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

P R O C E E D I N G S

ACTING PRESIDENT COONEY: The Senate will come to order.

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

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

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

Rabbi.

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

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

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

and moral society governed by law.

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

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

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

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

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

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

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

And let us say, Amen.

(Response of "Amen.")

ACTING PRESIDENT COONEY: Thank you, Rabbi.

The reading of the Journal.

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

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Kennedy.

SENATOR KENNEDY: Good morning, 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, nay.

(No response.)

ACTING PRESIDENT COONEY: The Resolution Calendar is adopted.

Senator Kennedy.

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

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

Senator Kennedy.

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

ACTING PRESIDENT COONEY: The Secretary will read.

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

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 21, those Senators voting in the negative are Senators Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Martins, O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco, Walczyk, Weber and Weik.

Ayes, 41. Nays, 14.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

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

Ayes, 47. Nays, 9.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

THE SECRETARY: Section 4. 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, 56.

ACTING PRESIDENT COONEY: The bill is passed.

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

amend the Executive Law.

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: In relation to Calendar 51, voting in the negative:

Senator Martins.

Ayes, 55. Nays, 1.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Senator Brouk to explain her vote.

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

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

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

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

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

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

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

Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT COONEY: The bill is passed.

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

ACTING PRESIDENT COONEY: Read the last section.

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

ACTING PRESIDENT COONEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT COONEY: Announce the results.

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

Ayes, 50. Nays, 8.

ACTING PRESIDENT COONEY: The bill is passed.

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

SENATOR KENNEDY: Thank you, Mr. President.

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

ACTING PRESIDENT COONEY: Senator Walczyk.

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

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

Thank you to my team back home in

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

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

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

(Standing ovation.)

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

(Applause.)

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

(Applause.)

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

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

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

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

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

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

now.

God bless you, and God bless America.

(Standing ovation.)

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

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

Please recognize Senator Ortt for remarks.

ACTING PRESIDENT COONEY: Senator Ortt.

SENATOR ORTT: Thank you, Mr. President.

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

We have members of this body, both

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

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

(Laughter.)

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

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

parent.

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

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

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

(Laughter.)

SENATOR ORTT: We might finish sooner, who knows.

(Laughter.)

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

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

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

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

(Applause.)

ACTING PRESIDENT COONEY: Thank you, Senator Ortt.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

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

ACTING PRESIDENT COONEY: Majority Leader Andrea Stewart-Cousins.

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

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

(Laughter.)

SENATOR STEWART-COUSINS: For the right reasons.

(Laughter.)

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

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

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

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

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

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

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

(Laughter.)

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

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

(Laughter.)

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

So thank you.

(Applause.)

ACTING PRESIDENT COONEY: Thank you, Majority Leader.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

Can we please return to motions and resolutions.

ACTING PRESIDENT COONEY: We're returned.

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

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

Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

Is there any further business at the

desk?

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

SENATOR KENNEDY: Happy birthday. Happy birthday.

(Applause.)

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

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

(Laughter.)

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

ACTING PRESIDENT COONEY: No. No, Senator Kennedy.

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

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

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

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