NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 12, 2024

3:15 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: The Senate will come to order.

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

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

ACTING PRESIDENT BAILEY: Rabbi Meir Pape, of Congregation Tifereth Israel, Jackson Heights, Queens, will deliver today's invocation.

Rabbi?

RABBI MEIR PAPE: Senators have a very difficult task in a world where upholding justice and morality is difficult because there is so much confusion. It's never been like this, where the questions are asked, What is justice? What is morality?

They have to establish laws to distinguish good behavior from bad behavior, when the line between good behavior and bad behavior has become so blurred and unclear.

And it's a big responsibility. Their decisions can have -- can cause great benefits to humanity, to society, and can have

negative ramifications. And always on this threshold between causing good and causing harm. How can they deal with this responsibility? How can one be confident in making the right decisions?

But God gave you the task. God gives you the strength to fulfill the task. Not only the strength and the courage, but also the guidance, the clarity, the moral compass to discern between right and wrong, between good and bad.

Fortunately, God gave to Moses at Mt. Sinai seven laws known as the Noahide Laws, universally applicable to all of humanity, which provide a solid foundation and a clear framework for any legislative system.

In fact, this very session held right here in the Senate is actually the fulfillment of one of these seven laws: That is the commandment to establish a legislative body, to form courts of justice and law enforcement which will uphold justice and peace, promote goodness and kindness.

And this is the sacred duty that lawmakers have, to be good caretakers of God's

world, to make it a good place, a civilized and harmonious place, a place where people can create and contribute.

We pray that God give you the strength and the ability to carry out this task in the best way possible. And we pray that we shall soon see the day when there will be no more hunger and no more war, no more jealousy and no more selfish competition. For there will be good and abundance. There will be enough for everyone.

And instead, humanity will occupy their energy, devote their energy to pursuing a higher goal. Individuals will seek a connection with their Creator and pursue acts of goodness and kindness among one another.

ACTING PRESIDENT BAILEY: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, February 11, 2024, the Senate met pursuant to adjournment. The Journal of Saturday, February 10, 2024, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Palumbo moves to discharge, from the Committee on Rules, Assembly Bill Number 8559 and substitute it for the identical Senate Bill 8052, Third Reading Calendar 190.

ACTING PRESIDENT BAILEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

Let's return to motions and resolutions later. And let's begin by taking up the reading of the calendar, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 19,

Senate Print 8010, by Senator Brisport, an act to amend the Family Court Act.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 19, voting in the negative:

Senator Oberacker.

Ayes, 54. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 59, Senate Print 8076, by Senator Parker, an act to amend the Mental Hygiene Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 184, Senate Print 8045, by Senator Walczyk, an act to amend the Highway Law.

ACTING PRESIDENT BAILEY: 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 BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

190, Assembly Print Number 8559, by Assemblymember Thiele, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 192, Senate Print 8058, by Senator Hoylman-Sigal, an act to amend the Family Court Act.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 192, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Felder, Gallivan, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Weber and Weik.

Ayes, 36. Nays, 20.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 207, Senate Print 5830, by Senator Salazar, an act to amend the Correction Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to

Calendar 207, those Senators voting in the negative are Senators Borrello, Gallivan, Helming, Murray, Oberacker, O'Mara, Ortt, Weber and Weik.

Ayes, 47. Nays, 9.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 276, Senate Print 1081, by Senator Comrie, an act to amend the Public Authorities Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 284, Senate Print 3546, by Senator Kennedy, an act to amend the New York State Urban Development

Corporation Act.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of April.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

I rise to support this bill, the FRESH Act, as it's called, which stands for the Food Retail Establishment Subsidization for Healthy Communities Act. I want to thank my colleagues for passing this in this house year after year.

This bill deals with the eradication of food deserts in our communities across New York. They're really exacerbated in urban communities, we've found, but they're in every community -- urban, rural, suburban. There's millions, tens of millions of people that live in food deserts across our country, hundreds of

thousands across our state.

