NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 15, 2023

3:44 p.m.

REGULAR SESSION

SENATOR JEREMY A. COONEY, Acting President

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: We are joined by Cantor Ari Rosenblum, from the Jewish Federation & Foundation of Rockland County, in West Nyack. He will provide today's invocation.

Cantor.

CANTOR ROSENBLUM: Honorable Senators, Madam Speaker, guests, it's a great privilege for me to address this chamber, and I'm very grateful to Senator Weber for this opportunity.

I've often been inspired by the writings of Rabbi Jonathan Sacks, of blessed memory, but never more than when I read his essays about Passover, which the Jewish community will celebrate in a few weeks.

Rabbi Sacks described the unique outcome of the freedom bestowed upon the Jewish

people as they escaped slavery in Egypt. Only a free people, he wrote, have the ability to control and to sanctify their own time. A slave controls nothing.

Liberty allows us to devote ourselves not only to our mundane work, but also to helping those who need our care, to planning for the future, to engaging in kindness, and to speak to the Almighty, praying and giving thanks for all that we have. These endeavors both continue and leave an indelible legacy for our children to carry forward as they too grapple with what it means to be free.

President Franklin Roosevelt explained the concept in his famous Four Freedoms speech 82 years ago. With the rights inherent in freedom come commensurate responsibilities, and this chamber is tasked with upholding them. With freedom of speech comes the responsibility to listen and to hear the needs of your constituency. With freedom of belief comes the responsibility to safeguard the rights of those of all faiths, as well as those who follow humanistic values. With freedom from want comes the responsibility to help the vulnerable. And

with freedom from fear comes the responsibility to ensure the safety of our communities.

The Torah teaches us in Proverbs {in Hebrew}. Through wisdom is a house built, and by understanding it is established.

I conclude with this prayer. May the Almighty grant you, our representatives, both wisdom and understanding as you navigate our freedoms and responsibilities, using every moment of sacred time in this chamber to address the needs of all New Yorkers.

Thank you.

ACTING PRESIDENT COONEY: The reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 14, 2023, the Senate met pursuant to adjournment. The Journal of Monday, March 13, 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 May moves

to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 4037 and substitute it for the identical Senate Bill 4714, Third Reading Calendar 451.

ACTING PRESIDENT COONEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President. I move to adopt the Resolution Calendar.

ACTING PRESIDENT COONEY: All those in favor of adopting the Resolution Calendar please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT COONEY: Opposed?

(No response.)

ACTING PRESIDENT COONEY: The Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: At this time, Mr. President, can you recognize Senator Kennedy for an introduction.

ACTING PRESIDENT COONEY: Senator Kennedy for an introduction.

SENATOR KENNEDY: Thank you, Mr. President.

I rise today to welcome two leaders from Western New York to the Senate chambers. I would ask them both to please stand and be recognized.

Joining us today we have Niagara Falls Mayor Robert Restaino, as well as an exemplary member of our committee, Adam Perry.

Mayor Restaino was born and raised in Niagara Falls and completed law school at the University at Buffalo. He and his wife Diana raised their own family in Niagara County and are actively involved in civic and community organizations across the entire region, including the Niagara Falls Board of Elections, the Arts and Cultural Center, the Boys and Girls Club, just to name a few.

He's a strong voice for labor and for the hardworking men and women in Niagara

Falls. We're thrilled to have him here with us today.

Our good friend Adam Perry also joins us in chambers with the mayor. Adam is an integral part of the Western New York community and is a partner at Hodgson Russ LLP. His roots extend deep in Buffalo and Western New York, having attended Erie County Community College and the University at Buffalo. He currently serves as a board member and chair of the Niagara Frontier Transportation Authority's Aviation Committee.

And in 2021 he was appointed by Speaker Heastie to serve on the Cannabis Control Board, which oversees the licensing and permitting for this new industry in New York. The board is also tasked with implementing a social equity plan to ensure that those individuals harmed by drug laws in the past now have a role in the legal cannabis industry.

Both Mayor Robert Restaino and Adam Perry are moving our state forward and building vibrant communities across New York. I ask my colleagues to join me in welcoming them to the Capitol today and recognizing them and their

honorable work.

