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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 9, 2024

11:11 a.m.

REGULAR SESSION

LIEUTENANT GOVERNOR ANTONIO DELGADO, President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 THE PRESIDENT: The Senate will  
3 come to order.

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

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

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

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

13 THE PRESIDENT: Reading of the  
14 Journal.

15 THE SECRETARY: In Senate, Monday,  
16 January 8, 2024, the Senate met pursuant to  
17 adjournment. The Journal of Sunday, January 7,  
18 2024, was read and approved. On motion, the  
19 Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Thank you,  
7 Mr. President. Good morning.

8 I move to adopt the  
9 Resolution Calendar, with the exception of  
10 Resolution 1595 and Concurrent Resolution 1600.

11 THE PRESIDENT: All those in favor  
12 of adopting the Resolution Calendar, with the  
13 exception of Resolution 1595, please signify by  
14 saying aye.

15 (Response of "Aye.")

16 THE PRESIDENT: Opposed?

17 (No response.)

18 THE PRESIDENT: The  
19 Resolution Calendar is adopted.

20 Senator Gianaris.

21 SENATOR GIANARIS: Can we begin by  
22 taking up Resolution 1595, by Senator Harckham,  
23 read that resolution's title only, and recognize  
24 Senator Harckham.

25 THE PRESIDENT: The Secretary will

1 read.

2 THE SECRETARY: Senate Resolution  
3 1595, by Senator Harckham, mourning the death of  
4 Thomas P. Diana, business owner, retired police  
5 officer, distinguished citizen, and devoted  
6 member of his community.

7 THE PRESIDENT: Senator Harckham.

8 SENATOR HARCKHAM: Thank you,  
9 Mr. President.

10 It's with sadness today that we mark  
11 the passing of Thomas P. Diana, supervisor of the  
12 Town of Yorktown, who passed away suddenly on  
13 Friday and is being laid to rest as we speak  
14 right now.

15 To his wife, Donna, his daughters,  
16 Megan and Brianna, our heartfelt condolences and  
17 prayers, and to all those who knew and loved Tom.

18 Tom is known for several things.  
19 You know, he's a third-generation Yorktown  
20 resident. He was very proud that he was born and  
21 bred in Yorktown. He went to Lakeland High  
22 School. He was a Westchester County cop early in  
23 his career and was a beloved cop. And it left a  
24 mark on him in that later, when he was on the  
25 town board, he focused on substance abuse

1 disorders and drug prevention toward our young  
2 people, and recreation programs toward our young  
3 people.

4                   And when Tom retired from the county  
5 police force, he started a fuel oil delivery  
6 business in town. And again, people got to know  
7 Tom, and he was there for them on Sundays and  
8 holidays, whenever they needed him. That was  
9 just the kind of guy he was.

10                   He was also known for his public  
11 involvement -- many, many different civic groups,  
12 he was on the town board. And then when former  
13 Supervisor Slater was elected to the Assembly,  
14 Tom was appointed last year to be supervisor.  
15 And then in November, there was a contested  
16 election; Tom prevailed, and he was just sworn in  
17 last week for his first full term.

18                   And so, you know, this is one of  
19 those times where it's not about D or R. You  
20 know, this is about the humanity. And Tom was  
21 just a really, really nice guy. And the thing  
22 about him was he always had a smile, he always  
23 had a firm handshake, he looked you in the eye,  
24 he always gave you a bear hug. Great  
25 self-deprecating humor.

1                   You know, he was the kind of person  
2 you like to be around at events, you like to do  
3 business with. We worked together. We were  
4 different sides of the aisle, but they're a big  
5 town in my district, we work closely together.  
6 And just a wonderful, wonderful human being.

7                   And so this is really just a tragedy  
8 all the way around. And so again, our sentiments  
9 go out to his family, to all those who knew and  
10 loved him, those who served with him in Yorktown.

11                   I want to thank Majority Leader  
12 Andrea Stewart-Cousins and Senators Mayer, Bailey  
13 and Fernandez for joining me on this resolution  
14 in his honor.

15                   Sadly, I vote aye, Mr. President.

16                   THE PRESIDENT:    The question is on  
17 the resolution. All in favor signify by saying  
18 aye.

19                   (Response of "Aye.")

20                   THE PRESIDENT:    Opposed?

21                   (No response.)

22                   THE PRESIDENT:    The resolution is  
23 adopted.

24                   Senator Gianaris.

25                   SENATOR GIANARIS:    Mr. President,

1 Senator Harckham would like to open that  
2 resolution for cosponsorship.

3 THE PRESIDENT: The resolution is  
4 open for cosponsorship. Should you choose not to  
5 be a cosponsor of the resolution, please notify  
6 the desk.

7 Senator Gianaris.

8 SENATOR GIANARIS: Mr. President,  
9 there is a concurrent resolution at the desk. I  
10 ask that that be read in its entirety and move  
11 for its immediate adoption.

12 THE PRESIDENT: The Secretary will  
13 read.

14 THE SECRETARY: Senate Resolution  
15 1600, by Senator Stewart-Cousins, Concurrent  
16 Resolution of the Senate and Assembly providing  
17 for a joint assembly for the purpose of receiving  
18 a message from the Governor.

19 "RESOLVED, That the Senate and  
20 Assembly meet in joint assembly in the Assembly  
21 Chamber at one o'clock p.m. today, for the  
22 purpose of receiving a message from the  
23 Governor."

24 THE PRESIDENT: All those in favor  
25 signify by saying aye.

1 (Response of "Aye.")

2 THE PRESIDENT: Opposed?

3 (No response.)

4 THE PRESIDENT: The resolution is  
5 adopted.

6 Senator Gianaris.

7 SENATOR GIANARIS: Let's proceed  
8 with the reading of the calendar, please.

9 THE PRESIDENT: The Secretary will  
10 read.

11 THE SECRETARY: Calendar Number 10,  
12 Senate Print 8001, by Senator Stewart-Cousins, an  
13 act to amend the Village Law and the  
14 Executive Law.

15 THE PRESIDENT: Leader  
16 Stewart-Cousins to explain her vote.

17 SENATOR STEWART-COUSINS: Thank you  
18 so much, Mr. President.

19 This is really the second half of a  
20 transformation in terms of the way villages are  
21 incorporated and the way villages can be  
22 dissolved.

23 When I was the chair of Local  
24 Governments back in 2009, we, after the  
25 initiation -- after the initiative of then

1 Attorney General Andrew Cuomo, who looked at the  
2 10,000 taxing entities in his role as  
3 Attorney General and talked about how we could  
4 create a more streamlined government so there  
5 would not be 10,000 different ways to tax. And I  
6 was chair and was able to carry that bill that  
7 dissolved -- that gave local people the  
8 opportunity to petition to dissolved various  
9 taxing entities.

