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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

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

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

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

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

8 ACTING PRESIDENT PERSAUD: 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 PERSAUD: Reading
14 of the Journal.

15 THE SECRETARY: In Senate, Monday,
16 April 1, 2024, the Senate met pursuant to
17 adjournment. The Journal of Saturday, March 30,
18 2024, was read and approved. On motion, the
19 Senate adjourned.

20 ACTING PRESIDENT PERSAUD: 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: Madam President,
7 good afternoon.

8 Let's begin by taking up the
9 calendar.

10 ACTING PRESIDENT PERSAUD: The
11 Secretary will read.

12 THE SECRETARY: Calendar Number
13 106, Senate Print 6525, by
14 Senator Scarcella-Spanton, an act to amend the
15 Private Housing Finance Law.

16 ACTING PRESIDENT PERSAUD: Read the
17 last section.

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

21 ACTING PRESIDENT PERSAUD: Call the
22 roll.

23 (The Secretary called the roll.)

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

1 SENATOR SCARCELLA-SPANTON: Thank
2 you, Madam President.

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

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

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

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

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

4 I proudly vote aye.

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

8 Announce the results.

9 THE SECRETARY: Ayes, 59.

10 ACTING PRESIDENT PERSAUD: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 107, Senate Print 6573, by Senator May, an act to
14 amend the Executive Law.

15 ACTING PRESIDENT PERSAUD: Read the
16 last section.

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

19 ACTING PRESIDENT PERSAUD: Call the
20 roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT PERSAUD: Senator
23 May to explain her vote.

24 SENATOR MAY: Thank you,
25 Madam President.

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

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

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

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

22 Thank you.

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

25 Announce the results.

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 150, Senate Print 7130, by Senator Comrie, an act
6 to amend the Alcoholic Beverage Control Law.

7 ACTING PRESIDENT PERSAUD: Read the
8 last section.

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

11 ACTING PRESIDENT PERSAUD: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT PERSAUD: Announce
15 the results.

16 THE SECRETARY: Ayes, 59.

17 ACTING PRESIDENT PERSAUD: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 357, Senate Print 6980A, by Senator Mayer, an act
21 to amend the Education Law.

22 ACTING PRESIDENT PERSAUD: Read the
23 last section.

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

1 ACTING PRESIDENT PERSAUD: Call the
2 roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT PERSAUD: Senator
5 Mayer to explain her vote.

6 SENATOR MAYER: Thank you,
7 Madam President.

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

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

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

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

5 I vote aye.

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

8 Announce the results.

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

13 Ayes, 51. Nays, 8.

14 ACTING PRESIDENT PERSAUD: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 531, Senate Print 6551, by Senator Mayer, an act
18 to amend the Labor Law.

19 ACTING PRESIDENT PERSAUD: Read the
20 last section.

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

24 ACTING PRESIDENT PERSAUD: Call the
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT PERSAUD: Announce
3 the results.

4 THE SECRETARY: Ayes, 59.

5 ACTING PRESIDENT PERSAUD: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 588, Senate Print 6648, by Senator Sanders, an
9 act to amend the Banking Law.

10 ACTING PRESIDENT PERSAUD: Read the
11 last section.

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

14 ACTING PRESIDENT PERSAUD: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT PERSAUD: Announce
18 the results.

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

1 Ayes, 41. Nays, 20.

2 ACTING PRESIDENT PERSAUD: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 620, Senate Print 7539, by Senator Ramos, an act
6 to amend the Civil Practice Law and Rules.

7 SENATOR LANZA: Lay it aside.

8 ACTING PRESIDENT PERSAUD: Lay it
9 aside.

10 THE SECRETARY: Calendar Number
11 682, Senate Print 7375, by Senator Salazar, an
12 act to amend the Executive Law.

13 ACTING PRESIDENT PERSAUD: Read the
14 last section.

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

17 ACTING PRESIDENT PERSAUD: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT PERSAUD: Announce
21 the results.

22 THE SECRETARY: Ayes, 61.

23 ACTING PRESIDENT PERSAUD: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 696, Senate Print 6409A, by Senator Liu, an act
2 to amend the Real Property Tax Law.

3 ACTING PRESIDENT PERSAUD: Read the
4 last section.

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

7 ACTING PRESIDENT PERSAUD: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT PERSAUD: Announce
11 the results.

12 THE SECRETARY: Ayes, 61.

13 ACTING PRESIDENT PERSAUD: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 718, Senate Print 7518, by Senator Breslin, an
17 act to amend the Judiciary Law.

18 ACTING PRESIDENT PERSAUD: Read the
19 last section.

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

22 ACTING PRESIDENT PERSAUD: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT PERSAUD: Announce

1 the results.

2 THE SECRETARY: Ayes, 61.

3 ACTING PRESIDENT PERSAUD: The bill
4 is passed.

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

7 SENATOR GIANARIS: Thank you,
8 Madam President.

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

11 ACTING PRESIDENT PERSAUD: The
12 Secretary will ring the bell.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number
15 620, Senate Print 7539, by Senator Ramos, an act
16 to amend the Civil Practice Law and Rules.

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

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

23 ACTING PRESIDENT PERSAUD: Thank
24 you, Senator Lanza.

25 Upon review of the amendment, in

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

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

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

10 Senator Palumbo.

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

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

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

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

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

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

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

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

25 However, if another person is

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

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

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

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

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

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

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

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

1 Majority Leader Chuck Schumer agreeing with me.

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

6 Thank you.

7 ACTING PRESIDENT PERSAUD: Thank
8 you, Senator.

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

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

14 (Response of "Aye.")

15 SENATOR LANZA: Show of hands.

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

18 Announce the results.

19 THE SECRETARY: Ayes, 20.

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

23 Senator Gianaris.

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

1 noncontroversial calendar.

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

4 Read the last section.

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

8 ACTING PRESIDENT PERSAUD: Call the
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT PERSAUD: Announce
12 the results.

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

20 Ayes, 41. Nays, 20.

21 ACTING PRESIDENT PERSAUD: The bill
22 is passed.

23 Senator Gianaris.

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

1 amendments to the following Third Reading
2 Calendar bills.

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

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

7 ACTING PRESIDENT PERSAUD: The
8 amendments are received, and the bills will
9 retain their place on the Third Reading Calendar.
10 Senator Gianaris.

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

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

15 SENATOR GIANARIS: I move to
16 adjourn until tomorrow, Wednesday, April 3rd, at
17 3:00 p.m.

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

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

23

24

25