NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 2, 2024

3:39 p.m.

REGULAR SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT PERSAUD: Reading of the Journal.

THE SECRETARY: In Senate, Monday, April 1, 2024, the Senate met pursuant to adjournment. The Journal of Saturday, March 30, 2024, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Madam President, good afternoon.

Let's begin by taking up the calendar.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 106, Senate Print 6525, by Senator Scarcella-Spanton, an act to amend the Private Housing Finance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Scarcella-Spanton to explain her vote.

SENATOR SCARCELLA-SPANTON: Thank you, Madam President.

And thank you to my colleagues here in the Senate for all your support in helping pass this legislation that will provide much-needed support and assistance to our veterans.

Having stable and affordable housing plays such an important role in their transition, providing the foundation for our veterans to build their lives and reintegrate into civilian life.

The Affordable Homeownership Development Program is specifically tailored to help families achieve their dream of owning a home by offering financial aid and support. Its impact has been statewide. It has empowered countless New Yorkers to create brighter futures for themselves and their families through homeownership.

Extending eligibility for this program to service-disabled veterans is a significant step forward in providing them with the stability, independence, and sense of community they deserve.

This bill is a tangible way to honor their sacrifices and make sure that they receive the support they rightfully deserve.

I proudly vote aye.

ACTING PRESIDENT PERSAUD: Senator Scarcella-Spanton to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 107, Senate Print 6573, by Senator May, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

I rise in support of this bill because we have a housing crisis, as everyone knows, in this state, and one of the issues has to do with how expensive it is to build apartment buildings.

This bill allows New York to start building apartments the way they are built almost everywhere in the world except in the United States. Instead of building them along corridors like hotels, you build them -- you structure them around entryways, and that allows a whole lot of new kinds of configurations of apartments. And it allows far less of the floor space to be dedicated to non-living space like corridors.

So this is a bill about affordable housing, about making the process of producing apartments more affordable so that the apartments themselves can also be more affordable.

I'm proud of this bill, I'm grateful that it's on the floor today, and I vote aye.

Thank you.

ACTING PRESIDENT PERSAUD: Senator May to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 150, Senate Print 7130, by Senator Comrie, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 357, Senate Print 6980A, by Senator Mayer, an act to amend the Education Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Madam President.

I'm so pleased that this bill came to the floor again this year. I want to thank the leader and my colleagues. It passed last year in this house, and it needs to pass in the Assembly.

But from a parent's point of view, there is nothing more important than ensuring the safety of our children in schools, and this bill would require that schools develop a plan for informing parents about safe storage bills when they have guns at home.

Too many times a gun is at home, parents pay little attention to safe storage -- even if there is a law that governs it, as we've passed. This would remind parents of the urgency of safe storage for guns and thereby reduce the likelihood, or potential likelihood, of a terrible accident involving guns at home.

I'm pleased that my colleagues are with me on this. This is something that we must do to ensure the safety to the greatest extent possible for every child in this state.

I vote aye.

ACTING PRESIDENT PERSAUD: Senator Mayer to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 357, those Senators voting in the negative are Senators Ashby, Borrello, Gallivan, Griffo, Oberacker, Ortt, Stec and Tedisco.

Ayes, 51. Nays, 8.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 531, Senate Print 6551, by Senator Mayer, an act to amend the Labor Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 588, Senate Print 6648, by Senator Sanders, an act to amend the Banking Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 588, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Weber and Weik.

Ayes, 41. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 620, Senate Print 7539, by Senator Ramos, an act to amend the Civil Practice Law and Rules.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

THE SECRETARY: Calendar Number 682, Senate Print 7375, by Senator Salazar, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number

696, Senate Print 6409A, by Senator Liu, an act to amend the Real Property Tax Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 718, Senate Print 7518, by Senator Breslin, an act to amend the Judiciary Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce

the results.

THE SECRETARY: Ayes, 61.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Gianaris, that completes the reading of the calendar.

SENATOR GIANARIS: Thank you, Madam President.

Let's move right to the controversial calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 620, Senate Print 7539, by Senator Ramos, an act to amend the Civil Practice Law and Rules.

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

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

ACTING PRESIDENT PERSAUD: Thank you, Senator Lanza.

Upon review of the amendment, in

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

SENATOR LANZA: Accordingly, Madam President, I appeal the ruling of the chair and ask that you recognize Senator Palumbo to be heard on that appeal.

ACTING PRESIDENT PERSAUD: The appeal has been made and recognized, and Senator Palumbo may be heard.

Senator Palumbo.