10 We as a government incentivized  
11 villages to look at the taxing entities and to  
12 begin a process to dissolve the "escalator  
13 district," for example, to dissolve the  
14 "goose-dung district," to dissolve taxing  
15 entities that they really did not require. We  
16 never, however, looked at the law -- that is over  
17 a hundred years old -- on how to incorporate a  
18 village.

19 There's a lot of conversation that's  
20 gone on in both houses and all around the state  
21 about what you do to incorporate a village. And  
22 so what I asked, rather than people deciding  
23 arbitrarily how to incorporate a village, I asked  
24 Pace University and the Elizabeth Haub School of  
25 Law to take a look nationally at what it takes in

1 this day and age to incorporate a village. And  
2 they came up with a number of findings, most of  
3 which are in this commission.

4 Basically they said that a neutral  
5 state entity should preside over a village  
6 incorporation review process, that the  
7 decision-making for a village incorporation  
8 should rely on proper studies and analysis.  
9 Makes sense. I think it was Mastic Beach in  
10 Long Island that incorporated and then  
11 unincorporated, because it turned out it costs a  
12 lot of money to run a village, and that  
13 conversation isn't really taking place in the  
14 process of incorporating.

15 It also said that the minimum  
16 population requirement is inadequate. When we  
17 looked around the nation, Wisconsin, for example,  
18 requires 2500 people to become a village.  
19 Florida requires 1500. So our minimum, a minimum  
20 of 500, is just too small. And subsequently and  
21 consequentially, because the number is too low,  
22 the number of signatures that you have to receive  
23 is also too low.

24 So I really commend Pace and their  
25 Land Use Law Center, Dean Horace Anderson, and

1 all who looked at the nation and looked at  
2 what -- what our state was doing and made  
3 suggestions to (A) allow us to have the  
4 information that's needed when a village is  
5 asking to become incorporated, and (B) give  
6 people an opportunity, if they're going to do  
7 this, to actually be viable.

8                   So I appreciate the fact that people  
9 might be -- it's different. I mean, again, we're  
10 changing a law that's well over a hundred years  
11 old. But I do believe that it will help in terms  
12 of not only the viability of these villages, but  
13 there will be a rationale that is consistent with  
14 the country in terms of how these villages get  
15 incorporated.

16                   So I vote aye.

17                   THE PRESIDENT: Thank you,  
18 Majority Leader.

19                   Recognize Senator Martins.

20                   SENATOR MARTINS: Thank you,  
21 Mr. President.

22                   You know, I hate to disagree with my  
23 esteemed colleague, but I do. My history, as  
24 many in the chamber know, is in village  
25 government. I grew up in a village. I served as

1 mayor of a village. I've been on executive  
2 boards for the Nassau County Village Officials  
3 Association and the New York Conference of Mayors  
4 before coming to this chamber. I represent  
5 nearly 50 villages in my Senate district,  
6 probably more than any other Senator in this  
7 chamber.

8                   And frankly, with all due respect to  
9 whoever the consultant was at Pace University and  
10 whatever they do in the state of Wisconsin, I  
11 daresay we have villages in this state that  
12 actually are older than the state of Wisconsin in  
13 this country. There's a reason we have villages  
14 and we have decentralized government in New York  
15 State, and we have home rule, and that allows  
16 local governments to make those decisions for  
17 themselves.

18                   I represent a series of villages,  
19 Mr. President, in my district -- and I believe  
20 many of my colleagues in this chamber do as  
21 well -- that have less than 2,000 residents and  
22 now less than 1500 residents. But yet they're  
23 villages, they're successful, they govern, they  
24 provide basic resources, they provide zoning for  
25 their local communities, they budget.

1                   And yet we're telling them now that  
2                   if they have less than 1500 residents, somehow  
3                   we're calling into question the viability of that  
4                   village itself. And I think that's the wrong  
5                   message. If a group of residents want to stand  
6                   together and make a decision to form a village --  
7                   whether it's a village or a town or a city -- I  
8                   think it is incumbent upon us to allow democracy  
9                   to control and to allow that those things just  
10                  happen.

11                  And the fact that we have laws on  
12                  the books that are over a hundred years old  
13                  should be something we celebrate, not something  
14                  that we use as a criticism and a measure to  
15                  determine that they are -- I've heard the term  
16                  archaic, archaic, when we're talking about some  
17                  of the basic foundations of governance here in  
18                  New York State.

19                  So whether you live in a city or  
20                  whether you live in a town or whether you live in  
21                  a village, you're going to live in one of those  
22                  communities. And so to turn around and say the  
23                  villages somehow are less because they don't have  
24                  more than 1500 residents, or we're going to cast  
25                  aspersions on the intentions of people who want

1 to form villages, I think is misstated.

2 Mr. President, I vote no.

3 THE PRESIDENT: The Secretary will  
4 please call the roll.

5 (The Secretary called the roll.)

6 THE PRESIDENT: Announce the  
7 results.

8 THE SECRETARY: In relation to  
9 Calendar 10, those Senators voting in the  
10 negative are Senators Ashby, Borrello,  
11 Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo,  
12 Helming, Lanza, Martins, Mattera, Murray,  
13 Oberacker, O'Mara, Ortt, Rhoads, Rolison, Stec,  
14 Tedisco, Walczyk, Weber and Weik.

15 Ayes, 41. Nays, 21.

16 THE PRESIDENT: The bill is passed.

17 THE SECRETARY: Calendar Number 13,  
18 Senate Print 8004, by Senator Skoufis, an act to  
19 amend the Insurance Law.

20 THE PRESIDENT: Read the last  
21 section.

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

24 THE PRESIDENT: Call the roll.

25 (The Secretary called the roll.)

1                   THE PRESIDENT:    Announce the  
2 results.

3                   THE SECRETARY:    Ayes, 62.

4                   THE PRESIDENT:    The bill is passed.

5                   THE SECRETARY:    Calendar Number 16,  
6 Senate Print 8007, by Senator Skoufis, an act to  
7 amend the Village Law.

8                   SENATOR LANZA:    Lay it aside.

9                   THE PRESIDENT:    Lay it aside. The  
10 bill will be laid aside.

11                   THE SECRETARY:    Calendar Number 17,  
12 Senate Print 8008, by Senator Hoylman-Sigal, an  
13 act to amend the Penal Law.

14                   THE PRESIDENT:    Read the last  
15 section.

16                   THE SECRETARY:    Section 46. This  
17 act shall take effect immediately.

18                   THE PRESIDENT:    Call the roll.

19                   (The Secretary called the roll.)

20                   THE PRESIDENT:    Announce the  
21 results.

22                   THE SECRETARY:    In relation to  
23 Calendar 17, those voting in the negative are  
24 Senators Brisport, Gonzalez and Salazar.