And while this bill isn't a fix-all, it certainly moves us closer to closing the gap in ensuring that individuals across all of our communities have access to fresh, healthy food options for themselves and their families.

Oftentimes these food deserts are in underserved, low-income communities. They're at risk for diabetes and obesity in those communities. Those communities are oftentimes reliant upon corner stores that don't have fresh food. And so the options for individuals living in those neighborhoods, in those food deserts, are abysmal, to say the least.

Furthermore, we know that this is as much of a civil rights issue as it is an issue dealing with one's own personal health. On May 14th of 2022, a domestic racist terrorist went to Tops Friendly Markets on Jefferson Avenue in Buffalo in the heart of my city, my district, because it was the only full-service supermarket in the community. That is where he massacred 10 individuals because of the color of their skin. But he knew they would be there because it was the only option.

That should not have ever been, and it should not be anywhere moving forward. All New Yorkers deserve access to fresh foods regardless of their zip code or socioeconomic status.

Through the passage and the implementation of this act we will incentivize opportunities for supermarkets to put down roots in urban and rural areas that currently lack sufficient access to healthy food.

Mr. President, I vote aye.

Thank you.

ACTING PRESIDENT BAILEY: Senator Kennedy to be recorded in the affirmative.

Senator Webb to explain her vote.

SENATOR WEBB: Thank you, Mr. President. I rise to explain my vote.

I also would like to thank Senator Kennedy for introducing this legislation.

In my district I have significant challenges around food deserts. Many of my constituents do not have access to healthy and nutritious fresh produce. This means that many of the residents in my district -- not exclusively, but this is a statewide challenge --

however, in my district, which includes Broome, Cortland and Tompkins counties, have limited to no access to grocery stores, whether it's through public transportation or even in walking distance.

These families must rely heavily upon corner and convenience stores, as Senator Kennedy alluded to, which often charge higher prices and do not offer fresh produce, meat and dairy that families need to provide healthy and nourishing meals at the dinner table.

By providing financial assistance through this legislation, which is helping to advance, to urban and rural supermarkets in underserved communities such as mine, this legislation will cut down on the number of food deserts across New York, ensuring that we have equitable access to fresh produce, meat and dairy products.

Not only is this legislation good for families, it will also help on the economic development side as it pertains to our local and regional farmers and producers. This also will help with improving public health outcomes, as we know that food access and lack thereof is an

indicator of social determinants of health as it pertains to chronic health issues.

Also, this legislation is good for the planet because we can lower our greenhouse gas emissions by making sure that the food we grow and produce here in New York is sold and enjoyed locally.

I thank again Senator Kennedy for introducing this legislation. I proudly vote aye and encourage my colleagues to do the same.

ACTING PRESIDENT BAILEY: Senator Webb to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 284, voting in the negative:
Senator Skoufis.

Ayes, 55. Nays, 1.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 322, Senate Print 532, by Senator Thomas, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: In relation to Calendar 322, those Senators voting in the negative are Senators Borrello, Felder, Gallivan, Griffo, Lanza, Oberacker, O'Mara, Ortt, Stec and Tedisco.

Ayes, 46. Nays, 10.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 327, Senate Print 2449, by Senator Krueger, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of January.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce

the results.

THE SECRETARY: In relation to Calendar 327, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Griffo, Helming, Lanza, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Stec, Tedisco, Weber and Weik. Also Senator Martins.

Ayes, 38. Nays, 18.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR GIANARIS: Thank you, Mr. President.

Returning to motions and resolutions, on page 30 I offer the following amendments to Calendar 342, Senate Print 4198A, by Senator Comrie, and ask that said bill retain its place on the Third Reading Calendar.

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

Senator Gianaris.

SENATOR GIANARIS: I believe

there's a privileged resolution at the desk. Can we please take that up, read its title, and recognize Senator Scarcella-Spanton.

ACTING PRESIDENT BAILEY: There is a privileged resolution at the desk.

The Secretary will read.

THE SECRETARY: Resolution 1689, by Senator Scarcella-Spanton, commemorating the 16th Anniversary of Kosovo's Independence.

