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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

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

2 ACTING PRESIDENT BAILEY: The  
3 Senate will come to order.

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

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

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

12 Rabbi?

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

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

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

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

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

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

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

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

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

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

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

17 ACTING PRESIDENT BAILEY: Reading  
18 of the Journal.

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

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

1 Presentation of petitions.

2 Messages from the Assembly.

3 The Secretary will read.

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

9 ACTING PRESIDENT BAILEY: So  
10 ordered.

11 Messages from the Governor.

12 Reports of standing committees.

13 Reports of select committees.

14 Communications and reports from  
15 state officers.

16 Motions and resolutions.

17 Senator Gianaris.

18 SENATOR GIANARIS: Good afternoon,  
19 Mr. President.

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

23 ACTING PRESIDENT BAILEY: The  
24 Secretary will read.

25 THE SECRETARY: Calendar Number 19,

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

3 ACTING PRESIDENT BAILEY: Read the  
4 last section.

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

8 ACTING PRESIDENT BAILEY: Call the  
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BAILEY: Announce  
12 the results.

13 THE SECRETARY: In relation to  
14 Calendar 19, voting in the negative:  
15 Senator Oberacker.

16 Ayes, 54. Nays, 1.

17 ACTING PRESIDENT BAILEY: The bill  
18 is passed.

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

22 ACTING PRESIDENT BAILEY: Read the  
23 last section.

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

1                   ACTING PRESIDENT BAILEY:    Call the  
2    roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT BAILEY:    Announce  
5    the results.

6                   THE SECRETARY:     Ayes, 55.

7                   ACTING PRESIDENT BAILEY:    The bill  
8    is passed.

9                   THE SECRETARY:     Calendar Number  
10   184, Senate Print 8045, by Senator Walczyk, an  
11   act to amend the Highway Law.

12                  ACTING PRESIDENT BAILEY:    Read the  
13   last section.

14                  THE SECRETARY:     Section 2. 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 BAILEY:    Call the  
18   roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT BAILEY:    Announce  
21   the results.

22                  THE SECRETARY:     Ayes, 56.

23                  ACTING PRESIDENT BAILEY:    The bill  
24   is passed.

25                  THE SECRETARY:     Calendar Number

1 190, Assembly Print Number 8559, by  
2 Assemblymember Thiele, an act to amend the  
3 Environmental Conservation Law.

4 ACTING PRESIDENT BAILEY: Read the  
5 last section.

6 THE SECRETARY: Section 6. 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 BAILEY: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BAILEY: Announce  
13 the results.

14 THE SECRETARY: Ayes, 56.

15 ACTING PRESIDENT BAILEY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 192, Senate Print 8058, by Senator Hoylman-Sigal,  
19 an act to amend the Family Court Act.

20 ACTING PRESIDENT BAILEY: Read the  
21 last section.

22 THE SECRETARY: Section 10. 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 BAILEY: Call the

1 roll.

2 (The Secretary called the roll.)

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

10 Ayes, 36. Nays, 20.

11 ACTING PRESIDENT BAILEY: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 207, Senate Print 5830, by Senator Salazar, an  
15 act to amend the Correction Law.

16 ACTING PRESIDENT BAILEY: Read the  
17 last section.

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

20 ACTING PRESIDENT BAILEY: Call the  
21 roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BAILEY: Announce  
24 the results.

25 THE SECRETARY: In relation to

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

5 Ayes, 47. Nays, 9.

6 ACTING PRESIDENT BAILEY: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 276, Senate Print 1081, by Senator Comrie, an act  
10 to amend the Public Authorities Law.

11 ACTING PRESIDENT BAILEY: Read the  
12 last section.

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

15 ACTING PRESIDENT BAILEY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BAILEY: Announce  
19 the results.

20 THE SECRETARY: Ayes, 56.

21 ACTING PRESIDENT BAILEY: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 284, Senate Print 3546, by Senator Kennedy, an  
25 act to amend the New York State Urban Development

1 Corporation Act.

2 ACTING PRESIDENT BAILEY: Read the  
3 last section.

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

6 ACTING PRESIDENT BAILEY: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BAILEY: Senator  
10 Kennedy to explain his vote.

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

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

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

1 thousands across our state.

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

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

15           Furthermore, we know that this is as  
16 much of a civil rights issue as it is an issue  
17 dealing with one's own personal health. On  
18 May 14th of 2022, a domestic racist terrorist  
19 went to Tops Friendly Markets on Jefferson Avenue  
20 in Buffalo in the heart of my city, my district,  
21 because it was the only full-service supermarket  
22 in the community. That is where he massacred  
23 10 individuals because of the color of their  
24 skin. But he knew they would be there because it  
25 was the only option.

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

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

11                  Mr. President, I vote aye.

12                  Thank you.

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

15                  Senator Webb to explain her vote.

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

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

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

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

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

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

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

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

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

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

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

13 Announce the results.

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

17 Ayes, 55. Nays, 1.

18 ACTING PRESIDENT BAILEY: The bill  
19 is passed.

20 THE SECRETARY: Calendar Number  
21 322, Senate Print 532, by Senator Thomas, an act  
22 to amend the Executive Law.

23 ACTING PRESIDENT BAILEY: Read the  
24 last section.

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BAILEY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BAILEY: Announce  
6 the results.

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

12 Ayes, 46. Nays, 10.

13 ACTING PRESIDENT BAILEY: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 327, Senate Print 2449, by Senator Krueger, an  
17 act to amend the Executive Law.

18 ACTING PRESIDENT BAILEY: Read the  
19 last section.

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

22 ACTING PRESIDENT BAILEY: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BAILEY: Announce

1 the results.

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

9 Ayes, 38. Nays, 18.

10 ACTING PRESIDENT BAILEY: The bill  
11 is passed.

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

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

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

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

24 Senator Gianaris.

25 SENATOR GIANARIS: I believe

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

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

6 The Secretary will read.

7 THE SECRETARY: Resolution 1689, by  
8 Senator Scarcella-Spanton, commemorating the  
9 16th Anniversary of Kosovo's Independence.

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

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

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

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

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

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

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

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

20                  (Applause from the gallery.)

21                  ACTING PRESIDENT BAILEY:    Senator  
22                  Fernandez on the resolution.

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

25                  I stand to also speak on this

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

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

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

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

25 I've had the honor and the privilege

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

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

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

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

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

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

6 Thank you.

7 (Applause from the gallery.)

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

13 Please rise and be recognized.

14 (Standing ovation.)

15 ("Thank you" from gallery.)

16 (Laughter.)

17 ACTING PRESIDENT BAILEY: Senator  
18 Gianaris.

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

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

23 The question is on the resolution.  
24 All those in favor please signify by saying aye.  
25 (Response of "Aye.")

1                   ACTING PRESIDENT BAILEY:    The  
2 resolution is adopted.

3                   Senator Gianaris.

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

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

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

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

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

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