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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 27, 2024

3:06 p.m.

REGULAR SESSION

SENATOR JEREMY A. COONEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT COONEY: Reading
14 of the Journal.

15 THE SECRETARY: In Senate, Tuesday,
16 March 26, 2024, the Senate met pursuant to
17 adjournment. The Journal of Monday, March 25,
18 2024, was read and approved. On motion, the
19 Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Good afternoon,
7 Mr. President.

8 We're going to begin with some
9 important resolutions. We have a number of
10 important guests with us today.

11 And in deference to our colleagues
12 across the aisle, I appreciate that they sent
13 Senator Lanza out so we can get started.

14 But for our veterans in the chamber,
15 we are waiting for the full chamber to be here
16 before we honor you.

17 So we are going to start with
18 previously adopted Resolution 2024, by
19 Senator Bailey. Please read its title and
20 recognize Senator Bailey.

21 ACTING PRESIDENT COONEY: The
22 Secretary will read.

23 THE SECRETARY: Resolution 2024, by
24 Senator Bailey, commemorating the
25 30th Anniversary of Nas's Illmatic album.

1 ACTING PRESIDENT COONEY: Senator
2 Bailey.

3 SENATOR BAILEY: Thank you,
4 Mr. President.

5 I imagine -- what were you doing
6 when you were 20 years old? Many of us were in
7 college, we were finding who we were. Nasir
8 Jones, colloquially known as Nas, was making the
9 greatest hip-hop album of all time, Illmatic.

10 1994 was the soundtrack to my youth,
11 and many of our youth, and Nas as a storyteller
12 has been ahead of his time. In the Why? (Remix)
13 he spoke about the CROWN Act: "Why do schools
14 care about your son's braids more than they care
15 for his grades?" In "Legit," he spoke about the
16 issues of black homeownership. In "I Gave You
17 Power," he spoke about the issues of gun control
18 and the relations.

19 Nas has been a griot, a hip-hop
20 griot, the rapid-response system for the streets,
21 for lack of a better term. And if you have a
22 Top 5 without Nas in it, you shouldn't listen to
23 rap music, Mr. President.

24 But we're here to talk about
25 30 years of Illmatic. 30 years ago -- again,

1 like I said, the greatest hip-hop album to ever
2 be released was released. And there were so many
3 gems, so many jewels in that album.

4 "The Genesis" -- it begins with the
5 hip-hop sound, the sound of New York City, the
6 trains happening. And when you heard the train
7 happening, you knew that you were in for
8 something. Eleven-year-old me knew I was in for
9 something special. And then it goes on and on
10 and on. And there's so many different amazing
11 tracks.

12 And I have a lot of colleagues that
13 want to speak on this, and so I just want to talk
14 about five years ago I spoke on the floor about
15 how Illmatic made it to the Kennedy Center and
16 how far hip-hop has gone. And how Nas, who
17 shares a birthday with my oldest daughter,
18 September 14th, has been an inspiration to so
19 many folks in hip-hop.

20 And as hip-hop turned 50, Nas turned
21 50. And we would not have hip-hop in its form
22 without Nasir Jones.

23 And so I just want to say, you know,
24 inspirationally just saying "That buck that
25 bought a bottle could've struck the lotto" -- you

1 should think about your decisions.

2 And as I close I think about my --
3 the line from "The World is Yours": "My son, the
4 star will be my resurrection, born in correction
5 of the wrong things I did, he'll lead in right
6 direction."

7 As my son prepares to come into the
8 world next month, I think about the world being
9 yours. To my future son, the world is yours.

10 And to Nas, thank you for making the
11 world ours, brother.

12 Hip-hop forever.

13 ACTING PRESIDENT COONEY: Thank
14 you, Senator Bailey.

15 Senator Ramos on the resolution.

16 SENATOR RAMOS: Thank you,
17 Mr. President.

18 You know, it ain't hard to tell.
19 Nasir Jones has been the epitome of humility, of
20 talent, a perfect poet of what it's been like to
21 grow up in Western Queens.

22 I got to talk to him a little bit
23 this morning and tell him how I went to buy my
24 copy of Illmatic at Sound City right off
25 Steinway Street in Astoria so many moons ago.

1 But what an indelible mark it left on me and so
2 many Queens kids and beyond.

3 You know, it wasn't just Illmatic
4 that made the Kennedy Center -- Queens made the
5 Kennedy Center, because through his lyrics he was
6 able to convey what the generations of urban
7 poverty have been for so many of us trying to
8 make it in our own city.

9 And he would rap about the darkness
10 not letting us see tomorrow, how sometimes we can
11 be so enthralled and overwhelmed by our
12 challenges, the challenges of our parents, and
13 how we can still find hope and go beyond.

14 And that's really what Nas to this
15 day represents for all of us. He's only 50 years
16 old -- I hope you don't mind me saying that. But
17 it's only because you have so much more life to
18 live and so much more talent to give. Even your
19 latest album has been a tremendous success.

20 And my only hope is that there are
21 many more albums to come that will continue to
22 tell the story of Queens and will continue to
23 allow us to enter the annals of history in many,
24 many more ways for generations to come.

25 Thank you for being such an amazing

1 ambassador of the world's borough, the best
2 borough, Queens. And I know that you'll continue
3 to be a role model for many, many more.

4 ACTING PRESIDENT COONEY: Thank
5 you, Senator Ramos.

6 Senator Gianaris on the resolution.

7 SENATOR GIANARIS: Thank you,
8 Mr. President.

9 I'm going to be brief, and I'm going
10 to ask -- I know a number of my colleagues also
11 want to honor Nas's presence here. He has to
12 catch a trip out of town, so I'm going to ask
13 everyone to speak for 30 seconds to a minute who
14 needs to say something, and then we can release
15 him and then properly honor the other guests who
16 are with us today.

17 I just want to say we have a lot of
18 conversation in this chamber about whether the
19 Bronx or Queens is the bigger legacy for hip-hop.
20 But tonight I think we all know, it's Queens is
21 in the house here in the Senate chamber.

22 (Laughter; applause.)

23 SENATOR GIANARIS: And not just
24 Queens, but Queensbridge Queens, which I
25 represented for a decade.

1 And I told Mr. Jones earlier today I
2 would see the giant mural of his face every time
3 I would enter Queensbridge Houses, because they
4 do love him there and appreciate the fact that he
5 has not only become very successful, but he gives
6 back. And he has all sorts of programs for the
7 kids in that community to lift themselves up and
8 live better lives.

9 And so I'm here to honor not just
10 his music but also his legacy to Western Queens
11 and Queensbridge in particular, and very happy to
12 have you with us today.

13 ACTING PRESIDENT COONEY: Thank
14 you, Senator Gianaris.

15 Senator Myrie on the resolution.

16 SENATOR MYRIE: Thank you,
17 Mr. President.

18 I rise as a kid born and raised in
19 Brooklyn, and we were on the business end of
20 "Ether." And --

21 (Laughter.)

22 SENATOR MYRIE: -- even at the
23 height of that competition, we had to recognize
24 the greatness that was before us.

25 And so I just wanted to rise to say

1 thank you for everything that you have done for
2 this city, everything that you have done for
3 young Black men. Many of us walked through
4 graduations with {singing} "I know I can/be what
5 I wanna be."

6 And you have a lasting legacy that
7 is more than hip-hop and more than music and
8 means so much to so many of us. So thank you.

9 ACTING PRESIDENT COONEY: Thank
10 you, Senator Myrie.

11 Senator Comrie on the resolution.

12 SENATOR COMRIE: Thank you. I'll
13 be brief also.

14 There will be a lot of things that
15 have been said about Nas, and there are a lot of
16 things that will be said about Nas, because he is
17 now undertaking a major commitment to ensure the
18 future of this state in a positive way.

19 He's -- I was -- hadn't had a chance
20 to meet him before in person. I heard him today,
21 and his passion for what he's doing and his
22 passion for his community is to be commended.

23 And his passion for making sure that
24 Queens leads the future in a major way is to be
25 commended also. I don't think I can talk about

1 the specifics on the floor because I was told
2 30 seconds, but thank you, Nas, for continuing to
3 be a great model.

4 Thank you.

5 ACTING PRESIDENT COONEY: Thank
6 you, Senator Comrie.

7 Senator Sanders on the resolution.

8 SENATOR SANDERS: Thank you.

9 I won't speak of the mistaken view
10 that some have had on the origin of hip-hop, so I
11 will go straight to speaking of sometimes the
12 voice of the streets can become the voice of a
13 generation.

14 And we have managed to see that here
15 today. The madness that created the conditions
16 that created hip-hop were never so better
17 enunciated than we had with Nas.

18 I would just finish by saying to
19 everyone that there are seven established wonders
20 of the modern world. Let me introduce you to
21 Queens's eighth.

22 ACTING PRESIDENT COONEY: Thank
23 you, Senator Sanders.

24 To our guest, I welcome you on
25 behalf of the Senate. We extend to you the

1 privileges and courtesies of this house.

2 Please rise and be recognized.

3 (Extended standing ovation.)

4 ACTING PRESIDENT COONEY: The
5 resolution was adopted on March 26th.

6 Senator Gianaris.

7 SENATOR GIANARIS: Now we move on
8 to previously adopted Resolution 1589, by
9 Senator Harckham, read that resolution's title
10 and recognize Senator Harckham.

11 ACTING PRESIDENT COONEY: The
12 Secretary will read.

13 THE SECRETARY: Resolution 1589, by
14 Senator Harckham, memorializing Governor
15 Kathy Hochul to proclaim March 29, 2024, as
16 Vietnam Veterans Day in the State of New York.

17 ACTING PRESIDENT COONEY: Senator
18 Harckham on the resolution.

19 SENATOR HARCKHAM: Thank you very
20 much, Mr. President.

21 First I'd like to thank
22 Majority Leader Andrea Stewart-Cousins for
23 bringing this resolution to the floor. I want to
24 thank Senator Scarcella-Spanton, chair of the
25 Veterans Committee, and Senator Shelley Mayer for

1 being co-lead sponsors of this resolution.

2 I'm proud to introduce this
3 resolution every year. As we know, this Friday,
4 March 29th, we will once again be observing
5 National Vietnam Veterans Day. This will be the
6 12th anniversary of the commemoration, which
7 started in 2012.

8 And we know that more than 3 million
9 Americans served during that conflict, and more
10 than 58,000 sacrificed their lives during the
11 war. The names of those 58,318 lives lost are
12 forever engraved on the black granite panels of
13 the Vietnam Memorial in Washington.

14 But today is a different day, and we
15 pay homage to the brave men and women who served
16 in the Vietnam War, knowing full well that they
17 served with tremendous courage and sacrifice.

18 And unfortunately our nation did not
19 display those sentiments when they came home.
20 They were not welcomed home, they were not
21 treated well --

22 ACTING PRESIDENT COONEY: Can I ask
23 for quiet in the house, please, while
24 Senator Harckham has the floor. Please quiet and
25 respect Senator Harckham.