SENATOR PALUMBO: Thank you, Madam President. And good afternoon.

The bill-in-chief has to do with wage theft, so I'd respectfully argue that this bill, which has to do with retail theft, is certainly germane.

The laws of this state are a fluid thing, Madam President. And when we see certain things like the scourge of retail theft that's been taking place in our state -- recognized nationwide at this point -- we need to react. And we need to have laws that have teeth. We need to have laws that deter crime.

And I believe at the Public Protection hearing -- I don't remember the exact

number, but it was an exorbitant number of retail theft crime is a result of repeat offenders. So let me tell you a little bit about what this bill would do.

So this bill simply creates a crime of coordinated petit larceny as a Class E felony. A person is guilty of coordinated petit larceny when he or she steals property at the same location as one or more other persons who are also stealing property, causing property damage, or facilitating the stealing of property or causing property damage.

Now, this is a theory that currently exists in New York State law for a very obvious and valid reason: That when you have more than one person involved in the commission of a crime, that creates an additional threat of intimidation.

And we have, in the robbery statute, robbery in the third degree is forcibly stealing property, when you don't cause an injury. So you rip someone's pocketbook off of their shoulder, that's a nonviolent Class D felony. That's robbery in the third degree.

However, if another person is

present, that's robbery aided by another. The exact same conduct elevates robbery in the third degree to robbery in the second degree, which is a Class C violent felony, because of the additional threat of force by a second person being present.

So, Madam President, this is not only germane to this bill, this is an extremely important issue that needs to be addressed.

Sadly, the Senate one-house removed a proposal by the Governor to include an additional crime and aggravated penalties for assaulting retail workers. So this is certainly ripe at this point.

And more importantly, we've had continued reminders of how dangerous the current climate has become. Just this past weekend Investigator Mike Theetge was involved apprehending some retail theft potential defendants, suspects. Someone was leaving with a TV. His accomplice was driving a vehicle that ultimately caused severe, debilitating, life-threatening -- and may actually take his life. That investigator, as we speak, is still in a coma, Madam President.

So when does it end? When do we finally stay focused on this? Because we actually have -- one last comment, Madam President. Not only is this germane, but remarkably important.

You all may know one of our United States Senators, the Majority Leader of the United States Senate, Chuck Schumer, was traveling the state, and he is calling on the U.S. Department of Justice to increase enforcement and penalties and used the RICO Act -- as we all know, the Racketeer Influenced and Corrupt Organizations Act -- to investigate and prosecute organized retail theft rings in New York.

And as we all know, Madam President, the RICO Act was used to prosecute organized crime, which is exactly what this is.

So this is simply aggravating a petit larceny to a Class E felony in the event you're doing it in concert with others. Which, as I said, is already a theory in our law. It's already something that is a very simple, commonsense aspect of the law. And we actually now have United States Senator and

Majority Leader Chuck Schumer agreeing with me.

So for those reasons, Madam President, I respectfully request that you overrule the decision that this is nongermane and add this amendment to the bill-in-chief.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

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

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

(Response of "Aye.")

SENATOR LANZA: Show of hands.

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

Announce the results.

THE SECRETARY: Ayes, 20.

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

Senator Gianaris.

SENATOR GIANARIS: Madam President, we've agreed to restore this to the

noncontroversial calendar.

ACTING PRESIDENT PERSAUD: The bill is restored to the noncontroversial calendar.

Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the 30th day after it shall have become a law.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: In relation to Calendar 620, those Senators voting in the negative are Senators Ashby, Borrello, Canzoneri-Fitzpatrick, Gallivan, Griffo, Helming, Lanza, Martins, Mattera, Murray, Oberacker, O'Mara, Ortt, Palumbo, Rhoads, Rolison, Stec, Tedisco, Weber and Weik.

Ayes, 41. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Gianaris.

SENATOR GIANARIS: Madam President returning to motions for a moment, I offer

amendments to the following Third Reading Calendar bills.

By Senator Parker, page 11, Calendar Number 292, Senate Print 1203.

By Senator Rivera, page 20, Calendar Number 451, Senate Print 4787.

ACTING PRESIDENT PERSAUD: The amendments are received, and the bills will retain their place on the Third Reading Calendar.

Senator Gianaris.

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

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

SENATOR GIANARIS: I move to adjourn until tomorrow, Wednesday, April 3rd, at 3:00 p.m.

ACTING PRESIDENT PERSAUD: On motion, the Senate stands adjourned until Wednesday, April 3rd, at 3:00 p.m.

(Whereupon, at 3:55 p.m., the Senate adjourned.)