25                   Ayes, 59. Nays, 3.

1 THE PRESIDENT: The bill is passed.

2 THE SECRETARY: Calendar Number 20,  
3 Senate Print 8011, by Senator Kavanagh, an act to  
4 amend the Administrative Code of the City of  
5 New York.

6 THE PRESIDENT: Read the last  
7 section.

8 THE SECRETARY: Section 6. This  
9 act shall take effect immediately.

10 THE PRESIDENT: Call the roll.  
11 (The Secretary called the roll.)

12 THE PRESIDENT: Announce the  
13 results. (Pause.)

14 Senator Borrello.

15 SENATOR BORRELLO: Thank you,  
16 Mr. President. To explain my vote.

17 You know, we talk a lot about  
18 affordable housing, making housing more  
19 affordable in New York State, but this bill makes  
20 some marginal improvements, but it really  
21 increases the vagueness for our property owners  
22 here in New York State, and that's the problem  
23 with this bill.

24 You know, we are going to continue  
25 to push private property owners out of the

1 business of renting their properties. And doing  
2 so is going to make us much like a Third World  
3 nation where the elite, the politically  
4 connected, have private property, and the rest of  
5 us are going to be in some kind of a  
6 government-run housing authority. And that is  
7 not the way New York State should look.

8 So I'll be voting no. Thank you.

9 THE PRESIDENT: Senator Martins to  
10 explain his vote.

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

13 You know, it's -- I guess probably  
14 about seven months ago we debated this bill here  
15 on the floor, and here we are again. You know,  
16 and I want to recognize that the chapter  
17 amendment does improve the original bill. It  
18 adds elements of knowingly committing a fraud,  
19 which is a vast improvement. It provides  
20 critical elements of fraud but continues to  
21 permit courts to dispense with other elements of  
22 common law fraud.

23 This chapter amendment does not  
24 resolve the uncertainty of buildings with  
25 deregulated apartments pursuant to the

1 interpretation of DHCR J-51. You know, rather  
2 than providing clarity through this law and the  
3 chapter amendment, the reliability of the rent  
4 rolls of the affected buildings remain unsettled  
5 and subject to litigation, Mr. President.

6           You know, part of the debate we had  
7 here just seven months ago was precisely that:  
8 Vagueness, the applicability, retroactivity of  
9 some of these provisions, and the fact that it  
10 would not provide certainty to property owners  
11 when it came to holding them accountable or  
12 responsible for things that had already happened  
13 which were perfectly legal when they happened.  
14 And unfortunately, this chapter amendment does  
15 not change that.

16           So I'll still be voting no, although  
17 recognizing that this is an improvement over the  
18 original bill.

19           Thank you.

20           THE PRESIDENT:    Senator Martins is  
21 recorded in the negative.

22           Senator Kavanagh to explain his  
23 vote.

24           SENATOR KAVANAGH:   Thank you. I'll  
25 be brief.

1           We did have an extensive discussion  
2 of this issue in June, and I just want to rise to  
3 first of all thank -- you know, we worked closely  
4 with the Governor's office and our colleagues in  
5 the Assembly to clarify and address certain  
6 issues in the bill that we passed that are  
7 contained in this chapter amendment.

8           This is -- the provisions that my  
9 colleague was referring to are really pretty  
10 straightforward. It is long settled in this  
11 state that if a case is brought for an  
12 overcharge, if there is evidence that the  
13 property owner has violated the law, has -- is  
14 charging more than they can because of changes  
15 they willfully made, that they made under a  
16 standard that was called fraud for many years,  
17 that it is possible for the courts and HCR to  
18 look back and remedy that problem.

19           It has never been the case in  
20 New York, until one interpretation by one court  
21 recently, that what is called common law fraud is  
22 necessary to be demonstrated. That is -- that  
23 was the case in the seminal case on the issue of  
24 how the HSTPA of 2019 should be interpreted;  
25 that's Regina Metro. But it is really part of a

1 long line of cases, including a case called Grimm  
2 and a case called Conason, that established and  
3 repeatedly indicated that it is the court's  
4 interpretation of the law that you don't need to  
5 demonstrate all of the elements of common law  
6 fraud.

7           This amendment that we're -- here  
8 today clarifies that, it makes it clearer than  
9 the bill we were talking about in June, which  
10 also did that. And it is a -- what we're doing  
11 today will indeed clarify the standards that  
12 people need to face. And if you willfully and  
13 intentionally raise the rent in a way that you  
14 are not permitted to do, and as a result somebody  
15 is paying more than they're legally supposed to,  
16 this bill will provide some remedies for that.

17           So I vote aye, and thank you.

18           THE PRESIDENT: Senator Kavanagh to  
19 be recorded in the affirmative.

20           Announce the results.

21           THE SECRETARY: In relation to  
22 Calendar 20, those Senators voting in the  
23 negative are Senators Ashby, Borrello,  
24 Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo,  
25 Helming, Lanza, Mannion, Martinez, Mattera,

1 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,  
2 Rolison, Scarcella-Spanton, Skoufis, Stec,  
3 Tedisco, Walczyk, Weber and Weik.

4 Ayes, 37. Nays, 25.

5 THE PRESIDENT: The bill is passed.

6 THE SECRETARY: Calendar Number 28,  
7 Senate Print 8025, by Senator Bailey, an act to  
8 amend the General Business Law.

9 THE PRESIDENT: Read the last  
10 section.

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

13 THE PRESIDENT: Call the roll.

14 (The Secretary called the roll.)

15 THE PRESIDENT: Announce the  
16 results.

17 THE SECRETARY: Ayes, 62.

18 THE PRESIDENT: The bill is passed.

19 THE SECRETARY: Calendar Number 43,  
20 Senate Print 8053, by Senator Webb, an act to  
21 amend the Vehicle and Traffic Law.

22 THE PRESIDENT: Read the last  
23 section.

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

1 THE PRESIDENT: Call the roll.

2 (The Secretary called the roll.)

3 THE PRESIDENT: Senator Webb to  
4 explain her vote.

5 SENATOR WEBB: Thank you,  
6 Mr. President. I just want to rise to explain my  
7 vote.

8 So when this was brought to the  
9 floor -- and I want to thank everyone for their  
10 support. This legislation will allow for  
11 federally tax-exempt nonprofit vehicle companies  
12 with a vehicle seating capacity of no more than  
13 15 passengers -- they're not limousines -- to  
14 access automobile insurance coverage in New York  
15 State.

16 This legislation is very helpful in  
17 areas such as mine, where a lot of folks still  
18 struggle with having access to public  
19 transportation. This particular organization,  
20 Ithaca Car Share, has been serving residents in  
21 my district in Tompkins County for well over  
22 15 years. And they had to stop their operations  
23 because of a preexisting provision in our State  
24 Insurance Law.

