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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 17, 2024

11:39 a.m.

REGULAR SESSION

SENATOR JEREMY A. COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

2 ACTING PRESIDENT COONEY: The
3 Senate will 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 ACTING PRESIDENT COONEY: Today we
9 are joined by Rabbi Shmuel Gancz, of Congregation
10 Chabad Jewish Center of Suffern in Suffern,
11 New York, and he will deliver today's invocation.

12 Rabbi.

13 RABBI GANCZ: I'll give some
14 charity before I begin.

15 Almighty God, look favorably upon
16 the Senate of the State of New York. Bless these
17 individuals elected by the people in whom faith
18 and confidence have been placed to legislate laws
19 making decisions that will affect lives of the
20 citizens of our great state. Let them recognize
21 that this is not only a great honor and a civic
22 responsibility, but a holy endeavor as well.

23 The Jewish tradition tells of seven
24 universal laws given to mankind by God, through
25 Noah, of which instructs us to create a peaceful

1 and moral society governed by law.

2 Almighty God, grant those assembled
3 here to be aware of Your presence in this holy
4 mission as they labor to enact just laws.

5 This weekend we reflect on one of
6 our country's greatest champions of kindness as
7 we mark 73 years of his leadership, of my mentor,
8 the Rebbe Rabbi Menachem Mendel Schneerson, of
9 blessed memory, who has inspired millions through
10 his example and teachings to live lives with
11 increased purpose and holiness. The Rebbe's
12 influence continues to make an everlasting impact
13 on the world.

14 May God grant us the wisdom to
15 recognize true leadership and to learn from those
16 who embody it.

17 As we face rising levels of hatred,
18 antisemitism, and acts of terror around the
19 world, and this week we marked 100 days of
20 captivity of 136 innocent individuals, we gain
21 inspiration from the words of Moses, spoken to
22 the Jewish Nation as they entered the land of
23 Israel some 3,324 years ago: "You will have done
24 what is incumbent upon you, so I will do what is
25 incumbent upon me," says God.

1 This is a powerful reminder that
2 every one of us, and certainly those who are
3 fortunate to occupy positions of leadership and
4 influence, we must do everything that we can to
5 make this world a better place, to stand up for
6 what is right even when it may not be popular.
7 And when we do so, we elicit divine blessings.

8 Almighty God, bless this great
9 country, our state and the members of this
10 New York State Senate. Guide their deliberations
11 that they may govern with wisdom and justice,
12 grace and compassion. May they have the courage
13 to be beacons of light bringing honor to Your
14 name and blessing to humankind.

15 And may Oseh Shalom Bimromav. May
16 God, who brings peace on high, bring peace to
17 each and every one of us, and all of Israel and
18 all of mankind.

19 And let us say, Amen.

20 (Response of "Amen.")

21 ACTING PRESIDENT COONEY: Thank
22 you, Rabbi.

23 The reading of the Journal.

24 THE SECRETARY: In Senate, Tuesday,
25 January 16, 2024, the Senate met pursuant to

1 adjournment. The Journal of Saturday,
2 January 13, 2024, was read and approved. On
3 motion, Senate adjourned.

4 ACTING PRESIDENT COONEY: Without
5 objection, the Journal stands approved as read.

6 Presentation of petitions.

7 Messages from the Assembly.

8 Messages from the Governor.

9 Reports of standing committees.

10 Reports of select committees.

11 Communications and reports from
12 state officers.

13 Motions and resolutions.

14 Senator Kennedy.

15 SENATOR KENNEDY: Good morning,
16 Mr. President.

17 I move to adopt the Resolution
18 Calendar.

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

22 (Response of "Aye.").

23 ACTING PRESIDENT COONEY: Opposed,
24 nay.

25 (No response.)

1 ACTING PRESIDENT COONEY: The
2 Resolution Calendar is adopted.

3 Senator Kennedy.

4 SENATOR KENNEDY: On behalf of
5 Majority Leader Stewart-Cousins, in consultation
6 with Senator Ortt, I hand up the following
7 committee assignments of the Minority Conference
8 and ask that it please be filed in the Journal.