ACTING PRESIDENT COONEY: To our guests, I welcome you on behalf of the Senate. We extend to you the privileges and courtesies of this house. Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT COONEY: Senator Gianaris.

SENATOR GIANARIS: Thank you.

Can we now take up previously adopted Resolution 464, by Senator Kennedy, read its title, and recognize Senator Kennedy.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Senate Resolution 464, by Senator Kennedy, honoring St. Patrick and all persons of Irish descent upon the occasion of the 2023 celebration of St. Patrick's Day on March 17, 2023.

ACTING PRESIDENT COONEY: Senator Kennedy on the resolution.

SENATOR KENNEDY: Thank you very much, Mr. President. I rise to honor St. Patrick, who will be celebrated this Friday, March 17th.

St. Patrick is one of the patron saints of Ireland. Tradition has it that Patrick was captured from his home at age 16 by Irish marauders and spent six years in captivity in the province of Ulster, Ireland. During that time he tended the livestock, but he also learned the Irish language and customs and ultimately experienced a religious awakening.

He eventually escaped his captors and dedicated his life to studying religion in France, where he was ordained a priest, and later consecrated a bishop.

Years later, Patrick was sent back to Ireland by Pope Celestine, where he tangled with the Druids over his efforts to convert the Irish to the Catholic faith.

But when we look around today, we now see the impact he had in introducing the presence of God into Irish life. It was that very unwavering faith that earned Patrick not only sainthood, but a lasting respect and sense of gratitude from the Irish.

As an Irish-American myself whose family came to the United States in search of a better life many generations ago, St. Patrick's

Day -- like to many of you -- is dear to my heart. It's a day when we remember the struggles of those who came before us, who fought for freedom, who suffered in the face of famine, and who ultimately built a strong, vibrant and independent nation here in the United States of America.

This weekend, hundreds of thousands of New York City residents will gather for the annual St. Patrick's Day Parade, and tens of thousands of Western New Yorkers will join together for both the Old Neighborhood St. Patrick's Day Parade in the First Ward and the Valley neighborhoods, as well as the downtown parade on Sunday. And if you haven't been to Buffalo, the capital of Irish America, consider this an open invitation.

(Laughter.)

SENATOR KENNEDY: From Buffalo to New York and everywhere in between, our great state celebrates the cultures of the Irish communities, the strength of the Irish pride, and the indelible spirit of St. Patrick during this time. If you know anything about the Irish, it's that we will always have a seat at the table for

more, and for everyone.

In the spirit of St. Patrick and all those who paved a path forward for us, I wish all of my colleagues a Happy St. Patrick's Day -- from where I come from, a Happy St. Patrick's Month -- and good luck and good health today and every day.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Kennedy.

Senator Bailey on the resolution.

SENATOR BAILEY: Thank you, Mr. President.

You know, Happy St. Patrick's Day to all who are observing. St. Patrick's Month, to all who are observing it -- apparently, Tim, apparently that's a new thing.

But I'm the proud representative of Woodlawn now. Woodlawn, in the City of New York, in the Borough of the Bronx, is one of the if not the largest Irish-density populations in the City of New York.

And you know, before I was able to represent it, you know, Senator Kennedy came down. And there are only a couple of people in

this chamber that know more people than you in your own district. One is Senator Persaud. When she comes to your district, she knows more people than you in your district --

(Laughter.)

SENATOR BAILEY: -- and the other, is Woodlawn, is Tim Kennedy. When I was walking on Katonah Avenue and on the Emerald Isle -- in front of the Emerald Isle Association, Senator Kennedy seemed to know more people in my district than I knew. And I think that it's a testament to the -- I guess the diaspora of the Irish.

But in all seriousness, Mr. President, I think it's really important that we recognize all cultures and all individuals in this chamber.

And as a representative of Woodlawn, I am proud to represent a burgeoning and growing Irish community, and I look forward to representing it for years to come. And I look forward to being able to go from the Emerald Isle to what they call, in the Bronx, the Emerald Mile.

Thank you, Mr. President.

ACTING PRESIDENT COONEY: Thank you, Senator Bailey.

The resolution was previously adopted on -- I'm so sorry. I would never forget, never forget. Senator Mannion on the resolution.