25 And so because of this legislation,

1 that organization will now be able to ensure that  
2 residents get opportunities to go to work, go to  
3 their medical appointments, engage in social  
4 activity and so on.

5 And so it really is not only an  
6 opportunity for equitable transportation, but  
7 also is eco-friendly, especially for those  
8 individuals who also can't afford their own  
9 vehicle.

10 And so again I want to thank the  
11 Governor's team, the Department of Financial  
12 Services, the Department of Motor Vehicles, and  
13 everyone that helped to make this legislation  
14 come to fruition and to support the expansion of  
15 car shares across the state.

16 I also want to thank my Assembly  
17 colleague who also supported this bill,  
18 Assemblymember Anna Kelles.

19 I vote aye, and I encourage my  
20 colleagues to do so the same.

21 Thank you.

22 THE PRESIDENT: Senator Webb will  
23 be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar 43, voting in the negative:

2 Senator Walczyk.

3 Ayes, 61. Nays, 1.

4 THE PRESIDENT: The bill is passed.

5 THE SECRETARY: Calendar Number 52,  
6 Senate Print 8065, by Senator Hinchey, an act to  
7 amend the Tax Law.

8 THE PRESIDENT: Read the last  
9 section.

10 THE SECRETARY: Section 2. This  
11 act shall take effect on the same date and in the  
12 same manner as a chapter of the Laws of 2023.

13 THE PRESIDENT: Call the roll.

14 (The Secretary called the roll.)

15 THE PRESIDENT: Announce the  
16 results.

17 THE SECRETARY: In relation to  
18 Calendar 52, those Senators voting in the  
19 negative are Senators Canzoneri-Fitzpatrick,  
20 Harckham, Helming, Lanza, Mannion, Martinez,  
21 Mattera, Murray, O'Mara, Ortt, Palumbo, Rhoads,  
22 Scarcella-Spanton, Skoufis, Tedisco, Thomas,  
23 Walczyk, Webb, Weber and Weik.

24 Ayes, 42. Nays, 20.

25 THE PRESIDENT: The bill is passed.

1                   THE SECRETARY:    Calendar Number 67,  
2   Senate Print 8087, by Senator Gounardes, an act  
3   to amend the General Business Law.

4                   THE PRESIDENT:    Read the last  
5   section.

6                   THE SECRETARY:    Section 8.  This  
7   act shall take effect on the same date and in the  
8   same manner as a chapter of the Laws of 2023.

9                   THE PRESIDENT:    Call the roll.  
10                   (The Secretary called the roll.)

11                   THE PRESIDENT:    Announce the  
12   results.

13                   THE SECRETARY:    Ayes, 62.

14                   THE PRESIDENT:    The bill is passed.

15                   THE SECRETARY:    Calendar Number 75,  
16   Senate Print 8096, by Senator Stavisky, an act to  
17   amend a chapter of the Laws of 2023.

18                   THE PRESIDENT:    Read the last  
19   section.

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

22                   THE PRESIDENT:    Call the roll.  
23                   (The Secretary called the roll.)

24                   THE PRESIDENT:    Announce the  
25   results.

1                   THE SECRETARY:    In relation to  
2   Calendar 75, those Senators voting in the  
3   negative are Senators Borrello,  
4   Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo,  
5   Lanza, Martinez, Mattera, Murray, Oberacker,  
6   O'Mara, Ortt, Rhoads, Stec, Tedisco and Walczyk.

7                   Ayes, 46.   Nays, 16.

8                   THE PRESIDENT:    The bill is passed.  
9                   Senator Gianaris, that completes the  
10   reading of today's calendar.

11                  SENATOR GIANARIS:    Can we now move  
12   on to the controversial calendar.

13                  THE PRESIDENT:    We'll go to the  
14   controversial, all right.

15                  The Secretary will ring the bell.

16                  The Secretary will read.

17                  THE SECRETARY:    Calendar Number 16,  
18   Senate Print 8007, by Senator Skoufis, an act to  
19   amend the Village Law.

20                  THE PRESIDENT:    Senator Weber, why  
21   do you rise?

22                  SENATOR WEBER:    Yeah, through you,  
23   Mr. President, will the sponsor yield for some  
24   questions?

25                  SENATOR SKOUFIS:    Yes, happy to.

1                   SENATOR WEBER:    Great, thank you.

2                   Senator Skoufis, when did you first  
3 introduce this bill?

4                   SENATOR SKOUFIS:    Through you,  
5 Mr. President, I believe it was about six  
6 sessions ago that a version of this bill was  
7 first introduced.

8                   SENATOR WEBER:    Thank you.

9                   And through you, Mr. President,  
10 would the sponsor continue to yield?

11                  SENATOR SKOUFIS:    Yes.

12                  SENATOR WEBER:    Great. And was  
13 this -- was this first introduced in response to  
14 Seven Springs Village in Orange County as --  
15 being proposed?

16                  SENATOR SKOUFIS:    Through you,  
17 Mr. President. Like many of our legislative  
18 ideas, this one was, yes, in part prompted by  
19 something that was happening in the Senate  
20 district I represent.

21                  SENATOR WEBER:    Thank you.

22                  And through you, Mr. President,  
23 would the sponsor continue to yield?

24                  SENATOR SKOUFIS:    Yes.

25                  THE PRESIDENT:    The sponsor yields.

1                   SENATOR WEBER:    Thank you.

2                    You know, as you know, we have a lot  
3 of residents in common, common -- residents that  
4 live in Rockland and Orange and own properties in  
5 both. And, you know, a lot of them have reached  
6 out to me with concerns with this -- with this  
7 law. You know, it's commonly referred to as the  
8 anti-Hasidic Jew Village Law right now in our  
9 area.

10                    You know, and I guess that was  
11 fueled by a lot of the comments that were made  
12 during the debate, throughout the debate, and  
13 since the law was passed. You know, comments  
14 like wealthy developers making a buck, Hasidic  
15 villages, things of the sort not only in  
16 newspaper articles but in posts on your Facebook  
17 and Senate page.

18                    So maybe -- I'd like you to speak to  
19 the fact of, you know, why those comments and why  
20 those interpretations, in your opinion, are  
21 wrong. And, you know, how we can really make  
22 sure that -- that these comments don't continue.

23                    SENATOR SKOUFIS:    Through you,  
24 Mr. President, there are hundreds of villages and  
25 thus there have been hundreds of village

1 incorporation petitions over the years in  
2 New York State. And this bill and the underlying  
3 bill, which is now law, applies to all of them.

4 And the vast majority of them,  
5 including an ongoing effort in Edgemont, in  
6 Westchester, are not being initiated by  
7 developers, they're not being initiated by  
8 members of the Hasidic community. And as the  
9 Majority Leader noted when she spoke on her bill,  
10 the underlying law that's over a hundred years  
11 old is antiquated and requires modernization.