9 ACTING PRESIDENT COONEY: The
10 handup is received and shall be filed in the
11 Journal.

12 Senator Kennedy.

13 SENATOR KENNEDY: Can we now take
14 up the reading of the calendar.

15 ACTING PRESIDENT COONEY: The
16 Secretary will read.

17 THE SECRETARY: Calendar Number 21,
18 Senate Print 8012, by Senator Hinchey, an act to
19 amend the Public Service Law.

20 ACTING PRESIDENT COONEY: Read the
21 last section.

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

24 ACTING PRESIDENT COONEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT COONEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 21, those Senators voting in the
6 negative are Senators Borrello,
7 Canzoneri-Fitzpatrick, Gallivan, Griffo, Martins,
8 O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco,
9 Walczyk, Weber and Weik.

10 Ayes, 41. Nays, 14.

11 ACTING PRESIDENT COONEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number 25,
14 Senate Print 8016, by Senator Hoylman-Sigal, an
15 act to amend the Public Health Law.

16 ACTING PRESIDENT COONEY: Read the
17 last section.

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

21 ACTING PRESIDENT COONEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT COONEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 25, those Senators voting in the
3 negative are Senators Canzoneri-Fitzpatrick,
4 Helming, Martins, Rhoads, Stec, Tedisco, Walczyk,
5 Weber and Weik.

6 Ayes, 47. Nays, 9.

7 ACTING PRESIDENT COONEY: The bill
8 is passed.

9 THE SECRETARY: Calendar Number 37,
10 Senate Print 8037, by Senator Persaud, an act to
11 amend the Public Authorities Law.

12 ACTING PRESIDENT COONEY: Read the
13 last section.

14 THE SECRETARY: Section 4. This
15 act shall take effect immediately.

16 ACTING PRESIDENT COONEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT COONEY: Announce
20 the results.

21 THE SECRETARY: Ayes, 56.

22 ACTING PRESIDENT COONEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number 41,
25 Senate Print 8044, by Senator Myrie, an act to

1 amend the Executive Law.

2 ACTING PRESIDENT COONEY: Read the
3 last section.

4 THE SECRETARY: Section 4. This
5 act shall take effect on the same date and in the
6 same manner as a chapter of the Laws of 2023.

7 ACTING PRESIDENT COONEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT COONEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 56.

13 ACTING PRESIDENT COONEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number 42,
16 Senate Print 8050, by Senator Liu, an act to
17 amend the General Business Law and the
18 Social Services Law.

19 ACTING PRESIDENT COONEY: Read the
20 last section.

21 THE SECRETARY: Section 3. This
22 act shall take effect on the same date and in the
23 same manner as a chapter of the Laws of 2023.

24 ACTING PRESIDENT COONEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT COONEY: Announce
3 the results.

4 THE SECRETARY: Ayes, 56.

5 ACTING PRESIDENT COONEY: The bill
6 is passed.

7 THE SECRETARY: Calendar Number 49,
8 Senate Print 8061, by Senator Harckham, an act to
9 amend the Public Health Law.

10 ACTING PRESIDENT COONEY: Read the
11 last section.

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

15 ACTING PRESIDENT COONEY: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT COONEY: Announce
19 the results.

20 THE SECRETARY: Ayes, 56.

21 ACTING PRESIDENT COONEY: The bill
22 is passed.

23 THE SECRETARY: Calendar Number 51,
24 Senate Print 8064, by Senator Scarcella-Spanton,
25 an act to amend the General Business Law.

1 ACTING PRESIDENT COONEY: Read the
2 last section.

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

6 ACTING PRESIDENT COONEY: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT COONEY: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar 51, voting in the negative:
13 Senator Martins.

14 Ayes, 55. Nays, 1.

15 ACTING PRESIDENT COONEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number 58,
18 Senate Print 8075, by Senator Comrie, an act to
19 amend the Not-For-Profit Corporation Law.

20 ACTING PRESIDENT COONEY: Read the
21 last section.

22 THE SECRETARY: Section 4. This
23 act shall take effect on the same date and in the
24 same manner as a chapter of the Laws of 2023.