SENATOR MANNION: My apologies, Mr. President. Thank you for acknowledging me.

And thank you, Senator Kennedy, for again introducing this resolution this year.

I agree with everything he said except in one regard, related to the -- what was that again? The Irish were the -- what was that? Yeah, capital, that was the right -- thank you, Mr. Ryan --

(Laughter.)

SENATOR MANNION: -- Senator Ryan. I appreciate that.

So as a proud Irishman and a kid who grew up on an area called Tipperary Hill, a quick anecdote, which is in 1925 there was a streetlight that was placed up, at the advice of Alderman John "Huckle" Ryan. We all have nicknames on Tipperary Hill. I have mine, but I'll reserve that for another day.

And this green light was put up. It was quickly reversed and turned over to put the red on top, as it was not in compliance with local law. But there was a group of individuals called the Stone Throwers who took care of that light.

The red light above the green, the Irish at the time would say that this was a symbolism of British domination over the Irish. So they took their stones, referred to by some as Irish confetti, and took out that light until it was reversed. So that is an act of civil disobedience, but an action that is referred to in these days as "good trouble."

So from the kids of Avery Ave and Ulster Street, I proudly vote aye.

ACTING PRESIDENT COONEY: Thank you, Senator.

Senator Scarcella-Spanton on the resolution.

SENATOR SCARCELLA-SPANTON: Thank you, Mr. President.

And I want to thank Senator Kennedy for this resolution.

You know, as a -- with the last name

Scarcella-Spanton, it will shock a lot of you that I'm actually 51 percent Irish. My mother is a Sullivan; we grew up celebrating St. Patrick's Day every single year. And that's truly where our roots are.

The other day I had the privilege of celebrating with the American-Irish legislators here in Albany, and I felt truly at home. So again, I just wanted to wish everybody a wonderful St. Patrick's Day, and thank you again for the resolution. As a proud -- my mother here, Sharon Sullivan, would be very proud that I'm standing on the floor announcing I am 51 percent Irish, so --

(Laughter.)

SENATOR SCARCELLA-SPANTON: So thank you so much, everyone.

ACTING PRESIDENT COONEY: Thank you, Senator.

The resolution was previously adopted on February 28th.

Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

At the request of Senator Kennedy,

this resolution is open for cosponsorship.

ACTING PRESIDENT COONEY: The resolution is open for cosponsorship. Should you choose not to be a cosponsor of the resolution, please notify the desk.

Senator Gianaris.

SENATOR STEC: Let's take up the reading of the calendar, please.

ACTING PRESIDENT COONEY: The Secretary will read.

THE SECRETARY: Calendar Number 130, Senate Print 1316, by Senator Parker, an act to amend the Public Service Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 130, those Senators voting in the negative are Senators Borrello, Griffo, Helming,

Mattera, Oberacker, O'Mara, Ortt and Walczyk.

Ayes, 54. Nays, 8.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 172, Senate Print 545, by Senator Gianaris, an act to amend the Urban Development Corporation Act.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 175, Senate Print 791, by Senator Comrie, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT COONEY: Read the

last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 175, those Senators voting in the negative are Senators Oberacker, O'Mara, Ortt, Palumbo, Stec and Walczyk.

Ayes, 56. Nays, 6.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 178, Senate Print 1937, by Senator Comrie, an act to amend the Public Authorities Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 182, Senate Print 1907, by Senator Cooney, an act to amend the State Finance Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 182, those Senators voting in the negative are Senators Ortt and Palumbo.

Ayes, 60. Nays, 2.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 277, Senate Print 2420, by Senator Krueger, an

act to amend the Legislative Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 277, those Senators voting in the negative are Senators Ashby, Gallivan, Helming, Murray, Oberacker, Ortt, Rhoads, Tedisco, Walczyk, and Weik.

Ayes, 52. Nays, 10.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 283, Senate Print 3406, by Senator Skoufis, an act to amend the Public Officers Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day after it

shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 295, Senate Print 521, by Senator Comrie, an act to repeal subdivision 6 of Section 51 of the Public Authorities Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 308, Senate Print 2862, by Senator Martinez, an act to amend the Real Property Tax Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 309, Senate Print 1413, by Senator Hinchey, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 309, those Senators voting in the negative are Senators Martins, Rhoads, Weber and Weik.