12 So this has nothing to do with  
13 religion, nothing to do with any of what you  
14 described. And I contend -- through you,  
15 Mr. President -- that if you have questions about  
16 the substance of this bill, I'm certainly happy  
17 to answer any of those questions.

18 SENATOR WEBER: Through you,  
19 Mr. President, will the sponsor continue to  
20 yield?

21 THE PRESIDENT: Does the sponsor  
22 yield?

23 SENATOR SKOUFIS: Yes.

24 THE PRESIDENT: The sponsor yields.

25 SENATOR WEBER: I appreciate that

1 you brought up the Village of Edgemont today, and  
2 that makes me feel a lot better. I'm sure a lot  
3 of my constituents feel better.

4 But when you had the chance to  
5 comment, you didn't mention Edgemont, you  
6 mentioned the Hasidic villages or the Hasidic  
7 developers and Hasidic villages. So I appreciate  
8 you bringing that up now.

9 But just one or two other questions.  
10 In terms of, you know, villages, I live in a  
11 village; there's small villages in  
12 Rockland County. I believe the Village of  
13 Hillburn has 900 people, and that's a village  
14 that has existed for a long time. If people want  
15 to form a village, right, what additional costs  
16 to the people outside those villages are there,  
17 and what concerns should we continue to have if  
18 people want to form a village?

19 You know, they enter into  
20 intermunicipal agreements through -- with towns  
21 and -- the towns and the county, but if someone  
22 or a group of people want to form a village, what  
23 additional costs outside those people in that  
24 village are there?

25 SENATOR SKOUFIS: Through you,

1 Mr. President. I suspect my colleague knows that  
2 when a village incorporates, there are services  
3 that are absorbed by that village that were  
4 previously being offered by the town. And thus a  
5 village might now be maintaining roads and a  
6 village might now even have a new police  
7 department specifically for the jurisdiction of  
8 that village.

9 And thus any services that are  
10 absorbed by the village, the existing service for  
11 the balance of the town, the unincorporated  
12 sections of the town, the costs are shouldered by  
13 fewer residents in that smaller, now  
14 unincorporated piece of the town. And so all  
15 things else equal, yes, property taxes go up for  
16 the balance of those residents in the town when  
17 you don't have those village residents  
18 contributing to those same services that are in  
19 the town budget.

20 SENATOR WEBER: Right.

21 And through you, Mr. President,  
22 would the sponsor continue to yield?

23 THE PRESIDENT: Does the sponsor  
24 yield?

25 SENATOR SKOUFIS: Yes.

1                   SENATOR WEBER:     Right.  So  
2     there's --

3                   THE PRESIDENT:     The sponsor yields.

4                   SENATOR WEBER:     There's shared  
5     services that are involved in that.

6                   But, you know, it goes back to if  
7     people want to form a village, like villages were  
8     formed throughout the 18th -- 19th century,  
9     20th century, and most recently, you know, if  
10    those -- if those people within that village are  
11    willing to pay that higher village tax, isn't it  
12    their right to -- to form that village?

13                  And, you know, as said earlier, you  
14    know, there are villages that exist in New York  
15    State, one being the one I mentioned, Hillburn,  
16    that has less than 1500 residents.  And I think  
17    they're fine and dandy being the Village of  
18    Hillburn as -- as it exists today.

19                  SENATOR SKOUFIS:    Through you,  
20    Mr. President, I think there was a question in  
21    the middle of that.

22                  And so when you asked do folks have  
23    the right to form a village, the answer is yes.  
24    Nothing here takes away that right.  We just  
25    simply modernize the parameters by which they

1 have to meet new requirements to form a village.  
2 They can still form a village. We now have new  
3 population requirements.

4 We now no longer allow property  
5 ownership, which was a vestige of  
6 near-ancient-history in New York State that  
7 discriminates against non-property owners -- no  
8 longer can you petition through that method.

9 We now have an independent  
10 commission that takes the -- the politics out of  
11 the supervisor's office and into a more  
12 independent entity to determine whether a village  
13 incorporation is in the best interests of the  
14 local community. So no one's taking away this  
15 right.

16 And I'll also contend, to something  
17 that you mentioned before -- and I may, you know,  
18 pose the question to you, as my colleague, that  
19 village incorporation efforts have increasingly  
20 in recent years been not about a group of  
21 residents who are earnestly trying to develop a  
22 village so that they can get better services and  
23 responsiveness from a more local government, but  
24 instead the -- the previous incorporation law has  
25 been increasingly weaponized by developers in

1 particular, and occasionally even residents, to  
2 either up-zone or provide for exclusionary  
3 zoning. It actually works both ways.

4           And I'm sure you're familiar with  
5 the incorporation of Airmont, in Rockland County,  
6 that went all the way up to the Supreme Court,  
7 and the Supreme Court determined that that  
8 village incorporation effort was to exclude  
9 Hasidic Jews from moving into that community.  
10 And so it works both ways.

11           And, you know, I'll just point  
12 out -- or I'll ask the question, if my colleague  
13 will defer, do you believe that Village Law  
14 incorporation efforts should be weaponized by a  
15 few, regardless of which side you're on, or  
16 should we have rules in place that make sure that  
17 local communities are protected when  
18 incorporation efforts do proceed?

19           SENATOR WEBER: Sure. Through you,  
20 Mr. President, would the sponsor continue to  
21 yield?

22           SENATOR SKOUFIS: Yes.

23           SENATOR WEBER: No, I don't think  
24 that villages should weaponize it, no. And I  
25 think -- but I think there's a lot of reasons why

1 villages are formed in the first place.

2 But I'm glad you brought up Airmont  
3 because, you know, what I'm concerned about --  
4 and I think what a lot of people are concerned  
5 about -- are the comments that were made before,  
6 during and recently regarding this new law has  
7 poisoned the well and has set up potential  
8 lawsuits based on some of the very, very  
9 controversial -- some of the dog whistling that  
10 has come out of this entire debate. So I remain  
11 concerned about that.

12 But I thank you for indulging me  
13 with some of these questions. Appreciate it.

14 THE PRESIDENT: Are there any other  
15 Senators wishing to be heard?

16 Senator Martins.

17 SENATOR MARTINS: Thank you.

18 You know, on the bill. In keeping  
19 with my comments earlier having to do with a bill  
20 that would change the structure and how villages  
21 were formed and again set parameters, I'm  
22 concerned about, you know, this top-down  
23 approach, this idea that somehow here in Albany  
24 we have a better sense of what people in local  
25 communities should or shouldn't decide to do.