25 ACTING PRESIDENT COONEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT COONEY: Announce
4 the results.

5 THE SECRETARY: Ayes, 56.

6 ACTING PRESIDENT COONEY: The bill
7 is passed.

8 THE SECRETARY: Calendar Number 62,
9 Senate Print 8080, by Senator Brouk, an act to
10 amend the Social Services Law.

11 ACTING PRESIDENT COONEY: Read the
12 last section.

13 THE SECRETARY: Section 3. This
14 act shall take effect on the same date and in the
15 same manner as a chapter of the Laws of 2023.

16 ACTING PRESIDENT COONEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT COONEY: Senator
20 Brouk to explain her vote.

21 SENATOR BROUK: Thank you,
22 Mr. President, fellow Rochesterian.

23 It wouldn't be a legislative session
24 if I weren't standing up talking about Douglas.
25 And so today I want to once again thank this

1 legislative body for passing legislation that is
2 going to, once again, save lives.

3 And I also want to remind us all, as
4 we gear up for our legislative session,
5 unfortunately many of the things I talked about
6 last year -- things like the fact that the Black
7 maternal mortality crisis in particular is
8 continuing to get worse -- things like in
9 New York State Black women are five times more
10 likely to die in childbirth -- in New York City
11 it's nine times more likely to die in childbirth.
12 And the fact that doulas, who are these
13 nonmedical, nonclinical professionals who offer
14 informational, physical and emotional support,
15 are one of the strongest tools we have in our
16 toolkit to make sure that we actually can combat
17 in a very serious way the maternal mortality
18 crisis.

19 And so again, what this community
20 doula directory bill does is ensures that the
21 state is really implementing our doula Medicaid
22 benefit in a way that is accessible to as many
23 birthing people as possible.

24 There's so much work to be done with
25 this to make sure that we are actually changing

1 lives for mothers and their babies. But I am so
2 proud of the work that this body and that the
3 Executive has done to make sure that we are
4 taking these steps, and for that I proudly vote
5 aye.

6 Thank you.

7 ACTING PRESIDENT COONEY: Senator
8 Brouk to be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Ayes, 56.

11 ACTING PRESIDENT COONEY: The bill
12 is passed.

13 THE SECRETARY: Calendar Number 71,
14 Senate Print 8092, by Senator Chu, an act to
15 amend the Public Health Law.

16 ACTING PRESIDENT COONEY: Read the
17 last section.

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

21 ACTING PRESIDENT COONEY: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT COONEY: Announce
25 the results.

1 THE SECRETARY: In relation to
2 Calendar 71, those Senators voting in the
3 negative are Senators Canzoneri-Fitzpatrick,
4 Felder, Gallivan, Martins, O'Mara, Rhoads,
5 Walczyk and Weik.

6 Ayes, 50. Nays, 8.

7 ACTING PRESIDENT COONEY: The bill
8 is passed.

9 Senator Kennedy, that completes the
10 reading of today's calendar.

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

13 Would you please recognize
14 Senator Walczyk to say a few words before he
15 begins his deployment in the Army Reserve.

16 ACTING PRESIDENT COONEY: Senator
17 Walczyk.

18 SENATOR WALCZYK: Thank you,
19 Mr. President. And thank you, Leader
20 Stewart-Cousins.

21 And thank you, Leader Ortt, for
22 first paving the way in military service and then
23 again in policy here in this chamber, serving
24 your constituents.

25 Thank you to my team back home in

1 the office who will continue to serve the people
2 of the 49th Senate District in my stead. They
3 are relentless and give me faith and hope in the
4 future of our republic.

5 Thank you most of all to the people
6 of the 49th Senate District who sent me here, who
7 are proud, polite, steady, and resilient. As I
8 won't be voting for them in this chamber, I ask
9 that you all continue to remember them as this
10 chair is empty.

11 My wife, Jessica, is joining us in
12 the chamber today. She epitomizes the strength
13 of a military spouse. I am so proud of you
14 already, and I love you very much.

15 (Standing ovation.)

16 SENATOR WALCZYK: And you see
17 seated next to her a very handsome two-year-old
18 who is going to be the new man of the house for a
19 little while. Atticus, I love you.

20 (Applause.)

21 SENATOR WALCZYK: And Byron, who is
22 that smiley little four-month-old right there.

23 (Applause.)