Ayes, 58. Nays, 4.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 316, Senate Print 3365, by Senator Harckham, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number

322, Senate Print 261, by Senator Serrano, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 360, Senate Print 2389, by Senator Myrie, an act to amend the Real Property Actions and Proceedings Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT COONEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 360, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 40. Nays, 22.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 362, Senate Print 3260, by Senator Hoylman-Sigal, an act to amend the Estates, Powers and Trusts Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 362, those Senators voting in the negative are Senators Martins, Rhoads and Weik.

Ayes, 59. Nays, 3.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 390, Senate Print 4644, by Senator Kennedy, an act to amend the Executive Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 390, those Senators voting in the negative are Senators Martins, O'Mara, Walczyk and Weik.

Ayes, 58. Nays, 4.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 397, Senate Print 2028, by Senator Addabbo, an act to amend the Real Property Tax Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Weber to explain his vote.

SENATOR WEBER: I want to thank Senator Addabbo for sponsoring this very important bill. I'm proud to have been a cosponsor on this bill as well. I've heard from a lot of veterans groups in Rockland County, including a lot of disabled veterans, who really appreciate the fact that, you know, this bill has finally moved forward.

And I proudly vote aye for this bill.

ACTING PRESIDENT COONEY: Thank

you, Senator Weber.

Senator Scarcella-Spanton to explain her vote.

SENATOR SCARCELLA-SPANTON: Thank you, Mr. President.

I wanted to commend Senator Addabbo on this piece of legislation.

It's incredibly important to our veteran families to be on par especially with our neighboring states. New Jersey actually has a 100 percent tax exemption for 100 percent disabled veterans. It makes sense, if we want to retain and attract veteran families here in New York State, to do the same.

I do want to commend -- you know, I know in New York City they have a staggered system. So the -- depending on what your disability rating is, you always will have some form of a property tax reduction, which is important to make sure we keep in place.

But I think that this is a wonderful step in helping veteran families, and again I wanted to commend and thank Senator Addabbo for his work on this. And I will be proudly voting aye.

ACTING PRESIDENT COONEY: Senator Scarcella-Spanton and Senator Weber to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 406, Senate Print 4041, by Senator Mayer, an act to amend the Education Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 409, Senate Print 2997, by Senator Rivera, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 409, those Senators voting in the negative are Senators Ashby, Griffo, Helming, Martins, Oberacker, Ortt, Palumbo, Rhoads, Stec, Tedisco, Walczyk and Weber. Also Senator Canzoneri-Fitzpatrick.

Ayes, 50. Nays, 13.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 436, Senate Print 485, by Senator Comrie, an act to amend the Public Authorities Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 440, Senate Print 4128, by Senator Mannion, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Mannion to explain his vote.

SENATOR MANNION: Thank you, Mr. President.

Very briefly, we can pay our electrical bills or we can pay our water bills

online, it's easy to do. But when it comes to something like a traffic violation, we cannot do -- we can do that, but there is a misconception in some of the courts that we can't do it. So this bill is there to provide clarity to all the courts in that that can be done.

I don't believe that throwing a stone at a traffic light and breaking out a light would fall under this heading. But if it were, I would be supportive of it.

I proudly vote aye. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 444, Senate Print 1898, by Senator Stavisky, an act to amend the Tax Law and the State Finance Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 445, Senate Print 3387, by Senator Krueger, an act to amend the Executive Law.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number

449, Senate Print 1394, by Senator Liu, an act to amend Chapter 802 of the Laws of 1947.

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect upon the enactment into law by the State of New Jersey.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 449, those Senators voting in the negative are Senators Ashby, Borrello, Gallivan, Griffo, Helming, Lanza, Mattera, Murray, Oberacker, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Walczyk, Weber and Weik. Also Senator O'Mara.

Ayes, 44. Nays, 19.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 451, Assembly Print 4037, by Assemblymember Hunter, an act to amend the Not-For-Profit

Corporation Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 452, Senate Print 126, by Senator Ryan, an act to amend the Executive Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar Number 452, voting in the negative: Senator Skoufis.

Ayes, 62. Nays, 1.

ACTING PRESIDENT COONEY: The bill is passed.

