

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9 February 7, 2024

10 11:28 a.m.

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13
14 REGULAR SESSION

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17
18 SENATOR SHELLEY B. MAYER, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT MAYER: The Senate
will come to order.

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

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

ACTING PRESIDENT MAYER: In the
absence of clergy, let us bow our heads in a
moment of silent reflection or prayer.

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

ACTING PRESIDENT MAYER: Reading of
the Journal.

THE SECRETARY: In Senate, Tuesday,
February 6, 2024, the Senate met pursuant to
adjournment. The Journal of Monday, February 5,
2024, was read and approved. On motion, the
Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Martins

1 moves to discharge, from the Committee on Rules,
2 Assembly Bill Number 8538 and substitute it for
3 the identical Senate Bill 8095, Third Reading
4 Calendar 74.

5 Senator Breslin moves to discharge,
6 from the Committee on Rules, Assembly Bill
7 Number 8500 and substitute it for the identical
8 Senate Bill 8018, Third Reading Calendar 173.

9 Senator Parker moves to discharge,
10 from the Committee on Rules, Assembly Bill
11 Number 8488 and substitute it for the identical
12 Senate Bill 8022, Third Reading Calendar 176.

13 Senator Kennedy moves to discharge,
14 from the Committee on Transportation,
15 Assembly Bill Number 8491 and substitute it for
16 the identical Senate Bill 8083, Third Reading
17 Calendar 199.

18 Senator Brisport moves to discharge,
19 from the Committee on Rules, Assembly Bill
20 Number 8484 and substitute it for the identical
21 Senate Bill 8084, Third Reading Calendar 200.

22 Senator Ramos moves to discharge,
23 from the Committee on Rules, Assembly Bill
24 Number 8626 and substitute it for the identical
25 Senate Bill 8091, Third Reading Calendar 201.

1 Senator Myrie moves to discharge,
2 from the Committee on Rules, Assembly Bill
3 Number 8566 and substitute it for the identical
4 Senate Bill 8071, Third Reading Calendar 195.

5 ACTING PRESIDENT MAYER: So
6 ordered.

7 Messages from the Governor.

8 Reports of standing committees.

9 Reports of select committees.

10 Communications and reports from
11 state officers.

12 Motions and resolutions.

13 Senator Kennedy.

14 SENATOR KENNEDY: Good morning,
15 Madam President.

16 Good morning to my colleagues.
17 Great to see everybody here today. I'd like to
18 welcome everybody here, and I'd like to welcome
19 everybody watching from home, including my
20 parents, Marty and Mary Kennedy.

21 Can we please take up the reading of
22 the calendar.

23 (Laughter.)

24 ACTING PRESIDENT MAYER: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number 74,
2 Assembly Bill 8538, by Assemblymember Sillitti,
3 an act to amend a chapter of the Laws of 2023.

4 ACTING PRESIDENT MAYER: Read the
5 last section.

6 THE SECRETARY: Section 2. 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 ACTING PRESIDENT MAYER: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT MAYER: Announce
13 the results.

14 THE SECRETARY: In relation to
15 Calendar Number 74, voting in the negative:
16 Senator Skoufis.

17 Ayes, 53. Nays, 1.

18 ACTING PRESIDENT MAYER: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 171, Senate Print Number 5757, by
22 Senator Scarcella-Spanton, an act to amend the
23 Executive Law.

24 ACTING PRESIDENT MAYER: Read the
25 last section.

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

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Announce
8 the results.

9 THE SECRETARY: Ayes, 54.

10 ACTING PRESIDENT MAYER: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 173, Assembly Bill Number 8500, by
14 Assemblymember Weprin, an act to amend the
15 Insurance Law.

16 ACTING PRESIDENT MAYER: Read the
17 last section.

18 THE SECRETARY: Section 3. 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 MAYER: Call the
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MAYER: Announce
25 the results.

1 THE SECRETARY: Ayes, 54.

2 ACTING PRESIDENT MAYER: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 176, Assembly Bill Number 8488, by
6 Assemblymember Solages, an act to amend the
7 Social Services Law.

8 ACTING PRESIDENT MAYER: Read the
9 last 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 ACTING PRESIDENT MAYER: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT MAYER: Announce
17 the results.

18 THE SECRETARY: Ayes, 54.

19 ACTING PRESIDENT MAYER: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 183, Senate Print 8043, by Senator Parker, an act
23 to amend the General Business Law.

24 ACTING PRESIDENT MAYER: Read the
25 last section.

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

4 ACTING PRESIDENT MAYER: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT MAYER: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar 183, those Senators voting in the
11 negative are Senators Canzoneri-Fitzpatrick,
12 Griffo, Murray, O'Mara, Ortt, Rhoads, Tedisco and
13 Weik. Also Senator Borrello.

14 Ayes, 45. Nays, 9.

15 ACTING PRESIDENT MAYER: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 195, Assembly Bill Number 8566, by
19 Assemblymember Meeks, an act to amend the
20 Executive Law.

21 ACTING PRESIDENT MAYER: Read the
22 last section.

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

25 ACTING PRESIDENT MAYER: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT MAYER: Announce
4 the results.

5 THE SECRETARY: Ayes, 54.

6 ACTING PRESIDENT MAYER: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 199, Assembly Bill Number 8491, by
10 Assemblymember Magnarelli, an act to amend the
11 Railroad Law.

12 ACTING PRESIDENT MAYER: Read the
13 last section.

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

17 ACTING PRESIDENT MAYER: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MAYER: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar 199, voting in the negative:
24 Senator Oberacker.