24 SENATOR WALCZYK: If you're a
25 praying person, please keep my family in prayer.

1 This time won't be easy for us personally. And I
2 appreciate those of you who have already reached
3 out and said that you would do so.

4 You have a great responsibility in
5 the positions that you've been entrusted to in
6 this chamber and governing the State of New York.
7 Best of luck to all of you this session.

8 If you abide by your oath and if you
9 take the time to read and abide by the
10 United States Constitution and the Constitution
11 of the State of New York, I know that you will do
12 well by all New Yorkers.

13 There is one more key component in
14 representative democracy, and it's not just you
15 abide by your oath and you understand what your
16 job is here in this chamber, but that you lean
17 out and proactively listen to the constituents
18 that you represent and all 19 million New Yorkers
19 who depend on you to make the right decisions in
20 this chamber.

21 There's only one thing that's more
22 important than governing in our republic in this
23 great experiment in representative democracy, and
24 that is to defend the republic against our
25 enemies. And I will be taking leave to do so

1 now.

2 God bless you, and God bless
3 America.

4 (Standing ovation.)

5 ACTING PRESIDENT COONEY: We thank
6 you for your service, Senator Walczyk.

7 Senator Kennedy.

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

10 Please recognize Senator Ortt for
11 remarks.

12 ACTING PRESIDENT COONEY: Senator
13 Ortt.

14 SENATOR ORTT: Thank you,
15 Mr. President.

16 Tough to follow that up, and in some
17 ways futile. But I think it's important on
18 behalf of the Republican Conference that we say
19 thank you to our colleague Senator Walczyk, not
20 only for his time in this chamber and his service
21 to his district and the people of New York, but
22 obviously his service to his country, which I
23 know many people in this body take very
24 seriously, respect, have personal connections to.

25 We have members of this body, both

1 sides of the chamber, who have worn the uniform,
2 as Senator Walczyk will for the better part of
3 this year, beginning next week when he deploys.

4 I think it's important to remember,
5 as he was talking about his wife -- and I sort of
6 thought about something as he was talking about
7 his family. There was an old rule that I was
8 told years ago that you can talk about your
9 spouse or you can look at your spouse, but if you
10 talk about your spouse when you're looking at
11 your spouse, you will turn into a puddle, as
12 almost happened to Senator Walczyk there.

13 (Laughter.)

14 SENATOR ORTT: So -- so just a rule
15 in the future to -- to abide by.

16 But it was important that he
17 recognized her, because I know it's very easy --
18 we in this body, people across the country, it's
19 very easy, or it is very common and right that we
20 give attention to those who wear the uniform.
21 But I think we always -- or we tend to forget
22 sometimes the spouse and the family who are left
23 behind, especially in today's day and age where
24 many -- very often both spouses work, both
25 spouses have careers, and now you have a single

1 parent.

2 And for that parent of two children,
3 Atticus and Byron, there will be nights where she
4 will not hear from Mark and she will not be
5 certain of his whereabouts, of his safety. And
6 that is a difficult thing for any family.

7 And so I certainly want to thank his
8 wife, Jessica, for her service to our country and
9 our state. And our prayers will be with you and
10 your children over this next period of time.

11 So again, want to thank
12 Senator Walczyk for his continued service. We
13 will do our best to make sure that the concerns
14 of your constituents are voiced and are met. We
15 will miss your thoughtful debate. Maybe some
16 more than others.

17 (Laughter.)

18 SENATOR ORTT: We might finish
19 sooner, who knows.

20 (Laughter.)

21 SENATOR ORTT: We'll see. We'll
22 see. We'll do our best to make you proud in that
23 regard.

24 But I think it's also important to
25 know that Senator Walczyk, he's going to continue

1 to serve the people of his district. We look
2 forward to you not only returning safely from
3 your deployment, but returning to this chamber in
4 the next session.

5 So thank you for your service.
6 Godspeed. God bless. Thank you again.

7 (Applause.)

8 ACTING PRESIDENT COONEY: Thank
9 you, Senator Ortt.

10 Senator Kennedy.

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

13 Please recognize Majority Leader
14 Andrea Stewart-Cousins for remarks about our
15 colleague Senator Walczyk.

16 ACTING PRESIDENT COONEY: Majority
17 Leader Andrea Stewart-Cousins.

18 SENATOR STEWART-COUSINS: Thank
19 you, Mr. President.

20 You did something I never thought
21 that you could do: Make us all practically cry.

22 (Laughter.)