THE SECRETARY: Calendar Number 457, Senate Print 371, by Senator Gianaris, an act to amend the Election Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT COONEY: Lay it aside.

Senator Gianaris, that completes the reading.

SENATOR GIANARIS: Can we move on to the controversial calendar, please.

ACTING PRESIDENT COONEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 457, Senate Print 371, by Senator Gianaris, an act to amend the Election Law.

ACTING PRESIDENT COONEY: Senator Martins, why do you rise?

SENATOR MARTINS: Thank you. Thank

you, Mr. President.

Would the sponsor yield for a question -- for a few questions.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Definitely.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Thank you. Thank you, Mr. President. Thank you, Senator Gianaris.

I was wondering if the sponsor could provide us with a definition for "foreign national." I didn't see one in the bill, and I think it's very important in the context of a bill such as this that we are very precise in those who we would choose to affect.

SENATOR GIANARIS: And I appreciate that, Senator Martins; this was during his time off from the Senate that we passed this bill the last couple of years, so I'm happy to answer questions that he might have.

A foreign national is simply someone who's not an American citizen and is defined in federal law as someone who's prohibited from making political contributions in any federal or

state election.

SENATOR MARTINS: Thank you.

Mr. President, if the sponsor would continue to yield for questions.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Thank you. And thank you, Senator Gianaris. It's good to be back, and happy to have the conversation and the dialogue today.

Would -- in your definition of "foreign national," would that include permanent residents of the United States?

SENATOR GIANARIS: There is a definition that the federal government uses for individuals who are prohibited from engaging in political campaigns in federal or state elections. So that's what that term refers to.

SENATOR MARTINS: Thank you.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the

sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: But for purposes of clarity, Mr. President, I was hoping the sponsor would provide us, before we're asked to vote on this, with a definition of whether or not a foreign national includes those residents who are here legally in the United States who are still foreign nationals and are here legally.

Some people refer to them as illegal aliens, some people refer to them as green-card holders. I prefer to refer to them as permanent residents.

Mr. President, if the sponsor could perhaps provide clarity on that issue before we're asked to vote on this bill.

SENATOR GIANARIS: Yes, Mr. President. I will read the federal definition that I was referring to. It is in 22 USC Section 611. The definition of foreign national includes natural persons who are not citizens, nationals, or lawful permanent residents of the United States, and all foreign

principals as defined in the Foreign Agent Registration Act.

I'm sorry, the cite I gave you was the Foreign Agent Registration Act. What I was reading from was 50 USC Section 30-121.

SENATOR MARTINS: Thank you.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Well, thank you. And I want to thank the sponsor for that, because that is obviously very important. We do have immigrants to our country and here in New York State who are fundamental to our communities and to our business communities and do own interests in corporations in our communities, and we have to be very careful and precise that we're not going to disenfranchise anyone who would participate in the political process.

What I would ask, though, is if a person who is not a permanent lawful resident

owns 1 percent of a corporation, this bill would prohibit the other 99 percent of the owners of that corporation to participate through the corporation in the political process by making a donation, is that correct?

SENATOR GIANARIS: Yes. But the operative words that you use are "through the corporation." Those people of course are free to give contributions as individuals as they see fit.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: I'm curious if the sponsor is aware that there are times where you do have permanent residents who are here, they start a corporation, they build a company and then, in instances where they do sometimes return to the country of their birth, there is a process by which they lose their permanent

resident status. Is the sponsor aware of that?

SENATOR GIANARIS: I'm sure that happens.

SENATOR MARTINS: And Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So in instances where someone comes here, starts a company, perhaps raises a family, builds the company and passes that company on to their children but retains an ownership interest in the company and goes back, that company would no longer be able to participate in the process and support their local candidates simply because the principal who started the company no longer is a lawful permanent resident, although they were here properly, and they went back to their country of birth.

Or somewhere else where they didn't come back to the United States with enough time

to maintain their lawful permanent residence. Is that the intent of the bill?