ACTING PRESIDENT BAILEY: Senator Scarcella-Spanton on the resolution.

SENATOR SCARCELLA-SPANTON: Thank you, Mr. President, and to my esteemed colleagues.

I want to make a very warm welcome to all our distinguished constituents and everyone else who joins us today to celebrate Kosovo's Independence Day in New York State.

Today marks a significant milestone in recognizing Kosovo's history in New York and their hard-won independence after years of perseverance. Despite facing numerous challenges along the way, the people of Kosovo have shown remarkable resilience and determination, leading to this occasion.

The declaration of Kosovo's independence in 2008 was a defining moment representing not only the culmination of years of struggle, but also a testament to the spirit of its people. As we reflect on Kosovo's journey, we are reminded of the sacrifices made and the challenges overcome in the pursuit of freedom and self-determination.

In conclusion, I am honored to sponsor this resolution honoring Kosovo's Independence Day.

And I want to just, from the bottom of my heart, thank you for those who came from near and far for this event. It's incredibly special to have you all here. I hope you enjoyed the celebration earlier. And thank you so much.

I commend the resilience and determination of the Kosovar people. Thank you for joining us today.

(Applause from the gallery.)

ACTING PRESIDENT BAILEY: Senator Fernandez on the resolution.

SENATOR FERNANDEZ: Faleminderit shumë {thank you very much}, Mr. President.

I stand to also speak on this

resolution of 16 amazing years of resilience, pride, freedom of the Kosovan and Albanian communities.

I want to thank Senator Scarcella-Spanton for the beautiful reception today honoring our many leaders that for decades have been speaking on the issue, 16 years ago fighting, going to Washington and getting NATO, under President Clinton, to finally help Kosovo become the nation that it is entitled to be.

Today we did have a special guest, and he isn't here -- he couldn't stay long enough for me to give him a proper introduction and welcome. But along with the many friends that have come from near and far, I do want to give a shout out to our former State Assemblymember, former City Councilmember, the great Mark Gjonaj, that came to celebrate this moment.

Because it is something to appreciate that New York State can continue to be a partner, the United States can continue to be a partner in making sure that Kosovo is properly recognized, protected, and that the struggles that continue are seen and made in awareness.

I've had the honor and the privilege

of visiting the beautiful country of Kosovo last summer. I visited Pristina, where we saw the State Capitol and spoke with the Assembly about what is the relationship, the tight, beautiful relationship of New York and Kosovo.

I visited Gjilan, which is a growing city, still in economic boom, and you can see everything is coming together while also looking at what was there in the past and the destruction that happened in the past not too long ago.

In addition, I visited Prizren, the oldest city in the Balkans. It is important to know that Kosovo, the youngest country that we have 16 years, was actually the location and the birthplace of the oldest civilization in Europe, thousands of years ago. It is the birthplace of Mother Teresa's parents.

And Mother Teresa, as we know, is a woman of the Balkans, born in Montenegro, citizen of Calcutta, and now is a saint in the Catholic Church. She is an example of what has been happening for generations and generations in the land of Kosovo.

And it is only right that we stand here and recognize it and show our support to the

community, to the Albanian community, that we will always protect and take pride in what is happening in Kosovo and what will happen as it continues to flourish into the beautiful country that it is.

Thank you.

(Applause from the gallery.)

ACTING PRESIDENT BAILEY: To our guests, let me first say "Urime" {congratulations}. I welcome you on behalf of the Senate. We extend to you the privileges and the courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

("Thank you" from gallery.)

(Laughter.)

ACTING PRESIDENT BAILEY: Senator Gianaris.

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

ACTING PRESIDENT BAILEY: Oh, excuse me. Wait, I'm sorry.

The question is on the resolution. All those in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Is there any further business at the desk?

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Tuesday, February 13th, at 3:00 p.m.

ACTING PRESIDENT BAILEY: Upon motion, the Senate is adjourned until Tuesday, February 13th, at 3:00 p.m.

(Whereupon, at 3:37 p.m., the Senate adjourned.)