1 Thank you, Senator.

2 SENATOR HARCKHAM: And they were
3 the ones who took it upon themselves to take care
4 of each other. And they were the ones who took
5 it upon themselves to teach our nation that we
6 would never forget succeeding generations of
7 American warriors who came back.

8 And we thank you for that, that we
9 will never, ever forget warriors who serve our
10 country and come back to the shameful,
11 disgraceful behavior that unfortunately you had
12 to face when you came back.

13 And so today I would like to welcome
14 several Vietnam veterans from the Hudson Valley
15 today to join this recognition with us.

16 Mr. President, we have with us today
17 Thom Newman, Jim McCarthy, Antonio Costella,
18 Lu Caldara, Joseph Manna, Rob Rottkamp,
19 Michael Bergin, Brenda Ephraim, Tom Brady,
20 Harry Sherblom, Andrew Parr, Bob Anderson,
21 Eugene Gallagher, Bill Tuttle, Frank Pusatere,
22 Joseph Martinelli, James Mecca, Anthony Nazzaro,
23 Chester Edwards, Robert Everett Jr., and
24 Melvin Satchell.

25 The last few years that we've done

1 this resolution, in my remarks I focused I think
2 more on the history of the conflict and the
3 challenges our veterans faced when they came
4 home.

5 Today I thought I would share some
6 of the bipartisan commitment we have in this
7 Legislature to our veterans, and some of the
8 things that we've accomplished together.

9 We all recall that in years passed
10 the Dwyer Peer-to-Peer/Vet-to-Vet Support Program
11 was cut out by the Governor, and it was this body
12 and our friends in the Assembly who banded
13 together to fight to get that program back year
14 after year. And now not only is that no longer
15 the case, but the Dwyer Program is a fixture in
16 the budget. We have expanded it to every county
17 in New York State, and we have increased its
18 funding.

19 Thanks to members in this chamber
20 and our colleagues down the hall, we have
21 elevated the Office of Veterans Affairs to a
22 Department of Veterans Affairs, a cabinet-level
23 position with appropriate financing.

24 We have passed legislation on the
25 Council of Equity for the Office of Addiction

1 Services and Supports to represent previously
2 underrepresented populations, and in that
3 legislation we specifically mention our veterans,
4 to get the attention that they deserve.

5 And finally, I just want to mention
6 one piece of legislation that came through my
7 veterans advisory group -- and this is the power
8 of us meeting with our veterans -- is how do we
9 reach our veterans in congregate-care settings.
10 Whether they be in nursing homes, assisted
11 living, or even if they're incarcerated, veterans
12 are entitled to benefits. Their families are
13 entitled to benefits.

14 And in a meeting with the former
15 commissioner who came to our advisory group, we
16 came up with a notion that on intake in all of
17 these settings, one simple question: Were you
18 ever a member of the armed forces? And if the
19 answer is yes, a state veterans service officer
20 is dispatched to that facility, and the paperwork
21 and the process starts.

22 And that was a result of working
23 with our veterans, it came directly from them,
24 and through all of us.

25 So those are just a few examples of

1 our commitment that we have made to hold the bond
2 with our veterans.

3 And so today I'm proud to enter into
4 the record of the proceedings here the resolution
5 that the State of New York wishes to show our
6 Vietnam veterans the respect and appreciation
7 they deserve but, as we mentioned, did not always
8 get when they returned home. So let it be
9 resolved that this body today, in its
10 deliberations, will recognize March 29th as
11 Vietnam Veterans Day, and to thank our brave
12 veterans for your honorable service to our
13 country.

14 Ladies and gentlemen, welcome home
15 to a grateful nation. God bless.

16 (From the gallery: "Thank you.")

17 (Sustained standing ovation.)

18 ACTING PRESIDENT COONEY: Thank
19 you, Senator Harckham.

20 Senator Comrie to be heard on the
21 resolution.

22 SENATOR COMRIE: Thank you,
23 Mr. President.

24 I also want to stand and thank
25 Senator Harckham for continuing to make sure that

1 we recall and remember a segment of our society
2 that was disrespected when they -- after they
3 made their service to their country -- a group
4 that was not given the opportunity to even speak
5 properly to their issues for many years.

6 But I'm glad that we as legislators,
7 since we've been here and since I've been in the
8 Senate, every year we've worked hard to make sure
9 that we created opportunities for our Vietnam
10 veterans, that we found ways to create
11 opportunities for them to get things that they
12 were not getting from the state before.

13 And it's our obligation as elected
14 officials to make sure that every issue that the
15 veterans have, especially Vietnam veterans, are
16 addressed.

17 So I just want to honor you today
18 also. Thank you for continuing to stand up and
19 be fighters, continuing to be examples in your
20 community, and continuing to let people know that
21 even when they were disrespected, they can
22 continue to stand and fight for the things that
23 are important to them.

24 I honor you. Thank you for your
25 service.

1 Thank you, Mr. President.

2 ACTING PRESIDENT COONEY: Thank
3 you, Senator Comrie.

4 (Applause from galleries.)

5 ACTING PRESIDENT COONEY: Senator
6 Mayer on the resolution.

7 SENATOR MAYER: Thank you,
8 Mr. President.

9 And thank you to Senator Harckham
10 and Senator Scarcella-Spanton and our
11 Majority Leader for ensuring we have this
12 opportunity to personally welcome and honor the
13 Vietnam veterans who have come, mostly from the
14 Hudson Valley, but throughout the state. We
15 honor you today as we declare March 29, 2024,
16 Vietnam Veterans Day in the State of New York.

17 You know, more than 3 million
18 Americans served their country during that war.
19 And the names of those lost, as said, are forever
20 engraved in the black granite memorial in D.C. --
21 such a somber reminder of loss, commitment and
22 sacrifice.

23 I assume everyone in this chamber
24 has had the opportunity to visit that memorial
25 and to reflect on the degree of loss that we had,

1 and the tremendously turbulent time in which you
2 served.

3 You were young men and women in your
4 teens and early 20s, and you carried the burden
5 of our national division and policy struggles.
6 And frankly, you came home and were failed by a
7 nation. Today we are part of the process of
8 making that up to you, as we will continue to do
9 year after year to acknowledge your service, to
10 honor you, and to welcome you home.

11 I want to quote President
12 Jimmy Carter when he signed the legislation to
13 permit the building of the memorial in 1980: "In
14 honoring those who answered the call of duty, we
15 do not honor war, but we honor the peace they
16 sought, the freedoms they fought to preserve, and
17 the hope that they held out to a world that's
18 still struggling to learn how to settle
19 differences among people and among nations
20 without resorting to violence."

21 You served your country. We are
22 extraordinarily proud and honored to have you
23 here today. We are committed to serving you, not
24 only then but as we go forward. We owe you a
25 tremendous debt of gratitude. Thank you for

1 joining us. And we hope you have a productive
2 day hearing and seeing how on a bipartisan basis
3 this chamber honors your service.

4 Thank you.

5 (Applause from galleries.)

6 ACTING PRESIDENT COONEY: Thank
7 you, Senator Mayer.

8 Senator Sanders on the resolution.

9 SENATOR SANDERS: Thank you,
10 Senator Harckham, to the chair, to all gathered
11 together.

12 As a young post-Vietnam-era Marine,
13 I was taught by some of you coming back from
14 Vietnam. And man, you guys were -- that was some
15 tough lessons that you were teaching. But it was
16 done with a type of love, love that said that we
17 love you so much to teach you how to come home.
18 And I guess that's the greatest love that you can
19 give.

20 But I can say that you guys were
21 some tough teachers in boot camp and other
22 places. And I guess it had to be, because what
23 you went through would toughen anyone up.

24 I want to alert everybody that many
25 people, many people gave some, but some people

1 gave all. And every day that we walk, we have to
2 remember those who gave the ultimate sacrifice to
3 ensure that we all would be gathered here
4 together. And even as our country seems to be
5 tearing itself into pieces, I think that we
6 should really think more about the sacrifice that
7 people made that said that we can have a country
8 where we can disagree without becoming
9 disagreeable.

10 So I end by saying as long as
11 America has sons and daughters who will stand on
12 the wall -- and that's what we're really talking
13 about. The military is kind of like folks who
14 are standing on a wall. They're separating you
15 from everybody who wants to take you out.
16 They're trying to make sure that you are -- that
17 you're safe. And sometimes they're in some
18 terrible places to do it. And it's very, very
19 lonely in many of these places.

20 But as long as America produces sons
21 and daughters that will stand on a wall and
22 uphold freedom for everybody, then we'll be able
23 to celebrate freedom in here. And this is why we
24 fight so hard for the freedom to disagree, which
25 is part of what makes this country great.

1 Thank you for what you have done,
2 for what we are doing and what we will do. God
3 bless America.

4 (Applause from galleries.)

5 ACTING PRESIDENT COONEY: Thank
6 you, Senator Sanders.

7 Senator Scarcella-Spanton on the
8 resolution.

9 SENATOR SCARCELLA-SPANTON: Thank
10 you, Mr. President.

11 And thank you, Senator Harckham,
12 Senator Mayer, for putting together this
13 resolution today.

14 First and foremost, welcome home to
15 all the Vietnam veterans here today and to all
16 those veterans who have served New York State and
17 this country.

18 As we approach March 29, 2024,
19 National Vietnam Veterans Day, it is important to
20 once again honor all those who bravely served in
21 our Vietnam War and sacrificed, as did their
22 families and caregivers, on behalf of this
23 country.

24 Every service member of the
25 Vietnam generation deserves a very warm welcome

1 and a thank you for your service. So that's what
2 we're here to do today, and to make sure that's
3 never forgotten.

4 I also would like to thank you for
5 your service and dedication in creating the vet
6 centers that we see across this country. This is
7 such an important thing for our veterans today,
8 and your legacy is helping veterans who are
9 returning home. So for that, coming from a
10 military family, I am eternally grateful and very
11 proud to vote aye on this resolution.

12 Thank you for your service.

13 (Applause from galleries.)

14 ACTING PRESIDENT COONEY: Thank
15 you, Senator.

16 Senator Ashby on the resolution.

17 SENATOR ASHBY: Thank you,
18 Mr. President.

19 Thank you to the sponsor and
20 everyone supporting this resolution.

21 And thank you to the
22 Vietnam veterans who are in an overwatch
23 position behind me, and continue to be. For
24 many returning veterans like myself, it was the
25 Vietnam veterans that helped us find a way

1 forward and continue to do so even now today.

2 And that is why I feel it's
3 important to talk about how we could be doing
4 more for them. It's important to recognize the
5 past mistakes that our country has made, and I
6 think it's important to act on them.