23 SENATOR STEWART-COUSINS: For the
24 right reasons.

25 (Laughter.)

1 SENATOR STEWART-COUSINS: I, you
2 know, would not, certainly on behalf of the
3 conference and our chair of Homeland Security --
4 Senator Scarcella-Spanton asked me to -- to
5 please let her say something, and I said no
6 because everybody would want to say something.

7 And I know the same thing with
8 Leader Ortt, because everybody would want to do
9 what I'm doing, to say not only on behalf of our
10 conference but on behalf of the chamber, on
11 behalf of the people of New York, we are very,
12 very proud of your service. We are grateful for
13 your service. And we understand that your life
14 has frankly been dedicated to public service, and
15 this is an extension of that.

16 I am happy that you brought your
17 wife, Jessica, and your wonderful two children.
18 It really does bring home to us that, you know,
19 those who wait also serve. And she will
20 obviously know that there's a family here for
21 you. Your constituents will not be abandoned,
22 because we will make sure that your office has
23 the support that is needed.

24 And of course our prayers are with
25 you and your family. We remember days, at least

1 I do, when the reserves were you get to be a
2 weekend warrior, you're running out, you know,
3 you put on a uniform, you do something for a
4 weekend and then you go back to your life.

5 Reserves have now expanded as our
6 international commitments expand. And what would
7 normally be just, you know, something you do on
8 the side, as evidenced in your life and many, it
9 is a real commitment. And nine months is a
10 real -- a real serious length of time.

11 So we know that you will be fine.
12 We know that you will return even more excited to
13 do this work.

14 (Laughter.)

15 SENATOR STEWART-COUSINS: But
16 again, we do wish you well. Godspeed. We will
17 take care of your office. And again, Jessica,
18 you have a family here, and so do not hesitate at
19 all to reach out. And however we can continue to
20 inspire other people to service, we will do that
21 as well.

22 But again, thank you. And God bless
23 you in all that you endeavor. I'm sure you will
24 inspire a lot of people there.

25 (Laughter.)

1 SENATOR STEWART-COUSINS: And
2 that's a good thing.

3 So thank you.
4 (Appause.)

5 ACTING PRESIDENT COONEY: Thank
6 you, Majority Leader.

7 Senator Kennedy.

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

10 Can we please return to motions and
11 resolutions.

12 ACTING PRESIDENT COONEY: We're
13 returned.

14 SENATOR KENNEDY: Mr. President, on
15 page 14 I offer the following amendments to
16 Calendar Number 76, by Senator Krueger, Senate
17 Print 158C, and ask that the said bill retain its
18 place on the Third Reading Calendar.

19 ACTING PRESIDENT COONEY: The
20 amendments are received, and the bill will retain
21 its place on the Third Reading Calendar.

22 Senator Kennedy.

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

25 Is there any further business at the

1 desk?

2 ACTING PRESIDENT COONEY: I believe
3 that we have a birthday of Senator Griffo
4 yesterday, and a birthday coming up for
5 Senator Kavanagh. On that note.

6 SENATOR KENNEDY: Happy birthday.
7 Happy birthday.

8 (Applause.)

9 ACTING PRESIDENT COONEY: And no
10 other further business at the desk,
11 Senator Kennedy.

12 SENATOR KENNEDY: Well, a motion to
13 approve their birthday celebrations.

14 (Laughter.)

15 SENATOR KENNEDY: And with that,
16 Mr. President, is there any further business at
17 the desk?

18 ACTING PRESIDENT COONEY: No. No,
19 Senator Kennedy.

20 SENATOR KENNEDY: With that,
21 Mr. President, I move to adjourn until Monday,
22 January 22nd, at 3:00 p.m., with the intervening
23 days being legislative days.

24 ACTING PRESIDENT COONEY: On
25 motion, the Senate stands adjourned until Monday,

1 January 22nd, at 3:00 p.m., with intervening days
2 being legislative days.

3 (Whereupon, the Senate adjourned at
4 12:04 p.m.)

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