1 I hear comments like disgruntled  
2 property owners. You know, Mr. President,  
3 there's nothing more fundamental to our democracy  
4 than some disgruntled property owners deciding  
5 that they wanted a better form of government and  
6 that they wanted to self-govern. That goes to  
7 the very root of who we are as a nation. And  
8 certainly we have a rich history of that here in  
9 New York.

10 Yet here in this chamber today, we  
11 talk about disgruntled property owners as if it's  
12 an aspersion, that property owners and residents  
13 should not be able to make those decisions for  
14 themselves and we're going to make those  
15 decisions for them, because somehow shared  
16 services in those communities may cost more and  
17 those communities can't make those decisions for  
18 themselves. Including, as was alluded to just a  
19 few moments ago, the fact that the supervisor of  
20 the town from which the group and community  
21 wishes to effectively remove themselves to create  
22 a village, shouldn't have a say because we're  
23 going to create a more centralized statewide  
24 commission that's going to make those decisions  
25 for them because they don't know enough on their

1 own to make those decisions for themselves.

2           You know, I'm troubled by that,  
3 Mr. President, and I think everyone in this  
4 chamber should be troubled by comments and  
5 elitist comments like that, that say that because  
6 you live here in whatever community you happen to  
7 live in -- many of our members here in the  
8 chamber come from cities. They don't live in  
9 rural or suburban communities. They don't have  
10 experiences with villages, even villages smaller  
11 than 1500 residents. I do.

12           The ability of people to make  
13 decisions for themselves and to come together and  
14 to decide for their reasons they want to create  
15 self-governance in a form that makes sense for  
16 them is something that is central to who we are,  
17 as I said earlier, as a state, certainly as a  
18 country.

19           I'm also concerned, Mr. President,  
20 that, you know, when someone has an issue in  
21 their local community, their fix isn't to address  
22 that issue specifically. It isn't to go into the  
23 community -- in this case, of Seven Springs --  
24 and to make the case for why Seven Springs should  
25 not create a village. My colleagues can

1 certainly go into that particular area; it's in  
2 the process of debating this issue right now.  
3 They can go into Seven Springs and make the case  
4 for why that village should not be created.

5           But no. Instead, what we will do  
6 here in this chamber is we'll bring an idea here  
7 to address a specific concern in Orange County  
8 and impose a one-size-fits-all approach that  
9 impacts each and every one of our districts,  
10 wherever we happen to be. Because one member of  
11 this chamber did not want to go and deal with  
12 this issue locally -- because it is a local  
13 issue -- now every community in New York State is  
14 going to change the law and change the way that  
15 villages are created and undermine a process that  
16 goes back for well over a hundred years. Not the  
17 first time that's happened in this chamber. And  
18 yet here we are again.

19           So I ask my colleagues, think about  
20 your district. Think about the places you  
21 represent. Think about those communities that  
22 you represent. If you live in a city, think  
23 about the places that sometimes you drive to --  
24 maybe you come out to Nassau County, maybe you're  
25 back in my district. We have a lot of villages

1 there. You know what? They're doing all right.  
2 Sometimes they just want to be left alone.

3           And if they don't like the way the  
4 town is operating and if they don't like the way  
5 that the local communities are treating a group  
6 of residents, isn't it fundamental that those  
7 groups should have the ability of deciding  
8 whether or not that they want to govern  
9 themselves? Is there anything more democratic  
10 than a group of residents deciding on  
11 self-governance.

12           And yet this body would say: No, we  
13 know better than you. We're going to create a  
14 commission, we're going to put a floor to the  
15 number of people that you need to have.

16           It's wrong, Mr. President. The  
17 other bill was wrong. This bill is wrong. The  
18 direction that we're going in as a state --  
19 attacking local governments for the sake of a  
20 more centralized government -- is wrong.

21           We're providing fewer and fewer  
22 options for our residents, and that's something  
23 each and every one of us in this chamber should  
24 be concerned about.

25           Mr. President, I'll be voting no.

1                   THE PRESIDENT:    Are there any other  
2 Senators wishing to be heard?

3                   Senator Krueger.

4                   SENATOR KRUEGER:    Thank you.

5                   So I don't live in a village, I live  
6 in a city. We all live in villages or towns or  
7 townships or cities and within counties. And  
8 guess what? All of us live in municipalities  
9 that, under the New York State Constitution, are  
10 the creation of the state. And we are all  
11 elected to try to make the best decisions we can  
12 for over 20 million people who live in all these  
13 municipalities in our state.

14                   And I have to support my colleague  
15 in this bill, because we're not taking away the  
16 right to be a village. We're modernizing the  
17 rules of how you make changes in the law. We do  
18 that every day in this chamber. We're actually  
19 elected to do that.

20                   Democracy is not a stagnant,  
21 nonchanging model. The world is changing every  
22 day, more and more rapidly. The issues we all  
23 are facing in our home communities are changing  
24 more and more rapidly every day.

25                   So the fact that two legislative

1 bodies and a governor determined that this  
2 modernization made sense and was in the best  
3 interests of the people of New York, you can  
4 agree or you can disagree, but the concept that  
5 we are attacking some fundamental right that has  
6 existed and is not our business -- this is  
7 exactly what we are elected to do, to try to make  
8 sure that New York State, within the confines of  
9 our constitution, is handling things the best we  
10 can and recognizing that needs change,  
11 communities change, government changes, the world  
12 changes.

13 We're just doing our jobs here. So  
14 I'm very happy to vote yes on this bill.

15 Thank you, Mr. President.

16 THE PRESIDENT: Senator Borrello.

17 SENATOR BORRELLO: Thank you,  
18 Mr. President. On the bill.

19 In my time in county government, we  
20 actually had some villages dissolve in my -- in  
21 my district when I was a county legislator and as  
22 county executive. And the state gave tools to  
23 the folks in that area to dissolve a village if  
24 they choose to do so. They didn't demand it.  
25 They didn't change the thresholds. They didn't

1 change the circumstances. And some folks chose  
2 to vote and dissolve villages to save money.

3 Now, I've heard in this debate that  
4 we are modernizing things from a hundred years  
5 ago. Well, if you look at the most recent  
6 history of the incorporation of new villages,  
7 it's almost exclusively those who are wishing to  
8 organize into a Jewish community, almost  
9 exclusively in new village incorporations.

10 So the appearance is that after a  
11 hundred years, all of a sudden, recently, well,  
12 we're going to change some things -- raise the  
13 bar a little bit, make it a little bit more  
14 difficult. That may or may not be the intention,  
15 but it is certainly the appearance. Because at  
16 the same time you've been attacking those folks  
17 that want to have their own religious schools,  
18 private schools. We've attacked them, made it  
19 more difficult. Again, what's the appearance of  
20 that?