7 And when we look at how our state is
8 making gains -- yes, we've been able to elevate
9 the division to a department. But what if I told
10 you that this department right now is so
11 underfunded that when we look at the State of
12 New Jersey, that has half the number of veterans
13 that New York State does, it gets three times the
14 amount of funding?

15 We can't let this happen. When we
16 look at the vet centers that our chair was just
17 talking about getting absorbed by the VA, we have
18 an opportunity and a responsibility, again, to
19 act in a bipartisan way to make sure that this
20 doesn't happen, that we continue to fill these
21 needs and move forward -- and not let it rot, not
22 let it fall to the wayside despite the sacrifices
23 of the men and women above me.

24 So I proudly vote aye on this
25 resolution, and I proudly advance the ideals that

1 we stand for here, and continue, and hope that we
2 can all act and move them forward.

3 Thank you.

4 ACTING PRESIDENT COONEY: Thank
5 you, Senator Ashby.

6 Senator Bailey on the resolution.

7 SENATOR BAILEY: Thank you,
8 Mr. President.

9 I just want to salute you all for
10 your service -- but not just your service, what
11 it takes to serve. When you were out there, I
12 imagine that you weren't thinking about political
13 affiliation, race, religion. You were thinking
14 about making sure that that person to the left or
15 the right of you came home safe, that you were
16 defending the flag, that you were defending
17 people that you never met and likely never would
18 meet because of an oath that you took. An oath
19 that many of us don't get a chance to take. And
20 to my colleagues here who have served, thank you.

21 But thank you for doing something
22 that was unpopular, to say the least. But your
23 work was strenuous, it was difficult. It was --
24 I quite frankly don't know how you did it. But I
25 know that we are all the more better for it, and

1 how we look back at what you've done and how
2 you've served and the example that you've set
3 moving forward.

4 So I just wanted to take my time and
5 thank you, Senator Harckham. Thank you,
6 Senator Mayer. And Madam Chair, thank you for
7 the work that you do for everybody here.

8 But you're not forgotten, not in
9 this chamber. You know, not by those of us on
10 this -- in this chamber, regardless of political
11 affiliation, under the leadership of
12 Andrea Stewart-Cousins, this chamber has done a
13 lot for vets and I think we will continue to do a
14 lot for vets -- not I think, I know we will
15 continue to do a lot for vets.

16 Because, quite frankly, you deserve
17 it. You deserve more than 10 percent off on that
18 Applebee's. You deserve more than just a "thank
19 you for your service." You deserve Veterans Day
20 to be, quite frankly, every single today.
21 Because that's the life that you lived and quite
22 frankly how you served.

23 So thank you, thank you, thank you
24 for serving when people like me could not.

25 Thank you, Mr. President.

1 (Applause from galleries.)

2 ACTING PRESIDENT COONEY: Thank
3 you, Senator Bailey.

4 Senator Webb on the resolution.

5 SENATOR WEBB: Thank you,
6 Mr. President.

7 I want to thank all of the veterans
8 that are here today. And thank you to
9 Senator Harckham for bringing forth this
10 resolution.

11 As it has already been shared by
12 Senator Mayer with regards to the more than
13 3 million Americans that served our country
14 during the Vietnam War, I think it's important --
15 and I've said this in our chamber before -- that
16 it is our responsibility to not only recognize
17 your sacrifices, but your continued service that
18 you and your families provide to our communities.

19 And so I want to thank all of you
20 that are here, and of course all of the
21 Vietnam veterans in my district in Broome,
22 Cortland and Tompkins counties. Thank you all
23 for your continued leadership. As your -- those
24 who were lost in the war, their names are
25 engraved in granite at the Vietnam Memorial in

1 Washington, D.C., I wanted to say that your
2 contributions are also engraved in our hearts,
3 our minds, and our commitment to advancing more
4 policies that lift you up and support you and
5 your families.

6 I proudly vote aye with regards to
7 this resolution, and I encourage my colleagues to
8 also do the same.

9 Thank you.

10 (Applause from galleries.)

11 ACTING PRESIDENT COONEY: Thank
12 you, Senator Webb.

13 Senator Kennedy on the resolution.

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

16 I'm honored to stand here to
17 recognize this extraordinary group of men and
18 women. I'm honored to be in your presence.

19 I want to thank our Majority Leader,
20 Andrea Stewart-Cousins, for bringing this
21 resolution to the floor and for our champions
22 Senator Harckham, Senator Mayer, for continuing
23 to bring on the tradition of celebrating here in
24 this chamber the heroes of the Vietnam War on
25 March 29th.

1 Words cannot describe our
2 gratitude -- not just here in this chamber, but
3 as a state and as a nation -- for the sacrifice
4 that you all made many years ago. I was born
5 post-Vietnam in 1976, so I grew up in an era that
6 didn't know the battles that you fought. I only
7 heard about the war that was raging halfway
8 around the globe and of the fights that had
9 transpired here in our communities across this
10 state and nation.

11 As I've gotten older and learned
12 more and studied more about the war itself, how
13 it came to be, the United States' involvement and
14 the heroes that donned the uniform and went off
15 to fight in a distant land in your youth, I've
16 become more and more grateful as time has gone by
17 about the sacrifices that you have all made to
18 make this nation what it is today.

19 And so we celebrate you today, but
20 we celebrate you each and every day. And I am
21 forever thankful for what you've done for our
22 nation and every veteran that has donned the
23 uniform and has sacrificed so much -- some that
24 have paid the ultimate sacrifice -- and your
25 families and their families, to make this nation

1 the greatest nation in the history of the world.

2 The Vietnam veterans deserve a
3 special recognition because, as has been
4 mentioned, when you came home things were
5 different. It wasn't all pomp and circumstance.
6 It was a lot of negativity. It was a lot of
7 political turmoil. That is unacceptable. You
8 deserved better.

9 And so on behalf of the grateful
10 community, a grateful state and a grateful
11 nation, I say thank you. And we are forever
12 indebted to your heroism, to your sacrifice, and
13 to your service.

14 And I can tell you that myself and
15 our colleagues here are forever motivated by the
16 work that you've done to make this nation what it
17 is, and we'll do everything in our power,
18 inasmuch as we can never do enough, to repay your
19 service and sacrifice to this nation. And us
20 being forever indebted, we are called upon to do
21 what is necessary to make sure that you are in
22 the forefront of the decisions that are made here
23 in New York State and in this great nation.

24 So again, I honor you, pay tribute
25 to you, and thank you all for your service. God

1 bless each and every one of you.

2 (Applause from galleries.)

3 ACTING PRESIDENT COONEY: Thank
4 you, Senator Kennedy.

5 Senator Weik on the resolution.

6 SENATOR WEIK: Thank you,
7 Mr. President.

8 I'm very grateful to have this
9 resolution here today, and I want to say thank
10 you to all of our Vietnam veterans.

11 I thank you for your service to our
12 country. I thank you for the way that you've
13 shaped our country. I thank you for the
14 forgiveness in your heart and the fact that
15 despite the way you were received home, you've
16 continued to shape our communities, to donate
17 your time, and to be outstanding citizens.

18 And for that I thank you so much.
19 May God bless you all.

20 (Applause from galleries.)

21 ACTING PRESIDENT COONEY: To our
22 honored guests, I welcome you on behalf of the
23 Senate. We extend to you the privileges and the
24 courtesies of this house.

25 Please rise and be recognized.

1 (Sustained standing ovation.)

2 ACTING PRESIDENT COONEY: The
3 resolution was adopted on January 9th.

4 SENATOR GIANARIS: Next up is
5 previously adopted Resolution 1965, by
6 Senator May. Please read its title and recognize
7 Senator May.

8 ACTING PRESIDENT COONEY: The
9 Secretary will read.

10 THE SECRETARY: Resolution 1965, by
11 Senator May, honoring Coach Felisha Legette-Jack
12 upon the occasion of her designation for special
13 recognition by the Atlantic Coast Conference as
14 the 2024 Women's Basketball Coach of the Year on
15 March 5, 2024.

16 ACTING PRESIDENT COONEY: Senator
17 May on the resolution.

18 SENATOR MAY: Thank you,
19 Mr. President.

20 I hope there are some people in this
21 chamber who had a chance to watch the Syracuse
22 Women's Basketball Team in the NCAA championships
23 this year. If you saw their games, you saw
24 fabulous talent, you saw some tremendous teamwork
25 and, most importantly, you saw a team that never

1 gave up. All of that is a testament to their
2 extraordinary Coach Felisha Legette-Jack, who
3 this year became the first Syracuse basketball
4 coach, man or woman, to be named ACC Coach of the
5 Year.

6 Coach Jack's basketball career began
7 at Nottingham High School -- go, Bulldogs -- on
8 the East Side of Syracuse before becoming 1985's
9 Big East Rookie of the Year for the
10 Syracuse Orange. At Syracuse she scored
11 1526 points, became the program's all-time
12 leading scorer at the time, and helped lead the
13 team to their first Big East championship and
14 first appearance in the NCAA tournament.

15 She became the first women's
16 basketball player to have her jersey number
17 retired in 2021, making her one of the inaugural
18 three female athletes at Syracuse to receive that
19 honor.

20 After graduating from
21 Syracuse University, Coach Jack served as
22 assistant coach for the Boston College Eagles and
23 head coach for Hofstra University and
24 Indiana University.

25 In 2016, as head coach at the

1 University of Buffalo, Coach Jack led her team to
2 their first appearance in the NCAA Division I
3 tournament. In 2018, Buffalo made its first
4 appearance in the Sweet 16 and returned to the
5 Division I tournament again in 2019 and 2022.
6 She is the all-time winningest coach in the
7 Bulls' women's basketball program's history.

8 At the end of the 2022 season,
9 Coach Jack returned to her native Syracuse,
10 bringing with her athletes Saniaa Wilson,
11 Georgia Woolley, and now fourth all-time leading
12 scorer point guard Dyaisha Fair.

13 In just two seasons in Syracuse,
14 Coach Jack has completely revamped the program.
15 They were projected to finish 9th this season,
16 but the Orange finished tied for second in
17 regular season standings and then staked a claim
18 to future glory in their post-season tournament.

19 Not only has Coach Jack inspired a
20 new generation of Syracuse basketball players,
21 she has inspired a new generation of female
22 athletes across the board and raised the profile
23 of women's sports in Syracuse.

24 I invite my colleagues to join me in
25 congratulating Coach Jack on being named

1 ACC Coach of the Year in 2024.

2 Thank you.

3 ACTING PRESIDENT COONEY: Thank
4 you, Senator May.

5 Senator Bailey on the resolution.

6 SENATOR BAILEY: Thank you,
7 Mr. President.

8 Quite a day here in the chamber.

9 Hip-hop and basketball together in one day, it is
10 an incredible achievement. And to be the ACC
11 Coach of the Year, Coach Jack, is really one heck
12 of an accomplishment.

