hospital, they got me on to the right medications, and within a day or two I was beginning to regain my ability to walk. I literally could not leave my bed in the hospital. I spent a week in the hospital.

And the scary part about this is that this is often misdiagnosed. When you consider something a rare disease, that's because people don't see it a lot. Doctors don't know the symptoms.

So I say, to be a good self-advocate and to ensure that when something like this happens to you or to a loved one, please be persistent. It can literally be a life-or-death decision.

So I thank the sponsor, Senator Persaud, for bringing recognition to this, and

the Governor, and hopefully a rare disease can become even rarer if we are able to recognize the symptoms early enough.

Thank you.

ACTING PRESIDENT MAYER: Thank you, Senator Borrello.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAYER: Opposed, nay.

(No response.)

ACTING PRESIDENT MAYER: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: At the request of the sponsors, those two resolutions are open for cosponsorship.

ACTING PRESIDENT MAYER: 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 reading of the calendar.

ACTING PRESIDENT MAYER: The Secretary will read.

THE SECRETARY: Calendar Number 209, Senate Print 1365, by Senator Kennedy, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

I rise to support this bill on the Farm Day package today because Central New York is home to one of the largest and most storied regional farmers markets in the state.

The CNY Regional Market was a terminal market, meaning a wholesale market where food came in by train and was delivered there, and it has since become one of the favorite places for people to gather on Saturday mornings,

because it brings farmers from all over the region, it brings consumers from dozens of counties in Central New York, and it supports a lot of diversity of food choices. And almost half of the vendors are women. Many minority businesses also sell their produce there.

It's a wonderful institution in our region, and I'm glad that we're talking about expanding this across the state. I think it's great for bringing fresh food and supporting culturally appropriate food to new Americans, for example, who -- of whom there are many in our region.

So I proudly support this bill and this whole package. Thank you.

ACTING PRESIDENT MAYER: Senator May to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 238, Senate Print 447A, by Senator Stavisky, an act to amend the Education Law.

SENATOR GIANARIS: Lay it aside for

the day.

ACTING PRESIDENT MAYER: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 278, Senate Print 2722, by Senator Skoufis, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 334, Senate Print 1156, by Senator Skoufis, an act to amend the General Municipal Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 350, Senate Print 1056A, by Senator Hinchey, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number

351, Senate Print 2236, by Senator Hinchey, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 352, Senate Print 2415, by Senator Bailey, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Madam President.

I'd like to thank our leader for having this package of farm bills, and our chair Senator Hinchey for all the work that she does in this space.

One of the things that you learn growing up is that when you open up the refrigerator, you should know where your food is coming from. And sometimes we don't -- we don't always make that connection, that farm-to-table connection.

So this package of bills but specifically this bill about urban agriculture is going to create something for individuals in the urban area to be able to grow things better, to talk about vertical farming so that we can utilize existing space to further New York State's great standing as the agricultural beacon of the United States of America.

So I'm excited about this bill. I'm excited about what we're going to be able to do in that urban space in terms of growing

vegetables, in terms of growing fruits, in terms of growing lots of different things in our great state.

And I'm thankful for the opportunity, and I vote aye, Madam President.

ACTING PRESIDENT MAYER: Senator Bailey to be recorded in the affirmative.

Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

And thank you, Senator Bailey, for sponsoring this bill.

We have a seven-acre farm in Syracuse, the Brady Farm, that I had the honor of bringing the Majority Leader to a few years ago. And she saw how remarkable it is when you can be teaching kids in an urban, low-income neighborhood about how to grow food, how to market food, how to really understand the role of local food in their community, because they have a community-supported agricultural program.

It provides jobs. There is a lot of evidence that children who have some experience with growing food are far more likely to eat vegetables than if they don't know where the

vegetables come from.

So at so many levels it's good for local health, it's good for the local economy, it's training people for new jobs, and it's created a beautiful space right in the middle of the city.

So I'm thrilled that we're supporting urban agriculture. I vote aye.

ACTING PRESIDENT MAYER: Senator May to be recorded in the affirmative.

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Yeah, thank you, Madam President.

I just want to take this opportunity to thank Senator Bailey for this thoughtful piece of legislation on urban agriculture.

I also want to thank and congratulate Senator Hinchey, the chair of our Agriculture Committee, for her visionary work as the chair of Agriculture, incorporating new, thoughtful legislation, especially as it pertains to our urban cores across the state.