21 So we can argue all we want that  
22 this is just a change that we needed all of a  
23 sudden after a hundred years, or we can look at  
24 the facts that the most recent villages  
25 incorporated are in fact those organizing under

1 the Jewish faith. That's the appearance that  
2 we're giving here making this change now. In a  
3 particular area, by the way, where we've had  
4 those villages incorporated so people can live  
5 together with a common goal, common interests.

6 That, to me, is disturbing. I'll be  
7 voting no.

8 THE PRESIDENT: Senator  
9 Canzoneri-Fitzpatrick.

10 SENATOR CANZONERI-FITZPATRICK:

11 Thank you, Mr. President. On the bill.

12 As a former deputy mayor in the  
13 Village of Malverne that was formed in 1921, I've  
14 had the benefit of seeing how village government  
15 runs. It's the most efficient form of governing.  
16 Politics of Republican versus Democrat goes out  
17 the window. It's about doing what's best for  
18 your local community. And those decisions are  
19 particular to local communities. A  
20 one-size-fits-all at the state level does not  
21 work in many districts.

22 I would never come into another  
23 district and say what should work, because even  
24 within the Ninth Senate District there are so  
25 many different areas, and what might work on the

1 South Shore doesn't work up in Bellerose Village,  
2 who incorporated a hundred years ago.

3 Having property owners gather  
4 together and decide to form a village a hundred  
5 years ago is a basic principle that we shouldn't  
6 overturn at this point. And I -- I do have some  
7 very serious concerns about what we're doing by  
8 removing decisions from local communities that  
9 know what's best for them.

10 So for those reasons I'll be voting  
11 in the negative. Thank you.

12 THE PRESIDENT: Senator Walczyk.

13 SENATOR WALCZYK: Thank you,  
14 Mr. President. On the bill.

15 So we've received some civics  
16 lessons, and I just want to correct the record on  
17 some things. We are 19 million and reducing in  
18 number in New York State, not 20 million anymore.  
19 Sadly, we continue to lose population. This  
20 may be one of the reasons why.

21 We are also not a democracy. We are  
22 a constitutional republic. And everybody in this  
23 chamber knows that because you just put your  
24 right hand over your heart and swore and pledged  
25 allegiance to the republic for which it stands,

1 right to that flag in the United States of  
2 America there.

3           If we were a direct democracy,  
4 people would be voting on the Senator Skoufis's  
5 bill S8007. But instead, we're a constitutional  
6 republic where the people have selected each  
7 member in this body to discuss and debate these  
8 things, under the understanding that on your very  
9 first day of office you swore an oath to uphold  
10 the Constitution of the United States and that  
11 republic.

12           So you can't just toss out the  
13 principles and say, Oh, these laws are old and  
14 that means we need to update them so that we can  
15 become more autocratic, control more things from  
16 the top, push more power towards the Executive,  
17 and disallow people to even form their own  
18 villages in the State of New York.

19           A government closer to the people  
20 serves them better. And I will point you all,  
21 because my time is short in this chamber -- so I  
22 appreciate the opportunity to speak,  
23 Mr. President -- but I would point you all to one  
24 other symbol that you get to reflect on and look  
25 at each day that you're in this chamber. It's

1 both on the New York State flag and on the seal  
2 that sits above the dais there in the window.  
3 When New York State formed the seal for the State  
4 of New York, they put the crown of King George  
5 III under the foot of Lady Liberty in the design  
6 of the flag and of our seal. They call it  
7 "kicking the crown."

8           Because our job here is not to  
9 consolidate power to the state away from the  
10 people. Our job is to remember that New York  
11 State kicked the crown of an autocratic king  
12 because government closer to the people serves  
13 the people better. And to the republic for which  
14 it stands.

15           Thank you, Mr. President. I vote  
16 no.

17           THE PRESIDENT: Senator Skoufis.

18           SENATOR SKOUFIS: Thank you very  
19 much. On the bill.

20           I do want to -- I appreciate the  
21 dialogue and the debate. I do want to correct a  
22 few things for the record.

23           At least a couple of my colleagues,  
24 including the two from Long Island, spoke  
25 about -- or they suggested how this bill, this

1 new law, somehow removes local decision-making  
2 authority. As my colleagues likely know, but  
3 perhaps not, the town supervisor -- under the  
4 previous law that was in place about 150 years,  
5 the town supervisor could not consider the merits  
6 of the incorporation. They could not consider  
7 the impacts on local taxes. They could not  
8 consider the impacts on local services of the  
9 incorporation. None of that could be considered  
10 when the town supervisor sought to approve or  
11 reject a village incorporation petition. None of  
12 that could be considered under the previous law.

13           There was no decision-making  
14 authority to remove. The only thing that the  
15 town supervisor could consider was the  
16 superficial aspects, the technical nature of the  
17 petition: Are the tax lots outlined legally and  
18 appropriately on the petition, and the such. And  
19 so the suggestion that there was any local  
20 decision-making authority by the town supervisor  
21 to begin with is just simply patently false.

22           It was mentioned that we're creating  
23 a floor here. There's been a floor for  
24 150 years, of 500 people. We're not creating a  
25 new floor. We're raising the floor, the number

1 of people, but there's always been a floor in  
2 place. I suppose the logical conclusion of that  
3 argument would be that there should be no floor.  
4 One person could create a village, perhaps, is a  
5 suggestion.

6 Five hundred people 150 years ago is  
7 very different than 500 people in the year 2023,  
8 regardless of outmigration or not. In 1870, when  
9 this law was originally enacted, there were  
10 4.5 million people in New York State. Five  
11 hundred people was very different in 1870 than it  
12 is in 2024 in a state of 19 million people.

13 So yes, it's high time that we  
14 updated this absolutely antiquated law, and I  
15 appreciate the opportunity to correct some of the  
16 statements that were made earlier.

17 Thank you, Mr. President.

18 THE PRESIDENT: Senator Stavisky.

19 SENATOR STAVISKY: Thank you,  
20 Mr. President.

21 Very briefly, let me remind my  
22 colleagues that we are a representative democracy  
23 where people elect us to do things that they  
24 cannot do for themselves. And in fact we even  
25 accept the results of these elections, and we do

1 the best we can.

2 I live right now in Whitestone, in  
3 Queens. And prior to 1898, Whitestone was a  
4 village in the Town of Flushing. And yet in 1898  
5 there was a referendum and the people in this  
6 section of northeast Queens voted against it.  
7 But nevertheless, there was the consolidation of  
8 various towns and villages in 1898, 125 or so  
9 years ago. We accepted the results, and we are  
10 proud to be part of the City of New York.