13 The women's game, as you well know,
14 if we're being honest, is a better product than
15 the men's collegiate basketball game right now.
16 It's getting the attention that it's deserved for
17 quite some time.

18 And I've said in different contexts,
19 and I'll say it again, if Brittney Griner was
20 paid what she was worth, she would never have had
21 to be in Russia in the first place.

22 But I just want to say to
23 Coach Jack, thank you for your leadership. I've
24 tried to coach like my now 9-year-old, and it
25 didn't really work out. And I can imagine how

1 hard it is to coach women with incredible talent
2 at the collegiate level, and to be able to do
3 so -- to come back to your hometown to do so at
4 the excellent level.

5 Excited for you, and I look forward
6 to seeing the Orange in the Final Four very soon,
7 in the very near future.

8 Senator May, thank you for
9 introducing this resolution. Go, Orange!

10 ACTING PRESIDENT COONEY: Thank
11 you, Senator Bailey.

12 Senator Mannion on the resolution.

13 SENATOR MANNION: Thank you,
14 Mr. President.

15 Thank you to Senator May for
16 bringing forth this resolution.

17 And thank you to Coach Legette-Jack
18 for leading the Orange over these past two years,
19 representing our area so, so well. We thank you.
20 As a former teacher at Nottingham High School,
21 I'm proud to say that I coached a few Bulldogs.

22 And the Orange are back. It's
23 amazing to be part of the identity of Syracuse,
24 New York. And when the teams are playing well,
25 it seems like we have a mild winter. And we had

1 one this year, and that was due to the women's
2 team.

3 So thank you, Coach Legette-Jack.
4 And thank you -- go, 'Cuse!

5 ACTING PRESIDENT COONEY: Thank
6 you, Senator Mannion.

7 The resolution was adopted on
8 March 19th.

9 Senator Gianaris.

10 SENATOR GIANARIS: Mr. President,
11 at the request of the sponsors, the resolutions
12 we took up today will be open for cosponsorship.

13 ACTING PRESIDENT COONEY: The
14 resolutions are open for cosponsorship. Should
15 you choose not to be a cosponsor on the
16 resolutions, please notify the desk.

17 Senator Gianaris.

18 SENATOR GIANARIS: Mr. President,
19 there's a report of the Finance Committee at the
20 desk. Please take that up at this time.

21 ACTING PRESIDENT COONEY: The
22 Secretary will read.

23 THE SECRETARY: Senator Krueger,
24 from the Committee on Finance, reports the
25 following nominations.

1 As commissioners of the
2 Public Service Commission: Uchenna Bright and
3 Denise Sheehan.

4 As members of the Job Development
5 Authority: Calvin Corriders and Javier Zapata.

6 As members of the Citizens' Policy
7 and Complaint Review Council: Roy M. Diehl and
8 Troy Adrian Lavern'e Hurley.

9 As a member of the Correction
10 Medical Review Board: Judith Cox.

11 As a member of the Finger Lakes
12 State Park, Recreation and Historic Preservation
13 Commission: James C. Smith.

14 As a member of the State Board for
15 Historic Preservation: Molly Garfinkel.

16 As a trustee of the City University
17 Construction Fund: Lorraine Grillo.

18 And as a trustee of the Higher
19 Education Services Corporation: Jennessa Perez.

20 ACTING PRESIDENT COONEY: Senator
21 Gianaris.

22 SENATOR GIANARIS: Move to accept
23 the report of the Finance Committee, and ask that
24 you please recognize Senator Krueger.

25 ACTING PRESIDENT COONEY: All those

1 in favor of accepting the report of the
2 Finance Committee, signify by saying aye.

3 (Response of "Aye.")

4 ACTING PRESIDENT COONEY: Opposed,
5 nay.

6 (No response.)

7 ACTING PRESIDENT COONEY: The
8 report of the Finance Committee is accepted.

9 Senator Krueger on the nominations.

10 SENATOR KRUEGER: Thank you very
11 much, Mr. President.

12 I'm very pleased to say that all of
13 the nominees that were just read out, nominated
14 by the Governor, were accepted through their
15 committees of origin and the Finance Committee.

16 Only two were actually interviewed
17 by the committees, because they are paid, and
18 that is both Uchenna Bright, commissioner of the
19 Public Service Commission, and Denise Sheehan,
20 commissioner of the Public Service Commission.

21 I think most of the people in this
22 chamber understand how critical a role the PSC
23 plays for us in the 21st century to ensure that
24 our utility system is safe, reliable and moving
25 as quickly as possible to renewable as widely as

1 possible.

2 I think both of these candidates
3 proved to be extraordinary, both in their own
4 training and experience in and out of government.

5 And we always appreciate --
6 including all the remaining candidates listed
7 today -- the fact that New Yorkers are willing to
8 serve in these very often difficult and
9 challenging positions, many of whom are not paid
10 but do it because of their belief in our
11 government and where we are trying to go and the
12 understanding, including with the commissioners
13 here today -- hi. I think we just have one here
14 today. We're being joined by Denise Sheehan,
15 right up there.

16 That they understand while they
17 might be able to do other things with their
18 lives, there's perhaps nothing more valuable than
19 committing to public service and the differences
20 they can make in the lives of almost 20 million
21 New Yorkers by taking employment or taking
22 volunteer positions throughout the state, county
23 by county, in important positions.

24 And so many people will never hear
25 these names again, and many people won't even

1 know what these specific commissions do -- but
2 they all play an extremely role in making sure
3 that we have the great democracy that we do and
4 continue to be representative of the people of
5 New York and continue to deliver, as best we can,
6 the best government for the people of New York.

7 So I hope all of my colleagues will
8 join me in voting yes today. And again, on
9 behalf of the Senate, I want to thank every one
10 of them on this list for agreeing to serve, even
11 though we are just represented by one of them
12 today in the chamber.

13 Thank you, Mr. President.

14 ACTING PRESIDENT COONEY: Thank
15 you, Senator Krueger.

16 The question is on the nominations.

17 Call the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT COONEY: Senator
20 Murray to explain his vote on the nominations.

21 SENATOR MURRAY: Thank you,
22 Mr. President.

23 You know, it's interesting, we were
24 sitting here and I sat and I listened to some
25 very, very important resolutions that we did,

1 individual resolutions. We recognized a music
2 superstar. We thanked countless incredible
3 veterans. We talked about a basketball coach
4 with great accomplishments. And each day we do
5 these, we do different resolutions naming
6 different days, different things, individuals.

7 What we didn't do, we didn't do a
8 resolution saying let's pass a resolution
9 recognizing a bunch of people who did a bunch of
10 things for a bunch of reasons, and let's just --
11 one resolution, we're good with it.

12 Yet here we are nominating multiple
13 people for multiple positions, as the chair just
14 recognized the importance of some of these
15 positions, the PSC and other positions. But yet
16 we are taking one vote, up or down. We're not
17 considering each individual candidate. It's one
18 vote, up or down. That is absurd.

19 For that reason, I'm voting no.
20 Thank you.

21 ACTING PRESIDENT COONEY: Senator
22 Weik on the nominations.

23 SENATOR WEIK: Thank you,
24 Mr. President.

25 Recently a lithium-ion battery

1 storage facility in my area was approved despite
2 the concerns of neighbors and local fire
3 departments. The New York State Public Service
4 Commission cited the facility plan with fire
5 safety concerns, yet approved the application
6 anyway. And without the completion or approval
7 of the emergency plan for that facility, the
8 application was approved.

9 The New York State Public Service
10 Commission is tasked with the role of not only
11 regulating electric, gas, steam,
12 telecommunications and private water utilities,
13 but also providing assistance to consumers in
14 resolving disputes with these utilities. The
15 very nature of this commission is to work with
16 the community. And yet they stood by and not
17 only ignored the public outcry, but quietly
18 approved the application for this facility.

19 For these reasons, I'm voting no.
20 And I truly hope that that sends a message that
21 the Public Service Commission needs to work
22 harder to become better partners with the
23 community in order to fulfill their
24 responsibilities.

25 Thank you.

1 ACTING PRESIDENT COONEY: Thank
2 you, Senator Weik.

3 Announce the results.

4 THE SECRETARY: In relation to the
5 nominations, those Senators voting in the
6 negative are Senators Canzoneri-Fitzpatrick,
7 Gallivan, Griffo, Helming, Lanza, Mattera,
8 Murray, O'Mara, Ortt, Palumbo, Rhoads, Stec,
9 Tedisco, Weber and Weik. Also Senator Oberacker.

10 Ayes, 43. Nays, 16.

11 ACTING PRESIDENT COONEY: The
12 nominees are confirmed.

13 Please congratulate our nominee
14 confirmed.

15 (Standing ovation.)

16 ACTING PRESIDENT COONEY: Senator
17 Gianaris.

18 SENATOR GIANARIS: Let's take up
19 the reading of the calendar, please.

20 ACTING PRESIDENT COONEY: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 158, Senate Print 1738, by Senator Hoylman-Sigal,
24 an act to amend the Criminal Procedure Law.

25 ACTING PRESIDENT COONEY: Read the

1 last section.

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

4 ACTING PRESIDENT COONEY: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT COONEY: Senator
8 Bailey to explain his vote.

9 SENATOR BAILEY: Thank you,
10 Mr. President.

11 You know, it's important that we
12 pass this bill in general, but even more when we
13 had one of the greatest hip-hop artists, without
14 argument, of all time in the chamber today.

15 Again, as I've mentioned before --
16 and it bears repeating -- hip-hop and many other
17 forms of music are ways of storytelling. They
18 are ways of expressing emotion, expressing
19 artistry through things that they see or that
20 they create or that may be a combination.

21 Art should not be criminalized to
22 the level that it seems to be right now when it
23 comes to hip-hop music being on trial. We know
24 Carrie Underwood didn't do all those things she
25 said in her song. And the reality is why do we

1 believe that is the case when certain rappers
2 speak about certain things.

3 And so I am glad that we're passing
4 this bill in this house once again. It's a
5 critically important bill. But in light of all
6 of these things -- and I thank Senator
7 Hoylman-Sigal for being an incredible cosponsor
8 here in the State Senate. And I'm looking
9 forward to getting this done and signed into law.

10 I vote aye, Mr. President.

11 ACTING PRESIDENT COONEY: Senator
12 Bailey to be recorded in the affirmative.

13 Announce the results.

14 THE SECRETARY: In relation to
15 Calendar 158, those Senators voting in the
16 negative are Senators Ashby,
17 Canzoneri-Fitzpatrick, Gallivan, Helming, Lanza,
18 Martinez, Martins, Mattera, Murray, Oberacker,
19 O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec,
20 Tedisco, Weber and Weik. Also Senator Griffo.

21 Ayes, 40. Nays, 20.

22 ACTING PRESIDENT COONEY: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 274, Senate Print 545, by Senator Gianaris, an

1 act to amend the Urban Development Corporation
2 Act.