25 Ayes, 54. Nays, 1.

1 ACTING PRESIDENT MAYER: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 200, Assembly Bill Number 8484, by
5 Assemblymember Epstein, an act to amend the
6 Social Services Law.

7 ACTING PRESIDENT MAYER: Read the
8 last section.

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

11 ACTING PRESIDENT MAYER: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT MAYER: Announce
15 the results.

16 THE SECRETARY: Ayes, 55.

17 ACTING PRESIDENT MAYER: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 201, Assembly Bill Number 8626, by
21 Assemblymember Eichenstein, an act to amend a
22 chapter of the Laws of 2023.

23 ACTING PRESIDENT MAYER: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT MAYER: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT MAYER: Announce
6 the results.

7 THE SECRETARY: In relation to
8 Calendar 201, those Senators voting in the
9 negative are Senators Borrello, Helming, Martins,
10 O'Mara, Ortt, Rhoads, Stec, Tedisco and Weik.

11 Ayes, 46. Nays, 9.

12 ACTING PRESIDENT MAYER: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 224, Senate Print 1209, by Senator Persaud, an
16 act to amend the Labor Law.

17 SENATOR LANZA: Lay it aside.

18 ACTING PRESIDENT MAYER: The bill
19 is laid aside.

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

22 SENATOR KENNEDY: Thank you,
23 Madam President. Will you please take up a
24 reading of the controversial calendar.

25 ACTING PRESIDENT MAYER: The

1 Secretary will ring the bell.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number
4 224, Senate Print 1209, by Senator Persaud, an
5 act to amend the Labor Law.

6 ACTING PRESIDENT MAYER: Senator
7 Lanza, why do you rise?

8 SENATOR LANZA: Good morning,
9 Madam President.

10 ACTING PRESIDENT MAYER: Good
11 morning.

12 SENATOR LANZA: Madam President, I
13 believe there's an amendment at the desk. I
14 waive the reading of the amendment and ask that
15 you recognize Senator Weik.

16 ACTING PRESIDENT MAYER: Thank you,
17 Senator Lanza.

18 Upon review of the amendment, in
19 accordance with Rule 6, Section 4B, I rule it
20 nongermane and out of order at this time.

21 SENATOR LANZA: Madam President,
22 accordingly, I appeal the ruling of the chair and
23 ask that Senator Weik be heard on that appeal.

24 ACTING PRESIDENT MAYER: The appeal
25 has been made and recognized, and Senator Weik

1 may be heard.

2 SENATOR WEIK: Madam President, I
3 rise to appeal the ruling of the chair.

4 The proposed amendment is germane to
5 the bill at hand because the bill at hand deals
6 with school closings during a state or a local
7 disaster emergency, and this amendment prohibits
8 schools from closing due to certain disaster
9 emergencies.

10 We've seen more and more migrants
11 enter our state, and more and more taxpayer
12 dollars going towards these migrants. Now we are
13 seeing students being displaced from schools in
14 order to house those individuals.

15 This state has an obligation to
16 provide a sound, basic education for its
17 students. Educating our children should be a top
18 priority. Students should not miss even one day
19 of education because migrants who came here
20 illegally need to be housed.

21 Our children should not face the
22 risk of being displaced from schools for the
23 purpose of housing migrants, and this amendment
24 would prevent that from happening. We must focus
25 to keep our students on track, and closing

1 schools is not the way to do that.

2 For these reasons, Madam President,
3 I strongly urge you to reconsider your ruling.

4 ACTING PRESIDENT MAYER: Thank you,
5 Senator.

6 I want to remind the house that the
7 vote is on the procedures of the house and the
8 ruling of the chair.

9 Those in favor of overruling the
10 chair signify by saying aye.

11 (Response of "Aye.")

12 SENATOR LANZA: Show of hands.

13 ACTING PRESIDENT MAYER: A show of
14 hands has been requested and so ordered.

15 Announce the results.

16 THE SECRETARY: Ayes, 20.

17 ACTING PRESIDENT MAYER: The ruling
18 of the chair stands, and the bill-in-chief is
19 before the house.

20 Senator Kennedy.

21 SENATOR KENNEDY: Thank you,
22 Madam President.

23 Upon consent, we've agreed to
24 restore Calendar Number 224 to the
25 noncontroversial calendar.

1 ACTING PRESIDENT MAYER: Read the
2 last section.

3 THE SECRETARY: Section 3. This
4 act shall take effect on the 30th day after it
5 shall have become a law.

6 ACTING PRESIDENT MAYER: Call the
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT MAYER: Announce
10 the results.

11 THE SECRETARY: In relation to
12 Calendar 224, those Senators voting in the
13 negative are Senators Ashby, Borrello,
14 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
15 Lanza, Martins, Mattera, Murray, Oberacker,
16 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
17 Tedisco, Weber and Weik.

18 Ayes, 35. Nays, 20.

19 ACTING PRESIDENT MAYER: The bill
20 is passed.

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

23 SENATOR KENNEDY: Thank you,
24 Madam President.

25 Is there any further business at the

1 desk?

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

4 SENATOR KENNEDY: There being no
5 further business at the desk, I move to adjourn
6 until Monday, February 12th, at 3:00 p.m., with
7 the intervening days being legislative days.

8 ACTING PRESIDENT MAYER: On motion,
9 the Senate stands adjourned until Monday,
10 February 12th, at 3:00 p.m., with the intervening
11 days being legislative days.

12 (Whereupon, at 11:38 a.m., the
13 Senate adjourned.)

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