11 Thank you, Mr. President.

12 THE PRESIDENT: Senator Stec.

13 SENATOR STEC: Thank you,  
14 Mr. President. On the bill.

15 So the bill sponsor's correct in the  
16 process, and I think it's worth pointing that  
17 out. As a long-time town supervisor in  
18 Warren County, I presided over the attempt to  
19 create a village in my town. Actually, it  
20 straddled the towns of Queensbury and Fort Ann in  
21 Warren and Washington County, on the shores of  
22 Lake George. The name of the village would have  
23 been the Village of East Lake George.

24 I don't think there was a religious  
25 component there as much as it was shoreline

1 property taxpayers not liking how much of the  
2 local tax burden they were paying for.

3 And I sat through -- and it took  
4 them three attempts to get the petition correct  
5 because the two town supervisors that presided  
6 over this process, as pointed out, collect a  
7 \$6,000 check, go over the map, make sure that all  
8 the Is are dotted, Ts are crossed. Big  
9 discussion over how to conduct this election.  
10 Ballot box in the fire hall, paper ballots,  
11 because, you know, these kinds of elections will  
12 happen all the time.

13 And it frustrated me as a town  
14 supervisor, seeing this and listening to the  
15 debate, as to what this was going to mean to the  
16 town's finances, to the potential village's  
17 finances, who's going to make out or not make out  
18 and the wisdom behind the money. I understood  
19 the law was that the assessed value in the town  
20 for all town purposes still wasn't going to  
21 change. You could hire your own assessor to do  
22 the village taxes, and that would only apply to  
23 the village taxes. And at the end of the day,  
24 you were creating another layer of government and  
25 it was going to cost everybody more money.

1           The wisdom of the decision said this  
2 did not make sense, that this was a bad idea to  
3 create the village. But that was not the  
4 question in front of the town supervisor. And as  
5 the town supervisor it was frustrating to me  
6 because I knew the right answer.

7           But that's not the point. The point  
8 is that the voters are the ones that -- we could  
9 all decide, well, this person should be the  
10 governor, this person should be the president,  
11 this is how it should work. At the end of the  
12 day, though, in a republic, the voters have the  
13 say.

14           And guess what? The voters are  
15 smarter than I think a lot of us give them credit  
16 for sometimes. And the voters in this case, when  
17 they finally got the petition right on the third  
18 attempt -- still a funny story to me how  
19 difficult it was for them to get the petition  
20 right -- the village rejected the formation of  
21 the village overwhelmingly. I think it was  
22 two-to-one in both municipalities, both towns.

23           So the village -- potential village  
24 people figured out amongst themselves, this is a  
25 bad idea. And they made the decision. It was

1 their decision, not mine, to make.

2 So again, the sponsor is a hundred  
3 percent right that it isn't up to the town  
4 supervisor to rule on this. It is a matter for  
5 the people in the village to have that vote. And  
6 I think that that's the important message here,  
7 and we shouldn't be trying to make it more  
8 difficult for locals to make these decisions.

9 Thank you.

10 THE PRESIDENT: Senator Bailey.

11 SENATOR BAILEY: Thank you,  
12 Mr. President. On the bill.

13 I appreciate the sponsor's doing his  
14 job. As legislators, we are supposed to be  
15 proactive as opposed to reactive, and forward  
16 looking as opposed to retrospective.

17 Many of the discussions that are  
18 heard in relation to this hints of constitutional  
19 originalism. It seems as if there was a time,  
20 with the intent of the framers, that a lot of  
21 people in this room could not vote, could not own  
22 property, could not do a number of different  
23 things if we were strictly to adhere to the  
24 Constitution in its original form.

25 I believe that the Constitution is a

1 living document and that as we change times, we  
2 either should change with the times or be changed  
3 by them.

4 I also believe that if we are  
5 constitutional originalists, if -- those who are  
6 constitutional originalists should support the  
7 14th Amendment, Section 3.

8 Thank you, Mr. President.

9 THE PRESIDENT: Are there any other  
10 Senators wishing to be heard?

11 Hearing -- seeing and hearing none,  
12 debate is closed.

13 The Secretary will ring the bell.

14 Read the last section.

15 THE SECRETARY: Section 8. This  
16 act shall take effect immediately.

17 THE PRESIDENT: Call the roll.

18 (The Secretary called the roll.)

19 THE PRESIDENT: Announce the  
20 results.

21 Senator Mayer to explain her vote.

22 SENATOR MAYER: Thank you,  
23 Mr. President.

24 I appreciated the conversation on  
25 this bill. But as the chair of the Education

1 Committee, I did want to correct some information  
2 that I thought was inaccurate during the  
3 conversation by my colleagues.

4 This conference -- in fact, on a  
5 bipartisan basis, has gone way -- as far as it  
6 can and will continue to be incredibly supportive  
7 of nonpublic schools, particularly religious  
8 schools, both of our Jewish, Muslim and Catholic  
9 partners, because we support parents choosing how  
10 they educate their children.

11 And just to remind my colleagues,  
12 we've substantially increased the amount of STEM  
13 funding for nonpublic schools to benefit many of  
14 our religious schools which could not afford  
15 expensive teachers in science, technology,  
16 engineering and math.

17 In addition, this year, with the  
18 Majority Leader's support, we worked with the  
19 Governor's office to expedite security funds  
20 going out the door more quickly, particularly at  
21 the behest of our Jewish day schools, which were  
22 spending a significant amount of money for  
23 overtime costs as a result of tensions  
24 surrounding the Israel-Hamas war.

25 So we will continue to be the

1 strongest advocates for nonpublic, particularly  
2 religious schools -- Jewish, Muslim, Catholic and  
3 every other faith -- and the insinuation that we  
4 have left them behind is simply inaccurate.

5 I vote yes.

6 THE PRESIDENT: Senator Mayer will  
7 be recorded in the affirmative.

8 Announce the results.

9 THE SECRETARY: In relation to  
10 Calendar 16, those Senators voting in the  
11 negative are Senators Ashby, Borrello,  
12 Canzoneri-Fitzpatrick, Felder, Gallivan, Griffo,  
13 Helming, Lanza, Martins, Mattera, Murray,  
14 Oberacker, O'Mara, Ortt, Palumbo, Rhoads,  
15 Rolison, Stec, Tedisco Walczyk, Weber and Weik.

16 Ayes, 40. Nays, 22.

17 THE PRESIDENT: The bill is passed.  
18 Senator Gianaris, that completes the  
19 reading of the controversial calendar.

20 SENATOR GIANARIS: Mr. President,  
21 is there any further business at the desk?

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

24 SENATOR GIANARIS: Move to adjourn  
25 until Tuesday, January 16th, at 3:00 p.m., with

1 the intervening days being legislative days.

2 THE PRESIDENT: On motion, the  
3 Senate stands adjourned until Tuesday,  
4 January 16th, at 3:00 p.m., with the intervening  
5 days being legislative days.

6 (Whereupon, at 12:13 p.m., the  
7 Senate adjourned.)

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