3 ACTING PRESIDENT COONEY: Read the
4 last section.

5 THE SECRETARY: Section 5. This
6 act shall take effect immediately.

7 ACTING PRESIDENT COONEY: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT COONEY: Announce
11 the results.

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT COONEY: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 456, Senate Print 2714, by Senator Kennedy, an
17 act to amend the Highway Law.

18 SENATOR LANZA: Lay it aside.

19 ACTING PRESIDENT COONEY: The bill
20 is laid aside.

21 THE SECRETARY: Calendar Number
22 529, Senate Print 2976, by Senator Mayer, an act
23 to amend the Labor Law.

24 ACTING PRESIDENT COONEY: Read the
25 last section.

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

3 ACTING PRESIDENT COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT COONEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 579, Senate Print 3607, by Senator Webb, an act
13 to amend the General Business Law.

14 ACTING PRESIDENT COONEY: Read the
15 last section.

16 THE SECRETARY: Section 12. This
17 act shall take effect one year after it shall
18 have become a law.

19 ACTING PRESIDENT COONEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT COONEY: Senator
23 Webb to explain her vote.

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

1 This legislation amends the General
2 Business Law to ensure that laser hair removal
3 technicians receive state-approved education and
4 training to practice in New York State.

5 This is a straightforward piece of
6 legislation that ensures that laser hair removal
7 technicians will follow the same licensing
8 schedule and regulations as the fields of nail
9 speciality, waxing, natural hair styling,
10 esthetics, and cosmetology.

11 Laser hair removal is widely
12 available in New York State and employs
13 approximately 20,000 estheticians. Many of the
14 med spas and small businesses that offer this
15 service are minority and women-owned and operated
16 businesses.

17 By streamlining the licensure
18 process and providing a transition to a more
19 regulated industry, we can ensure that these
20 businesses can continue to operate in the context
21 of greater public protection.

22 This is a commonsense measure
23 intended to provide oversight and public
24 protection by adding laser hair removal
25 technicians to the group of appearance

1 enhancement professionals that are already
2 regulated by the state. We will ensure that
3 New Yorkers seeking this cosmetic procedure can
4 do so safely.

5 I proudly vote aye and encourage my
6 colleagues to do the same.

7 Thank you, Mr. President.

8 ACTING PRESIDENT COONEY: Senator
9 Webb to be recorded in the affirmative.

10 Announce the results.

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT COONEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 583, Senate Print 4071, by Senator Salazar, an
16 act to amend the Correction Law.

17 SENATOR LANZA: Lay it aside.

18 ACTING PRESIDENT COONEY: Lay it
19 aside.

20 THE SECRETARY: Calendar Number
21 613, Senate Print 3315A, by Senator Sepúlveda, an
22 act to amend the Surrogate's Court Procedure Act.

23 ACTING PRESIDENT COONEY: Read the
24 last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect on the 30th day after it
2 shall have become a law.

3 ACTING PRESIDENT COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: In relation to
9 Calendar 613, those Senators voting in the
10 negative are Senators Ashby, Gallivan, Griffio,
11 Helming, Lanza, Martinez, Oberacker, O'Mara,
12 Ortt, Palumbo, Stec, Tedisco, Weber and Weik.

13 Excuse me. Senator Ashby in the
14 affirmative.

15 Ayes, 47. Nays, 13.

16 ACTING PRESIDENT COONEY: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 649, Senate Print 2922, by Senator Cleare, an act
20 to amend the Penal Law.

21 ACTING PRESIDENT COONEY: Read the
22 last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect on the first of November.

25 ACTING PRESIDENT COONEY: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT COONEY: Senator
4 Cleare to explain her vote.

5 SENATOR CLEARE: Thank you,
6 Mr. President.

7 Certain formal power relationships
8 in society leave all the discretion and control
9 to one party or one group. And unfortunately, it
10 can invite manipulation and collusion. This is
11 true in the case of interactions between a
12 probation officer and an individual on probation.

13 This bill builds upon existing law
14 which provides that an individual on parole is
15 incapable of consent to sexual conduct with a
16 parole officer who directly supervises them.

17 The bill before us simply extends
18 this same important protection to an individual
19 on probation vis-a-vis their direct supervisory
20 probation officer.

21 Our justice system serves all of us
22 better when it is fair, equitable, transparent,
23 and decisions made and actions taken are beyond
24 reproach. This bill makes the system more
25 equitable and humane, and I enthusiastically vote

1 aye.

2 Thank you.

3 ACTING PRESIDENT COONEY: Thank
4 you. Senator Cleare to be recorded in the
5 affirmative.

6 Announce the results.

7 THE SECRETARY: Ayes, 60.

8 ACTING PRESIDENT COONEY: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 660, Senate Print 7376, by Senator Jackson, an
12 act to amend the Civil Service Law.

13 ACTING PRESIDENT COONEY: Read the
14 last section.

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

17 ACTING PRESIDENT COONEY: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT COONEY: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar 660, those Senators voting in the
24 negative are Senators Canzoneri-Fitzpatrick,
25 Gallivan, Griffo, Helming, Lanza, Mattera,

1 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,
2 Rolison, Stec, Tedisco, Weber and Weik.

3 Ayes, 43. Nays, 17.

4 ACTING PRESIDENT COONEY: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 666, Senate Print 4530, by Senator Harckham, an
8 act to amend the Mental Hygiene Law.

9 ACTING PRESIDENT COONEY: Read the
10 last section.

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

13 ACTING PRESIDENT COONEY: Call the
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT COONEY: Announce
17 the results.

18 THE SECRETARY: Ayes, 60.

19 ACTING PRESIDENT COONEY: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 673, Senate Print 4505A, by Senator Liu, an act
23 to amend the Education Law.

24 ACTING PRESIDENT COONEY: Read the
25 last section.

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

3 ACTING PRESIDENT COONEY: Call the
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT COONEY: Announce
7 the results.

8 THE SECRETARY: Ayes, 60.

9 ACTING PRESIDENT COONEY: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 688, Senate Print 1730, by Senator Sanders, an
13 act to amend the Elder Law.

14 ACTING PRESIDENT COONEY: Read the
15 last section.

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

19 ACTING PRESIDENT COONEY: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT COONEY: Announce
23 the results.

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT COONEY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 689, Senate Print 2144, by Senator Persaud, an
4 act to amend the Social Services Law.

5 ACTING PRESIDENT COONEY: Read the
6 last section.

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

9 ACTING PRESIDENT COONEY: Call the
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT COONEY: Announce
13 the results.

14 THE SECRETARY: Ayes, 60.

15 ACTING PRESIDENT COONEY: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 690, Senate Print 2935D, by Senator Parker, an
19 act enacting the Just Energy Transition Act.

20 ACTING PRESIDENT COONEY: Read the
21 last section.

22 THE SECRETARY: Section 7. This
23 act shall take effect immediately.

24 ACTING PRESIDENT COONEY: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT COONEY: Announce
3 the results.

4 THE SECRETARY: In relation to
5 Calendar 690, those Senators voting in the
6 negative are Senators Ashby,
7 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
8 Martins, Mattera, Murray, Oberacker, O'Mara,
9 Ortt, Rhoads, Rolison, Stec, Tedisco, Weber and
10 Weik.

11 Ayes, 43. Nays, 17.

12 ACTING PRESIDENT COONEY: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 692, Senate Print 4393, by Senator Martinez, an
16 act to amend the Public Health Law.

17 ACTING PRESIDENT COONEY: Read the
18 last section.

19 THE SECRETARY: Section 3. This
20 act shall take effect on the 90th day after it
21 shall have become a law.

22 ACTING PRESIDENT COONEY: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT COONEY: Announce

1 the results.

2 THE SECRETARY: Ayes, 60.

3 ACTING PRESIDENT COONEY: The bill
4 is passed.

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

7 SENATOR GIANARIS: Please go to the
8 reading of the controversial calendar.

9 ACTING PRESIDENT COONEY: The
10 Secretary will ring the bell.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number
13 456, Senate Print 2714, by Senator Kennedy, an
14 act to amend the Highway Law.

15 ACTING PRESIDENT COONEY: Senator
16 Oberacker, why do you rise?

17 SENATOR OBERACKER: Thank you. I
18 was wondering if the bill's sponsor would answer
19 some questions, please.

20 ACTING PRESIDENT COONEY: Will the
21 sponsor yield?

22 SENATOR KENNEDY: Thank you,
23 Mr. President. Of course.

24 ACTING PRESIDENT COONEY: the
25 sponsor yields, Senator Oberacker.

1 SENATOR OBERACKER: Thank you.

2 Thank you. And thank you, Senator.

3 I'll start off with, Senator, what
4 was the genesis for this piece of legislation?

5 SENATOR KENNEDY: Thank you very
6 much. Through you, Mr. President.

7 Back in 2011 this state passed a new
8 Complete Streets Law. And that law said that
9 when new projects were undertaken here in
10 New York, Complete Streets principles must be
11 considered, creating an environment where not
12 just automobiles but also pedestrians, cyclists
13 and other forms of transportation are
14 accommodated, including pedestrian access.

15 This sort of design was put in place
16 as a major component of 21st-century thinking as
17 we are encouraging transportation choices;
18 raising property values; increasing connectivity
19 between communities, including vulnerable
20 communities; ensuring that our kids have safer
21 routes to school; providing local families with
22 more opportunities to walk and bike safely.

23 Complete Streets are designed to
24 ensure that safety, mobility, convenient access
25 for all roadway users -- not just a focus on the

1 vehicles -- are taken into consideration. This
2 includes, as I mentioned, our children, our older
3 adults and individuals with disabilities.

4 When this bill was originally
5 passed, there was a component that was excluded
6 that runs contrary, I believe, to the original
7 intent of the bill. And this bill today closes
8 that loophole. And it will expand the scope of
9 the law to ensure that more infrastructure
10 projects include Complete Streets design features
11 and will extend to resurfacing, maintenance, and
12 road preservation projects in our communities
13 across New York State.

14 SENATOR OBERACKER: Will the
15 sponsor continue to yield.

16 ACTING PRESIDENT COONEY: Will the
17 sponsor yield?

18 SENATOR KENNEDY: Of course.

19 ACTING PRESIDENT COONEY: The
20 sponsor yields.

21 SENATOR OBERACKER: Thank you.

22 Senator, in 2022 the Association of
23 New York Town Superintendents of Highways opposed
24 this on the basis of that language, for multiple
25 reasons.

1 So first, were any of the town
2 highway departments or the Association of
3 New York Town Superintendents, were they
4 consulted as we moved forward with the language
5 in this new piece of legislation?

6 SENATOR KENNEDY: Thank you.
7 Through you, Mr. President.

8 Yes, of course. We listened to
9 every partner across New York State. Our local
10 community leaders in the transportation industry,
11 including our superintendents, are always a part
12 of these conversations.