SENATOR GIANARIS: Yes. I mean, these are people who are prohibited by federal law from giving individually, and what we're trying to do is make sure that they don't find a way around those restrictions by giving through a corporation instead.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: And yet if that person only owns 1 percent, 1 percent of that corporation -- without any ability to elect boards of directors, members, or to otherwise influence the trajectory of the company on a day-to-day basis -- merely the ownership of 1 percent of that corporation would prevent that corporation from being involved in this process, isn't that correct?

SENATOR GIANARIS: Well, I mean, your characterization is incorrect, but your conclusion is correct. The idea that someone who owns more than 1 percent of a corporation cannot influence their decision-making is mistaken.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So this bill would apply not only to the largest corporations in New York and in the country, but also to the smallest corporations. It's indiscriminate in terms of size, in terms of capacity, number of shareholders and the like, isn't that correct?

SENATOR GIANARIS: Yes.

SENATOR MARTINS: Perhaps -- Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Normally in New York when we deal with corporations it does require a majority of the shareholders in the corporation to be able to appoint boards, members to the boards of directors, who in turn would elect or choose or appoint the officers of the corporation. Are you familiar with that structure?

SENATOR GIANARIS: If the Senator is asking me if I'm familiar with a structure where a majority rules, yes, we live under that structure here every single day.

(Laughter.)

SENATOR MARTINS: Thank you, Mr. President. I appreciate that answer very much. If the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: And yet it would

be the sponsor's position that -- if I'm correct -- that 1 percent -- and if you're going to extrapolate that to this body, a single member would have the ability to change policy and decisions in this body. And although we understand that that may not necessarily work here, I'm curious as to how the sponsor would expect that to work in a corporate setting, since he made the analogy to this body. How would it work in a corporate setting?

SENATOR GIANARIS: Well, it clearly works that way on this side of the aisle where an individual member can influence the decisions made on behalf of the Majority Conference. I can't speak for yourself and your colleagues, Senator Martins. That's up to you all to figure out how to get influence over the direction of the Senate when you constitute such a small percentage of it.

But as it relates to corporations, the issue is that we are trying to combat a process whereby we know there's a problem with foreign influence. Every day we know of growing concern, particularly through the influence of social media, where countries looking to do us

harm -- Russia, most notably -- have engaged in election interference by spending money that would be prohibited under this legislation, to take ads and to create misinformation for voters and to influence the outcome of the elections.

So yes, if a company has 49 percent of its ownership connected to that kind of an entity, I would not want them participating in our political process.

SENATOR MARTINS: Mr. President, will the sponsor continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Well, we didn't talk about 49 percent, we talked about 1 percent. And the other 99 percent would be U.S. citizens or resident aliens, per the definition that you provided earlier in the federal code.

And so that 1 percent, not the 49 percent -- and so if you could answer the question whether or not that 1 percent you believe in a corporate setting, even those

settings that are mom and pop, family-owned businesses, that 1 percent prohibits that corporation from getting involved in this process. I just want to make sure that's what you want through this bill, and anyone who will be voting for it.

SENATOR GIANARIS: Yes, that is absolutely what I want.

SENATOR MARTINS: So, Mr. President, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: I thank you for the courtesy, Senator Gianaris.

In the bill there is a reference to "directly and indirectly." And I'm curious -- I certainly understand the concept of "directly." Perhaps you can provide us with your understanding of what you mean by "indirectly."

SENATOR GIANARIS: Can you point me to the line in the bill you're talking about.

SENATOR MARTINS: Well, there are a few of them, Senator. But Mr. President, through you, I'll be happy to do so.

If you look at Section 3, which is on the second page, line 17 -- 16 into 17, "directly or indirectly."

There's also another provision on page 3, at line 10, directly or indirectly -- or "direct or indirect." There's also one on page 3 in line 25 where it says "directly or indirectly."

It's in several places in the bill. And again, when we're talking about the position of a bill such as this and the importance of having clarity when we're talking about prohibiting people's participation in the political process and what many consider to be free speech -- Mr. President, through you, I'd ask the sponsor if he would provide us with his understanding of what he means by "indirect" or "indirectly."

SENATOR GIANARIS: I'd be happy to do that. And I appreciate Senator Martins is concerned with preserving Vladimir Putin's free speech rights in the United States.

