NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 7, 2024

11:28 a.m.

REGULAR SESSION

SENATOR SHELLEY B. MAYER, Acting President

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

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

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

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

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

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

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

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

ACTING PRESIDENT MAYER: So ordered.

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, Madam President.

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

Can we please take up the reading of the calendar.

(Laughter.)

ACTING PRESIDENT MAYER: The Secretary will read.

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

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 53. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 45. Nays, 9.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: 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 MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 54. Nays, 1.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MAYER: The bill is passed.

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

ACTING PRESIDENT MAYER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 46. Nays, 9.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT MAYER: The bill is laid aside.

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

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

ACTING PRESIDENT MAYER: The

Secretary will ring the bell.

The Secretary will read.

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

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

SENATOR LANZA: Good morning, Madam President.

ACTING PRESIDENT MAYER: Good morning.

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

ACTING PRESIDENT MAYER: Thank you, Senator Lanza.

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

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

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

may be heard.

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

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

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

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

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

schools is not the way to do that.

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

ACTING PRESIDENT MAYER: Thank you, Senator.

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

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

(Response of "Aye.")

SENATOR LANZA: Show of hands.

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

Announce the results.

THE SECRETARY: Ayes, 20.

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

Senator Kennedy.

SENATOR KENNEDY: Thank you, Madam President.

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

ACTING PRESIDENT MAYER: Read the last section.

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

ACTING PRESIDENT MAYER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAYER: Announce the results.

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

Ayes, 35. Nays, 20.

ACTING PRESIDENT MAYER: The bill is passed.

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

SENATOR KENNEDY: Thank you, Madam President.

Is there any further business at the

desk?

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

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

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

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