13 And while some may be opposed, I
14 believe that is actually -- that opposition is
15 based upon a misunderstanding of actually the
16 intent of the bill and how it will be implemented
17 in those local communities.

18 What I will say, though, is the
19 level of support of this bill is great. It is
20 part of the 2022 Crash Victim Safety Act agenda,
21 supported by Families for Safe Streets,
22 Albany Bicycle Coalition, Bike Walk Tompkins,
23 Go Bike Buffalo, the National Safety Council, the
24 New York Biking Coalition, Open Plans,
25 Parks & Trails New York, Reconnect Rochester,

1 Rochester Bicycling Club, Slow Roll Syracuse,
2 Transportation Alternatives, Tri-State
3 Transportation Campaign; and Walkable Albany,
4 among many, many others.

5 And I will also mention that this
6 has bipartisan support, Mr. President.

7 SENATOR OBERACKER: Mr. President,
8 through you, would the bill sponsor continue to
9 yield.

10 ACTING PRESIDENT COONEY: Does the
11 sponsor yield?

12 SENATOR KENNEDY: Of course.

13 ACTING PRESIDENT COONEY: The
14 sponsor yields.

15 SENATOR OBERACKER: Thank you.

16 So would you agree that there
17 potentially would be increased costs, by up to
18 one-third, by having these projects having to
19 complete the Complete Street design? Most of the
20 counties, most of the smaller municipalities do
21 not have in-house services when it comes to
22 consult -- or engineering is where I was going,
23 thank you. For engineering.

24 So would you agree that there would
25 be or could be an increase in costs to the local

1 municipalities and some local counties?

2 SENATOR KENNEDY: Through you,
3 Mr. President, I disagree that this cost could
4 rise to a third of the costs of the overall
5 project. As a matter of fact, quite the
6 contrary.

7 The bill back in 2011 that we're
8 expanding on today actually puts in place
9 protections ensuring that the costs cannot exceed
10 20 percent of the overall costs of the project,
11 to ultimately seek controlling the cost
12 potentially of these improvements that will
13 enhance our local communities.

14 That also being said, what we are
15 asking for local communities to do here is to
16 consider these Complete Streets aspects of a
17 particular road project. So the costs may be
18 minimal, depending on the project, if any at
19 all -- it may cost nothing -- when you're talking
20 about repainting lines to make access for
21 bicyclists or enhancing street lighting at a
22 crosswalk or a number of other traffic-calming
23 methods that are either low-cost or no cost.

24 We believe considering these as a
25 part of these projects is extremely important.

1 SENATOR OBERACKER: Through you,
2 Mr. President, would the bill sponsor continue to
3 yield.

4 ACTING PRESIDENT COONEY: Does the
5 sponsor yield?

6 SENATOR KENNEDY: Yes.

7 ACTING PRESIDENT COONEY: The
8 Senator yields.

9 SENATOR OBERACKER: So in light
10 of -- we've seen a period of like record
11 inflation, including 58-plus-percent increases of
12 construction costs. And taking into account
13 maybe the ruralness of some districts, some
14 municipalities, some areas where the actual
15 physical construction of a potential bike lane
16 would be required -- again, I go back to the
17 comment that these costs would be minimal.

18 Is there any consideration for, say,
19 the ruralness of some areas, some counties? In
20 my County of Otsego we have a lot of farmland.
21 I'm sure that we could get by without having a
22 bike path. So again, I'm concerned about costs
23 and pricing to our local municipalities.

24 SENATOR KENNEDY: Yeah, once
25 again -- yeah, through you, Mr. President, thank

1 you.

2 Once again, there are exemptions
3 built into the original underlying bill that
4 protects these communities, not only from any
5 potential increase in costs but, you know,
6 potential for exempting communities based on
7 population density or a lack of the need for
8 putting in bike lanes in a far-off, rarely used
9 rural road.

10 What I will say is that we've seen
11 traffic violence since 2020 increase
12 extraordinarily across the country and across
13 this state. It's become a very real problem. We
14 hear of deaths and injuries and people being
15 maimed almost on a daily basis.

16 According to the National Complete
17 Streets Coalition, more than 1600 of these
18 Complete Streets policies have been passed all
19 across the United States, so we're not alone here
20 in New York. And there are dozens of these
21 programs across the state -- across the country
22 that have been put in place in response to this
23 increase in traffic violence.

24 The National Highway Traffic Safety
25 Administration statistics show that there has

1 been an increase of nearly 20 percent in
2 fatalities nationwide in just the last few years.
3 And it's these days at the highest rate in nearly
4 two decades. So that's just unacceptable we have
5 to do something about it.

6 This is legislation that we know is
7 actually working. I can tell you, based upon my
8 own personal work on a project two miles long --
9 now, this is going back about a decade and a
10 half, Mr. President -- South Park Avenue in the
11 City of Buffalo. It was two lanes in both
12 directions, parking on each side. And it was
13 very unsafe. You couldn't even cross at certain
14 times of the day.

15 There was a resurfacing project, a
16 mill-and-fill, a maintenance project that was
17 done, low cost. You know what we did? We
18 enhanced the lighting, we put in new striping at
19 the crosswalks, we put in new bike lanes. And
20 this project was enhanced. The community has
21 benefited immensely because of it. And, you
22 know, we're proud of that project; it's one of
23 many projects adhering to these Complete Streets
24 design protocols.

25 And again, this is not a mandate,

1 but for considering these traffic-calming safety
2 standards that are supported not only on a
3 bipartisan basis but I've read into the record,
4 you know, many of the dozens of organizations
5 across the state that have supported this
6 legislation.

7 And I will also point out that the
8 AARP New York also has put forward a memorandum
9 of support.

10 SENATOR OBERACKER: Mr. President,
11 on the bill.

12 ACTING PRESIDENT COONEY: Senator
13 Oberacker on the bill.

14 SENATOR OBERACKER: Great. Thank
15 you, Senator Kennedy, for taking the time to
16 clarify some of the questions that I had.

17 You know, first and foremost, I'm
18 not against safety. I think it is extremely
19 important all throughout the seven counties and
20 the rural counties that I represent. And as a
21 former chairman of public works for Otsego
22 County, I actually took a moment to reach out to
23 my former superintendent of highways, and I
24 asked -- I said, Do we have a calculation as to
25 what this could potentially add to the county, to

1 the county paving budget?

2 He informed me in the best estimates
3 with the numbers that he has right now, that this
4 would at least add \$50,000 per mile when we're
5 talking about just a straight resurface. And
6 that's just for the simple -- what we call an
7 overlay.

8 There are 477 center lane miles in
9 my county. If you start doing the math, we would
10 have to look at reducing the number of miles that
11 we would look to resurface because of these added
12 costs. Not only simply the added cost, but the
13 added paperwork, the added meetings, which would
14 already affect a shortened climate, a certain
15 time in my rural counties that we have due to
16 weather to actually have our paving season. And
17 which, again, will contribute I think ultimately
18 to reducing the number of miles paved.

19 Senator, I would suggest if we could
20 potentially think about a carveout to
21 municipalities, and we could base that on
22 population. I'll throw out maybe less than
23 500,000 population could be potentially exempt,
24 allowing our counties, our local highway supers
25 who know best how to not only continue to design

1 with safety in mind, but more importantly to take
2 into account the tax dollars that will be
3 expended for that.

4 Again, I'm not against safety. But
5 in this case, Mr. President, I will be voting in
6 the negative. Thank you.

7 ACTING PRESIDENT COONEY: Senator
8 Oberacker to be recorded in the negative.

9 Are there any other Senators wishing
10 to be heard?

11 Seeing and hearing none, debate is
12 closed. The Secretary will ring the bell.

13 Read the last section.

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

16 ACTING PRESIDENT COONEY: Call the
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT COONEY: Announce
20 the results.

21 THE SECRETARY: In relation to
22 Calendar 456, those Senators voting in the
23 negative are Senators Canzoneri-Fitzpatrick,
24 Gallivan, Griffo, Helming, Lanza, Mattera,
25 Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads,

1 Stec, Tedisco and Weber.

2 Ayes, 45. Nays, 15.

3 ACTING PRESIDENT COONEY: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 583, Senate Print 4071, by Senator Salazar, an
7 act to amend the Correction Law.

8 ACTING PRESIDENT COONEY: Senator
9 Rolison, why do you rise?

10 SENATOR ROLISON: Mr. President,
11 through you, would the sponsor yield for a couple
12 of questions?

13 ACTING PRESIDENT COONEY: Will the
14 sponsor yield?

15 SENATOR SALAZAR: Certainly.

16 ACTING PRESIDENT COONEY: The
17 sponsor yields.

18 SENATOR ROLISON: Through you,
19 Mr. President. Under the provisions of this
20 bill, there is a provision that says "except
21 under exceptional circumstances when to do so
22 would create an unacceptable risk to the safety
23 and security of the incarcerated individual or
24 staff."

25 This has to do, obviously, with a

1 notification being made prior to the movement of
2 an individual.

3 Who actually within the facility or
4 with DOCCS would make that determination of
5 exceptional risk?

6 SENATOR SALAZAR: Through you,
7 Mr. President, that would be at the discretion of
8 the department. The superintendent of a facility
9 could make that determination, for example.

10 SENATOR ROLISON: Through you,
11 Mr. President, would the sponsor continue to
12 yield.

13 ACTING PRESIDENT COONEY: Does the
14 sponsor yield?

15 SENATOR SALAZAR: Yes.

16 ACTING PRESIDENT COONEY: The
17 sponsor yields.

18 SENATOR ROLISON: Thank you.

19 In the event that an incarcerated
20 individual did not want, prior to his or her
21 transfer, a notification, I don't see in the bill
22 where they would be able to say no, I don't want
23 that made. Am I correct in that assumption?

24 SENATOR SALAZAR: Through you,
25 Mr. President, this legislation would simply

1 allow for the incarcerated individual to make a
2 personal phone call before the transfer and also
3 for the department to, through an electronic
4 notification such as an email, notify the
5 incarcerated individual's next of kin or their
6 family of the transfer.

7 But there is nothing in this bill
8 that says that if the incarcerated individual did
9 not want someone to be informed outside of DOCCS
10 that they were being transferred, that that
11 wouldn't be a possibility.

12 SENATOR ROLISON: So through you,
13 Mr. President, if the sponsor would continue to
14 yield.

15 ACTING PRESIDENT COONEY: Does the
16 sponsor yield?

17 SENATOR SALAZAR: Yes.

18 ACTING PRESIDENT COONEY: The
19 sponsor yields.

20 SENATOR ROLISON: So if I'm reading
21 this correctly, and if I understand your
22 explanation, an incarcerated individual could not
23 say to the Department of Corrections that they
24 did not want an electronic notification made
25 prior to them being moved.