But "indirect" is -- the word "indirect" is simply meant to guard against someone who might, for example, set up multiple entities through which to exert their influence. So if you -- well, not you, because you're an American citizen, right? But if someone who is a foreign national set up an LLC and then that LLC then purchased ownership rights in another company, that's the indirect influence that we're talking about.

Indirect ownership I think is what the language says, and that's what we're talking about.

SENATOR MARTINS: Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So if I'm correct, this bill would not prohibit the family members of any elected officials receiving payments from foreign countries or foreign

nationals while that elected official is in office, that -- this bill wouldn't address that, would it?

SENATOR GIANARIS: I don't understand the question. You said a family member of an elected official --

SENATOR MARTINS: Let me -- let me -- let me just -- Mr. President, through you, I'll clarify. And again, I thank the sponsor for his courtesies in answering these questions.

But this bill would not stop somebody, say, who was a -- the son of a sitting vice president of the United States, this wouldn't stop that person from receiving payments from a foreign entity or a foreign country or a foreign company while their parent, relative, brother, sister -- you know, the person in their immediate family is in a position of elective office, this bill would do nothing with regard to prohibiting that for places like the Ukraine or China or any other country in the world, right, Senator?

SENATOR GIANARIS: No, this bill addresses an entirely different topic. So it also doesn't address -- let's say, for example, I

don't know, a sitting Congressman who got elected by lying to his constituents sitting in office. But somehow your district happens to be represented by one of those people.

So if you want to put in bills to address any of these other unrelated extraneous topics, feel free, and we'll consider it. But this bill, this is dealing with a completely different topic.

SENATOR MARTINS: Thank you.

Mr. President, just a -- just a few more questions. I appreciate the Senator's indulgence and his courtesies. If he can consider -- continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Of course.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Thank you.

So would this bill prohibit the participation in the electoral process or the political process by anyone in -- in other means other than by the payment of a contribution?

SENATOR GIANARIS: I suppose it

would also limit direct spending in the form of independent expenditures.

But I think in New York now you're required to have an independent expenditure committee through which that money is spent. So I guess it's only relevant to those who make contributions to such committees.

SENATOR MARTINS: I appreciate that.

Mr. President, through you, if the sponsor would continue to yield and I'll try and clarify.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: Thank you.

You know, there are multiple ways to contribute, I believe, to a political campaign. One is through the payment of money and a check and a contribution. Others are by people who volunteer for the campaign and provide what we may consider volunteer service, sweat equity, whatever it happens to be, for the candidate of

their choice.

Would this bill prohibit somebody who is a foreign national from volunteering on a campaign and from participating in the electoral process -- not by payment of a check but, you know, hours and days and weeks of working on behalf of a campaign or a candidate for elective office?

SENATOR GIANARIS: Well, a corporation does not volunteer, an individual volunteers. So I don't believe it would restrict that activity.

SENATOR MARTINS: But the foreign national -- Mr. President, I apologize. Through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: But there is value, wouldn't you say, in people volunteering for a campaign and getting involved in the political process that sometimes is far more important to the electoral success of a campaign

than simply the payment of money?

SENATOR GIANARIS: Certainly. It depends how much money, I suppose. But yes.

(Laughter.)

SENATOR MARTINS: That is true.

Mr. President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT COONEY: Will the sponsor yield?

SENATOR GIANARIS: Yes.

ACTING PRESIDENT COONEY: The sponsor yields.

SENATOR MARTINS: So if we have people who -- again, it's not a corporation, it's a foreign national who decides that they want to volunteer, should they be prohibited from volunteering on a campaign and influencing a corporation or the results of a corporation simply because they want to volunteer? They're not cutting a check, don't get me wrong, they're actually volunteering, working on a campaign, walking door to door, knocking on doors, making phone calls -- the kinds of things that we all know we do as part of the electoral process. Would that be prohibited as part of this bill?

SENATOR GIANARIS: Not unless it's already prohibited by federal law, which already restricts the ability of foreign nationals to participate in the political process.

So if 50 USC Section 301-21 prohibits that, then it's prohibited. And if it doesn't, then it's not prohibited.

But we are not addressing that. We are taking the federal government's restriction on foreign nationals participating in the political process and just trying to make sure that we don't have some loophole where they can do so through a corporate entity.

SENATOR MARTINS: Mr. President, I thank the sponsor for his answers.