Being from Buffalo, we recognize that we have to be supportive of the agriculture community. Not always in the cities, but

legislation -- thoughtful legislation like Senator Bailey's here will help to promote urban agriculture. It will help to bridge the divide that some may -- that some perceive to exist and others may claim to exist.

The bottom line is we have to make sure that we are supporting both fresh fruits, vegetables, produce throughout all of our communities -- suburban, rural, urban -- and at the same time the economies that literally feed our communities as well.

So again, congratulations to all involved. Madam President, I vote aye.

ACTING PRESIDENT MAYER: Senator Kennedy to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 353, Senate Print 3125, by Senator Hinchey, an act to amend the State Finance Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect one year after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Senator Hinchey to explain her vote.

SENATOR HINCHEY: Thank you, Madam President.

I rise today in support of this bill, but our entire agricultural package as well. And I want to thank the Majority Leader, Andrea Stewart-Cousins, and all of my colleagues, especially those who have bills in this package, for their support, today and always, of New York State's agricultural industry.

Make no mistake, New York is an ag state. And especially as we look at the climate repercussions that we are facing, not just across our country but across our planet, New York and the Northeast are set up to become the bread basket of our country once again. As we see different climate impacts in places like Florida and California and the Midwest, all of that makes our farmland and our farmers and our farm

businesses even that much more critical to our survival as a nation and as a community.

Our food is going to be grown here in New York State, and so we have to make sure that we are protecting our farmers, we are supporting our farmers' businesses, and that we're also supporting our farmworkers.

And this package is a really thoughtful package moving that work forward, from bringing in our farmers to be partners in the climate crisis to expanding opportunities for our businesses through temporary permits, to expanding access for locally sourced healthy food in more urban areas and places across our state -- and this bill, making sure that our state agencies are actually spending our money with our farmers, buying New York State food.

This is just a no-brainer. It keeps our tax dollars local, creating a circular economy, and ensures that everyone utilizing state agencies are eating locally grown New York-sourced food.

This is the kind of work that we should all be incredibly proudly of, and it's the type of work that's incredibly important to

continue to support our agricultural industry.

I want to thank the Farm Bureau for their Lobby Day today and for all of their work.

And for that, Madam President, thank you very much. I vote aye.

ACTING PRESIDENT MAYER: Senator Hinchey to be recorded in the affirmative.

Senator Borrello to explain his vote.

SENATOR BORRELLO: Thank you, Madam President.

You know, I want to echo the sentiments of Senator Hinchey. I enjoy being the ranking member of the Senate Agriculture Committee with her as the chair.

You know, yesterday we all got to go down and see some great New York farm products here as we were able to partake in the Taste of New York. That's a nice thing to do just one day, but what we really need is to -- this bill, which will ensure that more and more locally grown products are actually purchased with our tax dollars here in New York State. And that's the purpose of this bill, and it's a laudable goal.

I mean, I think about the fact that we serve orange juice from Florida or Brazil to our kids in school for breakfast and other events. Why not the delicious, nutritious Concord grape juice from my region, to come from New York State, as opposed to orange juice. I mean, from Florida. Come on, Florida?

(Laughter.)

SENATOR BORRELLO: We should definitely be looking more towards local produce.

And I just appreciate this bill and the fact that this is a commitment to supporting the number-one industry in New York State, agriculture.

So thank you all very much, and thank you again to the sponsor.

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

Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 355, Senate Print 4270, by Senator Parker, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 9. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 358, Senate Print 57, by Senator Harckham, an act to amend the Tax Law.

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of July.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 358, voting in the negative: Senator Walczyk.

Ayes, 59. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 368, Senate Print 2372, by Senator Bailey, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT MAYER: The bill is passed.

THE SECRETARY: Calendar Number 377, Senate Print 1304, by Senator Comrie, an act to amend the Administrative Code of the City of

New York.

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: In relation to Calendar Number 377, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Martins, Murray, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 43. Nays, 17.

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

SENATOR GIANARIS: Move to adjourn until tomorrow, Wednesday, March 1st, at 11:00 a.m.

And let me remind my Majority colleagues, we are returning to conference upon adjournment.

ACTING PRESIDENT MAYER: On motion, the Senate stands adjourned until Wednesday, March 1st, at 11:00 a.m.

(Whereupon, at 3:47 p.m., the Senate adjourned.)