1 SENATOR SALAZAR: Through you,
2 Mr. President, there's nothing in this
3 legislation that precludes an incarcerated
4 individual from saying "I do not want my family
5 or next of kin to be notified."

6 SENATOR ROLISON: Mr. President, on
7 the bill.

8 ACTING PRESIDENT COONEY: Senator
9 Rolison on the bill.

10 SENATOR ROLISON: I don't see -- I
11 don't read it that way. There is a provision in
12 the bill that says under an exceptional
13 circumstance where notification can't be made,
14 that the incarcerated individual, after being
15 received at the other facility -- actually, a
16 member of corrections would make that
17 notification unless, at the end of the bill, the
18 incarcerated individual declines to have such a
19 call made.

20 That, to me, says once they've
21 already been moved. I don't see it where the
22 incarcerated individual would be able to say "I
23 don't want anybody notified prior."

24 However, the most dangerous time for
25 corrections staff and incarcerated individuals is

1 when they are being moved, especially when they
2 are being moved outside of the facility, whether
3 to court, whether to the hospital, or whether to
4 another facility.

5 And because of that reason, and I
6 believe some of the vagueness in this bill, I'll
7 be voting no.

8 ACTING PRESIDENT COONEY: Thank
9 you, Senator Rolison.

10 Senator Stec, why do you rise?

11 SENATOR STEC: Will the sponsor
12 yield, please.

13 ACTING PRESIDENT COONEY: Will the
14 sponsor yield?

15 SENATOR SALAZAR: Certainly.

16 ACTING PRESIDENT COONEY: The
17 sponsor yields.

18 SENATOR STEC: Thank you, Senator.

19 Why is it important to allow an
20 inmate the opportunity to call prior to their
21 transfer? Why is that important?

22 SENATOR SALAZAR: Through you,
23 Mr. President. Often under current law an
24 individual's family is unaware even after,
25 actually, they have been transferred to another

1 facility. They're unaware beforehand.

2 And this is a problem because
3 especially for families who maintain close
4 contact with their loved one who is incarcerated,
5 who want to visit their loved one who is
6 incarcerated, they may show up at the facility to
7 try to visit their loved one -- maybe they have
8 to travel a great distance to do so and are
9 inconvenienced by this -- when they show up at
10 the facility to try to visit their loved one,
11 they then learn that their loved one has already
12 been transferred, that they're not even there.

13 That would obviously cause them a
14 lot of distress. We've heard these reports from
15 the families and loved ones of incarcerated
16 individuals, and that is something that this bill
17 seeks to address.

18 SENATOR STEC: Will the sponsor
19 continue to yield?

20 ACTING PRESIDENT COONEY: Will the
21 sponsor yield?

22 SENATOR SALAZAR: Yes.

23 ACTING PRESIDENT COONEY: The
24 sponsor yields.

25 SENATOR STEC: Under current law,

1 inmates are allowed to make contact to loved ones
2 upon arrival at a transferred facility?

3 SENATOR SALAZAR: Through you,
4 Mr. President, they are permitted within 24 hours
5 of arriving at the facility, after they've
6 arrived. However, that does not always happen.

7 And additionally, if they are only
8 allowed to make one personal phone call 24 hours
9 after arriving at a facility, this still could
10 fail to inform their family, provide them
11 adequate notice so that they would actually know
12 where the incarcerated individual is or even that
13 they simply have been moved from the previous
14 facility.

15 SENATOR STEC: If the sponsor would
16 continue to yield.

17 ACTING PRESIDENT COONEY: Will the
18 sponsor yield?

19 SENATOR SALAZAR: Yes.

20 ACTING PRESIDENT COONEY: The
21 sponsor yields.

22 SENATOR STEC: So we're talking
23 about a 24-to-36-hour window, from the day before
24 they move to the day they get to where they're
25 going, that they may not have the opportunity --

1 do you have any knowledge -- does DOCCS have data
2 or do you or your advocates have any data as to
3 how often it happens that ships cross in the
4 night and a family members finds out, after
5 traveling hundreds of miles, that I just missed
6 him by a day and now they've been -- I mean, how
7 often does that happen? Once, twice, a hundred
8 times a year?

9 SENATOR SALAZAR: Through you,
10 Mr. President. While we do not have data on
11 this, it happens often enough that anecdotally we
12 hear about this being a problem from the loved
13 ones and families of incarcerated individuals.

14 SENATOR STEC: Will the sponsor
15 continue to yield.

16 ACTING PRESIDENT COONEY: Does the
17 sponsor yield?

18 SENATOR SALAZAR: Yes.

19 ACTING PRESIDENT COONEY: The
20 sponsor yields.

21 SENATOR STEC: Do you have any
22 reason -- do you understand why the current law
23 is the way it is? Is there a reason why
24 presently inmates are not allowed to make a phone
25 call before they're transferred -- transported?

1 SENATOR SALAZAR: Through you,
2 Mr. President. I don't know why the current law
3 fails to provide for this, but that is exactly
4 why it's important for us to pass this bill and
5 seek to change the law.

6 SENATOR STEC: Will the sponsor
7 continue to yield?

8 ACTING PRESIDENT COONEY: Does the
9 sponsor yield?

10 SENATOR SALAZAR: Yes.

11 ACTING PRESIDENT COONEY: The
12 sponsor yields.

13 SENATOR STEC: Can you imagine a
14 reason why corrections, in the interests of
15 public safety, might not want dangerous convicted
16 felons from making a phone call prior to their
17 transfer to another facility? Can you imagine
18 that?

19 SENATOR SALAZAR: Through you,
20 Mr. President, I absolutely can imagine that.

21 Which is exactly why in the text of
22 the legislation it says "except under exceptional
23 circumstances when to do so would create an
24 unacceptable risk to the safety and security of
25 incarcerated individuals or staff in the

1 facility."

2 SENATOR STEC: If the sponsor would
3 continue to yield.

4 ACTING PRESIDENT COONEY: Yes, will
5 the sponsor yield?

6 SENATOR SALAZAR: Yes.

7 ACTING PRESIDENT COONEY: The
8 sponsor yields.

9 SENATOR STEC: Is this proposed
10 legislation in the interests of public safety, or
11 is public safety at all compromised with this
12 legislation?

13 SENATOR SALAZAR: Through you,
14 Mr. President, public safety is not at all
15 compromised with this legislation.

16 I think it's very important -- we
17 know, actually, that it is important for
18 individuals while incarcerated to maintain
19 contact with their support system, and that that
20 is in the interests of public safety. It
21 certainly is in the interest of making sure that
22 a family -- people who are supporting an
23 incarcerated individual from the outside, it's in
24 their interest.

25 And so I absolutely think that this

1 is in the interest of public safety for us to do
2 this.

3 SENATOR STEC: Will the sponsor
4 continue to yield?

5 ACTING PRESIDENT COONEY: Will the
6 sponsor continue to yield?

7 SENATOR SALAZAR: Yes.

8 ACTING PRESIDENT COONEY: The
9 sponsor yields.

10 SENATOR STEC: In preparation for
11 this legislation, have you spoken with anyone
12 that is in the employ of the Department of
13 Corrections that has advocated or requested this
14 legislation? What is the commissioner in his
15 office have to say about this proposal? Were
16 they consulted? And do they agree?

17 SENATOR SALAZAR: Through you,
18 Mr. President, the commissioner of DOCCS
19 typically does not comment on pending legislation
20 and did not comment either in support or in
21 opposition to this legislation.

22 And that's typical also for others
23 who are employed by the Department of
24 Corrections.

25 SENATOR STEC: Will the sponsor

1 yield for one more question.

2 ACTING PRESIDENT COONEY: Will the
3 sponsor yield?

4 SENATOR SALAZAR: Yes.

5 ACTING PRESIDENT COONEY: The
6 sponsor yields.

7 SENATOR STEC: Are you aware of any
8 instances in the country that have been in the
9 news that have involved phone calls that were
10 made by inmates prior to transport and then
11 involving that phone call arranging for their --
12 for an escape, where people were killed recently?

13 SENATOR SALAZAR: Through you,
14 Mr. President, no.

15 Certainly not -- and I will note
16 just again that this bill does make an exception
17 in circumstances when making the call, allowing
18 for the call to be made, allowing for the
19 notification to be made would create a risk to
20 the safety and security of individuals or staff.

21 SENATOR STEC: Mr. President, on
22 the bill.

23 ACTING PRESIDENT COONEY: Senator
24 Stec on the bill.

25 SENATOR STEC: In my 12 years in

1 the Legislature, and in four years here in this
2 chamber, I've seen a constant erosion of our
3 public safety and an attack on our criminal
4 justice system, specifically in the area of
5 corrections.

6 I am not at all concerned with
7 whether somebody gets to make a phone call
8 24 hours sooner or later. To me, it's -- that's
9 not important to me. What's important is public
10 safety, the safety of our corrections officers,
11 the safety of the public.

12 I am tired of kowtowing to
13 criminals, a criminal element, the takers of
14 society, and putting our own residents' lives and
15 safety at risk, to hell with the taxpayer
16 attitude and the crime victims.

17 This has got to end. This is a
18 ridiculous bill. I'll be voting no.

19 ACTING PRESIDENT COONEY: Senator
20 Stec to be recorded in the negative.

21 Are there any other Senators wishing
22 to be heard?

23 Seeing -- Senator Krueger, why do
24 you rise?

25 SENATOR KRUEGER: Would the sponsor

1 please rise for a question or two?

2 ACTING PRESIDENT COONEY: Does the
3 sponsor yield?

4 SENATOR SALAZAR: Yes.

5 ACTING PRESIDENT COONEY: The
6 sponsor yields.

7 SENATOR KRUEGER: Thank you.

8 So I'm confused, because I think you
9 were asked multiple times and answered that if
10 there is any concern that allowing a prisoner a
11 call to a family member prior to movement, that
12 that potentially would put anyone at risk, that
13 they would not be able to do it.

14 As I -- was I understanding your
15 answer correctly?

16 SENATOR SALAZAR: Through you,
17 Mr. President. Yes, that is correct.

18 SENATOR KRUEGER: Through you,
19 Mr. President, if the sponsor would continue to
20 yield.

21 ACTING PRESIDENT COONEY: Will the
22 sponsor yield?

23 SENATOR SALAZAR: Yes.

24 ACTING PRESIDENT COONEY: The
25 sponsor yields.

1 SENATOR KRUEGER: So I've seen data
2 on how much better people do when they return to
3 the community if they've been able to continue
4 relationships with their family. And it's
5 actually very impressive how much better they do
6 with not going back to a life of crime if they've
7 been able to continue a relationship with their
8 family.

9 And I know you answered the question
10 was there a recent incident where your law would
11 have put someone at risk. But are there any
12 stats on how many prisoners are moved per year in
13 New York State and how many of them in fact then
14 successfully escape during those moves?