On the bill.

ACTING PRESIDENT COONEY: Senator Martins on the bill.

SENATOR MARTINS: You know, in the preamble to this bill it says that New York's elections should be decided by the people of New York. And I happen to agree with that sentiment very much.

I think we all have to understand what does it mean to be the people of New York.

Are the people of New York just those people who are living here, who are resident aliens or permanent residents or whatever term anyone particularly chooses?

But I think the people of New York is broader than that. And so once we start restricting the ability of people to participate in the process, I'm concerned about that.

You know, I've mentioned it in the past, but my parents emigrated here from Portugal. Dad and Mom came over, eventually Dad started a business. He was a permanent resident when he did that. He opened the business, the business is still with us. My dad is not.

But if my dad had chosen to leave and go back to Portugal and lost his permanent resident status and my brothers and family members who are owners of that company choose not to, we would not have the recourse of being able to have a voice through our own family business.

And I think that's an unintended consequence -- at least I hope that's an unintended consequence and not an intended consequence of a bill such as this. That we would not allow people who have made their lives

here, raised their families here, invested in companies here, employed people here, the opportunity to have a voice here, I think that's important. And I think we should consider that when we pass bills such as -- and we all know what this bill is about.

There is no -- make no mistake, anyone in this room, we all understand what this is and why it's here and the message that is being sent. And good for everyone, okay, if that's what you want to do.

But bills matter and language matters. And when we begin creating winners and losers depending on national politics outside of what's important in our own communities, I think we're making a mistake and we're heading down the wrong road.

So yes, I understand why this bill is here. And yes, I understand why I'll be voting no. Because this bill would stifle people's ability to participate in the process. So yes, it will score political points for people in this room if you choose to look at it that way.

But if you look a little more

closely, we're better than this. We shouldn't be following this text and approving this through this chamber. Because if the guys on the other side of this building decide to take it up and the Governor decides to actually sign it, this is not what this state is about. And I think everyone in this room knows it.

So, Mr. President, thank you. On that, I'll be voting no.

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

Seeing and hearing none, debate is closed. The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 180th day after it shall have become a law.

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President. I just want to summarize what we're doing here and why.

There is a reason that foreign nationals are prohibited across this country from making contributions to campaigns at the federal, state or local level. And yet I hear my colleague talk about restricting the rights of those people who are specifically prohibited from doing so. But he wants them to go ahead and do so through a corporate entity.

And when you look at some of these corporations, 1 percent is a pretty big percent of some of these corporations. And to think that that doesn't influence the direction or the political decision-making of these corporations is just an incredible head-in-the-sand moment.

Now, I know my colleagues on that side are very concerned with protecting the rights of corporations, and they want them to have as much influence as they possibly can -- even to the point where they're letting those that are controlled by foreign entities, or at least influenced by foreign entities, to maintain that ability.

But what we're doing here is saying there's a reason you can't give directly. We're not going to let you give indirectly by simply

buying up foreign entities or big portions of them or even small portions of them, but to the point where you can influence the direction of that corporate entity.

Anyone that Senator Martins referenced who he's concerned about their ability to participate in the political process, if they're allowed to give themselves, they can give. They can give under their own name. There's absolutely no restriction to their individual giving.

Now, I guess he's concerned that he wants them to be able to give individually but then also give through a corporate entity.

So let's be clear. We're not stifling anyone's ability to participate in the political process. They just have to do so properly and permissibly.

I vote aye, Mr. President.

ACTING PRESIDENT COONEY: Senator Gianaris to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 457, those Senators voting in the negative are Senators Canzoneri-Fitzpatrick,

Gallivan, Helming, Martins, Mattera, Oberacker, O'Mara, Ortt, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 50. Nays, 13.

ACTING PRESIDENT COONEY: The bill is passed.

Senator Gianaris, that completes the reading of the controversial calendar.

SENATOR GIANARIS: Thank you, Mr. President.

Is there any further business at the desk today?

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Thursday, March 16th, at 11:00 a.m.

ACTING PRESIDENT COONEY: On motion, the Senate stands adjourned until Thursday, March 16th, at 11:00 a.m.

(Whereupon, at 4:37 p.m., the Senate adjourned.)