15 SENATOR SALAZAR: Through you,
16 Mr. President. While I don't readily have data
17 on this, I am not aware of any incident in recent
18 history where as a result of someone being
19 transferred or their family being notified after
20 the fact of their transfer, that there was any
21 risk posed to public safety or any other negative
22 consequence to the public as a result.

23 SENATOR KRUEGER: On the bill,
24 Mr. President.

25 ACTING PRESIDENT COONEY: Senator

1 Krueger on the bill.

2 SENATOR KRUEGER: I appreciated the
3 debate because it made clear to me why this is
4 actually an excellent bill: That it will
5 increase the possibility of prisoners to be able
6 to continue relationships with their family when
7 they move from place to place, which happens
8 during incarceration, and increases the
9 likelihood that they will be able to be
10 reabsorbed into their family structure when they
11 leave prison, which absolutely decreases the
12 likelihood they become a recidivist.

13 And while I've seen TV shows and
14 movies that seem to be based on someone being
15 moved and then -- I don't know, usually there are
16 cartels involved, not family members, in the TV
17 shows I've watched, where the cartel comes and
18 helps them escape. I just don't think that is a
19 public service crisis or a public safety crisis
20 in our state. I'm not even sure that that ever
21 happens, other than it makes for a good TV show.

22 So I have to say I think it is in
23 the best interests of public safety. And of
24 course we also know that when prisoners
25 understand that there is a future ahead of them,

1 that good behavior in prison will increase the
2 chances they get out, that doing things that
3 improve their understanding of their
4 responsibility for why they ended up in prison,
5 but what it will take for them to actually be
6 released back into the community, increases
7 safety for corrections officers when they're in
8 prison and decreases the risk of recidivism when
9 they leave prison.

10 And I think that this is a very
11 thoughtful and carefully constructed bill. And
12 I'm not concerned at all about any new risks to
13 public safety. And I want to thank the sponsor
14 for the bill, and I'm proud to vote for it.

15 Thank you, Mr. President.

16 ACTING PRESIDENT COONEY: Thank
17 you, Senator Krueger.

18 Are there any other Senators wishing
19 to be heard?

20 Seeing and hearing none, debate is
21 now closed. The Secretary will ring the bell.

22 Read the last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect on the 30th day after it
25 shall have become a law.

1 ACTING PRESIDENT COONEY: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT COONEY: Senator
5 Cleare to explain her vote.

6 SENATOR CLEARE: Thank you,
7 Mr. President.

8 I want to thank Senator Salazar for
9 bringing forward this very important bill.

10 All too often in my district I have
11 had families, mothers, travel great distances
12 with children, leaving at early hours in the
13 morning, incurring great costs and great
14 difficulty, only to get to a facility and be told
15 that their loved one was moved the night before,
16 days before.

17 This is a major inconvenience. It's
18 a lot of money to travel. Families should not be
19 punished because they want to be in touch with
20 their loved ones. I've heard stories of
21 grandmothers, elderly, getting on buses,
22 traveling hours at a time to find out that their
23 loved one is gone, without the courtesy of even a
24 phone call.

25 I think this is a very important

1 bill. It will allow families to be able to stay
2 united, and it won't bring further costs and
3 further hardship on very, very impoverished and
4 distressed families to begin with.

5 I thank you, and I proudly vote aye.

6 ACTING PRESIDENT COONEY: Senator
7 Cleare to be recorded in the affirmative.

8 Senator Rivera to explain his vote.

9 SENATOR RIVERA: Thank you,
10 Mr. President.

11 Just a couple of comments. It seems
12 that some of my colleagues, sadly, will never
13 leave the mentality that says that someone should
14 be judged for the worst thing that they ever did.

15 Some of my colleagues also seem to
16 believe that every single person who has ever
17 committed a crime and been convicted of one --
18 let's assume that the criminal legal system is
19 perfect, so therefore every single person who's
20 ever been incarcerated is absolutely at guilt for
21 whatever they did -- they assume that they are to
22 be forgotten, that they should be thrown away,
23 that they should be locked in a box and never to
24 be spoken of again.

25 Some of my colleagues continue to

1 ignore the fact that the overwhelming majority of
2 people who are incarcerated are going to return
3 to our neighborhoods. They are our neighbors.
4 Most of them are our neighbors, not y'all. But
5 some of them are our neighbors. They're our
6 family members.

7 And their connection to their
8 families means that they're going to be able to
9 stay within the boundaries of society. I've said
10 it many times: If somebody has paid for the
11 mistakes that they have made, they should not be
12 judged strictly by the last or the worst thing
13 that they ever did. But apparently my
14 colleagues, some of them, can't seem to forget
15 that.

16 So I'm very thankful for Senator
17 Salazar's bill on this. I'm voting in the
18 affirmative. And I'm thankful for her leadership
19 and the leadership of many others in definitely
20 changing the policy and the mindset that has
21 driven policy that for many years has just made
22 it so that people who are incarcerated should be
23 thrown away. They're not. They're people.
24 They're incarcerated people.

25 Thank you, Mr. President.

1 ACTING PRESIDENT COONEY: Senator
2 Rivera to be recorded in the affirmative.

3 Senator Canzoneri-Fitzpatrick to
4 explain her vote.

5 SENATOR CANZONERI-FITZPATRICK:
6 Thank you, Mr. President.

7 We have a responsibility to balance
8 public safety with what's going on. The bill
9 requires, it says the word "shall." There is a
10 requirement to notify family even if the inmate
11 doesn't want it, regardless of what the sponsor
12 said. Looking at the language of the bill,
13 that's what it says. There's a requirement. So
14 even if the inmate says no, they must notify
15 them.

16 Number two, if we are putting this
17 bill on the floor, we should have information,
18 statistics, something to show that there is a
19 need for this bill, that there's been a request,
20 and that there's data to support what we're
21 doing.

22 Yes, there's some people that have
23 had this experience, and that's terrible. But
24 unless we have some data, why are we putting
25 people at risk? What about the correction

1 officers that are put at risk when you move a
2 transferred inmate? We have to balance those
3 things.

4 And I think it's irresponsible to be
5 passing legislation without data to support it.
6 I'll be voting in the negative.

7 Thank you.

8 ACTING PRESIDENT COONEY: Senator
9 Canzoneri-Fitzpatrick to be recorded in the
10 negative.

11 Senator Ramos.

12 SENATOR RAMOS: Thank you,
13 Mr. President.

14 You know, so many of us in this
15 chamber are parents, and we hope to raise our
16 children to be the best possible members of
17 society. But sometimes, unfortunately, people
18 end up engaging in wrongdoing and paying the
19 price for it.

20 And I think for those who are voting
21 in the negative, it is my hope that none of your
22 children and none of your family members find
23 themselves in these situations, because then your
24 negative vote is going to come back and bite you.

25 Thank you.

1 ACTING PRESIDENT COONEY: Senator
2 Ramos to be recorded in the affirmative.

3 Senator Salazar to explain her vote.

4 SENATOR SALAZAR: Thank you,
5 Mr. President.

6 I will remind my colleagues that the
7 bill does account for situations when the
8 superintendent of the facility can say, I think
9 that there is an unreasonable risk to the safety
10 of individuals or to staff in the facility to
11 allow for this, and therefore I'm not going to
12 allow for this.

13 That includes the safety of the
14 incarcerated individual themselves. So that's a
15 very important consideration.

16 But I think that our -- we really
17 need to consider how painful it is for family
18 members, for loved ones of an incarcerated
19 individual, when not only are they
20 inconvenienced, maybe they -- it's costly for
21 them to go across the state to visit their loved
22 one. Maybe they had to take time off of work in
23 order to do so. They show up at the facility and
24 not only do they not get to see or communicate
25 with their loved one who's incarcerated, but they

1 don't even know where they are.

2 That is a pain that I cannot imagine
3 experiencing if I were a parent with a child who
4 was incarcerated. And that's a pain that we
5 don't want people to have to experience. It's
6 unnecessary, and it's preventable. And that is
7 one of the things that this legislation seeks to
8 prevent.

9 And I thank the Majority Leader and
10 my colleagues for their support in once again
11 passing this legislation.

12 Thank you.

13 ACTING PRESIDENT COONEY: Senator
14 Salazar to be recorded in the affirmative.

15 Senator Rhoads to explain his vote.

16 SENATOR RHOADS: Yeah, every
17 situation that involves the transport of a
18 prisoner is a situation that puts correction
19 officers at risk. It is their most vulnerable
20 time.

21 And I don't see how allowing a
22 prisoner to make a phone call to their family
23 members after they've arrived at the destination
24 breaks down the family nexus and makes it
25 impossible for them to have a productive life

1 once they get out of whatever correctional center
2 or prison that they're in.

3 It is placing unnecessary risk on
4 correction officers. It provides the opportunity
5 to signal where they're going, potential routes
6 that may be taken.

7 And while the bill may provide
8 exclusions for situations where the warden or
9 administration at a particular facility may think
10 that it places the officers at extraordinary
11 risk, it ignores the fact that anytime there's
12 the transport of a prisoner it puts correction
13 officers at risk.

14 So I will be voting against this
15 bill.

16 ACTING PRESIDENT COONEY: Senator
17 Rhoads to be recorded in the negative.

18 Senator Bailey to explain his vote.

19 SENATOR BAILEY: Thank you,
20 Mr. President.

21 Not one person in this chamber would
22 make a trip of over 100 miles or over 50 miles
23 without notifying one of their loved ones. How
24 dare we like cast aspersions upon individuals who
25 want to do that.

1 And again, I'm going to read from
2 the statute again. Senator Salazar, thank you
3 for the bill. I just want to be very clear and
4 read the statute again: "Except under
5 exceptional circumstances when to do so would
6 create an unacceptable risk to the safety and
7 security of incarcerated individuals or staff."

8 None is as blind as who will not
9 see. I vote aye, Mr. President.

10 ACTING PRESIDENT COONEY: Senator
11 Bailey to be recorded in the affirmative.

12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar 538, those Senators voting in the
15 negative are Senators Ashby,
16 Canzoneri-Fitzpatrick, Gallivan, Griffio, Helming,
17 Martins, Mattera, Murray, Oberacker, O'Mara,
18 Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco,
19 Weber and Weik.

20 Ayes, 43. Nays, 18.

21 ACTING PRESIDENT COONEY: The bill
22 is passed.

23 Senator Gianaris, that completes the
24 reading of the controversial calendar.

25 SENATOR GIANARIS: Is there any

1 further business at the desk?

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

4 SENATOR GIANARIS: Move to adjourn
5 until tomorrow, Thursday, March 28th, at
6 11:00 a.m.

7 ACTING PRESIDENT COONEY: On
8 motion, the Senate stands adjourned until
9 Thursday, March 28th, at 11:00 a.m.

10 (Whereupon, at 4:46 p.m., the Senate
11 adjourned.)

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